

<p style="text-align:center">TOWN OF SOUTH BETHANY TOWN COUNCIL WORKSHOP MEETING MINUTES NOVEMBER 15, 2012</p>

ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Pat Voveris, George Junkin, Sue Callaway, and Mark Damato; Town Manager Melvin Cusick; and Code Enforcement Constable Pete Brockstedt

MEETING CALLED TO ORDER

Mayor Jankowski called the November 15, 2012, Town Council Workshop Meeting to order at 5:00 p.m.

PUBLIC COMMENT PERIOD

Daniel Cowell, MD, 110 Henlopen Dr. – Commented on the flooding from Hurricane Sandy, the fire on S. Anchorage Ave., and a ten ton surplus armored vehicle the Bethany Beach Fire Department purchased which presumably could be used for the next Hurricane Sandy.

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION NO. 6-12, A RESOLUTION TO EXEMPT THE BUILDING PERMIT FEE FOR 2012 FLOOD-RELATED REPAIRS (SUE CALLAWAY)

Councilman Gross inquired if the FEMA flood insurance requirements apply in the areas of a house not covered by flood insurance. The Code Enforcement Constable replied that there is not clarity on that. He has contacted the State and their response was that there is confusion regarding this and they will be putting out some information sometime in the future. The Code Enforcement Constable has interpreted the FEMA regulations to apply to "new construction" and "substantial improvements". Substantial improvements is defined as those improvements where the cost of the improvements exceeds 50% of the value of the existing structure. The Code Enforcement Constable stated that there is possibly one house on Henlopen Dr. that may fall into a substantial improvement category as a result of the flood damage.

The Code Enforcement Constable explained that after researching the Town Code in more detail and after discussing it with the Town Solicitor, the Code Enforcement Constable has determined that Town Code § 145-68A(6) provides for an interpretation of whether or not a building permit is required in certain situations. The Code Enforcement Constable read § 145-68A(6) of the Town Code which states: A building permit shall be required for all renovation/remodeling/alteration, as defined in § 145-3, where the total cost exceeds \$500, provided that the following shall not require a building permit, regardless of the total cost, including but not limited to items such as: one-for-one replacement of existing appliances, replacement of existing cabinet doors, replacement of existing built-in furniture, replacement of existing countertops, replacement of existing floor coverings, replacement of existing wall coverings, replacement of ceiling fixtures.

The Code Enforcement Constable discussed with the Town Solicitor whether "including but not limited to items such as" was expandable. The Town Solicitor said the language permits expanding the seven items listed. After consulting with the Town Solicitor, the Code Enforcement Constable determined that for the removal and replacement of flood damaged items, the Town would not require a building permit as per the Code Enforcement Constable's interpretation of § 145-68A(6) in the Zoning Code. The Code Enforcement Constable made this determination this morning.

Councilman Rae stated that by having building permits the Town has more control to make sure what is being done is proper.

Councilman Gross did not agree with the Code Enforcement Constable's interpretation of § 145-68A(6). Councilman Gross said the Code Enforcement Constable's interpretation was not the intent of the ordinance when it was written.

Councilman Junkin stated that he believes the intent of the paragraph does not matter. Councilman Junkin added that if the property owner can interpret the ordinance a certain way and it makes sense, whatever the intent was does not matter. It is only what is written in the Code that matters. Mayor Jankowski agreed saying the Town has to enforce it the way it is written. Councilman Junkin said the ordinance says a building permit is not needed to do a replacement.

With the magnitude of this, Councilwoman Voveris was disappointed that Council did not have a chance to discuss the Code Enforcement Constable's interpretation for flood repairs at this Workshop Meeting before putting it in place. Councilman Rae agreed. Councilwoman Voveris said this was put in place this morning, and she does not think there is anything the Council can do unless Council wants to go to the Board of Adjustment, which she does not think Council wants to do. Regarding the Code Enforcement Constable's decision, Councilman Gross did not agree that there is nothing Council can do unless Council goes to the Board of Adjustment. Councilman Gross said a lot of the items listed under appeals in the Town Code come to the Council. The Code Enforcement Constable stated that the Town Solicitor agreed that once a decision is made, that is an appeal to the Board of Adjustment.

Mayor Jankowski said the reason the Resolution 6-12, A Resolution to Exempt the Building Permit Fee for 2012 Flood-Related Repairs, was brought to the Council as a Workshop item was because the Town thought a permit would be required, but that was before the Code Enforcement Constable dug deeper into the issue and interpreted it as he has now. Mayor Jankowski does not think Council needs to discuss this any further. She added that because Resolution 6-12 was on the agenda she believes Council needed to have this discussion to be fair rather than not discussing it.

Council discussed the News Update that Mayor Jankowski would put out regarding this. The Code Enforcement Constable said the communication could include that a building permit is not required for the replacement of flood damage, but there are penalties involved for any violation of the building permit requirements for construction. Councilwoman Callaway suggested that a separate News Update go out which would include an educational piece regarding what happens to a home after a flood (such as mold forming in the houses).

Regarding whether a permit is needed or not, Councilman Gross thinks the property owner or contractor should be required to come to Town Hall. Councilman Gross believes the Code Enforcement Constable should prepare a document that says if a property owner is replacing one for one a permit is not required, but if a property owner is expanding or changing, a permit is required. Councilman Gross said he believes it is essential that they come in and at least get from the Code Enforcement Constable what this applies to and what it does not apply to.

Councilwoman Callaway questioned why the Town would make everybody come to Town Hall when a permit is not required for flood repairs. The Code Enforcement Constable said if it is flood damage replacement they would not need to come to Town Hall.

Councilman Rae believes the Town ought to put a time limit on this. The Town Manager said that if they are not issued a permit, why would the Town put a time limit on it. Councilman Rae said because the Town is making an exception to normal practice. The Town Manager said not if the Town goes by how the Code Enforcement Constable has interpreted § 145-68A(6). The Code Enforcement Constable said the interpretation stays in effect.

Mayor Jankowski said she will work on a News Update around an educational piece and information about the permit requirement.

Councilman Gross said he still thinks the Town should have a little bit of control and people should come in and give their address and what they are going to do, and the Code Enforcement Constable can tell them if they need a permit or not and he can give them a piece of paper that tells them they cannot expand without a permit. Mayor Jankowski said she wants to put that information in a News Update. She does not want to create anymore hardship for the property owners going through this.

COMMUNICATIONS AND PUBLIC RELATIONS COMMITTEE'S FY 2014 BUDGET ITEMS (MARK DAMATO)

Councilman Damato shared a draft of a brochure the Communications and Public Relations Committee is preparing. Council agreed that South Bethany Beach needed to be changed to South Bethany throughout the brochure.

Realtors Meet and Greet - Tentatively scheduled for February 15. Councilman Damato needs to check on where they can host the meet and greet. He is guessing Town Hall. He would like to have light appetizers, maybe beer and wine, and a video playing of South Bethany. The Communications and Public Relations Committee is developing a five point brochure that will also be shared at the Meet and Greet. (Council suggested expanding the brochure in the future to include the Town's proximity to a library, tennis, and golf.) Councilman Damato hopes the Meet and Greet will get South Bethany front and center on the realtors' tours either for renters or perspective purchasers. Councilman Rae said that if the Town sends any communication to the realtors about inspecting their properties for mold, etc., he suggests also sending a "save the date" notice for the Meet and Greet.

4th of July Parade Float – A South Bethany resident is willing to donate a flatbed for the Town's use and someone has volunteered to organize the making of the float.

Movie Night – This is not to compete with the lifeguard fundraiser event.

Town Website – The committee has preliminarily looked at the website. Councilman Damato would like to get some updates and make it more user friendly. He would like to add something that is more indicative of South Bethany such as vibrant pictures of the beach. Mayor Jankowski said she would like to look at something that when there is a new posting on the website that information is also pushed out to the public so that they can see there is new information posted. Councilman Rae suggested looking at Constant Contact. He said the program can take a lot of work away from the Town Staff maintaining the email list. Mayor Jankowski said she is looking at Constant Contact and has a free trial for 30 days, but due to Hurricane Sandy she has not had time to look into it. Councilwoman Voveris said her business uses Constant Contact and she will check into it. During this discussion on the Town Website, Council agreed that a page should be added to the Town's website for each the Planning Commission and the Board of Adjustment in order to post the list of members, a reference to the Code, minutes, and agendas.

BUDGET AND FINANCE COMMITTEE REPORT (PAT VOVERIS)

There was nothing new to report.

DISCUSSION ON "FUTURE OUTLOOK OF SOUTH BETHANY" (KATHY JANKOWSKI)

Mayor Jankowski shared an article that was in the News Journal titled "OC strategic plan looks ahead 15 years". Referring to the article, Mayor Jankowski said the article was timely to her because this is basically what she would like to do in South Bethany.

Mayor Jankowski reviewed the following handout she had prepared for Council:

A Goal Oriented Look at South Bethany's Future

Ad Hoc Subcommittee

To: Develop a Strategic Plan using the following as input:

- *2011 Survey*
- *Comprehensive Plan*
- *Town Council Future Goals and Visions*
- *Input solicited from B&F, CEC, Water Quality, Communications and Public Relations, CCC, and Board of Adjustment (Councilman Gross suggested including the Planning Commission. Mayor Jankowski said she meant to include the Planning Commission and that she does not want to leave anyone out.)*

Resulting in: A comprehensive and prioritized list of short-term and long-term goals and objectives for the next 15 years.

Process: To Be Determined

Membership consisting of (Possibly – Mayor Jankowski noted that she had not yet spoken to these people regarding the ad hoc subcommittee and this was a brainstorm on her part): Mayor, Town Manager, Joe Conway, Kent Stephan, John Speer, Linda Lewis, Steve Farrow, Martha Fields, Keith Krenz, Chris Keefe

Mayor Jankowski asked Council to mull it over and then provide her with feedback.

Mayor Jankowski asked if Council was okay with the concept. Council agreed that it was a good idea. Councilman Gross said it was important to write down the scope statement so that everybody understands.

DISUCSSION ON LESSONS LEARNED FROM THE HURRICANE (KATHY JANKOWSKI)

Mayor Jankowski said the staff did an outstanding job including the police force. She has only heard good things except for a couple of residents who were not happy that the trash was not picked up as quickly as they thought it should be.

Mayor Jankowski said one of the best things the Town did was to bring the dumpsters in. A lesson learned was that the Town's trash contractor was not able to handle the waste and debris from the storm. Their trucks were breaking down, and they are not equipped to handle big items like sofas. The next time the Town will have to handle that differently. Councilman Gross asked how the Town would handle it. The Town Manager said what the Town is doing now is having a hauler that has a dump trailer with a backhoe pick up things that the trash company cannot handle. The Town Manager said Allied Waste has done as well as can be expected, but when they put furniture and large items in their trucks that are trash compactors, eventually they break the hydraulic line or something else. In talking to the Police Chief at the Lessons Learned meeting, for as long as the Chief has been with the Town (33 years) he has never witnessed this much debris coming out of the houses in South Bethany. It was probably a hundred year flood.

Mayor Jankowski said also discussed at the Lessons Learned meeting was that maybe the next time the Neighborhood Watch could help distribute flyers if needed. It took longer to distribute the flyers than anticipated. Councilman Junkin said he believes the Town would want to recruit from people that are in town at the time rather than using the Neighborhood Watch.

Lost and Found – At the Lessons Learned meeting the decision was made to post the lost and found list on the town website and possibly send it in a news update. The Lost and Found will stay open until December 31. The Town could auction, keep, or dispose of the unclaimed items after December 31.

The Town Manager said cut off pilings were a big problem during the storm. At the Lessons Learned meeting it was decided not to advertise them on the Lost and Found list. The Town is going to throw them away. Council suggested calling McCarthy Stones to see if they would come get them for free. The Town Manager said if any property owners come to get their pilings it will be on a first come first serve basis because there is no way of knowing who the pilings belong to.

Debris in the canals was discussed at the Lessons Learned meeting. The Town Manager said the Town did a rough survey and the Town has not found as much big debris in the canals as expected. The Maintenance Supervisor thinks the Town can handle the removal of the debris in the canals without bringing in any heavy equipment. The Town Manager noted that the survey was done at fairly high tide so the Town will need to survey again during several low tides. The Town Manger said the Town can ask people to report debris they see in the canals to the Town. The Town would need the closest address of where the debris is located. The Town Manager added that before the boating season, weather permitting, he will schedule a bulkhead inspection and include looking for debris during that inspection.

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADJOURNMENT

A motion was made Councilman Junkin, seconded by Councilwoman Voveris, to adjourn the November 15, 2012, Town Council Workshop Meeting at 7:10 p.m.

phs:Workshop Minutes.11.15.12