

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
MAY 13, 2016**

MEETING CALLED TO ORDER

Mayor Voveris called the May 13, 2016, Town Council Regular Meeting to order at 7:05 p.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Council Members Sue Callaway, George Junkin, Tim Saxton, Wayne Schrader, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Chief Troy Crowson; and Administrative Assistant Pam Smith

Mayor Voveris acknowledged and thanked the two retiring Council members, George Junkin and Tim Saxton for the years they have put in and for their hard work. Everyone acknowledged Councilman Junkin's and Councilman Saxton's service with applause.

Councilman Saxton said it has been a pleasure to serve. Saying that he served from 2009-2011 and 2014-2016, Councilman Saxton said he is pleased to say the unfinished business from his first term is now done which is why he feels he can walk away and he and Lisa can spend more time with their grandchildren. Having served four years as Treasurer, Councilman Saxton said the Town is fiscally sound. Councilman Saxton said it is fiscally sound because of policies that have been put in place. Councilman Saxton said he wanted those policies in place because they transcend Town Councils. Councilman Saxton said the policies in place have set this Town up so that tax increases should not occur for many years depending on what future Councils want to do regarding big projects. Councilman Saxton said he is very pleased where he is leaving the Town financially. Councilman Saxton thanked everyone for allowing him the opportunity to serve.

Councilman Junkin said he has enjoyed serving the Town as a member of the Canal Water Quality Committee for five years before being on the Council and after being on Council serving as the Canal Water Quality Committee and the Sea Level Rise and Storm Surge Committee Chairman. Councilman Junkin said for now he is tired of being the boss but he is willing to continue to contribute by serving on committees.

Mayor Voveris acknowledged incumbent Sue Callaway and the new Council Members, Tim Shaw and Don Boteler, who were both in the audience.

Councilwoman Callaway acknowledged incumbent Pat Voveris and stated that Mayor Voveris puts in a lot of time on behalf of the Town – many weeks go by that it is at least 40 hours. Councilwoman Callaway said she thinks the Town is lucky to have her – she is very dedicated and she works very hard for the Town. Everyone acknowledged Mayor Voveris' service with applause.

PROPERTY OWNERS' PARTICIPATION

- Mike Matera (311 W. 9th St.) – Stating that the canals are filthy dirty, asked how the canals can be cleaned up. Councilman Junkin said the harvester is needed to get out the macroalgae that is in the canals right now. Councilman Junkin said the Town Manager has been working with DNREC. DNREC's harvester was broken. It is fixed now. Councilman Junkin believes the harvester went to Keenwick West this week and DNREC is supposed to get to South Bethany with the harvester after that. Councilman Junkin said he has had some contact with a company that makes smaller harvesters than the harvester that DNREC has, and the company has volunteered to come to South Bethany and give a demonstration in the

next month or so. Councilman Junkin thinks the Town has to do something more proactive such as having a harvester to harvest the algae before it dies and goes to the bottom of the canals. Councilman Junkin said that if the nutrients are harvested, you get them out of the canal and that would help the water quality. Mr. Matera asked how you get rid of the yellow pollen. It was suggested that the way to get rid of the yellow pollen is to get rid of the pine trees. Mr. Matera said he just spent \$2,900 to take three pine trees down in his back yard near the canals. Councilman Junkin said that was good.

- Sandi Roberts (107 Canal Dr.) – Thanked the Council for getting the speed signs up and operational. Ms. Roberts had the following concerns: 1) The new traffic committee has only been in place for a month and within that period of time one member was already removed from the committee and a replacement has been designated for that person and there was never a conversation with the chairperson of the traffic committee before that took place. Councilman Junkin stated that the Traffic Committee Chairman wrote an email to Council after the May 12 Traffic Committee Meeting stating that he would like to replace Steve Farrow with Norm Montigny. Councilman Junkin agreed that after the committee is formed the committee should decide what is going to happen. Councilman Junkin said he brought that up at the Traffic Committee Meeting and the outcome is that the Chair has since talked to Steve Farrow. Councilman Junkin said it may have started out wrong but it came around to being done according to the Committee Guidelines. Ms. Roberts said she is voicing her concern that it wasn't done correctly initially, and 2) Even though the speed signs are up it still is disappointing and frustrating to Ms. Roberts how slowly this process is moving forward. Ms. Roberts said the traffic group led by Jay Headman presented a great deal of data from previous studies to support their recommendations and yet we are still in a process of collecting more data and doing more studies. Ms. Roberts said from her perception it seems that as of late the Council has been more responsive to concerns by property owners on Ocean Drive than it has been to property owners in Cat Hill. Mayor Voveris stated that she worked on the Ocean Drive FEMA issue for 15 months - nothing goes like a snap of the fingers. Councilman Weisgerber said the Town has to rely on DelDOT because if the Town does not follow the federally backed guidelines the Town is liable for any kind of accidents or law suits that are brought forth. Councilman Weisgerber said DelDOT needs to gather and collect the data - DelDOT does not rely on somebody else to give them the data. Councilman Weisgerber said the Town has already identified and is moving forward with getting the existing speed humps up to standards.
- Barbara Lazzati (119 Canal Dr.) – Stated that she appreciates everything that has been done. Ms. Lazatti asked if temporary speed bumps could be used until the State approves the stop sign. Councilman Junkin said speed bumps are coming - it is on the agenda for this meeting.
- Dennis Roberts (107 Canal Dr.) - Believes that limiting the traffic coming in from the west is only half the problem. Mr. Roberts believes the other half of the problem is the traffic cutting through to go west. Mr. Roberts said the suggestion he made was to put restrictions on cars turning left on Kent Ave. off of Black Gum Dr. Chief Crowson said once the vehicle is past the stop sign and proceeds into the lane on state property the violation would occur out of Town, and the South Bethany Police Department can't enforce a violation that occurs in a jurisdiction other than its own. Chief Crowson stated that is where Mr. Roberts' suggestion is an issue for the Police Department. Mayor Voveris said the data is being collected both directions and solutions will be looked at.
- John Lazzati (119 Canal Dr.) – Asked if Route 1 is a state road. Chief Crowson said Route 1 is a state road but it goes through South Bethany so the department is able to enforce in that area.
- George Rosenberg (409 Black Gum Dr.) – Asked if it ever happens that a break-in or something else happens that the South Bethany Police Department is called to other towns. Chief Crowson said that is correct and it is to assist - in this example a South Bethany officer would detain the suspect until the local jurisdiction comes and makes that arrest.
- Tom Roche (141 Henlopen Dr.) – Wants to make sure the Traffic Committee does not overlook the fact that there are many citizens in South Bethany year round who use that road.

ADOPTION OF MINUTES - APRIL 28, 2016, TOWN COUNCIL WORKSHOP MEETING

A motion was made by Councilman Junkin, seconded by Councilman Saxton, to accept the April 28, 2016, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

THIRD READING AND POSSIBLE VOTE ON ORDINANCE 180-16 TO AMEND THE CODE OF THE TOWN OF SOUTH BETHANY, CHAPTER 145, ZONING, ARTICLE III, "DEFINITIONS", ARTICLE X, "DIMENSIONAL REQUIREMENTS", ARTICLE XI, "SETBACK REQUIREMENTS", AND ARTICLE XV, "BOARD OF ADJUSTMENT"

Charter and Code Committee Chair John Fields asked for comments or questions from Council regarding Ordinance 180-16.

Councilman Junkin said he believes that on page 3 in Paragraph J(1) the following should be added (addition is in red): Principle building: 32 feet; accessory building: 15 feet, measured from center line of street, except as provided in Section 145-38E(2 **and 3**).

Mr. Fields said he has made note of that and will make that change. (Administrative Assistant's note: After the meeting, Mr. Fields and Councilman Junkin agreed that Councilman Junkin's suggestion was incorrect. In the end this change was not made to Ordinance 180-16.)

Councilman Saxton said he agrees it should go to BFE which is why he will vote for Ordinance 180-16, but Councilman Saxton believes in the future the Charter and Code Committee has the right to push back and say if it affects the whole Town it should be looked at across the whole Town.

A motion was made by Councilman Junkin, seconded by Councilman Weisgerber, to approve Ordinance 180-16. Mayor Voveris asked for Council discussion. There was none. Mayor Voveris asked for public comment. There was none. Mayor Voveris asked for a roll call. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilpersons Stevenson, Weisgerber, Callaway, Saxton, Schrader, and Junkin

AGAINST THE MOTION: None

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE IN TASKING THE CHARTER AND CODE COMMITTEE TO REVIEW CHANGING THE CURRENT CODE ALLOWING 4 BATHROOMS TO ALLOWING UP TO 5 FULL BATHROOMS AND 2 HALF BATHROOMS

Motion: A motion was made by Councilman Junkin, seconded by Councilman Weisgerber, to let the Charter and Code Committee look at changing the current code allowing 4 bathrooms to having no restrictions on bathrooms. During discussion it was stated that the restriction on kitchens would not be changed.

Public Comment: Joe Conway (160 Henlopen Dr.) – Suggested looking into whether the sewage system would support an unlimited number of bathrooms throughout the whole town. Mayor Voveris said Sussex County has no bathroom restriction and Bethany Beach has no bathroom restriction. Mayor Voveris said she would email the head of the sewer district.

During discussion Councilman Junkin said the purpose of the restriction on bathrooms was to try to control the number of people in the house. Tim Shaw questioned if that is really associated with bathrooms or is it associated more with bedrooms and kitchens. Councilman Junkin said the restriction on bathrooms is unsuccessful in controlling the number of people in a house.

Vote: The motion was unanimously carried.

Council agreed to have the first reading of the ordinance at the May 26, 2016, Town Council Workshop Meeting.

CONSIDERATION AND POSSIBLE VOTE ON RESOLUTION NO. 2-16, A RESOLUTION TO REVISE SOUTH BETHANY'S SCHEDULE OF FEES

Resolution No. 2-16 and the proposed Schedule of Fees were available on the sign-in table. Councilman Saxton read Resolution 2-16, A Resolution to Revise South Bethany's Schedule of Fees.

Motion and Vote: A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept Resolution No. 2-16. After public comment the motion was unanimously carried.

OVERVIEW OF SOUTH BETHANY'S 10 YEAR COMPREHENSIVE PLAN UPDATE (DICK OLIVER)

Planning Commission Chairman Dick Oliver said it is a State of Delaware requirement that every municipality and county in the State of Delaware must file a Comprehensive Plan every 10 years and it is South Bethany's ten year time. Mr. Oliver said this has been a collaborative effort of five or six people and he thanked Jack Whitney and Joe Conway for their work on the project. Mr. Oliver highlighted the Comprehensive Plan in the following PowerPoint Presentation prepared by Joe Conway:



**COMPREHENSIVE PLAN
2016-2026**

Plan Outline

- A. INTRODUCTION
- B. TOWN PROFILE
- C. VISION AND MISSION STATEMENTS
- D. 2016 CP GOALS OBJECTIVES AND STRATEGIES
- E. LAND USE PLAN
- F. NATURAL RESOURCES, INFRASTRUCTURE AND PUBLIC UTILITIES
- G. FINANCIAL STATUS
- H. SUMMARY/RECOMMENDATIONS

Town Profile

- ▶ 1400 building lots zoned residential ; 1 plat zoned commercial
- ▶ 1227 housing units
- ▶ 485 residents; 10 % of owners (74) indicate plans to become residents in next 5 years.
- ▶ Estimate that 85 % of residents (i.e., not property owners) over 65.
- ▶ Average resident income (\$72,396.) is highest in Sussex County, third in state.
- ▶ Residents have highest education level among incorporated towns in state.

Goals, Objectives, Strategies

- ▶ Generally extend 2006 Plan and its updates.
- ▶ Reflect current Town issues/activities and results of 2015 Questionnaire
- ▶ Attempt to look forward over Plan period.
- ▶ Are not a charge to act immediately, but to initiate defined, professionally supported, if required, "planning" that will transcend Council and Committee transitions.
- ▶ Are reported on by Committee Chairs to Council in monthly reports.
- ▶ Town Manager develops annual updates; submitted to Council via Planning Commission.

Goal 1: Provide for a Well-maintained Town

- Implement a time based Comprehensive Canal Water Quality Strategy.
- Continue planning for unexpected & periodic beach replenishments.
- Continue the Phase 1 SLR study leading to a regionally consistent, Town specific strategy.
- Coordinate with DNREC periodic surveys of known waterway shoaling areas. Fund surveys in 2016/7 leading to dredging Jefferson Creek accesses to Town canals in following year.
- Continue comprehensive review of Town Codes, permits and fees and recommend changes to provide for consistency and alignment with County, state and regulatory codes, emerging issues, and enforceability.

Goal 1: continued

- Review bulkhead design alternatives and heights for SLR.
- Implement recommendations of Town road maintenance assessment; adopt a long term plan for roads.
- Continue traffic studies. Initiate discussion with County for developer offsets for traffic effects.
- Fund depreciation and anticipated capital replacements.
- To support these and other capital expenses, the Town should establish a 10 year major project plan and pro-forma Capital budget.

Goal 2: Continue to Enhance Attractiveness of SB to Families, Investors and Vacationers

- ▶ Continue to participate in regional community events.
- ▶ Continue Town sponsored activities for families and adults.
- ▶ Continue to improve community information awareness.
 - ▶ Realtor relations, upgraded web site, message boards, use of social media (eg., Next Door)
- ▶ Consider long term possibilities for appropriate enhancements to Town public spaces.,(eg., drainage improvements and outdoor public use space in area surrounding Town Hall)
- ▶ Include recurring annual funding in budget for above.
- ▶ Promote Town's family orientation in advertisements, press, etc.

Mr. Oliver stated that the Planning Commission tried to write the Comprehensive Plan in a permissive way not a prescriptive way.

Goal 3: Maintain a Safe Community

- ▶ Continue pedestrian, biking and boating safety initiatives.
- ▶ Continue current 24X7 police protection, speed and traffic enforcement; and emergency services.
- ▶ Continue high level expertise in beach patrol hires.
- ▶ Expand Town safety program to include USCGA voluntary boat inspections.
- ▶ Consider assigning PC responsibility to develop a comprehensive Town Lighting Plan.
- ▶ Survey, document and resolve locations where standing water may contribute to health related issues. (eg., mosquitos, etc.). Change Code as necessary for both Town and private properties.

Goal 4: Continuously Improve Town Services

- ▶ Attempt to work with utilities to develop a phased plan to improve visual impact of overhead lines.
- ▶ Continue annual review of beach service contracts for improved services.
- ▶ Improve capability for reliable remote participation in Town meetings.
- ▶ Review Staff job descriptions to assure alignment with current and expected workload; identify skills/training needed to meet future needs
- ▶ Continue to consider feasibility of combining Town services with other localities as necessary; maintaining level of service and control.
- ▶ Continue to consider alternatives and costs vs. demands on Town office facilities.
 - ▶ Include life -cycle costs

Mr. Oliver stated that the Planning Commission met with Delmarva Power about burying the power lines and it was clear and definite that burying the power lines is never going to happen. Mr. Oliver said a good example is on Route 26 where they have just spent millions of dollars to redo the road. On that project they moved the poles - they did not bury the cable. When the Planning Commission met with Delmarva Power they did say a lot of the wires aren't theirs - they are Mediacom's and they are Verizon's. Therefore you have to deal with three different entities. The highest wires are the electric wires and the lower wires are Mediacom's and Verizon's. Mediacom is not interested in burying any wires and Verizon is bleeding money on home telephones, and they are not going to put any money in changing wires.

Goal 4: continued

- ▶ Explore process improvements to reduce Committee and Council workload and improve processing time for desired initiatives.
 - ▶ Consider use of professional consultants based on qualifications and cost.
 - ▶ Reduce reliance on grants for important issues by including study costs in Capital Budget
 - ▶ Investigate opportunities for efficiencies in inter-Committee cooperation and communication.
- ▶ Continue pro-active public outreach to assure owners are aware of key Town issues and plans.

Goal 5: Maintain SB Fiscal Soundness

- ▶ Adopt a Capital budgeting process.
 - ▶ Annual priority list: current and Capital projects; update annually; use for budget guidance.
- ▶ Continuously evaluate costs and quality of services relative to similar Towns.
- ▶ Implement life cycle cost estimating for any major addition to the asset base of the Town. B&F Committee review estimate and advise Council on impact to future annual budgets.
- ▶ Continue modeling future Town personnel salary and benefit liability projections. Assess vs. other comparable municipalities and for impact on future budgets
- ▶ Review property driven revenues and limitations on borrowing. Consider ways to increase these revenues and/or access to capital to meet inflation, future budget objectives and emergencies.

Goal 5: continued

- ▶ Publish Council approved Town financial reserve policies.
- ▶ As recommended by the National Advisory Council on State and Local Budgeting develop a policy for the use of Town Funds if stressed by a major emergency event.
- ▶ Continue matching funds for Council approved grant applications : specifically; water quality, canal dredging, SLR, utility cleanup, beach access and smoking restriction implementation.
- ▶ Budget and provide Town funds for priority work when grants are not available on a timely basis.

Goal 6: Promote SB as a Healthy Community

- ▶ Identify, expand and inform residents and visitors of walking, biking and paddling routes and distances for exercise loops and/or to desirable venues.
 - ▶ Prepare maps and make these available to residents. See Appendix _??
 - ▶ Expand Healthy Community planning to take advantage of the Town's canal assets by promoting paddleboard and rowing as a key activity.
 - ▶ Promote periodic "Group Walks" or hikes.
 - ▶ Implement smoking restrictions on beach.
 - ▶ Continue the Junior Lifeguard Program to enhance swimming skills for ages 9-15.
- ▶ Note: Appendix G is the required and completed Healthy Community Checklist with each element described in the attached consolidated explanation.

Financial Status

- ▶ South Bethany continues to be in sound financial condition.
- ▶ Annual audits routinely demonstrate conservative, compliant operational practices.
- ▶ Treasury investments are conservative and comply with state regulations.
- ▶ Continued operational planning based on cash based financing vs. debt is recommended.
- ▶ **The Town may be challenged in future requirements to borrow. Though we would be highly rated, our ability to borrow is statutorily limited by property assessments which do not change at the same rate as the cost of services.**

Summary

- **3 major Planning issues are related to our natural resources**
 1. Sustaining the beach and dune structure in the face of periodic storms, potentially reduced federal and state support and need to coordinate with neighboring towns.
 2. Improvement of maintenance and water quality of the Town's navigable canals and waterway accesses.
 3. A strategy specifically tailored to Town needs which is consistent with regional approaches to mitigate effects of Sea Level Rise.
- **6 Infrastructure projects require additional planning:**
 1. Improved lighting to modern community standards
 2. Recurring annual street maintenance
 3. Improved traffic flows in key areas
 4. Reduction in overhead utility infrastructure
 5. Improved beach access
 6. Periodic waterway depth surveys and dredging.

Summary, continued

- Consider the use of consultants to develop baseline assessments and recommendations for the Plans above, to complete the SLR study of 2015 and improve/accelerate decision processing.
- Adopt a 10- year Capital Budgeting process for assets or projects over \$10,000.
 - Consider using annual budget surpluses not necessary for Reserves to fund near-term projects.
- Continue Town Code and Permit reviews to assure consistency with Town's Goals.
- Due to lead times and permitting issues, immediately contact DNREC to begin the process leading to dredged canal accesses to Jefferson Creek, Little Bay and Little Assawoman Bay.

Mr. Oliver took questions.

Councilman Saxton said once the plan is in place his understanding is that the Town needs to follow it - there is a law that states that. Mr. Oliver said yes and once the State has approved the plan and the Governor has signed the plan it comes back to the Town with the direction to implement the plan by ordinance. The Comprehensive Plan does have the force of law which is why it is written in a way to not lock the Town into having to do something that it might not be able to do. Later in the discussion Joe Conway said when the Planning Commission met with the representative from the Office of State Planning she said the realities are a municipality can plan to do things but if it doesn't have the resources or if the municipality is in some way diverted because of a natural disaster or a major economic turn, there is nobody in the State that is going to complain and not understand the ability of small towns to stick to their plan. The State wants municipalities to have a plan in place of what the municipalities would like to achieve under favorable economic conditions and if the resources are available. It has the force of law but the reality is the State understands the plate of small towns and those variables.

Mr. Oliver made the following comments in response to questions from the audience:

- Pedestrian, bicycle, and traffic safety are addressed in the Comprehensive Plan.
- The addition of homes in the surrounding areas and the possible impacts and implications are addressed in the Comprehensive Plan.
- Parking on the side streets where the larger homes have driveways and there is no room to park is addressed in the Comprehensive Plan.

During discussion, Joe Conway said the process requires that the community have input prior to final submission.

Mayor Voveris thanked the Planning Commission.

DISCUSSION AND POSSIBLE VOTE ON INSTALLING A NEW SPEED HUMP ON BLACK GUM DRIVE

Motion and Vote: A motion was made by Councilman Junkin, seconded by Councilman Weisgerber, that the Town install a new speed hump on Black Gum Dr. The motion was unanimously carried.

The Town Manager stated that two weeks of rain has put the contractor behind on their work, but South Bethany is in their queue and they will start the work as soon as possible. The Town Manager cautioned everyone that when the work is being done the road will be closed completely in the area where the work is being done.

DISCUSSION AND POSSIBLE VOTE TO ADD NORM MONTIGNY TO THE TRAFFIC COMMITTEE MEMBERSHIP

Motion and Vote: A motion was made by Councilman Junkin, seconded by Councilwoman Stevenson, to put Norm Montigny on the Traffic Committee. The motion was unanimously carried.

PUBLIC COMMENTS

Dennis Roberts (107 Canal Dr.) – On behalf of the entire traffic community committee, Mr. Roberts thanked Council for understanding their needs and for supporting them.

Mike Matera (311 W. 9th St.) – Inquired about two break-ins that he heard about. Chief Crowson said there was one break-in. Chief Crowson said a resident across the street saw that something was amiss and called the police. The Police Department did get some pretty good evidence that may lead to a positive outcome. It is still under investigation. They removed a TV and they kicked in the front door. It occurred about 3 a.m. on Wednesday. The police do not have a solid suspect and there is potential for other break-ins in that particular area. Chief Crowson encouraged residents to call the police immediately anytime they hear or see something suspicious such as a door ajar.

Mr. Matera asked Chief Crowson about Neighborhood Watch signs the Chief was going to buy through a grant. Chief Crowson said he still needs to talk to the South Bethany Property Owners Association (SBPOA) to see where the signs were purchased from before and if they want a different design.

Mr. Matera asked if the Town should add more street lights. Chief Crowson said lighting is always good for security.

Tim Shaw (104 S. Ocean Dr.) – Point out that he has asked Chief Crowson about gathering a list of properties that have video cameras. Mr. Shaw thinks it might be worthwhile for the police to know who has video surveillance. Chief Crowson said the police do check the surrounding areas to see if there are any video cameras, but it would be helpful to have a list. Mr. Shaw said he is going to bring that up to the SBPOA.

LEADERSHIP REPORTS (Paper copies of reports were available on the sign-in table. Oral reports were not presented.)

- **Mayor's Report**—Submitted by Mayor Voveris:

In the recent issue of the Zephyr I reported on my activities through the month of April. Since then I have attended two S.C.A.T. (Sussex County Association of Towns) meetings and share details of these below.

Our monthly evening meeting held in Dewey Beach featured Governor Markell as the speaker. After he reported on beach replenishment (or lack thereof) I was able to ask for help in addressing our handicap walkway prior to our summer season. The Governor suggested I reach out to DNREC Secretary David Small which I did right after the meeting. The Secretary responded to my email within a record time of 8 minutes but since this was nearly one week ago I will be following up with another email on Wednesday, May 11th.

Our monthly morning meeting held in Georgetown featured Secretary of Transportation Cohan and was extremely informative about projects underway in our locale. She spoke of the importance of improving pedestrian safety in Delaware and that our state had one of the highest mortality rates last year in losing 35 lives due to unsafe conditions. She also spoke about MSA (Municipal Street Aid) funding and the fact that the DelDOT snow removal projected budget expense fell short and there were some additional monies available in the budget. I used this information to write to Senator Hocker and Representative Gray to seek their support in pushing for more MSA funding. Our state historically had \$6,000,000 to disburse but this at one point was reduced to \$5,000,000. Now would be a perfect time to lobby for its return to \$6,000,000. MSA is critical to towns like ours that use the funds in practical and productive ways.

Thank you.

- **Town Manager's Report**—Submitted by Melvin Cusick:

The Town is still working with DNREC to get all of the beach walkways and especially the handicap walkway at South 3rd Street serviceable for the summer season. This request was reiterated by the Mayor to the Governor at the Sussex County Association of Towns meeting held on May 4th. The Town is awaiting word from DNREC on the walkways before placement of the mobi mats since placement of the mats will be determined on the condition of the dune crossovers.

At the Town Council workshop meeting held on April 28th, the Town Council awarded Bid 15-06 All-Terrain Vehicle in the amount of \$16,556.57. This is a replacement ATV for the Maintenance Department. The bid came in at \$1,381.43 less than what was budgeted for in the FY 2017 budget.

The South Bethany Beach Patrol will begin operations on Saturday, May 28th. We are very fortunate to have most of our guards returning this summer. There will be, as is every year, some new guards that will be in training.

Attended the following meetings:

April 8— Ambulance Sponsors Meeting
 April 13 – Planning Commission members and Delmarva Power
 April 22 – Traffic Committee Meeting
 April 26 – Sandpiper Village HOA representatives
 April 28 – Town Council Workshop Meeting
 April 29 – Ambulance Sponsors Meeting and Bethany Beach VFC fire service meeting
 May 4 – Sussex County Association of Towns Meeting with Governor
 May 6 – Sussex County Association of Towns Meeting with Secretary of Transportation
 May 12 – City Manager's Association of Delaware Meeting
 May 13 – Meeting with Sea Colony Recreational Association

- **Treasurer's Report**—Submitted by Councilman Saxton:

Highlights on Revenue

Property Taxes are 96% collected. Remaining delinquent property taxes transferred to FY2017 for collection.

Transfer Taxes are 123% collected.

Building Permits are 108% collected.

All other revenues are tracking to budget.

Highlights on Expenditures

South Bethany Police Department LESO (Surplus Acquisitions) total cost \$5,675.21.

Departmental & Committee Expenditures are tracking to budget or less.

- **Police Department Report/Questions**—Submitted by Chief Troy Crowson:

Parking Permits

The South Bethany Police Department's new summer seasonal dispatcher, Helen Wilgus and parking officer, Jon Halt will begin this season on Saturday, May 14th. This means the Police Department's office will be open on weekends starting the 14th for those that want to purchase parking permits when the Town Hall is closed.

Speed Signs

New speed signs have been installed on Black Gum, Tamarack, Evergreen and York roads. Pfc. Hudson has been assisting with the data recorder activations, which are expected to be running in the coming weeks. These digital solar powered signs will record speed data and help bring awareness to slow traffic on these streets.

Barricade

As a reminder, the barricade will be back in effect starting Monday, May 30th (Memorial Day). The hours are set to be in place from 7 am to 8:30 am.

Training

Chief Crowson and Sgt. Davis completed the FBI-LEEDA Supervisor Leadership Institute program the week of April 4th. This program, held at the Dover Police Department, was especially built for first-line supervisors and middle managers with the goal of enhancing their leadership competencies. Attendees were engaged in personality diagnostics, leadership case studies, mentoring, developing people, performance management, risk management, and credibility. This program is one of three leadership institute programs offered by FBI-LEEDA. Upon completion of this class, Sgt. Davis received the trilogy award for completion of all three.

Pedestrian Safety

Our agency has been selected to participate in the June Pedestrian Safety Mobilization with the Office of Highway Safety on June 4th and 5th. This mobilization will be funded by the Office of Highway Safety. Officers will be targeting pedestrian violations and drivers that create hazardous conditions for pedestrians.

Office of Highway Safety

The South Bethany Police Dept. and the Office of Highway Safety will be working together to focus on vehicle occupant protection. Seat belt use is required by law. It's not just a suggestion. Law enforcement across the nation will be cracking down on seat belt violations from May 23 through June 5.

- Increase visibility – additional units and increased patrol saturation during the 2016 Click It or Ticket mobilization will make crackdown efforts visible to more drivers and passengers.
- Enforce during the day AND at night – More unrestrained crash fatalities happen at night (6 p.m. to 5:59 a.m. compared to daytime crashes. In 2014, of those killed in nighttime crashes, 57 percent were not wearing seat belts (compared to 41% of occupants killed during daytime hours, 6 a.m. to 5:59 p.m.)

COMMITTEE & COMMISSION REPORTS (Paper copies of reports were available on the sign-in table. Oral reports were not presented.)

- **Traffic (Ad Hoc) Committee** – Submitted by John Janowski, Chair

Following Town Council's approval to form a Traffic Committee (ad hoc) at their regular meeting on April 8, 2016 two committee meetings occurred. Both had quorums.

The initial meeting on April 22, 2016, included a general discussion of the purpose which is to evaluate road safety between Kent Ave. and Delaware Rout 1. Each member explained their involvement and interest in serving. Major agenda items included the development of a scope of work (study design). The scope will follow the format of defining a purpose, coordination,

problem identification, data collection/research, development of alternatives measures to solve issues, documentation, and a time line/chart to guide committee recommendations to Council. Since much work has been accomplished prior to this committee's formation a status report was provided regarding previously identified measures. Because of time limitations not all the measures were reported on but sufficient time will be allocated to this agenda item at future meetings. Among the items established was agreement on the study area which is defined as the roadway network and adjoining areas following the route of Black Gum Drive at Kent Avenue continuing on Cattail Road, Tamarack Drive, Canal Drive, Russell Road, Evergreen Road ending at Delaware Route 1.

One Action Item was voted on and unanimously approved for Town Council's consideration: Month of May traffic counts to be taken on Black Gum Road and Russell Road.

Public comments were given and are documented in the minutes. Mayor Pat announced the results of the Black Gum Road Drive property owners survey and that it supports the new speed hump location.

A Traffic Committee meeting was held on May 12, 2016, and again focused on developing a scope of work. Using a general outline circulated at the April 22nd meeting, each of the elements were discussed in detail. New goals were added such as to maintain the aesthetic quality of the view shed along the study route, evaluation of the effectiveness of the current traffic control devices, determine traffic use of parallel roads that may be avoiding intersection capacity limitations, and complete evaluation of traffic volumes. Data collection and research accomplishments were enhanced by setting up a Shared Drive for committee members to readily access. This data now includes but is not limited to DeIDOT Traffic Counts on Black Gum and Tamarack Roads, Cat Hill Traffic Group's Power Point Presentation, DeIDOT's review of existing speed humps, Traffic Impact Study (TIS) completed for a proposed development on Muddy Run Road west of Kent Ave. and the Canal, Turning movement counts taken at Kent Ave. and West Way to measure cut-through traffic, Highway functional classification maps and volumes on adjacent DeIDOT roadways, Sussex County Comprehensive Development Plan. A time line of various DeIDOT counts/surveys and Town Council Workshop and Meetings was established to help coordinate action items.

The time line includes the following surveys:

1. Week of May 20th: DeIDOT will record traffic volumes for 7 days.
2. May 28th: DeIDOT will conduct an origin/destination study to determine cut through (traffic that does not have an origin or destination within the South Bethany community west of Route 1).
3. June 21st-July 5th: DeIDOT will record traffic volume for 7 days.
4. July 8th and 9th: DeIDOT will count turning movements at the intersection of Canal Road and Tamarack Road.

DeIDOT prepared an inventory map of existing traffic control devices located along the study route and a conceptual design of a calming measure/project at the intersection of Canal Drive and Tamarack Road within existing ROW.

A status report was given for most of the measures previously identified by the Cat Hill Group. They include:

1. Electronic Speed Signs - The town has installed 4 electronic speed signs, 3 on the study route. They are located at approximately 417- 419 Black Gum Drive (facing Kent Avenue), on 421 Tamarack Road (facing the canal), and on Evergreen Road near Cleveland (facing Route 1).
2. Increasing Height of Existing Speed Humps- DeIDOT measure the existing speed humps and they were all found to be below standards.

3. Installing an Additional Speed Hump on Black Gum Drive- The town sent out a survey to property owners on Black Gum Drive and they overwhelmingly supported installing one adjacent to the vacant lot at 422 Black Gum Drive.
4. Restrictions at Black Gum Drive and Kent Avenue- The town is exploring changing the summer traffic restrictions at this intersection to best mirror when the volume is at its peak (going to and coming from the beach). DeIDOT has completed one count and will continue to record traffic counts on the study route.
5. 3-Way Stop Intersection at Canal Drive and Tamarack Drive- DeIDOT will further investigate this intersection and will conduct a turning movement count in July.

Two Action Items were voted on and unanimously approved for Town Council's consideration: Installing a new speed hump on Black Gum Road. Augmenting existing speed humps between Kent Avenue and Delaware Route 1 to a height of 4" and length of 12'. The next Traffic Committee meeting is scheduled for July 6, 2016.

- **Community Enhancement Committee** – Submitted by Councilwoman Callaway:

The next CEC Meeting will be held on Wednesday, May 25, 2016, at 10:00 am at Town Hall.

Adopt-A-Canal/Road End Program Update

The Earth Day Celebration was held on Tuesday, April 19TH at the canal end between Henlopen and Brandywine along Route 1. It was attended by CEC members and our reliable Public Works team. The planting was successful and resulted in another improved canal end along the widely used pedestrian path. An Email News Update regarding the event was sent out on April 21, 2016.

The following dates have been confirmed for the Annual Adopt Contest:

- The Adopt Contest will be held from **FRIDAY, JULY 8 to THURSDAY, JULY 21.**
- Contest signs will be located on **Thursday, July 7th**
- Votes will be counted on **Friday, July 22.**
- The winners will be announced at the Adopt Thank You Party to be held on **SATURDAY, JULY 23 at 6:00 pm.**

Two new canal ends are in the process of being adopted – one at Layton Road End and Boone Road. In addition, new adopters have volunteered to adopt and maintain an existing adopted canal end along Route 1 between New Castle and Henlopen.

Review and Selection of Pictures for Historic Photo Project – Sue Callaway and Pat Weisgerber continue to work on the photo selection and layout for the Historic Photo Project.

CEC Survey Follow-up Assignments – The CEC will discuss this topic at the May 25 meeting.

Beautification Flyer – The *Beautifying South Bethany Makes Dollars and Sense* flyer was finalized and distributed to SB property homeowners via an Email News Update on April 6th and via the *Zephyr* newsletter in May.

Update on SB Welcome Sign Design and Welcome Area Landscaping Design – Public Works has completed the landscaping of both the north and south beds surrounding the two Welcome Signs. The CEC and graphic designers at AdART have worked laboriously on the design for the new Welcome Signs and below is the FINAL version of the Welcome Sign. The conscientious persistence of the CEC in creating this design is greatly appreciated by CEC Chair, Sue Callaway.



Update on Spring Landscaping

We are pleased to report that all 12 existing free-standing street lights have been replaced with updated lighting in the Cat Hill area and various other locations throughout the town. We greatly appreciate the work of Delmarva Power and Public Works in completing this task.

Despite the wet weather, Public Works is making progress in its spring landscaping plans. The painting and planting of the Ocean Drive planters will take place as soon as the weather is favorable for that work. The artwork will be re-hung after these tasks are completed.

- **Budget and Finance Committee** – Submitted by Councilman Saxton:

The Budget and Finance Committee met on April 11th. The committee reviewed the Town Council comments regarding the proposed changes to the Schedule of Fees for the town. It was agreed to accept the Town Council recommended changes and re-submit the Fee changes to Town Council for approval. A copy of the Schedule of Fees with the changes highlighted is attached to this report.

The committee also reviewed potential ways to finance Building expansion for Town Hall and the Police Department. A copy of our draft proposal is attached and will continue to be discussed our meeting scheduled for May 13th.

Work has been completed on the Compensation and Benefits review for Town personnel. As previously reported there were no new recommendations for compensation of personnel. A final document with a set of recommendations is being prepared for the Benefits review. This will be discussed and voted on at our May 13th meeting.

Review of the FY 2016 Budget versus actual was conducted and the results of our discussion may be found in the Treasurer's Report.

- **Charter and Code Committee** – Submitted by John Fields, Chair:

The Charter and Code Committee met on April 21, 2016, to review the Town attorney's suggested changes in Ordinance 180-16 and to discuss other potential changes in Ordinance 180-16.

A detailed discussion took place regarding the attorney's comments and recommended word changes. The committee agreed to accept many of the recommended changes and rejected others.

Jim Gross presented his concerns regarding the building height of 35 feet above BFE being too high and unfair to other sections of town. Bob Cestone also expressed concern that the

35 feet above BFE was too high and only 33 feet was needed to build the same house on different lots on Ocean Drive. Bob presented hand drawn sketches to support the 33 feet. After much discussion it was agreed to leave the height at 35 feet above BFE and let Council decide at the April 28 Workshop whether to leave the 35 feet in the ordinance or to remove that portion of the ordinance for additional consideration.

The VE10 zone in Sandpiper Village was also discussed but it was determined that since Sea Side Drive was lower than Ocean Drive, using the same height above BFE in both the VE13 and VE10 zones shouldn't make a difference. However, because the ocean front lots in Sandpiper Village are currently in a VE12 zone, allowing the higher height before the new FIRM Map becomes effective in October could result in higher than intended building heights. It was agreed to recommend wording in the ordinance to council to delay the effective date of this portion of the ordinance to coincide with FEMA's change.

- **Canal Water Quality Committee (CWQC)** – Submitted by Councilman Junkin:

CWQC April 26, 2016 Meeting

- **Algae Harvester** – There have been many requests for it. The current status from Charles Williams (DNREC) is “We have been monitoring the macro-algae for the last month. We are in the process of getting our harvester up and running for the season. Right now, Keenwick West has a bigger problem than South Bethany. We will get to South Bethany after we have addressed the problem at Keenwick West.”
- **Citizen Monitoring** – Dave Wilson reported that water quality monitoring is going well and that data show that nutrient pollution from nitrogen may have decreased slightly over the last six years.
- **Oyster Gardening** – Tony Caputo reported that the oyster gardening program has been going well. He has been in communication with the approximately 38 oyster gardeners in the 19930 zip code area. He also reported that Bob Collins, the CIB leader for the oyster gardening program, is planning to have his annual gardening meeting around June 2.
- **Sandpiper Pines Retrofit Project** – George Junkin reported that the project was on schedule for completion by Memorial Day. The concrete work has been completed. This includes raising the grates and installing curbs to keep the asphalt from flowing into the rain garden depression.
- **Sea Colony Wet Pond Status** – George presented the slides that Larry Trout from RK&K presented at the Meeting on March 23, 2016 at the CIB. The CIB currently has a grant to do the work, but funds have not been allocated yet. The Anticipated timeline is
 - Notice to Proceed from DelDOT – late May 2016
 - Survey, traffic study – summer 2016
 - Concept design – August 2016
 - Completion of design, approvals, and permitting – late 2016 and early 2017
 - Construction – October 2017
- **Status of the Inland Bays Foundation (IBF) Appeal to DNREC** – This appeal was about designating the Anchorage Forebay as an MS4. Tony reported that the IBF was not going forward with their appeal to DNREC. The IBF was instead requesting that the EPA, Region III, in Philadelphia, to designate and to regulate small municipal separate storm water systems (MS4s) discharging into the Inland Bays Watershed. See Coastal Point Article http://coastalpoint.com/content/inland-bays-foundation-sends-petition-epa_04_29_2016
- **Large Oyster Project in the York Canal** – George reported that the information from the CIB is that the oysters are doing very well. The mortality rate is low and consistent with what they expected. The oysters are scheduled to be removed in December 2016. A report on the project would follow in 2017.

- **Organization of the CWQC for next year** –
 - George reported that he will no longer be a Council Member as of June 1 and that he would no longer be the chair for the CWQC, however he committed to continue to be an active member of the CWQC.
 - Frank Weisgerber has volunteered to be the chair for the CWQC.
 - All existing members who were present at the meeting (George Junkin, Dave Wilson, Al Allenspach, Jack Whitney, and Tony Caputo) committed to being members next year and submitted their Committee Participation Request Forms to George. Since then Glenn Tom, not a current member, has submitted his form.
- **Public Outreach Meeting** – The committee felt that, if we were to have a public meeting, we should combine it with the SLR & SS Committee. They felt that a good time would be Friday evening at about 5:00 or Saturday morning at 10:00 in July or August.
- **What else should we be doing?** –
 - We should send something to the mowers and lawn care vendors who have mercantile licenses that explain to them the water quality issues associated with turf grass.
 - Since the Town now has a boat, we should petition the Town to do something to effect cleanup of canal ends on a regular basis. It would be difficult to schedule since it would depend on the wind to blow the trash towards the end of the canals.
 - We should petition the Town to eliminate vegetation that overhangs the canals.

News Relative to an Algae Harvester

- Dr. Bruce A. Richards, the Chief Scientist for Weedoo (an algae harvester manufacturer), contacted me relative to our interest in an algae harvester demonstration in our canals.
 - I told him “I have reviewed the <http://www.weedooboats.com/> website and it looks like your machines are a little smaller than the algae harvester that DNREC has. However your machines look like they would do the job required. South Bethany would be very interested in a demonstration. We are currently trying to get the DNREC harvester to come to South Bethany. If it comes, then we may not have any algae to harvest. Also in a month or two all the algae will have died and gone to the bottom.”
 - Bruce is a friend of Todd Fritchman, president of Envirotech Environmental Consulting, and he was the first executive director for the Delaware Center for the Inland Bays (CIB). He has a residence in Bethany Beach and should be in touch with me in the near future.
- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Submitted by Councilman Junkin:

SR & SS Committee April 27, 2016 Meeting

Discussions Relevant to Recommendations in the Sea Level Rise Vulnerability Assessment Report – Those recommendations are copied below.

RECOMMENDATIONS

The analysis presented in this memorandum should provide a good planning-level tool for the Town to begin considering prioritization of its resources for SLR adaptation. It should be noted that the impact of storm surge, nuisance flooding, and trigger points for implementation is not included in these analyses. From a review of the results, it is evident that the following steps are prudent next steps:

- Allow bulkheads to be raised by property owners in areas showing high vulnerability to SLR

- Install backflow preventers on Town stormwater outfalls
- Raise streets levels in areas showing high vulnerability to SLR
- Raise ground-mounted transformers that are deemed vulnerable.

In addition to these steps, the Town should also consider developing a specific SLR adaptation plan. Such a plan would include an evaluation of the potential for combined SLR and storm surge impacts, even if conceptually done, using existing Federal Emergency Management Agency and USACE models. Implementation trigger points and timing, as well as other options for potential coastal resiliency, could be evaluated as part of such a future study. This could include specific resiliency measures such as perimeter flood control berms, where applicable, and wetlands enhancement (on the west side of the Town) to provide improved resiliency. There are several grants from federal agencies that the Town could apply for, to implement such measures; however, the specific resiliency measures and a timeline for these remain to be developed. We strongly recommend that the Town implement a plan to develop such an adaptation plan to advance the findings of this study, and put them into practice.

- The SLR&SS Committee members were in unanimous support of all of the recommendations.
- Dick reported that the planning commission intended to include the recommendations in the development plan that they were preparing.

What is Next for the SLR&SS Committee?

- George reported that he would no longer be a member of the Town Council after June 1 and that he would no longer be the chair of the SLR&SS Committee. He said that he would still be willing to be a member of the committee.
- George asked if anyone knew of a person willing to be the chair. There was no response to the question.
- There were discussions relative to incorporating the SLR&SS planning tasks under the Planning Commission. Dick Oliver, the chair of the Planning Commission, saw no problems with this. In fact three of the people in attendance (Dick Oliver, Dave Wilson and Jack Whitney) are already members of the Planning Commission.
- George Junkin, Dave Wilson, Jim Gross and Dick Oliver completed and turned in Committee Participation Request Forms.

What Else Should We Be Doing?

- The highest priority at this time is to petition the Town to allow homeowners to raise their bulkheads. Many homeowners have recently needed to replace their bulkheads. They wanted them to be higher but the Town Code would not allow it. We need to help out these homeowners.
- The committee should request Ram Mohan to give a presentation to Council on the Sea Level Rise Vulnerability Assessment Report that has recently been completed by Anchor QEA, LLC.
- The committee should then have a public outreach meeting with the CWQC in July or August.
- Continue to install check valves in low lying storm drains.

Discussions Relative to the Current “Building Permit” Requirements

- Mike Powell suggested that we might be interpreting the words more strictly than required.
- It was pointed out that the non-flood plain section of the code is not consistent with the rest of the code relative to building permits.
- After the meeting Mike Powell called Greg Williams (DNREC). Mike then conveyed to George that FEMA did not want the code to change. Greg suggested that we could write a policy that interprets the code so that a permit would not be required for “minor items”. The policy would have to be approved by DNREC.

- **Planning Commission** – Submitted by Councilwoman Stevenson:

The Planning Commission met on April 15th and May 2nd and continues to prepare their final draft of the 2016 Comprehensive Plan. Chairman Dick Oliver will present their final draft at the May 13th meeting of the Town Council.

- **Assawoman Canal Trail** – Submitted by Councilwoman Stevenson:

Nothing to report at this time.

- **Communications and Public Relations Committee** – Submitted by Councilwoman Stevenson:

The committee met on April 14th with all members present. Yoga classes by Lighthouse Dance and Yoga will be held on Wednesdays from June 1st to August 31st on the beach at South 4th Street. Yoga posters and signs have been printed and will be posted by the middle of May. Movies and the movie operator have been confirmed for July 7th and August 4th. Hotel Transylvania 2 and Star Wars the Force Awakens will be the 2016 summer movies. Realtor visits are underway by the committee. A detailed report will be presented as soon as all rental realtors have been contacted. A South Bethany Flag is being developed by the committee and designs are under consideration.

The Independence Day Parade Float Committee held a public meeting on May 4th to discuss the theme of the 2016 float. Planning for the South Bethany entry was discussed.

The Boat Parade Committee will hold a public meeting in May. Plans are underway by Chairman Kathy Jankowski along with Kent Stephen and Joe Conway. The event will be held on July 3rd.

ADJOURNMENT

A motion was made by Councilman Saxton, seconded by Councilman Weisgerber, to adjourn the May 13, 2016, Town Council Regular Meeting at 8:25 p.m. The motion was unanimously carried.