

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES MARCH 13, 2015</b>
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**MEETING CALLED TO ORDER**

Mayor Voveris called the March 13, 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, Tony Caputo, Jim Gross, George Junkin, Al Rae, Tim Saxton, and Mayor Pat Voveris; Town Manager Melvin Cusick; Chief Troy Crowson; Finance Director Renee McDorman; Town Clerk Dee Burbage; and Town Solicitor Barrett Edwards

**APPROVAL AND VOTE OF THE AGENDA**

A motion was made by Councilman Gross, seconded by Councilwoman Callaway, to approve the agenda as published. The motion was unanimously carried.

**DISCUSSION AND POSSIBLE VOTE REGARDING THE FEBRUARY 25, 2015, CORRESPONDENCE FROM FEMA ON THE PROPOSED REVISIONS TO THE TOWN'S FLOOD INSURANCE RATE MAP**

The Town Solicitor reviewed the following:

- FEMA issued a letter on February 25, 2015, rescinding its final determination letter from September 16, 2014.
- The effect of this rescission is that when the new FIRM comes out in a few days, the new maps will show the same BFEs in South Bethany that have been in place since 2005.
- However, in the coming weeks, FEMA is going to issue a new proposed preliminary FIRM for South Bethany that will show the same elevations as were in the September 16, 2014, final determination letter that was rescinded.
- The effect of this to commence the statutory process for amending the South Bethany maps.

The Town Solicitor reviewed FEMA's map update process:

- Preliminary map revision is submitted – March 17.
- Community coordination outreach meeting is held – April.
  - o 30-day comment period begins.
- Notice of map changes are published in the federal register and in two newspapers in town (July – August).
  - o 90-day appeal period begins
- Appeal period ends 90 days later (November).
- FEMA resolves any appeals that were submitted.
  - o This could shift the process back a bit, depending on how long it takes for any appeals to be resolved.
- A new letter of final determination is issued (approximately January 2016).
- Maps become effective 6 months later (approximately July 2016)

The Town Solicitor reviewed the Appeals Process:

- 2<sup>nd</sup> newspaper publication of proposed flood elevation determination starts the clock on a 90-day appeal period.
- Any property can file an appeal with the Mayor.
  - o The appeal must allege FEMA's elevations are scientifically or technically incorrect.

- The Mayor forwards any appeals received to FEMA as soon as they are received.
- The Mayor reviews the appeals and issues a written decision as to whether or not the Town is going to file an appeal with FEMA on behalf of the property owners.
- The Mayor's written decision is filed with FEMA within 90 days of the 2<sup>nd</sup> newspaper publication.
  - o The Town would submit a separate filing within the 90 days formally appealing the map determinations.
- If FEMA never receives an appeal by the Town, FEMA reviews and decides the appeals of the property owners.
- If FEMA rules against everyone, there are 60 days to file an appeal with the U.S. District Court.

Several owners in the audience asked questions of our attorney. Owner Susan Brune directed a question to the Mayor, who is her neighbor on Ocean Drive. She spoke to the newly constructed homes on Ocean Drive being built at a BFE level that is about to become outdated and asked the Mayor at what BFE her home was built.

The Mayor said she did not know at what BFE her home was built but knew that her home as any home in town would be built to comply with FEMA since that was part of our Code requirement. She also said she has lived on Ocean Drive for 20 years and knows it has been at BFE 12 for the last 10 years, and in recently looking at the map prior to that learned it had been at BFE 13.

The Mayor further said that building to comply with FEMA meant our homes stayed in the National Flood Insurance Program (NFIP). But insurance as we have known it is drastically changing. FEMA will no longer subsidize flood insurance since FEMA is millions in the red due to Katrina and Sandy. *(Administrative Assistant's Note: At the April 23, 2015, Town Council Workshop Meeting, Councilman Gross stated that FEMA will subsidize for a number of years until FEMA catches up. Councilman Gross stated that FEMA plans to phase out subsidizing over time.)* At one point there was consideration for insurance premiums to be distinguished between primary and secondary homes, and secondary homes could pay a much higher premium. Now, however, all homes are basically looked at the same and an annual premium increase would be capped at 18 or 25%. She was waiting for clarification on that.

*(Administrative Assistant's Note: Since then the Mayor learned the cap is 18%.)*

The increase in flood insurance premium is happening coincidentally with BFE changes, but the increase was happening regardless.

It is no surprise that FEMA wants to make Ocean Drive BFE 13. More than a year ago FEMA publicized intention to raise BFE in floodplain areas by one foot. In general, our town will have BFE level increased by one foot. This is not just particular to Ocean Drive.

When FEMA brings in their Revised FIRM we will plan a public meeting. This is being targeted for a Friday so owners can attend. Your questions will be answered and we will keep Town Hall open that night for as long as you need.

### **PROPERTY OWNERS' PARTICIPATION**

- Carolyn Marcello (8 S. 9<sup>th</sup> St.) – Reported that the Life Chain event would be held along Rt. 1 on April 3 between 10 a.m. and noon.

## **ADMINISTRATIVE MATTERS**

- **Discussion and Possible Vote to Award Bid No. 15-01, Audit Services**

A motion was made by Councilman Saxton, seconded by Councilman Gross, to award Bid No. 15-01, Audit Services, to Sombar & Company, CPAs, P.A. The motion was unanimously carried.

- **Discussion and Possible Vote to Upgrade and Replace 12 Existing Free-Standing Street Lights in Cat Hill, on Tern Dr., and on Bayshore Dr.**

A discussion ensued. In the end, Council requested additional information. Councilwoman Callaway agreed to provide Council with more information and Council will bring this agenda item forward at the April 10, 2015, Town Council Regular Meeting.

## **LEADERSHIP REPORTS**

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

Since my last report I have spent considerable time reviewing our Draft Budget for FY2016. Our staff has done a great job in putting together this draft and I am looking forward to the additional community events it includes.

I am in the process of gathering information from FEMA that will support the Revised Preliminary FIRM that they anticipate releasing by early April. This week Drew Slater from the office of Congressman Carney contacted FEMA on our behalf asking FEMA to use the BFE 10 for Ocean Drive they published in August, 2013.

Last Workshop our Council approved using part of an unexpected Sussex County Grant to fund an initial review of our Code by the University of Delaware. I met with Linda Raab from the University about this project and learned she reviewed the entire Code for Ocean View. In following up with the Ocean View Mayor I learned they were extremely happy with the outcome and cost of the project and plan to use Linda and the University of Delaware to update their Comprehensive Land Use Plan in the future.

A News Update was sent this week to acknowledge the Council's appreciation of our employees for Employee Appreciation Day. We appreciate both their efforts and their dedication. Thank you, all!

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

The Ambulance Service Report and the Code Enforcement Constable's Report for February were available on the sign-in table.

Beach grass planting will be held on March 21 between 9 a.m. and noon. They will be planting on the dune in South Bethany. Volunteers can register online and meet the morning of the 21<sup>st</sup> between N. 5<sup>th</sup> and N. 6<sup>th</sup> street.

The Town has begun repairs on the beach walkways that fall under town responsibility.

Update on Rt. 26 construction and lane closures was available on the sign-in table.

- **Treasurer's Report**—Councilman Saxton reported as of February 28, 2015:

Highlights on Revenue:

- There are 5 properties with delinquent 2014 property taxes.
- Realty Transfer Tax – FY 15 Budget amended to include additional \$100,000 anticipated Revenue. Total collected YTD \$410,168.
- Rental Tax is 100% collected.
- \$123,980.14 has been collected in Building Permit revenue.
- Budgeted Revenue includes Sandpiper Pines Grant (\$136,900) and Police and Administrative Sussex County Grant (\$20,000). Excluding Grant Revenue, approximately \$28k remaining to meet 100% Revenue projections

Highlights on Expenditures: Departmental and Committee expenditures are tracking to budget.

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

- OFFICER HUDSON
  - Successfully completed his field training and is now on his own shift
- RECRUIT LOULOU
  - Has successfully completed her first week at the Delaware State Police Academy
  - She is expected to complete her training in August
- PARKING ENFORCEMENT POSITION
  - We are currently advertising for our seasonal parking enforcement officer
- TRAINING – The department will be pursuing different training initiatives that will be attended over the next 3 months:
  - HURRICANE READINESS FOR COASTAL COMMUNITIES
  - STOPS INSTRUCTOR (STRATEGIES AND TACTICS OF PATROL STOP)
    - Officer at conclusion of course will be able to instruct on conducting safe vehicle stops to reduce liability and officer complaints
    - The latest and safest way to conduct high risk felony stops
    - Procedures and law for vehicle searches and other practices regarding vehicle stops
  - CRITICAL INCIDENT TRAINING
    - Specialized training for law enforcement officers responding to a mental health crisis.
    - Numerous topics are covered over the 40 hour course and include:
      - ❖ Trauma and serious illness such as schizophrenia
      - ❖ Post-traumatic stress disorder and suicidal subjects
      - ❖ Developmental disabilities and brain injury
      - ❖ Law Enforcement response to those in crisis
      - ❖ De-escalation techniques
      - ❖ Communication tactics
      - ❖ Risk assessment and first responder duties
    - Course modified after CIT program in Memphis, Tenn. and is being utilized in over 2,500 communities in this country and internationally.
    - South Bethany has been working with Dr. Josh Thomas to provide additional training dates to enable our entire department to obtain Critical Incident Training
  - 2015 CRIMINAL INTERDICTION & PATROLWORKSHOP
    - TOPICS INCLUDE:
      - Vehicle Criminal Interdiction Traffic stats
      - Concealment and locating hidden compartments
      - Search & seizure case law
      - Utilization of narcotic K-9

## **COMMITTEE & COMMISSION REPORTS**

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

The CEC met on Thursday, March 12, 2015.

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

- An Email News Update regarding the Ocean Drive/Seaside Drive Art Program was sent out on Wednesday, March 4 – Sue received 5 Email inquiries in response to the Email.
- Update on new painting submission – SB property owner, Cindy Scruggs presented her original artwork to the CEC. Her painting will be scanned by artist Damon Pla and then forwarded to the InstaSigns Plus company for imaging.
- Review and final selection of photography submissions:
  - the group reviewed the photographs submitted by SB property owner Ann Boteler and selected the one to be imaged for display
  - the group reviewed the photographs submitted by SB property owner Karen Messick and selected the one to be imaged for display
  - the group reviewed the photographs submitted by SB property owner Leigh Dwyer and selected the one to be imaged for display
  - Sue will follow-up with these artists to finalize the selection and their involvement
- Update on Gallery 26 – The Ocean Drive Art Program will be presented during the Gallery's March meeting.

**Update on Spring Landscaping and Misc. projects** – Don Chrobot stated that they are ordering plants to be shipped directly from Florida which are cheaper and without shipping charge. Public Works will be planting a combination of more colorful perennials and annuals within the following areas in town: North and South Welcome Beds; York Beach Mall; Circle Beds; Rain gardens in Median; Rain gardens on east side; Pedestrian rain gardens; and Richard Hall Memorial Park.

**Update on Adopt-A-Canal/Road End Program** – The following canal/road ends are in various stages of the adoption process. These adoptions bring our total number adopted to 32! Notification letters have been mailed to SB property owners who are adjacent or close to the canal/road end.

- Anchorage Canal – Garnet Timbario
- W. 10th Street Road End – Pat Weisgerber
- Henlopen Drive Road End – Carol Stevenson
- Route 1 Canal End south of Layton – Pat Voveris
- Route 1 Canal End south of New Castle – Kathy Jankowski (in honor of Sue Callaway's Mom)
- Anchorage Forebay Canal End – CEC Adoption Earth Day – Wednesday, April 22 9:00 AM. Sue is working with the CIB to produce a community education sign that features the water quality initiatives that have taken place within South Bethany. The sign will be placed within the adopted area.
- Wandering Weeders' Assignments- Volunteers received their assignments for maintaining particular canal ends.

**Update on 2-26-15 Town Council Discussion: Safety and Security in South Bethany – Street Lighting in SB** – The group discussed the Town Council outcome of the proposed Sussex County grant funding for Canal Drive lighting and the March 13 TC discussion of the proposed plan to replace the 12 outdated existing free standing street lights located on Bayshore and Tern Drives and within the Cat Hill area. Sue noted that no costs are involved with the replacement but there will be an estimated \$5 per light per month increase with the

use of LED lights. TC has added additional funds to the proposed FY16 budget to cover those costs.

**Discussion of SB Little Library 2! East Side Location** – The group reviewed the idea to locate the second SB Little Free Library on Ocean Drive at the corner of S. 3rd and Ocean Drive. Frank Weisgerber will be building the 2nd Library for the town.

**Future Meeting Dates** – The group's next meeting is scheduled for Wednesday, April 22 at 9:00 am for the Earth Day planting at the Anchorage Forebay area.

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

The Budget and Finance Committee met on March 6, 2015. The committee reviewed the following:

- Actual versus Budget through end of February 2015 for FY 2015
- Budget Control Guideline Revisions (the committee will continue to discuss these revisions at the next committee meeting).
- Capital Reserve (ARM) Guideline Proposal (the committee will continue to discuss the proposal at the next committee meeting).
- Second Draft of FY 2016 Town Budget

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

The Charter & Code Committee (C&CC) met on February 25.

Agenda items discussed were:

1. Clarification of the definition and enforcement requirements for Substantial Improvement and Substantial Damage.  
Action: The C&CC recommends that a FEMA reference for determination of Market Value be added to both definitions.
2. Further define requirements for areas excluded from FAR calculations, including space between boards.  
Action: The C&CC recommends that a minimum space be required between boards.
3. Development of new requirements to address portable and permanent fire pits.  
Action: The C&CC recommends that permanent fire pits be prohibited in South Bethany.

A draft ordinance is under preparation to amend Chapter 145 Zoning to include the three recommendations stated above. It is requested that this draft be included in the agenda for the March 26 Workshop.

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

- Three qualified bidders have responded to an RFP for a consultant to support the *Sandpiper Pines Stormwater Retrofit Design/Build Project for Sandpiper Pines*. We plan to make a selection by the March Workshop.
- I attended the *Sussex County Community Exchange Workshop – Addressing Environmental Challenges and Sharing Lessons Learned*, March 12, 2015, at the U of D Carvel Research and Education Center. Chris Bason and I presented information on our *Town of South Bethany Anchorage Canal Stormwater Retrofit Projects*.

- I attended a meeting, this afternoon, at the CIB led by Marianne Walch to discuss the Large Oyster Cages and Floating Wetlands Project that was delayed from implementation last year. Topics discussed were:
  - The new schedule shows oysters and floating wetland being installed around May. However since they are one year behind, the project will not end 12/15 but will end 12/16.
  - Painting the floats is very difficult and may cause toxins to enter the canal so the CIB would like to leave the floats unpainted.
  - We found out that the oysters need to be power washed by the CIB at least every third week.
  - Due to the above issues we are going to ask the homeowners that agreed to have the oysters and floating wetlands along their bulkheads to sign a new letter of agreement documenting the above.
  - We also plan to send an informational letter to the other homeowners on the York Canal so that they are brought up to date on the project that will be occurring in their canal.
- 100 oyster cages that were being stored on a vacant property on York Rd. have been moved to the James Farm.
- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Councilman Junkin reported:
  - A proposal was submitted 1/30/2015 to DNREC titled *Sea Level Rise Adaptation – Multi-Criteria Evaluation*, for a DNREC Coastal Management Assistance Grant. We have received an e-mail that we would be awarded a grant, however they do want some more discussions on the Scope of Work and they have some budget questions.
  - I attended the *Sussex County Community Exchange Workshop – Addressing Environmental Challenges and Sharing Lessons Learned*, March 12, 2015, at the U of D Carvel Research and Education Center. There were good presentations on projects that improved water quality, mitigated flooding issues and prepared for SLR issues.
- **Planning Commission** – Councilman Rae reported:
 

The Planning Commission has not met since the last Town Council Regular Meeting. There was nothing new to report.

### **PUBLIC COMMENT**

Carol Stevenson (131 Henlopen Dr.) – Addressed fire pits and asked that Council do their homework before drafting an ordinance. Ms. Stevenson also commented that oyster cages may interfere with boating on the canals.

Bob Cestone (140 New Castle Dr.) – Mentioned that oyster cages should be placed as not to affect boating on the canals.

### **ADJOURNMENT**

A motion was made by Councilman Gross, seconded by Councilman Saxton, to adjourn the March 13, 2015, Town Council Regular Meeting at 8:35 p.m.