

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
OCTOBER 11, 2013**

MEETING CALLED TO ORDER

Mayor Jankowski called the October 11, 2013, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Tony Caputo, Sue Callaway, George Junkin, and Pat Voveris; Town Manager Melvin Cusick; Lt. Troy Crowson; and Administrative Assistant Pam Smith

PROPERTY OWNERS' PARTICIPATION

- Diann Nazarian (20 Peterson Dr.) – Brought to Council's attention that all summer in the Coastal Point's Agenda section the Coastal Point has been running information regarding the South Bethany Historical Society, but for information regarding the Town of South Bethany the Coastal Point has only been referencing the Town's website. After discussion Mayor Jankowski asked Councilman Rae if the Communications and Public Relations Committee could look into it. Councilman Rae said he will talk to the Coastal Point and find out what their cutoff is. Councilman Rae asked if the Town could create something in a Word document based on the calendar in the office for the following month to send to the Coastal Point to be included in the Agenda column. The Administrative Assistant said she could do that. Mayor Jankowski asked Councilman Rae if he would call the Coastal Point and see what the procedure is. Mayor Jankowski noted that the procedure used to be that the Coastal Point pulled the information for the Agenda column off of the Town's website. The Town did not have to send anything to the Coastal Point. Mayor Jankowski said it seems that process has changed and it would be nice to know if the Coastal Point is expecting the Town to send the information to them. Councilman Rae said he will find out.
- Ed Nazarian (20 Peterson Dr.) – Stated that he appreciates the Town maintenance employees. Mr. Nazarian said South Bethany is constantly clean and the maintenance department does a wonderful job. Mayor Jankowski agreed.
- Mike Matera (311 W. 9th St.) – Called the Police Department recently to report an unfamiliar truck that pulled into a neighbor's driveway and the police arrived in about three minutes. Mr. Matera said the Police Department did a good job.
- Bob Cestone (140 New Castle Dr.) – Thanked the Town for moving two trees that were in the median strip by Layton Dr. The vision is much better now.
- Mike Matera (311 W. 9th St.) – Asked if he had seen Councilman Junkin on TV the other night. Mayor Jankowski said Councilman Junkin was on TV for about 10 seconds following a League of Women Voters event regarding sea level rise.

ADOPTION OF MINUTES

- **Town Council Regular Meeting Minutes, September 13, 2013** - A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to accept the September 13, 2013, Town Council Regular Meeting Minutes as amended as follows:

Page 15, Fourth Paragraph, Third Sentence: Change "line" to "blind".

Page 9, Third Paragraph: After the fourth sentence add "She emphasized that the CEC had adhered to the established town procedures."

Page 10, Second Paragraph, Fourth Sentence: Change "said" to "pointed out" and after the word "idea" insert "of letters being sent to property owners".

Page 10, Update on Adopt Program, First Paragraph, Seventh Sentence: Change "Schmidt" to "Schmitt".

The motion was unanimously carried.

- **Town Council Workshop Meeting Minutes, September 26, 2013** - The September 26, 2013, Town Council Workshop Meeting Minutes were not completed. Council will vote on these minutes at the next meeting.

ADMINISTRATIVE MATTERS – CONSIDERATION AND POSSIBLE VOTE ON THE REAPPOINTMENT OF BUDGET AND FINANCE COMMITTEE MEMBERS – STEVE FARROW AND KENT STEPHAN

Mayor Jankowski stated that Steve Farrow and Kent Stephan would like to remain on the Budget and Finance Committee.

Motion: A motion was made by Councilman Caputo, seconded by Councilwoman Callaway, that Council accept the reappointment of Steve Farrow and Kent Stephan to the Budget and Finance Committee.

Discussion: Councilman Gross asked if there was a limit on the number of members for the Budget and Finance Committee. It seems to Councilman Gross that the committee membership has shrunk. Mayor Jankowski said she does not know that the membership is completed. Councilwoman Voveris said Kent Stephan is in Florida from December to May which would only leave two members - Tony Caputo and Steve Farrow. Mayor Jankowski said the other thing Council has to discuss is that according to the Budget and Finance Committee's rules of operation the committee is to have two council members on it. In response to Councilman Gross' question, Councilman Caputo said the rules of operation calls for up to seven members and there is no minimum. During discussion Council agreed that the committee needed additional members.

Vote: Mayor Jankowski called for a vote. The motion was unanimously carried.

LEADERSHIP REPORTS

- **Mayor's Report** – Mayor Jankowski reported:

Regarding beach replenishment that was not completed in Sandpiper Village, Mayor Jankowski stated that she did contact Tony Pratt and the contractor did come down and complete it. During Council discussion it was noted that the most recent storm may have taken some of the sand away. Councilman Rae said it was a good thing that it was done, and he thanked Mayor Jankowski for contacting Tony Pratt.

1. Route 26 meeting at the South Coastal Library on October 15 from 4 to 7. The construction contract has been awarded and is to begin before the end of the year. The construction is scheduled over the next 3+ years not ending until the fall of 2016.
2. Goals and strategies status
 - a. Vision, mission statement and community values and principles were sent out in the Zephyr; no response to date except Roger Rogowski.
 - b. The Town Manager and I met to take a first cut at the leads for each strategy and 2014 objective. Chief Joe is taking a first cut at leads for the strategies and 2014 objectives under Goal #3, Provide a Safe Public Environment

- c. Next step—I will send copies out to the council members for review at the October Workshop on Thursday, October 24.
 - 3. The main topic at the Sussex County Association of Towns is the lack of clarity and guidance on FOIA regulations. A “road show” by the Office of the State Attorney General is scheduled to start sometime in November, but we aren’t sure when they will get to Sussex County. The President of SCAT and Mayor of Dewey Beach, Diane Hanson, will send a letter to the Attorney General expressing our concerns. The legislation to bring the unions into small municipalities will probably come up again in the State Senate in January. Several members of the SCAT Steering Committee should be ready to go to Dover to attempt to keep this legislation from being passed.
 - 4. I have met with DNREC regarding the possibility of establishing a “dog beach” at the north end of the Fenwick State Park, adjacent to the south end of the Town of South Bethany limits. They do have interest in it. We will see how far it goes. It is just in the preliminary stages.
 - 5. Sue, George and I met with URS to discuss funding that might be available to perform some preliminary work in looking at alternatives for walking paths in the Cat Hill area.
 - 6. The Bethany Beach Fire Company held their awards banquet on Saturday, October 5. Dan and Diana Cowell were instrumental in planning the event.
 - 7. The Women’s Auxiliary for the Bethany Beach Fire Company is holding a craft event tomorrow from 9 to 3. Please show your support. As you know, the fire company relies on your donations. The fire company is funded by donations and is separate from the ambulance service fee on the Town's tax bill.
- **Town Manager's Report** – Melvin Cusick reported:

The Town received notification that it has been recertified for another year in the Community Rating System.
 - **Treasurer's Report** – Tony Caputo reported:

**Town of South Bethany
Monthly Treasurer's Report to Town Council for October 11, 2013 Meeting
by Tony Caputo, Treasurer**

New Edmunds Finance System Reports

As you know, we have been in full production with the Edmunds Finance System since September 16 and have not used the QuickBooks System since. Things are running very smoothly, but not flawlessly. We plan to conduct a 20 minute demonstration of the system at the October Town Council Workshop.

This Treasurer's Report to the Council includes a BALANCE SHEET and a STATEMENT OF REVENUE AND EXPENDITURES for all Funds, produced directly from the Edmunds Finance System. This is very important from a fiscal transparency perspective. Initially these reports may be confusing to you since they are new, in a different format, and include information and details you may not have seen in the past. Note, these reports are as of the printing date and not month end. In governmental accounting the primary focus during a fiscal year is where do we stand against the budget now, and not how we did at month end. We may change the report packet in the future as we all get an opportunity to look over the information more closely, become more familiar with the system's capabilities, and learn more about conventional governmental accounting.

Renee and I have processed thousands of FY 2013 and FY 2014 transactions to get to this point, and some clean-up remains, especially FY 2013. These reports should perk your interest and generate questions. I suggest you review the reports and send Renee and myself emails as you generate questions. We will try to respond in a timely basis.

Town's Financial Status Year-to-Date

It is difficult to assess the current budget projections, especially revenues, in early October. We expect November will give us a much greater ability to do so, as Rental Taxes are due by October 31, and the effects are material. Further Renee and I will have had an opportunity to make calculations on how much Realty Transfer Tax may be claimed by the General Fund. Additionally, Renee and I will be able to take a deep breath and start to analyze information more and process information less.

We are not aware of any material financial issues that deviate from the budget at this time.

We encourage you to ask questions.

Council Discussion:

Councilman Rae asked if Councilman Caputo was planning to provide the reports Council has gotten in the past regarding the main sources of revenue that compared the current fiscal year to previous fiscal years. Councilman Caputo said that he would like to give Council reports directly from Edmunds. Councilman Caputo explained that in the past Council received reports that the Finance Director put together in an Excel spreadsheet. Councilman Caputo said the reports did not come directly out of the Town's financial system. During discussion Councilman Caputo said he agrees the information Councilman Rae referred to is important and is needed for budget preparation, but Councilman Caputo does not believe Council needs that information for the current fiscal year. Councilman Caputo said if Council wants that information every month on an ongoing basis new reports would have to be generated other than the standard reports that Edmunds provides. Council agreed that they would discuss adding any additional reports at the October 24, 2013, Town Council Workshop Meeting when Councilman Caputo gives the Edmunds demonstration.

Councilman Rae congratulated and thanked Councilman Caputo on the work he did to convert the Town's financial system to Edmunds.

Council reviewed the Balance Sheet and the Statement of Revenues and Expenditures in Council's packet and made comments and asked questions.

Regarding the realty transfer tax, Councilman Caputo stated that the Town is required by law to book the realty transfer tax into a separate trust account and then the Town needs to transfer that money from the trust account to the general fund. Councilman Caputo stated that the Town had not traditionally had a routine mechanism for making the transfers. Councilman Caputo stated that he would like to introduce a standard routine where the Town is making the transfer once a month or once a quarter from the trust funds to the general fund. Councilman Caputo added that in the past the transfers have all been straightforward but they have not been routinely exercised. The Town Manager and Mayor Jankowski agreed that this should be discussed at a workshop. Councilman Caputo said he intends to take it up with the Budget and Finance Committee as well.

Mayor Jankowski suggested that rather than going through the Statement of Revenues and Expenditures and the Balance Sheet one by one that Council review the worksheets and bring any questions to the October 24 Town Council Workshop Meeting. Councilman Caputo invited council members to send him an email regarding any questions they have. Mayor Jankowski encouraged Council to approach Councilman Caputo or the Finance Director before the Workshop with questions they have.

- **Police Department Report/Questions** – Lt. Troy Crowson reported for the month of Sept., 2013:
 - Sept. 1 Responded to a loud party on Carlisle Dr. and asked that they keep the noise down. The occupants complied.
 - Sept. 2 Alarm on Petherton Dr. Everything was okay.
 - Sept. 2 Suspicious persons reported for door to door solicitation. They were notified that a permit was necessary and they were ordered to cease and desist.
 - Sept. 4 Assisted Bethany Beach with a residential alarm set off by contractors.
 - Sept. 7 Dog at large complaint.
 - Sept. 7 Bon fire on N. Ocean Dr.
 - Sept. 7 A medical assist on a traffic stop. An ambulance was called to transport a vehicle occupant. It turned out to be a faked asthma attack.
 - Sept. 7 Responded to a loud party on Petherton Dr. and asked that they keep the noise down. The occupants complied.
 - Sept. 8 Suspicious person reported by a resident did not reveal any foul play.
 - Sept. 8 Alarm on Sea Side Dr. that was set off by a cleaning crew.
 - Sept. 11 Assisted an intoxicated person that fell asleep on the ground after leaving a party and getting lost. Police assisted him in getting a ride to the Holiday Inn where he had a secure room for the evening.
 - Sept. 12 Wanted person processed at Court 1 during Call of Calendar where he showed up to dispute a traffic stop. Instead of paying his traffic fine he went to jail.
 - Sept. 14 Traffic stop resulted in a tow of vehicle. Occupant didn't have insurance – it was revoked.
 - Sept. 14 Fireworks complaint on the beach. Notified that fireworks were illegal and ordered to cease and desist.
 - Sept. 15 Sink hole at Route 1 and Brandywine Dr. (southbound lane) on the shoulder in the median side. DeIDOT believes it is due to the storm drain pipe there. DeIDOT filled it in one time and the police had to call DeIDOT back to fill it in again. Lt. Crowson said it looks like DeIDOT needs to fill it again.
 - Sept. 16 Theft of a checkbook and a day planner from an unlocked vehicle. Lt. Crowson reminded property owners to lock their vehicles.
 - Sept. 16 Crime report was taken for a damaged boat ramp and well cap.
 - Sept. 21 Accident involving personal minor injury. Injured person was transported to the hospital.
 - Sept. 23 Traffic trailer tore a power line. Delmarva Power was called to repair the power line.
 - Sept. 26 Alarm
 - Sept. 27 Assisted Fenwick with a traffic stop. The subject was arrested for possession of marijuana.

Sept. 27 Missing person investigation. The person arrived home safe and sound after the officer had taken the report.

Received a complaint regarding wedding traffic on Ocean Drive for a ceremony on the beach. The incident involved the caterers.

The police did several property checks that were billed as unsecured residences. The police notified the property owners and the residences were secured.

Public Comment: Mr. Roche asked about the fatality in South Bethany that Channel 6 had reported. Lt. Crowson stated that the vehicle was heading towards the bridge and ran off the road by the tennis courts. The victim was not wearing a seat belt. South Bethany police responded. The accident was outside of South Bethany in the State's jurisdiction.

CONSIDERATION AND POSSIBLE VOTE ON RESOLUTION 8-13, A RESOLUTION RECOGNIZING MAY FELERSKI BY DEDICATING THE COUNCIL MEETING ROOM TO HER MEMORY

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, that Council pass Resolution 8-13. Mayor Jankowski asked for discussion. Councilman Gross said he is in favor of the intent of the resolution and he thinks it is the proper thing to do, but Councilman Gross believes omitted from the resolution are May's contributions during the early years such as the work she did after the Storm of 62 and the work she did regarding the incorporation of the Town of South Bethany. Councilman Gross believes the resolution needs to have more work done to it. Council discussed whether to have a picture of May next to the resolution in a frame as the Historical Society proposed or whether to have a plaque with a narrative. Councilman Gross and Councilwoman Voveris agreed to work with Martha Fields and John Speer to come up with a compromise. A motion was made by Councilman Gross, seconded by Councilman Junkin, that Council table the motion. The motion was unanimously carried. Mayor Jankowski said that Council is tabling the resolution until it is revised.

COMMITTEE REPORTS

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

The Community Enhancement Committee held a meeting on Thursday, September 26, 2013, at the Town Hall.

CEC Member Comments

In addition to public comments, future agendas will include an opportunity for CEC member comments. Kent Stephan suggested that the CEC come up with an idea of a way to create something distinctive - something along the highway that becomes a signature focal point for the Town of South Bethany. The group supported the concept and agreed to research various ideas. The group also discussed the previously proposed idea of designing new Welcome to South Bethany signs which is listed in the five-year plan and may be in the upcoming FY 15 CEC Budget. The group is researching design ideas, gathering estimates, and reviewing height requirements for these signs.

Update on Adopt Program

The 2013 3rd Annual Adopt Beauty Contest winner is the canal end on Bayshore Drive adopted by Carol and Todd Stevenson and Maryann and Dick Schmitt. An Email News Update announcing the winner was sent to SB property owners on September 13th. Sue appreciates the Adopt subcommittee's work with the contest and the program. Lord's Landscaping has generously proposed donating prizes to the 1st, 2nd, and 3rd winners next year and so the CEC agreed to change 2014 contest voting to choosing the top three instead of the top five. An article about the contest appeared in the September 27th issue of *Coastal Point* and the link to the article was posted on the CEC website that same day.

Additional new adoptions: The canal end between W. 6th and W. 5th. The Raistrick family led the adoption of this canal end along Canal Drive. All neighbors on W. 5th street participated in the adoption. The other new adoption is the Dubreuil adoption of the canal end between W. 7th and W. 6th streets. One neighbor is contributing funds toward the landscaping and watering. They completed the landscaping this week. Sue met with the Boteler family on September 25th regarding the adoption of the road end on Sussex Place. Ann Boteler has contacted all neighbors regarding the adoption and is working on a landscape design. Once the design has been approved, the junipers will be removed. Email correspondence from Scott Weitz on Anchorage Dr. expressed interest in adopting the road end on W. 7th St. Per the adopt process Sue is waiting for a convenient time to meet with Mr. Weitz. In addition, the Scruggs family has adopted the Petheron Road End and landscaping will be completed in the spring. CEC purchased additional Adopt signs and placed them on wire stands - much easier to install than the wood stands. Sue has completed the comprehensive *Annual Adopt Program Fall Update* which is being prepared for distribution via Email News Update and the CEC website.

Update on Phase 2 Street Sign Project – 33 New Street Signs along Route 1 East and West Sides

Don has ordered street signs for Phase 2 of the sign project. It will be worked on in November and December. This project includes installation of signs along the east and west side of Route 1. The new Christmas lights have arrived and Don is very pleased with their quality and design. Each light is a different design and the LED lights will really make the decorations stand out along Route 1. They will be installed in time for Thanksgiving weekend. The old lights were destroyed in the flood and the town was reimbursed via FEMA dollars for new lights.

Update on Ocean Drive Alternative Lighting Trial Test

The CEC recommended that the experimental solar light project along Ocean Drive will continue for several months so the impact of the lighting could be evaluated by property owners. Prior to the preparation of the FY 15 Budget, letters will be sent to Ocean Drive homeowners to assess their opinions about the current experimental lights and the idea of extending the lights along Ocean Drive. Committee members noted that thus far they had not heard any unfavorable remarks about the lights, only favorable comments.

Bio-Retention Areas Along the East Side of Route 1

Sue Callaway and Don Chrobot attended the September 23 meeting where the design plans were presented to the town and CIB. The meeting also included Larry Trout and his staff (contractors and designers), Bart Wilson, CIB; Sue Barton from the University of Delaware; Dave Wiecking from Middlesex Beach; and landscape representatives. Larry presented the plans which were greatly influenced by the location of many utilities found. Sue Barton provided input and questions regarding the landscape design ideas for the 22 bio-retention areas on the SB east side and within Middlesex Beach. Sue Barton made numerous suggestions and Sue Callaway and Don offered information about the current bio-retention areas, lessons learned about what works and does not work and the need for as much maintenance-free design as possible. The group conducted an onsite visit to each of the areas included in the design. Sue Barton is currently working on landscape design plans for each area and Bart Wilson notified us on October 1 that excavation will not begin until the spring since it is too late in the season to plant. CIB confirmed that the landscape budget is approximately \$35,000 and that South Bethany is contributing \$10,000 to the overall project. Trout introduced a landscaping firm that he has experience working with on such project types – CIB may choose to contract with this company.

Update on Landscaping Projects

Based on a few resident comments about impeded sight vision along Route 1 and across from Layton Drive, two river birch trees were moved further south on September 25. Lord's Landscaping accommodated our request for re-location by only charging \$100 to move both trees. Don and Ron have been watering the trees in follow-up. The group reviewed future spring plans for additional planting of grasses within several bio-retention beds. The group also reviewed the maintenance plan that Lord's Landscaping had suggested following an on-site review. In follow-up to her suggestion, Diann Nazarian engaged the South Bethany Women's Club to decorate the Welcome areas for fall. The group completed the task right away and created a fall setting at the Welcome Areas! An Email News Update about the planting was sent out on Friday, October 4.

Next Meeting

The group confirmed Thursday, October 24, at 10:00 a.m. for the next meeting. The meeting will be held at the Town Hall Meeting Room.

- **Budget and Finance Committee** - Councilman Caputo reported:

The Budget and Finance Committee will meet on Friday, October 18, from 2:30 p.m. to 4:30 p.m. at Town Hall. The committee will address the following topics: 1) Introduce the team to the new accounting system and review generally accepted accounting principles for governments, 2) Budget and controls and come up with a set of policies as to how to deal with budget controls, 3) Reserves – discuss establishing reserves in the classic sense and determine what those levels should be, how reserves are funded, and what reserve funds are going to be used for, and 4) Fixed assets – discuss managing fixed asset data and the need to make sure it is synchronized with fiscal reporting.

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

Canal Water Quality Committee Status Report - October 11, 2013

- **Diffuser Pilot Project in the Petherton Canal**

We continue to monitor the water quality in the Petherton Canal and compare it to the water quality in the Brandywine Canal. The diffusers are doing a good job of stirring up the bottom water and mixing it with the surface water. Thus there is no stratification in the Petherton Canal as compared to some stratification that occurs in the Brandywine Canal. Stratification with zero DO on the bottom is what caused the fish kill last month in the Russell Canal. I will be creating a report to document the monitoring that has been done relative to the Diffuser Project. This report will be ready for presentation at the November workshop and then delivery to DNREC in December.

- **Fish Kill in the Russell Canal**

Dissolved oxygen (DO) went to zero in the Russell Canal on September 9/10, 2013. Here is an explanation of the probable cause from Robin Tyler from DNREC:

"For most of the summer the water in the bottom half of the water column in that area does not mix with the surface half. Also, with all the rain that we had earlier in the season, the bottom half, or maybe more, was probably much more saline than the surface water, and thus more dense, further inhibiting mixing. In this situation, DO was no doubt exhausted in the bottom water there probably by early summer, all the while building up hydrogen sulfide, which is released from sediments when the overlying water has no DO. Recently, with the much cooler and longer nights, cooler shorter days and an increase in the surface salinity due to lack of rain, the overall density of the surface water probably became

greater than the bottom water and the two separate layers mixed. Thus the bottom water, which was extremely anoxic (no DO) with a high concentration of hydrogen sulfide built up over months rose to the surface and overwhelmed what DO there was in the surface layer. Very likely, this overturn of the water column occurred very quickly and any fish that were there living near the surface did not have time to escape and died - very quickly."

This is probably what also was observed in the south end of the Carlisle Canal, with no accompanying fish kill, a few days later.

– **"Grey" Water Being Piped Into the South Bethany Canals**

This was discussed in the most recent *Zephyr*. We continue to encourage homeowners to disconnect any "grandfathered" grey water outfalls into the canals.

– **Grant for Rain Gardens along the East Side of Route 1.**

The design work for the rain garden excavations is complete. There was a meeting at the Town Hall on September 23 with Susan Barton from the U of D, the CIB and potential excavation and landscaping vendors to discuss the project with all of the stakeholders. Excavation and landscaping will be accomplished in the spring

– **Oyster Gardens**

I talked to E.J. Calabala yesterday (10/10/13) and he said he has been delivering oysters this week and will have South Bethany done by Friday (10/11/13). If your oysters have not been taken care of by this weekend, please give me a call.

– **New Grant Opportunities**

- The CIB has submitted a proposal for a grant to DNREC that would install some large oyster cages (10' X 2' X 2') in some of our canals along with floating wet lands at the end of some of our canals to help improve water quality in our canals.
- The CIB has submitted a proposal to the EPA to create bioretention areas around the 14 storm drains in the Sandpiper Pines section of South Bethany.

– **Canal Water Quality Monitoring**

Water quality is improving now that it is cooler.

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

The Charter and Code Committee met today with all members present. Work continues on Chapter 145, Zoning. The committee has finished a draft which included different aspects that needed to be corrected and revised. The committee would like to discuss their proposed changes with Council at the November Workshop.

One area of interest was the section in Chapter 145 on coastal floodplain regulations, particularly flood resistant materials required. The committee is proposing to delete the current text and instead reference the FEMA document that applies to that area (all construction below the base flood elevation shall comply with FEMA Technical Bulletin 2 Flood Damage – Resistant Materials Requirements). This is consistent with the position the Sea Level Rise Committee is taking.

The committee looked at Chapter 145, Article XV, Board of Adjustment and discussed some requirements that need to be changed.

The committee will meet on November 20. Some of the things that came up in Chapter 145 need to be addressed in Chapter 42, Building Construction. There are also a few additional items relative to Chapter 42 that the Code Enforcement Constable mentioned.

The Town previously met with DNREC regarding the weed problem on lots east of Ocean Drive. It appears the Town has the right to require proper property maintenance on lots east of Ocean Drive. The committee will be working on revising the regulations in Chapter 104, Property Maintenance, Article II, Grass and Weeds, § 104-7 Duty to mow and trim in order to cut down on the weed problem on lots east of Ocean Drive.

- **Communications and Public Relations Committee** - Councilman Rae reported:

Plans are developing and coming along well for the South Bethany Polar Swim Team. Councilwoman Callaway has plans in place for food and hot beverages. Council has also talked about team t-shirts. If South Bethany has 30 people participating, the cost of the t-shirts will be \$560. In order to announce the event and solicit participation in a news update, Councilwoman Callaway asked for confirmation that funds would be available for a free t-shirt and breakfast for participants. During discussion Councilman Rae stated that the Communications and Public Relation Committee is under budget by \$2,300 to date between website enhancements and movie night. Councilman Rae said the movie night would more than cover the \$560 for t-shirts. Councilman Rae asked if everyone on Council was okay with spending \$560 for t-shirts out of the Communications and Public Relations Committee's budget. There were no objections from the council members. Councilman Rae thanked Council. Mayor Jankowski suggested saying in the news update that the first 30 people who sign up will get a free t-shirt. Councilwoman Callaway said she will work on finalizing the email news update.

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

Sea Level Rise and Storm Surge Committee Status Report – October 11, 2013

- The Town of South Bethany has received draft elevation survey maps for the Town's roads, bulkheads and storm drains from the URS Corporation. This will provide data that will be used for Cost Benefit Analysis and Hazard Mitigation Action Plans relative to SLR & SS Adaptation.
- In the near term the SLR & SS Committee will be focusing on:
 - The Comprehensive Plan – SB should update its Comprehensive Plan (CP). The SLR & SS Committee should establish an estimate for SLR (like ½ feet for every 15 years) that would be added to the CP with recommendations and schedules for adaptation implementations.
 - The South Bethany Code – SB should update its code to:
 - Require "freeboard". SLR & SS Committee needs to make a recommendation for required freeboard (12", 18", 24", 30", or 36".)
 - Consider raising the height limit.
 - Establish new requirements relative to bulkhead height. Allow higher bulkheads. (How much higher?)
 - The Community Rating System (CRS) – The CRS Coordinator together with the SLR & SS Committee should strive to get more points. Suggested places are:
 - Public Information Activities, particularly Elevation Certificates and Outreach Projects
 - Mapping and Regulation Activities, particularly Additional Flood Data (we may get points for the elevation survey we are doing in the fall) and Higher Regulatory Standards (may change the code to required more "freeboard").
 - The Flood Warning Program.

- I attended a public meeting sponsored by the League of Women Voters on Climate Change and SLR on September 20, 2013, at 7:00-8:30 p.m. at St. Peters Episcopal Church, 2nd & Market Streets, Lewes.
- I attended a daylong conference sponsored by the Eastern Shore Conservancy on October 3, 2013, in Easton. The title was the *Unsinkable Eastern Shore Regional Resilience and Prosperity*.
- I presented at a League of Women Voters public event, *Extreme Weather Events*, together with Wendy Carey, Delaware Sea Grant, and the DE Emergency Operations Center on October 9, 2013, at the Beebe Center on Rt. 24.
- All of the above meetings emphasized global warming and SLR.
- A public meeting is planned for South Bethany home owners in the spring time frame to present SLR & SS issues, results of the elevation survey discussed above, and recommendations for Town Code changes that will address SLR & SS adaptation strategies.
- Our next meeting is not yet scheduled.

Mayor Jankowski reiterated her belief that the Town should be telling people who are applying for a South Bethany building permit for new houses about what the SLR and SS Committee is recommending for the building of new houses. Councilman Junkin said right now they have to build new houses to the existing code. He added that new houses can be built with a higher freeboard but the house cannot break the 32' limit. The Town Manager stated that most of the new construction is on pilings and are above what the SLR and SS Committee's freeboard recommendation would be. Councilman Gross agreed. Councilwoman Callaway asked if the Town is getting questions from the people that are building. The Town Manager said when they come to Town Hall with a set of plans the Code Enforcement Constable advises them of the new flood regulations if their property is in one of the areas that changed. Councilman Gross suggested that the Town could advise them that if they have a freeboard of three feet they are going to save money on insurance (2/3 the cost of insurance). The Town Manager agreed and said he believes the Code Enforcement Constable is advising people of that. The Town Manager noted that he gave the Code Enforcement Constable a document that directs people to the FloodSmart.gov website where they can get all that information.

AREAS OF INTEREST

- **Assawoman Canal and Trail** - Councilman Rae reported:

Councilman Rae stated that he had nothing new to report.

Mr. Cestone inquired if Councilman Rae had heard back from DNREC on the questions regarding the readings on the depth of the south part of the canal. Councilman Rae said he had not heard back. Mr. Cestone said he thinks Councilman Rae needs to stay on top of that because the Town Manager verified that the Corps of Engineers permit expires next year. Mr. Cestone guesses that after the permit expires they would need a new permit or have the existing permit extended in order to do any dredging. Councilman Rae stated that DNREC is not planning to do anymore dredging other than the far northern end. Councilman Rae read Ariane Nichols' (DNREC) response to Councilman Rae's question, "What additional dredging is planned for the Assawoman Canal before the current permit expires in 2014?" Answer from Ariane Nichols, "Currently, we have no dredging scheduled for the canal. Our dredging crew will be operating in Pepper Creek this dredging season (fall/winter) to complete that project." Councilman Rae said at the September 13, 2013, Town Council Regular Meeting Council discussed talking to the other towns along the canal (Ocean View and Bethany Beach) to form a united front in terms of what additional dredging should be done. (It was noted in the September 9, 2013, Town Council Regular Meeting Minutes that Mayor Jankowski was going to ask the other towns.) Mr. Cestone said his point is that there may not be much time to do

that. Regarding what additional requests for dredging that should be made to the State, Councilman Rae thinks it would be better to involve the other towns that are affected by the canal rather than South Bethany approaching it alone. Mayor Jankowski stated that she had talked to the CIB about pushing DNREC and whenever she sees someone from DNREC she mentions the canal.

Public Comment: Ms. Nazarian asked if they had started any part of the trail. Councilman Rae said they are working on the design and the surveying of the northern part – preparatory work.

- **Board of Adjustment** - Councilwoman Voveris reported:

The Board of Adjustment Hearing Rules with proposed changes and the new internal worksheet to help the Board of Adjustment in their deliberations were sent to the Town attorney and the attorney has sent them back to the Town with revisions. Council had copies of the revised documents with the attorney's suggestions in red. The Board of Adjustment is meeting Tuesday, October 15, to discuss the attorney's suggestions and decide whether to incorporate them.

Councilman Junkin expressed concern about the following questions on the internal worksheet:

- How is the variance requested in keeping with the spirit of the zoning code?
- In what ways will granting the variance substantially impair the intent of the zoning code?

Councilman Junkin stated that there was a Board of Adjustment hearing regarding a house in South Bethany. The Town argued for the intent of the code. At the hearing the property owner had examples of two preceding court cases where a judge said the intent of the code is not what counts – it is what the code says that counts. The Town of South Bethany lost this particular case (which was decided by the Board of Adjustment). Councilman Gross said the Town code says the intent is to be taken into consideration for making decisions. Councilman Junkin said that evidence came forward at the hearing and it did not sway anybody on the board. Councilwoman Voveris said she will share Councilman Junkin's concern with the Board of Adjustment members.

Councilman Gross questioned the word "immediately" in the following suggestion by the attorney at the top of page 3 of the Hearing Rules: "The recordings of meetings shall be immediately filed in the office of the Board and shall be a public record." Councilwoman Voveris said she would make a note of Councilman Gross' concern.

Once the Board of Adjustment agrees upon the changes, Councilwoman Voveris will bring it back to Council to read in total.

PLANNING COMMISSION REPORT - Mayor Jankowski reported:

The Planning Commission met Friday, October 4, for a hearing to partition 400 Ocean Drive into two separate lots. Councilman Junkin asked how the lot could be separated when the house is still there. Councilman Gross said it would have to be approved contingent upon the removal of the house and in full compliance with the code. Mayor Jankowski stated that she was not at the hearing and did not know what the decision was. The Town Manager was not at the hearing either. Mayor Jankowski will check into it. The Town Manager stated that the Town needs to make sure that the Planning Commission is aware that the proper procedure is that approval is contingent on the removal of the house. The Town Manager noted that a demolition permit has already been issued for the building.

Mayor Jankowski announced that Linda Lewis resigned from the Planning Commission.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilman Gross, to adjourn the October 11, 2013, Town Council Regular Meeting at 9:10 p.m. The motion was unanimously carried.