

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES OCTOBER 14, 2016</b>
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**MEETING CALLED TO ORDER**

Mayor Voveris called the October 14, 2016, Town Council Regular Meeting to order at 7:01 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

PRESENT: Councilmembers Don Boteler, Sue Callaway, Wayne Schrader, Tim Shaw, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Sgt. Lee Davis; Finance Director Renee McDorman; and Administrative Assistant Pam Smith

**INTRODUCTION OF NEW POLICE DEPARTMENT CORPORAL – JOHN BROOKS JENNEY**

Sgt. Davis introduced Cpl. John Brooks Jenney, and Corporal Jenney gave his background information. Everyone welcomed Cpl. Jenney with applause.

**FY 2016 AUDIT (TOM SOMBAR, SOMBAR & COMPANY)**

Mayor Voveris welcomed Mr. Tom Sombar of Sombar & Company who presented the highlights of the FY 2016 Audit Report. Mr. Sombar reviewed the Town of South Bethany's Audited Financial Statements and Supplemental Information for Fiscal Year Ended April 30, 2016, (With Comparative Year Analyses 2015, 2014, 2013) of which Council Members had a copy. The Finance Director also projected the audit report on the screen for the public. The report is available for public review at the Town Hall or on the Budget and Finance Committee page on the Audits tab of the Town's website, [www.southbethany.org](http://www.southbethany.org). Overall the Town had in Total Assets \$4,019,926, Total Liabilities \$250,788, and a Total Net Position of \$3,768,922. Mr. Sombar referred to the unassigned fund balance for the General Fund of \$1,359,072 on page 44 of the report. He stated that this represents seven months of General Fund expenditures which is a healthy number.

After Mr. Sombar answered questions, Mayor Voveris thanked Mr. Sombar.

**PROPERTY OWNERS' PARTICIPATION**

- Mike Matera (311 W. 9<sup>th</sup> St.) – Thanked the Town for having the street light put up on his street.
- Tom Roche (141 Henlopen Dr.) – Stated that he called Town Hall to report a problem with a boat near his property and spoke with the Finance Director. The Finance Director processed his report quickly and the Maintenance Department followed up quickly.
- Mike Matera (311 W. 9<sup>th</sup> St.) – Asked about the process for the lighting proposal on Canal Dr. Mayor Voveris explained the process.

**ADOPTION OF MINUTES**

- **Town Council Workshop Meeting Minutes, September 22, 2016** – A motion was made by Councilmember Stevenson, seconded by Councilmember Shaw, to accept the September 22, 2016, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

- **Town Council Special Meeting Minutes, September 29, 2016** – A motion was made by Councilmember Weisgerber, seconded by Councilmember Boteler, to accept the September 29, 2016, Town Council Special Meeting Minutes. The motion was unanimously carried.
- **Town Council Executive Session Minutes, September 29, 2016** – A motion was made by Councilmember Stevenson, seconded by Councilmember Boteler, to accept the September 29, 2016, Town Council Executive Session Minutes. The motion was unanimously carried.

**DISCUSSION AND POSSIBLE VOTE ON THE CIB (CENTER FOR THE INLAND BAYS) CLOSEOUT OF THE YORK CANAL OYSTER GARDENS/FLOATING WETLANDS AND RELOCATION OF SUCH ONCE OWNER CANDIDATES ARE IDENTIFIED BY VOLUNTEERS KATHY JANKOWSKI AND KENT STEPHAN (FRANK WEISGERBER)**

Councilmember Weisgerber stated that the current program ends October 31, 2016.

**Motion and Vote:** After discussion a motion was made by Councilmember Weisgerber, seconded by Councilmember Stevenson, to continue the oyster gardens/wetlands effort once owner candidates are identified by volunteers Kathy Jankowski and Kent Stephan. The motion was unanimously carried.

**DISCUSSION & POSSIBLE VOTE TO RESPOND TO THE 2015 SURVEY RESULTS FOR IMPROVED LIGHTING ON CANAL DRIVE BY SENDING A LETTER TO OWNERS LIVING NEAR POTENTIAL LIGHTING PLACEMENT TO DETERMINE THEIR SUPPORT OF SUCH AN INITIATIVE (SUE CALLAWAY)**

Councilmember Callaway stated that in the 2015 Community Survey 60% of Primary Residences and 45% of Secondary Home Residences replied that street light improvements are needed. Canal Drive was one of the streets that was mentioned more frequently than others in the Survey. Councilmember Callaway stated that Canal Drive has similar characteristics to Ocean Drive in that it is heavily used by walkers, bikers, and vehicles. Councilmember Callaway stated that Canal Drive is very dark.

Councilmember Callaway reviewed a draft letter and the draft Canal Drive Lighting Proposal. Councilmember Callaway recommended sending the letter and proposal to property owners on Canal Drive and property owners on W. 9<sup>th</sup> St. to W. 1<sup>st</sup>. Street. The letter includes a survey which the property owners can reply to the Town if they are in favor of the proposed lighting on Canal Drive or are not in favor of the proposed lighting on Canal Drive.

**Motion and Vote:** After taking comments from the public, a motion was made by Councilmember Stevenson, seconded by Councilmember Shaw, to send a letter to owners on Canal Drive and W. 9<sup>th</sup> Street through W. 1<sup>st</sup> Street to determine their support of the proposed lighting initiative. The motion was unanimously carried.

**ORDINANCES**

- **Third Reading and possible vote to adopt Ordinance 182-16 to amend the Code of the Town of South Bethany Chapter 50, Bulkheads, to regulate the height of boat docks, to permit the installation of Modular Floating Docking Systems, and to change the number of days for an appeal to commence and to clarify violations. (Frank Weisgerber)**

Councilmember Weisgerber reviewed Ordinance 182-16.

Mayor Voveris declared this the third reading of Ordinance 182-16.

**Motion and Vote:** A motion was made by Councilmember Weisgerber, seconded by Councilmember Shaw, to adopt Ordinance 182-16. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

- **Third Reading and possible vote to adopt Ordinance 184-16 to amend the Code of the Town of South Bethany Chapter 145, Zoning, Article III, "Definitions", Article X, "Dimensional Requirements", and Article XI, "Setback Requirements" to increase the maximum height of houses by one foot from 32 feet to 33 feet and allow house elevations to be measured from both the Center Line of the Road and the Base Flood Elevation in the AE and AO Zones (Sue Callaway)**

Councilmember Callaway reviewed Ordinance 184-16.

After comments received from the public and Council discussion, Council agreed to amend the definition of Height Limitation on Page 3 by adding "At the sole discretion of the property owner" as follows: **HEIGHT LIMITATION – At the sole discretion of the property owner** ~~The~~ height of a structure shall be measured from **the base flood elevation (BFE) or** the center line of the street on which the structure fronts between the two side property lines, if extended, to the uppermost point of the structure, except as provided in § 145-38E(2).

Mayor Voveris declared this the third reading of Ordinance 184-16.

Motion and Vote: A motion was made by Councilmember Callaway, seconded by Councilmember Schrader, to adopt Ordinance 184-16 with the amendment on Page 3 as stated above. The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Schrader, and Shaw

AGAINST THE MOTION: None

The motion was unanimously carried.

## **LEADERSHIP REPORTS**

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

Since my last report I have met and teleconferenced with architect Pat Ryan to discuss expansion of our Police Department building. With information now available for Council review, I will plan a discussion and vote at our November Council Meeting on moving forward with drawings necessary to gather construction costs for the project. Both Pat Ryan and Dr. Warren will attend this meeting to bring forward information and answer questions from the Council and the public.

On September 14 I attended our Traffic Committee Meeting where DeIDOT advised they would bring forward information regarding the creation of a 3-way stop at Canal and Tamarack to the October 13 Committee Meeting. Due to the lack of a quorum the Traffic Committee Meeting did not meet on October 13. The meeting has been rescheduled for October 26.

On September 28 I travelled to Dover with Planning Commission Chair Dick Oliver to meet with representatives from various state agencies to review our submission of our 2016 Comprehensive Plan that projects our plans for South Bethany during the next 10 years. Eleven representatives were in attendance in review and comment of our Plan.

We received high praise for the work that went into our document and a letter will be forthcoming to include the changes they would like to see incorporated into our Plan. Again I thank the Planning Commission for all of their composition work and the Council for its review and revision. Working together we arrived at a sound, productive plan for our Town's future.

On October 5 I travelled to Dover with Sergeant Davis and Chief Crowson to attend the National Alliance on Mental Illness (NAMI) Delaware Annual Conference in Dover and learned about the training our entire Police Department completed for Crisis Intervention. Our department was the first in Delaware to have all of its officers do so. This training teaches police how to identify mental illness and utilize de-escalation techniques in dealing with people experiencing mental crisis.

I was seated at a table with two psychologists from Kent County and New Castle County and they both requested I ask our Chief of Police to contact theirs to praise the value and importance of the training.

The sobering news on mental illness is that now there are more deaths annually from suicide than there are from breast cancer. Watch for the "green ribbon" campaign.

On October 7 I attended the S.C.A.T. (Sussex County Association of Towns) meeting in Georgetown. Janelle Cornwell from Sussex County Planning was a guest and spoke about their Comprehensive Plan that is in the works and how the County is seeking information and input from communities through June of 2018. Representatives recently held a meeting in Millville to discuss the Plan and our Planning Commission Chair Dick Oliver and member Jack Whitney were in attendance. Janelle also mentioned she will be reviewing our recently submitted 2016 Comprehensive Plan and providing comments on it.

Discussion took place about the State budget and once again Transfer Tax Revenue may be a subject of contention. Should the State reduce municipality share of this important revenue there will be a dire effect on our budget.

Thank you.

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

The Town submitted the Community Rating System (CRS) Annual Recertification package on September 22. We have been notified that the Town has been successfully recertified for another year. According to the Floodplain Administrator for DNREC, the CRS savings for flood insurance policy holders in South Bethany is just over \$100,000.00 annually.

The Town of South Bethany is a participating member of the Delaware Founder's Insurance Trust (DFIT). This group was established in 2008 in an effort to help Delaware municipalities address the costs of services related to providing insurance, more particularly the rising cost of Worker's Compensation Insurance. The Town has received a Return of Premium check from the Trust in the amount of \$5,826.88. This rebate is possible after another successful year of managing Worker's Safety Programs for the group and the costs of premiums. This is the third year in a row that the member Towns have received a Return of Premium for Worker's Compensation Insurance.

September 15 – Attended the Delaware Founders Insurance Trust Board meeting.

September 24-29 – Attended the International City Manager’s (ICMA) Conference.

October 7 – Attended the Sussex County Association of Towns Steering Committee meeting.

October 11 – Participated in Delaware Founders Insurance Trust Claims review meeting.

- **Treasurer’s Report**—Councilmember Boteler reported:

The Treasurer's Report was available on the sign in table. Councilmember Boteler said the Town had another remarkable month of financial performance. After five months of the current fiscal year, the Town has collected a little over 62% of anticipated revenue and has paid about half of the expenses for the year. Councilmember Boteler commented on how difficult it is to budget correctly for transfer tax. As an example of how difficult it is, Councilmember Boteler reviewed the transfer tax revenue over the past six years.

- **Police Department Report/Questions**—Sgt. Lee Davis reported:

**Summer Season End**

Our 2016 summer season has come to an end as the town starts to quiet down. Parking permits are no longer needed as of September 15<sup>th</sup> and the barricade will not be in place again until next May. Please remember to winterize your houses, should you leave for an extended period of time. Shutting your water off can prevent damaging water leaks from frozen pipes as the temperature starts to drop and winter approaches.

**New Officer**

The South Bethany Police Department’s new hire, John “Brooks” Jenney, started with SBPD on September 30. Cpl. Jenney joins our department after 12 years as a certified police officer with the Dewey Beach Police Department. Help us make Cpl. Jenney feel welcome and say hello, should you see him out on patrol!

**NAMI Delaware Inspiring Hope Conference**

Chief Crowson, Pat Voveris, and Sergeant Davis attended the Inspiring Hope Conference on October 5 at Dover Downs Hotel and Casino in the Rollins Conference Center. This conference focuses on the latest in mental health treatment and support. Presentations were tailored to the needs of medical professionals, law enforcements officers, counselors, mental health peers and their loved ones. Keynote speaker and Crisis Intervention Team (CIT) founder Major Sam Cochran, discussed the CIT model as it relates to the law enforcement officers that receive the training and the community who plays a large part in ensuring the success of CIT.

**Cops and Goblins**

Sunday, October 30, from 1:00 pm to 4:00 pm Ocean View’s second annual “Cops and Goblins” event will be held at John West Park. This event for Halloween will feature a petting zoo, horseback rides, free food, and a 12 and under costume contest. For more information contact the Ocean View Police Department at 302-539-1111.

**Bethany Beach First Responders Tri-Du-Aquabike**

Cpl. Burton and Pfc. Hudson assisted with conducting traffic control for the Bethany Beach first responder’s annual triathlon, held on Sunday, September 18. Runners started in Bethany and circled back around Ocean Drive in South Bethany.

## **COMMITTEE & COMMISSION REPORTS**

- **Traffic (Ad Hoc) Committee** – John Janowski, Chair reported:

There was nothing new to report.

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

The CEC will meet next on Tuesday, October 25, at 1:00 pm.

### **Fall Decorations and SBPOA Support**

Many thanks to the SBPOA who contributed funds for the fall decorations located at the north and south Welcome Areas. We appreciate their support to our town. In addition, a special THANK YOU to Pat Weisgerber and Carol Stevenson who purchased, loaded, arranged and planted the decorative landscaping. The fall look provides an extra welcoming to our special town.

### **Update and Review of SB landscaping and any recommendations for 2017**

Revitalization of all beds is currently being done by the Maintenance Department. This is the time of year that beds are evaluated, thinned out and prepared for the winter and new plantings in the spring.

The Phase 5 (FINAL) Sign Project for the town is near completion. This phase includes 75 poles (i.e. no parking, permit only) along all streets on the west side of Route 1, replacing poles and installing vinyl sleeves. Once this is completed, this will conclude our multiple sign replacement project throughout town. Thanks to the Maintenance Department for a job very well done!

Ocean Drive and Seaside Drive artwork was removed earlier than anticipated due to the potential arrival of the hurricane last weekend.

### **Update on Historic Photo Project**

Final drafts of two historic signs have been prepared and were presented at the Historical Society Meeting on October 14, 2016. Sue Callaway and Pat Weisgerber will continue to work on preparing suggested photos and text for the next three signs and will continue to work with the designer who has been key in pulling the materials together in a creative design and attractive layout. The project is still on track for a March/April installation date.

### **Review & Selection of Town Christmas Decorations**

New holiday decorations have been purchased and have arrived at Town Hall. Installation will be around Thanksgiving.

- **Budget and Finance Committee** – Councilmember Boteler reported:

The Budget and Finance Committee will commence its meeting schedule on November 14 and will start meeting more regularly leading up to the Town Council budget meetings.

- **Charter and Code Committee** – Councilmember Schrader reported:

The C & C Committee has completed its work on Ordinance 182-16 related to regulating boat lifts in South Bethany, sponsored by Frank Weisgerber, and Ordinance 184-16 related to the

height of houses in South Bethany, sponsored by Sue Callaway. Both ordinances had a third reading at the Council meeting on October 14, 2016.

The Committee is currently working on an ordinance to ban smoking on the beach in South Bethany and an ordinance regarding the barricade in Cat Hill.

Submitted by John Fields, Chair  
The Charter and Code Committee

Presented by Wayne Schrader  
Councilmember

- **Canal Water Quality Committee (CWQC)** – Councilmember Weisgerber reported:

Canal Water Quality Meeting 10/7/2016

- Andrew McGowan CIB gave a short presentation and led a discussion on York Oysters and Floating Gardens.
  - York Oysters and Floating Gardens will not be destroyed if SB will redistribute them within SB Canal system
  - CIB will work with Kent and Kathy to determine where they will be moved
- Dave Wilson discussed SB Water Monitoring results for 2016
  - Reviewed Canal Water findings
    - Canal water temperature highest in last 7 years
    - DO mid-canal highest in last 7 years (good)
    - DO canal ends lowest in last 7 years (not good)
    - Bacteria levels coming down for 2016 (good)
      - ❖ Possibly due to less rain

Note: speculation ...since 2014 and 2016 data shows approx. same amount of rain why then does 2014 numbers show higher ... what changed

  - ❖ February 2016 the Anchorage forebay was cleaned
  - ❖ Anchorage Bio-retention Gardens were installed
  - ❖ Less road surface contaminants entering our canals
- George Junkin will be putting together new Water Quality news updates for distribution to property owners.
- Frank Weisgerber reported on findings of financials of last SB dredging which was done 2007/8
  - It was decided that a Hydrographic Survey was to be pursued in prep for future canal efforts
- Kent Stephan and Kathy Jankowski will be taking on the Oyster Gardening efforts in SB and CIB's efforts.

#### York Canal Oyster and Floating Gardens

The original pilot offering to South Bethany was to have the Center for the Inland Bays provide floating Oyster gages and Oysters as well as Floating Planters and plants with SB providing a canal to house them, York Canal was chosen primarily because it's the widest of SB Canals. Tony Caputo had taken the lead on the Oyster farming efforts for SB.

At the October Canal Water Quality Committee meeting Andrew McGowan of the Center for the Inland Bays discussed the status of the York Canal Oyster pilot which is due to expire October 31, 2016 with the Oysters as well as the Floating Gardens to be destroyed.

CIB rep Andrew McGowan approached DNREC requesting that the pilot Oysters and Floating Gardens not be destroyed but allowed to be redistributed within the SB canal system. Oyster farming is a controlled effort and must be permitted or licensed thru DNREC so approval was

needed beyond the original one year permit for SB. DNREC agreed to allow the existing Oysters and Floating Gardens to be kept and utilized within the SB Canal system.

Kent Stephan and Kathy Jankowski have taken on the SB Oyster effort in place of Tony Caputo and will be leading the redistribution of the Oyster gages and Floating Gardens. CIB will partner with Kent and Kathy to move the Oyster Gages and submerge them to the bottom of yet to be determined SB Canal placements as well as moving the existing Floating Gardens to new locations. Kent and Kathy are in the process of contacting property owners to get their buy in for the new placement effort. Once the new Oyster/Floating Garden placements have been finalized a news update will be sent out.

- **Planning Commission** – Councilmember Shaw reported:

Report on the Planning Commission Meeting of Sept 16, 2016:

The first order of business was a public hearing to consider an application to partition a lot/parcel (which had originally been two lots) back into two separate lots. The owner assured the commission that the existing structures would be immediately removed. Dates of demolition were discussed and the request was approved.

A suggestion was offered on streamlining the Hearing process for cases like the one described above by allowing the Code Officer to review and recommend approval and then just having the Commission vote to approve. There are just a few properties remaining where this might happen and it would be more efficient, but the commission must verify that there are no regulations that would disallow this change.

In order to get its work done there was a feeling that members need to make a better effort to attend the meetings. It was agreed that a member missing 2 meetings within a year would be cause to request the resignation and replacement of that member.

The committee discussed photos of flooding caused by Tropical Storm Hermine as it passed by the coast on September 3. Members agreed that the flooding in the York Road area was essentially the early indicators of the effects of SLR and that the commission should urge the council to fund the next phase of the SLR study as soon as possible. Members were concerned that the council did not understand the need to fund the study because SLR is viewed by some as a long term 10-50 year issue.

In my role as liaison I suggested that the Commission should document occurrences of “nuisance” flooding, review the storm drain check-valve project, identify sea level heights that create nuisance flooding, and focus on near-term efforts that could produce immediate results. I was informed that the former SLR committee apparently recommended that funds be budgeted each year for the installation of check valves. To date only two have been installed. It was suggested that I bring this to the Town Council and recommend that more check valves be installed this year and in subsequent years to help with flooding.

Jack Whitney commented that near term projects must be consistent with the long-range plan so that funding isn’t wasted. The key issue regarding SLR, per Jack Whitney, is the funding of Phase 2 of the SLR vulnerability assessment for South Bethany which he insists also addresses storm surge and nuisance flooding. The committee stated that until the Town has a professionally developed comprehensive plan, the Town cannot compete for grant funding.

A committee member noted a potential safety issue with vegetation growth at some intersections in the town but the members agreed that this is not Commission business and that this should be given to the Code enforcement office to address.

The next meeting is scheduled for November 14, 2016, in keeping with the new bi-monthly plan.

- **Assawoman Canal Trail** – Councilmember Stevenson reported:

There has been no activity by the Assawoman Canal Trail. DNREC continues in the planning stage for Phase II beginning at the Trail Head on Rout 26.

- **Communications and Public Relations Committee** – Councilmember Stevenson reported:

The Communications and Public Relations Committee met on September 20, 2016. The committee reviewed some community projects and made plans for future activities for the coming year.

The committee reviewed activities for the past year which included Realtor Visitation and Marketing, Beach Movies, Boot Camp, Yoga, Boat Parade and Independence Day Parade Float, Polar Plunge, and Town Pot Luck Suppers. Suggestions for changes and improvements were made for the next budget year. Continuation of Realtor Outreach was discussed with improvements to the packet of information given to all realtors. Current summer programs aimed at a Healthy Community were reviewed, and family entertainment was discussed including the possibility of adding one more movie to the summer offerings.

A Public Service Beach Clean-up sponsored by DNREC was successfully led by Frank and Mary McNeice on September 17 with 18 in attendance. Police and Town Employees were recognized in September for their dedication to the Town. They were honored with special cookie trays made by homeowner Lori Cicero and were given gift cards for lunch at either McCabe's Market or Subway.

Upcoming events include a Fall Pot Luck Dinner on Saturday, October 29, at the Town Hall sponsored by the Communications and Public Relations Committee and the annual Polar Plunge Breakfast on January 1, 2017, led by owners Karen and Mike Tine.

The next meeting of the Communications and Public Relations Committee will be held on October 24 at 1 PM in Town Hall.

### **ADJOURNMENT**

A motion was made by Councilmember Callaway, seconded by Councilmember Schrader, to adjourn the October 14, 2016, Town Council Regular Meeting at 8:45 p.m. The motion was unanimously carried.