

TOWN OF SOUTH BETHANY TOWN COUNCIL WORKSHOP MEETING MINUTES OCTOBER 23, 2014

MEETING CALLED TO ORDER

Mayor Voveris called the October 23, 2014, Town Council Workshop Meeting to order at 2:05 p.m.

ATTENDANCE

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

APPROVAL AND VOTE OF THE AGENDA

A motion was made by Councilwoman Callaway, seconded by Councilman Gross, to approve the agenda. The motion was unanimously carried.

PUBLIC COMMENT PERIOD

George Junkin (South Bethany Historical Society Treasurer) – Presented a check for \$265 from the South Bethany Historical Society to the Town of South Bethany. The Historical Society would like the money to be used by the Community Enhancement Committee for the Ocean Drive Art Boards program. The money the Historical Society is donating to the Town is about half of what the Historical Society netted from the August 20, 2014, South Bethany Historical Society Art Auction. On behalf of the Council, Mayor Voveris thanked the Historical Society for their donation.

Administrative Assistant Note: Because Councilman Rae had not yet arrived at the meeting, Mayor Voveris asked if Council would agree to change the order of the agenda. Council agreed. These minutes reflect the order in which the agenda items were discussed.

ADOPTION OF MINUTES – SEPTEMBER 12, 2014, TOWN COUNCIL REGULAR MEETING MINUTES

A motion was made by Councilman Gross, seconded by Councilman Saxton, to accept the September 12, 2014, Town Council Regular Meeting Minutes as amended as follows:

Page 3, Last paragraph, **OLD BUSINESS**: Insert "The June Bug report will be shared with Council when it is completed."

The motion was adopted.

ADMINISTRATIVE MATTERS – CONSIDERATION AND POSSIBLE VOTE TO AWARD BID NO. 14-03 SUPPLY OF NEW 2015 POLARIS ATV

Council had a copy of the Bid Tabulation sheet for Bid No. 14-03, Supply of New 2015 Polaris ATV. The Town Manager explained that the ATV will be used for police activities on the beach. The bid was advertised for competitive bids. The following is the Town Manager's recommendation to Council: Award the Supply of New 2015 Polaris ATV Bid No. 14-03 to L & D Suzuki for the low bid of \$15,221.25. The Town Manager stated that L & D Suzuki is the same company that was awarded the last successful bid for the Beach Patrol ATV.

Administrative Assistant's Note: At this time Councilman Rae arrived at the meeting.

Motion: A motion was made by Councilman Gross, seconded by Councilman Junkin, to approve the Town Manager's recommendation to Council. Mayor Voveris asked for discussion.

Discussion: For the purpose of planning how long to set up reserves for the ATV, Councilman Saxton asked Chief Crowson what he thought the life span of the vehicle is going to be. Chief Crowson stated that he thinks the Police Department will use their ATV less than the Beach Patrol uses theirs and therefore the Police Department's ATV will not have as much wear on it. After discussion Mayor Voveris said the life span will probably be at least five years or more.

Vote: The motion was unanimously carried.

MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER IN WHICH THE NAME, COMPETENCY, AND ABILITY OF INDIVIDUAL APPLICANTS FOR THE FULL-TIME POLICE OFFICER POSITION WILL BE DISCUSSED

At 2:15 p.m. a motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to go into Executive Session to discuss a personnel matter. The motion was unanimously carried.

EXECUTIVE SESSION – PERSONNEL MATTER IN WHICH THE NAME, COMPETENCY, AND ABILITY OF INDIVIDUAL APPLICANTS FOR THE FULL-TIME POLICE OFFICER POSITION WILL BE DISCUSSED

Council went into Executive Session to discuss a personnel matter in which the name, competency, and ability of individual applicants for the full-time police officer position will be discussed.

MOTION TO RECONVENE THE TOWN COUNCIL WORKSHOP MEETING

Council moved to reconvene the Workshop Meeting at 2:20 p.m.

COUNCIL DISCUSSION AND POSSIBLE VOTE TO HIRE A NEW FULL-TIME POLICE OFFICER

Motion: A motion was made by Councilman Gross, seconded by Councilman Junkin, that Council approve the recommendation of the committee that interviewed and recommended an addition to the police department.

Discussion: During discussion it was stated that the person's name is Marlon Miller who has been a part-time officer with South Bethany since the end of June 2014.

Vote: The motion was unanimously carried.

PRESENTATION OF TOWN COUNCIL AND COMMITTEE CHAIRS' PROJECT IDEAS FOR FY16 BUDGET

Mayor Voveris stated that this is an informal discussion and that there will be numbers for Council to look at and approve or not approve during the FY16 budget process. Later in the discussion Councilman Saxton stated that the formal budget process will start at the end of November.

The following are projects the various committees will be bringing forward for consideration during the FY16 budget process:

Community Enhancement Committee (CEC): Council had a document from Councilwoman Callaway which included the CEC project ideas and monetary budget requests for the upcoming FY16 Budget process. Councilwoman Callaway said that she thinks Council will find that the CEC project ideas for the FY16 budget support the CEC's mission which is to enhance the Town

of South Bethany. Councilwoman Callaway said the CEC broke the project ideas for FY16 into the following major areas: 1) the Adopt-A-Canal/Road End Program, 2) the Street Sign Project, 3) the Ocean Drive Light Project, 4) Print Materials, 5) South Bethany Landscaping, and 6) Ocean Drive/Seaside Drive Art Initiative that the committee hopes to really focus on this year.

Councilman Saxton asked if the mulching should be moved out of the CEC budget and into the Public Works budget once the beds are built and the Town has to do annual maintenance on the beds. Mayor Voveris stated that it is a Town cost and it would make more sense to move the mulching costs to the Public Works budget. After discussion Council agreed to move the annual mulching costs going forward to the Public Works budget. Mayor Voveris asked the Town Manager to make a note of this for the FY16 draft budget. Councilman Caputo said it should be restated in the budget so that the Public Works budget will show last year's mulching budget even though it was elsewhere. The Town Manager said it will be footnoted in the FY16 draft budget. Councilman Caputo said he wants it restated. Councilman Saxton said whatever monies were spent this year will be moved from CEC into another line item for this year.

Canal Water Quality – Councilman Junkin presented the following project ideas: 1) Educational flyers (\$500 - \$1,000), 2) Possible grant associated with keeping nutrients from getting in the water such as rain gardens/bioretenation areas (South Bethany's cost around \$10,000 for \$80,000 worth of work), 3) Reauthorization of the Diffuser Project (maintenance and electric to run the diffusers per year is about \$2,000 - Councilman Junkin would like to continue the project until there is an algae bloom in South Bethany's canals to see if the diffusers make a difference in the Petherton Canal. During this discussion Councilman Caputo thanked Councilman Junkin for all of his personal time and personal cost into the project - everyone applauded), 4) Study to see how much it would help to connect the dead ends of South Bethany's canals and pump from one canal to the other to cause circulation and cause the water in South Bethany's canals to touch the S. Anchorage Canal where there is good exchange of water (at this time Councilman Junkin does not know what the costs for this would be, and he spoke of the possibility of a grant opportunity for this project), and 5) Maintenance costs for the hand held meter and the two continuous monitors loaned to the Town from DNREC (a few thousand dollars). Councilman Junkin said the proposed Canal Water Quality FY16 budget will be about \$23,000.

Sea Level Rise and Storm Surge – Councilman Junkin presented the following project ideas: 1) Consultant to help the Town understand what it should be doing in the future such as raise the roads, raise the bulkheads, protect utilities, raise houses, etc., using different scenarios such as sea level rising 5 feet in 10 years or 5 feet in 20 years (Councilman Junkin believes the Town could get a 50/50 grant. Councilman Junkin estimates the Town costs would be about \$10,000 for \$20,000 worth of work.), and 2) Work regarding check valves in the storm drains to help prevent flooding of the roads due to high tides (about \$1,000 to \$1,500). Mayor Voveris mentioned that at a Planning Commission meeting she attended, Dorothy Morris, a State of Delaware Circuit Writer, spoke about money available through DNREC grants for sea level rise and the importance of including sea level rise information in the Town's Comprehensive Plan. Ms. Morris will be giving the Town information on that grant opportunity sometime in November.

Board of Adjustment (BOA): Mayor Voveris stated that the BOA would like to request that \$2,000 as a contingency in the FY16 legal budget be set aside for them if they decide they need the expertise of the Town's attorney to chair a BOA hearing.

Communications and Public Relations (CPR) – Kathy Jankowski, CPR Chair, prepared the following 2016 budget proposal:

SB Communications & Public Relations Committee 2016 Budget Proposal (Account 01-502-5300)				
Mission Statement To strengthen South Bethany's communication and outreach to residents, visitors, prospective property owners and renters. The scope of the Communications and Public Relations Committee's support to the the South Bethany Town Council's initiatives shall include: - events - public relations efforts - multimedia/graphic design materials				
Account	Description	Prior Year Expend.	2016 Proposed	Month Held
Existing				
01-502-5302	PR Committee Town Float	260.45	500.00	July
01-502-5303	PR Committee Movie Night	2003.04	1500.00	July
01-502-5304	PR Committee Polar Bear Plunge	679.60	850.00	Jan
01-502-5305	PR Committee Realtor "Meet & Greet"	1060.05	900.00	March
	Subtotals	4003.14	3750.00	
New Budgeted				
	PR Committee Additional Movie Night	0.00	1500.00	August
	PR Committee Boat Parade	550.00	660.00	July
	Town Council Organizational Meeting	1310.00	650.00	June
	PR Committee Bicycle Safety Promo	0.00	110.00	June
	Subtotals	1860.00	2920.00	
	Total		6670.00	

Councilman Gross stated that the summary sheet like what was done for the Public Relation and Communication Ad Hoc Committee budget proposal showing the Prior Year Expenditure and the FY16 Proposed budget would be helpful. Mayor Voveris agreed.

DISCUSSION REGARDING DRAFT FLOODPLAIN ORDINANCE

Council had copies of the following two documents regarding the draft floodplain ordinance which Rebecca Quinn, a consultant to DNREC, made comments on using Track Changes in Microsoft Word: 1) File Name – 2014-09-12-DE_SB64_V-A_051414-TrackChangesSouthBethany_RCQ and 2) File Name – Chapter 145-3 DefinitionComparison_RCQ. Councilman Junkin stated that Ms. Quinn did an excellent job of reviewing the draft floodplain ordinance very quickly. Councilman Rae said he thought her review was very helpful. Councilman Junkin agreed. Councilman Junkin said he would like to go through the document – some of Ms. Quinn's comments Council will agree on and fix accordingly and some of Ms. Quinn's comments Council may need to discuss. Councilman Junkin said he believes this may take two hours for Council to review and discuss.

Councilman Rae asked Councilman Junkin what his objective is for the document. Councilman Rae stated that if it becomes a revised ordinance it has to go through the normal process. Councilman Junkin said it does have to go through the normal process. Councilman Junkin said he would like to get the document close to what the first reading would be and send it back to Ms. Quinn and have her go through it again. Councilman Gross stated that he believes that is next to impossible to do within a reasonable time period because he thinks there are a lot of questions that are going to take some discussion. Councilman Gross believes the Town has to converse

with Ms. Quinn in order to get it done. Councilman Gross stated that he is concerned that the process is bypassing the Charter and Code Committee entirely. Councilman Gross said he believes Council should send the document back to the Sea Level Rise and Storm Surge Committee and ask them to have a joint meeting with the Charter and Code Committee and that meeting ought to come out with our recommendations. Councilman Gross said perhaps Ms. Quinn would be able to attend that meeting, and if not, at least the Town could interact with her somewhat before. Councilman Gross said he believes the joint committee meeting should be chaired by Councilman Junkin. Councilman Gross believes the joint meeting should be an equal meeting where every member present of either committee would have a vote.

A motion was made by Councilman Gross that Council refer this document back to the Sea Level Rise (SLR) and Storm Surge (SS) Committee with the recommendation that there be a joint committee with the Charter and Code Committee (C&C) and that they be authorized to develop the next document. Councilman Gross said he would suggest that anybody that has any comments in the meantime submit them for consideration by the Charter and Code Committee. The motion was not seconded.

Mayor Voveris said she agrees that it should go to the C&C Committee. Councilman Junkin said he thinks it is important that Council go through the document to get input to some degree before the SLR & SS Committee goes through it again. Councilman Saxton asked if there was a way today that Councilman Junkin could share the big points that he had concerns about that he would want input from the Council. Councilwoman Callaway said she would like Councilman Junkin to point out any pieces that will impact a substantial ordinance change. Councilman Junkin said he will as Council goes through the document. Councilman Junkin said he wanted to get Council's input and then he might accept Councilman Gross' recommendation. Councilman Gross agreed.

Councilman Junkin recommended letting the SLR & SS Committee and C&C Committee take care of the definitions.

Councilman Junkin stated that he did call and talk to Ms. Quinn about her review and thanked her for her good review.

Council reviewed the draft Flood Damage Reduction Ordinance with Track Changes and comments from Rebecca Quinn. The following are the major points in the discussion:

Page 1:

Councilman Junkin will need to talk to the C&C Committee to see how they want to do the first page of the ordinance because the Town does not usually have a resolution at the beginning of ordinances.

Councilwoman Callaway asked about the following comment by Ms. Quinn: *LOOKS LIKE YOU'RE CONSIDERING ADDITIONAL ELEVATION, in which case you might add 7A and 8?* Councilman Junkin stated that he talked about this at the Town Council Meeting and he said Council will get to it when Council goes through it, but the Sea Level Rise Committee recommended that Council make the top of the floors in the A zones be at BFE plus 12 inches. That causes the bottom of the floor to be above BFE. Councilman Junkin said the committee did that to keep the beams out of the flood. The intent of the SLR & SS Committee was not to apply this to propane tanks as Ms. Quinn is suggesting. Councilman Junkin said the SLR & SS Committee's intent was not to ask for one foot of freeboard, the intent was to make the A Zone houses have their total floor out of the Base Flood Elevation (BFE). Councilman Junkin stated that this is not quite one foot of mandatory freeboard because the mechanical equipment could be at BFE. Councilman Junkin said another place Ms. Quinn is referring to is having one foot in the V Zone. Councilman Junkin's reply to Ms. Quinn was that this was not included because the committee is not recommending mandatory freeboard at this time.

Councilwoman Callaway started to ask Councilman Junkin that if you are building a house and you have two feet of freeboard - at this time Councilman Junkin said what he would prefer is to stop talking about this at this meeting because he wants to try to get through the easy things and freeboard is a hard thing. Councilwoman Callaway stated that she wanted to understand if that impacts the height that was added. Councilwoman Callaway said if you have two feet of freeboard and then you have the top of the floor where you measure plus 12 inches - Councilman Junkin said if the top of your floor is two feet above base flood elevation and everything else within the code for you is two feet above base flood elevation then you have got two feet of freeboard. Councilman Junkin said that is not what the committee wrote into this - the committee did not write 12 inches of freeboard into this. The committee wrote in 12 inches for the height of the first floor - every other place where it talked about base flood elevation the committee left it as is so you could build your house with the floor 12 inches above base flood elevation and have other things at base flood elevation and you would not qualify for one foot of freeboard. Councilman Gross agreed. Councilwoman Callaway asked if this impacts the ability of property owners to add the two feet extra height. Councilman Junkin said no but that he does not want to talk about this topic because this is one that takes hours to talk about. Councilman Junkin said the committee is not asking for one foot of freeboard, the committee is asking that the people in the A zone have their horizontal beams above base flood elevation as is required by the people in the V Zone because of the way FEMA defines the rules.

Page 2, Comment RCQ4: *is this really what you want? this doesn't allow ANY expansion (not even "small" additions that are Substantial Improvement) of existing building built before 10/6/1976 that are in Zone V?* Councilman Junkin stated that he thinks this needs to be looked at a little bit further. Councilman Junkin thinks the Town needs to talk to Ms. Quinn about this. Councilman Junkin does not think Council can do it at this meeting. Mayor Voveris asked if the Town should talk to Ms. Quinn about some of the items for clarity before giving the draft ordinance back to the SLR & SS Committee. Councilman Junkin said yes he will talk to her specifically on some of these things.

Page 3, Comment RCQ5 and RCQ6: Councilman Junkin does not see these as controversial, and he thinks it is something the SLR & SS Committee and C&C Committee can work out.

Page 5, § 145-50B6: Councilman Junkin stated that this is very specific to South Bethany. Councilman Junkin believes this is the most important one that Ms. Quinn highlighted. Councilman Junkin believes the Town still wants to require that stairs below the lowest floor shall be constructed in a manner to be removable or raised up during the off-season and/or pending inclement weather conditions. Councilman Junkin said he believes this definitely needs to get moved into the new ordinance. The Town Manager and the Code Enforcement Constable noted that it could not be taken out because it is a DNREC requirement. Councilmen Gross and Saxton agreed that it should be in the new ordinance. Councilman Junkin said he would ask Ms. Quinn about this.

Page 6: Councilman Junkin said the answer is yes to Ms. Quinn's questions on Page 6. Councilman Junkin does not think the Town has to worry about her comment regarding basements because that section is struck through. Regarding § 145-54, Electrical systems, and § 145-55, Plumbing, Councilman Junkin agrees with Ms. Quinn to work it into the new ordinance.

Page 7: Council agreed to Ms. Quinn's comments on Page 7.

Page 8: Councilman Gross stated that the date March 16 is an open matter rather than a specific date. Councilman Gross believes for now it should be a question mark rather than a specific date. Councilman Junkin agreed.

Page 9: Council agreed to remove the strikethrough for the sentence at the top of Page 9 regarding maps and studies that establish special flood hazard areas. Council agreed with Comment RCQ16. Councilman Gross added that the comment was good news.

Page 11, Comment RCQ17: Council agreed with Ms. Quinn's comment.

Page 12:

Comment RCQ18 – Council agreed with Ms. Quinn's comment.

Comment RCQ19 – After discussion, Council agreed with Ms. Quinn's comment.

Page 13: Councilman Junkin said Ms. Quinn has no problems with the Town putting in the definitions for Licensed Professional Architect, Licensed Professional Engineer, and Licensed Professional Land Surveyor. Councilman Gross stated that he would like to discuss those definitions with the SLR & SS Committee and C&C Committee. Councilman Junkin agreed.

Page 17:

Comment RCQ20 (regarding an elevation certificate) – Councilman Junkin said he spoke to Ms. Quinn about this on the phone today and told her that the Town does not want to have to fill out a FEMA Elevation Certificate for this and Ms. Quinn said that was okay. Councilman Junkin said Ms. Quinn told him on the phone today that an elevation certificate should be done when the first floor is in place. Councilman Junkin told Ms. Quinn that the Town did not want an elevation certificate filled out for that. Councilman Junkin cannot remember if Ms. Quinn said that was okay. Councilmen Gross and Junkin agreed that the Town should only ask for an elevation certificate at the end. Mayor Voveris asked if requiring the extra elevation certificates would help the homeowner ultimately by catching a mistake sooner rather than later. Councilman Gross said it would cost the Town money and a builder regularly checks the elevations to make sure the first floor is correct and from there on they simply measure up. Mayor Voveris asked if the Town does not include the elevation certificate in the ordinance would the Town be in compliance. Councilman Junkin stated that a lot of the items are recommendations, not requirements. Mayor Voveris asked if this was a recommendation and not a requirement. Councilman Junkin said Ms. Quinn left him off the hook on at least the first elevation certificate because she was going to see it on a plan. Councilman Junkin noted that you don't see it on a plan that the first floor is at the correct level. Mayor Voveris asked if the Town wants to get a final answer from Ms. Quinn before making a decision on what should be done here. Councilman Junkin said he will talk to Ms. Quinn about the ones that are questionable but he does not plan to talk to her about this issue again.

Comment RCQ21 – Council agreed that there is no action needed based on this comment.

Page 18:

Comment RCQ22 – Council agreed with Ms. Quinn's comment.

Comment RCQ23 – Council agreed that this section should remain struck through.

Page 19: Council agreed with all of Ms. Quinn's comments on Page 19.

Page 21: Comment RCQ26 – Councilmen Junkin and Gross agreed that this should remain struck through. Councilman Junkin will talk to Ms. Quinn about this because the Town does not want to have to pay for another elevation certificate.

Page 22:

Comment RCQ27 - Council agreed to go with Ms. Quinn's suggestion.

Comment RCQ28 – Regarding § 145-47(4.2) Councilman Junkin stated that the Town has to get the words so that FEMA will approve them, but he does not see that as being contentious. Councilman Junkin stated that the committee struck through a lot of words in this section and maybe some slightly different words are needed there.

Page 23, § 4.4: Councilman Junkin said this is in regards to proposed Standard No. 9, a recommendation from DNREC, that said if you want to get out of the floodplain you have to bring dirt in to raise your property 18 inches. Councilman Junkin stated that the SLR & SS Committee decided to leave this at 1 inch and not raise it to 18 inches. Councilman Gross stated that there are a lot of problems with raising a property 18 inches such as the bulkhead problem and the drainage problem.

Page 25:

Comment RCQ29 – Councilmen Junkin and Gross agreed to wait and see what Greg Williams says about this section on Historic Structures.

Comment RCQ30 – Councilwoman Callaway asked if this pertained to a pod because it is a temporary structure. Councilman Junkin stated that Ms. Quinn's suggestion is more open and allows more freedom than the Town's current code. Councilman Junkin believes Ms. Quinn's words would eliminate a pod. Councilman Junkin said he will talk to Ms. Quinn about this section.

Page 26:

§ 4.8, Gas or Liquid Storage Tanks: Councilman Junkin noted that proposed Standard 7/7A was asking for either 18 inches or 12 inches of freeboard. Councilman Junkin stated that since the SLR & SS Committee was not recommending that Council go with freeboard, the committee struck through [plus 18 inches/12 inches]. Comment RCQ31 says *if you go with BFE + 12 for building, you should retain this. A building that is elevated to BFE + 12" but that has a tank that is only at BFE will not get the full benefit of the additional elevation when it comes to flood insurance rating.* Councilman Junkin stated that right or wrong, the reason was that the committee was trying to keep the bottom of the building structure out of the base flood elevation whereas the storage tanks were already out of the base flood elevation. Therefore the committee did not have to add the 12 inches to the storage tanks. Councilman Gross said, "But they were not above it." Councilman Gross stated that if the Town wants people to have one foot of freeboard then the Town should tell them that they have to be one foot above BFE. Councilman Gross said this is a big discussion that the Council should have – should the Council put some freeboard in. Councilman Gross said when Council finishes this review he will talk to that. Councilman Junkin said okay. The Code Enforcement Constable stated that in § 4.8(B) the V Zone and the VE Zone have to be delineated. The Code Enforcement Constable said in the V Zone it must be at or above BFE and the VE Zone must be above BFE. After discussion Councilman Junkin said he would rewrite § 4.8(B) per the Code Enforcement Constable's suggestion.

Comment RCQ32: Councilman Junkin explained that #7A says that you want to have 12 or 18 inches of freeboard mandatory – Councilwoman Callaway said that is what she was asking earlier - if you require the BFE plus 12 inches and then you still allow someone to have two feet of freeboard essentially you have three feet of freeboard and then you wouldn't really get that extra height. Councilman Junkin said to meet the Town's requirement of getting two more feet of height, in § 4.8, Gas or Liquid Storage Tanks, you would have to have BFE plus two feet in what you actually built and in § 5.2 you would have to have BFE plus 24 inches - you would not need this 12 inches plus 2 more feet of freeboard to get two feet of freeboard. Referring to the base flood elevation plus 12 inches in § 5.2, Councilwoman Callaway said this becomes a requirement, not an option. Councilman Junkin said this becomes a requirement, and the reason the committee said this should be a requirement is the committee believes the bottom of the structure should be above BFE. Councilman Junkin noted that elsewhere in the code it is required that duct work in the floor has to be above BFE which forces the bottom of the structure to be at BFE. Councilman Junkin asked if Council was comfortable with this new requirement. Councilwoman Callaway asked where the height is measured from. Councilman Junkin said the height for the top of the house is measured from the road. Councilwoman Callaway asked if it was taking away something from the freeboard. Mayor Voveris asked Councilman Junkin how this impacts the ordinance Council just passed that gives two feet for two feet. Councilman Junkin said it doesn't

change anything that Council did based on the height. Councilman Junkin said that what the map change did is it raised the BFE on areas on the oceanside a foot and because Council referenced the top of the height to the road, the top of the height stays the same place and the bottom of the house moved up a foot from where Council thought it was when Council passed the ordinance.

Mayor Voveris asked if the plus 12 inches impacts the community - is Council looking at any pushback from the community. Councilman Junkin said it does not impact the community - it may sound like it impacts the community because the committee added 12 inches to where the top of the floor has to be, but the committee has not added anything to where the objects under the first floor have to be. Councilman Gross said he has not seen any case where there wasn't something within the joist space that would require it to be up. The Code Enforcement Constable said that is correct. Councilman Gross said it is kind of a moot point.

Pertinent to AO and AE Zones, Councilman Junkin said this section says the top of the lowest floor should be at BFE plus 12 inches.

The Code Enforcement Constable stated that § 145-48(5.2)(A)(1) pertains to the AE Zone and (5.2)(A)(2) pertains to the AO Zone.

Page 27, Comment RCQ34: After discussion, Councilman Junkin said he sees no problem requiring the top of a manufactured home's floor to be at 12 inches above BFE.

Page 31, Comment RCQ38, First Question, *Does the revised FIRM show LiMWA?*:

Councilman Junkin said the answer is yes. Second Question, *Have you discussed regulating the area between the LiMWA and Zone V boundary (or shoreline) as Zone V?* Councilman Junkin said yes - there is none because they are on the same line. Councilman Junkin said he does not think there is a problem regarding Ms. Quinn's statements at the end of Comment RCQ38 (*if there is a LiMWA, then the area between is called the Coastal A Zone. Definitely qualifies for CRS points. I have a file that shows you what the regs change would look like*). Councilman Junkin said he will send Ms. Quinn a copy of the map showing that they are on the same line.

Page 32, Comment RCQ39, *Why consider +12" in Zone AE and AO, but not Zone V:*

Councilman Junkin said he has already talked to Ms. Quinn about this - we are making it consistent because FEMA doesn't have it consistent. Councilman Gross said it is already in there.

Pages 34 - 35, Section 7.0 Variances: Mayor Voveris questioned the word "use" because the Board of Adjustment (BOA) does not grant "use variances". Councilman Junkin said maybe another word other than "use" should be used so that it is not confusing. Councilman Gross agreed that this needed to be looked at.

Page 36, (3) at the top of the page: Regarding a variance for a building or structure with a lowest floor elevation below the base flood elevation, Mayor Voveris questioned if the BOA can grant such a variance. Councilman Gross said it might come up particularly in an existing house where there might be a substantial improvement. Mayor Voveris questioned how you could get flood insurance if you build below the BFE. Councilman Junkin said he can't see the BOA approving anything like this. Councilman Junkin said he will talk to Ms. Quinn about this because it looks like there is no way you could build something to (3). Councilman Rae stated that whether it is something that would ever happen or not, they want it in the ordinance just so it is covered. Councilman Junkin said he will ask that. Councilman Gross said there is a whole section in Article V (Board of Adjustment) § 145-61 Floodproofing elevation variances and there are cases where it would violate South Bethany's Code. Councilman Junkin said the words at the top of page 36 may not be needed - perhaps it should point to § 145-61 Floodproofing elevation variances. Councilman Gross suggested sending Article V to Ms. Quinn for her to look at. Councilman Junkin agreed.

Definitions (a separate document): Councilman Junkin stated that in almost all cases he agreed with Ms. Quinn's comments on the definitions. Councilmen Junkin and Gross agreed that some of the definitions could be tweaked a bit. Councilman Gross stated that he thinks the Town should adopt some of their definitions rather than the Town's because they are a little better. Councilman Junkin agreed. Councilman Junkin said the work needed regarding the definitions is work the SLR & SS Committee and C&C Committee can do.

Motion: A motion was made by Councilman Gross, seconded by Councilman Junkin, that Council refer this matter within Council's discussion today to the Sea Level Rise Committee and request that they have a joint meeting with the Charter and Code Committee to resolve and get off the next draft.

Discussion: Councilman Junkin said the document the committees will work with will be the same document Council reviewed today but with notes from this meeting added to the document.

Vote: The motion was unanimously carried.

Councilman Gross referred to Comment RCQ1 in the definitions document. The comment reads: *I've reviewed Article XIV Coastal Floodplain which includes amendments through 3-14-14 (downloaded 10/14/14) and did NOT see BFE + 2 ft. freeboard.* Councilman Gross said the Town is now going to go through a tremendous change in its laws, and the public is becoming much more aware of sea level rise (Councilman Gross noted a report he had referred Council to where there are specific examples in Lewes, Ocean City, and Norfolk that confirm the numbers being put forward). Councilman Gross stated that Jay Headman received a paper from DNREC's Mike Powell that said of the 49 jurisdictions in Delaware, 19 (40%) have mandatory freeboard and 29% have 18 inches or more freeboard as mandatory. Councilman Gross stated that he thinks it is now time that Council draft this document with mandatory two feet of freeboard. Councilman Gross strongly feels it is the right thing to do. In addition to other advantages talked about earlier, Councilman Gross stated that it will enhance the value of the property in South Bethany and subsequently it will improve the income of future sales (Councilman Gross added that is a lesser point).

Motion: A motion was made by Councilman Gross, seconded by Councilman Rae, that Council change this document to include two feet of mandatory freeboard.

Discussion: Mayor Voveris asked for discussion. Mayor Voveris stated that Council just passed an ordinance with voluntary freeboard after many months of many public meetings and the ordinance has just been in place about a month.

Councilman Caputo stated that he supports Councilman Gross' motion 100%. Councilman Caputo said the Town is in the process and now is a better time to start.

Councilman Junkin stated that he is for Councilman Gross' motion noting that he has always been for mandatory freeboard.

Councilwoman Callaway stated that she thinks it is a pretty big topic to not be on the agenda for Council to make a decision. Mayor Voveris stated that Council can't vote on Councilman Gross' motion because it is not on the agenda. Councilman Gross disagreed stating Council is talking about the document (draft floodplain ordinance). Mayor Voveris said the agenda says discussion and does not talk about a vote. Councilman Gross stated that Council has been voting on things (regarding this agenda item). Mayor Voveris said Council has been agreeing. Councilman Gross noted that Council voted to return the document to the SLR & SS Committee with instructions. Councilman Gross stated that his motion is in order. Mayor Voveris stated that she does not see how Council could have taken all of these months and in just one moment of a meeting want to have a vote to include two feet of mandatory freeboard. Councilman Gross stated that it is not one moment – it has been going on for a year. Mayor Voveris stated that (during that process)

Council decided on voluntary freeboard. Councilman Rae stated that once the document is ready for consideration it will go through the normal process of three readings and maybe even a public hearing. Councilman Junkin stated that the numbers can get changed during the readings. Councilman Gross said his motion is for what Council should put in this draft. Councilman Rae stated that Council is not making a final decision today.

Referring to the increase in the maximum height allowed when homeowners incorporate freeboard in new home construction and in raising existing homes in Ordinance 172-14 which was adopted on August 8, 2014, Councilwoman Callaway said that made a huge change. Councilwoman Callaway said there is no reference to that in this document. Councilman Junkin said there are references to freeboard or making things higher than BFE. Councilman Gross said the document recommends throughout that there be mandatory freeboard. Councilwoman Callaway said Council just reviewed the whole document and Council had no discussion about making freeboard mandatory. Councilman Junkin said Councilman Gross mentioned it at the very beginning of the discussion. Councilman Junkin said when Councilman Gross mentioned it he (Councilman Junkin) said let's not talk about that until Council gets through the document.

Councilwoman Callaway asked if people are choosing not to build with two feet of freeboard. The Code Enforcement Constable stated that people are choosing not to build with two feet of freeboard. Councilwoman Callaway asked if they are informed of their options to include two feet of freeboard. The Code Enforcement Constable said that he does inform them of what freeboard is and what they have to do to comply, however there are other prohibiting factors that have to be considered such as the FAR and the LAR which takes into consideration steps. The Code Enforcement Constable stated that when people build their house to the maximum size and go up two more feet they can run over on their steps because that is part of the area ratio. Councilman Gross stated they (C&C Committee) are working on that also. The Code Enforcement Constable stated that some people have backed away on two feet of freeboard due to the FAR ratio prohibiting them from having steps that reach the ground, and they were not willing to go for a variance. Councilman Gross said the C&C Committee is in the process of changing that. Councilman Caputo said the owners will be sorry eight years from now for not including two feet of freeboard. Councilman Caputo said now is the best time to iron this out. Councilman Junkin stated that the code is there to protect people who are building, to protect the Town, and to maintain property values in town. Councilman Junkin said his opinion is that the Council is not doing its job correctly if Council does not consider that sea level is rising and that the people who build to the code are going to be in trouble.

Councilman Saxton stated that he can agree to this change for the draft if the code regarding the FAR, the LAR, the number of bathrooms, and the setbacks could change concurrently. Councilman Saxton said it gets tied together and it needs to be comprehensive – it is not just one piece at a time. Councilman Saxton said the Town has to look at the whole code. Councilman Gross agreed and said the Charter and Code Committee will start now.

Councilman Junkin said the Sea Level Rise Committee recommended that the Town allow people to put steps out into the setback. Councilman Rae said in addition the Town should exclude those for the LAR and the FAR. Councilmen Gross and Junkin agreed that is a good way to handle that.

Councilman Caputo asked what other effects there are. Councilman Junkin said there is a PR effect that the Town is forward looking. Councilman Junkin said there is a savings on insurance to an individual homeowner depending on the height. Councilman Gross said two feet of freeboard will give the homeowner about 50% reduction in insurance cost, and insurance costs are going up dramatically. (Councilwoman Callaway noted that her recent flood insurance bill had no increase.) Councilman Junkin said mandatory two feet of freeboard would help the Town gain points and at least maintain its 10% rating in the CRS program when in 2017 the Town is likely to lose points because the CRS program is changing the rules.

Councilman Junkin said the dune has people believing that they are not going to get damaged by a storm and so all the new houses are built to base flood elevation except for one (a two-story house built with freeboard). Councilman Junkin said people who want to build a real three story house have to start at base flood elevation. Councilman Junkin said people are building the maximum house they can build. Councilman Junkin believes Council should be protecting owners from themselves. Councilwoman Callaway said the Council is protecting them – they can choose to do that. Councilman Junkin said if the Town makes it so property owners can put steps into the setback without counting it against the area ratio then they can build the same house that they could build to the current rules. Councilman Gross said they could build a different house. Councilman Junkin said they could build a different house, but it forces them to get the freeboard. Councilwoman Callaway stated that she can see that the FAR could be adjusted for the steps because that makes sense if you are going up when you build your house. Referring to two people that she knows who want to put handicap ramps to their side door and can't do it because the stairway would be in the setback, Councilwoman Callaway stated the Town has to be equitable regarding this issue. Councilman Gross said it is not only for people who raise their house, it would be for new houses as well. Councilwoman Callaway said she understood that but was saying there are other reasons people may want their stairways in the setback and right now they are not allowed to do so.

Vote: Councilman Gross called for the question. The voting was as follows:

FOR THE MOTION: Councilpersons Caputo, Gross, Junkin, Rae, and Saxton

AGAINST THE MOTION: Councilperson Callaway and Mayor Voveris

The motion carried with a 5-2 vote.

Councilman Junkin said he will modify this draft code to wherever it says 12 inches or 18 inches he will put two feet. Councilman Gross agreed and suggested putting two feet in other appropriate places too. Councilman Junkin agreed.

PUBLIC COMMENT PERIOD

Since there was no public present, there were no comments from the public.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilman Gross, to adjourn the October 23, 2014, Town Council Workshop Meeting at 4:40 p.m. The motion was unanimously carried.