

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES JULY 14, 2017

MEETING CALLED TO ORDER

Mayor Voveris called the July 14, 2017, Town Council Regular Meeting to order at 2:00 p.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Councilmembers Don Boteler, Sue Callaway, Tim Saxton, Tim Shaw, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Solicitor Barrett Edwards; Town Manager Maureen Hartman; Chief Troy Crowson; Code Enforcement Constable Joe Hinks; and Administrative Assistant Pam Smith

LEADERSHIP REPORTS

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

6/22 Traveled to Dover with Councilman Tim Shaw to attend the evening meeting of the DLLG (Delaware League of Local Governments) to hear an update on the State budget activity. The DLLG lobbyist, Lincoln Wills, prepared an excellent recap of activity at Legislative Hall. His delivery included no negative impact (revenue loss) for our Town.

7/02 Participated in the festive South Bethany Boat Parade by riding in the "Safety Boat" with Chief Crowson, and owners Dan Cowell, Joe Conway and Terry Conway. The Conways kindly supply their boat for this yearly parade activity which is very popular and always well attended.

7/03 Attended the Concert at Town Hall that was initiated by the Communications and Public Relations Committee. The talented band was entertaining and interactive with the audience that easily included 200 attendees. Let's keep this activity on our calendar for fun in the sun!

7/04 Travelled the parade route in the Bethany Beach Parade. Our 1965 Black Cadillac Coupe De Ville included two of our beautiful South Bethany children, Sophia and Collin Damato. South Bethany also made quite a showing with our "award winning" float and Police Department Humvee. Various owners, volunteers from the Communications and Public Relations Committee and the Community Enhancement Committee, and beautiful children from our community proudly and artistically were part of a "sweet" display that was enjoyed by the tremendous crowd out to support the parade. Hats off to Don Chrobot and Maintenance for once again supporting this volunteer effort and guiding our float to rightful recognition.

7/13 Will attend the Ambulance Group morning meeting at Sea Colony for budget review. Will also attend the ACT (Association of Coastal Towns) afternoon meeting in Lewes where Todd Lawson from County Council will speak about progress on the Comprehensive Plan.

7/21 Councilman Shaw and I will meet with Chris Bason from CIB (Center for the Inland Bays) to hear about his ideas for improving waterway management.

Thank you.

- **Town Manager's Report**—Submitted by Maureen Hartman:
 - Attended the DeLea Founders Insurance Trust (DFIT) meeting on June 7. Dividends will be released this year. South Bethany is proposed to receive \$18,649.21.
 - Attended a Sussex County Association of Towns (SCAT) meeting with Councilman Shaw on June 9. Several discussions ensued regarding legislation currently before the House.
 - On June 13, Councilman Weisgerber assisted me with a site visit on Tern. The resident had numerous concerns about algae in the canals. Councilman Weisgerber addressed his concerns and questions.
 - Attended a Budget and Finance meeting on June 19th.
 - Continue to post items of interest on the Town's Facebook Page. Staff added a link to the Town's website and we will put something in our next newsletter as well. We continue to receive positive feedback on the page and have utilized it extensively for Town events.
 - Working with Code Enforcement Constable Hinks on the CRS program. The 5-year cycle verification will be due in 2018 and Amanda Gowans from CRS will be meeting with us on December 13 to go over the process.
 - Met with Ron Scherlag from Republic Services regarding the issues that the Town has been experiencing with recycle pick up. Mr. Scherlag is recommending that we add another recycle day next year. If the Council considers this, there would have to be an amendment to the contract (and additional money to consider).
 - Met with Bill Pfaff, Director of Sussex Co Economic Development, on June 21. Mr. Pfaff discussed the services provided and offered to be a resource for the Town if/when needed.
 - Met with representatives from Verizon on June 22 to discuss the placement of Distributed Antenna System (DAS) towers in South Bethany. The state of Delaware will be signing legislation in July allowing the placement of the towers. Delmarva Power is partnering with Verizon by allowing them to place the antennas on their existing poles. This project is planned for 2018.
 - Algae harvesting was conducted week of June 26. On June 30th, Scott Figurski from DNREC contacted me to advise that both pieces of equipment broke down and they will return to Town once both are repaired. The Town sent a letter of thanks to Mr. Richard Mais for allowing DNREC to set up their staging area on his property.

- **Treasurer's Report**—Submitted by Councilmember Boteler:

7/11/2017

Town of South Bethany
Monthly Treasurer's Report - As of Jun 30, 2017
 by Don Boteler, Treasurer



Fiscal 2018 Year-to-Date (6/1/17 – 6/30/17) Revenues and Expenditures

	<u>Adopted Budget</u>	<u>Amended</u>	<u>Total Budget</u>	<u>Actual</u>	<u>%</u>
Total Operating Revenue	\$2,278,867	\$0	\$2,278,867	\$1,006,005	44%
Total Operating Expenditures	\$2,278,867	\$0	\$2,278,867	\$400,189	18%
Revenue less Expenditures	\$0	\$0	\$0	\$609,271	
Revenue from Grants/Donations	\$136,421	\$0	\$136,421	\$17,084	13%
Expenditures from Grants/Donations	\$136,421	\$0	\$136,421	\$30,019	22%
Revenue less Expenditures	\$0	\$0	\$0	(\$12,935)	
Capital/Reserve Revenue (from Fund Balance)	\$555,802	\$0	\$555,802	\$0	0%
Capital/Reserve Expenditures	\$555,802	\$0	\$555,802	\$36,078	6%
Revenue less Expenditures	\$0	\$0	\$0	(\$36,078)	
Total Revenue - All Funds	\$2,971,090	\$0	\$2,971,090	\$1,023,089	34%
Total Expenditures - All Funds	\$2,971,090	\$0	\$2,971,090	\$466,286	16%
Revenue less Expenditures	\$ -	\$0	\$0	\$556,802	

Fiscal 2018 (6/1/17 – 6/30/17) Summary of Year-to-Date Departmental Budget to Actual

	<u>Budget</u>	<u>Amended</u>	<u>Total Budget</u>	<u>Actual</u>	<u>%</u>
<u>Revenues:</u>					
Property Taxes	\$511,206		\$511,206	\$454,869	89%
Realty Transfer Taxes	\$355,000		\$355,000	\$51,960	15%
Gross Rental Taxes	\$540,000		\$540,000	\$6,057	1%
Grants	\$136,421		\$136,421	\$17,084	13%
All other revenue	\$872,661		\$872,661	\$493,120	57%
Appropriated Fund Balance	\$555,802	\$0	\$555,802	\$0	0%
Total Revenue	\$2,971,090	\$0	\$2,971,090	\$1,023,089	34%
	\$0				
<u>Expenditures:</u>					
General & Administrative Department	\$648,721		\$648,721	\$115,716	18%
Public Works Department	\$260,628		\$260,628	\$41,111	16%
Trash	\$317,865		\$317,865	\$52,983	17%
Public Safety Department	\$704,489		\$704,489	\$114,970	16%
Ambulance	\$74,306		\$74,306	\$0	0%
Beach Patrol Department	\$251,422		\$251,422	\$71,377	28%
Town Committee	\$29,495		\$29,495	\$4,031	14%
Grants	\$136,421		\$136,421	\$30,019	22%
Other (Capital)	\$547,743	\$0	\$547,743	\$36,078	7%
Total All Expenses	\$2,971,090	\$0	\$2,971,090	\$466,286	16%

Highlights on Revenue

Revenues are tracking to budget

Highlights on Expenditures

Expenditures are tracking to budget

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

Residents Beware: Driveway Scam

The South Bethany Police Department would like to make residents aware of a recent scam in South Bethany and several surrounding coastal areas. Subjects have gone door to door offering services to do asphalt paving to resident's driveways. These subjects are then asking for payment before services are provided and not returning to do the work. The South Bethany Police Department encourages residents not to hire contractors that have approached them by going "door to door", but to seek out known legitimate companies for any work. These incidents are currently under investigation. Anyone with information regarding these incidents is urged to contact the police department at 302-539-3996.

Departmental Training

Cpl. Jenney attended the FBI-LEEDA Command Leadership Institute class, hosted by the Dover Police Department from June 19 through June 23rd. This class is a dynamic, intense and challenging 4 ½ day program specifically and uniquely designed to prepare law enforcement leaders for command level positions. The Command Leadership Institute's focus is to provide real life contemporary, best-practice strategies and techniques for those aspiring to command level assignments. Students engage in topics such as credibility, command discipline and liability, dealing with problem employees, and leading change within an organization.

Office of Highway Safety

Cpl. Burton, Cpl. Jenney, and Ptlm. Loulou participated in the Impaired Driving Mobilization hosted by the Office of Highway Safety. Extra officers patrolled the highway for DUI's between June 5th and June 25th. The goal of OHS is to decrease alcohol impaired driving fatalities 10% from the 2010-2014 calendar year average by December 31st, 2017.

June Bugs

The Town of South Bethany has been fortunate to make it through another year without any major June Bug incidents, thanks to the diligence and consistency of our officers! The number of noise complaints from parties this year were minimal, all of which were handled swiftly and without reoccurrence.

Barricade

Reminder: the barricade at Black Gum and Kent Avenue has been back in effect since May 15th. It will be in place from 10 am to 1 pm throughout the summer, until September 15th. Entry through Black Gum is NOT PERMITTED between these hours. This includes South Bethany Residents, contractors, etc. Please do not attempt to enter the community during those hours, if necessary, access is available using Coastal Highway.

- **Beach Patrol Report**—Submitted by Capt. Ryan Dacey:

6/7/17-7/11/17

Rescues – 5 rescues due to rip currents

Lost Children – Bethany Beach Patrol lost 4-year-old boy, found at south end of South Bethany

Medical Emergencies – 8-year-old dove in, hit head first, sent to Beebe for X-rays

Competitions: Middlesex All Women's Event – South Bethany placed 4th overall
Sea Colony Competition – South Bethany placed 3rd overall

The Junior Lifeguard Program has begun with a lot of good kids returning.

COMMITTEE REPORTS

- **Budget and Finance Committee** – Submitted by Councilmember Boteler:

The Budget and Finance Committee met on Monday, June 19, 2017. All property owner members of the committee – Steve Farrow, Chris Keefe, Joe Mormando and Don Boteler – were in attendance along with Town Manager Maureen Hartman and Finance Director Renee McDorman.

The committee meeting began with a review of FY 2017 budget vs. actual. The committee then reviewed a draft high level presentation of FY 2017 results, including the year-end balances of the various reserve accounts, to be made at the June 22 Town Council workshop. The committee agreed to a number of revisions to the presentation, which was then finalized and made available on the town's website prior to the workshop. Committee members asked questions and sought clarifications on year-end results and reserve account balances and were satisfied with responses and explanations provided by Ms. McDorman and Ms. Harman. The committee determined to consolidate the special project reserve into the unassigned reserve account to simplify the presentation of reserves and in recognition of the Town Council's prior rejection of the bids on the police building expansion.

The committee reviewed the format of the monthly treasurer's report and determined that no changes are needed at this time.

- **Canal Water Quality Committee** – Submitted by Councilmember Weisgerber:

Dave Wilson team lead for the water testing group generated a report that can be viewed in its entirety on the Town website in the CWQC section. An interesting segment reports sampling taken in the spring of 2017 compared with the measurements taken over the same period in 2014-2016 showed:

- Measurements of low DO and Algae >10ft increased in spring of 2017 relative to same period in 2014-2016
- Low DO measurements started in April probably due to higher air temperatures

Oyster Informational Signs have been posted at street ends along South Anchorage canal where York oysters have been deployed.

Information gotten from John Schneider (DNREC Watershed Steward), Robin Tyler (DNREC Ecologists/Environmental Scientist), Jonathan Cohen (Professor Marine Biosciences U of D), Larry Trout (DNREC), Chuck Williams(DNREC), Quay Dortch, Ph.D. (NOAA), Andrew McGowan (CIB):

- South Bethany canal issues arise because the muck/sediment on bottom is put into the water column (storms, boat engines and such) which releases phosphates and provide nutrients to fuel Algae blooms.
- Furthermore, as Algae blooms die they sink and decomposed by sulfate reducing bacteria which produces hydrogen sulfide that mixes into top layer of water and kills fish
- All recommend a Core sampling be done to determine canal sediment composition and depth to sand
- Belief is that suction dredging will need to be deeper that 6 inches possibly 1-2 feet due to 50 years of decomposition accumulation
- Currently there is no answer to halt proliferation of Algae blooms other than removal of sediment that supports the environment that they need to exist

- Expectations should be set to minimize possibly eliminate Algae blooms to the point where spring filamentous algae blooms could be reduced to the point that the harvester no longer comes to people's minds
- We will meet with John Schneider, Robin Tyler, Chuck Williams, Larry Trout after Core sampling results are back to discuss best path forward to address sediment removal
- All agreed that once SB canals are back to base that we need to address prevention
- All agreed our Oyster and Floating wetlands deployments are a step in the right direction

Sea Colony Wetpond is on schedule to be started in Fall 2018 since DeIDOT will not do disruptive road work in that area till summer activity is over.

George Junkin and Frank Weisgerber met with Duffield Associates who did SB canal dredging in 2007 on Thursday June 29th 10am at Town Hall. Discussions centered on questions and concerns we have involving the 'suction dredging' of our canals that has been learnt from our research and SME responses.

Sediment Core sampling (John Schneider(DNREC) has recommendation) to determine true depth to the sand base of canals cost estimates are being researched.

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

The Charter and Code Committee has not held a meeting since the last Regular Council Meeting in June 2017 therefore the Committee has nothing to report at the July 2017 Regular Council Meeting.

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

The Communications and Public Relations Committee met on June 13, 2017 at 1 pm in the Town Hall. All members, Ann Boteler, Margaret Oliver, Lisa Saxton, Linda Whitney, and Chairman Carol Stevenson were present. A review of the budget for the current year was discussed as complaints had been made to the chairman that the Town Council is spending excessively for "fun" and has no money to maintain town roads or purchase Mobi Mats. It was explained that spending on public relations is a very small part of the budget and that there is actually money in the budget for road repairs and Mobi Mats. The committee agreed that there is value in creating opportunities for citizens to become involved in such activities and in providing a positive message about our community.

Work on the Photo Exhibit was reviewed and all agreed it was a successful project for both CEC and C and PR Committees. A Review of the Realtor Outreach concluded that it is important to maintain a good relationship with realtors which helps keep track of potential problems with rental units and helps to ascertain that rental tax is being collected of all rental properties.

Upcoming movies include "The Secret Life of Pets" on July 13th and "Moana on August 3rd. Both will be staffed by the volunteers of the committee who will hand out treats and popcorn at the events.

The week of July 4th was a special one here in South Bethany. There were fun things to see and do all over town. Check out the pictures of our great activities on the South Bethany Town Hall Facebook page and on the Email updates. The week started off with the best Boat Parade ever! Thanks to Kathy Jankowski and Kent Stephan we had 21 boats sailing the canals. On Sunday, July 2nd, Joe and Terry Conway patrolled the area with their safety boat staffed by EMS Dr. Dan Cowell, Police Chief Troy Crowson, and the Mayor Pat Voveris. The weather was perfect and the boats were spectacular! Our local boaters became Gilligan's Islanders, Alice in Wonderland, Beauty Pageant Winners, Duck Dynasty, South "Bath-any", American Patriots, and more! A special 5 foot long homemade boat by Jeff Schmidt "Dancing with the Waves!"

Monday evening entertainment was by the “Over Time Rock Band” at a free outdoor concert at Town Hall. The entire C and PR Committee was on hand to assist attendees. A highlight of the event was playing of the South Bethany Song. Children of all ages listened and danced to the music of this fine local band. The concert had over 300 in attendance. It is hoped that this new tradition will continue! Next year could be even better! Rock On!

The South Bethany tradition of excellence continued on July 4th with another first place winning entry in the Bethany Beach Independence Day Parade! The Mayor with town children Sophia and Collin Damato lead our contingent in a 1965 Cadillac Coupe de Ville driven by Mark Hill. The theme of our float was “Celebrate the Sweet Life in South Bethany!” Maintenance Chief Don Chrobot and wife Debbie drove the town vehicle accompanied by grandson James Mason and Councilwoman Carol Stevenson who was the town “LifeSaver” for the event. Local children and grandchildren Leah Chrobot, Sadie Regardie, Lucy, Cammie, and Mikala Fulk helped Councilwoman Sue Callaway and Resident Alicia Blamphin rounded out the happy crew cheering from our beach benches under the shade of a giant gumball machine! It was a candy extravaganza! Willie Wonka Junkin urged all the parade goers to follow our happy band to Sweet South Bethany! Not to be outdone, Chief Crowson in our South Bethany Rescue Vehicle made sure that everyone was eating candy responsibly! Resident John Blamphin became a “dentist” with a giant toothbrush riding on top of the Rescue Vehicle! Walking the entire parade route and passing out candy and toothbrushes were Stephanie Bunoski, Rob Ward, Jen Regardie, Mike and Karen Tine, and Eddie Oliver. Float creators and designers were Garnet Timbario, Pat and Frank Weisgerber, Carol and Todd Stevenson, Don Chrobot, Jon Stiffler, and Kent and Bobbe Stephan.

Healthy Initiatives continue with Boot Camp on Tuesday and Saturday mornings from 7:30 to 8:30am. Class sizes vary but average attendance has been increasing to over 25 attendees as the classes continue. Instructors for Boot Camp are our own South Bethany residents Mel and Kim Royster. Yoga also has had large numbers of folks attending with a record July 4th class of 97 students! Yoga instructors will add a Wednesday evening class to the mix as well as a class on Labor Day. The instructors are Deborah Finger and Meghan Hanebutt.

Volunteer participation makes all these great events possible. Consider signing up next year! We have traditions to uphold, some old and some new here at the Sweetest Little Beach in Delaware! The C and PR Committee meets next on August 1st at 1 pm.

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

The CEC will not meet during July as members are busy working on the annual Adopt Beauty Contest and volunteering for other town-sponsored summer activities.

Public Works Update

CEC Chair Sue Callaway met with Public Works to conduct a comprehensive review of landscaping in South Bethany. After the meeting and an on-site review of all specific landscaped areas, a list of tasks was developed for current and future enhancements.

Thanks to Public Works for installing over 200 American flags along the Route 1 pedestrian pathway for the July 4th week as part of a CEC initiative started last year. An additional thanks for all the effort put forth by Public Works on the July 4th float! It’s a great team effort!

Adopt-A-Canal End Program

The 7th Annual Adopt Contest is underway and includes 34 canal/road ends. The contest runs from Friday, June 30th until Thursday, July 20th. Thanks to South Bethany resident photographer Michael McGowan for taking all the canal end contest photos. Thanks to Pat Weisgerber for joining Sue Callaway to install all the contest signs June 29th. Email News Updates were prepared and are being

sent out weekly to announce the annual contest and encourage participation in the contest. Thanks to Maureen Hartman for posting on Facebook; thanks to Pam Smith for coordinating the online voting with Beach-Net; and thanks to Janet Powell for organizing the online vote submissions. Votes will be tabulated shortly after the contest and winners will be announced via email.

2017 Photography Exhibit

ART IN THE HALL - the 2017 South Bethany Photography Exhibit ended on June 23rd. Participants have been very positive in their remarks to the CEC regarding the Exhibit. CEC will discuss and evaluate the Exhibit at its next meeting and will also solicit feedback from photographers via email regarding their interest in hosting a 2018 Exhibit and any suggested ideas for enhancement.

ADOPTION OF MINUTES – TOWN COUNCIL WORKSHOP MEETING MINUTES, JUNE 22, 2017

– A motion was made by Councilmember Boteler, seconded by Councilmember Saxton, to accept the June 22, 2017, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

UPDATE TO COUNCIL – WHAT THE CANAL WATER QUALITY COMMITTEE PLANS TO BRING FORWARD IN THE NEAR FUTURE ON CANAL/ALGAE BLOOM CLEANUP (FRANK WEISGERBER)

Councilman Weisgerber projected the following map from 2007 when the Town did the last dredging. The blue areas are the areas that get overwhelmed with algae blooms.



Councilmember Weisgerber made the following points:

- SB Canal system has a design issue
 - o Over 5 miles of canals
 - o 30 canal ends

- Canal ends have no water circulation
- SB canal depth dictated by DNREC/Army Corps of Engineers
- SB canal ends due to buildup sediment have depth issues
- Canal ends lack of water circulation and depth issues has created an environment conducive to Algae blooms and low Dissolved Oxygen
- Storm water Pollution from streets (Southern part of Bethany, Sea Colony, Middlesex and South Bethany) drain/funnel into SB canals
- SB still has properties that drain gutters and outside shower water into canals
- 2007 SB canal dredging was directed towards creating boat navigation depth
- 2007 Dredging Plan shows focus on the 30 canal ends and Anchorage which is now where algae bloom issues have proliferated.
- Anchorage canal has seen improvement due to recent Forebay cleanup and Route 1 and Sandpiper/Anchorage rain garden efforts to reduce direct storm water entry into canals via raised and curbed street runoff grills and low-lying native plantings generally 4"-8" deep to allow water to slowly percolate into soil
- Indications are that 2007 auger dredging unknowingly stimulated over 40 years of pollutants into canal water columns which help proliferate the algae blooms
- There are no known methods to treat algae blooms once present other than to remove bottom sediment which houses the phosphates and nutrients that fuel algae blooms
- Algae blooms die, sink and decompose reducing bacteria produces hydrogen sulfide that mixes into top layer of water
- Information gotten from consulting with John Schneider (DNREC Watershed Steward), Robin Tyler (DNREC Ecologists/Environmental Scientist), Jonathan Cohen (Professor Marine Biosciences University of Delaware), Larry Trout (DNREC), Chuck Williams (DNREC), Quay Dortch, Ph.D. (NOAA), Andrew McGowan (CIB) who all recommend Sediment core sampling be done to determine canal sediment composition and depth to canal sand base
- Currently there is no answer to halt proliferation of Algae blooms other than removal of sediment that supports the environment that they need to exist
- Expectations should be set to minimize possibly eliminate Algae blooms to the point where spring filamentous algae blooms could be reduced to the point that the harvester no longer comes to people's minds
- Research has shown suction dredging will need to be done deeper than 6 inches possibly 1-2 feet due to 50 years of decomposition accumulation
- CWQC still needs to determine how much of SB 5 miles of canals needs to be dredged and to what depth
- CWQC plan three phase approach 1) return canals to base, 2) step up prevention, 3) improve water quality so it'll be another 50 years maybe longer again before any action will be needed

Councilmember Weisgerber took questions and comments from Council and the public.

Councilmember Shaw added that at a previous meeting Senator Hocker spoke about the possibility of a bond issue by the Town of South Bethany to move forward with a dredging project in South Bethany.

UPDATE ON THE REPURPOSING OF THE POLICE DEPARTMENT BUILDING (CHIEF CROWSON)

The estimate for the additional card readers and camera relocation is due July 17. Chief Crowson anticipates the estimate being from \$5,000 to \$7,000. The Police Department applied for a Criminal Justice Council Grant for \$6,000 for the evidence storage upgrades and a detention bench. The grant has been approved. Next week Chief Crowson will look to hire a contractor for the placement of an exhaust fan for the new evidence room. Mayor Voveris asked if things could be in place by the next Council meeting. Chief Crowson said potentially.

DISCUSSION AND POSSIBLE VOTE TO DIRECT THE CHARTER AND CODE COMMITTEE TO WORK ON AN ORDINANCE REGARDING THE USE OF SOLID WALLS TO ENCLOSE GROUND FLOOR SPACE (DON BOTELER)

Councilmembers Boteler and Saxton submitted the following proposal to Council as part of the Council meeting packet. Councilmember Boteler reviewed the proposal.

Proposal to Allow Enclosure of Ground Floor Space in South Bethany

Problem:

Currently, ground floors in South Bethany homes are generally not permitted to be enclosed with solid walls. The building and zoning codes effectively allow for no more than the use of skirting – typically 1 by 6 exterior boards applied either horizontally or vertically with spaces between the boards. Wind and rain carry dampness and dirt between the slats and into the ground floor, covering stored items. Floors, beach chairs, coolers, tools and other possessions need to be cleaned regularly. In addition, non-enclosed ground floor spaces are less secure than enclosed spaces.

Solution:

Amend the language in the definitions of LAR and/or FAR (or other provisions of the town's building and/or zoning code(s) to remove the prohibition on the use of solid walls to enclose ground floor space. This change would allow for clean storage space protected from wind and rain, a more secure space, and arguably a more valuable property.

Discussion:

FEMA limits how a ground floor space may be used to (1) building entry, (2) parking, and (3) storage. The purpose of these limitations is to prevent FEMA's exposure to flood insurance losses related to high value possessions ordinarily found in living spaces. Presumably, the current building and zoning code provisions limiting exterior walls to no more than skirting are intended to help ensure compliance with the FEMA requirements. Importantly, FEMA itself does not prohibit the use of solid walls in certain ground floor spaces.

We believe that a simple agreement ("non-conversation agreement") signed by the property owner undertaking never to convert the ground floor space to living space (unless and until the restrictions are lifted) would be sufficient to ensure compliance with FEMA requirements. Moreover, the agreement could contain an additional undertaking to install the required flood gates required by FEMA for solid walls.

Requested Action:

We respectfully request that the Town Council direct the Charter and Code Committee to work with the town's code constable on a project to achieve the solution discussed above.

Motion and Vote: A motion was made by Councilmember Boteler, seconded by Councilmember Saxton, that Council direct the Charter and Code Committee to do this project. The motion was unanimously carried.

PROPERTY OWNERS' PARTICIPATION

- Dick Oliver (410 Victoria Rd.) – As Chair of the Planning Commission, announced formally that the Town's 2016 Comprehensive Plan has been approved.
- Pat Fox (400 Rebecca Rd.) – Ms. Fox read a letter from Albert C. Hillegas, a retired Police Captain who resides in South Bethany at 400 Rebecca Rd. The letter was in support of the South Bethany Police Department and in opposition to any outsourcing of the Town's Police Department. Ms. Fox also spoke in support of the South Bethany Police Department.
- Jack Wise (146 Evergreen Rd.) – Requested that a copy of the Leadership and Committee Reports be sent out in a News Update. Mayor Voveris explained the process for accessing the reports on the Town's website through the link in the News Update.

- Frank Minni (411/413 Kimberly Rd.) – Spoke in support of the South Bethany Police Department.
- Carol Kerns (106 Petherton Dr.) – Spoke in support of the South Bethany Police Department.
- Ed Nazarian (20 Peterson Dr.) – Stated that the new stop line at Evergreen Rd. and Peterson Dr. was painted back further than the previous stop line which was at the corner. Now when you look to the right the view is blocked by a tree. Chief Crowson said he and the Maintenance Department will look at that corner. Possibly the tree needs to be trimmed.
- Allan Hossick (8 S. 3rd St.) – Asked for clarification on a news story he heard regarding the Police Department being sued. Mr. Hossick added that he has also heard some rumblings that it is not the Police Department. The Town Solicitor stated that there is no law suit pending right now.
- Greg Flynn (10 S. Anchorage Ave.) – Asked what the Agenda Item for the Executive Session to hold a strategy session with respect to potential litigation involving the South Bethany Police Department was. The Town Solicitor clarified that the Executive Session was for “potential” litigation. The Town Solicitor stated that at this time the Town is not going to comment on potential litigation. Mr. Flynn spoke in support of the South Bethany Police Department.
- Jim Griesi (137 Layton Dr.) – Spoke in support of the South Bethany Police Department. Mr. Griesi also expressed disappointment that the Town Council did not vote to add South Bethany to the Mayors’ Statement in Response to President Trump’s Withdrawal from the Paris Climate Agreement at the June 22, 2017, Town Council Workshop Meeting.
- Tom Reinke (5 S. 3rd St.) – Asked what firm the Town Solicitor is from. Mr. Edwards stated that he is with Hudson, Jones, Jaywork & Fisher out of Dover.
- Jenifer Narcise (103 Kent Pl./149 Henlopen Dr.) – Asked what is the expertise of the law firm named in Agenda Item XIII – Archer and Greiner, P.C. Mr. Edwards said Archer and Greiner, P.C. is a larger law firm with many specialties but in particular the attorney will be a specialist in employment matters. Ms. Narcise asked if the situation is regarding employment matters. Mr. Edwards said yes.
- Pat Fox (400 Rebecca Rd.) – Stated that there is no street sign for Evergreen Rd. when traveling on Route 1 from the south. Ms. Fox said the sign has been broken for several months. Sgt. Davis stated that the sign was taken out in an accident. Sgt. Davis does not believe the sign was in South Bethany – it was in an area where it is half South Bethany and half Middlesex. Sgt. Davis said there were a couple of signs there and everything on the right-hand corner was run over. Mayor Voveris and the Town Manager will follow up.
- Allan Hossick (8 S. 3rd St.) – Stated that after playing golf at Bear Trap last weekend it took him 45 minutes to get to his home in South Bethany. Mr. Hossick said he heard that the Sea Colony road was closed and he heard that traffic was prohibited from entering Cat Hill. Mayor Voveris said the Town studied the Cat Hill issue and everything is on the Town’s website. Mayor Voveris stated that the Town installed a barricade restriction from May 15 to September 15 from 10 a.m. to 1 p.m. to help mitigate the volume that is going through Cat Hill from Kent Ave. to Route 1. Sea Colony just recently put their barricade in place. Mr. Hossick stated that Sea Colony is private but Cat Hill is public. Mr. Hossick asked why that is fair. Mayor Voveris stated that the Town tried to mitigate a volume situation, studied the problem for two years, the Traffic Committee and DelDOT recommended the barricade, and the Council voted to implement it.

MOTION TO GO INTO EXECUTIVE SESSION TO HOLD A STRATEGY SESSION WITH RESPECT TO POTENTIAL LITIGATION INVOLVING THE SOUTH BETHANY POLICE DEPARTMENT. 29 DEL C. § 10004(B)(4) & (9)

Motion and Vote: A motion was made by Councilmember Saxton, seconded by Councilmember Shaw, to go into Executive Session to hold a strategy session with respect to potential litigation involving the South Bethany Police Department. The motion was unanimously carried.

EXECUTIVE SESSION TO HOLD A STRATEGY SESSION WITH RESPECT TO POTENTIAL LITIGATION INVOLVING THE SOUTH BETHANY POLICE DEPARTMENT. 29 DEL C. § 10004(B)(4) & (9)

Council went into Executive Session at 3:25 p.m. to hold a strategy session with respect to potential litigation involving the South Bethany Police Department.

MOTION TO RECONVENE THE TOWN COUNCIL REGULAR MEETING

Motion and Vote: At 4:15 p.m. a motion was made by Councilmember Shaw, seconded by Councilmember Saxton to reconvene the Town Council Regular Meeting. The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE ON MATTER DISCUSSED IN EXECUTIVE SESSION

Mayor Voveris stated that there will be no action taken on this agenda item.

DISCUSSION AND POSSIBLE ACTION TO RETAIN THE LAW FIRM ARCHER AND GREINER, P.C. TO REPRESENT THE TOWN IN EMPLOYMENT LAW MATTERS

Motion: A motion was made by Councilmember Shaw, seconded by Councilmember Saxton, to retain the law firm Archer and Greiner, P.C. to represent the Town in employment law matters.

Public Comment:

In response to questions from the public as to why the Town is considering hiring Archer and Greiner, P.C., the Town Solicitor stated that the police officers have retained an attorney with respect to various employment matters and the police officers' attorney has sent a demand letter to the Town. The Town Solicitor stated that the motion on the table is for the Town to retain Archer and Greiner, P.C. as an employment specialist to evaluate the claims in the demand letter and respond to them.

In response to questions from the public regarding the lawyer's fees, Mayor Voveris stated the fee for Archer and Greiner, P.C. was just under \$300 an hour and Council confirmed the fee was \$265 an hour.

In response to questions from the public on if there is a chance the Town could work it out, the Town Solicitor stated that the purpose of hiring an attorney is to evaluate the claims in order to get back to the police officers to see what type of an agreement can be reached.

In response to questions from the public on if what is spent will be public, the Town Solicitor said the finances of the Town are public and expenditures are subject to FOIA requests. In response to a question from the public regarding a citizen's ability to call the Town at any time and ask how much has the Town spent on the new lawyers up to this date, the Town Solicitor said under the Freedom of Information Act citizens can request documents in existence such as an invoice. He added that citizens cannot request documents to be created. The Town Solicitor stated that one caveat is that there are certain reasons (exceptions) why documents cannot be requested and some of the exceptions involve pending or potential litigation. The Town Solicitor stated that there may be information on a document such as an invoice that may have to be redacted.

In response to questions from the public on if mediation was sought, the Town Solicitor said that this is the very initial stage and the Town has not gotten to that step yet.

Vote: The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Shaw, Boteler, Saxton, Callaway, Stevenson, and Weisgerber

AGAINST THE MOTION: None

The motion was unanimously carried.

ADJOURNMENT

A motion was made by Councilmember Boteler, seconded by Councilmember Weisgerber, to adjourn the July 14, 2017, Town Council Regular Meeting at 4:25 p.m. The motion was unanimously carried.

phs:2017 07 14 Regular Meeting Minutes Approved 7/27/17