

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL WORKSHOP MEETING MINUTES APRIL 28, 2016</b>
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**MEETING CALLED TO ORDER**

Mayor Voveris called the April 28, 2016, Town Council Workshop Meeting to order at 2:00 p.m.

**ATTENDANCE**

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

EXCUSED ABSENCE: Council Members Wayne Schrader and Frank Weisgerber

**ADOPTION OF MINUTES**

- **Town Council Budget Workshop Meeting Minutes, March 24, 2016** – A motion was made by Councilman Junkin, seconded by Councilman Saxton, to accept the March 24, 2016, Town Council Budget Workshop Meeting Minutes. After discussion (see below), the motion was unanimously carried and the minutes were adopted with no changes.

During discussion it was agreed that if the Committee Participation Request Form was submitted to the Committee Chair, the Committee Chair would then submit the form to the Town Clerk. It was noted that the policy states that the form should be submitted to the Town Clerk.

Regarding current committee members submitting the Committee Participation Request Form every year as agreed by Council at the March 24 Town Council Workshop Meeting, Council agreed that the Guidelines Policy did not need to be amended to state this because committee members get reappointed every year and would need to reapply each year.

- **Town Council Regular Meeting Minutes, April 8, 2016** – A motion was made by Councilman Junkin, seconded by Councilman Saxton, to accept the April 8, 2016, Town Council Regular Meeting Minutes. The motion was unanimously carried.

Councilwoman Callaway thanked the Administrative Assistant for having the minutes done so rapidly because it is a lot easier to review them and recall something. Mayor Voveris said for her second term, Council's meeting minutes will be approved at the following Council meeting.

**QUESTIONS, DISCUSSION, AND POSSIBLE VOTE REGARDING MODIFICATION OF 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" IN CONSIDERATION OF THE TOWN SOLICITOR'S REVIEW**

John Fields, Chair of the Charter and Code Committee, went over changes the Charter and Code Committee made in Ordinance 180-16 regarding the Town Solicitor's review. Mr. Fields stated that the Town Solicitor did not change any of the meaning of the ordinance.

At Councilwoman Callaway's suggestion, Council agreed to add "ramps or platforms" after "steps" throughout the ordinance.

**Public Comment:**

Bob Cestone (140 New Castle Dr.) – Commented as a property owner and not as a member of the Charter and Code Committee. Mr. Cestone said he has concerns with § 145-35J(3) which is the allowable height limit going up 35 feet above BFE. Mr. Cestone's concern is that he thinks that is more than is needed. Mr. Cestone thinks 33 feet is adequate. Mr. Cestone is also concerned that on Ocean Dr. around Kewanee St. the Town could possibly have buildings that are 39 feet tall which is 7 feet higher than the Town allowed just two years ago. Mr. Cestone said he does not agree with this section of the ordinance. Councilman Junkin stated that from plans that he has seen at least 31 ½ feet is needed. Councilman Junkin said he could see maybe changing the 33 feet to 32 feet. Later in the discussion Mr. Fields said probably about 32'6" is needed to get eight foot ceilings, so instead of saying 32 ½ feet the committee rounded up to 33

feet. Mr. Fields noted that with an extra six inches another floor can't be added to the house. Mr. Fields stated that everything that is currently built oceanfront is three floors, and with the price people pay for oceanfront property people want a three story house – it is fashionable. It is an expensive part of the Town and more money from there goes into the Town coffers than anywhere else in the Town. They deserve a little consideration to give them another six inches. Councilwoman Callaway said they also need part of that first floor to store bikes and other paraphernalia because they don't have the ability to store anywhere else. Councilwoman Callaway said she thinks it makes a big difference in designing a house.

Jim Gross (1 S. 3rd St.) – Stated the following: *This house as being proposed has living space higher than need be to have eight foot ceilings. It has been 32 feet from the beginning of this town and no higher at any time than that, and you can build at 32 feet and still have 8 foot ceilings. As a matter of fact, if you take the Miken drawings and compare the two, the one where he ended up with 7'6" ceiling heights (and you see he lowered the roof line as well), if you lowered the roof line on the one that was built with a 7'6" ceiling you would have a full 8 feet for the whole house as he built it. And my other concern is that this disparity is a problem for the rest of town. I don't think it is fair to have the oceanfront people have heights above what is needed and the rest of the town has much less. For example, the rest of the east side which is an AO3 would have height minimums much less, but more importantly the living space would be three feet less to deal with. On the west side, the bayside, they would have three feet less living height than permitted on the oceanfront if this passes. The recent FEMA changes to BFE and the pending change to VE13 for Ocean Dr. results in a BFE increase of one foot for almost all of town. All of those BFE requirements impose more strict requirements than do our roads so it is time for us to move to BFE. If you look at this in its entirety I have now joined George, Jack, and others that favor BFE primarily because of this increase across the board by FEMA. I believe that it is time for the Town not to deal with oceanfront houses but deal consistently with BFE across the line and I applaud you for the next item on the agenda to appoint a committee to study it. My one plea is that you include the scope for oceanfront within their charge so that we can have a consistent basis for relative to BFE. I suggest that the proposed change be withdrawn from 180-16 and for this proposal for Ocean Dr. be included in the scope of your new committee to come up with a consistent approach to heights in this town. This approach would provide consistent equitable living space for all property not just those on the oceanfront. This could simplify understanding in code enforcement. In my view it can be accomplished very easily. It is not as difficult as it might sound with all of these various zones and heights to deal with. It can be accomplished primarily with editing this section that I am proposing be withdrawn and included in the further study.*

Jack Whitney (105 Boone Rd.) - Agreed with using 33 feet for the principal building height because a little bit of extra space is needed to allow for variances in the roofs and other looks of the buildings. Mr. Whitney recommended that an architect be on the committee that will be considering the base flood elevation measurement for South Bethany because the architect deals with the codes.

Councilman Saxton stated that he is struggling with § 145-35J(3). Councilman Saxton said it is not that he is opposed to giving additional space necessarily, but the BFE in the whole town went up a foot and this ordinance is taking care of one street. Councilman Saxton believes Council should wait for the committee to come back with a recommendation – let the committee study the whole town, and then build an ordinance that addresses the whole town and not just one street within the town.

Councilman Junkin said that he thinks the rest of the town should get the benefit, but he does not want to delay getting this in motion. Therefore he is in favor of going forward with the ordinance and forming the committee. Councilman Junkin added that this gives precedence for tying the principal building height to BFE.

**Motion and Vote:** A motion was made by Councilman Junkin, seconded by Councilwoman Stevenson, to go forward with the Third Reading with the lawyer's changes that Mr. Fields presented as well as adding "ramps or platforms" in the appropriate places. The motion was unanimously carried.

**DISCUSSION AND POSSIBLE VOTE TO FORM A COMMITTEE TO CONSIDER THE BASE FLOOD ELEVATION MEASUREMENT FOR SOUTH BETHANY ELSEWHERE THAN THE VE ZONE**

**Motion and Vote:** A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, that Council form a committee to consider the base flood elevation measurement for South Bethany elsewhere than the VE Zone with the following members: Dave Wilson (Chair), Sue Callaway, Frank Weisgerber, George Junkin, Bob Cestone, Joe Hinks (non-voting member), and Frank Brady of Miken Builders (non-voting member). Additionally, the committee has the ability to add members to the committee as they see fit. The motion was unanimously carried.

**CONSIDERATION AND POSSIBLE VOTE TO AWARD BID NO. 15-06 ALL-TERRAIN VEHICLE**

The Town Manager stated that if approved this purchase will be done next week out of the new FY 2017 Budget. Bid 15-06 was advertised and only one bid was submitted to the Town. The Town budgeted \$17,938 for the vehicle and the bid is \$16,556.57 which is a savings of \$1,381.43.

**Motion and Vote:** A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to award Bid No. 15-06 to the sole bidder, L & D Suzuki for the low bid of \$16,556.57 and the money will come out of FY 2017 funds. The motion was unanimously carried.

**DISCUSSION AND POSSIBLE VOTE ON AMENDING THE SCHEDULE OF FEES**

Councilman Saxton reviewed the following recommended changes to the Schedule of Fees:

	Current South Bethany	Recommended South Bethany
Building Permit New Construction	ICC Index X 2.15% per square foot	ICC Index X 3.15% per square foot
Building Permit Renovation-Inside	ICC Index X 2.15% per square foot	Minimum of \$50 or 1% of contract fee, whichever is higher
Building Permit Renovation-Outside		Minimum of \$50 or 1% of contract fee, whichever is higher
Request for Variance BOA	\$750	No Change
Town Council Committee Review	\$0.00	\$250.00
Return Check Fee	\$0.00	\$25.00
Dog Registration		
FOIA		New verbiage needed to be in conformity with State of Delaware. Current fees are in place to but need to be added to Fee Schedule.
Credit Card Processing Fees		Fees are in place but need to be added to Fee Schedule 3% Processing Fee

Regarding renovations, Councilman Saxton pointed out that whether the renovation is inside or outside the fee is a minimum of \$50 or 1% of the contract fee, whichever is higher. Councilman Saxton stated that theoretically at ½% of contract fee the Town could have lost money in revenue which is why the recommendation is now 1% of contract fee.

Councilwoman Callaway agreed to draft a policy for the Town Council Committee Review (Town Hearing Board) with help from Councilman Schrader and present it at the July Town Council Workshop Meeting.

Regarding Building Permit New Construction, Councilwoman Callaway asked why the recommendation is to go up one full percent rather than a half percent. Mayor Voveris and Councilman Saxton stated that even with going up one full percent South Bethany is still the lowest on the coast.

**Motion:** A motion was made by Councilman Junkin, seconded by Councilman Saxton, that Council accept the recommended fee changes in the chart above.

Public Comment:

Jack Whitney (105 Boone Rd.) – Asked if this change has to be done by ordinance or does the Council have the right to change the fees at any time. Mayor Voveris noted that years ago, before this Council, the fees were separated from the Town Code and placed in a stand-alone document for ease of any future Council changes. Mr. Whitney asked if the recommended changes were posted so other people could comment before getting to this point. Councilman Saxton replied that the recommended changes were posted on the Town's website this week. Later in the discussion Mayor Voveris said the recommended changes were posted to the website but an email news update announcing the posting was not sent out. Councilwoman Callaway noted that it has been on past agendas and Council has talked about this at several different meetings.

**Vote:** The motion was unanimously carried.

#### **PROGRESS REPORT, DISCUSSION, AND POSSIBLE VOTE REGARDING THE BETHANY BEACH VOLUNTEER FIRE COMPANY REQUEST FOR FUNDING**

Mayor Voveris stated that at the Ambulance Service's Quarterly Meeting in the fall, the Bethany Beach Volunteer Fire Company (BBVFC) indicated that the fire department has dwindling volunteer numbers. Mayor Voveris said this is not just in our area but throughout the country. Mayor Voveris stated that in our area this is partly due to an aging population, expensive real estate (making it difficult for young people to live here), as well as more and more demands on young people with multiple jobs and families. At the Ambulance Service's Quarterly Meeting in the fall the BBVFC mentioned that they were going to be proposing to incorporate paid fire fighters. Mayor Voveris said the BBVFC has brought it up again and they are now at a point of desperation. The BBVFC asked the four towns (South Bethany, Bethany Beach, Fenwick Island, and Sea Colony) to consider adding a full-time year round paid fire fighter to every shift which amounts to \$240,000 a year which is essentially 25% of their budget. Noting that it would take time to look at the financials and time to take it back to the Town Councils and the public, Mayor Voveris suggested to the BBVFC that they look at a seasonal funding as a stop gap measure. The BBVFC has calculated the cost of seasonal funding to be \$42,824 to augment paid fire fighters from the middle of May until the middle of September. Mayor Voveris asked the BBVFC to calculate each of the four towns share using the same formula used for the Ambulance Service. Based on this formula, South Bethany's share would be \$8,265. Mayor Voveris noted that this is only a temporary solution to get through the busy summer season. Mayor Voveris said she is here today to ask Council if they will support this. Mayor Voveris said she thinks the money would come from reserves because the Town's tax bills are out.

Mayor Voveris asked for discussion. The Town Manager said the only thing he would add is that if the motion goes through it should be dependent on the other three groups approving it through their Councils as well. Mayor Voveris agreed. Mayor Voveris noted that a meeting tomorrow with the BBVFC will include Senator Hocker and Representative Gray because the four towns believe

either the county or the state should be coming in and it should not just be on the backs of our four towns. Mayor Voveris noted that there are a lot of unincorporated areas that are not paying that will be helped by this.

**Motion and Vote:** A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to approve the BBVFC request for funding, providing the other three towns participate, and South Bethany will use Unassigned Reserves to fund its share of \$8,265. After Council discussion, the motion was unanimously carried.

### **REPORT ON FOLLOW UP OF THE 2015 COMMUNITY SURVEY ITEMS**

Mayor Voveris stated that Councilman Junkin is doing a series of four News Updates in May called Mondays in May. Councilman Junkin will be addressing water quality – the problems, the issues, and possible resolutions. Mayor Voveris thanked Councilman Junkin for his follow up to the 2015 Community Survey.

Mayor Voveris gave the following update on the Cat Hill traffic issue:

- The DeIDOT study in April pointed to traffic being heaviest from 10 a.m.–12 p.m.
- A DeIDOT study in May is coming up.
- The radar signs are currently up and working.
- The Town just received information for augmenting the speed humps to a 4 inch DeIDOT height standard which is the highest standard.
- The Town has received information on installing a new speed hump. Hopefully it can be installed in time for Memorial Day. Approval will be on the May Town Council Regular Meeting Agenda. From the speed hump survey letters that have been returned to the Town, there is a majority support of the new speed hump.
- The Traffic Committee had its first meeting and it was 2 ½ hours long. Mike Somers from DeIDOT and an engineer from RK&K attended the meeting and are bringing forth good ideas on pedestrian safety. One of the things they want to talk about is sidewalks. That is being met with resistance by the property owners because they are used to using the Town right-of-way where the sidewalks would be placed. Also parking would be an issue.

### **PUBLIC COMMENT PERIOD**

There were no comments from the public.

### **ADJOURNMENT**

A motion was made by Councilman Junkin, seconded by Councilman Saxton, to adjourn the April 28, 2016, Town Council Workshop Meeting at 3:05 p.m. The motion was unanimously carried.