

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES SEPTEMBER 12, 2014</b>
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**MEETING CALLED TO ORDER**

Mayor Voveris called the September 12, 2014, 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, Jim Gross, George Junkin, Al Rae, Tim Saxton, and Mayor Pat Voveris; Town Manager Melvin Cusick; Lt. Troy Crowson; Beach Patrol Captain Ryan Dacey; Finance Director Renee McDorman; and Administrative Assistant Pam Smith

**APPROVAL AND VOTE OF THE AGENDA**

A motion was made by Councilman Saxton, seconded by Councilman Gross, to approve the agenda as presented. The motion was unanimously carried.

**FY 2014 AUDIT (SOMBAR & COMPANY)**

Mayor Voveris welcomed Mr. Tom Sombar of Sombar & Company who presented the highlights of the FY 2014 Audit Report. Mr. Sombar reviewed the Town of South Bethany's Audited Financial Statements and Supplemental Information for Fiscal Year Ended April 30, 2014, (With Comparative Year Analyses 2013, 2012, 2011) 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 review at Town Hall. Overall the Town had in Total Assets \$3,635,727 and in Total Liabilities \$250,784. This produced Total Net Assets of \$3,384,943.

Mr. Sombar referred to the unassigned fund balance for the General Fund of \$1.1 million. He stated that this represents 6.4 months of General Fund expenditures. Mr. Sombar said this provides an excellent fund balance.

Regarding why realty transfer tax money was moved from the General Fund this year, Mr. Sombar read the following from the Delaware Code, Title 22, Municipalities, Chapter 16, Municipal Realty Transfer Tax:

*§ 1601 Realty transfer tax.*

*(c) Any funds realized by a municipality pursuant to this section shall be segregated from the municipality's general fund and the funds, and all interest thereon, shall be expended solely for the capital and operating costs of public safety services, economic development programs, public works services, capital projects and improvements, infrastructure projects and improvements and debt reduction.*

Mr. Sombar stated that this is industry standard and practical from an administrative transparency perspective. Mr. Sombar noted that this action has distorted some of the comparisons but by doing it now will be much better for comparability going forward. Councilman Saxton asked if most of the other towns do it this way. Mr. Sombar stated that the vast majority of towns do. Mr. Sombar added that there is nothing wrong with the way the Town was doing it before, but this is an improved way of doing things and according to Title 22 it is what the State wants the Towns to do.

Mayor Voveris noted that the topic of the audit will be on the next workshop agenda in order for Council to discuss it as a group. Mayor Voveris stated that Council will probably come back to Mr. Sombar with other questions after the workshop.

Mr. Sombar took questions from the Council and the public.

Councilman Caputo asked what the Town surplus for the year was. Mr. Sombar stated that the surplus is very good, particularly for the General Fund. Councilman Caputo referred to \$133,040 on page 15 of the report. Mr. Sombar said that is just the General Fund because the other funds are in some sense restricted even though those restrictions are minimal. In the end Mr. Sombar agreed that the surplus was \$133,040.

Councilman Caputo asked Mr. Sombar why he did not restate the realty transfer tax so that it is in conformity with the FY2014 presentation. Councilman Caputo said he would have restated it to have comparables and then footnote it saying that prior years have been restated to conform with the FY2014 presentation. Mr. Sombar stated that revenue wise it may seem very easy, but it is not as easy on the expenditure side. Mr. Sombar said they may try to look at that for the next year. Councilman Caputo strongly recommended that for next year.

Councilman Caputo said the Town has a budget control policy which basically states that when the Town deviates from its expenditures by certain amounts those deviations need to come in front of the Council so that Council is made aware of them. Referring to the statements on pages 26, 27, and 28, Councilman Caputo said that didn't happen. Councilman Caputo stated that he would have expected the Town's auditors to catch that. Mr. Sombar stated that the budget is a guideline – it is not etched in stone. Councilman Caputo said if it is a material difference it should be brought to Council's attention. Mr. Sombar agreed. Councilman Saxton agreed to the extent of what is the definition of material. Councilman Saxton noted that what Council approved was budgetary guidelines. Regarding the definition of material, Councilman Saxton said that is something Council has to consider in moving forward. Councilman Saxton made the point that at the end of the year on most of the accounts Councilman Caputo is referring to the Town Manager could have moved money around to reset every one of them and it would look like the Town made budget. For transparency, Councilman Saxton said he wants to make sure Council realizes the Town went over budget or under budget on certain expenditures. Councilman Saxton stated that he is concerned about doing a lot of budget amendments at the end because you can make yourself look good. Mr. Sombar said he thinks you change the budget when the Town has a \$20,000 or \$30,000 grant or unusual expense – something that could not have been anticipated. Councilman Saxton said he and Councilman Caputo talked about it being around \$10,000. Councilman Saxton added that he thinks it is a Council decision. Councilman Caputo said Council approved the guidelines but did not follow the guidelines.

Mayor Voveris thanked Mr. Sombar.

#### **PROPERTY OWNERS' PARTICIPATION**

- Mike Matera (311 W. 9<sup>th</sup> St.) – Stated that his neighbors complained around a year ago about taking some trees down on township property. Mr. Matera asked if a tree falls down from township property on a property owner's house, who is responsible. The Town Manager said the property owner's insurance should cover it. Mr. Matera asked why the Town's insurance company wouldn't cover it. Mayor Voveris said the property owner's insurance company might sue the Town's insurance company. The Town Manager agreed that the insurance companies could battle it out. The Town Manager noted that towns normally do not cut a healthy tree down because it may fall during a storm. Referring to the trees on township property that Mr. Matera and his neighbors complained about, the Town Manager said he brought that before a previous Council and they chose not to cut any of those trees down. Mr. Matera asked whose responsibility it is to clean the streets. The Town Manager said the Town is responsible. Mr. Matera said there are pine needles in the street every week. The Town Manager stated that pine needles in a wooded area are not considered trash.

- Ron Wuslich (130 Petherton Dr.) – Announced that on October 16 the League of Women Voters and the Inland Bays Foundation is sponsoring a dinner at Irish Eyes called Love Our Inland Bays. The guest speaker is going to be Governor Markell. The organizations are trying to help Governor Markell pre-sell his clean water initiative. Mr. Wuslich said the bays are impaired or polluted based upon federal standards for water quality, and it is a very bipartisan issue in the state. A federal law was passed in 1972. Our bays are still in 40% of the nations waters that are considered impaired or polluted. 60% are fishable and swimmable. Mr. Wuslich encouraged everyone to attend.
- Ed Nazarian (20 Peterson Dr.) – Expressed his concern about a stop sign in Cat Hill that has no function because there is no intersection. Mr. Nazarian said it is strictly a curve. Mr. Nazarian would like to have the stop sign covered if possible because some people try to stop and some people don't stop. Mr. Nazarian suggested covering it if the Town can't remove it.

Regarding the police parking on the grass on the highway, Mr. Nazarian was told there are pads that can be put down to protect the grass. Lt. Crowson said the department wants to look into those pads but they have to have DelDOT approval on the placement of the pads. The department is working on this issue.

- Frank Weisgerber (148 Anchorage Dr.) – Asked what the position of the Town is regarding smoking on the beach. Mr. Weisgerber noted that Ocean City will be implementing no smoking on the beach next year which means South Bethany is the only town left on this coast. Mr. Weisgerber said smoke on the beach is annoying. Mayor Voveris said it has come up before during the last ten years and Council has never pursued it. It will be on the upcoming survey to get input from the property owners and it will once again be considered.
- Mike Matera (311 W. 9<sup>th</sup> St.) – Asked if the Town ever looked at putting porta-potties on the beach next to the sheds. Mr. Matera also inquired if there were porta-potties that people could put a quarter in to open the door. The Town Manager said that years ago when there was a Beach Committee they decided against porta-potties on the beach because of the cost of the maintenance, the nuisance, the smell, and the vandalism. The Town Manager added that Council has never pursued it. The Town Manager noted that the Town would have to get permission from DNREC, and the Town would have to have some kind of arrangement to get the porta-potties off the beach if a storm was approaching. Mayor Voveris said that question can be asked on the survey to get feedback from the property owners.
- Ed Nazarian (20 Peterson Dr.) – Suggested that having porta-potties on the beach would be inviting busloads of people to South Bethany's beach.
- Carolyn Marcello (8 S. 9th St.) – Announced that October 5 is national Life Chain Sunday. People will be standing along the highway at S. 9<sup>th</sup> St. from 2 p.m. to 4 p.m. holding signs praying for our country and to end abortion. There are a couple of churches that support this and it is done twice a year. Ms. Marcello said they would appreciate it if the police would be visible because they are standing on the highway. Lt. Crowson said the police would be visible just like prior years.

### **OLD BUSINESS**

Mayor Voveris stated that Lt. Crowson has compiled the June Bug report. Mayor Voveris has given the report to Councilwoman Callaway who has been involved in the June Bug program in the past. Mayor Voveris, Councilwoman Callaway, and Lt. Crowson will meet to discuss the results of the June Bug activity this past June and how it compares to prior years. They will also discuss what they want to consider for preventative measures in the future. The June Bug report will be shared with Council when it is completed.

### **ADOPTION OF MINUTES**

- **Town Council Regular Meeting Minutes, August 8, 2014** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the August 8, 2014, Town Council Workshop Meeting Minutes as amended as follows:

Page 4, Fourth Line from the Bottom, Last Word: Remove "a".

The motion was unanimously carried.

- **Town Council Workshop Meeting Minutes, August 28, 2014** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the August 28, 2014, Town Council Regular Meeting Minutes.

The motion was unanimously carried.

### **LEADERSHIP REPORTS**

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

I would like to acknowledge our Town Manager recently achieving his 10 year anniversary of working in South Bethany. Melvin, thank you for your service to our town, and the difference you have made, and helping South Bethany continue to be "The Best Little Beach In Delaware". (Everyone acknowledged the Town Manager's service with applause.)

Since my last report I have devoted much time to the process for finding a new Chief of Police. Both Melvin and Pam have been hard working in advertising, communications, and follow up to ensure the plan approved by Council has been properly implemented. Sue, Melvin, and I spent a good deal of time reviewing the applications that were ranked by our independent screening committee. This week we have been interviewing candidates.

A ribbon cutting ceremony took place for our new Little Library where members of the CEC and some of us on Council were interviewed and photographed by the Coastal Point. This latest "enhancement" by the CEC offers enjoyment, intellectual stimulation, and interface with our neighbors. Well done Sue and the CEC Committee.

Our President of the South Bethany Historical Society (SBHS), Maria Johansen, and I recently attended a function sponsored by the Ocean View Historical Society. There I learned that we will be one of their fortunate neighbors being given a room in their new museum to display our historical artifacts. This is very exciting for our SBHS. They now have a place to preserve and showcase our Town's history.

This past weekend we lost longtime resident, John Speer, who succumbed to cancer. I knew John for at least a decade and admired his accomplishments in family, career, and community. His most recent contribution to South Bethany included steadfast work in the history book published by the SBHS. He will be missed and long remembered by many. Rest in peace, John.

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

The Town has submitted its Community Rating System Annual Recertification packet which is due in October. As long as the Town remains in the CRS program it allows South Bethany property owners to get a 10% discount on their flood insurance.

This weekend will end the Town's lifeguard coverage of the beach. The Bethany-Fenwick Area Chamber of Commerce gives each town \$500 to keep lifeguards on duty after Labor Day.

The various reports were available on the sign-in table. Also available was the work schedule for the Route 26 Widening Project.

- **Treasurer's Report**—Councilman Saxton reported as of August 31, 2014:

Councilman Saxton reviewed the Monthly Treasurer's Report which Council had a copy of.

At Councilman Gross' request, the Finance Director and Councilman Saxton have expanded the transfer tax comparisons. The transfer tax and rental tax charts now match in yearly comparisons.

Councilman Saxton stated that Councilman Junkin's request to split a couple of his committee accounts has not been done yet, but it will be accomplished.

Expenditures are tracking to budget, and they are no different from what was reported last month. The Beach Patrol expenditures should come in on budget for the fiscal year.

Regarding revenue, last month Councilman Saxton reported that there were around 50 properties that had not paid the property tax and were delinquent. After sending out reminder letters, that number is down to 21 and the Town is at 98% of the property tax collected. The Town has received \$187,781 in Transfer Tax which is 75% of the budget. In addition, there are six properties under contract and four more that are in some phase of closing. Councilman Saxton mentioned that the Town is at about 50% on building permits and it is not even the peak building permit season (which tends to be in the fall).

Councilwoman Callaway noted that the Town received \$65,400 in transfer tax in August which is the highest it has been for the month of August since 2009. She also noted that the Town received \$63,000 in transfer tax in July which is the highest it has been for the month of July since before 2008. Councilman Saxton said the numbers are impressive on house sales.

- **Police Department Report/Questions**—Lt. Troy Crowson reported for the month of August, 2014:

September 11 – 15: The department is participating in a statewide mobilization for Delmarva Bike Week and distracted driving. Drivers on cell phones will more than likely be pulled over.

The department is doing vehicle lockouts again – if someone locks their keys in their car the department can get the keys out. So far the department has rescued two dogs successfully and an employee's keys. The tool the department uses was on display on the sign-in table.

The department was approved for \$16,000 on a violent crime fund grant. The department will be purchasing seven class three Tasers to replace the current Tasers that were purchased in 2004.

The department purchased a FlashBack 3 digital video system for the unmarked Ford Expedition. This will allow the department to obtain video evidence when conducting traffic stops and responding to emergency complaints. Now all of the police vehicles have in-car cameras.

The Police Report for August 2014 (a list that shows the different complaints the department responded to) was on the sign-in table.

Diann Nazarian (20 Peterson Dr.) – Asked if the department was going to get a body camera. Lt. Crowson stated that the department tested the body cameras three years ago and at that time the technology was not good. The department is looking into them again because technology has advanced.

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

This month:

- Two victims were sent to Beebe Medical Center for x-rays and further examination due to possible neck and back injuries. Both came back negative and they were both back on the beach the next day.
- The patrol had fifteen saves due to rip currents. One in particular, the victim was pulled out of the water and was completely physically exhausted. The lifeguards monitored him for about 15 minutes. His blood pressure and heart rate were still high. The lifeguards called the EMS so the victim could be monitored in the hospital. Mayor Voveris asked which lifeguards had made the save. Capt. Dacey stated that Dave Berry pulled the victim out of the water and that he backed him up.

Mayor Voveris read the following letter of appreciation which the Town Manager received by email on September 4 regarding the save mentioned above:

*We would like to genuinely thank the town of South Bethany and the Life Guard Team for their commendable actions in saving the life of Mr. Mike Singer, Jr. on August 26, 2014. As the property owner of 504 South Ocean Drive, we are indeed delighted that Mr. Singer has recovered and that a potential tragedy on the beach was eliminated that day.*

*Life is precious and the lifeguards on duty that day ensured that a man's life was saved. There is no doubt that the rigorous specialized training of the professional Life Guard team is an expenditure that is a wise and extremely vital community investment.*

*Very best regards,  
Helen Buhner & Robert J. Buhner, P.E.  
504 South Bethany*

Everyone applauded.

## **ORDINANCES/RESOLUTIONS**

- **SECOND READING OF ORDINANCE 173-14, TO AMEND CHAPTER 104, PROPERTY MAINTENANCE, TO DELETE EXEPTION OF RESPONSIBILITY FOR PROPERTY OWNERS OF OCEAN FRONT LOTS TO CUT GRASS AND WEEDS AND TO REINSTATE TOWN HEARING BOARD TO HEAR APPEALS**

Councilman Gross stated that prior to this time the Town was not permitted to require the cutting of high weeds and high grass on properties east of Ocean Dr. After meeting with state officials, it has been determined that the ordinance can be changed to require that maintenance be done.

Councilman Gross noted that the words "except ornamental and dune grasses" have been added to make it very clear that the property owners can have ornamental and dune grasses but not weeds.

After reviewing Ordinance 173-14, Councilman Gross asked for comments. There were no comments.

Mayor Voveris declared this the second reading of Ordinance 173-14.

- **FIRST READING OF ORDINANCE 174-14, TO AMEND CHAPTER 42, BUILDING CONSTRUCTION, SECTIONS 42-2, 42-5, 42-8, AND 42-14.3.**

Councilman Gross reviewed Ordinance 174-14 and asked for comments. There were no comments.

Mayor Voveris declared this the first reading of Ordinance 174-14.

- **FIRST READING OF ORDINANCE 175-14, TO AMEND CHAPTER 114, SOLID WASTE, SECTION 114-7, TO ADD A THREE MEMBER HEARING BOARD TO HEAR APPEALS**

Councilman Gross explained that it was determined that the Hearing Board should be reinstated rather than have the Council as a whole hear appeals when there is a problem with a dispute between property owners and the Code Enforcement Constable and after him the Town Manager. Councilman Gross said this is consistent with what the Town has been doing in other areas as well. Councilman Gross asked for comments. There were no comments.

Mayor Voveris declared this the first reading of Ordinance 175-14.

**ADMINISTRATIVE MATTERS - DISCUSSION REGARDING REVISED PRELIMINARY FIRM RELATED TO INCREASE IN BFES EAST OF ROUTE 1**

Councilman Junkin said FEMA had revised the draft flood insurance rate map and they advised the Town that it should be on a Town Council meeting agenda to enable people to come to a public meeting to learn about it. Councilman Junkin noted that there was an email News Update sent and there will also be an article in the Fall 2104 ZEPHYR. The article which included the Draft Flood Insurance Rate Map (FIRM) was available on the sign-in table. Councilman Junkin read the article:

*FEMA has updated its Draft Flood Insurance Rate Map (FIRM) for properties east of Delaware Route 1 on August 15, 2014.*

*This is important because the FIRM establishes what the Base Flood Elevations (BFE) are in South Bethany and thus what the elevation of the lowest livable space in a house must be. The FIRM is also used by insurance companies to determine the insurance rate for a particular house. If a house is built higher than what is required by the FIRM, then the insurance rate is lower.*

*The current FIRM (dated 01/06/2005) for South Bethany shows that the **ocean front** homes are in zone VE 12. This means that the BFE in this zone is 12 feet referenced to the North American Vertical Datum (NAVD) and that the lowest horizontal structure for these homes must be at an elevation equal to or greater than 12 feet referenced to NAVD. To put this in perspective the elevation for Ocean Drive varies between 9 feet and 12 feet NAVD. The current FIRM puts most of the property between Rt. 1 and Ocean Drive in AO 2. This means that the BFE in this zone is 2 feet above the highest adjacent grade and that the top of their lowest floor must be at least 2 feet above the adjacent ground level.*

*A preliminary draft FIRM was published by FEMA in August **2013**. This preliminary FIRM raised the BFE for most of the area west of Route 1 by 1 foot. It also **reduced** the BFE for the **ocean front** homes from VE 12 to VE 10, which in most cases is below the level of Ocean Drive. The 8/2013 preliminary FIRM also reduced the BFE of some of the homes at the south end of Ocean Drive, west of Ocean Drive, to 7 feet NAVD, which again is below the level of the land.*

*South Bethany together with DNREC pointed out to FEMA that zones near Ocean Drive were probably not accurately modeled. Historically, during nor'easters, **ocean front** homes, at an elevation of 12 feet NAVD, have seen repetitive damage. Some homes were even raised by*

*FEMA to reduce their risk of damage. Ocean Drive has seen damage many times by nor'easters in the past. Even with the refurbished dune the south end of Ocean Drive has seen damage by flow across Ocean Drive after the dune eroded. FEMA then reran the computer model, assuming that the refurbished dune had been eroded by nor'easters. This resulted in the **ocean front** homes being in zone VE 13 and most of the property between Route 1 and Ocean Drive being in zone AO 3. This means that these areas would now have BFEs one foot higher than the current BFEs. This then is consistent with the BFEs on the west side of Route 1 that were raised by 1 foot by the 8/2013 draft preliminary FIRM.*

*It is expected that the preliminary FIRM will become effective in spring of 2015.*

Councilman Junkin pointed out that he does not know whether the preliminary FIRM will become effective in the spring of 2015. He added that right now if a property owner builds, the property owner has to build to the current FIRM.

Councilman Junkin asked for questions. There were none.

### **COMMITTEE & COMMISSION REPORTS**

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

#### **Proposed South Bethany Little Library**

Thanks to Frank Weisgerber's hard work and craftsmanship, the South Bethany "Little Free Library (LFL)" was installed on August 21 and officially dedicated on August 28 at a ribbon cutting ceremony with Mayor Pat Voveris, Council Members Sue Callaway, Tony Caputo and Jim Gross, CEC members and several SB neighbors. The SB LFL also received its official Little Free Library Association plaque and number as part of joining the world-wide 15,000 member organization. Lori Cicero is serving as steward of the library's content and has already been actively engaged in monitoring the library's use and refilling the library when needed. Pat Weisgerber has volunteered to serve as substitute steward when Lori is not in South Bethany. The LFL has already been visited by many South Bethany residents and guests! Sincere thanks go out to Frank, Pat and Lori for making this wonderful addition to South Bethany happen! Thanks also to Don Chrobot for helping with the installation and planting shrubbery around the LFL.

#### **Update on Ocean Drive/Seaside Drive Art Boards**

The 4<sup>th</sup> submission for the Ocean Drive/Seaside Drive Art Boards Program is near completion. We look forward to receiving the artwork from South Bethany artist Cindy Scruggs. Several other artists are preparing submissions for review by the CEC.

#### **2014 Adopt-A-Canal/Road End Contest**

The 4<sup>th</sup> Annual Adopt Contest was held from Friday, August 22 – Monday, September 1. Thanks to Carol Stevenson for her help with this as well as Bobbe Stephan and Pat Weisgerber who helped me put out 26 signs. Contest signs were placed at each canal/road end on August 21. With help from Pam Smith, our online aspect of the contest went LIVE as scheduled and operated successfully throughout the week. Thanks to Dee Burbage who coordinated the counting and printing of 165 online and paper votes and to Pat Weisgerber and Bobbe Stephan who met with me on September 4 to re-review all votes. The winners for the contest received award certificates from Mike Lord on Tuesday, September 9, and we are grateful for the generosity of Lord's Landscaping. Coastal Point was in attendance so we look forward to their coverage of the event. The winners were: **1<sup>st</sup> PLACE (\$125)**: Phil and Cicily Iachangelo who landscaped the Canal End on York Road between Victoria and Bristol Roads; **2<sup>nd</sup> PLACE (\$50)**: Carol and Todd Stevenson and Dick and Maryann Schmitt who

adopted the first Canal End on Bayshore Drive; and **3<sup>rd</sup> PLACE (\$25)**: Pat Weisgerber who maintains the Canal End on Peterson closest to Anchorage Drive. We thank all the volunteers who have adopted and maintained and enhanced our community. As Phil Iachangelo said –“I have been in South Bethany for 41 years and I have noticed a difference in people fixing up their yards and houses and I think that beautification is contagious!” This year, Carol Stevenson is hosting the Adopt Thank-You Party on September 13. We are already looking forward to additional adoptions and will be reviewing our prioritized adoption list at the September 24 meeting.

### **Motorcade for Wounded Veterans**

On September 4 the Town sent out an Email News Update asking SB citizens to gather on Route 1 on September 5 to show support for the Wounded Veterans who were visiting our town as part of the Operation Seas the Day program. The group of veterans was traveling south on Route 1 in school buses on their way to the Freeman Stage. They were part of an inspirational motorcade! I would like to thank everyone who responded to our request and arrived with flags and patriotic spirit and cheered for these brave men. I personally was very proud of our community.

### **Tree Management Grant**

In coordination with Don Chrobot and Mel Cusick, I prepared and submitted a grant proposal to the Delaware Forest Service on September 11 for the 2014 Urban and Community Forestry Grant Program seeking funds under the Tree Management category. The grant application requests funds for the tree management services proposed for the Richard Hall Memorial Park. Should South Bethany be awarded the grant funds, this will offset most of the costs budgeted for these tasks.

### **Looking Ahead**

Registration just opened for the Bethany Beach 2015 Eskimo Plunge sponsored by the Bethany-Fenwick Chamber of Commerce. South Bethany will be forming a team again to participate in the plunge. South Bethany homeowner Mike Tine is co-chairing the SB team with me again this year. Information about registration and activities on January 1, 2015, will be sent out in the next week or so.

### **CEC Member John Speer**

Our friend and CEC member John Speer passed away last weekend. His presence on our Committee will be greatly missed and has been missed this summer. John was always someone with great ideas, enthusiasm, marketing strategies and a passion for enhancing his beloved South Bethany. John was the one who initiated the concept of improving Ocean Drive which led to the creation of the Ocean Drive Blueprint and for guiding the Committee toward focusing on creating a “WOW Factor” along Route 1. I sent him an email last week saying the crepe myrtles were finally blooming and that we had a WOW Factor along Route 1. I am also honored that I had one last phone call with him exactly two weeks prior to his death. Celeste said he insisted on speaking with me and we had a wonderful conversation. He sounded strong and enthusiastic and I almost thought for a moment that perhaps they had made a mistake in his diagnosis – but alas they had not. We will miss him on the committee. He had a lot of big ideas which I appreciated.

### **Next Meeting Date**

The group set the next meeting date for Wednesday, September 24, 2014, at 10:00 a.m. at Town Hall.

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

Budget & Finance Committee meeting was held on Wednesday Sept. 10:

1. The committee reviewed the FY2015 Budget versus Actual for YTD. The committee found no significant deviation from budget in either revenue or expenditures that were not reported last month.
2. The committee has recommended that one time salary/bonus payments should be separated out from the yearly salary budget line.
3. The committee discussed having a budget amendment and will present one to the Council in October after we see the YTD revenues/expenditures for 6 months ending September 30. The amendment will be for material items that will be defined in the amendment. Otherwise the budget will stay the same, and the committee recommends that the Town continue to work as they have to stay within budget.
4. The committee reviewed the first draft of a proposed Investment Policy by Steve Farrow. Comments were provided to Steve for input. The committee plans to review the next draft at our meeting in October and shortly after that submit it to the Town Council for their first review in October.
5. The Committee also agreed to review the Budget Control Guidelines to determine if updates are necessary. Part of this is the auditor's recommendation that material changes were too low and should be much higher in making budget amendments.
6. Select audit questions were discussed and satisfactory answers were provided.

Councilwoman Callaway asked what the existing amount regarding budget amendments is in the guidelines. Councilman Caputo said \$2,500.

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

The Charter and Code Committee will meet on September 24 at which time the committee will:

- Revisit the priority list of issues needing attention and develop a new priority list.
- Address the issue of commercial signs in town.
- Address the issue of fire pits and their use and permission or denial.
- Receive input from the Code Enforcement Constable to identify additional issues that he feels needs to be attended to regarding changes to the Town's laws.

Councilman Gross noted that the ordinance which FEMA requires will soon come to the Charter and Code Committee, and it will require a considerable amount of work to get that done in a timely way.

- **Canal Water Quality Committee** – Councilman Junkin reported:

- **Grant Activity**

- **Large oyster cages and floating wetlands in South Bethany Canals**
  - Letters of Agreement are in place with homeowners who will have oyster cages and floating wet lands next to their bulkheads.
  - Working on letters of agreement for placement of two continuous monitors, one in Carlisle and one in York.
  - Oyster cages have been delivered to vacant lot at 322 York.
- **Bioretention areas in Sandpiper Pines**
  - Proposal submitted 8/28/14.
  - Expect to hear results of proposal in January 2015.

- **Diffuser Pilot Program**
  - We continue to take readings along the entire length of both the Petherton and Brandywine Canals.
  - Our deep readings are now being taken at the bottom of the canal versus 3 feet deep and it appears that the diffusers are causing a slight increase in the average dissolved oxygen in the canal with the diffusers.
- **Water Quality Monitoring**
  - We now have continuous monitors in the Anchorage, Petherton and Brandywine Canals.
  - The Bacteria Report for Total Enterococcus Bacteria for mid-July showed a level of 17,329 colonies per 100mL in the Anchorage Canal. This is the highest level that has ever been measured in the Anchorage Canal. Levels measured in August were 8,000 and 3,000. Both very high. The safe swimming maximum is 104 colonies per 100mL. (Councilman Junkin stated that he would not recommend swimming in any of the canals. He added that getting in the canals to get something or something like that is probably not a big deal, but if you've got a cut it could get infected.)
- **CWQC Meeting August 12**
  - Reports were presented on water quality monitoring and on the diffuser performance.
  - Jack Whitney presented an approach to improve circulation in the canals by connecting the dead ends of the canals to each other or to Jefferson Creek.
    - I have spoken to two vendors relative to their capabilities and costs to perform an analysis to determine the benefits of Jack's approach.
- **Sea Level Rise (SLR) and Storm Surge (SS) Committee** – Councilman Junkin reported:
  - The committee held a meeting this afternoon. The main thing the committee discussed was the floodplain code. The committee got about halfway through the floodplain code. The committee also discussed recommendations relative to height of bulkheads. The committee did not come to a consensus of what the committee should do relative to the height of bulkheads issue. The committee did agree to study and discuss the height of bulkheads issue some more.
  - Ordinance To Provide An Option For Higher Maximum House Height Where Freeboard Is Provided
    - Was approved August 8, 2014, and homeowners are already taking advantage of it.
  - Comments relative to the preliminary FIRM
    - After FEMA corrected their computer inputs, they have updated the preliminary FIRM for South Bethany. The updates only affect the ocean side of Rt. 1. The ocean front homes are all at VE 13 instead of VE 10 and most of the rest of the east side of route 1 and west side of Ocean Dr. are at AO 3 instead of AO 2

Councilman Junkin announced that there will be a presentation regarding sea level rise on September 17 from 1:00 p.m. to 3:30 p.m. at the DNREC field office.

- **Planning Commission** – Councilman Rae reported:
  - There have been no Planning Commission meetings since last month.
  - A Planning Commission meeting is scheduled for Sept 19 at 10 a.m.
  - Councilman Rae has contacted Dorothy Morris, State Circuit-Rider Planner for Sussex County, Office of State Planning Coordination, to arrange for her to meet with the

Planning Commission and go over the Comprehensive Plan requirements (dates, requirements, etc.) The Town Manager suggested this and Planning Commission Chair Dick Oliver agrees. Ms. Morris will be sending the Town a list of when she is available in October. She is also sending a digital copy of the Comprehensive Plan requirements, check list, etc. Ms. Morris said the Town's full plan revision is not due until July 2016.

- Councilman Rae has asked the Planning Commission to make the revised survey the number one priority and use that input for the Comprehensive Plan.

### **PUBLIC COMMENT**

Mike Matera (311 W. 9th St.) - Stated that his tenant at his rental house on the corner of W. 9th St. and Canal Dr. complained about the condition of the water in the canal and that it stunk. Councilman Junkin said it was probably the same circumstances as when there was a previous fish kill in that canal. Luckily there probably weren't any fish in the canal when it happened this time.

Ron Wuslich (130 Petherton Dr.) - Stated that the Inland Bays Foundation is lobbying all of the representatives and senators and informing them about the status of the Anchorage Canal. There is 4,700,000 cubic feet of stormwater that goes into that canal, and it is equivalent to 80,000 gallons of untreated sewage a week. The forebay that is there is only 28% effective. Mr. Wuslich noted that the statistics Councilman Junkin mentioned are the highest numbers of Enterococcus Bacteria in any of the testing areas. Councilman Caputo asked what Council can do to mitigate the problem. Mr. Wuslich suggested having the Sussex County Association of Towns write a letter to the representatives. Mr. Wuslich noted that there are kids on stand up paddle boards going up and down that canal. Councilman Caputo asked if there was a physical approach to fixing the problem. Mr. Wuslich said there is but it is expensive. They could pipe all that stormwater down to the state game lands and put it in a retention pond. Mr. Wuslich said that has been suggested by DNREC's Frank Piorko who is head of water quality assessment. Mr. Wuslich added that what the DNREC people tell him is that the State is broke.

Mike Matera (311 W. 9th St.) - Asked if the Code Enforcement Constable is making sure that new houses getting built on canals are not putting the rain water off the roof into the canals. Mr. Matera noted that you can't force this on the older houses. The Town Manager stated that the Town can't enforce it on the old houses unless Council adopts something. Councilman Junkin said Council can adopt an ordinance that takes away the "grandfathering". Mr. Wuslich asked if the Town ever attempted to do that. Councilman Junkin said no because there was not enough support from Council to get it to a first reading. Councilman Rae asked if it was discussed to require it at the time of sale. Councilman Junkin said Council can talk about it some more, but in the past the ordinance could not go through without the grandfather clause. Councilman Junkin noted that about two years ago Fenwick Island had an effort to take out their grandfathering and was unsuccessful. Mr. Wuslich said 20% of the nitrogen that goes into our canals comes from the air from midwest coal plants and lands on the roof and goes down the spouts and into the canal.

### **ADJOURNMENT**

A motion was made by Councilman Junkin, seconded by Councilman Gross, to adjourn the September 12, 2014, Town Council Regular Meeting at 8:35 p.m. The motion was unanimously carried.