

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 11, 2015**

MEETING CALLED TO ORDER

Mayor Voveris called the September 11, 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; Chief Troy Crowson; Finance Director Renee McDorman; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilman Frank Weisgerber

CONSIDERATION, POSSIBLE VOTE, AND PRESENTATION OF RECOGNITION RESOLUTIONS

• **Resolution 3-15, A Resolution to Recognize Jim Gross**

Jim Gross was unable to attend this meeting as he was at Deep Creek Lake spending time with his son.

Councilwoman Callaway read Resolution 3-15, A Resolution to Recognize Jim Gross.

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, that Council approve Resolution 3-15. The motion was unanimously carried.

• **Resolution 4-15, A Resolution to Recognize Al Rae**

Mayor Voveris read Resolution 4-15, A Resolution to Recognize Al Rae.

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, that Council approve Resolution 4-15. The motion was unanimously carried.

Mayor Voveris presented Al Rae with the framed resolution. Mr. Rae thanked everyone.

• **Resolution 5-15, A Resolution to Recognize Tony Caputo**

Tony Caputo was unable to attend this meeting as he was in New York for his 50th high school reunion.

Councilwoman Stevenson read Resolution 5-15, a Resolution to Recognize Tony Caputo.

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, that Council approve Resolution 5-15. The motion was unanimously carried.

FY 2015 AUDIT (TOM SOMBAR, SOMBAR & COMPANY)

Mayor Voveris welcomed Mr. Tom Sombar of Sombar & Company who presented the highlights of the FY 2015 Audit Report. Mr. Sombar reviewed the Town of South Bethany's Audited Financial Statements and Supplemental Information for Fiscal Year Ended April 30, 2015, (With Comparative Year Analyses 2014, 2013, 2012) of which Council Members had a copy. The

Finance Director also projected the audit report on the screen for the public. The report is available for public review at the Town Hall or on the Budget and Finance Committee page on the Audits tab of the Town's website, www.southbethany.org. Overall the Town had in Total Assets \$3,768,301 and in Total Liabilities \$207,426. This produced Total Net Assets of \$3,560,875. Mr. Sombar referred to the unassigned fund balance for the General Fund of \$1,016,357 on page 29 of the report. He stated that this represents five months of General Fund expenditures which is a healthy number.

Mayor Voveris thanked Mr. Sombar.

PROPERTY OWNERS' PARTICIPATION

- Carolyn Marcello (8 S. 9th St.) – Announced to the Town and to the Police Department that Sunday, October 4, from 2 p.m. to 4 p.m. is National Life Chain Sunday and people will be standing at S. 9th St. on both sides of Route 1 holding a sign praying to end abortion and praying for our country.
- Ed Bintz (302 N. Ocean Dr.) – Spoke to the following agenda item: Discussion on the Taylor Engineering response to questions sent by Town Council on July 13, 2015. Mr. Bintz stated that the Base Flood Elevation (BFE) issue for Ocean Drive property owners is very much alive. Mr. Bintz said changing the BFE from 10 foot to 13 foot as part of the result of the email that was sent by the Town has had a huge impact on the flood insurance premium for the folks on Ocean Dr. Mr. Bintz said the new increase to his flood insurance premium is roughly \$10,000 and it would have gone down by \$4,000. Mr. Bintz said an article he found on the internet showed that for every dollar increase in flood insurance premiums, you can expect a 16.5 dollar decrease on the property value of your home. Mr. Bintz said for him that turns out to be over \$60,000. Mr. Bintz added that he thinks \$60,000 may be a bit of an understatement. Later in his comments, Mr. Bintz stated that the only one that benefits is FEMA by charging an outrageous premium. Mr. Bintz said the BFE of 13 makes no sense.

Regarding the Taylor Engineering Report, Mr. Bintz thinks it is important to keep the following in mind: Mr. Bintz believes Taylor Engineering has a conflict of interest because they have represented FEMA in the past

Mr. Bintz stated that the Ocean Dr. property owners' engineer is doing a full report, and she has told the property owners that they applied a non-standard erosion analysis after the Town sent an email requesting a higher BFE which leaves a less favorable erosion analysis in South Bethany. Mr. Bintz stated that Bethany Beach is a pretty close analogy in a sense that they have had a replenishment like South Bethany. Mr. Bintz stated that Bethany Beach's beach was less resilient than South Bethany's and they had an additional replenishment that South Bethany did not have. Mr. Bintz said Bethany Beach's beach is shorter than South Bethany's beach and their properties are closer than South Bethany's properties. Mr. Bintz said it makes no sense that South Bethany should have a less favorable erosion methodology applied to its beach than Bethany Beach. Mr. Bintz thinks that is a question that should have been asked.

Mr. Bintz said his personal view is that he is not looking for the Town to spend more money on it, but he does expect that when the property owners put together their appeal they have an open minded reception from the Town Council in support of what the property owners are doing.

- Jay Headman (436 Black Gum Dr.) – Mr. Headman read the following: *I am using this time during public comment period to thank the Council for taking the time to reconsider the appeals process that the Town has mandated for our appeal. I had hoped that this request to use Council time wasn't necessary. We are asking the Council to reconsider and support our appeal to a hearing board instead of a Board of Adjustment. In our current appeal we are*

questioning the approximately \$380 fee that was charged for changing wood on our steps and porch to a composite material. By the Town mandating our next step in the appeal process going to the Board of Adjustment, it is for all purposes stopping our appeal and our opportunity to be heard. This process the Town is mandating us to follow includes an additional non-refundable \$750 fee to contest a \$380 fee that we already paid. How many appeal processes have you been involved with or that you know about that makes someone who is appealing pay such an absorbent fee to continue the appeal. Who in this room would continue to appeal based on having to pay another \$750. Also it is our understanding that in the history of our town no appeal like ours has ever gone to the Board of Adjustment. To put it into context as I have shared in my email and pictures to you, our house was damaged February 22 due to a frozen pipe on the third floor. Much of the house was damaged. All of our furniture and other materials had to be removed from the house and most of our clothes were damaged by water. We were out of the house for three months. During the repair of our house we noticed that the steps and porch were also damaged by all the workers from the various trades going into and out of our house. We decided at that time to fix the 15 year old wood steps and porch and replace them with a composite material. Instead of sanding and staining and in some cases replacing the 15 year old damaged wood, we replaced the wood with a composite material. We did not change the profile, we did not change the size, we didn't change the support structure, we didn't change the railings. We only changed the surfaces. This was not a complete overhaul of our steps and porch. We saw this type of work as the same as replacing worn out rugs, linoleum, or laminate with wooden floors and minor repair. How much would that cost me? \$50. We felt that and still feel that the \$380 fee was higher than necessary. As I shared, the process that we were told to follow changed after we started our appeal. Before we even started our appeal we talked to the Mayor and the Town Manager that if we wanted to appeal the Code Enforcer's decision we had to appeal in writing to the Town Manager, and if denied that request, would have to appeal it to the Hearing Board appointed by the Mayor. I heard that July 8, July 15, July 21. And then I get the letter on August 5 saying that is not the appeal process that you follow. Basically it comes down to this - will the Council follow an opinion of the Town Attorney, remember it is only an opinion, and make us go to the Board of Adjustment and have us pay an additional \$750 fee just to continue our appeal to be heard, or instead will the Council vote tonight to give us a true opportunity to be heard and have our appeal go before a Hearing Board. Please put yourself in our position and any other property owner who could have in the future a similar appeal. What is the fair and common sense appeal process that should be followed.

Mr. Headman thanked Council for listening.

- Robin Greenhall (400 S. Ocean Dr.) – Mayor Voveris read the following email sent by South Bethany property owner Robin Greenhall to Mayor Voveris. Ms. Greenhall had asked that it be read aloud at this meeting.

From: Robin Greenhall

Date: Fri, Sep 11, 2015 at 1:00 PM

Subject: TO BE READ OUT LOUD AT BOARD MEETING 9/11/15

To the Town Council of South Bethany

After speaking with our Mayor last evening, it has come to my attention that the 13 foot BFE will most probably not be disputed by the Town Council. They are satisfied with the report done by the engineer the town hired. At this time I was also told that there is no council member nor specific property owners voicing any objection to the increase.

I assured the Mayor yesterday and I am telling the Council today that this is far from the truth. I for one was giving the town time to gather the appropriate information to begin the appeal process. Based on the meeting June 12, 2015 it was obvious to me that property owners are expecting at a minimum that the BFE remain at the 12 feet it is today.

Property owners on Ocean Drive continue to hold the Town Council responsible for an increase to the BFE from 10 feet to 13 feet based on the so-called appeal from George Junkins.

We expect the Town Council to continue gathering the appropriate information to formally appeal FEMA's recommendation of 13 feet. A 13 foot BFE is bad for every property owner on Ocean Drive and ultimately the town itself. Many of the new homes, built within the past year were designed to be well above the 12 foot BFE. My home at 400 S. Ocean in particular was built with the elevation of 13'2" to the top of the lowest horizontal structure. Now if the 13' BFE is allowed to pass, the new way of reading the elevation will be to the bottom of the lowest horizontal structure. This causes us to fall below BFE by 2".

The 13' BFE can cause an increase to flood insurance premiums now and ultimately to future owners. A BFE of 13' will also cause property values to decrease. Insurance premiums and the cost of the work needed to raise a structure above BFE are both issues that the educated buyer considers when purchasing a home.

I would think The Town Council would be concerned about this as well. Remember you are in your position on the board due to South Bethany residence voting for you. Your job is to represent us and in this case protect us from a devastating BFE change.

*Please contact me if you have any questions.
Robin Greenhall
400 S Ocean Dr.*

ADOPTION OF MINUTES – TOWN COUNCIL REGULAR MEETING MINUTES, AUGUST 14, 2015

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the August 14, 2015, Town Council Regular Meeting Minutes. The motion was unanimously carried.

OLD BUSINESS

Mayor Voveris stated that she did follow up with South Bethany property owner Joan Marini's request that the Town further investigate the wetlands situation in South Bethany. Mayor Voveris said she spoke with Alison Rogerson of DNREC's Wetland Monitoring and Assessment Program, Division of Watershed Stewardship. Mayor Voveris reported that Ms. Rogerson will be visiting South Bethany during this coming month. She will take a look at the wetlands and make an assessment for the Town.

Regarding South Bethany property owner Dan Cowell's inquiry about the kinds of EMS calls South Bethany has, Mayor Voveris has forwarded a report to Dr. Cowell showing the types of EMS calls for South Bethany and a description of the different types of calls. Moving forward the Ambulance Service will break down in their report what kind of EMS calls South Bethany had.

DISCUSSION & POSSIBLE VOTE ON THE APPROPRIATE FORUM FOR HEARING AN APPEAL ON A BUILDING PERMIT FOR THE PROPERTY LOCATED AT 436 BLACK GUM DRIVE (GEORGE JUNKIN)

Councilman Junkin stated that in looking through what Jay Headman (South Bethany property owner at 436 Black Gum Dr.) sent to the Town, it looked like Mr. Headman was appealing both the building permit fee and the fact that he needed the building permit. Councilman Junkin said he thinks the fact that Mr. Headman's letter requested a hearing to appeal the permit led the Town to ask the Town Solicitor for an opinion. Councilman Junkin said the Town Solicitor's opinion was that a hearing to appeal the permit would have to go before the Board of Adjustment (BOA). Councilman Junkin stated that he believes that if the appeal is regarding the fee, then the appeal should go before a Town Hearing Board which would consist of three Council Members.

Councilman Junkin stated that he believes that if the appeal is regarding having to have a building permit, then the appeal should go before the BOA. Councilman Junkin said from what he heard Mr. Headman say during the Property Owners Participation portion of the meeting, Mr. Headman said he was appealing the fact that he had to pay a \$380 fee.

Mayor Voveris stated that the Town had reviewed Mr. Headman's original request for an appeal and it was for both the building permit fee and the building permit.

The Town Manager clarified that the reason this was sent to the Town Solicitor was because in the original email from Mr. and Mrs. Headman they were appealing the permit, and that is why there was a question. The Town Manager said that in a discussion he had with the Town Solicitor, the Town Manager asked him if the property owner is appealing the requirement of a permit does the appeal go before the Town Council. The Town Solicitor said no. The requirement of a permit is under Zoning and the appeal comes under the BOA. The Town Solicitor stated that if the property owner is appealing fees, Council sets the fees so that appeal would go before a Town Hearing Board consisting of three Council Members. The Town Manager said the property owners need to clarify if they are appealing the fee or the requirement of a building permit.

After discussion, Council agreed that Mr. and Mrs. Headman would need to file a new appeal. No vote was taken.

TOWN SURVEY

- **Discussion and possible vote on approval of final town survey questions**

Council discussed the following proposed changes to the town survey:

Part 1 Under Police and Emergency Services:

- Change No. 1 from "Staff Adequacy" to "Staff Proficiency (Responsiveness/Knowledge)".
- Move "Emergency Services (Fire and Ambulance)" to the bottom of the list.

Part 2, No 3: Change "Lighting is needed as indicated on back page" to "Specify needed lighting location on back page".

Part 2, No. 6: Change "Are you willing to support a tax increase to implement the above" to "Are you willing to support a tax increase if required to implement the above".

Mayor Voveris stated that if she can get all of the kinks worked out she would like to have the survey out in the mail next week and have the survey due back by October 15.

A motion was made by Councilman Junkin, seconded by Councilwoman Stevenson, that Council accept the proposed changes to the survey. The motion was unanimously carried.

- **Discussion and possible vote on cost proposal for contracting out the survey work**

Mayor Voveris discussed two options for doing the town survey work. Council had cost information regarding both options in their meeting packet.

Option One: Contract the work out from start to finish. It was noted that with Option One the Town would only receive the report as a pdf.

Mayor Voveris referred to the information in Council's packet regarding Option One. After taking into consideration postage, the design work, and the final report, the cost could be up to about \$7,000.

Option Two: The printing and the mailing would be done in house (it was noted that there would be costs incurred for the printing and the mailing) and a temp service would be used at \$15 an hour. The data input and the compilation of the graphs and written comments would be contracted out. Per the information in Council's packet regarding Option Two, the estimated cost to contract out the data input and the compilation of the graphs and written comments is between \$1,000 and \$1,430. With this option the Town would have to do the final report. If the final report was not done in house, that would be another chunk of money. It was noted that with Option Two the Town would receive the data input and written comments in an electronic file such as Excel in order to be able to sort the data differently.

Regarding Option Two, Mayor Voveris stated that she still had some questions she needs to resolve from the data input company, and she has a phone call scheduled with them on Monday.

During discussion Council Members expressed that they would not want to use Option One because the Town would not be receiving the data input in an electronic file such as Excel. The Town would only be receiving a pdf of the report.

A motion was made by Councilman Saxton, seconded by Councilman Junkin, that Mayor Voveris move forward with a limit for this bid of \$2,000. Councilman Saxton said the Town already has the money in the budget for postage and for temporary help. The motion was unanimously carried.

Later in the meeting Councilman Saxton brought up that Council had not approved the cost of the design, artwork, and revisions for the 2015 Town of South Bethany Survey.

A motion was made by Councilman Saxton, seconded by Councilwoman Stevenson, to approve an additional \$400 for the design, art work, and revisions of the survey. The motion was unanimously carried.

DISCUSSION ON THE TAYLOR ENGINEERING RESPONSE TO QUESTIONS SENT BY TOWN COUNCIL ON JULY 13, 2015 (PAT VOVERIS)

Referring to the letter from Taylor Engineering dated August 14, 2015, in response to questions sent by Town Council on July 13, 2015, Mayor Voveris said she did not find the letter particularly encouraging. Taylor Engineering's response included the following:

- The Town can do some overtopping analysis (Taylor Engineering wouldn't do it because they are moving onto other things with FEMA).
- An elevation of 10 feet is unlikely, but they expect that the proposed overtopping analysis would yield a BFE between 11-13 feet.

Mayor Voveris stated that it is possible with further action the BFE could be less than 13, but it is also possible that the BFE could come back in at 13.

Councilwoman Callaway asked what the schedule is for the appeal process. It was noted that the 90-day appeal process starts after FEMA publishes the notice in the Federal Register and in two local newspapers. Councilman Junkin noted that the Town will get a letter in the mail with the appeal start date. Mayor Voveris said she was thinking the appeal process would start probably in October based on FEMA's estimation that the notice would be published in September.

Councilwoman Callaway asked Mr. Bintz when he thought the property owners' consultant would have their report ready. Mr. Bintz said they were supposed to be hearing from their consultant in the next day or two.

Mr. Bintz asked procedurally who is handling this for the Town Council if the property owners prepare an appeal – who is going to be looking at it. Mr. Bintz stated that as he understands it, the property owners would submit their appeal to the Town and the Town would decide to support it or not. Mayor Voveris expressed that she thought it would be looked at as a Council, and the Council might have the Town Solicitor look at it. The Town Manager noted that this was a new process to the Town.

Mr. Bintz expressed the following:

- Taylor Engineering has a conflict of interest, and he believes that is meaningful.
- No question was asked and Taylor Engineering didn't address why the Town of Bethany Beach had a more favorable erosion assumption than South Bethany.
- Bethany Beach has had a bigger erosion problem.
- South Bethany's beach has been well resilient. Mr. Bintz believes that is enough for an appeal. The government needs to treat equal situations equally. *Mayor Voveris said it is not subjective like that. Mayor Voveris said it is quantitative and the Town has to go within FEMA's parameters.* Mr. Bintz said no you go to a court and say this is arbitrary and capricious – you applied one erosion assumption to the town that is adjacent that had the same beach replenishment and had an extra replenishment as the beach was eroding more quickly.
- Right now Bethany's beach is a shorter beach than South Bethany's beach, the properties are closer than South Bethany's, and they have got a BFE of two or three feet less than South Bethany's.
- There are gaps in the information in the original report from Taylor Engineering.
- The vast majority of the Town of Bethany Beach is bulkheaded. There is no erosion on the bulkheaded properties on Ocean Drive. Mr. Bintz thinks you can look historically and find the same similar photos of what there are of South Bethany about flooding. Mr. Bintz said maybe you see a little more dramatic in South Bethany. Mr. Bintz thinks that if South Bethany had the extensive bulkheading that there is in Bethany, South Bethany wouldn't have had the same damage. And if Bethany Beach didn't have the extensive bulkheading, they probably would have had worse damage than South Bethany.
- Mr. Bintz thinks that once the Town sort of suggested that South Bethany should have a higher BFE, FEMA went to the drawing boards and threw out the normal assumptions. Mr. Bintz said from what their consultant is telling them, they went to non standard erosion assumptions that generated a 13 BFE.
- Mr. Bintz said thinking about it practically, how can you possibly say that the flooding in South Bethany is going to be two to three feet higher than in Bethany. Mr. Bintz said he will walk the beach in Bethany with any one of the Council Members and you will see by eyeballing it that it is closer to the ocean, and they have had more erosion problems than South Bethany has had since the replenishment.
- If you walk the private beaches up there they look like South Bethany before the replenishment – the dune is wiped out.
- Referring to information Mr. Bintz said he sent today, there is no argument about the regulation as to when you take into account the dune – it says you have to have long-standing well established vegetation. Mr. Bintz said South Bethany's dune has been there for eight plus years now in front of his house. Mr. Bintz said maybe 40 or 50 percent of the dune was wiped out during Nor'Ida but the rest held. *Mayor Voveris stated that FEMA has made it clear that they won't consider the dune.* Mr. Bintz said they made it clear, but that is our argument. *Councilman Junkin said that is the point that he sees – if the dune is considered, South Bethany won't even get 10 feet.* Mr. Bintz said he does not think South Bethany would even be in the VE Zone if the dune was considered. *Councilman Junkin agreed.*
- Mr. Bintz said he has spent scores and scores of hours poring through information last winter, and he thinks he knows this as well as anybody at this meeting that there are some good arguments on all of this.

- Mr. Bintz stated that considering the damage to the people along Ocean Drive, he thinks the Town would be saying we have to fix this – why should our guys be treated differently than all of the adjacent towns.

Mayor Voveris asked for other comments on the Taylor Engineering letter. Councilman Junkin stated that from reading the letter and from reading the report Taylor Engineering issued in June, he thinks that if it is based on the 2005 topography then when you have the 100 year storm there is going to be flooding like there was in the 90s. Councilman Junkin said if you can count the dune, then you won't have flooding like there was in the 90s. Councilman Junkin believes that if you have to stick with the before dune topography, you can't win. Mayor Voveris stated that FEMA made it clear in the public meeting that they wouldn't count the dune. Mayor Voveris added that FEMA said without guaranteed funding they would not count the dune.

Mr. Bintz said if the erosion assumption used in Bethany Beach was good enough for Bethany Beach why isn't it good enough for South Bethany is an argument – you go to court and say this is arbitrary and capricious. Mayor Voveris said to Mr. Bintz that he is talking about going to court and the Town is talking about going to FEMA. Mr. Bintz said you go to FEMA first and appeal, and then you have the right to go to district court.

Mr. Bintz said the homeowners are committed on this. Mr. Bintz said he has 60+ thousand dollars at stake in his book and a lot of people do too. Mr. Bintz said he does not understand why the Town isn't going to bat on this too. Mr. Bintz said we have finger pointing here, but a lot of this arose out of what happened with the Town Council not paying attention on this to what was going on. Mr. Bintz said his view is that the Town should be doing everything it can given what is at stake. Mr. Bintz stated that he does not understand why you would ask questions that were set up to get a bad answer. Mr. Bintz said the Town should be asking the questions that he is raising – why is South Bethany being treated differently than Bethany – what would be the rationale.

Mayor Voveris stated that the property owners are close to a conclusion from their coastal engineer. Mayor Voveris thinks that Council should take a look at that report when it comes out and see the difference in the scenario. Mr. Bintz said there is some agreement, but they will do the analysis which has not been done yet.

Mayor Voveris said the Town will communicate and she is communicating with property owner Tim Shaw trying to stay on top of what is going on. Mr. Bintz said that is why he asked the question "procedurally". Mr. Bintz said he gets the information second hand, and he does not really have a good feel of what is going on, and there are others involved that don't either. Mr. Bintz asked if there should be a committee with some property owners involved that are at least hearing what is going on and be at the table saying here is the way we see it. Mayor Voveris told Mr. Bintz that he has everything the Town has – the Town shared the report. Mr. Bintz stated that he got the report second hand from Tim Shaw. Mr. Bintz stated that he had asked to be on the Sea Level Rise and Storm Surge Committee. Mr. Bintz said he knows a lot about this and he has spent a lot of time on it. Mr. Bintz said he could provide value. Mr. Bintz said it seems to him the Town should be taking advantage of the good knowledge some of the people along Ocean Dr. have built on this.

Mayor Voveris said she is going to go out to Jon Janowicz at FEMA about the appeal process. Mayor Voveris said she will wait and see what the property owners' coastal engineer comes up with. Mayor Voveris said Council will continue to talk about this. It will go to an action item at some point because Council is going to have to decide if it wants to move forward. Mayor Voveris said she believes that if the property owners came forward, Council would certainly help the property owners take an appeal forward. Mayor Voveris said she does not believe Council would say no to the property owners. Mayor Voveris said what it comes down to is an expense and does the Town put more money into it. Mr. Bintz said his personal view, and he added that he can't speak for other property owners, is the property owners are footing the bill now – Mr.

Bintz said he is not looking for the Town to spend the money. Mr. Bintz said it is getting late in the game. Mayor Voveris said it is not late – the appeal process did not start yet.

Mr. Bintz said that he would expect that since there is huge damage to Ocean Drive property owners and there actually is damage to the Town in the sense of lower property values, even if the Council concluded that it was an aggressive argument that wasn't likely to win, why not support it. Mr. Bintz said there is nothing to lose for the Town. Mr. Bintz added that he feels strong that the property owners have a very good case. Mayor Voveris commented to Mr. Bintz that he is speaking from the standpoint that the owners would be taking care of the expense of it. Mr. Bintz said that is him personally. Mr. Bintz said he cannot speak for other people. Mr. Bintz said he has spent three or four thousand dollars on this already last winter until FEMA called the do over. Mr. Bintz said the property owners have spent money on the consultant and there is more to come.

Mayor Voveris said we will continue to work together on it and we will keep communication open.

LEADERSHIP REPORTS

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

There was a great turnout today for Operations SEAs the Day. There were about 200 people on Rt. 1 in South Bethany with flags in hand and cheering the motorcade. It was special.

August was spent on following up and resolution of several issues:

- We had the painting and odor control addressed for the pump station at Route 1 and Anchorage. Mature plantings to help camouflage the equipment should arrive soon. Many thanks to Heather Sheridan from Sussex County for this assistance.
- We had the final report on our Code review from the University of Delaware arrive for our Charter & Code Committee's study.
- Many meetings and conversations were held with potential sources for production and result compilation of our 2015 Survey.

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

The Ambulance Service Report and the Code Enforcement Constable's Report were available on the sign-in table.

The Coastal Cleanup is Saturday, September 29. DNREC encourages volunteers to sign up early.

Flood Mitigation Project (204 Carlisle Dr.) – The Town received the performance bond from the contractor, and the contractor has been given notice to proceed. The contractor advised that he would start sometime after Labor Day.

The CRS annual certification package which was due between September 15 and October 1 has been submitted. The CRS Regional Coordinator has advised the Town that he has received the certification package. He will be reviewing it and then get back to the Town with any questions.

- **Treasurer's Report**—Councilman Saxton reported as of August 31, 2015:

- Treasurer's Report for the first four months of FY 2016 has been provided to the Mayor and Council for review.
- Revenues continue to do well and we have collected approximately 58% of the fiscal year total. Highlights for Revenues are:
 - Property tax 94% collected. Following up with 53 homeowners who are late in making tax payments.
 - Transfer Taxes are at 62% collected. Continue to see a good monthly stream of revenue here. Currently anticipate the revenue stream will remain healthy for the fiscal year.
 - Building Permits are at 66% collected. Additional permits in the pipeline and anticipate meeting Budget or better.
 - All other revenues are tracking to budget.
- Departmental and Committee expenditures are tracking to Budget or less.

- **Police Department Report/Questions**—Chief Troy Crowson reported for the month of Aug., 2015:

Operation SEAs the Day

- Today "Operation SEAs the Day" had a motorcade pass through the town between 5:00 and 5:15 carrying 30 wounded warriors and their families to the Freeman Stage for a concert in their honor.

LESO Program

- The Police Department obtained a 19' Polarkraft boat and trailer from the LESO program.
- Boat is fully functional and in working order and only requires a bit of cosmetic work for the exterior.
- I would like to recognize Cpl. Miller for his hard work and effort put into locating and obtaining the boat from the program.

Bethany Beach First Responders Triathlon

- The triathlon will take place on the weekend of Friday, September 18, to Sunday, September 20.
- Race will start at 0800 HRS on Sunday with the running portion coming through Ocean Dr. and Rt. 1.
- They are expecting approx. 600 or more participants and registration is still open.

2016 Violent Crime Fund Grant

- The Police Department was approved for \$18,306.77 from the Violent Crime Fund Grant.
- The Department will purchase 4 Motorola handheld radios, extra batteries, and 2 Nighthawk Remote Tire Deflation Devices.
- The Nighthawk Remote Tire Deflation Devices are the new improved stop-stick devices that our Department has used for many years and this technology allows officers to deploy remotely, instead of manually deploying stop-sticks.
- This technology is a vast improvement and significantly improves officer safety.

- **Beach Patrol Report**—Capt. Ryan Dacey reported:

The Town Manager read the following report which covered the time period from August 12 to September 7:

- August 22 – Four rescues due to rip currents.
- August 29 – Five rescues due to rip currents.
- August 30 – Four rescues due to rip currents.
- September 6 – Four rescues due to rip currents.
- August 21 – Lost boy age 8. He was found by the Beach Patrol and returned to his parents.
- September 6 – Lost boy age 10. He was found by the Beach Patrol and returned to his parents.

Regarding not having Beach Patrol coverage at every regularly guarded post on Labor Day weekend, Councilwoman Callaway asked the Town Manager if having coverage at every regularly guarded post was something the Town could have happen if there was more money or is it just due to the supply of guards. The Town Manager stated that it has nothing to do with money. He said it is due to the fact that there isn't Beach Patrol staff available. The Town Manager said South Bethany had 12 guards on duty Labor Day weekend, which is probably a higher number than the Town has had on Labor Day weekend in the past. The Town Manager said people are encouraged to swim near a lifeguard. The Town Manager stated that most of the guards are back in school or teaching. Councilwoman Callaway inquired about double coverage at each post. The Town Manager said to have two people on each stand the patrol needs 18 people. The Town Manager stated that on Labor Day weekend on the stands with double guards one of the guards was in training for next year and could not sit alone. The Town Manager added that the guards have to go through a lunch rotation – the Town can't leave the guards sitting out there eight hours a day without a break. The Town Manager stated that the Town has nine stands and Labor Day weekend two of the stands were out.

Mayor Voveris said there was just an article in one of the local papers reporting that all of the towns have the same problem. Mayor Voveris said she thinks the key is to swim by a stand that has a lifeguard on the stand.

COMMITTEE & COMMISSION REPORTS

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

The CEC last met on August 4. CEC will meet in October. A date has not been confirmed as of this writing.

Pump Station #22 – In follow-up to our expressed concerns about the odor emanating from the pump station, the paint color of the equipment and the dissatisfaction with the appearance and small size of the landscaping around the new water treatment equipment at the entrance to our town, WSSC has taken action. They are addressing the odor issue; they have repainted the equipment and they will plant larger plants in September. We appreciate the prompt response we have received from WSSC.

Update on Ocean Drive Art Boards

Looking Ahead to Next Year – The Town Hall Art Exhibit ended on Labor Day and the artwork is being removed. The Exhibit has been a success and we have received positive feedback about its presence in the meeting room. Because of its positive impact, I would like to propose that we do two things: 1) hang photography of Town-sponsored events on the walls of the meeting room to encourage and promote volunteerism and interest in Town activities (i.e. pictures from the float, the boat parade, the movie night, etc.) and/or 2) sponsor a 2nd Town Hall Art Exhibit next year. Current artists have expressed interest in participating again. This gives South Bethany an opportunity to support and promote the arts within our community. The CEC will volunteer to take the lead on organizing these activities.

During discussion Council was agreeable to proposal 1. Councilman Junkin suggested the CEC put it in the budget. Councilwoman Callaway said the CEC still has money in its art program fund – the committee could do the canvas prints.

Adopt-A-Canal/Road End Contest Winners Recognized

The 1st, 2nd and 3rd Place Adopt Contest winners were recognized and winning certificates were presented on Thursday, August 27, at W. 10th Street Road End. In addition to volunteers and Public Works, the recognition ceremony was attended by Lord's Landscaping and Coastal Point Newspapers. An article appeared in the September 4 edition of the

Coastal Point newspaper and an Email News Update covering the event was sent out on September 3.

Little Free Library EAST

Reports from Martha Fields, steward for the LFL East, indicate that the library has a lot of activity and is being used frequently. Frank Weisgerber has received the official national registration and website map location for our new LFL East and will soon install the official plaque.

Replacement of Existing Free-Standing Street Lights

The draft notification letter to homeowners about the forthcoming replacement of existing free-standing street lights was approved at the August 27 Town Council Workshop. The notification letters were mailed September 8. The next step is for the Town to notify Delmarva Power and finalize the installation plans and schedule.

NON-CEC ACTIVITIES

Committee Guidelines Ad Hoc Committee

We met for the second time on September 1. Tim Saxton and Sue Callaway were in attendance. We reviewed the suggested changes made during the first meeting held on July 23 with Wayne Schrader and Sue Callaway in attendance and made additional suggested changes. The revised draft guidelines are being updated and will be discussed at our next meeting scheduled for September 24. Sue will be sending individual mission and goal statements to each Committee Chair within the next week.

SCAT Dinner – September 9, 2015

I attended the SCAT dinner at the Sussex County Association of Realtors held on September 9. The meeting featured an interesting presentation by Paula Martino, REALTOR® Party Consultant for the National Association of Realtors. Paula presented interesting statistics on the economic value that coastal communities bring to the state of Delaware as well as the importance of recognizing local realtors as “residents, stakeholders and leaders” in our communities. I have requested an electronic version of her presentation which I will share with the Town.

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

September 11, 2015, Budget and Finance Committee Meeting:

- Reviewed Actual versus budget for the first 4 months of FY 2016 and results were reported in the Treasurer’s Report.
- Began discussions on ways to fund building expansions of Town Hall and Police Department buildings. The committee developed 2 questions on priority and timing horizons to consider. These questions will be sent back to Town Council for their input.
- Town Council approved initiatives were reviewed and assignments were made for 3 of the initiatives. Two have been completed to date.

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

The Charter and Code Committee met today to review the South Bethany Code Review Phase 1 Analysis from Linda Raab, AICP, Senior Land Planner, Institute for Public Administration, University of Delaware. The report raises somewhere in the range of 90 potential issues or questions with respect to the Town's Code. The Charter and Code Committee prioritized the issues raised in the Code review.

There are a lot of comments/suggestions in the report that the committee decided probably don't need any kind of response or action from the committee (such as comments regarding formatting). Councilman Schrader has been tasked with a first effort to prioritize the points that might need some action.

Mayor Voveris asked if there was anything in Linda Raab's review that the committee felt should be outsourced or did the committee feel the work could be done under the Charter and Code Committee. Councilman Schrader said nothing leapt out that needed to be outsourced, and nothing leapt out in terms of some egregious problem with the Town Code.

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

Grant Status

- Sandpiper Pines Stormwater Retrofits (Rain Gardens and Infiltration Trenches)
 - The project is on schedule.
 - Preliminary plans have been received and are being reviewed.
 - I attended an Inland Bays Foundation (IBF) Meeting on 9/9/15.
 - Dave Baird, District Coordinator for the Sussex Conservation District was a speaker.
 - I spoke to him after his presentation about our retrofits and he told me that his organization would be reviewing and approving the plans and that his organization would inspect the final product to make sure that the plans were followed.
- York Canal Oysters and Floating Wetlands
 - Project is Running Smoothly

Anchorage Canal Forebay

- The current forebay is only about 30% efficient because it is too small to handle the storm water runoff from over 100 acres north of South Bethany.
- The Inland Bays Foundation (IBF) [This is not the (CIB) Delaware Center for the Inland Bays] has selected the improvement of the forebay as an issue that they want to pursue.
- Ron Wuslich, former president of the IBF and a South Bethany homeowner, recommended that members of the CWQC meet with Jon Mueller, head of the Chesapeake Bay Foundation (CBF) Law Department to discuss approaches that could be used to assist in getting the forebay declared a Small MS4 under the Clean Water Act.
- On August 26, 2015, Ron Wuslich, Tony Caputo and George Junkin from South Bethany together with Doug Partham, current president of the IBF, met with Jon Mueller from the CBF. Jon indicated that getting the forebay declared as a small MS4 would not be an easy task.
 - Small MS4 is usually in an area that has a population of 100,000 to 250,000.
 - There are lots of owners of the storm water runoff: DeIDOT, Bethany Beach, Sea Colony, Middlesex, shopping centers, and South Bethany.
 - Even though it is not an easy task, there are still avenues that can be followed:
 - The highest priority would be to make a connection to human health. So who got sick from being in the water or from eating crabs and fish from the canals?
 - Test the water and sediment for bacteria and toxins. (The water quality monitors have been testing regularly for bacteria and it is almost always an order of magnitude higher than allowed by swimming standards.)
 - Relate the storm water runoff to algal blooms.
 - Use the press and the media to highlight the issues. (This is a double edged sword.)
 - Use letter writing campaigns.
 - Treat the problem at the source and do not let it get to the forebay.

Oyster Gardening

- Tony Caputo is leading the communication efforts to keep oyster gardeners up to date.
- New oysters have been delivered to the oyster gardeners.

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

Sea Level Rise Adaptation Grant Status

- All activities are on schedule.
- The SLR & SS Committee met on September 3, 2015, to finalize the presentation for the Flood Damage Mitigation & Insurance Costs Public Outreach Meeting and to finalize the dates for the meeting.
 - After two hours of work the presentation was finalized.
 - The meeting dates selected were Friday, September 25, at 7:00 and Saturday, September 26, at 10:00. The same presentation will be presented at both meetings. There are two meetings so that more homeowners are able to attend.
- The agenda for the meetings include:
 - Educate community on current and preliminary FIRM.
 - Educate community that raising houses is good.
 - Educate community relative to flood Insurance issues (reasons rates are going up and ways to decrease rates).
- News updates will be sent by e-mail.
- Hard copy of the flyer advertising the meeting will be sent by USPS to homeowners who receive the Zephyr by USPS.

Developing Package to Encourage Building Higher for New Construction

- At the 9/3/15 meeting Jim Gross showed the committee what he had compiled that could be handed out by Joe Hinks to homeowners, builders, architects and others to encourage them to build higher. The package could include:
 - 1) *Preparing for Tomorrow's High Tide, Sea Level Rise Vulnerability Assessment for the State of Delaware (2012) - Introduction, Rates and Causes of Sea Level Rise and Future Rates of Sea Level Rise*
 - 2) *NOAA Technical Report OAR CPO-1, Global Sea Level Rise Scenarios for the United States National Climate Assessment - Executive Summary*
 - 3) Current (2015) and Proposed (2016) Flood Insurance Rate Maps (FIRMs)
 - 4) *FEMA Fact Sheet, Building Higher in Flood Zones: Reduce Your Risk, Reduce Your Premium*
 - 5) *FEMA Fact Sheet No. 1.4 Lowest Floor Elevation*
 - 6) *FEMA Fact Sheet No. 1.6 Designing for Flood Levels above the BFE*
 - 7) *FEMA Fact Sheet No. 1.7 Coastal Building Materials*

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

The Planning Commission met on August 24 and the Mayor attended. The Planning Commission is working on the 2016 Comprehensive Plan and building a timeline (this is their big push and they should be on track). They also discussed utilities and possibility of underground utilities - that will be discussed at a future time. They are looking at their goals and strategies in relationship with the 2016 Comprehensive Plan – it is a work in progress.

Mayor Voveris said what she gathered in the meeting was that the commission wanted to bring Delmarva Power in to talk about burying the lines and maybe propose a plan (possibly create a time frame such as a five-year plan). South Bethany has about six miles of wires that would need to be buried.

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

The Assawoman Canal Trail is now open! Lee Tembly, Volunteer Coordinator for DNREC, has sent a letter detailing volunteer opportunities for the trail to join the Park Watch Volunteer Program and the Adopt-A-Trail Program. This is a great opportunity to get involved in the current trail! This information will be made available on the Town newsletter and to the SBPOA.

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

The Committee has been formed with core members including Carol Stevenson, Linda Whitney, Lisa Saxton, Ann Boteler, and Margaret Oliver. The first meeting will be held on September 22 from 1:30 to 3:30 and will be an organizational and planning meeting for 2016.

The Town of South Bethany participated in the SEAs the Day Activities today by providing flags to participants who wished to cheer for the Heroes Escort Motorcade which passed by South Bethany on Route 1 shortly after 5 p.m.

The 29th Delaware Coastal Cleanup will be held on September 19 from 9 to noon. Those wishing to participate may refer to the Town of South Bethany News Update of September 10 for information on participating. Frank and Mary McNeice will coordinate the Cleanup in South Bethany.

PUBLIC COMMENT

Mike Matera (311 W. 9th St.) – Asked why the Town got a boat. Chief Crowson said the boat was free from the LESO program and this next year will determine how much use the Town will have out of it. The Town can utilize it for the bulkhead inspections (typically the Town has rented a boat for about four to five hundred dollars a year), the Police Department could take it out for lost kayakers, the Police Department could use it as a safety boat for the July 4 Boat Parade. If the Town does not get much use out of it the department can liquidate it.

Mr. Matera asked Chief Crowson about putting signs up that say "walk facing traffic". Chief Crowson said one of the main issues is that there are too many signs.

Betsi Baker (309 W. 7th St.) – Stated that she is a person that walks on the wrong side of the street in the area Mr. Matera was referring to. Ms. Baker said there is little traffic there. Ms. Baker said people drive slowly on Canal Dr. Ms. Baker does not think it is an issue.

Chief Crowson said he thinks if the Town starts regulating walking then the Town would be on Ocean Dr. telling people where to walk. Chief Crowson said the Town has not had any incidents where somebody walking has caused any type of accident. Chief Crowson said he has not had any complaints until tonight.

George Junkin (8 S. 4th St.) – When handing out his neighborhood watch signs Mr. Junkin learned that Verizon has a cable running down S. 6th St. that has been there for at least six months or more. Mayor Voveris stated that Cpl. Mark Burton has called Verizon on that. The Town Manager said it has probably been down a year. The Town Manager said the Town has called Verizon many times about that cable. The Town Manager said Verizon is the worst utility company to deal with regarding trying to get something fixed. The Town Manager said the Town has called again and it is in the Maintenance Supervisor's monthly report. The Town Manager said Verizon has given it a tracking number now.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilman Saxton, to adjourn the September 11, 2015, Town Council Regular Meeting at 9:10 p.m. The motion was unanimously carried.

PHS:2015 09 11 Regular Meeting Minutes Amended and Adopted 10 9 15