

TOWN OF SOUTH BETHANY TOWN COUNCIL WORKSHOP MEETING MINUTES OCTOBER 22, 2015

MEETING CALLED TO ORDER

Mayor Voveris called the October 22, 2015, Town Council Workshop Meeting to order at 2:00 p.m.

ATTENDANCE

PRESENT: Council Members Sue Callaway, Tim Saxton, Wayne Schrader, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Code Enforcement Constable Joe Hinks; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilman George Junkin

ADOPTION OF MINUTES – SEPTEMBER 24, 2015, TOWN COUNCIL WORKSHOP MEETING

A motion was made by Councilwoman Callaway, seconded by Councilman Schrader, to accept the September 24, 2015, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

PUBLIC COMMENT PERIOD

There were no comments from the public.

OWNERS' PRESENTATION REGARDING REQUEST FOR AN APPEAL TO THE FEMA FLOOD INSURANCE RATE MAP (FIRM)

Mayor Voveris acknowledged Tim Shaw and asked him to say his address for the Administrative Assistant. Mr. Shaw stated that his address is 104 S. Ocean Dr.

Mr. Shaw said he is at this meeting as a follow up to his last time at a Town Council meeting (September 24, 2015, Town Council Workshop Meeting) which was to make a statement about the fact that owners along the oceanfront were rather unhappy about the change of BFE. Mr. Shaw said he thinks he advised Council that the owners had gone out and with their own funding hired a separate consultant (the Woods Hole Group) to look into whether the consultant felt that the BFE calculations were reasonable or not. The results of that were that the Woods Hole Group said they thought there was a strong possibility that the BFE calculations could be improved upon. The Woods Hole Group thought that if they were to proceed forward with a full set of calculations there was a pretty good chance they could in fact demonstrate that the BFE needed to be modified. Mr. Shaw stated that the Woods Hole Group did tell the owners that they couldn't tell in advance until they have done the complete calculations whether they are going to come back and say they (FEMA) are off by an inch or they are off by a foot or they are off by a yard. Mr. Shaw said the Woods Hole Group seems to feel that the likelihood was there might be a very strong basis for a foot maybe more, but it would not be known until all of the further calculations were done. Mr. Shaw said that the owners went back after the September 24, 2015, Town Council Workshop Meeting and asked the Woods Hole Group for a price to put together an actual study – do the actual calculations, the correct data and such, to come up with what they believe would be a scientifically supportable BFE calculation. Mr. Shaw stated that the Woods Hole Group has warned the owners that they might come back and say they (FEMA) were right – there is no improvement, but the Woods Hole Group did give the owners an indication that they felt there would probably be a likelihood of a foot. Mr. Shaw stated that the owners have provided to the Council a copy of the proposal. Mr. Shaw said the owners asked the Woods Hole Group to break the proposal into various tasks because obviously if they do the calculations and get to the point where they say they are really not much in disagreement then there is no reason to spend

any money on a formal appeal or to have money there to support the appeal. Mr. Shaw said the funding was put together in a series of five tasks. The first three tasks get to the point where the Woods Hole Group can say yes they believe they have scientific basis calculations based on real good data to show in fact that the BFE should be modified or the Woods Hole Group gets to the point where they say no there is not and the owners don't look any further. Mr. Shaw stated that if there is an indication that the Woods Hole Group could get enough to provide a foot (Mr. Shaw said it doesn't help to get a fraction), if they think it is arguable that a foot or even two could be gained, then the owners would strongly urge that we should in fact go for it and additionally do Tasks 4 and 5 (submit and support the official appeal). Mr. Shaw stated that the funding is more than the owners were thinking, but it is what it is. Mr. Shaw stated that since the owners have funded to this point, the owners felt it was fair and reasonable to ask the Council to go forward and fund the next step. Mr. Shaw stated that obviously we wouldn't go beyond Step 3 if in fact there was no real basis for doing it. Mr. Shaw stated that we are here asking that this occur. Mr. Shaw said since it would be the Town spending Town tax money obviously we expect the Town to supervise this. Mr. Shaw said there have been members amongst the group of owners who have been concerned about possible bias on the part of some of the members of Council (Mr. Shaw said he was not going to get into any of the details), but he thinks the owners would ask that the process going forward even if managed by the city and the Council would be open and transparent – that in fact all of the information and communications would be available to everybody. Mr. Shaw stated that since this is the consultant the owners paid for and hired he does not think the Woods Hole Group is going to cook the books and play with the numbers – the numbers are going to be what the numbers are going to be. But, Mr. Shaw said, there may be some persons who just want to watch over Council's shoulder to make sure there is no communications that are not made available to everybody. Mr. Shaw encouraged Council that in the process if Council votes to go forward with it that it is as open and transparent as possible. Mr. Shaw asked Council to please consider and vote on it.

Mayor Voveris stated that October 23, 2015, through January 20, 2016, is the appeal period. Mayor Voveris stated that at the September 24, 2015, Town Council Workshop Meeting she had planned to bring this forward at the October 9, 2015, Town Council Regular Meeting for action. The owners were not ready with a proposal for the October 9, 2015, Town Council Regular Meeting so Mayor Voveris deferred the agenda item until this meeting. Mayor Voveris said Mr. Shaw was here to represent the owners.

DISCUSSION AND POSSIBLE VOTE REGARDING APPEAL TO THE FEMA FLOOD INSURANCE RATE MAP (FIRM) – ACTION ITEM REGARDING OWNERS' REQUEST

Mayor Voveris stated that this would be a point where Council would be supportive or not of this endeavor. Mayor Voveris said she would need a motion from the floor.

Motion and Vote: A motion was made by Councilwoman Callaway, seconded by Councilwoman Stevenson, that Council move forward with supporting the owners' idea/suggestion that Council move forward with the Woods Hole Group and prepare for a potential appeal. Mayor Voveris asked for further discussion. There was none. The motion was unanimously carried.

Public Comment: Jim Gross asked what was the nature of the errors that had been identified by the Woods Hole Group – what gave promise to the success. Mayor Voveris said the Woods Hole Group has not found errors because they haven't done the analysis. Mayor Voveris said what the Woods Hole Group is saying is that as a group they can analyze information within different parameters that FEMA has established as standards for investigation. Mr. Gross asked if the Woods Hole Group did not identify errors that FEMA made. Mayor Voveris said she thinks they talked about the overtopping analysis like Taylor Engineering did and they said the dune wasn't considered. Mayor Voveris noted that FEMA has been kind of vocal about not considering the dune. Mayor Voveris said the Woods Hole Group mentioned those two possible avenues of exploration, but in terms of coming up with anything hard fast, they don't do that until they are contracted and paid for the service. Mayor Voveris said it is that analysis that tells how it

compares to what South Bethany has been determined by FEMA. Mr. Shaw said the Woods Hole Group did mention that they felt that FEMA's calculations were based on some older and inaccurate data and there were a handful of other things about the type of model that was used. Mr. Shaw said FEMA has three or four different models they can actually make use of, and apparently they chose the worst possible model that would give the worst possible outcome. Mr. Shaw said this is not something apparently FEMA is typically doing. Mr. Shaw said there is a basis for going back and running the other models. Mr. Shaw said we wouldn't even be here asking to go forward with this if the Woods Hole Group hadn't said in the phase that the owners paid for that they felt it was a strong basis technically for being able to argue that the calculations as run by FEMA could be in fact argued against. Mr. Gross thanked Mr. Shaw for that explanation.

In response to South Bethany property owner Betsi Baker's earlier question as to what the three tasks were, Mayor Voveris read Recommended Tasks 1-3 from the Woods Hole Group proposal:

Recommended Task 1: To lend further support this approach, we recommend review of the USACE design study for the dune and beach nourishment project to identify the performance of the project during the 1% annual chance storm. If the USACE design study shows a remnant of the dune following the 1% storm, similar to the eroded Woods Hole Group profiles, this would support use of the 2014 dune topography in the modeling.

Recommended Task 2: We also recommend additional modeling similar to that described in the Taylor Engineering, Inc. report. (*Mayor Voveris said those are the people that the Town hired for coastal engineering analysis.*) This approach would use the 2005 pre-USACE dune topography with more reasonable assumptions for erosion, following by standard FEMA methods for overland wave transformation modeling, wave runup and overtopping. We agree with Taylor that this approach may yield flood zones similar to the revised 2015 Preliminary FIRMs, but with lower BFEs. The intent of this modeling would be to understand the ramifications of an alternate higher risk modeling scenario, in the event that FEMA will not accept an appeal based on protection afforded by the USACE dune.

Recommended Task 3: Once the additional modeling is complete, we recommend developing a strategy for filing an appeal with FEMA. This will require careful review of both sets of modeling results to compare the scientific and technical merits of the two analyses, and to select an approach that has the best chance of gaining approval by FEMA through the appeal process. While we feel that modeling using the USACE dune provides the most accurate representation of existing conditions, it may be advantageous to appeal for revised mapping based on the 2005 topography with more reasonable assumptions for erosion, because of a greater chance for approval by FEMA. Decisions about the basis for the appeal cannot be based solely on the level of risk desired by the property owners, but rather on the scientific and technical merits of the analyses, expected comments from FEMA, timing during the 90-day appeal period, and the potential for submission of additional data through the Scientific Resolution Panel (SRP) process. The strategy for the appeal process will be developed in consultation with the local stakeholders, and will be informed by the scientific analysis and discussions with FEMA. A carefully planned strategy will be critical to the success of the appeal.

DISCUSSION AND POSSIBLE VOTE REGARDING APPEAL TO THE FEMA FLOOD INSURANCE RATE MAP (FIRM) – FUNDING ITEM

Mayor Voveris stated that she does not know if she should lead the conversation or if a Council Member wants to lead the conversation. Mayor Voveris stated that she could certainly lead discussion. Councilman Schrader asked Mayor Voveris to please lead the discussion.

Mayor Voveris said she talked in detail with the Town Attorney and the Town Manager about this and has given a lot of careful consideration about the situation. The Town has the Taylor Engineering report, and then Taylor Engineering moved on because they now are doing business with FEMA. The Town has the Woods Hole Group proposal which the owners were doing somewhat parallel to what the Town was doing. Mayor Voveris said it is a great merit and the timing couldn't be better because the Town still has a ball that it can run with. Mayor Voveris said the Town was at a stop gap with Taylor Engineering who said the Town can go ahead and proceed. Taylor Engineering said there is overtopping analyses that should be done but they would not be able to do it and the Town would need to find somebody else. Mayor Voveris said to begin the ball rolling again (to find somebody else) she does not know that the Town could have done anything within a 90-day appeal period. Mayor Voveris said to Mr. Shaw the fact that the owners were doing something parallel to the Town and have come forward with a very accomplished group (the Woods Hole Group) that has won every appeal that they have gone after is very fortunate and shows the coming together of the Town and the owners. Mayor Voveris said in talking to the Town Attorney and the Town Manager and in considering our quest as a government to make sure South Bethany is at the correct determination and the best it can be for Ocean Drive and the town because this is a town initiative, Mayor Voveris proposed to the Council to look at this as a Town Council initiative funded by the Town Council and the Town Council work directly with the Woods Hole Group. Mayor Voveris said she made contact with South Bethany property owner Tim Shaw because Mr. Shaw was one of the owners who did the initial funding and chipped in money to get Woods Hole Group engaged and get some direction from them as to whether we could be charting the course for success. Mayor Voveris said Mr. Shaw was very open to her contacting the Woods Hole Group. Mayor Voveris said she then made contact with Leslie Fields of the Woods Hole Group and told her she was going to propose to Council to look into this as a Town initiative. Mayor Voveris said she asked Ms. Fields if she had any reason where she couldn't work with the Town – if there was anything proprietary the owners had. Ms. Fields said no and she actually welcomed the structured communication.

Mayor Voveris said Council has studied this and she has been involved in this from day one. Mayor Voveris feels like Council has a good background and she thinks Council has solidarity in wanting to help owners to make sure FEMA has done the best that they can do. Mayor Voveris said along the way we have seen disparity with neighboring towns and that is something that causes us to stop and pause – has South Bethany been treated differently. Mayor Voveris said we have seen enough uncertainty along the way in meetings with FEMA and different answers we get for the same question. Mayor Voveris feels that we owe it as a government to our town to make sure that South Bethany is at the very best it can be and the most correct that it can be.

Mayor Voveris proposed to the Town Council that Council fund this through the Town. Mayor Voveris said in doing so there isn't much in terms of our engagement – this is a service the Town would be contracting with the Woods Hole Group. Mayor Voveris said she does not expect to be talking to the Woods Hole Group every day or even every week. The Woods Hole Group has outlined a very clear task driven avenue and Mayor Voveris said she would think that the Town would get reports and a bill for tasks. Mayor Voveris noted that after Task 3 the next step is to file an appeal. Mayor Voveris said that outcome has to have merit. Mayor Voveris said if the Woods Hole Group comes back and says the BFE should be at 13 and 13 is where FEMA has it why would the Town spend good money after that. Mayor Voveris said the idea would be that Council would hopefully support the initiative through Task 3 and then at the December 11 Town Council Regular Meeting Council would have a vote to move forward or not based on the results from the Woods Hole Group. Mayor Voveris noted that has to be determined by the Woods Hole Group if in fact they can meet that schedule. Mayor Voveris said she feels this would be the most productive and expedient way to go.

Councilwoman Callaway said she thinks it is important to reiterate to the Woods Hole Group that it is not much time to the December 11 Town Council Regular Meeting date and the January 6 date (per Woods Hole Group proposal assuming notice to proceed can be issued by October 26, January 6, 2016, is the date the Woods Hole Group would deliver the appeal to the Town which

would provide enough time for review by the Town and submittal to FEMA prior to the close of the appeal period on January 20, 2016). During discussion Mayor Voveris noted that the Woods Hole Group in the proposal estimates completion of Tasks 1 and 2 within 4 weeks of a notice to proceed and Task 3 would require an additional 2 weeks. Mayor Voveris said Council would be contracting for services with the expert. Council would not tell the Woods Hole Group what to do. The Woods Hole Group has its own parameters and process they abide by. Mayor Voveris said there isn't any influence and there is no emotion. Mayor Voveris said it is not a subjective thing and it is not what I want or you want – it is what the Woods Hole Group's information will tell them once they put in the quantitative data. Mayor Voveris said other than reading and being informed she does not think there is much more interaction that Council would have.

Mr. Shaw said he thinks it is important to clarify that these tasks as the Woods Hole Group have enumerated were the tasks the owners asked for. Mr. Shaw emphasized that the tasks in the proposal is what the owners have asked for.

Mayor Voveris said it is the proposal that came to Mr. Shaw (Mr. Shaw agreed) that the Woods Hole Group is changing to the Town name. Mr. Shaw said, "Exactly". Mayor Voveris said the only thing that is different is that she asked for the hourly rate to be included, she asked for a signature page on the back, and she asked for the stop gap after Task 3 where we meet and we decide to move forward. Mayor Voveris said it is the same proposal the Woods Hole Group gave to the owners.

Councilman Schrader said his read of the proposal is that it is a fixed price quote. Mayor Voveris said there are still open ends in the proposal and that is why she required a 10% overage (a cap) on the contract. Mayor Voveris said Ms. Fields felt that was totally manageable.

Mr. Shaw clarified that Task 5 [tracking and support of FEMA appeal (assumes a total of 20 man hours between coastal engineer and coastal geologist)] was something Mr. Shaw specifically asked for because the Woods Hole Group had implied that after the appeal is submitted it is not at all uncommon to have FEMA come back with questions. Mr. Shaw said when he asked the Woods Hole Group if they included hours in the proposal for Task 5 the Woods Hole Group said they do that on time and material. Mr. Shaw told the Woods Hole Group that the Town is not going to go with that and the owners are not going to go with that. Mr. Shaw told the Woods Hole Group that he needed them to give him a reasonable estimate of the typical commonly used number of hours and a price tag. Councilman Saxton noted that the proposal regarding Task 5 says if the Woods Hole Group goes over 20 hours they can bill for the hours over 20. Mayor Voveris said the Woods Hole Group had already put down a \$3,300 line item for Task 5 and then what is added to the proposal is that the overage will not exceed 10% of the total value of the contract. Councilman Saxton asked if the Woods Hole Group only spends five hours on Task 5 are they only going to charge for five hours or will they charge the full \$3,300. Mr. Shaw said he believes the Town would have the right to go back and say it is paying for the number of hours the Woods Hole Group put in for up to 20 hours. Mayor Voveris said she could have that clarified to say that if the Woods Hole Group does not use the 20 hours the Town would not be billed. Mr. Shaw agreed. Mayor Voveris said the response time from the Woods Hole Group to her questions has been tremendous. Mr. Shaw said the Woods Hole Group was good to work with.

Mayor Voveris said she thinks the Woods Hole Group clearly wants the work, they believe in their work, and they are very accomplished – they have a lot of success in their work. Mayor Voveris thinks the Woods Hole Group would probably like to have South Bethany as another notch in the belt for a successful appeal. Mayor Voveris thinks the Woods Hole Group would be a good company to work with.

Councilman Saxton questioned if in addition to the stop gap after Task 3 if there should be a stop gap after Task 2. Councilman Saxton stated that if the scientific data says there is no real reason to go forward (worst case scenario the scientific data supports a BFE of 13), why would the Town want the Woods Hole Group to go forward to Task 3 (develop strategy for appeal of Preliminary

FIRMs). Councilman Saxton said he is trying to understand the steps and he hopes Mr. Shaw understands that. Mr. Shaw said he did understand. Mr. Shaw said they have said to the Woods Hole Group that if they get to the point where all of the calculations (numbers) they run say you are not going to get anything the owners wouldn't expect to go forward. Mr. Shaw said he thought the Woods Hole Group had apportioned it so that at Step 3 is where that break point was, but if it is not clear maybe it is at Step 2. Mayor Voveris noted that the strategy (Task 3) would be based on going after the dune or going for the overtopping. Noting that the proposal gives four weeks for Task 1 and 2, Councilwoman Callaway suggested asking for an interim report after Task 1 and 2 which would be in time for the November 19, 2015, Town Council Workshop Meeting. Councilwoman Callaway added that a member of the Ocean Drive owners should be at the November 19 Town Council Workshop Meeting. Mr. Shaw said yes, if Council lets the owners know it is happening we will be here again (Mr. Shaw attended this meeting with owner Susan Brune from Ocean Drive). Mr. Shaw said we have no intent for the Town to squander money – it is all of our tax money – we don't want it squandered either. Mr. Shaw said that unless he misunderstood, Ms. Fields indicated that there was some things the Woods Hole Group were doing as part of Task 3 to get to the point of saying yes we have something we believe we can take to FEMA. Mr. Shaw added that Council might want to go back and ask the Woods Hole Group. Mayor Voveris said yes she will ask the Woods Hole Group, but Ms. Fields explained to Mayor Voveris that they needed Tasks 1, 2, and 3. Mayor Voveris said Ms. Fields said it really is two steps – Task 1, 2, and 3 are really step one and the appeal is step two. Ms. Fields told Mayor Voveris that the owners asked her to break it out and she created the tasks presented in the proposal.

Mayor Voveris said Ms. Fields verbally indicated to her that the Woods Hole Group needed to get to Task 3, and they thought it was a great idea to evaluate at Task 3. Mayor Voveris said she can certainly go back to Ms. Fields about evaluating at Task 2, but Council has to be mindful of the time constraint. Mayor Voveris said she thinks the timing will work for the November 19, 2015, Town Council Workshop Meeting but she would like to confirm that with Ms. Fields.

Councilwoman Callaway said maybe Ms. Fields will be able to elaborate on what Task 3 is because Council wouldn't want to cut it off too soon.

Mr. Shaw clarified that in speaking with the Woods Hole Group the owners said at what point will you reach the ability to say yes or no we will get something or we don't have a shot. Mr. Shaw said the Woods Hole Group has said to us that would be at the end of Task 3 – that there were some things involved in Task 3. Mr. Shaw agreed that Mayor Voveris should go back to the Woods Hole Group and clarify. Mr. Shaw said if the Woods Hole Group can reach that point in Task 2 and the Town doesn't have to spend any more tax money, Mr. Shaw said he does not think the owners want to squander one penny that isn't needed.

Councilman Saxton said if the Woods Hole Group needs a little bit of Task 3 to get there he is okay with that. Councilman Saxton said he wants to know their confidence level and he wants to know whether the Town should spend more money or not.

Mr. Shaw said in discussing this whole thing with the Woods Hole Group his sense was that through Task 2 they are gathering a lot of information (data) and to have the possibility of multiple models, but there is still the question of how do you pitch it to FEMA in a way that they are going to have the best possibility of accepting. Mr. Shaw said that was part of Task 3.

Mr. Shaw said part of the BFE is not just to look at the data it is also packaging it and presenting it in a manner that in fact will slide through the FEMA mail slot and be accepted by FEMA. Mr. Shaw believes part of that is what they are doing in Task 3. Mr. Shaw stated that representing the owners we don't want the Town to spend one penny more and we don't want to see any money wasted, but we don't want to not go far enough. Councilman Saxton said that is a fair request.

Mayor Voveris asked what Council is saying. Councilman Saxton said what he is asking is if Ms. Fields can move monies from Task 3 to Task 2 but tell the Town where the stop point is.

After discussion Mayor Voveris said she thinks she can go back to Ms. Fields and ask her if we can add this caveat after Task 2 saying results of Tasks 1 to 2 would be summarized and submitted to the Town, and then Council can decide to move onto Task 3. Councilman Saxton said that is fair. Mayor Voveris said there would be two stop gaps (one after Tasks 1 and 2 and one after Task 3).

Mayor Voveris noted that on the last page of the proposal she has already asked Ms. Fields for a witness signature to be added.

Motion: A motion was made by Councilman Saxton, seconded by Councilwoman Callaway, that Council would move forward with the Woods Hole Group proposal with discussion today about having an assessment after Task 2 before moving to Task 3 added to the proposal.

Public Comment and Council Discussion:

Betsi Baker asked what the amount of money was in the proposal. Mayor Voveris said the total amount of money was \$23,360 plus there was some open hours that could be billed that she asked to be capped at a 10% overage. The Town Manager said \$23,360 includes Tasks 4 and 5. Mayor Voveris said Task 1 is \$1,000, Task 2 is &7,990, Task 3 is \$3,790. Task 4 is \$7,280, Task 5 is \$3,300.

Councilwoman Callaway said she appreciates Mr. Shaw saying that the Town will be the supervisor and it will be an open communication. Councilwoman Callaway said she is assuming that Mayor Voveris is going to take the lead and she is going to be the point of contact. Councilwoman Callaway said Mayor Voveris has been the most involved of all Council Members since the beginning and any open and communication the owners require is there. Mayor Voveris said the first thing Council will do regarding any action Council takes today is to send a letter tomorrow to all of the oceanfront owners because it is more than just Mr. Shaw or Mr. Bintz who has an interest. Mayor Voveris said the idea would be that the Town would keep all of the oceanfront owners informed every step of the way.

Mr. Shaw said he knows at those decision points there will be some owners who will be very interested in watching the decision process, so obviously the owners are expecting that at those points there will be some possibility for interaction. Mayor Voveris said she is trying to do it at scheduled meetings so that owners have the ability to come and make public comments.

Mr. Shaw said it would make sense with the communication Mayor Voveris is going to send out to post the meeting dates and state that those are the dates where the following decisions are expected to be made and if you wish to participate you need to be there. Mayor Voveris agreed and said she will try to do a very informative letter.

Councilman Weisgerber asked if the Town needed to send something to the rest of the property owners. After discussion Council agreed to post the information on the Town website and the bulletin boards around town and send out an email News Update. The Town Manager noted that the meeting minutes are also posted on the Town's website.

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

Mayor Voveris said the Town is moving forward with the Woods Hole Group amending the proposal as discussed today. Mayor Voveris said she will be in touch with Ms. Fields, and Mayor Voveris will email all of the Council to verify that that has taken place.

Councilman Weisgerber asked Mr. Shaw how the owners chose the Woods Hole Group. Mr. Shaw said they went out on the internet and started looking for consultants and then started calling around and asking questions. They talked to some of the people that the Woods Hole Group have done work with. Mr. Shaw said the owners considered about three different groups and interviewed them and landed on the Woods Hole Group because basically they passed mustard the best.

REVIEW OF RECOMMENDATIONS ON BOAT LIFTS AND FLOATING DOCKS

Mayor Voveris welcomed Council to make comments and added that she is not much further ahead on this issue than at the last meeting.

A discussion ensued which included Council comments, ad hoc committee members' comments, and public comments.

As a synopsis, Councilman Weisgerber said the town is starting to see more boat lifts appear, and they are getting to be gigantic monsters using steel girders. Councilman Weisgerber said they are over proportionate. Mayor Voveris added that the recommendations from the ad hoc committee included recommendations on floating docks.

The Code Enforcement Constable noted the following issues: 1) The tall masts on jet ski lifts (Personal Watercraft Lifts - PWC) where the pole was left too high, 2) Gigantic boat lifts of a more commercial nature that are laid back horizontal (they are distributed all around the different canals), and 3) Floating docks. The Code Enforcement Constable stated that issues 1 and 2 are related. He noted that issue 3 is not related to issues 1 and 2.

Ad hoc committee member Dave Wilson (419 Rebecca Rd.) said the maximum size of the lift is set by the width of the lot. Normally the width of the lot is about 50 feet and there has to be a 10 foot setback on each side which leaves 30 feet for the size of the lift.

Mayor Voveris referred to talk among the ad hoc committee members regarding taking the bulkhead measurement and compare it to the BFE for the street and that is a difference you can have for a space from the keel to the bulkhead.

Councilman Schrader noted Section 50-8.1D of the current Town Code: *Floating boat ramps and floating docks (designed for a watercraft to be driven onto) are not permitted.* Ad hoc committee member Dick Oliver (410 Victoria Rd.) said this ordinance was written in 2005 and the technology has changed – the floating docks you can drive up on now have rollers and so forth and are safer to drive on.

The following was noted regarding parameters for boat lifts:

- Section 50-8.1B of the current Town Code states: *The long dimension of the boat lift shall be parallel to the bulkhead, no longer than 22 feet, placed no closer than 10 feet to either side property line.*
- The ad hoc committee recommended the following: Add language to Code that restricts height of lifted craft to no higher than that necessary to provide safe dockage from high tides or floods and to minimize risk of failure due to high winds. The raised height of the bottommost surface of the craft (excluding rudders, engine and /or propellers) shall be no higher than BFE. Remove 22' length limitation and allow lifts, floats, etc. up to 30' on a standard 50' lot.

Regarding the height of the pole, Mr. Wilson said the ad hoc committee did not address the pole on a dimension basis. Mayor Voveris asked if there was a standard measurement established. The Town Manager suggested talking to a boat lift manufacturer.

In the end, Mayor Voveris asked Councilman Weisgerber if he would like to make a list of questions and some information that Council can digest before deciding to move on action and before sending it to the Charter and Code Committee. Councilman Weisgerber agreed to this task. Councilman Weisgerber said his concern is grandfathering. Mayor Voveris asked Councilman Weisgerber to get back to her when he is comfortable bringing the issue forward again.

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADJOURNMENT

A motion was made by Councilman Saxton, seconded by Councilman Schrader, to adjourn the October 22, 2015, Town Council Workshop Meeting at 3:25 p.m.

phs: PHS:2015 10 22 Workshop Minutes Approved 11 13 15