

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL REGULAR MEETING MINUTES  
AUGUST 8, 2014**

**MEETING CALLED TO ORDER**

Mayor Voveris called the August 8, 2014, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

PRESENT: Council Members Sue Callaway, Jim Gross, Al Rae, Tim Saxton, and Mayor Pat Voveris; Town Manager Melvin Cusick; Lt. Troy Crowson; Beach Patrol Captain Ryan Dacey; and Administrative Assistant Pam Smith

PRESENT BY REMOTE ACCESS: Councilman George Junkin

EXCUSED ABSENCE: Councilman Tony Caputo

**APPROVAL AND VOTE OF THE AGENDA**

A motion was made by Councilman Gross, seconded by Councilman Saxton to approve the agenda as presented. The voting was as follows:

FOR THE MOTION: Councilpersons Callaway, Gross, Junkin, Rae, Saxton, and Mayor Voveris

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.

**ACKNOWLEDGMENT OF AND COMMENDATION LETTER FOR OFFICER MARLON MILLER (LT. CROWSON)**

Lt. Crowson stated that on July 10 Officer Marlon Miller pursued and attempted to stop a vehicle traveling south bound on State Route 1 at 103 miles per hour. The vehicle sped up and attempted to elude Officer Miller and was apprehended with the assistance of a Fenwick Island police officer. Officer Miller issued several citations regarding the high speed.

Lt. Crowson presented a Certificate of Commendation and Appreciation to Officer Miller for his professionalism during a high speed pursuit traffic stop on July 10, 2014. Everyone present at the meeting acknowledged Officer Miller's achievement with applause. Lt. Crowson thanked Officer Miller and added that Officer Miller also led the department in traffic enforcement for the month of July. Lt. Crowson stated that the Town is very lucky to have Officer Miller working for the South Bethany Police Department.

**PROPERTY OWNERS' PARTICIPATION**

- Dick Oliver (410 Victoria Rd.) – Asked if this would be the appropriate time for him to read Mr. Whitney's proposal regarding Ordinance 172-14 for the record. It was agreed that the best time would be before the vote after the third reading.
- Mike Matera (311 W. 9<sup>th</sup> St.) – Commented that the police report on the sign-in table this month is a very good report.

### **OLD BUSINESS - RESIDENTS CONCERN ABOUT SPEEDING**

Regarding a property owner's suggestion at the July 11, 2014, Town Council Regular Meeting to install a portable traffic radar unit that takes pictures of cars as they go by, Lt. Crowson reported that currently in the State of Delaware there is no legislation governing the use of speed cameras. Lt. Crowson further explained that because there are no laws governing the use of speed cameras, the Police Department cannot use speed cameras. Proposed Senate Bill 95 addresses speed cameras for a two year pilot program to be used only in the City of Dover and the City of Wilmington and only in school zones and work zones. The current status of Senate Bill 95 is that it has not passed and is in the Senate Public Safety Committee for review.

Lt. Crowson stated that the Police Department is attempting to obtain one or two radar recorder devices that will record accurate data evidence of speeding or lack of speeding. The device is easily installed and has no tubes or wires. The device will let the department know what the speeding problems are in town and what areas the department needs to enforce. The device is a utility box, and motorists would not know where they were deployed. The device would be used to gather statistics. Lt. Crowson stated that he will provide a summation at a Town Council Workshop Meeting. He said the device is advanced and there are endless possibilities.

### **ADOPTION OF MINUTES**

- **Town Council Workshop Meeting Minutes, June 26, 2014** – A motion was made by Councilman Saxton, seconded by Councilman Gross, to accept the June 26, 2014, Town Council Workshop Meeting Minutes as amended as follows:

Insert the following at the top of Page 3: Councilwoman Callaway requested that the record show that her vote against the motion was not a vote against the movie night but against the funding decision, the process, presented to fund the movie night.

In the first paragraph of Page 3 change "cost overs" to "cost overruns" and "cost over" to "cost overrun".

The voting was as follows:

FOR THE MOTION: Councilpersons Callaway, Gross, Junkin, Rae, Saxton, and Mayor Voveris

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.

- **Town Council Regular Meeting Minutes, June 27, 2014** – A motion was made by Councilwoman Callaway, seconded by Councilman Saxton, to accept the June 27, 2014, Town Council Regular Meeting Minutes as amended as follows:

Page 5, First Paragraph, Last line: Change "snatched" to "smashed".

Page 2, Mayor's Report, Sixth Paragraph, Second Sentence: Change "travelled" to "traveled".

Councilman Gross noted that there are several action items in the June 27 meeting minutes that Council wants to be sure to address. Councilman Gross listed the following:

- *The outcome of the move afoot in the State Legislative Session to try to take away some Municipal Street Aid (MSA) funding. (Mayor Voveris stated that in the end the Town did not lose any MSA funding.)*

- *Take a look at strengthening the Peace and Good Order Ordinance.* Report this to the Charter and Code Committee. (Mayor Voveris noted that this stems from the June Bug Report.)
- *Regarding the June Bug Report, putting in the Application for Rental License or Non-Rental Declaration mailing an additional letter to property owners whose properties were reported the previous year.*

Councilwoman Callaway stated that previously after June has passed the Chief of Police presents a report of the June Bugs incidents to a committee. Councilwoman Callaway stated that the report usually includes a chart that showed where the activities occurred. The committee would look at the kinds of things the Town needs to do differently the next year regarding June Bugs. Mayor Voveris said she will follow up on this.

The voting was as follows:

FOR THE MOTION: Councilpersons Callaway, Gross, Junkin, Rae, Saxton, and Mayor Voveris

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.

- **Town Council Workshop Meeting Minutes, July 7, 2014** – A motion was made by Councilman Gross, seconded by Councilwoman Callaway, to accept the July 7, 2014, Town Council Workshop Meeting Minutes. The voting was as follows:

FOR THE MOTION: Councilpersons Callaway, Gross, Rae, Saxton, and Mayor Voveris

AGAINST THE MOTION: None

ABSTAINED: Councilman Junkin (was not present at that meeting)

The motion carried with a 5-0 vote.

## **LEADERSHIP REPORTS**

- **Mayor's Report**—Mayor Voveris reported:

During the evening of July 18 we held a reception to acknowledge the retirement of Lt. Linda O'Malley who served our Police Department for 23 years. We had 88 in attendance and the event was most appreciated by Lt. O'Malley. She was presented with a plaque from the Town Council and a clock with inscription from the Police Department.

On the morning of July 25 we held a public meeting to discuss FOIA (Freedom of Information Act). The meeting was conducted by Deputy Attorney General, Ed Black, who proved to be knowledgeable and informative. Members of our Town Council and staff were in attendance, along with Dewey's Mayor and Town Manager. Since Town Council & Committees must adhere to the rules & practice of FOIA it is important we all have a clear understanding of compliance.

During the month of July I have spent a great deal of time with Lt. Crowson, our Acting Officer in Charge of the Police Department, to continue learning about their operations. During August I will be joining each of the officers on a ride along as they patrol our town.

- **Town Manager's Report**—Melvin Cusick reported:

The Town has received its annual recertification packet for the Community Rating System (CRS) from the National Flood Insurance Program (NFIP). South Bethany's participation in the CRS program allows everyone to get a 10% discount on their flood insurance. The Town Staff has started working on the packet which is due by October 1.

The Code Enforcement Constable will be attending classes in Dover next week concerning managing floodplain development through the NFIP.

A notice was on the sign-in table for the Route 26 Mainline Improvement Project Construction Advisory Group Monthly Meeting on August 12, 2014, from 10 a.m. to 11 a.m. at the Bethany Beach Town Hall. The Town Manager stated that the meetings are open to the public.

Councilman Gross requested that the Town Manager put a copy of the Municipal Comprehensive Land Use Plan Annual Report in Council's boxes.

- **Treasurer's Report**—Councilman Saxton reported as of July 31, 2014:

Councilman Saxton reviewed the Monthly Treasurer's Report of which Council had a copy.

Property Taxes are at 98% collected which is normal for this time of year. There are 47 properties with outstanding taxes. Letters have been sent out to those property owners reminding them to pay the property tax. We anticipate that these will all be paid and the Town will end up with approximately \$23,000 more than the original projection in the budget. The reason for this is that when the Town puts the budget together, the Town does not have all the assessments in from Sussex County. For this fiscal year it was about \$23,000 more based on property improvements and so forth throughout the town.

Realty Transfer Taxes are doing well. The Town is at 49% of budget which is ahead of what the historical data normally says.

Expenditures are remaining on track as expected.

The money for the RTT Income from Trust Fund is residing on page 7 in the report. The Town has not moved it into the general fund yet. They are the same numbers that are reported on the summary page (the front page) of the report.

The Budget and Finance Committee noticed that building permits were at 45% of budget which is probably ahead of schedule. Historically a lot of permits come in the fall for construction. If it continues on this pace the committee expects to see an increase above budget.

Regarding Auditor/Accounting, Councilman Saxton pointed out that the cost has exceeded expectation. This is due to the additional work the auditor has done regarding Edmunds. Councilman Saxton stated that it is money well spent and it helps the Finance Director as well.

Regarding Town Functions, those monies have been spent to date. There is a recommendation from the Budget and Finance Committee for the Town Council to review that for future events. Mayor Voveris asked what expenditures have been taken out of Town Functions. The Town Manager said the retirement reception for Lt. O'Malley and some other things that were done. Mayor Voveris noted that the retirement reception was under \$1,000. Mayor Voveris said the Town had the breakfast for the Ambulance Service Meeting and clarified that South Bethany is the host for those meetings this year. Councilman Saxton stated that there was only \$1,200 in the budget for Town Functions. The Town Manager

stated that when the budget was created the Town had not anticipated a retirement. Councilman Saxton said the Finance Director will give a full account on what has been put in there so far.

Regarding Automobile/Compact Sedan, the reason for the overrun is the light bar for emergencies cost more than expected.

Regarding HVAC Maintenance, the reason for the overrun is it was budgeted for two units to be taken care of, but the Town actually has three units. Therefore when the Town purchased the contract there were extra costs.

Regarding Advertising, the reason for the overrun is due to advertising for replacements (employment ads). Councilman Saxton said at this point we would expect a substantial overrun on that. Mayor Voveris said it is essentially advertising the Chief of Police position, and the Town only started with \$150 in the budget. She added that at the time the budget was done the Town did not anticipate this kind of need. The Town Manager noted that the ordinances have to be advertised too.

Regarding salaries at 44%, Councilman Junkin said he would expect salaries to be closer to 25%. Councilman Saxton said that is due to the Separation Bonus the Town gives employees when they retire. That was paid out already and it is reflected in salaries. Councilman Saxton said he, Mayor Voveris, and the Finance Director are considering putting that in a different line item because it is confusing.

Regarding CWQC – E Side Retrofit GRANT, the invoice has come in and has been paid. The monies were approved in FY 2014 but they did not get carried forward to FY 2015. It was an oversight and that is why there is a \$10,000 deficit there.

Councilman Junkin requested that CWQC and PRC be separated out so that the CWQC gets a department total. Councilman Saxton agreed.

Regarding the historical reports (comparison reports), the Budget and Finance Committee reviewed this and all revenues seem to be trending at or above historical averages. If this continues, the Town should reach revenue projections for the year.

Councilman Gross said that he likes the comparison reports, and he asked if more years could be entered on the Transfer Tax Comparison report. Councilman Saxton said he will see what he can do.

- **Police Department Report/Questions**—Lt. Troy Crowson reported for the month of July, 2014:

- July 5      The Police Department was able to manage the fireworks and movie night with a minimal amount of issues.
- July 10     Officer Miller stopped a vehicle that was going 103 MPH.
- July 11     Signs stolen from the oceanfront - the walkways and the oceanfront signs going from Logan all the way down Ocean Dr. and some side streets. As of this meeting, 20 signs have been stolen. Some have been replaced and some had to be ordered. The signs on Rt. 1 are currently still in place.
- July 19     Officer stopped a vehicle traveling on State Route 1 for a traffic violation. Subject was arrested for driving under the influence of alcohol.

- July 27 Responded to Grotto's Restaurant at the York Beach Mall in reference to a medical assist. A male victim was found unconscious and laying in a booth but still breathing.
- July 30 Officer stopped a vehicle north bound on State Route 1 with an insurance violation. He had seven warrants out for failure to appear. The vehicle was towed and the subject was transported to Court 1.

The Police Department responded to a total of seven firework complaints, eight loud party noise complaints, and one false residential security alarm. The Police Department has increased enforcement in the Cat Hill area in response to citizen complaints. The department has had 41 stop sign violations and no speed violations for the month of July in the Cat Hill area. The department responded to a total of 86 complaints with 9 of those being agency assists. Tonight Officer David Lorah from Lewes Police Department is working providing our first weekend of double coverage on the highway.

A discussion ensued regarding how to find the culprits for the stolen signs. During the discussion Councilwoman Callaway wondered if any of the homes in that area have a security camera that could be looked at.

Later in the meeting Lt. Crowson introduced Officer David Lorah who is working part-time for South Bethany. Lt. Crowson said he comes to South Bethany from Lewes Police Department where he is serving as Sgt. He has been employed for 26 years as a police officer, 20 of those with the Lewes Police Department and six years with the University of Delaware. Lt. Crowson said he is a welcome addition to the South Bethany Police Department team. Mayor Voveris agreed.

- **Beach Patrol Report**—Capt. Ryan Dacey reported:

The Beach Patrol has had 11 rip current rescues, one beach closing due to thunderstorms, and two lost children that were returned.

A wind surfer went down off the State Park about a mile down the beach. The guard on the most southern stand saw it with binoculars and called for a paddle board. The guard paddled out and helped the gentleman to the beach.

Competitions are going well. The patrol placed fifth in the Rehoboth Olympics.

The Junior Lifeguard Program is up and running with very good attendance.

On August 5 a wave took out a lifeguard stand. The guard was tumbled under the water with the stand and was bruised.

## **ORDINANCES/RESOLUTIONS**

- **THIRD READING, DISCUSSION, AND POSSIBLE VOTE OF ORDINANCE 172-14, TO AMEND CHAPTER 145, ZONING, TO INCREASE THE MAXIMUM HOUSE HEIGHT ALLOWED WHERE FREEBOARD IS PROVIDED**

Councilman Gross reviewed Ordinance 172-14 and asked for comments from the floor or Council.

Bob Cestone (140 New Castle Dr.) – Stated that he remembers a proposal at the last meeting to lower 38 feet NAVD to 37 feet NAVD. Mr. Cestone said that he still has problems with the 38 feet NAVD. He said that on streets that have a two foot NAVD elevation the town is going to have houses that are four feet higher than what they are now. Mr. Cestone stated that he wanted to go on record that he still feels 38 feet is too high.

Councilman Gross said that at the time he originated the 38 feet NAVD the committee was talking about three feet of mandatory freeboard. Now the proposed requirement is two feet of optional freeboard. Councilman Gross further stated that the study he presented at the last meeting showing the possibility of building four story houses suggests that Mr. Cestone's comments are worth consideration. Councilman Gross stated that he does not want to hold up this ordinance, but if anybody on the Council feels it should be dropped to 37 feet NAVD he would be glad to support that. Councilman Junkin stated that he thinks Council should keep it at 38 feet NAVD because those were the words in the first two readings. After no further Council support, Councilman Gross said Council will leave it at 38 feet NAVD.

Councilman Gross suggested deleting the words "the higher of" from Section 145- J(2). He stated that it is not needed and it is inconsistent with the statement in § 145-38E(2)(b) where it is not included. Councilman Junkin agreed.

Councilman Gross asked for any other Council comments. There were none.

Mayor Voveris declared this the third reading of Ordinance 172-14.

A motion was made by Councilman Gross, seconded by Councilman Junkin, that Council approve Ordinance 172-14 as amended today. Mayor Voveris asked for discussion from Council. There was none. Mayor Voveris asked for comments from the public.

Dick Oliver (410 Victoria Rd.) – Stated that he is the Chair of the Planning Commission and he is here for Jack Whitney who is also a member of the Planning Commission. Mr. Oliver said Mr. Whitney was called out of town for a family emergency, and he asked Mr. Oliver to present some comments and read them into the record for him. Mr. Oliver said the comments somewhat reflect his thoughts as well. Mr. Oliver noted that Mr. Whitney's comments have been provided to the Council in writing. Mr. Oliver read the following comments from Mr. Whitney:

*The South Bethany Town Council's efforts to date on this Ordinance should be applauded. The accomplishments to date have included:*

- a. *Acceptance of the concept for allowing free board (FB) above Base Flood Elevation (BFE) for residential buildings; and*
- b. *Acceptance of resulting higher building elevations in South Bethany.*

*Although we do not always get everything we recommend, some flaws, inequities and inefficiencies in the proposed ordinance remain. This is the best time to address and correct these and pass a new ordinance that is comprehensive and will remain effective and valid over the long haul. The major remaining problems in the current draft Ordinance are as follows:*

- a. *The building height allowances that result from the draft wording are not equitable for all areas of South Bethany. Specifically, (based on the current FIRM and BFE) the building heights west of Ocean Highway would be required to be lower than the maximum allowable building heights on the east side of Ocean Highway. Under the current draft, the building heights on the west side of Ocean Highway can be up to 31 feet (only above the 2 foot FB allowed above BFE), while the building heights on the east side of Ocean Highway can be up to 34 feet above center line of road or BFE, whichever is higher.*

*This is inequitable and unfair to the property owners on the west side of the highway. This could also be conceived by others as being favoritism by the Council members who live on the east side of the highway. (Mr. Oliver said he does not totally agree with this statement.)*

- b. *The current draft is not efficient because it dictates building heights above centerline of road or above NAVD. This Ordinance may require another time consuming revision when FEMA changes BFE and the FIRM.*

*To correct these flaws, the following simple tasks should be undertaken:*

- a. *Provide a single maximum height for all residential buildings, regardless of the location in South Bethany; and*
- b. *Relate the residential building heights to heights above BFE or Center line of road (whichever is higher) or approved FB; and*
- c. *Eliminate NAVD reference to building heights.*

*I implore the Council to make these final fair and reasonable changes to the Draft. As mandated by most Code of Ethics, the Council decisions should always appear to be equitable to all members of our Community.*

*I request this statement be read at the Council meeting on August 8, 2014, and fully entered into the record. Thank you*

*John L. (Jack) Whitney*

The following is Councilman Junkin's response to Mr. Whitney's comments:

*Jacks comments are incorrect. Space for houses on the west side range from 29 feet to 32 feet depending on BFE and road height. Space for houses on the east side range from 29 (28) feet to 32 (31) feet depending on road height assuming that the ocean front is at BFE = 12 feet. I have talked to Mike Powell by e-mail today. He said that URS has been rerunning the computer analysis and he indicates that it will not go to 10 feet. The 12 foot number looks good and in some areas it might go to 13 feet.*

*Jack said that on the east side "while the building heights on the east side of Ocean Highway can be up to 34 feet above center line of road or BFE, whichever is higher." The code as written does not reference the height to BFE on either side.*

Councilman Junkin still thinks Council should go with the ordinance the way it is written. Councilman Junkin said we don't know for sure what the new flood insurance rate map will say, but Councilman Junkin thinks we are in a good spot with the way the ordinance is.

Councilman Gross recommended that Council move forward with the ordinance as stated today with the minor amendment.

The voting was as follows:

FOR THE MOTION: Councilpersons Callaway, Gross, Junkin, Rae, and Mayor Voveris

AGAINST THE MOTION: None

ABSTAINED: Councilman Saxton

The motion carried with a 5-0 vote.

- **FIRST READING OF ORDINANCE 173-14, TO AMEND CHAPTER 104, PROPERTY MAINTENANCE, TO DELETE EXEPTION OF RESPONSIBILITY FOR PROPERTY OWNERS OF OCEAN FRONT LOTS TO CUT GRASS AND WEEDS AND TO REINSTATE TOWN HEARING BOARD TO HEAR APPEALS**

Councilman Gross asked for comments on page 2 of the ordinance. The Town Manager stated that he had a call from a resident whose concern was the way this was written it included dune grasses over 10 inches high. The Town Manager said he told the resident that was not the intention of the ordinance. Councilman Gross confirmed that dune grass/ornamental grasses would not be included.

Councilman Gross stated that at the last Town Council Workshop Meeting Councilwoman Callaway had suggested cross referencing Section 104-12, Vegetation, in Section 104-7 in regards to wooded lots. Councilman Gross said it was inadvertently left out of this draft. Councilman Gross noted that he, Mr. Fields, and Mr. Cestone do not favor adding the cross reference. Councilwoman Callaway stated that it seems like it is contradictory because it says except wooded lots which made her go back to Section 104-12, Vegetation. Councilman Gross said it is a different issue so he thinks it is okay the way it is.

In Section 104-19D Councilman Gross suggested deleting the words "and approved by the Council". No one disagreed.

As she suggested at the last Town Council Workshop Meeting, Mayor Voveris said "Town" should be in front of "Council" in Section 104-19D. Councilman Gross said he has no problem with that.

Mayor Voveris asked for any other discussion. There was none.

Mayor Voveris declared this the first reading of Ordinance 173-14.

#### **ADMINISTRATIVE MATTERS**

- **Consideration and possible vote on match of \$10,000 in FY 2016 for a potential water quality grant to establish rain gardens around storm drains in Sandpiper Pines**

Councilman Junkin said Council talked about this at the last Town Council Workshop Meeting. At that time Council approved going forward with the proposal. At this meeting Council would be approving having \$10,000 available for a match. Councilman Junkin said the match could be a combination of paying money for vegetation and for paying money to in-kind service from the Maintenance Department. Councilman Junkin clarified that the \$10,000 would be a combination of in-match hours and cash to buy things. The Town will not need to spend the money until FY 2016. Councilman Junkin stated that he needs the approval now in order to put in the grant proposal that South Bethany is going to contribute.

Councilman Saxton said the Budget and Finance Committee had requested that Councilman Junkin submit the long-term expense for the project, but the committee has not seen it yet. Councilman Junkin said that he spoke to the Maintenance Supervisor this morning and he said maintenance costs will be less than eight man hours per rain garden per year. Councilman Junkin said the proposal will be for five or six rain gardens so it would be about a week of man hours per year. Councilman Saxton asked if there are long term material costs. Councilman Junkin said they are trying not to put in any mulch after the first mulching because most of it goes down the drain. Councilman Junkin said that periodically the Town may have to buy new plants, but so far the Town hasn't had to buy new plants on the west side.

Councilman Saxton said the Budget and Finance Committee wants to try and track that so we know every time we do a project how much man hours we are adding to the work of our people.

A motion was made by Councilman Junkin, seconded by Councilman Gross, that Council approve that the Town will authorize a match of \$10,000 which is a combination of in-kind service and cash for the potential water quality grant that we are working on the proposal right now.

Mayor Voveris said she thought Councilman Junkin was asking for \$10,000 in cash for the proposal. Councilman Junkin said he does not think it will be \$10,000 in cash. Councilman Junkin said by the next Town Council Workshop Meeting he will know how much is in-kind service and how much is cash. Councilman Junkin clarified that he is asking for the Town to commit manpower and cash not more than \$10,000.

Mayor Voveris called for the vote. The voting was as follows:

FOR THE MOTION: Councilpersons Callaway, Gross, Junkin, Rae, Saxton, and Mayor Voveris

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.

- **Consideration and possible vote to reappoint Planning Commission Members - Richard Oliver, John Whitney, and David Wilson**

Mayor Voveris said the appointments will be for three year terms. Mayor Voveris said she would like to make these appointments with the support of the current Chair, Dick Oliver. A motion was made by Councilman Gross, seconded by Councilman Saxton, that Council support the Mayor's recommendation on the appointments of the Planning Commission. The voting was as follows:

FOR THE MOTION: Councilpersons Callaway, Gross, Junkin, Rae, Saxton, and Mayor Voveris

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.

## **COMMITTEE & COMMISSION REPORTS**

- **Community Enhancement Committee** – Councilwoman Callaway reported:

- **Successful Cottage Tour in South Bethany**

- Thanks to all the women who volunteered and made it a very successful tour *house in South Bethany*. Coordinated by Carol Stevenson, Pat Weisgerber, and Sue Callaway, the South Bethany Women's Club organized 40 volunteers to serve as hostesses at the South Bethany home featured in the 2014 Cottage Tour. These volunteers worked two full days – July 23 and 24, guiding 1500 visitors through Don and Ann Boteler's beautiful home on Sussex Place. We received many compliments about our volunteer hostesses and our town!

- The Town received about five or six emails in response to the email News Update that went out about Andrew Chapdelaine who posted all of the signs on the canal water ways as part of his Eagle Scout project. The community is obviously appreciating what he did and I forwarded the emails to his family.

- Discussion: Councilman Gross suggested sending a letter of appreciation on behalf of the Mayor and Council to the scout leadership to acknowledge his contribution.

### **FLOAT DEBRIEFING MEETING**

The Float Committee met on July 31<sup>st</sup> to debrief about the 2014 Float. The group discussed: 1) what worked and what didn't work (besides the parade cancellation!) 2) input from Public Works 3) interest of committee to do 2015 July 4<sup>th</sup> float and 4) ideas and suggestions for change. Email comments from property owners sent in response to the Float Email News Update distributed on July 11 were also reviewed. The group unanimously agreed on the following:

- Build a 2015 Float and participate in the Bethany Beach parade.
- Definitely drive through South Bethany and at a designated time
- Leave float at Anchorage
- Email BB regarding float cancellation
- Promote South Bethany as well as have a creative design
- Even if the parade were to be cancelled again, we would have the float.

Discussion: Councilman Rae stated that the Bethany Beach Parade Committee does publish agendas for their meetings and the meetings are open to the public. Councilman Rae added that he thought the float looked terrific and he was amazed that the committee did it for that price. Councilwoman Callaway said they had tremendous volunteerism and the reason it was under budget was because of some donations from 84 Lumber. Also the committee members were very committed and very generous.

### **CEC REPORT**

The CEC met on July 31.

#### **Proposed South Bethany Little Library**

Frank Weisgerber presented his findings from his follow-up on the previously proposed South Bethany "Little Free Library." Frank researched and joined the "Little Free Library Association" where he gathered further information about building and operating a Little Free Library. Frank offered to build the library and to pay for all necessary materials. He presented photos of a proposed design and style that would fit in with the Town Hall landscape (the group recommends placing the library next to the Town Hall Information Board). Sue noted that Lori Cicero has agreed to oversee the operation and maintenance of the library books and its process. Councilwoman Callaway sent an update of the "South Bethany Little Free Library" to the Town Council on August 5. Not having heard any comments back, Councilwoman Callaway is assuming that the committee can move forward.

Discussion: Councilman Gross said he liked it. Council agreed that this was a good idea and to move forward with it. Councilwoman Callaway said the website of the "Little Free Libraries" has good information and it is amazing what it does for the community and it should be at no cost to the Town. Councilman Rae suggested putting a bench by the box so people can browse the books.

#### **Update on Ocean Drive Art Boards**

CEC members and two of the first OD Art Board artists approved the Cindy Scruggs submission. Cindy has been notified and will start on her painting immediately. The group approved the concept of a photography submission by South Bethany resident and photographer, Ann Boteler.

Discussion: Councilwoman Callaway said she thought that might open up an opportunity for the gentleman Councilman Rae has spoken to. Councilman Rae stated that he thought it was already agreed to. Councilwoman Callaway said he needs to submit his proposal to the committee for approval.

The SB Historical Society is hosting an Original Artwork Auction Event on WEDNESDAY, AUGUST 20, 2014. The auction will feature the two original pieces of artwork done by Carolyn Marcello and Celeste Speer.

#### **2014 Adopt-A-Canal/Road End Contest**

The Adopt Contest dates are set for Friday, August 22 – Monday, September 1. We will place the Adopt Contest signs on August 21 at 9:00 am. Sue met with Pam Smith on Thursday, August 7, to organize all the necessary materials for the online voting process and the on-site voting and to set-up the contest process. Lords Landscaping has offered to contribute \$200 in gift certificates this year. CEC agreed to the following: 1<sup>st</sup> Prize - \$125; 2<sup>nd</sup> Prize - \$50; and 3<sup>rd</sup> Prize - \$25. CEC will meet on Thursday, September 4, for vote counting at Town Hall. The group confirmed hosting an Adopt Thank-You Party again this year and it will be hosted by Carol Stevenson on September 13.

#### **Anchorage Forebay Landscaping**

The group has revisited an idea that CEC discussed months ago regarding the improvement of the first visible open area as people drive into South Bethany. While the bigger open area must remain unobstructed to retain DNREC access to the Anchorage Forebay, the area adjacent to the front of the forebay could be landscaped. Rick Gentile prepared a draft plan for that area that the group could consider. The draft plan led to discussion focused on need for improvement and ideas for improvement such as possibly creating a seating area in front of the fence and establishing a landscaped area and rain garden area. The group also revisited a previous idea of locating an informational sign describing rain gardens and bio-retention beds that are located along Route 1. We welcome any input.

#### **Next Meeting Date**

The group set the next meeting date for Wednesday, September 24, 2014, at 10:00 a.m. at Town Hall.

Photos for above-mentioned topics are available in the CEC July 31 Meeting Summary posted on August 8.

- **Budget and Finance Committee** – Councilman Saxton reported:

The Budget and Finance Committee met on Tuesday, August 5. The committee approved the last two meeting minutes. The committee did a review of Actual versus Budget through the end of July 2014 for FY 2015.

Joe Conway gave a presentation on the reserve fund policy work that was done in FY 2014. Jay Headman and Keith Krenz are working on this to finalize it. It was a very active discussion and the committee appreciated all the hard work that has been done to date on that particular policy. The committee has asked Jay Headman and Keith Krenz to also look at the policies of other towns to try to create the best policy that matches the Town of South Bethany's needs.

The committee was provided with the draft audit report and will be discussing it at the next meeting. Hopefully the final draft report will be out shortly to the Council. The final audit report will be discussed at the next Town Council Regular Meeting in September.

The Budget and Finance Committee plans to meet again in September.

- **Charter and Code Committee** – Councilman Gross reported:

The Charter and Code Committee has prepared two ordinances that will be ready in final form for Council's review at the next Town Council Workshop Meeting. One of them amends

Chapter 42, Building Construction, to add reference to repairs and to meet requirements for Board of Adjustment approval for building permit extensions as recently changed in Chapter 145, Zoning. The second is an ordinance to amend Chapter 114, Solid Waste, to add a three member Town Council Hearing Board rather than the Council as a whole hearing the appeal. There are no Charter and Code Committee meetings scheduled. If any Council Member or anybody in the audience has items that they think need attention in our code, please bring them to the committee's attention so the committee can look at those. Councilman Junkin said amendments to the floodplain code will have to get done by next March. Councilman Gross agreed and said that is going to take a great deal of work.

- **Canal Water Quality Committee** – Councilman Junkin reported:
  - **Grant Activity**
    - **Large oyster cages and floating wetlands in South Bethany Canals**
      - I have gotten letters of agreement from Bart Wilson which the homeowners who we have talked to that said that we can put the oyster cages and floating wetlands in front of their houses have to sign.
    - **Bioretention areas in Sandpiper Pines**
      - Working on a proposal due 8/28/14
  - **Diffuser Pilot Program**
    - The diffusers were turned back on 8/1/14 after being off for the month of July. Some of them were not running because a boat (probably) put a hole in two hoses. There were no bubbles coming out of the last two diffusers. Envirotech has patched the holes in the hoses and the diffusers are back on line. The results of this July test coupled with the data over the past year show that:
      - The Brandywine Canal is probably a reasonable control for the diffuser test.
      - The diffusers tend to cause the DO to be higher in the diffuser canal when the DO levels are low (<2.5mg/L).
      - The diffusers tend to cause the DO to be lower in the diffuser canal when the DO levels are high (>4mg/L).
      - The diffusers do eliminate stratification that could cause fish kills.
      - Since there was not an algal bloom this year, we cannot assess whether the diffusers would cause there to be less algae in the diffuser canal. Councilman Junkin believes we want to keep running the diffusers until there is an algal bloom in the canals where we can see where algae is forming and see whether the Petherton Canal is less affected because of having the diffusers on. If it doesn't decrease algal blooms, then Councilman Junkin would say that the diffusers aren't worth the little bit of extra oxygen and stirring that we get in the canals.
  - **Water Quality Monitoring**
    - We now have continuous monitors in the Anchorage, Petherton and Brandywine Canals.
    - The Bacteria Report for Total Enterococcus Bacteria for mid-July showed a level of 17,329 colonies per 100mL in the Anchorage Canal. This is the highest level that has ever been measured in the Anchorage Canal. The safe swimming maximum is 104 colonies per 100mL. Total Enterococcus (TE) is a group of bacteria that are normally found in the guts and feces of warm blooded animals (mammals and birds). The EPA and the State of Delaware use TE as the best, easily-measured bacterial indicator of the risk of acquiring gastroenteritis from swimming in fecal contaminated water. There is a very informative article, *Harboring Bacterial*, by Lynn Parks on page 82 in the August 2014 *Delaware Beach Life* magazine.
  - **Next Meeting** – Scheduled for 1:00 PM August 12.

- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Councilman Junkin reported:
  - Additional Survey by the URS Corporation for east side street
    - We now have draft maps with elevation data for all streets in South Bethany and expect the final maps within one week.
  - Ordinance To Provide An Option For Higher Maximum House Height Where Freeboard Is Provided
    - A public hearing on this ordinance was held July 11 at the Town Hall.
    - First reading was 7/11/14. Second reading was 7/24/14. Wording of the ordinance was not amended during any of the readings.
    - Third reading was scheduled for today, 8/8/14, and it passed.
  - Comments relative to the preliminary FIRM
    - I received an e-mail this morning from Michael Powell from DNREC. He informs me that FEMA intends to correct the mistakes that were in the preliminary FIRM that had the ocean front at VE 10 and some of the south end just west of Ocean Dr. at AE 7. These BFEs were below the level of Ocean Dr.
    - After they corrected their computer inputs the ocean front homes are all at VE 13 and most of the rest of the east side of route 1 and west side of Ocean Dr. are at AO 3.
    - I believe that the new map more closely represents what has happened in the past, particularly when the effect of SLR that has been occurring recently is factored in.
  - Next SLR & SS Committee Meeting is scheduled for 8/12 at 10:00 AM.
  
- **Planning Commission** – Councilman Rae reported:
 

There have been no meetings and there is nothing to report. Councilman Rae believes the next meeting is going to be scheduled next month.

### **PUBLIC COMMENT**

Eugene Gross expressed his appreciation to the Council for all the fine work they do day in and day out. Mayor Voveris thanked Mr. Gross for his kind words.

### **ADJOURNMENT**

A motion was made by Councilman Gross, seconded by Councilman Saxton, to adjourn the August 8, 2014, Town Council Regular Meeting at 8:40 p.m. The voting was as follows:

FOR THE MOTION: Councilpersons Callaway, Gross, Junkin, Rae, Saxton, and Mayor Voveris

AGAINST THE MOTION: None

The motion carried with a 6-0 vote.