

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
MARCH 11, 2016**

MEETING CALLED TO ORDER

Mayor Voveris called the March 11, 2016, 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; and Administrative Assistant Pam Smith

PRESENT BY REMOTE ACCESS: Councilman Wayne Schrader

Motion and Vote: A motion was made by Councilwoman Callaway, seconded by Councilman Junkin, to move Agenda Item VIIID1 (2016 Joshua M. Freeman Valor Awards – Police Officer of the Year) to the beginning of the meeting agenda. 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.

2016 JOSHUA M. FREEMAN VALOR AWARDS – POLICE OFFICER OF THE YEAR

Chief Crowson stated the following: "Corporal Marlon Miller received the 2016 Joshua M. Freeman Police Officer of the Year Award for the Town of South Bethany during the Joshua M. Freeman Valor Awards Ceremony conducted by the Bethany-Fenwick Chamber of Commerce. This commemorated his apprehension and subsequent arrest of a suspect under the influence in South Bethany last summer. In doing so Corporal Marlon Miller suffered personal injury that required surgery and rehabilitation." Chief Crowson presented Corporal Marlon Miller with a Certificate of Commendation in appreciation for his outstanding performance during the rescue, apprehension, and subsequent arrest of a disorderly subject under the influence on August 8, 2015. Everyone acknowledged Corporal Miller's service with applause.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, February 12, 2016** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the February 12, 2016, Town Council Regular Meeting Minutes. The voting was as follows:

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

AGAINST THE MOTION: None

ABSTAINED: Councilman Schrader

The motion carried with a 6-0 vote.

- **Town Council Budget Workshop Meeting Minutes, February 26, 2016** – A motion was made by Councilman Junkin, seconded by Councilwoman Stevenson, to accept the February 26, 2016, Town Council Budget Workshop Meeting Minutes. The voting was as follows:

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

AGAINST THE MOTION: None

ABSTAINED: Councilman Schrader

The motion carried with a 6-0 vote.

PROPERTY OWNERS' PARTICIPATION

- Dr. Willis Hoch (6 Indian St.) – Stated that he has been a resident of South Bethany for 51 years. Dr. Hoch first thanked the Council for all the work they do on a volunteer basis. Recalling an incident on Route 1 in the late 1960s when he was called to assist a boy that had an open tibia and fibula fracture and an open frontal fracture of the skull, Dr. Hoch expressed his concern about the safety of pedestrians on Route 1. Dr. Hoch said he had sent an email to the Police Department and the township in October of 2015 regarding his concern and got no response. Dr. Hoch said he later called the township and was told this did not concern the Town Council but was an issue with DeIDOT. Dr. Hoch said he called DeIDOT and was told it is not just DeIDOT's responsibility – it is a combined responsibility of the township and DeIDOT. Dr. Hoch said he asked DeIDOT why signs could not be put up warning pedestrians that the cars have the right of way. Dr. Hoch stated that DeIDOT said DeIDOT could not put up signs – DeIDOT only has control from the curb, and the township would be responsible for putting up signs. Dr. Hoch said what he has observed is that there is a crosswalk at every street on Route 1. Dr. Hoch spoke of a beach town in New Jersey where crosswalks are not available at every street. Dr. Hoch acknowledged that it would be an unpopular solution to make people walk a block to cross over. Chief Crowson stated that last year the Police Department and the State of Delaware Office of Highway Safety held "Walk Smart" events on Route 1 to educate people on pedestrian safety. Chief Crowson said pedestrian safety is a big concern for the State of Delaware and Dr. Hoch's concerns are justified. Chief Crowson added that there is a lot of work that the State of Delaware is applying towards trying to solve the problem. Chief Crowson agreed with Dr. Hoch that pedestrians should have to go to a traffic light to cross Route 1, but he thinks people would then jaywalk to get across to the beach. Citing confusion in the law, Chief Crowson clarified that in Delaware vehicles have the right of way along Route 1 – vehicles only must yield to pedestrians if the pedestrian is engaged in the crosswalk. (Administrative Assistant's Note: See the *Walk This Way in South Bethany – Take These Steps to Walk Safely* flyer posted on the Property Owner Information page of the Town's website.) Chief Crowson said the Police Department will have DeIDOT look at the crosswalks on Route 1 and see if DeIDOT can offer any suggestions. Mayor Voveris said DeIDOT will be in town next month so the Town can address it again. Mayor Voveris said this is not the first time the concern has been voiced. Dr. Hoch said that both men he spoke to at DeIDOT showed concern that there were so many crosswalks across Route 1. Dr. Hoch asked how it happened that there is a crosswalk at every street on Route 1. Mayor Voveris and the Town Manager stated that the crosswalks had been there since before their time with the Town. The Town Manager said he did not know if years ago the Town wanted all of the crosswalks. The Town Manager said he did not know what the history was. Mayor Voveris said DeIDOT would have had to have been involved. Chief Crowson stated DeIDOT would have put the crosswalks on Route 1 – anything that is put on Route 1 is DeIDOT's. Dr. Hoch agreed that the crosswalks were put there by DeIDOT, but what he was told by DeIDOT is that it would have been a combined effort if the Town had requested all of those crossings. Chief Crowson agreed.

- Mike Trentadue (423 Black Gum Dr.) – Regarding pedestrian safety on Route 1, suggested educating people through the Town's newsletter, the Town's rental agreement, and whatever else can be done to at least educate the residents of South Bethany. Chief Crowson said the Police Department will be doing drives this summer regarding pedestrian safety probably with funding from the State of Delaware. Chief Crowson said it is a concern throughout the whole state. Councilwoman Callaway stated that the *Walk This Way in South Bethany – Take These Steps to Walk Safely* flyer is distributed to the realtors every year and it is included in at least one email News Update or the ZEPHYR. Councilwoman Callaway said it is available at all rental offices.
- Jim Gross (1 S. 3rd St.) – Announced that the South Bethany Historical Society is sponsoring a tour of Ft. Miles on March 22. The facility was built just before World War II and is now a historic site. It has a bunker, a display area, a tower, a big 16" mounted gun, and a number of other things. There will be a presentation and a tour of the facility. The Historical Society invites anybody that would like to join the group – there are still about 10 spots left. Contact George Junkin, Carolyn Marcello, or Jim Gross to make arrangements. Lunch will be served at a cost of \$15 for those wishing to partake.
- Mike Matera (311 W. 9th St.) – Thanked the Police Department for contacting Artesian Water about water leaking out of his house.
- Margaret Jacobs (409 Black Gum Dr.) – On the subject of public safety, stated that she is glad Council is going to be discussing the Cat Hill issue. Ms. Jacobs stated that she and her husband walk just about every day year round in the South Bethany and Cat Hill area and it is becoming a real issue.
- Janice Rucker (411 Black Gum Dr.) – Referring to the Cat Hill traffic issue, stated that she has grandchildren that come to visit and you take your life in your hands when you walk through the neighborhood because cars come zooming over the speed humps. Ms. Rucker said people driving through have no consideration for those who live in South Bethany or for the children. Ms. Rucker is concerned that somebody is going to get hurt.
- Carolyn Marcello (8 S. 9th St.) – Announced that March 25 is Good Friday and there will be a Life Chain which is a legal and prayerful stand along the highway where participants will hold signs to end abortion and participants pray for our country. Ms. Marcello said this is something they have been doing now for the last ten years on Good Friday. Ms. Marcello said the participants appreciate the police being there to slow the traffic down.
- Paul Andreades (145 New Castle Dr.) – Stated that he is an air conditioning contractor by trade. Mr. Andreades said he is seeing some housing going up in South Bethany, more new than anything, with the heat pump or air conditioner out in the back towards the canal. Mr. Andreades said people spend a lot of time in the back yards on the water and he does not think people want to be hearing a compressor and a fan run. Mr. Andreades thinks as a township an ordinance should be considered to swing heat pumps or air conditioners around on the side of the house. Councilwoman Callaway asked if there was any reason why new houses can't put them on the sides of the house. Mr. Andreades said there was not. South Bethany property owner Dennis Roberts said his guess is that people are trying to maximize the footprint of the lot. Councilwoman Callaway noted that a heat pump or air conditioner can be in the setback. Mayor Voveris said Council will follow up on this issue.
- Gil Geldon (405 Tamarack Dr.) – Stated that this is his first meeting and he is very glad Council is looking at the Cat Hill safety issue. Mr. Geldon said his question is a process question. Mayor Voveris said she will have an update on the Cat Hill issue at a meeting every month. Mayor Voveris said this issue is on the forefront. Mayor Voveris said when the issue is going to be discussed at a Town Council meeting, it will be posted as an item on the meeting agenda. Mr. Geldon asked if there would be an opportunity for the property owners to meet, participate, and share their views with the DelDOT representative. Mayor Voveris said if there comes a point

where the Town has all of the data and property owners want to hear a DelDOT representative speak to it, the Town can ask DelDOT to come speak at a meeting. Mayor Voveris stated that Council may end up appointing a committee depending on the input from DelDOT and how much needs to be assessed. Referring to the barricade and a stop sign, Mr. Geldon asked if there was a possibility of doing some minor things on an interim basis to help during this coming season. Mayor Voveris said the Town does not have a basis and that is why the Town wants to do the study. Mayor Voveris said she was on the Cat Hill/Black Gum Traffic Restriction Committee when she first started on Council in 2011, and after three months of studying the issue the committee came in with a recommendation to reduce the barricade (from 7 a.m. to 10 a.m. to what is currently in effect – 7 a.m. to 8:30 a.m.) because there was no substantiation to keep it in that block of time. Mayor Voveris said what the committee did find was beach traffic in the 11 to 12 o'clock hour. Mayor Voveris said if she had to make a comment based on what she studied she would say the barricade should probably be from 10 a.m. to 2 p.m. or 11 a.m. to 2 p.m. possibly May through Labor Day instead of June through Labor Day. Mayor Voveris said that is her comment but the Town shouldn't do things that way – the Town should do it with data and assess the whole picture to make sure the Town does the right thing. Mayor Voveris referred to the handout available on the sign-in table (see UPDATE ON ROADWAY SAFETY ISSUES BETWEEN KENT AVENUE AND ROUTE 1 on Pages 7 and 8) and said she hopes the handout shows the Town is exhausting every single measure that would be possible.

FIRST READING OF ORDINANCE 180-16 TO AMEND THE CODE OF THE TOWN OF SOUTH BETHANY, CHAPTER 145, ZONING, ARTICLE III, "DEFINITIONS", ARTICLE X, "DIMENSIONAL REQUIREMENTS", ARTICLE XI, "SETBACK REQUIREMENTS", AND ARTICLE XV, "BOARD OF ADJUSTMENT" (WAYNE SCHRADER)

John Fields, Charter and Code Committee Chair, reviewed Ordinance 180-16. Bob Cestone, Charter and Code Committee Member, assisted.

Jim Gross (1 S. 3rd St.) – Regarding § 145-35J(3), Mr. Gross said that he supports the idea of the need to have freeboard to mitigate flood damage and to reduce insurance costs.

Mr. Gross said this ordinance would mean in some cases, a few indeed, the house on the west side of Ocean Drive would only be allowed to be 42 feet high while on the east side of Ocean Drive the house would be allowed to be 48 feet high. Mr. Gross does not believe this is fair. Mr. Gross believes that if enacted this ordinance would drastically change the character of Ocean Drive and therefore the town, both in appearance and in this small town attitude view that South Bethany has. Mr. Gross stated that he thinks this matter needs a lot of further consideration. Mr. Gross also thinks the Town needs to consider not only the east side of Ocean Drive but the rest of South Bethany when talking about changing to an ordinance like this.

Jack Whitney (105 Boone Road) – Stated that he is speaking for himself and for the South Bethany Property Owners Association (SBPOA). Mr. Whitney stated that he is not concerned about the height of the house. Mr. Whitney said he is concerned as to why the Town would be proposing to change part of South Bethany to be referenced from Base Flood Elevation (BFE) and the rest of South Bethany being indexed against the center line of road. Mr. Whitney believes it should be referenced from BFE throughout the whole town and not just for the VE Zone. Mr. Fields said all of the oceanfront houses are built on an old ancient dune, and dunes are not level. Mr. Fields said Ocean Drive goes from 9 feet to 12 feet. Ocean Drive goes up and down and up and down and the crown of the road goes up and down and up and down. Mr. Fields referred to a house on the east side of Ocean Drive that is under construction which was penalized by the fact that Ocean Drive goes up and down. Mr. Fields said the ceilings in that house are only 7'6" high as opposed to 8' high. Mr. Fields said if the code is changed from the crown of the road to the BFE then it will be equalized for all of Ocean Drive. This change would allow all of the houses on the east side of Ocean Drive to have 8' high ceilings. Mr. Whitney said that same problem exists on the west side – there are differences of elevation on center line of road on the west side from 1'6" to nearly 5'. Mr. Whitney said these building heights should be equal for every area of town and it can't just be for a privileged few on Ocean Drive.

Article XI – Setback Requirements § 145-37 – R-1 District east of Delaware Route No. 1: At Mr. Cestone's suggestion, Council agreed to delete §§ 145-37B(4), C(4), D(4) and E(4) and move that information to § 145-37F and change the existing Item F to G. The new Item F would address all of the lots west of Ocean Drive and East of Route 1 including Sea Side Drive. Councilwoman Callaway requested that Item (e) (***No other reasonable alternative is possible such as but not limited to changing the direction of the steps***) of that section be moved to the top of the list. Council agreed to move Item (e) to the top of the list.

§ 145-38F: Council agreed to make Item (5) Item (1) per Councilwoman Callaway's suggestion.

§ 145-38F(6): For the Second Reading, Charter and Code Committee Members John Fields and Bob Cestone will reword this section to make it clearer.

Jack Whitney (105 Boone Rd.) – Recommended that the Council not accept this ordinance unless it is changed for the entire of South Bethany. Mr. Whitney said there is a huge disparity of difference and it is not equal. Mr. Whitney stated that you can't have Ocean Drive having one set of rules and the rest of South Bethany having another set of rules. Mr. Whitney said it should be one set of rules and it should be equally adjudicated for everybody in South Bethany.

Jim Gross (1 S. 3rd St.) – Suggested striking the following from the ordinance: ***No other reasonable alternative is possible such as but not limited to changing the direction of the steps.*** During discussion Councilwoman Callaway stated that this is a reminder to the builder and the homeowner to go the extra mile to avoid going into the setback. Councilwoman Callaway said the builder or owner should go into the setback only if it is absolutely necessary. Mr. Gross asked what is "reasonable".

Mayor Voveris said Council will take into consideration all of the comments made this evening. Councilman Junkin agreed and noted that there will be two more readings for this ordinance.

Mayor Voveris declared this the first reading of Ordinance 180-16.

DISCUSSION AND POSSIBLE VOTE ON AMENDING THE TOWN OF SOUTH BETHANY RULES OF PROCEDURE (PAT VOVERIS)

Mayor Voveris said she would like the Council to consider amending the Town of South Bethany Rules of Procedure because she thinks that whenever there is an item on an agenda Council should be informed and should have the information beforehand in order to have intelligent conversation, bring forth questions, and have a good dialogue at the meeting at which it is presented.

Motion and Vote: A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to amend Item 11 of the Town of South Bethany Rules of Procedure as follows (additions are **highlighted** and deletions **marked through**): Materials being brought forward **on the agenda** at a meeting **by either a Council Member or an owner** shall be made available in both electronic and hard copy format to all Council Members at least **24 48** hours prior to the meeting. After discussion, 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 carried with a 7-0 vote.

2015 COMMUNITY SURVEY RESULTS/ASSIGNMENTS (PAT VOVERIS)

Mayor Voveris noted that the Town of South Bethany 2015 Survey Results report was posted on the Town's website in January and she hoped property owners had a chance to take a look at the results. Mayor Voveris said that overall the results showed a very positive feeling from the community. Mayor Voveris stated that the Town received more than 800 comments from the survey. Mayor Voveris said that Mediacom and canal water quality were the two areas that property owners were not happy with or were more unhappy with than the last survey. Mayor Voveris said the Town Manager has already had a conversation with Mediacom. The Town Manager said Mediacom has a new person in the area that is aware of Mediacom's service complaints and customer service relations not just in South Bethany but in their entire service area. Mediacom is hiring another nine service techs for this area. Hopefully this will improve the service. Also Mediacom is finally converting over to digital for high definition. Mayor Voveris said she hopes the Mediacom issue will improve on its own, but she does want to take it to task and follow up on it as an assigned item.

Mayor Voveris reviewed the survey results and the following assignments:

BEACH SERVICES	LEAD ASSIGNEE TO REVIEW* SURVEY ISSUE AND FOLLOW-UP
Beach Patrol (Lifeguards)	Town Manager/ Beach Patrol Captain
Beach Vendors	Town Manager
Beach Cleaning	Town Manager/ Maintenance Supervisor
Access	Town Manager/Maintenance Supervisor
Parking	Town Manager/Police Chief
COMMUNICATION SERVICES	
Communications – <i>The Zephyr</i> newsletter	Mayor/ Administrative Assistant
Communications – Town Website (www.southbethany.org)	C&PR Committee/Administrative Assistant
Communications – Email News Updates	Mayor/ Administrative Assistant
Communications – Public Announcements (Newspapers)	Administrative Assistant/Town Clerk
POLICE and EMERGENCY SERVICES	
Police Proficiency	Police Chief
Town Street Patrol	Police Chief
Route 1 Patrol	Police Chief
Speed Control	Police Chief
Noise Control	Police Chief
Emergency Services	Town Manager/Police Chief
TOWN SERVICES	
Canal Water Quality	Chair, Water Quality Committee
Town Landscaping	Chair, CEC/Maintenance Supervisor
Town Maintenance	Town Manager/Maintenance Supervisor
Town Street Maintenance	Town Manager/Maintenance Supervisor
Town Storm Drainage	Town Manager/ Maintenance Supervisor
Code Enforcement	Code Constable/Town Manager
Permitting Process	Code Constable/Town Manager
Recycling Waste Removal	Town Manager
Trash Removal	Town Manager
Yard Waste Removal	Town Manager
Mediacom Service	Mayor/Wayne Schrader/Town Council/Town Manager

TOWN GOVERNMENT	
Town Council Performance	Mayor/Town Council
Adequately Serves My Interest	Mayor/Town Council
Openness to Your Participation	Mayor/Town Council
Town Staff Responsiveness	Town Manager
Town Staff Knowledge	Town Manager

FUTURE TOWN NEEDS	LEAD ASSIGNEE TO REVIEW* SURVEY ISSUE AND FOLLOW-UP
Support Smoking Restrictions On The Beach	Frank Weisgerber/Town Council/C&CC
Support No-Alcohol On The Beach	No Follow-up
Improve Street Lighting More Solar Lights More Pole Lamps More Lighting At Specified Location Support A Tax Increase For This Initiative	Chair, CEC/Maintenance Supervisor/Town Manger
Plan For Improved Beach Access Handrails Mobi Mats Other	Maintenance Supervisor/ Town Manager
Explore Burying Overhead Wires And Lines Support A Tax Increase For This Initiative	Planning Commission/Carol Stevenson/Town Council
Signage Improvement	Town Manager
Landscaping Improvement	Chair, CEC/Maintenance Supervisor
Cleanliness Improvement	Chair, CEC/Maintenance Supervisor
Town-Sponsored Activities	Chair, C&PR Committee
MISCELLANEOUS ISSUES PRESENTED BY PROPERTY OWNERS	
Town Hall Expansion	B&F/Mayor/Town Council
Feral Cats	Wayne Schrader/C&C/Mayor/Town Council
Pet Waste	Chair, CEC/Maintenance Supervisor
Cat Hill Traffic	Police Chief/ Mayor/Town Council/Town Manager

Mayor Voveris asked everyone to look at their areas and try to report back no later than the fall (September) or sooner.

UPDATE ON ROADWAY SAFETY ISSUES BETWEEN KENT AVENUE AND ROUTE 1 (PAT VOVERIS)

Mayor Voveris reviewed the following information which was on a handout that was available on the sign-in table.

INSTALL RADAR SIGNS

When signs arrive our Police Chief will determine optimum placement in Cat Hill and on Evergreen Road and immediately place the signs.

CHECK SPEED BUMPS FOR MAXIMUM DELDOT STANDARD

DeIDOT will be evaluating our speed bumps and we will augment if necessary.

ADDRESS ADDITION OF SPEED BUMP AT 420 BLACK GUM DRIVE

Per DeIDOT recommendation and guidelines, owners on Black Gum Drive will be surveyed and with a majority showing of owner support Council can approve the expense and addition of another speed bump.

PAINTING STREET LINES

DeIDOT will come forward with recommendation on painting street lines.

DELDOT STUDY FOR VOLUME, SPEED, ADDITIONAL SIGNAGE

DeIDOT will conduct studies on Black Gum Drive in off season months of April and November and peak season month of July. During the July study the Barricade will not be in place so that an accurate reading of traffic volume can be determined over a true 24 hour access period. Turn study at Tamarack Drive and Canal Drive will be done in July.

ADDRESS BARRICADE TIME BASED ON DELDOT STUDY RESULTS

Both the months and times for the Barricade will be reviewed.

WIDEN THE ROAD TO INCLUDE WALKING AREAS

Widening of the road within the existing Town right-of-way would afford up to 4 feet of walkway on either side of the current paved road. The Town right-of-way is 30 feet and the existing road is 22 feet.

DeIDOT supports such a widening especially since Cat Hill is within the beach resort area. The suggestion complies with the Department's Complete Street Policy for promoting a system for all users that is comprehensive, integrated, connected, safe, and efficient, allowing users to choose among different transportation modes, both motorized and non-motorized.

ONE WAY THE ROAD

This option could be considered with public input after other remedies have been exhausted and prove unsuccessful.

GATE THE ROAD**DE-ANNEX FROM SOUTH BETHANY**

These options would require many considerations to include cost, loss of road use, loss of town services, loss of federal funds, and input from owners.

Mayor Voveris said this is a snapshot of items that can be looked at from very modest to very extreme.

PUBLIC COMMENT PERIOD

Mike Trentadue (423 Black Gum Dr.) – First thanked the Council and the Mayor for listening to the group of Cat Hill property owners and for being willing to investigate feasible alternatives and options to mitigate some of the traffic and traffic volume that the group brought forward in the presentation at the February 12, 2016, Town Council Regular Meeting. Mr. Trentadue asked if the radar signs the Town is purchasing have recorders on them that will record volume, speed, and the time. Mr. Trentadue stated that for the purpose of reducing speed, it might be more effective with some kind of (A) police presence and (B) a written warning if necessary. Chief

Crowson said the Police Department will increase their presence in the Cat Hill area and will enforce the stop signs. Chief Crowson said that the Police Department's data from the Jammer does not find "enforceable" speed to be an issue.

Councilman Saxton stated that he thinks the Town should look into the cost of Mr. Trentadue's suggestion of purchasing recorders for the radar signs. Councilman Saxton believes having constant independent data year round would be more valuable than a DeIDOT study. After discussion, Mayor Voveris said the Town will follow up on this.

Mr. Trentadue asked Mayor Voveris where she sees the group of Cat Hill property owners participation as a committee in some of the process. Mr. Trentadue said the group would like to continue being part of the process and the solution. Mayor Voveris said she would like for DeIDOT to get the studies done so that the information is available before having a dialogue. Mayor Voveris said the Town is not there to influence DeIDOT's service or sit with DeIDOT when DeIDOT performs its service – it is going to be independent. Mayor Voveris said the DeIDOT representatives are the professionals. After DeIDOT reports back to the Town there will be dialogue and the group of Cat Hill property owners can come into the fold. Mayor Voveris said all of the information will be available and the group's input would be good. Mayor Voveris said right now the Town is not doing anything other than ordering and waiting for results.

Mr. Trentadue asked what the timeline was for the studies from DeIDOT. Mayor Voveris said she did not know how long it would take for DeIDOT to give the Town the results. Chief Crowson said the studies will be in April, July, and November.

Councilman Saxton encouraged Council to give the group of Cat Hill property owners a seat at the table and let the group decide who their representative will be. Mr. Trentadue asked for clarification on when the group would get a seat at the table. Mayor Voveris stated that after the Town gets the results of the July study would be the first time to review and compare the data.

Mr. Trentadue asked if the Council has ever considered a traffic study by a traffic engineering firm outside of DeIDOT. Chief Crowson said a study was done before by a traffic engineering firm. Mayor Voveris said it was not recent – everything recent has been done by DeIDOT. Mr. Trentadue said he has the name of the president of a firm if Council is interested in getting another option outside of DeIDOT or to have them look at the DeIDOT study.

Gil Geldon (405 Tamarack Dr.) – Stated that removing the barricade for the study in July is not going to be a fair test because the Town has already trained people coming down Kent Ave. that they can't make a right on Black Gum Dr. during the prohibited hours. Mayor Voveris said it is the best the Town can do. Mayor Voveris said the study will show the difference between the morning and the afternoon.

George Rosenberg (409 Black Gum) – Stated that taking down the barricade for the sake of data during the highest month of the year when it is needed the most is moving backwards and would put people at risk and is not for the sake of the safety of the community.

Dennis Roberts (107 Canal Dr.) – Stated that the real problem is people find South Bethany's short cut more desirable than any other alternatives. Mr. Roberts said the problem is the volume of cars. Mr. Roberts said his solution is to make it as inconvenient as possible to keep cars from coming through the Cat Hill neighborhood. Mr. Roberts stated that DeIDOT has said they do not have control of what is done in the town – that is up to the Town. Chief Crowson said it is up to the Town but then the Town assumes the liability.

Mayor Voveris said the Council owes it to the entire town to do this in a proper way. Mayor Voveris said the Town has a plan and she asked the owners to please let the Town implement the plan.

Margaret Jacobs (409 Black Gum Dr.) – Spoke against taking the barricade down during the July study.

Bob Smith (420 Black Gum Dr.) – Stated that something that could be done sooner rather than later would be the speed bump at his house or at the vacant lot next to his house. Mr. Smith asked if a survey was done when the other speed bumps in Cat Hill were put in. Mayor Voveris said DeIDOT suggests doing a survey of the owners and get a majority support.

During discussion Councilman Saxton suggested putting in a temporary speed hump.

Councilman Weisgerber stated that at a meeting with DeIDOT, the DeIDOT representative said the speed bump will only give temporary relief until people realize they can get from point A to point B faster even though extra speed bumps were installed. Councilman Weisgerber said the Town is going to look at the speed bump situation and he hopes it does solve the problem, but he does not think the owners are going to see that relief there. Councilman Junkin and Mayor Voveris agreed. Mr. Trentadue stated that he did not disagree.

Regarding installing a three way stop sign at the intersection of Canal Dr. and Tamarack Dr., Chief Crowson said if the Town places a sign that is not to the Manual of Uniform Traffic Devices (MUTCD) it becomes an invalid sign, and studies have shown that invalid signs lead to less compliance with the signs that are valid. The Town Manager said the Town and the State of Delaware follows the MUTCD and if the Town puts a sign up that is not justified by the MUTCD that would open the Town up to a liability if there is an accident and the Town did not follow the MUTCD. Chief Crowson said the turn study that DeIDOT will be doing will determine if a stop sign at that intersection would be valid.

Mike Thomas (405 Periwinkle Rd.) – Stated that he hopes when DeIDOT does their study they apply some kind of factor regarding future additional homes in surrounding areas. Councilman Saxton said he understands Mr. Thomas' point, but the question he would have for DeIDOT is what type of data DeIDOT would use to put that type of projection in. Councilman Saxton said he thinks it would be a very difficult one. Mayor Voveris asked Chief Crowson to follow up with DeIDOT. Regarding projecting forward, a property owner in the audience said a commercial traffic contractor might be able to do that type of thing.

Mike Matera (311 W. 9th St.) – Asked if the Town was still going to put the barricade up on Black Gum Drive in the morning. Mayor Voveris said the barricade is in place from Memorial Day until Labor Day and the idea was to take it down for the July study to have accurate data.

At this time several Cat Hill property owners spoke against taking the barricade down for the July study. After discussion, Mayor Voveris said she will put this issue on the March 24, 2016, Town Council Workshop Meeting Agenda.

Dennis Roberts (107 Canal Dr.) – With appreciation of inclusion, requested that any future correspondence from the Town to DeIDOT that is carbon copied to all of the Council Members be carbon copied to Jay Headman. Mayor Voveris said if Mr. Headman is your group's spokesperson that is fine.

Councilwoman Stevenson said she would like to make a plug for the Assawoman Canal Trail and suggested that walkers might want to try the trail.

LEADERSHIP REPORTS

In the interest of time, Mayor Voveris suggested and Council agreed not to give oral Leadership Reports. Mayor Voveris said the reports will be sent out in an email News Update and posted on the Town's website.

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

During the month of February my work included:

Following up on our FEMA Appeals. Word may be forthcoming mid-March.

Attending the Joshua M. Freeman Valor Award Ceremony and having the privilege of seeing our Corporal Marlon Miller receive an Officer of the Year award. In his performance on duty Marlon sustained a serious injury and after surgery and rehabilitation we are happy to have him back working full time in our Police Department.

Working with Chief Crowson and Town Manager Cusick to formulate a plan of action to address the Cat Hill traffic situation with DelDOT. Study and action will begin in April.

Communicating with our elected officials and DNREC to garner support and funding for emergency beach replenishment needed as a result of JONAS.

Conducting a conference call with FEMA that included Code Constable Joe Hinks and Charter & Code member Bob Cestone to review the new floodplain ordinance inclusion of requiring permits for repairs. FEMA was clear there are to be no exemptions of language regarding repairs and the permit requirement is throughout the country for those that live in a floodplain.

Attending a S.C.A.T. (Sussex County Association of Towns) meeting where the speaker was Richard Beville from Broad Valley Micro Fiber Networks and he spoke of bringing broad band service to the beach area.

Thank you.

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

DNREC is continuing the process of pushing sand as it accumulates on the beach to rebuild the dune system. They have completed one cycle of this process in the coastal towns of Rehoboth Beach, Dewey Beach, Bethany Beach, and South Bethany. They have now started the process again in Rehoboth Beach. They are being assisted with equipment and personnel from the Sussex County Soil Conservation District.

The Town has started working on the portion of the beach walkways that falls under our responsibility. This is the portion of the walkways from Ocean Drive and Sea Side Drive to the westward toe of the dune system. DNREC is responsible for the portion of the walkways that cross the dune system.

The Maintenance staff has begun repairs to the various bike racks around town in preparation for the summer season.

The Beach Patrol will have all new Lifeguard stands for this summer season. Funds for this project come from savings in the FY 2016 Beach Patrol Budget. Most of the existing stands are 15 to 20 years old and in poor condition.

Beach Patrol tryouts will begin tomorrow, March 12. Tryouts are also scheduled for April 16 and May 14.

- **Treasurer's Report**—Submitted by Councilman Saxton:
 - Treasurer's Report for the first ten months of FY 2016 has been provided to the Mayor and Council for review. The full Edmunds Report for the first ten months of FY 2016 also has been provided.
 - Operating Revenues continue to do well and we have collected approximately 99% of the fiscal year total. Highlights for Revenues are:
 - Property tax 97% collected. Following up with 12 property owners who are late in making tax payments. Anticipate at least 2 payments in the next month due to property transfers.
 - Transfer Taxes are at 95% collected based on the revised estimate of \$420,000 for FY 2016.
 - Building Permits are at 99% of the revised estimate of \$195,000 for FY 2016. Additional permits in the pipeline.
 - Magistrate Fines are at 118% of budget. Police have made a significant improvement in FY 2016 in meeting this budget.
 - All other revenues are tracking to budget.
 - Departmental and Committee expenditures are tracking to Budget or less.
 - Legal Costs have been amended to \$62,000 and currently are at 88% of the revised budget estimate. Anticipate to stay within this budget estimate.

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

STOPS Training:

- February 17th and 18th Cpl. Miller, Cpl. Burton, Ptlm Hudson, and Ptlm Loulou completed Strategies & Tactics of Patrol Stops (STOPS) training at our department (our entire department has now completed this training).
- This offers patrol officers tactics and know-how needed to safely conduct vehicle traffic stops, reduce department liability and officer complaints, and teach necessary survival from both vehicular and felonious assaults.

Joshua M. Freeman Award:

Our Corporal Marlon Miller received the 2016 Joshua M. Freeman Police Officer of the Year Award for the Town of South Bethany during the Joshua M. Freeman Valor Award Ceremony conducted by our Bethany-Fenwick Area Chamber of Commerce. This commemorated his apprehension and subsequent arrest of a suspect under the influence in South Bethany last summer. In doing so Corporal Miller suffered personal injury that required surgery and rehabilitation.

International Association of Chiefs of Police (IACP) 2016 Special Conference:

Chief Crowson has been invited to participate in the "IACP High Visibility Education and Enforcement (HVEE) Promising Practices and Lessons Learned Forum" by the U.S. Department of Transportation.

The forum will be made up of six representatives from our state: one representative of the State Police, two representatives from the State Association of Chiefs of Police, two local law enforcement leaders from the selected area, and one representative from the Governor's Highway Safety Office and from the other three pilot states: Maryland, North Carolina, and Wisconsin.

He will be attending this conference in Alexandria, Virginia on March 10th and 11th to discuss the following:

1. Association's role and participation in the different aspects of the HVEE campaign.
2. Any officer safety briefings, presentations, and/or precautions that were implemented during the HVEE campaign.
3. Any promising practices that the association identified throughout the campaign.
4. Plans to sustain the HVEE model in the future.

COMMITTEE & COMMISSION REPORTS

In the interest of time, Mayor Voveris suggested and Council agreed not to give oral Committee Reports. Mayor Voveris said the reports will be sent out in an email News Update and posted on the Town's website.

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

CEC February Meeting

The meeting was held on February 29, 2016, and attended by the following members: Sue Callaway, Chair; Donna Farrow; Diann Nazarian; Carol Stevenson; Pat Weisgerber; and Don Chrobot, Public Works Supervisor.

Review, Discussion and Update on FY 17 DRAFT BUDGET Items

The Committee reviewed the CEC FY17 Draft Budget and noted the updated changes presented at the 2-26-16 Town Council Budget Workshop. The changes included: **1)** A recommendation made by the Budget & Finance Committee to move the Public Works \$3,000 budgeted costs for commercial grade Christmas lights to the CEC budget. Don suggested that the lights be indicated as a capital expense and be depreciated; **2)** The results of the 2015 South Bethany Survey indicated an interest in installing more street lights, particularly on Canal Drive and Anchorage Drive. Based on a 2015 grant proposal developed last year and recently confirmed, the CEC is adding the amount of \$6000 for street lights. It is recognized that there are many steps involved for this project, but important to set aside the funding per further investigation. Sue noted that Tim Saxton will provide this update to the B&F Committee at their next meeting. Light information: Delmarva Power does not charge for the products but only for installation. Installation costs for a total of 9 free standing lights, similar to the recently added lights in Cat Hill, on Canal Drive is \$6,000 and 70 Watt HPS is \$15.00 per light per month x 12 x 9 = \$1,620 per year for nine lights; **3)** On February 12, 2016 the Historical Society approved a contribution of \$500 towards the completion of the proposed Historical signs initiative thus lowering the CEC budget by \$500. Sue Callaway and Pat Weisgerber will organize the Historic photos and present suggestions at the CEC March meeting – CEC proposed choices will then be presented to the Historical Society for their final review and approval – the group agreed on a size of 20" x 24"; **4)** The budgeted costs of \$500 for the proposed Art Show remains in the budget. The group is evaluating the suggested date for the art show and the location. Sue will contact Richard Mais regarding a spring 2017 date and contact Tara Grim and Damon Pla and explore interest in hosting it at Town Hall on Labor Day weekend 2016; and **5)** The Welcome Sign proposed budget was changed due to the recent car accident destroying the north end Welcome Sign – the budget will cover the cost of replacing the south end Welcome sign – insurance will cover the cost of replacing the north end sign. The estimated costs have been forwarded to the insurance company. The group reviewed the design presented by Signarama and made several suggested changes which have been forwarded to Signarama. AdART has also been contacted for design and estimate ideas. Rick Gentile will work on new landscaping designs for both the north and south beds and present them at the March meeting.

Update on Condition of grass within Route 1 Median and follow-up to the January 7th Meeting with Chief of Police, Mayor and Public Works

Sue reviewed the meeting held on January 7th and the follow-up to that meeting. Sue presented photos of the damaged areas to the group. Sue and Don recommended that police locate their cars consistently in one designated area north of Layton Road – the largest damaged area. Chief Crowson did not agree with this alternative nor to evaluate this procedure for one month. Don and Sue requested that the officers refrain from parking on the median after heavy or constant rain or snow as this causes deeper and longer ruts. While

mindful of the safety issue, CEC and Public Works expressed their concern that the continuous damage is counterproductive to the landscaping and water quality initiatives and undermines the work that has been accomplished on the median throughout the past few years. The Chief noted that positioning their cars in the turning lanes can be dangerous to them; that parking on side streets is challenging; and that staying in one area is too limiting and predictable. A follow-up meeting will be held in March to further discuss the issue.

Update on the following: Don Chrobot

- Replacement of 12 Existing Street Lights – Don stated that Delmarva Power reported that the remaining 6 street lights will be replaced within the next couple of weeks. Weather delays prevented the work from occurring in January and February as previously planned.
- Phase 4 of the covered sign posts on the East side of Route 1 has been completed.
- Spring Landscaping Plans – The group discussed some of the types of plants that have been very successful and which ones will be used again this year. Plans are underway to order the plants for late spring planting.
- Confirmation of Earth Day Date and location and design plan – The site for the Earth Day adoption is the Route 1 canal end between Henlopen and Brandywine. Rick Gentile will prepare the landscaping design and present it at the March CEC Meeting. The confirmed date for the Earth Day planting is TUESDAY, APRIL 19TH AT 9:00 AM.



Beautification Flyer

At the March meeting, the CEC will work on updating the existing beautification flyer that has been distributed to homeowners for the past few years. Members are reviewing the current copy and will bring forward ideas and comments. A graphic designer will be used to update the look of the flyer.

Next Meeting Date and Adjournment

The next CEC meeting is **WEDNESDAY, MARCH 23 AT 10:00 AM AT TOWN HALL**.

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

The Charter and Code Committee met on February 18, 2016, and worked on an ordinance to address the following:

House Height

Wording was discussed for an ordinance to amend the zoning chapter, for the VE zone only, to limit the building height to 33 feet above BFE, and to 35 feet above BFE when a minimum of 2 feet of freeboard is included, and to limit the house height to no more than 48 feet NAVD.

Setback Variance Allowance

Wording for an amendment to authorize the Code Enforcement Officer to grant an administrative variance for up to 1 foot into the setback for existing structures legally constructed without requiring application to the BOA was discussed.

Steps Setback Encroachment

Allowing steps to encroach into the setback for existing structures being raised to meet BFE and/or to provide freeboard was discussed. Wording for an amendment was also discussed. A revision to the definition of FAR was made to exclude the portion of steps allowed in the setback was discussed.

Appointment of BOA Chairman

A change to the requirement to appoint the BOA chairman from June to August was agreed to so the appointment coincides with the appointment of BOA members.

Permits for Home Repairs

Not addressed since discussion with FEMA had not taken place at the time of the meeting

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

Grant Status

- Sandpiper Pines Stormwater Retrofits (Rain Gardens and Infiltration Trenches)
 - The project is fully approved through Sussex Conservation District and we can proceed with construction.
 - Participating homeowners have made their selections for the rain garden plantings.
 - A planning/scheduling meeting is scheduled with A-Del at 9:00 March 11.
 - Construction and planting is scheduled for the spring time frame.
- York Canal Oysters and Floating Wetlands
 - No new information

- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Submitted by Councilman Junkin:

Sea Level Rise Adaptation Grant Status

- All activities are on schedule to be completed by March 15.
- Anchor has submitted their draft final report.
- It has been reviewed and their final report is expected to be delivered on March 11.
- Our final report to DNREC is expected to be submitted on March 14.

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

The Planning Commission (PC) met on February 25, 2016. In attendance were Chairman Dick Oliver, Joe Conway, Dave Wilson, Jack Whitney, John Stefani, and George Reese. Carol Stevenson attended as Town Council Liaison and Dee Burbage as Town Clerk.

The resignation of Joe Petito from the committee was announced. There are no current plans to replace Mr. Petito.

The Commission continued to work on the Comprehensive Development Plan (CDP) for 2016. The draft along with a new index was presented by Dick Oliver and Jack Whitney. The members discussed items already in the plan as well as new additions. The 2015 Town Survey has been received and the results will be used in individual sections of the CDP as appropriate. A master draft was developed at the meeting. Additional revisions from Commission members are expected and will be added by Jack Whitney into the final master draft.

The Planning Commission has not yet begun to review the street lighting requirements as was previously suggested. The PC discussed including a recommendation in the CDP to hire the services of a lighting consultant to review Town Lighting and make recommendations to improve and enhance street lighting for the Town. The Commission has been unable to schedule any meetings with utility providers to review the issues and costs involved in burying overhead utility cables including those which cross the streets. This issue will be addressed at a later meeting.

The next meeting will be held on April 15, 2016 at 10 AM.

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

There has been no activity on the Assawoman Canal Trail since the grand opening of the August 12, 2015 opening near the Town Rd. Parking area off Route 26. I have reached out to DNREC to learn if there are any upcoming plans for extension to South Bethany, however I have not received a response at this time.

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

The Committee sponsored a Town Pot Luck Supper which was held on February 20, 2016 at the Town Hall. The event attendance was about 60 persons. Many participants expressed the wish that more such events be held. It was a very successful event!

The Committee met on February 17, 2016 and all members were in attendance, Ann Boteler, Margaret Oliver, Lisa Saxton, Linda Whitney, and Carol Stevenson, Chairman. There was discussion of the budget for next fiscal year and future events.

The next event will be a Realtor Outreach with Committee members making visits to local realtors in April. They will have the opportunity to discuss issues concerning rentals and sales in the community as well as town issues and June Bugs.

The July 4, 2016 Parade Planning Meeting for Bethany Beach was held on February 11, 2016. Carol Stevenson attended the meeting at which time the theme for the parade was announced, the "Right to Vote." A meeting of the Fourth of July Float Committee of South Bethany will be held in April. Community participation is welcomed. Meetings will be announced and participation encouraged in the Town of South Bethany News Update.

Upcoming summer activities planned are a Boat Parade, weekly Yoga on the Beach Classes, and two movie nights.

Other new business for the Committee includes development and discussion of Guidelines for the use of Town Email Updates by outside organizations. A review of the town website is also underway.

ADJOURNMENT

A motion was made by Councilman Saxton, seconded by Councilman Junkin, to adjourn the March 11, 2016, Town Council Regular Meeting at 9:10 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.

PHS:2016 3 11 Regular Meeting Minutes Approved 4 8 16