

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES OCTOBER 9, 2015</b>
---

**MEETING CALLED TO ORDER**

Mayor Voveris called the October 9, 2015, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

PRESENT: Council Members Sue Callaway, George Junkin, Tim Saxton, Wayne Schrader, Carol Stevenson, and Mayor Pat Voveris; Town Manager Melvin Cusick; Sgt. Lee Davis; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilman Frank Weisgerber

**SOUTH BETHANY WOMEN'S CLUB PRESENTATION OF DONATION FOR THE BABY LOWE FUND (SUE CALLAWAY)**

Councilwoman Callaway and Sandy Raymond (Vice-President of the South Bethany Women's Club) presented a check in the amount of \$2,840 to the Baby Lowe Fund. Lt. John Devlin of Fenwick Island's Police Department accepted the donation on behalf of Stephen and Amanda Lowe whose baby was born with serious heart problems and will be encountering incredible medical expenses. Councilwoman Callaway said she was touched by how the members of the Women's Club came forward and contributed funds. Councilwoman Callaway stated that the Women's Club and 24 individual members contributed \$1,420. In addition, Councilwoman Callaway noted that Mayor Voveris at the beginning of the fund drive said she would match whatever the Women's Club collected. Lt. Devlin thanked the Women's Club for their support.

**PROPERTY OWNERS' PARTICIPATION**

- Phyllis Finger (907 S. Ocean Dr.) – Approached Council about a parking problem for her and her neighbor at the corner of Ocean Dr. and Indian St. Ms. Finger stated that their two properties are the smallest lots on Ocean Dr., and they only have access to parking at their houses from Ocean Dr. – no side street parking access is available. Ms. Finger stated that she only has room for two cars under her house. Ms. Finger said when they have company at the height of the season there is ample parking on their properties between their two houses on Ocean Dr., and most of the time it works fine, but there are a few people who park on Ocean Dr. and block the access to their parking between their two houses. Ms. Finger stated that she has contacted the Police Department and the Code Enforcement Constable regarding this problem. To solve the problem and not create hard feelings with people trying to park on Ocean Dr. between their two houses as well as not having to use the Police Department when they are needed somewhere else, Ms. Finger suggested moving the "NO PARKING FROM HERE TO CORNER" sign that is in front of her neighbor's property at the corner of Ocean Dr. and Indian St. back to her property at 907 S. Ocean Dr. Ms. Finger said then the space between the two houses would have a sign that says "NO PARKING FROM HERE TO CORNER" which would solve Ms. Finger's and her neighbor's parking problem. After discussion, Mayor Voveris said she would follow up with Chief Crowson. The Town Manager said Ms. Finger has a unique situation, and he encouraged Council Members to take a look at the two properties. Ms. Finger said she would appreciate Council following up on this, and she thanked Council for their time.

- Sandy Raymond (5 N. 3rd St.) – Suggested dropping some rocks in the area between the houses to make it a driveway. Ms. Finger said it is wonderful sand in that area, and putting down stones in that area is not her solution.
- Mike Matera (311 W. 9th St.) – Referring to the boat the Town acquired, Mr. Matera said it is going to cost the Town about three to five hundred dollars a year to have the boat winterized and to have a spring tune-up. Mr. Matera asked if the boat would be used for anything other than looking at the trees hanging over the canals. The Town Manager stated that the boat was received through the LESO program for free. The Town Manager said the Town is gathering costs on the boat such as insurance. The Town Manager said it is not just the trees that have to be inspected, the Town also has to inspect every bulkhead in town. The Town Manager stated that because everybody is taking their boats out of the water in the fall, the Town rents a boat in the fall to inspect the bulkheads because the inspector can see the bulkheads better if the boats are out of the water. The Town Manager said in the fall it is hard to find a boat to rent because everybody is taking their boats out of the water to winterize them. The Town Manager said the Town has to keep the boat for a year, and after keeping track of the expenses over the year if it is too expensive his recommendation to Council is to get rid of the boat. The Town Manager noted that this has not yet been discussed with Council. Mayor Voveris stated that this is a new endeavor. She said the boat is free because of the police surplus program. Mayor Voveris said there are costs associated with the boat because it will have to be maintained and it will have to be insured. Mayor Voveris said it will also mean that the Town has a boat at its disposal, and the Town won't spend money that was used to rent boats before. Mayor Voveris said South Bethany is a waterfront boating community and the concept makes good sense. Mayor Voveris said the proof will be in the use of the boat, and the Town is going to assess it over the next year. Mr. Matera stated that it is going to be cheaper to rent a boat.
- John Stefani (6 N. 3rd St.) – Asked why the Town owns a Humvee. Mr. Stefani stated that a lot of municipalities acquired Humvees, and for various reasons they are getting rid of them because it didn't send the proper message to the communities. Mayor Voveris said the Humvee is another item the Town acquired through the LESO program. She said it was Chief Crowson's initiative, and he felt that the Town could use the vehicle during storms. Mayor Voveris noted that when Hurricane Sandy hit, Humvees had to be borrowed. Mayor Voveris said the Humvee the Police Department acquired is relatively new with low mileage. Mayor Voveris said the Town will observe and look at the usage and take it from there. Mr. Stefani stated that he is mainly concerned with the message that a Humvee sends.

Councilman Saxton stated that the Town has set up line items and separate tracking for each of the items the Town has acquired through the LESO program, and at the end of a year the Town will know what the use and cost was. Councilman Saxton said the Town can do an analysis and make a good decision at the end of the year around whether it is good for the Town to participate in the program or not. Mayor Voveris stated that the boat is something the Town can sell and keep the funds in the Police Department. Mayor Voveris said the Humvee would be returned to the government surplus program.

During discussion South Bethany property owner Chris Keefe asked if the Town was expecting unrest. Mayor Voveris said the vehicle is for evacuation purposes, it is not for military use. Ms. Keefe inquired if the Town Council votes on everything that is decided on in the LESO Program. Mayor Voveris said the Chief presented the program to Council, and Council liked the initiative and gave him the go ahead. Mayor Voveris clarified that there was no vote taken. Ms. Keefe asked if Council knew what the Chief was buying. Mayor Voveris said that in his presentation to Council Chief Crowson was very clear on the items he had initiative on – a boat and a Humvee or a vehicle such as a Humvee. Referring to the presentation the Chief gave to the Budget and Finance Committee, Ms. Keefe stated that he did not give the Budget and Finance Committee any idea of what he was purchasing. Councilman Saxton verified that the Chief did not comment on what he was purchasing in his

presentation to the Budget and Finance Committee. Mayor Voveris said it is not a purchase. Ms. Keefe stated that anytime money is spent on an asset that becomes a purchase in her mind.

Councilman Saxton stated that he has asked for a detailed report on the cost of acquisition and the cost of getting the items in shape to utilize, and he will report that to the Budget and Finance Committee and the Town Council. Councilman Saxton thinks that at the end of a year Council is going to have to make a judgment on whether this is the right thing to be doing.

- Diann Nazarian (20 Peterson Dr.) – Asked how many people fit in the Humvee for evacuation purposes. Sgt. Davis stated that the Humvee is a four seater. Sgt. Davis clarified that the Humvee is not going to be used for patrolling or answering calls. Sgt. Davis said the Humvee will be used to get to people that need help during storms where the streets are underwater.
- Mike Matera (311 W. 9th St.) – Referring to putting electric wires underground, Mr. Matera said it will cost millions of dollars. Mayor Voveris stated that a question on the Town Survey is "Should the Town investigate burying overhead wires?" Mayor Voveris stated that the Planning Commission plans to bring in Delmarva Power to talk about the concept. Mayor Voveris said it is exploratory at this time. Mr. Matera stated that he used to work for the electric company, and underground wires and transformers that sit on the ground go bad too.
- Ed Nazarian (20 Peterson Dr.) - Thanked the Maintenance Department for the fine job that they have been doing during the cleanup after the storm.

#### **ADOPTION OF MINUTES – TOWN COUNCIL REGULAR MEETING MINUTES, SEPTEMBER 11, 2015**

A motion was made by Councilman Junkin, seconded by Councilman Saxton, to accept the September 11, 2015, Town Council Regular Meeting Minutes as amended as follows:

Page 5, Third Paragraph: Change "The Town Solicitor said no the requirement of a permit is under Zoning and the appeal . . ." to read "The Town Solicitor said no. The requirement of a permit is under Zoning and the appeal . . ."

The motion was unanimously carried.

#### **OLD BUSINESS – FOLLOW UP REPORT ON WETLANDS INSPECTION**

Mayor Voveris stated that South Bethany property owner Joan Marini had some concern about the wetlands and their deterioration. Mayor Voveris stated that she contacted Jim Chaconas of DNREC who is on the permitting side. Mr. Chaconas took a look at the wetlands and gave the Town his opinion. Ms. Marini followed that up by contacting Alison Rogerson who is in the Wetland Monitoring Assessment Program. Mayor Voveris talked to Ms. Rogerson and she came to South Bethany to look at the wetlands. Mayor Voveris read the following email that Ms. Rogerson sent to the Town on September 30:

*Dear Pat,*

*Thank you for your patience. My wetland assessment and monitoring team visited the site last Friday and although the tides were unusually high because of winds we were able to get a better look and suggest some options for the community.*

*I looked at aerial photos all the way back to 1937 to help put some pieces together. Very interesting to see the area blossom. It shows that the interior marsh break up (large pools in between ditches) across from 4<sup>th</sup> St. has become more pronounced since 2007 but the large pond across from 6<sup>th</sup> street has been there since the 1930's. It looks as though the interior ponds*

*between 2<sup>nd</sup> and 4<sup>th</sup> street have been growing since the early 90's at least. This does not mean they haven't been getting deeper. I can't evaluate that from historical photos of course. When we were there we were surprised that the interior ponds were solid to walk on and that the ditches were still extremely deep and sharp sided for their age.*

*We do not understand interior marsh break up except that it is related to the mosquito ditches that were installed back in the 1930's. There is some sort of interaction involving tides and water flooding or leaving the site in relation to the ditches that has taken decades to catch up with our tidal wetlands. Joan Marini asked me about the possibility of spraying dredge material from the canal into those areas to raise the elevation. I don't know when the canal is due for another deepening but detailed elevation measurements would be required first to determine site suitability.*

*It looks as though the shoreline has been close to the road near 1<sup>st</sup> and 2<sup>nd</sup> streets since the road was installed. However, I could tell that the bank all along there is undercutting and a shoreline stabilization effort may be an option for the community if they are worried about their road. There are traditional ways such as bulkhead or rip rap to secure the shoreline but that can deflect wave energy to nearby shoreline areas and may detrimental to the remaining natural shoreline. Another tactic is what's called a living shoreline stabilization that utilizes softer natural materials to still offer shoreline protection but also absorb and dissipate wave energy to help prevent shoreline destruction. You can learn more about living shoreline options at this website: <http://www.delawareestuary.org/living-shorelines>. There are several professionals in your area that can advise and provide these services.*

*I hope this helps. Thank you for contacting me with your questions. If you have more questions or concerns please write or call.*

*Alison Rogerson  
Wetland Monitoring & Assessment Program  
DNREC Division of Watershed Stewardship*

Mayor Voveris said there isn't anything that the Town needs to be concerned about or take action on. The Town does have stewards that look at this – DNREC actively checks into this. The Town Manager stated that the Town keeps an eye on W. 1<sup>st</sup> St., and eventually the Town might have to do some rip rap work to protect that street.

**DISCUSSION AND POSSIBLE VOTE ON APPOINTMENT OF TOWN HEARING BOARD FOR APPEAL OF BUILDING PERMIT FEE BY A PROPERTY OWNER. MEMBERS WOULD INCLUDE WAYNE SCHRADER, CAROL STEVENSON, AND SUE CALLAWAY. (PAT VOVERIS)**

A motion was made by Councilwoman Callaway, seconded by Councilwoman Stevenson, that Council approve Mayor Voveris' appointment of a Town Hearing Board for an appeal of a building permit fee by a property owner. Members of the Town Hearing Board would include Wayne Schrader, Carol Stevenson, and Sue Callaway. The motion was unanimously carried.

**DISCUSSION AND POSSIBLE VOTE TO AMEND THE CAPITAL ASSET REPLACEMENT AND MAINTENANCE (ARM) FUND AND DEPRECIATION POLICY BY DESIGNATING THE CAPITAL ASSET DEPRECIATION FUND AS A COMMITTED FUND (TIM SAXTON)**

Councilman Saxton said the reason why the suggestion is made to make the Capital Asset Depreciation Fund a committed fund is because committed funds require four votes of the Town Council to move those funds. Councilman Saxton proposed the following changes to Section 8 of the Capital Asset Replacement and Maintenance (ARM) Fund and Depreciation Policy:

**Section 8 – Asset, Replacement, and Maintenance List (ARM)**

- 8.1 The Finance Director will maintain the Asset, Replacement, and Maintenance List (ARM). This list will be reviewed annually by the Finance Director, Treasurer, and the Budget and Finance Committee and modifications made as appropriate.
- 8.2 The Capital Asset Depreciation Fund will be designated by the Town Council as a committed fund.
- 8.3 The Town may contribute annually to the Capital Asset Depreciation Fund at an amount equal to the total annual book current depreciation derived from the ARM list. The funding of this amount will be included in the annual draft Town Budget Process. In the initial draft budget, Budget and Finance committee may propose an alternative funding amount to the full current book depreciation amount.
- 8.4 When capital assets need to be replaced, the replacement costs will be withdrawn from the ARM Reserve Fund. The new capital asset will be added to the ARM List and depreciation done as described in Section 4.1.

**Motion:** A motion was made by Council Junkin, seconded by Councilwoman Callaway, that Council accept the proposed changes.

**Discussion:** Regarding the last sentence of Section 8.3, Councilwoman Callaway suggested using the same words used in the first sentence of Section 8.3. Councilman Saxton said to make the following changes to the last sentence of 8.3: In the initial draft budget, Budget and Finance Committee may propose an alternative funding amount to the full **total annual book** current ~~book~~ depreciation **derived from the ARM list amount**.

Mayor Voveris stated that Council will vote on this policy as amended during discussion.

**Vote:** The motion was unanimously carried.

**UPDATE ON RECENT COMMUNICATIONS WITH FEMA, TOWN ATTORNEY, AND PROPERTY OWNERS AND INITIAL DISCUSSION REGARDING POSSIBLE FIRM APPEAL AND TIMELINE (PAT VOVERIS)**

Mayor Voveris stated that via email FEMA has given the Town the following timeline for appeal: Beginning October 23, 2015, through January 20, 2016. The Town will be getting an official letter from FEMA probably within the next week.

Mayor Voveris read the following from an email from Jon Janowicz of FEMA:

*The Town can make its own decision about handling costs for data preparation. The Town could foot the bill or choose not to invest in an appeal.*

*It is common for communities to simply be the collector of appeals and not participate in the creation of appeals. Of course, there are also many times when community officials decide to prepare an appeal using municipal resources. Attached is a large support document on appeals. (Mayor Voveris noted that the support document is 240 pages.)*

Mayor Voveris stated that she has been in touch with the Town Attorney and he had two comments of note:

- *Any financial contribution by the Town to the appeal should be a “not to exceed” amount. We want unused funds returned and we don’t want to be on the hook for an endless amount.*

- *Under the Federal Regulations, the appellant can actually be reimbursed by FEMA for technical expenses incurred as part of an appeal if the appellant prevails.*

Mayor Voveris stated that the Ocean Drive property owners are working with their coastal engineer.

Mayor Voveris stated that in the report from Taylor Engineering, the coastal engineer the Town hired, was an analysis that basically said they felt FEMA's initial BFE for Ocean Drive of 10 was incorrect. FEMA has since put the BFE for Ocean Drive at 13. Taylor Engineering said there was some overtopping analysis that could be done that might result in a lower BFE between 11 and 13 – no guarantee, but a possibility. Taylor Engineering also said they were not interested in helping the Town anymore because they are now involved in some FEMA contracting. Mayor Voveris stated that the coastal engineer the Ocean Drive property owners are working with agrees that an overtopping analysis would be prudent. The coastal engineer that the Ocean Drive property owners are working with also had other ideas about trying to have the dune considered (Mayor Voveris noted that in the recent storm the dune did protect the town pretty well).

Mayor Voveris said the Ocean Drive property owners are going to attend the October 22, 2015, Town Council Workshop Meeting to present what they would like to appeal, and Council will be addressing this idea with a discussion and a vote for a call to action and a call for funding.

Mayor Voveris asked for questions. There were no questions.

### **LEADERSHIP REPORTS**

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

Since my last report I have spent time gathering information from FEMA on flood insurance and the appeal process and timeline for the FIRM (Flood Insurance Rate Map). Information on flood insurance and grandfathering is available on our Town website.

*Discussion: Mayor Voveris said she has been in touch with FEMA today and she is trying to organize a day (possibly on October 30) where a FEMA representative will be coming to Town Hall to talk to individual owners throughout the day about flood insurance particular to their specific property address and grandfathering. Mayor Voveris said once she formalizes the date, a news update will be sent. Councilman Junkin noted that the information on grandfathering is hard to understand particularly for those people that are in the X Zone now but will be in a flood zone under the new FIRM. Mayor Voveris stated that she is asking FEMA to help her with that. After more discussion, Mayor Voveris said she will follow up with FEMA to see if written questions could be submitted to FEMA and if property owners could communicate with FEMA by email to submit their questions.*

Final revisions for our 2015 Survey were made and the Survey is now in the hands of owners. As of today the Town has received close to 400 responses. The first batch of surveys will be sent to the data processing company early next week.

*Public Comment: Linda Lewis (105 Tern Dr.) – Stated that in filling out the survey she found the following categories to be out of order: Very Satisfied, Somewhat Satisfied, Satisfied. Ms. Lewis said to her "somewhat satisfied" is less than satisfied.*

I have spent time working with Pam on the latest issue of our Zephyr newsletter and with Chief Troy on the News Update covering our Police Department's CIT Training and creating a new design for the department's badge to include our Town Seal.

The storm we just experienced was a brutal one and took a toll on our dune. Our Maintenance Supervisor, Don Chrobot, provided information to me during the storm both verbally and visually. I rode around with our Police to assess damage and found we had minor flooding and minor damage outside of what our beach endured. The News Update I sent on Tuesday provides details on the DNREC plan for our remedy.

I have a promotion to mention for our Police Department that became effective on October 1<sup>st</sup>. Master Corporal Lee Davis was made Sergeant. He has served our Town for 24 years. We appreciate your steadfast work and dedication, Lee. Congratulations!

Tomorrow our Administrative Assistant, Pam Smith, celebrates 10 years of service to our Town. Thank you, Pam, for your work, dedication, and ever present positive attitude. Your efforts keep owners informed and the Mayor organized. Keep up the good work!

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

At the last Town Council Workshop Meeting the Council agreed to place the trash, recycling, and yard waste contract out for bid. The Town Manager has rewritten the specifications. The bids are scheduled to be opened November 10, 2015, at 10 a.m. A mandatory pre-bid meeting for contractors wishing to bid is scheduled for October 26 at 10 a.m.

The frontal face of the dune was damaged from the storm. Initially the Town closed all of the beach walkways because it was too dangerous for people to walk on the walkways – there was an eight to ten foot drop. The Town has been able to open three of the walkways – two of them in Sandpiper Village. The Town hired a contractor to help the Maintenance Department move 30,000 tons of sand out of one of the walkways in Sandpiper Village. People can also access the beach at the south end at the vehicle crossover. DNREC is cleaning up debris. As of this afternoon DNREC has not gotten to South Bethany. DNREC will clean up the debris first and then when the sand builds back and there is enough sand to push, DNREC will start pushing sand and try to slope the walkways so people can get on the beach and to protect the dune some in case another storm comes.

The Town Manager attended the International City Manager's Association Conference in Seattle September 26 to September 30. The Delaware delegation included the Town/City Managers from Rehoboth Beach, Harrington, Georgetown, Millville, Newark, Smyrna, and South Bethany. The Town Manager will be issuing a written report to Council.

- **Treasurer's Report**—Councilman Saxton reported as of September 30, 2015:

- Treasurer's Report for the first five months of FY 2016 has been provided to the Mayor and Council for review.
- Operating Revenues continue to do well and we have collected approximately 68% of the fiscal year total. Highlights for Revenues are:
  - Property tax 95% collected. Following up with 31 property owners who are late in making tax payments. Improvement of 22 tax collections over the past month.
  - Transfer Taxes are at 66.7% collected. Significant drop in monthly receipts but this matches the historical pattern seen over the past 5 years. If historical patterns hold true we should see a good revenue stream over the next 2-3 months. Currently anticipate the revenue stream will remain healthy for the fiscal year but watching the trend closely.
  - Building Permits are at 94% collected. Additional permits in the pipeline and anticipate exceeding Budget estimates for the year.
  - All other revenues are tracking to budget.
- Departmental and Committee expenditures are tracking to Budget or less.

- **Police Department Report/Questions**—Sgt. Lee Davis reported for the month of Sept., 2015:
  - CIT (CRISIS INTERVENTION TRAINING) CLASS
    - In attendance were: Myself (Sgt. Davis), Ptlm. Loulou, Cpl. Miller, and Cpl. Wiley
    - This program provides 40 hours of specialized training to law enforcement officers to better prepare them for responding to mental health encounters.
    - Chief Crowson was the first police chief in Delaware to complete this training in April 2015.
    - At the completion of our second class on September 25, the South Bethany Police Department is now the first department in Delaware to have 100% of its officers trained!
  - SMILE CONFERENCE (SOCIAL MEDIA THE INTERNET AND LAW ENFORCEMENT)
    - Chief Crowson and Cpl. Miller are currently at the SMILE Conference in Canada hosted by the Niagara Regional Police.
    - The SMILE conference is the leading training conference devoted to Social Media, the Internet, and Law Enforcement initiatives for public outreach, crime prevention, and forensics.
    - The SMILE Conference will address social media as community media, investigative techniques and case studies, officer safety, social media policy and strategy, legal issues, and recruitment and retention.
  - HURRICANE JOAQUIN
    - Phone lines have been busy with questions regarding last weekend's storm.
    - Though several road closures were reported, including Rt. 1 from Dewey to North Bethany for several days due to flooding on the roads, no major damages were reported, and no structure damages were reported in South Bethany.
    - Major cliffs have formed on South Bethany's beaches, as well as other beaches across Delmarva's coast, some reported as high as approximately 10 feet.
    - Use caution around beach areas, as all of the access points have been blocked off with caution tape due to the erosion except for Sandpiper Village, which has 2 crossovers that can be accessed.

The September Police Report of complaints handled was available on the sign-in table.

Referring to his promotion, Sgt. Davis expressed his appreciation to South Bethany and the Mayor and Council.

### **COMMITTEE & COMMISSION REPORTS**

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

The CEC will meet on October 21, 2015, from 1:00 pm to 3:00 pm at Town Hall.

**Pump Station #22** – In follow-up with Heather Sheridan regarding the water treatment area landscaping, the crew arrived on Wednesday, October 7, and planted the new larger plantings and restored the ones uprooted during the storm.

### **Adopt-A-Canal/Road End Program**

The Annual Fall Update on the Adopt Program was completed and emailed via an Email News Update on Friday, October 2<sup>nd</sup>. The Update features information about all 31 canal/road ends including the original 2011 adoptions up to the 2015 adoptions. It is now posted on the Adopt Program section of the CEC website.

### **Little Free Library EAST**

The LFL EAST suffered some damage during the recent storm. Thanks to a watchful neighbor who removed the books and the door, minimal damage was done. Frank is repairing the library and it will return to business soon. Thanks also to Martha Fields, steward for the LFL East, who contacted the neighbor. Prior to the storm, Frank had installed the official LFL Association plaque as we are a registered member of the national LFL Association.

### **Replacement of Existing Free-Standing Street Lights**

Town Manager Melvin Cusick has notified Jim Smith with Delmarva Power to verify our next steps in the installation plans and schedule. Don Chrobot has a meeting scheduled with Doug Hudson to review light locations on October 8.

### **New Message Board**

Public Works installed a new vinyl message board in a new location on York Road. The new board can be found directly across from York Beach Mall. This new location has greater visibility and will provide easier access to town information.



### **SBWC Contributes to Fall Decorations**

The South Bethany Women's Club recently contributed funds to the CEC for the fall decorations found at the North and South Welcome Signs. On October 6, Public Works team Don Chrobot and Rick Gentile took a break from storm clean-up and met South Bethany Women's Club Members Diann Nazarian, Pat Weisgerber, Sally Baker and Sue Callaway and planted and arranged the plants and decorations. Many thanks to the SBWC for their generosity and community spirit! An Email News Update about the contribution was sent out on October 8.

### **UPDATE ON NON-CEC ACTIVITIES**

#### **Committee Guidelines Ad Hoc Committee**

We met for the third time on September 24<sup>th</sup>. Tim Saxton, Wayne Schrader and Sue Callaway were in attendance. We reviewed the suggested changes made during the previous meetings and finalized additional suggested changes. The revised draft guidelines were reviewed once again and final changes were incorporated. This draft version was sent to Mayor Voveris and Town Manager, Melvin Cusick for review and comment. Once their comments are reviewed and incorporated, they will be sent to the full Council for review and discussion at the October 22<sup>nd</sup> Town Council Workshop.

*Discussion: Councilman Saxton asked Councilwoman Callaway for an update on the letter approved by Council and sent to Cat Hill property owners regarding the new lights in Cat Hill. The Town Manager said he has had four or five calls from property owners – some said they were fine with the new lights and some are still worried about the location of the lights because they do not want the lights shining in their house. The Town Manager explained to the property owners that the new lights will hopefully shine down on the street away from the houses. The letter was sent out September 9 and the property owners had a month to respond by contacting the Town Manager by phone.*

- **Budget and Finance Committee** – Councilman Saxton reported:

- No meeting was held. Next meeting scheduled for October 23<sup>rd</sup>.
- Began work on improving investment income. CD review occurred and a model is being created to assure CD rollover occurs each year. The plan is to create the model over a five year period.
- Work on the Fee schedule for the Town is ongoing. The first draft of Fee comparisons across multiple municipalities should be ready for the next B & F committee meeting.
- Treasurer, Finance Director and Town Manager attended an investment seminar held by Fulton Bank. Seminar was on investment management and the services the bank could provide. Information will be shared with the committee at our next meeting.
- A proposal was received for property tax collection to be done by an outside vendor. The proposal will be reviewed at our next committee meeting.

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

The Charter and Code Committee met today. We reviewed again the report of Linda Rabb. We determined that there were no suggestions or recommendations of Ms. Raab's that needed to be implemented immediately. There are no urgent matters raised in the Raab report. The committee is however open to any suggestions that other Councilmembers may have with respect to actions that should be taken to amend the code in light of comments of Ms. Raab.

The committee is considering whether to propose changes to the definitional provisions in Chapter 145 and specifically as it pertains to the definitions of repairs or other construction efforts that may trigger the need for obtaining a permit.

The committee is also considering whether to recommend legislation that would vest in the town code constable the authority to grant certain administrative variances with respect to dimensional restrictions.

- **Canal Water Quality Committee (CWQC)** – Councilman Junkin reported:

**Grant Status**

- Sandpiper Pines Stormwater Retrofits (Rain Gardens and Infiltration Trenches)
  - The project is on schedule
- York Canal Oysters and Floating Wetlands
  - Project is Running Smoothly

**Next CWQC Meeting 10/21/2015**

- The draft agenda is
  - Preparation of CWQC Presentation to Council on future circulation study
  - Future circulation study
  - CIB status on wet pond at Sea Colony
  - Issues at the Anchorage forebay
  - Status of Grant Activity at Sandpiper Pines and York Canal

- Citizen monitoring
- Oyster Gardening
- Public outreach meeting

*Discussion: Councilman Saxton asked for an update on the removal and sale of the diffusors. Councilman Junkin stated that Envirotech sent the Town a quote for \$1,000 to remove the diffusors. Envirotech has not removed the diffusors yet, and they have not given Councilman Junkin a schedule to remove the diffusors. Envirotech is going to try and sell the diffusors for the Town.*

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

**Sea Level Rise Adaptation Grant Status**

- All activities are on schedule
- Quarterly Report submitted 09/30/2015

**Public Outreach Meeting, Flood Damage Mitigation and Insurance Costs**

- Two public outreach meetings were held. The purpose for having two meetings was to present the opportunity for more homeowners to attend.
  - The first meeting was held Friday, September 25, 2015, at 7 PM. There were at least 43 people in attendance.
  - The second meeting was held Saturday, September 26, 2015, at 10 AM. There were at least 32 people in attendance.
  - Each meeting was documented by a video recording.
- Actions Resulting from Comments Received.
  - A better understanding of grandfathering is required to answer grandfathering questions.
  - Potential adaptations to accommodate Sea Level Rise must take into account impacts to homeowners such as, "If the Town raises roads then homeowners' property will be lower than the roads and storm water will flow from the roads to the homeowners' property. If the homeowner raises their property so that they can grade it so that storm water flows to the street, they may also need to raise their bulkheads to keep storm water from flowing into the canals."

- **Planning Commission** – Councilwoman Stevenson reported:

The Planning Commission met on September 14, 2015. Present were Richard Oliver, Chairman, Dave Wilson, Joe Conway, John Stefani, George Reese, Joe Hinks, Dee Burbage, and Greg Hook, owner of Simpler Surveying and Associates.

A public hearing was held to review a request to partition a property owned by Bruce Simonds. The request made was to separate lots 14, 15 and ½, and 16 at 23 South Anchorage which were previously listed as one lot. After a discussion, the request to divide the property into two lots was unanimously approved.

Preparation for drafting of the Comprehensive Plan for 2016 was discussed. The membership requested that the Chairman ask the Town Council to review and comment on goals and strategies that were submitted in 2013 by the Planning Commission. This request will be submitted by the Chairman.

The next meeting of the Planning Commission will take place on October 16, 2015, at 10 AM.

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

The Assawoman Canal Trail has been open for 60 days. We have had no information about funding or extending/building to bring the trail to South Bethany – we are in a halt position at this time. There has been a request for volunteers to assist in maintaining the trail and assisting the public on the trail. DNREC continues to take volunteers who are interested in these endeavors.

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

The committee met on September 22, 2015. Present were Carol Stevenson, Linda Whitney, Lisa Saxton, Margaret Oliver, and Ann Boteler. The committee reviewed the mission and scope of the committee. They discussed the proposed 2016 community activities which included participation in the Polar Bear Plunge, a Realtor Outreach Activity, Yoga on the Beach, July 4th Parade Float, Boat Parade, two summer movie nights on the beach, a fall adult party on the beach, assisting the police department with Bicycle Safety and Pedestrian Safety programs, and assisting in the DNREC coastal cleanup program. Other activities proposed included sponsoring a kayak and SUP safety class. The committee also will seek to improve communications with owners and visitors so all can take advantage of the programs available.

Several members and other volunteers assisted the Town Staff in preparing the Zephyr for mailing on September 30.

The next meeting will be held on October 16 to work on the budget.

## **PUBLIC COMMENT**

- **Ed Bintz (302 N. Ocean Dr.)** – Commented on the recent storm and how that gets into South Bethany's FEMA flood map situation. Mr. Bintz stated that a number of homeowners, including him, have made the point that Bethany Beach has fared worse than South Bethany as far as erosion, particularly since the beach was rebuilt. Mr. Bintz stated that Bethany Beach had an additional replenishment after Nor'Ida which South Bethany didn't need – Bethany Beach had more chopped off of their dune than South Bethany did. Mr. Bintz said that the Town of Bethany Beach's website says that their dunes were damaged 50% or more and in one segment over 75%. Mr. Bintz said he went to Bethany Beach and he believes that is about right. Mr. Bintz said he took a walk on South Bethany's beach and he believes South Bethany is in the thirty something percent range (give or take). Mr. Bintz said he thinks that is more evidence that it makes no sense for South Bethany to have a much less favorable erosion assumption applied to it than Bethany Beach. Mr. Bintz stated that if South Bethany simply had the same erosion assumption, even though South Bethany seemed to be faring better, South Bethany would have a 10 foot BFE.

Regarding the comment Mayor Voveris mentioned that FEMA talked about the extent to which towns participate in the appeal process, Mr. Bintz stated that he does not doubt that in most cases they don't, but Mr. Bintz said he thinks we would need to parse the data a little bit more with different situations. Mr. Bintz thinks a lot of these FEMA appeals could be situations regarding a commercial piece of property that someone wants to develop that has been rezoned as some flood zone and now that person is not able to develop it the way they want. Mr. Bintz said that type of situation is very individualized. Mr. Bintz said here in South Bethany we have a very broad swath of homeowners who are affected, and the Town has had a role in things causing the situation we are in.

Regarding the erosion from the most recent storm and Mr. Bintz' point about Bethany Beach having a much greater erosion from this most recent storm than South Bethany, Mr. Bintz asked what the Town might be doing to document that so that when the property owners make

their appeal they might have some of that data at their fingertips. Mayor Voveris said the Town had some video taken of Bethany Beach. Mr. Bintz said the video he saw that was circulated was random. Mr. Bintz said more of an aerial shot is needed to see where the dune starts and ends. Mr. Bintz said he thinks it is important to the process to have something that is in a sense scientific or commensurable that would be reliable to submit for an appeal.

Mr. Bintz stated that he was not sure whether Mayor Voveris was suggesting that the consultant the property owners had hired had concluded that they could not get to 10 feet. Mr. Bintz said that is not the case. Mr. Bintz said the property owners still see the need to do the study and that is all on the table. Mr. Bintz stated that from a nonscientific point of view looking at what is going on in Bethany Beach versus South Bethany, there seems to be no reason why South Bethany should have a BFE that is several feet higher than the Town of Bethany Beach.

- Ed Nazarian (20 Peterson Dr.) - Regarding his concern of the quality of the water in the canals, Mr. Nazarian asked Council individually why they did not elect to lift the grandfather clause regarding dumping water into the canals from the roofs and from the showers. Mr. Nazarian said lifting the grandfather clause is a way to clean up the water in the canals quickly. Mr. Nazarian said lifting the grandfather clause is a sure thing to help clean up those waterways. Mr. Nazarian stated that he does not understand why Council can't lift the grandfather clause.

Mayor Voveris said that Council has not seen any quantitative numbers in terms of numbers of homes and the percentage of difference it could make. Mayor Voveris said that Council also had an opinion from the attorney in which he was more advising not to remove the grandfather clause due to the litigious nature the grandfather clause can cause by removing it. Later in the discussion Mayor Voveris noted that when a new bulkhead is put in, the pipe draining into the canal does not remain.

Councilwoman Stevenson wondered if the Canal Water Quality Committee could go to the property owners and ask them to disconnect the pipes that are draining into the canals. Councilwoman Stevenson said she thinks it would be a good initiative to find out what pipes are connected and what pipes are not connected. Councilwoman Stevenson also suggested sending out Email News Updates stating this is what needs to be done and why it needs to be done.

Councilman Junkin noted that the Canal Water Quality Committee has put out pamphlets for educating the community, and there have been people who have voluntarily disconnected the pipes because they know it is the right thing to do. Councilman Junkin added that the Canal Water Quality Committee has surveyed about a third of the community from a boat to determine where pipes were coming into the canals, but there is not a way to tell whether the pipes are connected or not unless the survey is done during a storm.

- Joel Danshes (204 W. 10th St.) – Inquired where the water drains into from the large drain basins on some of the streets in town. Councilman Junkin said the water drains into the canals. Councilman Junkin said that is where the Town has made French drains and other things to slow the water down before going into the canals. Mr. Danshes stated that the point he is trying to make is that shower water running into the canals is the tip of the iceberg. Mr. Danshes said it is amazing how many cubic yards of water end up in the canals through the storm drains. Councilman Junkin stated that in quite a few places the stormwater does not go directly into the canals because of the French drains which have standpipes in the inside so that the water has to fill up the French drain first before it can go down the canal. Councilman Junkin stated that if there is enough rain that it gets up to the top of the standpipe, the water is going to go into the canal. Councilman Junkin said there are two issues regarding stormwater: 1) Water quality, and 2) Flooding. Councilman Junkin said you have to try and do a happy compromise.

- Mike Matera (311 W. 9<sup>th</sup> St.) – Asked if pine needles are bad for canal water. Councilman Junkin said he believes they are but he does not have any documented technical proof. Councilman Junkin stated that decaying matter in the canals is bad for water quality.
- Ed Bintz (302 N. Ocean Dr.) – Asked what the follow up can be regarding documenting the difference between the erosion that was worse in Bethany Beach versus South Bethany on this recent storm. A property owner in attendance suggested using a drone to get an aerial view. Councilman Junkin stated that he believes DNREC or the U.S. Army Corps of Engineers makes pre and post storm measurements. Mayor Voveris said she will follow up and contact DNREC's Mike Powell. Mr. Bintz stated that sometimes DNREC does air flights and sometimes gets footage from the air flights and maybe somehow they measure it. Mr. Bintz said there may be a number of sources.

Mr. Bintz said he had one other general comment. Regarding the lawyer weighing in and getting the lawyer's input, Mr. Bintz said he views this as a policy decision not a legal decision as far as supporting the property owners' group.

### **ADJOURNMENT**

A motion was made by Councilman Saxton, seconded by Councilwoman Callaway, to adjourn the October 9, 2015, Town Council Regular Meeting at 8:45 p.m. The motion was unanimously carried.

phs: PHS:2015 10 09 Regular Meeting Minutes Amended and Approved 11 13 15