

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES NOVEMBER 14, 2014

MEETING CALLED TO ORDER

Mayor Voveris called the November 14, 2014, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Council Members Sue Callaway, Tony Caputo, Jim Gross, George Junkin, Al Rae, Tim Saxton, and Mayor Pat Voveris; Town Manager Melvin Cusick; Chief Troy Crowson; Code Enforcement Constable Joe Hinks; and Administrative Assistant Pam Smith

APPROVAL AND VOTE OF THE AGENDA

Motion and second: A motion was made and seconded to accept the agenda as published.

Motion (not seconded): A motion was made by Councilman Rae to exclude Item IV, Discussion and possible vote to act upon the recommendation of the Attorney General to null and void the October 23 Workshop vote to include mandatory freeboard language in the FEMA Floodplain Ordinance required by March 2015, until Council hears back from Deputy Attorney General Ed Black. Mayor Voveris disagreed because she said Mr. Black was not going to come back to Council further. After discussion, Councilman Rae's motion was not seconded.

After more discussion Council voted on the original motion to accept the agenda as published. The voting was as follows:

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

AGAINST THE MOTION: Councilpersons Caputo and Rae

The motion carried with a 5-2 vote.

PROPERTY OWNER PARTICIPATION

Mayor Voveris asked for a show of hands of who would like to make comments. There were about 10 property owners who raised their hands. Mayor Voveris explained that there will be a three minute limit per property owner. Mayor Voveris asked that everyone remember to be courteous and civil. Mayor Voveris stated that the Council Members are all volunteers working for the good of South Bethany and the property owners are here because they want what is best for the Town. Mayor Voveris asked that when called upon property owners state their name and address for the record.

- Margret Oliver (410 Victoria Rd.) – Read the following letter from Jack and Linda Whitney who live at 105 Boone Rd.:

Dear Mayor Voveris and Council Members of the Town of South Bethany,

*This letter is to express our strong opposition to the Council's proposal to enact **mandatory** 2-foot free board requirements for the Town of South Bethany. I do, however, agree with the **voluntary** provision for allowing 2 feet of freeboard that is now part of the Town Code (although I believe the current Code allowing freeboard is poorly written).*

I believe that the information provided by SPBOA to their members is well stated, and it clearly identifies and articulates the fallacies of the proposed new Code changes. As the Council contends, I have not heard any plausible justification for why the proposed changes would benefit the Town, nor how it would increase the property values for the owners of the majority of the houses in South Bethany. I do not believe the Town Council members, in favor of this change, realize what they are doing – they are being overly dictatorial and will cause grievous harm to the majority of property owners. This will put the future of the Town in jeopardy.

When discussing the proposed changes with my neighbors and friends, I have found either unanimous outrage or despair as a result of the continued over regulation by the Council, degrading the rights of our property owners. Frankly, this change is an insult to our intelligence and enactment of this will cause grievous financial harm to most of us.

Council members should do some soul searching and solicit advice from their friends and neighbors on this issue. They should also explain how this will really benefit the Town.

We request that the proposed Code change be quickly and unequivocally denied by the Council. The continued Council deliberations on this issue are not in the best interest of the Town. Leave the voluntary ordinance in place and move on.

We would appreciate your entering this message into the record of your next meeting where this matter is discussed.

Thank you

*Regards
Jack and Linda Whitney*

- Kent Stephan (46 S. Anchorage Ave.) – Mr. Stephan read the following:

Let me be clear, I am not here to challenge anyone's hockey stick forecasts, or their speculations about insurance rates and regulations. I'm here because five of you want to tell the rest of us what to do with our property. Normally mandates like this get dreamed up by bureaucrats who have no knowledge of local conditions. Officials on the ground can usually see that one size won't fit all. That's a reason why we have local government in many cases. You five guys want to keep us from deciding for ourselves even though FEMA lets people decide for themselves nationwide. Are you saying we are uniquely unqualified in South Bethany to make decisions? I think some of you have your hearts in the right place, but I think all of you don't get it. I'm pretty sure everyone in this room would feel more comfortable with an extra two feet of freeboard. That's not the issue although some keep acting as if it is. The rest of us part company with you because we are convinced we will be best off if we can act on our own calculations of costs, benefits, and risks. We believe you do us no favors by trying to make our problems yours to solve. I am convinced the mandate will hurt the Town beyond the enormous out-of-pocket costs individuals will face. South Bethany stands to lose in construction because high freeboard can limit a home's footprint. Overbearing town government itself makes new investment less attractive. Current owners stand to suffer most. If they want to do a "substantial improvement" they will often be forced to raise their buildings. A substantial improvement is defined as costing 50% of the market value of the structure prior to improvement. The key term here is market value - the price people are willing to pay in the open market. For smaller homes in South Bethany much of the market value is in the land not the building. People who bought bungalows years ago already know the homes they love have little value to new buyers. Buyers rarely want a small building on land that costs a fortune. Buildings are regularly demolished and replaced around here. Zero market value. Some are sold for a dollar to be moved inland. A 50 cent window repair would cause a mandate to kick in for similar properties. Fifty grand for a fifty cent window.

And they think the rest of us are supposed to trust their judgment. Bottom line the mandate will force many people to let their properties go to hell. Get ready for a shabbier looking South Bethany. You five are on the edge of totally losing the confidence of the town. Ignoring us and bullying ahead while most people are gone would be an in your face act. It would be belligerence. Therefore I urge you to at least postpone voting on the mandate until people return after Memorial Day. There is no good reason to rush, at least not from the standpoint of property owners. Why not openly debate homeowners next spring and let us decide? Thank you.

- Dick Oliver (410 Victoria Rd.) – Stated that he is a member of the Sea Level Rise Committee and also the Chair of the Planning Commission and has been involved with this issue for a long time. Mr. Oliver stated that at the Sea Level Rise Committee meeting in October the vote to approve mandatory language in the ordinance failed - the vote was three to three (one committee member was not present). Mr. Oliver said that he knows that the member who was not present would have voted in the negative if he had been at the meeting. Mr. Oliver said he has straw polled the members of the Planning Commission, and the members unanimously do not support mandatory language in the ordinance. Mr. Oliver pleaded with the Council to take time to consider this and let the public be heard and consider what they say. Mr. Oliver thinks Council will do enormous damage to the town by enacting this ordinance.
- Maria Johansen (3 S. Anchorage Ave.) – As the South Bethany Historical Society President, Ms. Johansen announced that the new coastal towns' museum that is being donated to the Historical Society is at the corner of West and Oakwood in Ocean View. It will take quite a long time to pull it together, but the Historical Society is working very hard on this project. Mayor Voveris thanked the Historical Society for all the good work they are doing. Everyone applauded.
- Steve Bunoski (417 Victoria Rd.) – First thanked everyone on Council for the hard work they do as volunteers. Mr. Bunoski said he agrees with the amendment but he does not agree with the process. Mr. Bunoski stated that he believes Council needs to follow the opinion of the Attorney General's office. Mr. Bunoski does not think the Town should encumber itself with legal fees if it does not follow the Attorney General Office's opinion. Mr. Bunoski said he has a bigger problem with this happening in the middle of winter. Mr. Bunoski asked if there was a meeting between some of the Council Members to the exclusion of other Council Members or was the first time it was brought up was at the Council Meeting where Council voted on the language. Councilman Junkin said there was no meeting. Councilman Gross said he made the motion and there was no meeting or joint consultation. Councilman Gross said the Chairman of the Sea Level Rise Committee (Councilman Junkin) did not know that Councilman Gross was going to bring it up. Mr. Bunoski said he appreciates Councilman Gross giving him that information. Switching gears, Mr. Bunoski said South Bethany is the only town on the beach in Delaware that still has smoking on the beach. Mr. Bunoski asked Council to do the right thing and exclude smoking from the beach. Mr. Bunoski asked Council to take this issue up shortly. Mayor Voveris stated that it is going to be a question on the Town's survey in the spring. Mr. Bunoski said that would exclude this summer. Mayor Voveris said Council can put it on a Workshop agenda and talk about it. Mayor Voveris said she personally researched this issue and there has never been enough support to prohibit smoking on the beach in South Bethany. Mr. Bunoski stated that every other town has prohibited smoking on the beach and they have not had any issues whatsoever.
- Bill Beckett (43 S. Anchorage Ave.) – Regarding the October 23 Town Council Workshop Meeting Agenda, Mr. Beckett asked if anyone approached the person putting together the agenda for space on the agenda for freeboard. Mr. Beckett stated that he thinks Councilman Gross was irresponsible bringing it up without going to the person in charge of the meeting and asking for a time and position at the meeting to bring up the subject. Mr. Beckett said it did not give others the opportunity to prepare. With regard to freeboard, there is also a

problem with the height restriction. Mr. Beckett thinks mandatory freeboard is an overreach by the Council. Mr. Beckett thinks what the town currently has is sufficient in terms of choice. Property owners don't need the Council to tell them how to use or how to appropriate land they own. Mr. Beckett said he would like to know in the case of a major flood how this freeboard of even three foot would save a house. Mr. Beckett also asked Council to consider the reputation Council would get taking this action when most people are out of town.

- Bob Coleman (230 Carlisle Rd.) – Stated that he has talked a number of times to the Council at other meetings and to the Sea Level Rise Committee regarding his concerns about the evaluation of sea level rise. Mr. Coleman does not think the Town ought to be making mandatory requirements based on something (sea level rise) that is so uncertain. Mr. Coleman said that he has spent four years analyzing the data and even after more studies he still comes to the conclusion that the data analysis done is not valid. Mr. Coleman stated that the data on the water levels needs to be corrected to adjust for other outside influences such as rainfall.
- Ed Bintz (302 N. Ocean Dr.) – Stated that he built his house about five years ago on the oceanfront at approximately base flood elevation and unfortunately pays just a little over \$9,000 in flood insurance. Mr. Bintz stated that a surveyor he had hired about a year ago had told him that the proposed maps (Flood Insurance Rate Map – FIRM) that were coming out were lowering the base flood elevation by two feet where his property is located and that would result in a substantial reduction in his flood insurance. Mr. Bintz stated that he saw in the Fall 2014 ZEPHYR that FEMA raised the base flood elevation where his property is located from 10 feet to 13 feet on the proposed maps with some involvement by the Town of South Bethany. After calling insurance companies, Mr. Bintz determined that he would get over a 40% reduction in his flood insurance if the map had stayed at 10 feet. Mr. Bintz said the reduction to 10 feet would have been huge for the houses on Ocean Dr. Mr. Bintz said assuming the maps stay in place for ten years, it will cost him about \$30,000 present value. Mr. Bintz said this was done without property owners on the oceanfront understanding what was going on. Mr. Bintz said that since the dune has been added and the beach has been stretched he has not had any issues in the five years he has owned his property. Mr. Bintz asked that this be revisited. Mr. Bintz asked that real resources be put behind this to roll the base flood elevation back to 10 feet. Councilman Junkin stated that the Town has no control over what FEMA does and what their analysis does. Councilman Junkin said the reason the base flood elevation went from 10 feet to 13 feet is because DNREC pointed out to FEMA that the dune can wash away. Mr. Bintz said the fact is the dune is there and there has been very limited damage to the dune at N. Ocean Drive. Mr. Bintz noted that there has been a little bit of damage to the dune at the very south end of South Bethany. Mr. Bintz said why would you assume away a fact and say that is how we should determine base flood elevation. Councilman Junkin said FEMA has the rules on how they figure it out. Referring to the ZEPHYR article, Mr. Bintz said it sounds like DNREC and the Town were behind it. Mr. Bintz said he would like to see the correspondence and all of the paperwork that has been involved in this and understand the process. Mr. Bintz stated that he watches the bulletin board to see what is going on and he saw nothing about this until the Fall 2014 ZEPHYR article. Mayor Voveris said the Town has communication from FEMA that she could pass along. Mr. Bintz said he would also like to find out what is going on in Bethany Beach and Dewey Beach because there is no reason why South Bethany's level should be higher than theirs. Mayor Voveris said she thinks what happened was we questioned FEMA's logic and then FEMA realized they had a computer error. Councilman Junkin said the ten foot base flood elevation would have put it below Ocean Dr. and that didn't make any sense if you are on the ocean, and so we asked them why it went from 12 feet to 10 feet. Mr. Bintz said that was not a good question to ask, and it is costing him and a lot of other people \$30,000. Mr. Bintz said the Town could easily pass a zoning ordinance saying that even though the base flood elevation is 10 all building has to be up at least to the elevation of Ocean Dr. Mr. Bintz does not think anybody would object to that. Councilman Junkin said that would be requiring freeboard. Mr. Bintz said he does not think anybody would disagree

with that on Ocean Dr. Mr. Bintz said he thinks the objection to (mandatory) freeboard is primarily on the west side of Route 1. Councilman Junkin said it is not primarily on the west side of Route 1 – it is both sides of Route 1. After discussion, Mr. Bintz said he would like to get information and he thinks, given the impact on the homeowners, the Town should push to try to do what they can to get the number back to 10. Mayor Voveris said the Town will follow up on this.

- Michael Walsh (404 Bristol Rd.) – Stated that he built his house in South Bethany over 30 years ago. Mr. Walsh said that while the concept of freeboard is a good concept, he and his wife are strongly opposed to a mandatory requirement for a number of reasons. It bothers Mr. Walsh that this is happening in the winter when nobody is around to oppose it. To come up suddenly like this when there were seven or eight months of discussion about a voluntary freeboard requirement seems a little unusual. A lot of the basic assumptions behind this proposal are the analysis of the sea level rise data of which there is quite a bit of controversy. Mr. Walsh thinks the allegations that property values will be higher if there is freeboard is speculation – Mr. Walsh said some people who are looking for property may turn down South Bethany and say they are not buying in a town where they have a Nazi council who is going to order these kinds of mandatory regulations. Mr. Walsh believes the statement that FEMA strongly recommends that there be one to three feet of freeboard is true, but Mr. Walsh does not think FEMA is strongly recommending the towns make it a mandatory requirement. Mr. Walsh believes that there are a lot of people who bought property years ago who have full intentions of making major renovations and improving their property and that if they are faced with the added cost of raising their house they won't do it and their property will deteriorate.
- Bob Cestone (140 New Castle Dr.) – Stated that he is against mandatory freeboard. Mr. Cestone thinks freeboard is a good idea, but to force it on the property owners is wrong. Mr. Cestone suggested taking a straw vote of the property owners present at the meeting – a show of hands of how many people are against mandatory freeboard and how many people are for mandatory freeboard. During discussion Councilman Saxton said it is a small sample of the total population. In the end, a straw vote was not taken.
- Joan Marini (300 W. 8th St.) – Stated that she is in favor of mandatory freeboard. Ms. Marini said that this is precisely what ordinances are about – doing what a concerted group believes, be it the Council or by referendum of the town. Ms. Marini believes both the science and easy observation are obvious – you have only to look at how rapidly the wetlands are being eaten away. Ms. Marini added that you don't need a hundred year storm - you have routine coastal flooding. Ms. Marini stated that they built up when building their house and she is happy they did because their house was among the few that eluded Sandy. Ms. Marini said that she is not seeing any of the new houses that are being built going up without freeboard – people are already incorporating this. Ms. Marini thinks there might be some need to work out what should be done about renovations on existing houses. Ms. Marini does not think it is plausible that a Town Manager or Code Enforcement Constable would value a current cottage at \$1. Ms. Marini suggested that eventually a full referendum may be the solution.
- Larry Covelli (107 Layton Dr.) – Stated that his question was to the five members who voted against Mayor Voveris – what is your basis for that proposal. Councilman Junkin referred Mr. Covelli to the email News Update sent out November 13 which contained Councilman Junkin's Rationale for Mandatory Freeboard.
- Dennis Roberts (107 Canal Dr.) – Questioned any recommendation that FEMA would have considering their generosity (how well South Bethany property owners were compensated) during Sandy. Mr. Roberts wonders if FEMA's recommendations have a little bit of motivation so that they don't have to pay out money. Councilman Junkin stated that if FEMA's liability is lessened because a house is raised, then the property owner's premiums go down.

- Tom Roche (141 Henlopen Dr.) – Inquired if it has come up at the Sussex County Association of Towns (SCAT) meetings about getting natural gas in the towns. If not, Mr. Roche suggested bringing the subject up at the next SCAT meeting. The Town Manager stated that the natural gas line has been run as far as Lewes. The Town Manager said he will call Sharp Energy to try and find out information regarding this.
- Dave Dunaway (124 Elizabeth Way) – Stated that he elected years ago not to carry flood insurance and he has not had any problem. Mr. Dunaway said there is no benefit to him from these regulations if they go through as mandatory. Mr. Dunaway believes that before Council takes any other votes Council ought to know how many people carry flood insurance.
- Brad Gough (121 Elizabeth Way) – Stated that his house was built in 2003 on a slab flat down on the ground. Mr. Gough stated that one of the reasons he did that is because every foot he raises his house up he loses square footage inside his house because he has a stairway that has to go in. Mr. Gough said he stayed in his house during Sandy and he watched the water and the water never got near his house. Mr. Gough said he has never had flood insurance since 2003. His thinking now is that even if the water gets into his floor he has saved enough money on premiums over the last 11 years that he can cover the damage without flood insurance. Regarding mandatory freeboard, Mr. Gough said don't force him to do it if he does a renovation. Mr. Gough does think freeboard is a good idea and is in favor of voluntary freeboard. Mr. Gough thinks it would be great to educate people, especially new home builders and anybody that is going to buy, so that people understand the situation, but let them make the decision.

Councilman Gross explained that if a homeowner does a substantial improvement to their house the homeowner would have to raise the house not because of what the South Bethany Town Council is doing but because FEMA requires it. Mr. Gough said his understanding is that if Council passes the mandatory freeboard regulation then it is even more than what FEMA is requiring. Councilman Gross said that Council's position is that if a homeowner has to raise their house to meet FEMA's requirements then they have to raise it another two feet. Referring to raising the house another two feet above FEMA's requirements, Councilman Gross said it is not a big burden. During the discussion Mr. Gough said he would not want to raise his house the additional two feet.

- Bob Cestone (140 New Castle Dr.) – Stated that his house is currently built with approximately two feet of freeboard. With the change in FEMA's regulations this coming spring he will only have one foot of freeboard. Mr. Cestone said if he were to do a substantial improvement to his house after the change in FEMA's regulations this spring, he would have to raise his house to meet the two feet of mandatory freeboard that Council is proposing. Mr. Cestone said making freeboard mandatory will incur costs. Mr. Cestone agreed that if he was raising his house to meet FEMA's requirements, the additional cost to raise his house to meet Council's proposed requirement is not that much. Mr. Cestone said he had checked with a builder 12 years ago and at that time it would have been about \$24,000 to raise a small house – today it may be \$30,000.
- Bill Beckett (43 S. Anchorage Ave.) – Stated that he finds you take more interest in something when it affects you. Mr. Beckett asked how many Council Members would be affected by the mandatory freeboard with their home. During discussion Councilman Junkin said his house was built on a slab and when he remodeled in 2001 he was told the part that was on the original footprint could stay at the same elevation but the new part had to be a foot higher to get up to base flood elevation. Councilman Junkin said at the time he did not know anything about it and decided to do what the Code said. Councilman Junkin said that if he knew then what he knows now his house would be significantly different. Mr. Beckett said to Councilman Junkin that at that time he had the luxury of making his own decision without Council. Councilman Junkin said yes and without any education. Mr. Beckett said maybe there needs to be more education in terms of this issue. Councilman Junkin agreed.

- Carol Stevenson (131 Henlopen Dr.) – Stated that she knows Council worked long and hard on the ordinance that was passed in August 2014 regarding voluntary freeboard (to make an option for higher maximum house height where freeboard of two feet or more is provided). Ms. Stevenson asked what has happened since August that makes it so vital that now freeboard needs to be mandatory. Councilman Junkin explained that the Sea Level Rise Committee originally came to Council at a meeting in December 2013 and recommended there be three feet of mandatory freeboard. With a Council vote of 3 to 3, the recommendation was not approved. Council asked the Sea Level Rise Committee to figure out how the Town can encourage people to have freeboard without mandating it. Out of that Council passed an ordinance in August 2014 on height to encourage freeboard which said if you have freeboard of two feet you can be two feet higher in height. Councilman Junkin noted that the ordinance said nothing about voluntary freeboard because freeboard was already allowed. Since passing the ordinance in August 2014, Councilman Caputo changed his vote in favor of mandatory freeboard. Ms. Stevenson said it seems odd to her that Council passed a regulation and Council is only giving it a few months to see what happens. Councilman Junkin said Council did not rescind anything that was done in August. Councilman Rae stated that the reason it came up is because this is one item out of dozens that are in the regulated document that the Town has to have passed by next year (March 2015) per FEMA. Councilwoman Callaway said that is true but mandatory freeboard does not have to be a part of that document. Councilman Caputo stated that now some members of Council are thinking that if we are going to go through all of this effort let's make our thought complete and not leave pieces out.

Ms. Stevenson asked if the neighboring towns like Fenwick Island, Bethany Beach, and Lewes have mandatory two feet of freeboard. Councilman Junkin said that he thinks Rehoboth Beach is going with one foot of mandatory freeboard. Councilman Gross said Ocean View has two feet of mandatory freeboard now. Councilman Junkin said Kent County has 18 inches of mandatory freeboard now. Councilman Junkin stated that Fenwick Island voted against mandatory freeboard. Ms. Stevenson asked about Sussex County. Councilman Junkin said Sussex County voted not to require mandatory freeboard.

- Kent Stephan (46 S. Anchorage Ave.) – Stated that he read Councilman Junkin's Rationale for Mandatory Freeboard and he looked at the minutes from Councilman Junkin's committee meetings and from the Council meeting minutes. Mr. Stephan said that he finds it unconvincing.

Mayor Voveris read the following letter which was received today from former Mayor Jankowski:

Council Members, Since the issue of mandatory freeboard is so contentious, I would hope you would perform a "due diligence" process, share your findings and allow the community to become well educated. This decision is one that will possibly affect every citizen in our community and is too important to rush through. Everyone needs to understand, and you need to listen to your constituents before casting your vote. If you are not going to listen to members of the community and vote accordingly, I suggest you hold a referendum. It is your duty to serve the people. Kathy Jankowski

Mayor Voveris asked Councilwoman Callaway to read the following letter from John and Lynn Hormanski:

We, John and Lynn Hormanski of 202 Carlisle Drive would like it be known that we stand with all other homeowners in South Bethany to state that we Strongly Oppose the five members of council who are proposing the requirement on the 2ft of freeboard be made mandatory.

We feel as a homeowner in South Bethany along with other homeowners we should have the right to make decisions as to what we feel is beneficial to our properties, not leave the sole decision up to these five members of council.

How can these members of council dictate what a homeowner can or should do with their property, when this proposal they are trying to endorse is not even a Requirement laid out by FEMA. We feel this is an act of unnecessary control by these members.

Once again we Strongly Oppose the decision that the following named council members are in agreement of ; Jim Gross, George Junkin, Al Rae, Tony Caputo, and Tim Saxton.

Please pass this on to be included in the minutes of the meeting pertaining to mandating the 2 ft. Freeboard requirement.

*Thank you,
John and Lynn Hormanski*

- Ed Bintz (302 N. Ocean Dr.) – Stated that the freeboard issue does not seem particularly well thought through. Mr. Bintz said some of the houses in town have a value of \$10,000 to \$50,000. Mr. Bintz said one option would be to require it for a renovation of \$250,000 or more or some very significant amount. Mr. Bintz said this seems to be sprung out and caught people off guard.

Regarding his issue on the change of the proposed FIRM, Mr. Bintz said he thinks he saw online that there was an appeal period. Mr. Bintz asked if Council had considered appealing the change. Councilman Junkin said he does not remember but he thinks the appeal period has passed.

Councilman Gross said there is a whole book on substantial improvement by FEMA and it is FEMA's requirement that if you have substantial improvement you have to raise your house to be higher than base flood elevation. Councilman Gross said our view is that if you are going to raise your house per FEMA's requirement you ought to raise it up an extra two feet.

OLD BUSINESS

June Bug Issue - Mayor Voveris said that she and Councilwoman Callaway are working with Chief Crowson next week to come up with a tally of what happened last year against other years. They will come up with a proactive plan for next year. They will report on their findings at a Town Council meeting.

DISCUSSION AND POSSIBLE VOTE TO ACT UPON THE RECOMMENDATION OF THE ATTORNEY GENERAL TO NULL AND VOID THE OCTOBER 23 WORKSHOP VOTE TO INCLUDE MANDATORY FREEBOARD LANGUAGE IN THE FEMA FLOODPLAIN ORDINANCE REQUIRED BY MARCH 2015 (PAT VOVERIS)

Motion: A motion was made by Councilwoman Callaway, seconded by Mayor Voveris, that Council follow the recommendation of the Attorney General to null and void the October 23 Workshop vote to include mandatory freeboard language in the FEMA floodplain ordinance required by March 2015.

Discussion: Councilman Junkin said the email from Deputy Attorney General Black says, "My knee-jerk reaction is that the item listed on the agenda for discussion was not sufficiently descriptive to allow citizens to "observe" and "monitor" the Council's actions." Councilman Junkin stated that in July at a presentation regarding the Freedom of Information Act (FOIA) that Deputy Attorney General Black gave at South Bethany's Town Hall, Mr. Black said that during deliberations votes may be taken on items of discussion as long as the vote is not a final vote - it does not have to be listed as a discussion and possible vote on the agenda. Councilman Junkin said Mr. Black also sent case issues wherein almost all were final votes. Councilman Junkin stated that Council was nowhere near a final vote - Council was drafting an ordinance. Councilman Junkin said he will not vote to make it null and void because he does not think

Council did anything wrong. Mayor Voveris said in her detailed conversation with Mr. Black she pointed out that he had told the Town (in July) that unless Council was making law Council could do votes, but he said because Council did not have the agenda clearly defined, Council did not give people a chance to observe and monitor Council's action, and Council was making decisions that would monetarily affect people. Mayor Voveris said Mr. Black felt it best that Council null and void the action at the October 23, 2014, Town Council Workshop Meeting regarding this issue. Councilman Saxton said this has nothing to do with mandatory freeboard versus voluntary freeboard - it is procedural. Councilman Saxton said he struggles with this vote because the Council acted in good faith based on information provided in July and is documented in the minutes. Councilman Saxton agreed with Councilman Junkin that the case law that Mr. Black provided was very close to final vote which is very different than the action Council took at the October 23, 2014, Town Council Workshop Meeting. Councilman Saxton noted that Council will have four more meetings (to include a public hearing and three readings) regarding this ordinance. Mayor Voveris stated that Councilman Saxton was missing the point - it was not on the October 23, 2014, Town Council Workshop Meeting Agenda. Councilman Saxton said he was not missing the point. Councilman Saxton said it was on the October 23, 2014, Town Council Workshop Meeting Agenda to discuss the FIRM draft language. Councilwoman Callaway said she came to the October 23, 2014, meeting prepared to discuss the document and she never thought she had to come prepared to discuss mandatory freeboard. Councilwoman Callaway said voiding the action taken at the October 23 Workshop and taking another vote makes the most sense - it cleans it up. Councilwoman Callaway added that then Council would base the decision on what Council is hearing from the people. Councilman Saxton agreed that the best thing that came out of this is that Council got public input. Going back to this being a procedural issue, Councilman Saxton noted that Council made decisions (gave nods or basically straw votes) on changing the language all the way through the draft document at the October 23 Workshop. Councilman Gross agreed. Councilman Junkin noted that the document had 15 proposals (standards) in it, one of which was freeboard at 12 inches or 18 inches, and Councilman Gross proposed two feet of freeboard since two feet is what Council had in the height ordinance. Councilman Gross said mandatory freeboard was one of the standards to be considered, Standard Number 7, recommended by DNREC and the State of Delaware. Councilman Junkin explained that DNREC had 15 recommendations regarding the draft ordinance and Council rejected about half of the recommendations and agreed to about half of the recommendations at the October 23 Workshop.

After hearing more comments from the public, Mayor Voveris asked for a roll call.

Vote: The voting was as follows:

FOR THE MOTION: Councilpersons Callaway and Saxton and Mayor Voveris

AGAINST THE MOTION: Councilpersons Caputo, Gross, Junkin, and Rae

The voting result was 3 in favor and 4 against. The motion was defeated.

Mayor Voveris stated that she will report back to the Attorney General that our Council decided not to act upon his advice.

DISCUSSION AND POSSIBLE VOTE TO KEEP LANGUAGE ON FREEBOARD AND OTHER ITEMS ASSOCIATED WITH FREEBOARD IN AN ORDINANCE/S SEPARATE AND DISTINCT FROM THE FEMA FLOODPLAIN ORDINANCE (PAT VOVERIS)

Mayor Voveris said this came up on the advice of the Town's attorney who suggested that if the item is contentious keep it separate from the floodplain ordinance because if the ordinance was challenged to referendum and got overturned the Town could be kicked out of the National Flood Insurance Program (NFIP). Councilman Junkin stated that there is no other place in the Zoning Chapter or any other place in the Code to address how high the first floor has to be other than the

floodplain ordinance. Councilman Junkin noted that the floodplain ordinance of South Bethany's Code is Chapter 145, Zoning, Article XIV, Coastal Floodplain Regulations. Mayor Voveris asked the Code Enforcement Constable if freeboard could be placed separately in the Town's Code rather than having it in the floodplain ordinance that has to be in place by March per FEMA. The Code Enforcement Constable said that it is his understanding that it cannot. Councilman Junkin said that is his understanding also. Councilman Rae asked if there were any reason why the model ordinance could not be later modified if it was passed without mandatory freeboard then later amended with mandatory freeboard. The Code Enforcement Constable stated that the floodplain ordinance can be amended to a higher standard than what FEMA has set - the floodplain ordinance cannot be modified to a standard less than the minimum that FEMA has set. Referring to the minimum standard FEMA has set, Councilman Junkin said the floodplain ordinance cannot be changed to less than the base flood elevation (BFE). Pointing to what Councilman Rae asked, Mayor Voveris said Council could pass basic requirements and amend the ordinance at a later time when the town is more educated on the issue and maybe more interested in requiring mandatory freeboard. Mayor Voveris said it is not a separate thing at this point in time. The Code Enforcement Constable stated that the FEMA document under consideration has a minimum base flood requirement that is not an option and will have to be passed or the Town will be suspended from the National Flood Insurance Program (NFIP). The Code Enforcement Constable noted that the Town is required to pass the minimum standards set by FEMA, but higher standards can be chosen.

Councilman Rae said he is concerned about the March 15, 2015, deadline set by FEMA. Mayor Voveris said everyone on Council is concerned about the March 15, 2015 deadline.

After discussion and public comment, Mayor Voveris asked for a motion from the floor. There was no motion. In the end, Mayor Voveris said that Council will not vote on this agenda item because Council has determined that this is not applicable.

DISCUSSION AND POSSIBLE VOTE TO KEEP THE FEMA FLOODPLAIN ORDINANCE LANGUAGE TO BASIC FEDERAL REQUIREMENTS (PAT VOVERIS)

A motion was made by Councilwoman Callaway, seconded by Mayor Voveris, that Council keep the FEMA floodplain ordinance language to basic federal requirements.

During discussion Councilman Junkin said per the motion Council would have to throw away other items that Council agreed to in addition to the item on freeboard.

After more discussion, Council did not vote on the motion.

DISCUSSION AND POSSIBLE VOTE TO INCLUDE LANGUAGE IN THE FEMA FLOODPLAIN ORDINANCE TO REQUIRE MANDATORY TWO (2) FEET OF FREEBOARD (GEORGE JUNKIN)

Councilman Junkin said he asked that this item be on the agenda because he believes requiring mandatory two feet of freeboard is the right thing to do. Councilman Junkin believes Council acted according to the rules at the October 23 Workshop. Councilman Junkin said he would like to reinforce the vote taken at the October 23 Workshop. Councilman Junkin said most of the emails he has seen have been relative to substantial improvement. Councilman Junkin believes that during the process of passing the floodplain ordinance (a public hearing and three readings) Council can vote on something that says that new construction and substantial improvement to properties that are below base flood elevation shall go to BFE plus two feet and properties that are currently at BFE or above don't have to go above BFE. (Later in the discussion Councilman Junkin said he has not yet gotten enough information from his contacts at FEMA to know if this option makes sense.) Councilman Junkin said that for this vote he wants to get on the record what Council did at the October 23 Workshop and have no question about it. Councilman Junkin noted that this vote could turn out differently than the vote at the October 23 Workshop. Mayor

Voveris said yes because it is requiring two feet of mandatory freeboard. Councilman Gross noted that this vote is in regard to the draft ordinance for Council to consider.

Council took comments from the public.

Motion: A motion was made by Councilman Junkin, seconded by Councilman Caputo, that Council include in the draft floodplain ordinance the requirement for two feet of mandatory freeboard.

Council took comments from the public.

Councilman Saxton said he is in favor of doing a nonbinding mail in referendum to get a greater sample size of the opinion of the people of the Town. Councilman Junkin said Council may want to talk about a survey at the next workshop.

Council took comments from the public.

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

FOR THE MOTION: Councilpersons Caputo, Gross, Junkin, and Rae (Councilman Rae said he is voting yes because Council is reaffirming the October 23 Workshop vote.)

AGAINST THE MOTION: Councilpersons Callaway and Saxton and Mayor Voveris (Councilman Saxton said in lieu of not having a great sample size to make a decision, he feels obligated to listen to the public.)

The motion was adopted with a 4-3 vote.

ADOPTION OF MINUTES

- **Town Council Workshop Meeting Minutes, October 3, 2014** – A motion was made by Councilman Junkin, seconded by Councilman Gross, to accept the October 3, 2014, Town Council Workshop Meeting Minutes.

The motion was unanimously carried.

- **Town Council Executive Session Minutes, October 3, 2014** – A motion was made by Councilman Junkin, seconded by Councilman Gross, to accept the October 3, 2014, Town Council Executive Session Minutes. The motion was unanimously carried.

- **Town Council Regular Meeting Minutes, October 10, 2014** – A motion was made by Councilman Junkin, seconded by Councilman Gross, to accept the October 10, 2014, Town Council Regular Meeting Minutes. The motion was adopted. Councilman Rae abstained because he was not present at the October 10 meeting.

- **Town Council Workshop Meeting Minutes, October 23, 2014** – A motion was made by Councilman Junkin, seconded by Councilman Caputo, to accept the October 23, 2014, Town Council Workshop Meeting Minutes as amended as follows:

Page 3, eight lines from the bottom: Change \$10,000 to \$15,000 to \$1,000 to \$1,500.

The motion was unanimously carried.

- **Town Council Executive Session Minutes, October 23, 2014** – A motion was made by Councilwoman Callaway, seconded by Councilman Junkin, to accept the October 23, 2014, Town Council Executive Session Minutes.

The motion was unanimously carried.

LEADERSHIP REPORTS

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

AMBULANCE SERVICE

During a recent meeting of the SOC for our ambulance service the proposed budget for the coming year was met with approval.

The budget included the addition of the Delaware State Pension program benefit (which replaces the current IRA program). It did not include any increase in the annual fee per property that we pay for the ambulance service. Unanticipated funds received from Sussex County will allow pay down of the loan that was taken for the purchase of the first two ambulances.

S.C.A.T. DINNER

During a recent dinner meeting for the Sussex County Association of Towns a presentation on the Smart911 program was presented by Joe Thomas from our County Emergency Operations Office.

Chief Crowson made a presentation on this service at our last Town Council Meeting. Hats off to Troy for bringing this information forward to South Bethany ahead of our County Office.

DNREC PUBLIC WORKSHOP

On October 31 Councilwoman Callaway and I attended this workshop on Regulations in Governing Beach Protection and Use of Beaches.

The Beach Preservation Act of 1972 recognized beaches were deteriorating due to natural processes and encroachment by man.

DNREC's charge is to enhance, preserve, and protect the public and private beaches of Delaware and mitigate beach erosion and minimize storm damage.

The Beach Preservation Act was amended in 1996 to include commercialized areas in Rehoboth and Bethany Beach regarding the building line. It also included the 4 Step Process of possible reduction in size of structures seaward of the building line. In 2006 the Act was amended to include regulated areas and substantial damage. An increase in the number of regulated properties encompassed Delaware Bay Beaches, Fenwick, Bethany Beach and South Bethany.

Where once oceanfront properties east of Ocean Drive were the only regulated properties, the move now is to include the first 3 properties from the ocean. The new regulated area has not yet been approved, but means activity would require approval from DNREC in addition to the normal permit process. Included here would be construction, grading, and land alteration which have the potential to affect beaches and dunes. No additional permit fee would apply here. DNREC would issue a letter of approval and a fee waiver.

The 4 Step Process defines:

- Step 1 Construction at set backs
- Step 2 Structure occupying area between the side yards and set backs
- Step 3 Square footage of structure footprint would not exceed the average square footage of several adjacent structures, side by side
- Step 4 Seaward penetration over the building line and deck regulation to include cantilever decks

Other Areas Under Consideration:

- Temporary Structures
- Weddings
- Beach Rental Shacks

Temporary Structures need to be easily removable and stairs need to be raised or removable.

Flood rates were also discussed as increasing and zone affected. V zone homes should have breakaway walls or pilings and AE zone homes should have vents. The audience suggested DNREC and NFIP should work together in harmony for best homeowner results.

DNREC is holding workshops (not hearings) to discuss the Beach Replenishment Act and assess how well they are doing and what improvements need to be made. One or more public hearings will take place before any regulations are changed. In addition, the Army Corps of Engineers will send their report on Super Storm Sandy to Congress on January 28, 2015. This may be of interest regarding future beach replenishment.

During discussion of step 3 above Councilman Rae suggested that South Bethany should have a representative on the committee. The Town Manager said Councilman Healey of Bethany Beach usually represents Bethany Beach. The Town Manager suggested Council channel their concerns through Councilman Healey if Council can't get anyone on the committee. The Town Manager said Councilman Healey has agreed to represent South Bethany.

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

The Town has received questions about the construction at Route 1 and Anchorage Drive. The project has been in the planning stage for approximately two years. It is a Sussex County Sanitary District project, and they are replacing the lift station there. It was a planned replacement, and Sussex County Sanitary District had notified the Town over two years ago of the project and that they had been in contact with the property owners there and worked out an agreement with them. The project is scheduled to be complete by the new year.

Attended the Sussex County Association of Towns Steering Committee Meeting on November 7 in Georgetown.

Attended the City Managers Association of Delaware Meeting on November 13 in Dover. The group discussed the Association of Towns and the Delaware League of Local Governments (DLLG) getting together on their legislative agenda because there are some items that are going to come up that are going to affect the towns such as House Bill 81 regarding the unionization of police. One of the cities is looking for authority to set their own accommodation tax for hotels to cover the police calls to hotels. The Town Manager noted that the accommodation tax would not affect South Bethany.

Regarding recycling carts not being placed back in the bins properly, the Town Manager contacted the supervisor and he was to instruct all drivers to place the carts back in the bins. However, on October 24 the Town Manager observed carts not being placed back in the bins. The Town Manager took pictures of the carts and sent them to the supervisor. The supervisor made the driver go back and place the carts in the bins. The Town Manager will continue to monitor this and send pictures to the supervisor when needed.

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

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

Highlights on Revenue:

- The Community Enhancement Committee (CEC) received a \$265.00 donation from the Historical Society.
- Property tax received is at 100%. There are 6 properties with delinquent 2014 property taxes.
- Realty Transfer Tax is at 104.29% (\$260,719) collected for the fiscal year.
- Rental Tax is at approximately 99% of budget.
- Building Permits is at 94% of budgeted revenue collected.

Councilman Junkin said that on page 5 of the Treasurer's Report in the Canal Water Quality section line items 5290 and 5288 have different names but he thinks they are the same thing. Councilman Junkin thinks they should be on the same line.

- **Police Department Report/Questions**—Chief Troy Crowson reported for the month of October, 2014:

Attended the International Association of Chiefs of Police Conference in Orlando, FL. Obtained many ideas concerning different programs, new technology, and training to participate in for the upcoming year. A presentation will follow at an upcoming workshop.

Part-Time Officer Marlon Miller has been upgraded to full-time officer. His official start date was November 1. He filled one of two full-time officer positions. The department is currently advertising for a second position.

On November 12, 2014, the Chief of Police, the Town Manager, and the Maintenance Supervisor met with John Easom of ACF Environmental Systems to address the damage that the police cars are doing in the median strip and possible solutions for that improvement and enhancement. Several solutions were discussed. It was determined by everyone at the meeting that the GeoRunner Protections, which are similar to the Mobi-Mats, offer the best solution for South Bethany's purposes. This is still in the pricing stage. Chief Crowson will report back to Council after he gets more information.

The department's JAMAR Radar Recorder is in. The recorder is to help with speed in the different areas of town. The department is reviewing the software and expects to deploy it to collect data at various locations within the next few weeks. Our first location will probably be in the Cat Hill area.

In October there was a theft of a kayak. As a reminder, it is important to make sure nothing gets left outside unsecured.

ORDINANCES/RESOLUTIONS

- **THIRD READING OF ORDINANCE 174-14, TO AMEND CHAPTER 42, BUILDING CONSTRUCTION, SECTIONS 42-2, 42-5, 42-8, AND 42-14.3.**

Councilman Gross asked for questions or comments on Ordinance 174-14. There were no questions or comments.

Mayor Voveris declared this the third reading of Ordinance 174-14.

- **POSSIBLE VOTE ON THE ADOPTION OF ORDINANCE 174-14**

A motion was made by Councilman Gross, seconded by Councilman Junkin, that Ordinance 174-14 be approved by the Town Council. The motion was unanimously carried.

- **THIRD READING OF ORDINANCE 175-14, TO AMEND CHAPTER 114, SOLID WASTE, SECTION 114-7, TO ADD A THREE MEMBER HEARING BOARD TO HEAR APPEALS**

Councilman Gross asked for questions or comments on Ordinance 175-14. There were no questions or comments.

Mayor Voveris declared this the third reading of Ordinance 175-14.

- **POSSIBLE VOTE ON THE ADOPTION OF ORDINANCE 175-14**

A motion was made by Councilman Gross, seconded by Councilman Junkin, that Ordinance 175-14 be approved by the Town Council. The motion was unanimously carried.

- **RESOLUTION NO. 3-14 A RESOLUTION DECLARING THE MONTH OF NOVEMBER 2014 "PANCREATIC CANCER AWARENESS MONTH" (PAT VOVERIS)**

Council agreed to accept Resolution 3-14.

COMMITTEE & COMMISSION REPORTS

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

- The Community Enhancement Committee held a meeting on Thursday, October 23, 2014, at the Town Hall Meeting Room.

South Bethany Women's Club Contribution

- Under the leadership of CEC member Diann Nazarian, on October 23rd the South Bethany Women's Club purchased and arranged fall decorations for the North and South Welcome Bed areas. Thanks to Diann, Pat Weisgerber, Sally Baker and Lora Caputo, President of the SB Women's Club for this contribution and sharing their time. It certainly enhances SB.



Update on Ocean Drive Art Boards

The group reviewed the final versions of Artist, Photographer, and local SB artists' flyers that will be used to engage participants in the Art Board Initiative. The informational flyers are now in final format and will be presented to Gallery 1 artists after Thanksgiving. Sue has been reaching out individually to a few artists and photographers. The three art boards on Ocean Drive will be removed after Thanksgiving for winter clean-up and storage. The flyers will be available on the CEC website once the site is updated later this month.

Review of FY 15 CEC Budget and Preparation of the FY 16 Budget

The group prepared a DRAFT CEC FY 16 budget proposal which was then presented at the Town Council Workshop on October 23. The scope of the CEC work was divided into the following categories: the Adopt-A-Canal/Road End Program; Phase 4 of the Street Sign Project; the Ocean Drive Light Project; Print Materials; South Bethany Landscaping; and the Ocean Drive Art Initiative. At the Workshop meeting, Council suggested and agreed to move the expenses for mulch from the CEC budget and move them to the Public Works budget. The CEC will re-visit the DRAFT budget at their next meeting.

Little Free Library on Oceanside

In follow-up to requests to place a LFL on ocean side, Frank Weisgerber has volunteered to build another LFL over the winter. In addition, Martha and John Fields have volunteered to oversee the library. The location of the LFL is TBD and will be in place by May 1.

Adopt-A-Canal/Road End Program

The *2014 Adopt Program Update* was sent to SB property owners via an Email News Update on November 5. The Update presents an overview of the volunteer accomplishments and pictures of the 26 improved canal/road ends. In addition, in the email we highlighted the canal/road ends that are on the priority "A" list. We look forward to more adoptions! The *Update* is available on the CEC website under Adopt Program.

Public Works has just completed Phase 3 of our street sign project on the west side of Route 1. Thirty-seven new signs and covered posts were installed over the last few weeks. Thank you, Don and Rick, for completing this task in such a timely matter. Phase 4, which includes various signs on the east side of Route 1, is being included in the FY16 Budget.

2015 South Bethany Team Plunge

A second notification regarding the formation of a 2015 South Bethany Team for the annual Bethany Beach New Year's Day Plunge was sent to homeowners via an Email News Update on November 7.

Next Meeting Date

Meeting followed by Annual CEC Christmas Party on Thursday, December 11, 2014, at 10:30 AM.

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

The Budget and Finance Committee met today.

A memo will come out later this month on the budget process. There will be a request for long-range planning of three years. The other recommendation from the Budget and Finance Committee is that the Town Manager and the Finance Director will bring the initial draft of the budget through the Budget and Finance Committee. The committee will review the initial draft in January and then it will be passed onto the Town Council for their initial review. Council will have a budget workshop in February.

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

The Charter and Code Committee met in conjunction with the Sea Level Rise and Storm Surge Committee on 11/13/14 to provide input to the FEMA required Ordinance to update the South Bethany Food Plain regulations contained in Chapter 145, Zoning, of the Code.

Also discussed was the proposal to permit some steps in the set back areas when freeboard is provided. The consensus was to prepare a draft ordinance, as was outlined at the 10/23/14 Workshop. Unless there is a question or objection, that is what the Charter and Code Committee will proceed to do. (Administrative Assistant's note: There were no questions or objections from Council.)

- **Canal Water Quality Committee** – Councilman Junkin reported:
 - **Grant Activity**
 - **Large oyster cages and floating wetlands in South Bethany Canals**
 - Currently on hold until next year because the CIB didn't get their permits in time. They were going to try and get Chesapeake oysters instead of Delaware oysters. DNREC said no so it is on hold. Councilman Junkin believes it is still going to happen.
 - **Diffuser Pilot Program**
 - A status report is in review relative to the water quality of the Petherton Canal, which has diffusers, to the water quality of the Brandywine Canal, which does not have diffusers. Councilman Junkin hopes it will be complete by the 11/20/14 Workshop.
 - **Modeling of South Bethany Canals**
 - I am soliciting two vendors relative to their capabilities and costs to perform an analysis to determine the benefits of connecting the dead ends of our canals to increase circulation.
 - **Water Quality Monitoring**
 - Results from monitoring at about 10 sites throughout South Bethany over the last four years show that dissolved oxygen has been increasing (this is good) while Bacteria Count has also been going up (this is bad).
- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Councilman Junkin reported:
 - The last meeting of the SLR & SS committee was a combined meeting with the Code and Charter Committee on November 13.
 - All members of both committees were present, either in person or by telephone. Frank McNeice and Bob Buhner from the SLR & SS Committee participated by telephone.
 - Also participating were Greg Williams from DNREC (in person) and Rebecca Quinn, a consultant to DNREC, (by telephone).
 - Rebecca Quinn and Greg Williams were both significant helpers and contributors to the meeting.
 - The only item on the agenda was “Review and mark up all sections of the South Bethany Code that are affected by FEMA's request that the Floodplain Regulations be updated and to address Council's request that steps be allowed in the setback to accommodate 2 feet of mandatory freeboard.”
 - Items not on the agenda that fell under the purview of the Town Council, specifically mandatory versus voluntary freeboard, were not discussed.

- Discussion occurred on the following sections of the code;
 - Chapter 145 (Zoning) Article III (Definitions),
 - Article XI (Setback Requirements),
 - Article XIV (Coastal Floodplain Regulations),
 - Article XV (Board of Adjustment) and Article XVII (Administration, Enforcement and Penalties.)
 - Chapter 42 (Building Construction)
- Most comments from Rebecca Quinn, Greg Williams, Council Members and members of the two committees were resolved. All resolved issues will need to be confirmed by Council along with a few that will need to be resolved by Council at the 11/20/14 Workshop Meeting.
- I plan to attend, on Dec. 4, *Mitigating Climate Change at the Local Level*, the first in a series of seminars entitled *Focus on the Delaware Coast Seminar Series*. Councilman Junkin said he is interested in going for grants and funding information.
- **Planning Commission** – Councilman Rae reported:
 - The Planning Commission met on October 20 at 10:00 am
 - Dorothy Morris, State Circuit-Rider Planner for Sussex County, Office of State Planning Coordination, attended the meeting to assist the Planning Commission's efforts in preparing the revised Plan.
 - In addition to hard copies provided at the meeting she sent digital copies of the Strategic Plan requirements, check list, and other documents.
 - She noted that our full Plan revision is not due until July 2016.
 - Phil Arbaugh resigned from the Planning Commission and it was decided not to replace him; that five members was adequate.
 - The 2012 South Bethany Comprehensive Plan was discussed. This plan which had been sent to the Town Council in November 2012 was never acted on by Council due to Hurricane Sandy. The Plan will be updated and again sent to Council. *Mayor Voveris noted that this information that was reported at the Planning Commission meeting was incorrect. Mayor Voveris said the Planning Commission Chairman now has all the information. Councilman Gross said the report was submitted to the State and the State complimented the Town, and the Planning Commission was so informed. Mayor Voveris will get the paperwork to Councilman Rae.*
 - The updated Survey was discussed and followed up with a consolidation of comments after the meeting. The resulting document will be sent to Council in November 2014.
 - The next meeting of the Planning Commission is scheduled for Monday, November 17, at 10:00 a.m. On the agenda is a discussion of the 2015 survey form and a discussion of the FEMA floodplain ordinance.

PUBLIC COMMENT

Ed Bintz (302 N. Ocean Dr.) – Mr. Bintz reiterated what he stated during the Property Owners Participation portion of this meeting.

Mr. Bintz said that it seems to him that the process of the change to the proposed Flood Insurance Rate Map (FIRM) was done without any dissemination of information to the public. Mr. Bintz said he watches the bulletin board regularly and he saw no mention of this coming up. Mr. Bintz feels this process was done without the right information and without the right people knowing about it. Mr. Bintz said he thinks a change to the FIRM is important because this is a lot of money to a lot of people. During the discussion Councilman Junkin said we sent information to FEMA about previous floods that occurred there, and DNREC sent information to FEMA about various floods and houses that were elevated to get them above 12 feet because houses were

damaged when the nor'easters came through. Mr. Bintz said that is old news in the sense that it goes back to the 1970s and 1980s. Mr. Bintz questioned why we would ever send that. Mr. Bintz said he will drop this if he finds out Bethany Beach is 13 feet, but if the other towns along here are 10 feet and South Bethany is 13 feet, that is not right. Councilman Junkin said he expected that FEMA would make it go back to 12 feet. Mr. Bintz said it would have been nice at 10 feet because that is a huge amount of savings for everybody. Mr. Bintz said maybe the southern end should be 12 but further up it should be 10. Mr. Bintz said he has no concern at all about his house being damaged, and if he didn't have a mortgage he would go without insurance because it is so expensive. Mr. Bintz asked how we follow up on this. Councilman Junkin suggested contacting Michael Powell in DNREC. Mr. Bintz said yes but he thinks it is important for the Town to follow up. Councilman Junkin asked Mr. Bintz for his card and said he will send Michael Powell an email and copy Mr. Bintz on the email.

ADJOURNMENT

A motion was made by Councilman Gross, seconded by Councilman Rae, to adjourn the November 14, 2014, Town Council Regular Meeting at 10:20 p.m. The motion was adopted.

PHS:Regular Meeting Minutes 11 14 14 Amended 1 29 15