

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES JULY 10, 2015</b>
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**MEETING CALLED TO ORDER**

Mayor Voveris called the July 10, 2015, 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, George Junkin, Tim Saxton, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Chief Troy Crowson; Town Clerk Dee Burbage; and Administrative Assistant Pam Smith

PRESENT BY REMOTE ACCESS: Councilman Wayne Schrader

**ADMINISTRATIVE MATTERS – SWEARING IN OF ACADEMY RECRUIT MEGAN LOULOU (DEE BURBAGE AND CHIEF CROWSON)**

Town Clerk Dee Burbage swore in Academy Recruit Megan Loulou. Chief Crowson pinned the badge on the uniform of Academy Recruit Loulou. On behalf of the Town Council, Mayor Voveris welcomed Academy Recruit Loulou on board and presented her with flowers. The audience acknowledged Academy Recruit Loulou's accomplishment with applause.

**PROPERTY OWNERS' PARTICIPATION**

- Jack Wise (146 Evergreen Rd.) – Inquired about the assault on Canal Drive on July 5. Chief Crowson stated that the department is trying to get the facts and gather information. Chief Crowson said that as the investigation is proceeding information is coming in and the information is changing. Chief Crowson said he can't comment on the merits of the case. Chief Crowson said the department is asking for people to come forward if they have information pertaining to the case. Chief Crowson stated that he believes the assault was an isolated incident.
- Mike Matera (303 W. 9<sup>th</sup> St.) – Because only property owners who are hooked up to Artesian water pay for the fire hydrants, Mr. Matera suggested looking into the Town paying for the fire hydrants through Artesian and then the Town would charge all property owners a certain rate for the fire hydrants.

The Town Manager said Artesian has a hydrant ready charge. When he checked on this a year ago, he believed Artesian stated they did not have the authority to go after the people who did not have a water bill with Artesian. Mayor Voveris said she has asked Artesian for the number of properties in South Bethany that are on a well. Artesian said they would get back to her with that information. Mayor Voveris said it is understandable that if a property is not hooked up to Artesian, Artesian can't bill the property owner because the property owner is not a customer. Mayor Voveris said she understands Mr. Matera's side and Artesian's side of the issue. Mayor Voveris said she does not see how the situation would change, but she will get the information and report on how many South Bethany properties are on a well.

- Terry York (4 N. 5<sup>th</sup> St.) – Referring to a water break at her house during a freeze this past February, Ms. York suggested that when a Town employee responds about a water leak, that the employee carry the correct equipment needed to turn off the water. The Town Manager asked if it was the Police Department or the Maintenance Department that came out to her house. Ms. York said she was not sure. The Town Manager said he will check on it.

- Kent Stephan (46 S. Anchorage Ave.) – Mr. Stephan read the following statement: *Towns are required by the State's Sunshine Law to publish and adhere to an agenda for meetings. The Law keeps politicians from sneaking unpopular items through without public knowledge or comment. Last fall a majority of Council Members stomped all over the Sunshine Law, in my opinion. They did it by voting for a wildly unpopular freeboard mandate that was not published in the agenda. The same mandate had already been voted down twice by the Sea Level Rise Committee, once by the Planning Commission, and once by the Council itself. Before the vote, our Mayor warned the majority that they were violating the Law. Later, the Mayor consulted the Attorney Generals' Office; they opined that the Law had been violated. At the next Council meeting, the majority opened up by accusing the Mayor of deceiving the Attorney General. They said she hadn't told the AG about freeboard being mentioned deep in a FEMA proposal which was on the agenda. The idea, presumably, was that people could read the FEMA proposal and then surmise that a very specific freeboard mandate would be ginned up as a result—even though the mandate seemed to be a dead issue. First, the FEMA document had not been made available to the public, so the Law seems to me to have been broken on that basis. Second, even if it had been made available (and this to me is the most important), the majority was clearly using the FEMA proposal as a ruse to sneak a grossly unpopular mandate past us. I believe that the Law was broken on this basis as well. No reasonable person could have expected the mandate to come up. After accusing the Mayor, the majority voted that they had not violated the Law. This vote still stands as a Council-approved pathway for future Councils to try to skirt the Law. If you talk about precedent, that is what that is. This pathway needs to be closed right now. That the mandate was voted down and the Council has changed are both irrelevant in terms of what's standing right now on the books as to what the Town stands for. I hope to see a vote to repeal on the agenda for the next Council meeting. You on this Council need to set things right. Otherwise, you're making an endorsement.*

Mayor Voveris said she appreciates Mr. Stephan's comments. Mayor Voveris said she and Mr. Stephan have had a prior conversation. Mayor Voveris said at the time of this incident the Attorney General was advising her; therefore she was always aware of action she could have taken. Mayor Voveris said she chose not to because it made no sense to her to take action when the situation was corrected. Mayor Voveris said Council heard the population and the Council changed the vote. Today the Town has in place voluntary freeboard and everyone is happy. Mayor Voveris said everyone comes to the job on Council with the best intentions to serve the Town their best. As much as we may disagree with what is done sometimes, it is important to not forget that nobody comes here with underhanded items and nobody comes here to do damage. Mayor Voveris said that if anyone on Council wants to put Mr. Stephan's request on a future agenda she will, but Mayor Voveris said she personally would not put it on an agenda. (Administrative Assistant's Note: At this time there were no comments from the other Council Members.) Mayor Voveris told Mr. Stephan that she appreciates his remarks and his support.

## **OLD BUSINESS**

- Discussion Regarding Property Owners' Request to Pursue a Grant for Restoring the Wetlands (Pat Voveris)** – Councilman Junkin stated that he has developed an email to send to the property owner. He has contacted the property owner by phone to ask for her email address but she has not sent it to him yet. Once she sends him her email address he will email her the information. Councilman Junkin said there are grants available to go after wetlands restoration. Councilman Junkin said most of the grants available are probably a 50/50 match, but there are some that may not be that way. Councilman Junkin said without knowing how you want to restore the wetlands or why the wetlands got destroyed, you don't know what to do to fix the wetlands. Councilman Junkin does not know of anyone on Council that is interested in taking up this challenge of learning what to do. Councilman Junkin said he asked the property owner if she would be interested in being a champion for this, but she said that she was too busy.

Mayor Voveris said she followed up with the Planning Commission to see if they would take on the project, but they said it was not in their purview. Mayor Voveris then asked Mike Powell at DNREC whose purview this was in. He referred Mayor Voveris to Jim Chaconas who is also with DNREC. Mayor Voveris contacted Mr. Chaconas, and he is coming to South Bethany on July 29 to take a look at the wetlands and recommend some action and also recommend where the Town might get some money if the Town wanted to take some action. Mayor Voveris will report on this at the next meeting.

- **Report on the Algae Harvester (Melvin Cusick)** – The Town Manager said the town had a significant algae bloom this spring. The Town called DNREC requesting that they bring the algae harvester to town. DNREC has two harvesters. It took a while to get a harvester in town because one of the harvesters is completely inoperable (and has been declared dead) and the other harvester needed to be repaired. DNREC started operating the harvester in town the second week of June. They did an excellent job of clearing the canals, and everybody seemed happy with the job they did. The Town sent a thank you letter to DNREC. Hopefully they will continue to keep one harvester running so that South Bethany can have access to it. Councilwoman Callaway said there is not a lot of support from the State budget to buy another harvester.

Mayor Voveris stated that as these machines die off it might mean the Town will have to get involved in spending money when there is a significant algae bloom. Councilman Junkin said the Canal Water Quality Committee has discussed whether the Town should be looking at buying or renting an algae harvester, although Councilman Junkin does not know of anyone locally that has algae harvesters except DNREC. Councilwoman Callaway suggested that the Town might have to look at other options to get somebody to clean up the algae when it first appears before it gets bad. Mayor Voveris and Councilwoman Callaway mentioned a woman from Virginia who met with Ariane Nichols of DNREC. She is an algae consumer and was interested in buying the algae to either sell or turn into some kind of a product.

- **Report Back on Property Owner's Question Regarding Rain Gutters Draining Through the Bulkhead if the Bulkhead is Replaced (George Junkin)** – Councilman Junkin reported that the Code Enforcement Constable said that if a property owner replaces their bulkhead, the rain gutter draining through the bulkhead would have to be disconnected because it is a substantial improvement to their bulkhead.
- **Report on Bicycles on Walkway on West Side of Route 1 (Chief Crowson)** – Chief Crowson said on July 8 he met with Mr. Anthony Aglio of DelDOT who is a project planner and administrator for bicycle and pedestrian safety to discuss and evaluate the feasibility of making South Bethany's pedestrian path a shared use path. Prior to meeting with Mr. Aglio, Chief Crowson found in the Delaware Manual on Uniform Traffic Control Code that the shared path would have to be an eight foot minimum in width in order to be a shared path. South Bethany's path currently measures 5'6" wide. A shared path would require a separate area marked by a white line for pedestrians and if the path were to accommodate two lanes of bike traffic going north and south it would have to be wider than the 8 foot minimum. Mr. Aglio assessed the pedestrian path and confirmed that the path as it exists now could not be utilized as a shared path safely. Mr. Aglio also provided the Police Department with a book that had 56 pages of requirements with everything from grade of the pavement, signage, markings, etc. Chief Crowson said South Bethany's current path cannot be used as a shared path unless the Town decided to make some major upgrades.

Public Comment: Bob Amoruso (144 Petherton Dr.) – Suggested that Council consider asking DelDOT for a grant to widen the path. Mr. Amoruso said the Town has to consider the safety aspect.

## **LEADERSHIP REPORTS**

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

I would like to welcome our 3 new Council members Wayne Schrader, Carol Stevenson, and Frank Weisgerber. Thank you for stepping up to serve our Town.

Our June Council meeting was devoted to FEMA (Federal Emergency Management Agency) and their presentation of the Preliminary FIRM (Flood Insurance Rate Map) which they hope to have in place by the fall of 2016. Approximately 125 people were in attendance to hear topics about property Zone, BFE (Base Flood Elevation), and flood insurance. We have posted information they supplied on our website.

The Coastal Engineering Report we contracted with Taylor Engineering has been received, and in today's meeting I will be asking Council support to send them a follow up communication for clarification on some items.

Both I and the Council members have been busy communicating with Senator Hocker and Representative Gray to voice our concerns over proposed reductions in MSA (Municipal Street Aid) funds and Transfer Tax Revenue. The proposed reductions could have cost our Town nearly \$200,000. Fortunately, the initiatives have been tabled and we owe thanks to our 2 legislators mentioned here and the DLLG (Delaware League of Local Governments) headed by Carl Luft.

Our Police Department will be budget affected by some recent legislative activity and our Chief will speak to this in his report today.

The Charter change approved by Council at our Organizational Meeting has passed in both the Senate and the House. This measure will give Mayors the latitude to choose owners from the community to Chair committees and result in placing the best talent and expertise available within Council and community at the helm of our committees.

On July 4th we had some wonderful community collaboration to participate in the Bethany Beach Parade. Our Chair of Communications & Public Relations Committee will share details of this activity. I had the pleasure and privilege to ride in a 1965 Cadillac with 2 of our beautiful children of South Bethany, Collin and Sophia Damato, of Anchorage Drive.

I would like to acknowledge the 5 years of service as of July 13 for one of our Police Department's finest, Corporal Patrick Wiley. Patrick came to us with a military background, serves as our Public Information Officer, and is bilingual, often assisting neighboring towns that don't have this staff capability. Thank you, Patrick, for your service. Keep up the good work!

This morning I attended a Steering Committee meeting for SCAT (Sussex County Association of Towns). I don't have any significant news to report. Basically they talked about the fact that the legislative issues of concern were tabled.

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

The Code Enforcement Constable's June Report was available on the sign-in table.

The Second Quarter Ambulance Report and the June Ambulance Report were available on the sign-in table. The Town Manager noted that ambulance calls for South Bethany are down.

The Town will be doing center line painting (bayside streets) and speed bump painting next week for two or three days. No lane closures are expected, but when the contractor is painting a speed bump, cars will have to go around the speed bump.

- **Treasurer's Report**—Councilman Saxton reported:

Councilman Saxton stated that the Treasurer's Report has been revised and it is easier to read and understand. He noted that the grants and capital revenue have been put into separate categories from the Operating Revenue and Operating Expenditures.

For the first two months of FY 2016, Total Operating Revenue is at 40.85% of expected budget and Total Operating Expenditures is at 20.20% of expected budget.

Expenditures are tracking to budget.

Regarding revenue, the Realty Transfer Tax is continuing to do extremely well. Realty Transfer Tax is already at 31% of budget. Building Permits are already at 40% of budget.

Property taxes were due on June 30. The Treasurer's Report shows Property Taxes at 66% of budget, however some property owners paid late in the month and not all of the payments have been processed.

Councilman Saxton requested that the quarterly reports be reviewed at Town Council Workshop Meetings. There were no objections to his request.

- **Police Department Report/Questions**—Chief Troy Crowson reported for the month of June, 2015:

There were a total of five June Bug related calls. This is down significantly over the past couple of years. In addition, there was one loud party (that was not called in) that broke up when the police drove by the house.

There was one eviction where underage subjects attained a contract to rent under false pretense. Chief Crowson said the Town's work with the real estate agents is paying off.

There were three bicycle thefts at the beach area. Chief Crowson reminded the audience to lock their bikes.

There were two vehicles that had items stolen out of them. Chief Crowson encouraged the audience to lock their car doors.

Chief Crowson and members of the South Bethany Police Department as well as a number of Chiefs and Officers from various departments attended a Joint Finance Committee Hearing at Legislative Hall in Dover on June 30 in an effort to restore cuts from the Delaware Criminal Justice Information System (DELJIS) FY 2016 Budget. They convinced the Joint Finance Committee to restore part of the funding. The Delaware Police Chiefs' Council is going to apply for other grants to cover the difference. It looks like next year DELJIS is not going to get any funding. For the South Bethany Police Department the cost next year will be about \$900. Chief Crowson said he will go for grant funds to cover the cost next year.

Regarding the assault, the following was published in the newspapers in an effort to get tips: *The South Bethany Police Department is currently investigating an assault that happened on Sunday morning on July 5 between approximately 12:30 a.m. and 12:50 a.m. in the area of 127 Canal St. The suspects are currently still unknown. Anyone with information is asked to contact the South Bethany Police Department at 302-539-3996. Tips can also be submitted by calling Crime Stoppers at 1-800-TIP-3333 or online at [www.tipsubmit.com](http://www.tipsubmit.com). Callers may remain anonymous.* Chief Crowson said it is an ongoing investigation and the police are still trying to gather as much information as they can.

Councilman Junkin suggested sending a letter to the real estate agents thanking them for their help regarding June Bugs.

Regarding June Bugs, Mayor Voveris requested that Chief Crowson provide a graph with a couple of year's comparison. Mayor Voveris said that under Chief Crowson's leadership this past year the town went from a yard stick to maybe an inch of June Bug instances. Mayor Voveris said this is a 360 degree improvement and she thanked Chief Crowson for the great job. The audience acknowledged this with applause.

Public Comment: Mr. Wise said in past years there have been fireworks signs all over South Bethany and this year he only saw them by the beach. Chief Crowson explained that every year a few signs go missing (some are found in the trash cans, some are taken, some are defaced, etc.) This year there were just enough signs to cover the beach access points which is generally where the fireworks are being fired. Chief Crowson believes in a couple of years he will have to order more fireworks signs.

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

Rescues – 18 saves due to rip currents

Lost Children – 2 lost children that were found and returned to parents.

Competitions

- Ocean City Beach Patrol Lifeguard Competition – South Bethany Beach Patrol – 2nd Place
- Sea Colony Beach Patrol Lifeguard Competition- South Bethany Beach Patrol – 3rd Place

**Discussion and Possible Vote on Follow Up of Taylor Engineering Report on the FEMA Flood Insurance Rate Map (FIRM) (Pat Voveris)**

**Motion:** A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to go forward with asking Taylor Engineering the following: 1) Does South Bethany have solid grounds for an appeal? 2) It was verbally indicated that the FEMA 2013 BFE 10 for Ocean Drive was not accurate and we ask for written elaboration. 3) What results can the suggested analysis on overtopping produce? How much lower a BFE for Ocean Drive might result? 4) A verbal indication covered moving forward with a simple calculation spreadsheet. What time and money would be required to do this?

**Discussion:** During discussion, Mayor Voveris said that the letter to Taylor Engineering would essentially say the following regarding Number 4 above, "You indicated that a calculation was needed – what would be the time and the money to do that calculation."

**Vote:** 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.

**ORDINANCES/RESOLUTIONS - THIRD READING AND POSSIBLE VOTE ON ORDINANCE 179-15 TO AMEND THE CODE OF THE TOWN OF SOUTH BETHANY, CHAPTER 145, ZONING, ARTICLE III, "DEFINITIONS", TO REVISE AND CLARIFY FLOOR-TO-AREA RATIO (FAR), SUBSTANTIAL DAMAGE, AND SUBSTANTIAL IMPROVEMENT (GEORGE JUNKIN)**

Councilman Junkin reviewed Ordinance 179-15. Councilman Junkin requested to change ***¼ inch (one fourth inch) minimum to ¼ inch minimum.***

Councilwoman Stevenson asked why ¼ inch – why any space. Councilman Junkin asked John Fields, Charter and Code Committee Chair, to comment. Before commenting on Councilwoman Stevenson's question, Mr. Fields stated that he and Bob Cestone (Charter and Code Committee member) were present at this meeting representing the Charter and Code Committee. Mr. Fields said the Charter and Code Committee's recommendation tonight is that the Council not pass Ordinance 179-15. Regarding the Floor-to Area Ratio (FAR), which per the definition does not include "ground-level decks and unenclosed ground-level paved or unpaved spaces among pilings, including areas surrounded by lattice or boards with spaces between them", Mr. Cestone stated that the intent of the ordinance which was passed in 2004 was that spaces between the vertical boards that you could see through would limit the bulkiness of the house at a time when all of the towns were addressing "McMansions". Mr. Cestone said when the Code Enforcement Constable recently asked to have a dimension added to the Code regarding the spaces between the lattice or boards, the Charter and Code Committee compromised on ¾ inch (Mr. Cestone noted that he thought the dimension should be a little more than ¾ inch). Mr. Cestone stated that after the Charter and Code Committee sent the ordinance to Council, the dimension got changed to ¼ inch. Mr. Cestone stated that when you look at a house that has used a ¼ inch dimension it looks solid. Mr. Cestone said if it looks solid he believes it should be counted as part of the Floor-to-Area Ratio. Mr. Cestone said his and Mr. Fields' take is the ¼ inch is defeating the original purpose of the spacing. Mr. Cestone stated that if Council wants to eliminate the FAR completely that would be a different ordinance – eliminating the FAR is not the intent of this ordinance (Ordinance 179-15).

Mr. Fields said the changes to the definitions of Substantial Damage and Substantial Improvement in Ordinance 179-15 were put in for clarification and are already covered elsewhere in the Code. Mr. Fields stated that if Ordinance 179-15 is defeated, the loss of the changes to those definitions would not be significant.

During discussion the following comments were made:

Councilman Junkin said he thinks Council should pass Ordinance 179-15 in order to define the minimum space. Councilman Junkin said if Council has a problem with ¼ inch, Council can change the ¼ inch.

Mayor Voveris said she would like Council to discuss at a workshop and come to an agreement on how to direct the Charter and Code Committee regarding the issue of the spaces between the lattice or boards and what Council would like to do about the FAR (Councilman Saxton has suggested eliminating the FAR). Mayor Voveris noted that years ago the issue regarding the FAR went to a referendum. Mayor Voveris believes Council needs to be educated on this issue.

Councilman Saxton said other alternatives to consider would be to change the Floor-to-Area Ratio from 70 percent to some other percentage or eliminate the first floor from the calculation.

Mr. Cestone stated that he is not sure changing the FAR is a Charter and Code Committee function. Mr. Cestone said changing Zoning is normally a function of the Planning Commission. Mr. Cestone stated that the Planning Commission does the Comprehensive Plan and the Comprehensive Plan should be checked to see if there is anything in it that addresses house size.

Mayor Voveris declared this the third reading of Ordinance 179-15.

**Motion and Vote:** A motion was made by Councilwoman Stevenson, seconded by Councilman Junkin, to approve Ordinance 179-15 into law. The voting was as follows:

FOR THE MOTION: Councilperson Junkin

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

The voting result was 1 in favor and 6 against. The motion was defeated.

**Discussion and Possible Vote to Consider Drafting an Ordinance Change to Allow Homeowners to Build Their Bulkhead to a Height of One Foot Above the Road Adjacent to Their Lot (George Junkin)**

Councilman Junkin said there have been property owners that have asked to raise their bulkheads higher when putting in new bulkheads. Referring to § 50-5D of the Code which says, "Bulkhead alignment. Bulkheads shall be constructed so that they connect and align with existing adjacent bulkheads and/or riprap, where practical", Councilman Junkin said the code is interpreted that the bulkhead will be the same height as the neighbor's bulkhead. Councilman Junkin said right now the bulkheads in South Bethany are not anywhere close to being the same height. Councilman Junkin said the bulkheads vary in elevation from a half a foot above sea level to just a little over four feet above sea level. Councilman Junkin stated that property owners that have very low bulkheads get nuisance flooding when the tide is higher than about 1.5 feet.

Councilman Junkin believes the Town should allow property owners to raise their bulkhead a reasonable height. Councilman Junkin said the Sea Level Rise (SLR) and Storm Surge (SS) Committee recommends one foot. Councilman Junkin said this number can change, but he believes the Town should allow the bulkhead to be higher than the road so that people can grade their lots according to the Code (which is to grade them towards the road so that the water goes through the Town's storm drains).

Councilwoman Stevenson said she spoke to the Code Enforcement Constable regarding a property owner who wants to raise their bulkhead six inches and slope the bulkhead down over eight feet to connect with their neighbor's bulkhead so that the water would not cap the bulkhead at high tide. Councilwoman Stevenson stated that the Code Enforcement Constable suggested that the Town needs to define alignment (using slope). Councilman Junkin agreed that would be sufficient.

**Motion:** After more Council discussion and public comment, a motion was made by Councilman Junkin that Council develop words that allow people to raise their bulkheads not more than a foot higher than the center of the road. The motion was not seconded and no vote was taken.

**Discussion and Possible Vote to Consider Drafting an Ordinance Change to Remove Grandfathering for Homeowners that Currently Pipe Stormwater and/or Outside Shower Water into the Canal (George Junkin)**

Councilman Junkin stated that when it rains nitrates and phosphates and other nutrients that come out of the air and onto the ground are washed into the canals. It is those nutrients that cause algal blooms. Councilman Junkin said the State has been spending hundreds of thousands of dollars to try to reduce the number of nutrients that go into the canals. Councilman Junkin stated that we can't stop water from going into the canals but we can slow it down.

Councilman Junkin referred to Town Code § 104-11 which includes the following:

- B. New roof construction or repair that includes the installation of rain gutters and downspouts shall not allow the runoff water to drain directly into any canal or body of water.
- C. Newly constructed outdoor showers shall not be allowed to drain within 10 feet of any canal or body of water. This does not prohibit the connection of an outside shower to the building wastewater drain, provided that such drain is protected to prevent the entrance of stormwater.
- D. Rain gutters, downspouts, and outdoor showers existing at the time of enactment of this section may be used and repaired as a nonconforming structure (§ 145-3) but shall not be expanded, rebuilt, or replaced except in compliance with this section where 50% or more of such structure requires repair (§ 145-17).

Councilman Junkin stated that when this section of the Code was amended in 2009, in order to get the ordinance passed by Council the "grandfather clause" (Section D above) was included in the ordinance.

Councilman Junkin said through education there have been many property owners voluntarily disconnect their pipes draining into the canals even though the pipes could be "grandfathered". Councilman Junkin said that if property owners don't realize it is causing a problem then they don't do anything about it. Councilman Junkin said the Canal Water Quality Committee unanimously agreed that they wanted to eliminate the "grandfather clause" in this section of the Town Code and allow three or four years for property owners to comply. Regarding the cost to comply, Councilman Junkin said stormwater can go into rain barrels and when the rain barrel overflows the stormwater goes out into the yard. Councilman Junkin said outside showers can go into a French drain which is what people that are building new houses have to do.

**Motion:** A motion was made by Councilman Junkin that Council develop code words that eliminate the grandfathering of water being piped into the canals.

After public comment, Mayor Voveris asked for a second on the motion. The motion was not seconded and no vote was taken.

#### **Discussion and Possible Vote on Funding the Rescheduling of the Beach Movie Night**

Communications and Public Relations Committee Chair Kathy Jankowski requested \$100 for additional flyers (including laminating the flyers) for the beach walkways. Mayor Voveris suggested asking for up to \$300 in order to cover the Maintenance Department overtime. Councilman Saxton said he does not have any objection but he wants to make sure the funds are allocated appropriately.

**Motion and Vote:** A motion was made by Councilman Saxton, seconded by Councilwoman Callaway, to approve up to \$300 for the rescheduled movie. 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.

## **COMMITTEE & COMMISSION REPORTS**

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

The CEC met on May 27th. No meetings were scheduled in June or July due to the number of members involved with many other town activities and the focus on the Ocean Drive Art Program and the forthcoming 5th Annual Adopt Contest.

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

- May 19 “hanging artwork” Event – The May 19 hanging of artwork event which included the attendance of 8 artists, Laura Walter from the Coastal Point, CEC members and Public Works staff was very successful. The Coastal Point published an article after the event. An Email News Update about this event and the Town Hall Art Exhibit was sent out on May 29.
- Presentation of new Art Program Logo – Following a marketing suggestion by Kent Stephan, the new Art Program logo was used to create signs that have been placed near the artwork so that the link between the artwork and the SBCEC Art Program could be promoted.
- InstaSignsPlus will be creating a collage of all 16 pieces of artwork with the logo placed in the center. This collage will be imaged onto the same aluminum material and will be placed on the blank backside of the S. 3rd Street Message Board.
- Review and Selection of Submitted Artwork and Photography
  - The CEC recently received one new piece of artwork and is currently in the review process and confirming an appropriate site.

Councilwoman Callaway said she has noticed a few bicycles leaning against the artwork and she asked Chief Crowson to pay attention to that.

### **Update on Town Hall Art Exhibit featuring OCEAN DRIVE ARTISTS AND PHOTOGRAPHERS**

Kent Stephan and Sue Callaway hung artwork submissions from 15 of the 16 artists participating in the Art Program. With assistance from Pam Smith, the Artists’ biographies were collated and prepared for display in the Town Hall. Each piece of artwork is identified by artist, title, size and type, cost and artist contact information. The first audience to view the Art Exhibit was the “Coffee with the Council” held on Saturday, May 30. Several other groups since that time have viewed the work including the SBPOA Bull Roast, Town Council Meetings and Workshops, and the Boat Awards event.

### **Adopt Contest and Thank You Party**

Due to more favorable garden conditions in July and greater numbers of people here during early summer, the group agreed to change the contest dates to July 17 through July 30. Canal/road end pictures have been taken and the online voting forms and on-site forms have been prepared. Contest signs will be hung by Carol Stevenson, Pat Weisgerber, Bobbe Stephan and Diann Nazarian on the 14th. The Annual Adopt Thank You party will be held Saturday, August 1 (6:00 pm to 8:00 pm) at Town Hall due to the growing number of participants. To show our appreciation, the artists participating in the SB Art Program have been invited as well. *Councilwoman Callaway said since the art program began we have had \$2,300 worth of contributions made by the artists in terms of covering some of the services.*

New permanent adopt signs and new contest signs with the newly designed logo have been prepared. Save the Date Emails and Contest Letters and Invitations were sent to all adopters. Lord's Landscaping has generously offered to increase the prize gift certificates: The winner will receive \$200; Second Place \$100; and Third Place \$50.

### **Little Free Library**

On Wednesday, July 8<sup>th</sup>, LFL Volunteers Frank and Pat Weisgerber and Sue Callaway were interviewed by Kimberly Kerr, a reporter from WRDE television station about the success of the South Bethany Little Free Library. The interview appeared on the 6:00 pm and 11:00 pm news and is available on the WRDE website. A link will be provided on the town website.

### **Discussion with Code Enforcement Constable, Joseph Hinks**

At the May 27th meeting, the group discussed the overall status of property maintenance within South Bethany with Code Enforcement Constable Joe Hinks. The following are highlights of that discussion:

- Joe makes daily trips up and down each street in SB.
- Joe assesses property maintenance as well as new construction and remodeling activities occurring in town.
- Joe emphasized that SB is not an HOA and does not have a “neat” code. Thus what sometimes appears to be violations are in fact not code violations just unkempt properties.
- Joe noted that he spends a great deal of time with several troublesome properties whose owners are difficult to reach or frequently not reachable. Contact information for these owners is not always accurate, is outdated or the owners are non-responsive. While sometimes successful, some cases are a time-consuming and tedious process. These several homes that Joe referenced are the worst property maintenance violators. *Councilwoman Callaway said if you see a house that has chipped paint, a broken fence, etc., there is the opportunity to send the Code Enforcement Constable an email or fill out the Property Owner/Councilperson Inquiry form (aka – blue form) that is on the Forms page of the Town's website. This form can be submitted anonymously. This will allow the Code Enforcement Constable to go back and take a look at the property that you are referencing.*
- Joe stated that updated software would be of great help in locating code violators with incorrect contact information. In almost all cases, Joe finds that homeowners are responsive to a phone call or email to them about their particular property maintenance issues. They agree to fix the problem within a certain time period and then Joe will follow-up to see that they have complied.
- CEC agreed to continue to distribute the CEC maintenance flyers even though they may not impact the worst offenders. CEC noted that property maintenance improvements are contagious and may positively influence those homeowners less diligent about property maintenance and improvements.
- The group agreed that overall property maintenance has improved and that in particular, residents are generally replacing worn-out trash bins with new and improved ones.

### **Replacement of Existing Free-Standing Street Lights**

In follow-up to previous discussions, Sue Callaway is finalizing the draft notification letter which will be presented at the July Town Council Workshop.

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

The Budget and Finance Committee met today for the first meeting of FY 2016. At the request of the Mayor, the committee developed a list of items that the committee would like to work on in FY 2016. The committee is also working very hard at revising the policy for the Capital Assets Reserves, and it will be in final draft and ready for the August workshop.

- **Charter and Code Committee** – Mayor Voveris reported:

The Charter and Code Committee has not met since the last Council meeting and there is nothing to report at this time.

- **Canal Water Quality Committee** – Councilman Junkin reported:

**Citizen Monitoring Quality Assurance Workshop May 15, 2015 at U. of D.** This was attended by George Junkin, Dave Wilson and Jack Whitney. George presented the results from the diffuser tests and Dave presented on slight nutrient reductions over the past six years.

**CWQC met on May 28, 2015**

- Accomplishments over the past year were discussed
  - We found out that diffusers did not measurably improve the water quality in our canals so we discontinued running the diffusers. The plan is to remove them from the Petheron Canal and sell them.
  - We were successful in obtaining a grant for Sandpiper Pines to install storm water retrofits that will reduce nutrient and sediment input into the Anchorage Canal.
  - Together with the CIB we installed rain gardens on the east side of Route 1 that will reduce nutrient and sediment input into the South Bethany Canals.
  - We were successful in getting the two year backlog of nutrient samples analyzed by contracting with the University of Maryland. The University of Delaware had been doing the samples for free, however they were understaffed and could not meet our requirements.
  - The Volunteer Water Quality Monitoring Program lead by Dave Wilson has been very successful at documenting the quality of water in the South Bethany Canals.
  - Working with the CIB, 100 oyster cages have been installed in the York Canal for a project that will assess the effectiveness of oysters to clean the water in the canals.
- It was discussed that we should be doing more in the following areas
  - Investigate methods to improve circulation in the canals and improve the treatment of water that comes into Anchorage Canal at the forebay. Jack Whitney volunteered to head up these efforts.
  - The algal bloom this year was bad. Investigate procuring or renting the equipment required to perform the task of the algae harvester for removing algae.
  - Reduce the storm water entering the canals by eliminating “grandfathering” of existing roof storm water drain and outside shower pipes entering the canals from homeowners. This could be phased in over a 3-year period of time to allow for this to happen in an orderly manner, but it would require approval of a new Town ordinance.
  - Develop a formal PR/outreach program to educate homeowners relative to water quality.
  - Develop a plan to assure that the existing rain gardens in South Bethany are maintained at a level that keeps them performing as designed. This would include work such as cleaning out sediment that fills them.

**Delaware’s First Clean Water Rally on June 2, 2015, at Legislative Mall** This was attended by George Junkin, Tony Caputo and Ron Wuslick. We also visited with Senator Gerald Hocker and Representative Ronald Gray to express our support for water quality initiatives.

**Oyster Garden Kickoff Meeting June 4, 2015, at the CIB** This was attended by Tony Caputo and others from South Bethany.

**Inland Bays Foundation (IBF) Meeting June 10, 2015, at the library** This was a very informative meeting. Bob Palmer from DNREC was there and I discussed three issues off line with him:

1. Sediment & Stormwater Regulations concerning our Sandpiper Pines Project
2. Potential Grant sources for our circulation study
3. Potential classification of the Anchorage Forebay as a Small MS4

**Sea Grant Site Review June 17, 2015, at U. of D. Lewes** I attended this review to present and be questioned relative to our water quality activities with Ed Whereat and the Sea Grant people. The result of the review was that they were told that they met the "Standards of Excellence" expected of a state Sea Grant Program.

#### **Grant Activity**

- Sandpiper Pines Stormwater Retrofits (Rain Gardens and Infiltration Trenches)
    - o Kickoff meeting May 8, 2015, with A-Del, EA Engineering, DNREC and the Town.
    - o All homeowners that signed up are still looking forward to it. One new homeowner has been recruited.
    - o Topographic survey and geotechnical investigation is complete
    - o Concept plans were delivered and commented on. The concept plans will be updated this week and then sent to homeowners for their review and acceptance.
  - York Canal Oysters and Floating Wetlands
    - o Kickoff meeting at CIB complete
    - o All original participating homeowners are still onboard with the project. One new one has been added.
    - o 200 bushels of oysters were placed in 100 floating baskets on May 14 & 15.
    - o Eight floating wetlands were planted and placed in the York Canal on June 25.
- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Councilman Junkin reported:

#### **SLR & SS Committee met on May 27, 2015**

- Accomplishments over the past year were discussed
  - o Response to the FEMA requirement to update The Code of South Bethany, Chapter 145, Zoning, Article XIV, "Coastal Floodplain Regulations".
  - o Work to encourage freeboard by ordinance allowing optional two feet of house height if there is two feet or more freeboard.
  - o Completed elevation survey of all South Bethany roads, bulkheads and storm drains.
  - o Received grant from DNREC for Sea Level Rise Adaptation – Multi Criteria Evaluation.
- It was discussed that we should be doing more in the following areas
  - o Education, Outreach and Communication. If the community does not support recommendations, the Council will probably not support them either.
  - o A mandatory freeboard requirement could be written to only apply to new construction. Substantial Improvement and Substantial Repair could be excluded from a freeboard requirement. Meeting BFE requirement could not be excluded. This would not get any credit for CRS, however it could be a step towards increasing freeboard.
  - o The public does not like "mandatory" anything. Committee needs to work on ways to educate and encourage change.
  - o Should we get property owners to sign off that they have been informed about sea level rise, flood surge and freeboard issues, so that if something happens they cannot say that they were not told? After Sandy many people said that they did not know they could flood like they did.
  - o Let experts influence what the committee focuses on. Like the current study we have with Ram Mohan.

- o The consensus of the committee was that we should recommend to Council that the code should be changed to allow homeowners to raise their bulkheads, if they wanted to. There was also a consensus that we should not recommend at this time that rebuilt bulkheads should be required to be raised.
- o The consensus of the committee was that we should not address the issue of steps in the setback at this time.
- Education and outreach topics suggested were:
  - o Educate community to new FIRM
  - o Educate that raising houses is good
  - o Communicate what we learn from the current SLR grant to be performed by Ram Mohan.
  - o Find a person who can speak on flood insurance issues.
  - o Educate homeowners on the costs of raising a house and on the sources of funds to raise a house.
  - o Re-address some of the topics covered in last May's presentations

#### **SLR & SS Committee met on June 29**

- The first order of business was a kick off meeting with Anchor and DNREC for the SLR Grant.
  - o The statement of work (SOW) and all deliverables were discussed in detail so that it was clear where the Anchor responsibilities were and where the Town responsibilities were.
  - o Public outreach is included in the grant SOW
    - The Town plans to have a public meeting in late September or early October. At this meeting the grant objectives and the status of the Anchor work will be presented along with other SLR & SS topics such as
      - ❖ Educate community on current and preliminary FIRM
      - ❖ Educate community that raising houses is good
      - ❖ Educate community relative to flood Insurance issues (reasons rates are going up and ways to decrease rates)
- At the conclusion of the kick off meeting a regular SLR & SS Committee meeting followed.
  - o The committee voted to spend some of the \$3,000 allocated for the grant to hire a surveyor to measure the elevations of ground level transformers and Storm drain grates in the Route 1 median and east side right of way.
  - o George summarized for the committee the presentations that were made at the June 12 FEMA Meeting.
  - o The committee was in agreement that George should go forward with the recommendation to Council that homeowners be allowed to raise their bulkheads. There was concern expressed by Frank Weisgerber that this could cause water runoff onto neighbors' properties. George, Jim Gross and Jack Whitney pointed out that the current code handles the water runoff issue. It states that the homeowner is responsible for grading so that the water runs toward the road where the Town must handle it.
  - o At this time the committee plans to focus on education to increase the CRS rating. Jay Headman was tasked to review the CRS Handbook to see if there was any "low hanging fruit" that the Town could exploit.

#### **Committee members have been working the grant tasks**

- Collect and send to Anchor
  - o Bulkhead Elevations (Done)
  - o Catch Basin Elevations (Done)
  - o Street Centerline Elevations (Done)

- o USACE drawings for the reconstructed dunes and actual measurements of the dune profiles before and after storm events that were made by the USACE. (Done)
- o Web links to tide data for gages at South Bethany, Fenwick Island, Indian River, Lewis and Ocean City. (Done)
- o pdf files that contain the existing FIRM for South Bethany (2005) and the preliminary FIRM which may become effective in the fall of 2016 and a web link to the maps on a FEMA site.
- o Bathymetric data for the canals, both pre and post dredging. Charts have been scanned into pdf format and will be sent to Anchor.
- o Invert elevations of the catch basins and Stormwater outfall invert elevations and locations. This is currently being worked by teams of three members working 3 hours on 7/7, 7/8, and 7/10.
- o Location and elevation information of ground-mounted electrical transformers and storm water catch basin grates in the Route 1 median and eastside right of way. The plan is to hire a contractor for this task. *Councilman Junkin said that when they were looking at the transformers he was pleased to see that Delmarva Power is raising them – they have some on pedestals now that used to be on the ground.*

Councilwoman Callaway said it would be interesting to know of the new houses being built how many are opting for the additional height and freeboard. Councilman Junkin said the Code Enforcement Constable would know.

- **Planning Commission** – Councilwoman Stevenson reported:

The Planning Commission held a meeting and public hearing on June 15, 2015. New member George Reese was sworn in at that time. The other new member, Joseph Petito, was unable to attend and will be sworn in at the next meeting.

Application to combine lots 76 and 77 on Peterson Drive was conditionally approved. The owners will be constructing an addition to the present house. There were 2 setback issues that will be addressed during the construction to put the new home in compliance.

A member of the Planning Commission requested that the Town Council review the code requirements for the number, size, height, and style of boat lifts on our canals. The concerns include the visual impact of large boat lifts and the impact of jet-ski and jet boat lifts and docks. New technology in boats and lifts has developed since the code was initially written.

The Planning Commission also discussed the 10 year update to the Comprehensive Plan. Sections of the CP were assigned to each member for review. The Comprehensive Plan Community Survey distribution and electronic tabulation was also discussed. The Commission has asked for the input of the Communications and Public Relations Committee to develop the best possible electronic survey method.

The next meeting of the Planning Commission will be held on August 7 at 10:00.

- **Assawoman Canal Trail** – Councilwoman Stevenson reported

Pictures of the Assawoman Canal Trail were available on the back table.

The Assawoman Canal Trail is nearing completion along the Assawoman Canal just north of Route 26. Restrooms have been installed as well as informational bulletin boards just off the parking area. These facilities are located just off Town Road in Ocean View. There will be a dedication of that part of the Trail at a date to be determined in July or August. This project will most certainly be an asset to our community, especially where it extends along our town. Development of the Assawoman Canal Trail toward South Bethany is to be the next part of the project.

- **Communications and Public Relations Committee** – Chair Kathy Jankowski reported:

Yoga—On Wednesday, July 1, nearly 80 people participated in yoga on the beach. The showing on July 8 was just as impressive. Yoga will continue throughout the month of July at S. 3rd Street; however, the yoga instructor is considering extending the offering into August. A news update is published each Tuesday as a reminder.

Pedestrian Safety—Although, Chief Troy Crowson and his staff have been conducting pedestrian safety awareness events since the beginning of summer, on Friday, July 3, the South Bethany Police Department and the Delaware Office of Highway Safety co-sponsored the state of Delaware's first official pedestrian safety event. The Police Department's unveiling of their new South Bethany tent and the "crab" pedestrian safety mascot drew a lot of attention. A news update with pictures will be published next week.

4th of July Parade Float—On July 4, the South Bethany float won two awards in the Bethany Beach July 4th Parade—Best in Parade and Most Patriotic. A news update was published on Wednesday, July 8. I want to thank the following committee members on a job well done: Peter Bogetti ("Ben Franklin" and sound system engineer), Corporal Mark Burton (Police escort), Sue Callaway ("Rosie the Riveter", designer/decorator and candy provider), Don Chrobot (Chief Engineer, Director and Float Driver), Lori Cicero (Decorating consultant), Donna Farrow (Flower maker), Gene Hendrix ("Abe Lincoln"), Kathy Jankowski (Coordinator, designer/decorator, and South Bethany song provider), George Junkin ("Uncle Sam" and bell provider/decorator), Linda Lewis (Flower maker), Anne Long ("Statue of Liberty"), Beryl Long (Flower and Fringe Team Leader), Linda Raiford (Flower maker), Sandy Raymond (Flower maker), Barbara Sears (Flower and fringe maker), Bobbe Stephan (Flower and fringe maker and decorator), Kent Stephan (5 Freedoms Engineer/Designer and Builder and decorator), Carol Stevenson ("Betsy Ross" and decorator), Todd Stevenson (Chief Engineer, Chief Designer and Builder of Cannon, World War II Tower, and "Freedom Ring"), Eric Tsavdar (song writer, singer, musician), Pat Weisgerber (Molly Pitcher and decorator/music provider), Frank Weisgerber (Builder and decorator), and Courtney and Rob Youngs (Decorators).

Beach Movie—On the evening of July 4, we had permission from home owners on both sides of the walkway at S. 3rd Street to use their electricity, Don had the lights all strung, Barton's had the screen and equipment all set up, the police were in attendance, Linda Raiford and Joanne Flanders were giving out our dolphin necklaces, AND THEN IT RAINED. For safety reasons, we decided to cancel the movie. We have rescheduled for Saturday, July 25, at no additional cost. A news update will be sent with the new information.

South Bethany Boat Parade—Twenty-two boats were registered for the 2nd annual boat parade. At 5 pm the canals were lined with residents and visitors to South Bethany. The following boats were given certificates: "Most Creative"—Mike and Debbie Steverson from Carlisle Road with "Christmas in July"; "Most Patriotic"—the Joe Petito Family from South Anchorage with "Washington Crossing the Delaware"; and "Funniest"—Dennis and Sandi Roberts from Canal Drive with "Pot of Gold". "Best in Show"—Peter Bogetti and Linda Lewis from Tern Drive with "Under the Sea" was awarded a custom flag made by Ginny Meade of South Anchorage. The award ceremony was held at 7:30 that night at the Town Hall. Laura Walter from the Coastal Point requested pictures since her photographer's vehicle broke down, and he was unable to get to the parade. A South Bethany news update with pictures will be published next week.

Bicycle Safety—On Wednesday, July 8, Chief Crowson and Corporal Burton of the South Bethany Police Department, in coordination with DELDOT, the Sussex Cyclists Group, and the Delaware State Police hosted our bicycle checkpoint. Chief Crowson has more details to share.

All of our events were very well attended and I have received many encouraging words and thanks from both property owners, visitors, and renters. Thank you to all the volunteers who made these events possible. This was a major undertaking of events in a short time period.

Renters' Survey—Kent Stephan and I have provided two realtors, ResortQuest and Sandcastle, with surveys to be distributed to their renters via Survey Monkey. Results will be reported at the September meeting.

South Bethany Song—Eric Tsavdar, music director at Selbyville Middle School, wrote and produced a song for South Bethany. This song was played on the float in the 4th of July parade. It is available on our website on the video of the Bethany Beach parade.

Mary and Frank McNeice have volunteered to be captains for South Bethany for the DNREC Coastal Cleanup that is held in September.

Chair Jankowski said she received a request from the Planning Commission to do an evaluation of the Google survey tool. Chair Jankowski said there is no one on the Communications and Public Relations Committee who is interested or has the expertise or the time to do that. Kent Stephan noted that he and Chair Jankowski are paying for the version of Survey Monkey that they are using for the renters' survey out of their pocket.

Council Comment: Councilman Saxton asked Chair Jankowski if she has the list of questions for the Renters' Survey that are in Survey Monkey. Ms. Jankowski said she can send the link to the survey to Councilman Saxton.

#### **PUBLIC COMMENT**

There were no comments from the public at this time.

#### **ADJOURNMENT**

A motion was made by Councilman Saxton, seconded by Councilwoman Callaway, to adjourn the July 10, 2015, Town Council Regular Meeting at 9:30 p.m. 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.