

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES NOVEMBER 18, 2016

MEETING CALLED TO ORDER

Mayor Voveris called the November 18, 2016, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Councilmembers Don Boteler, Sue Callaway, Wayne Schrader, Tim Shaw, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Chief Troy Crowson; and Administrative Assistant Pam Smith

TO ACKNOWLEDGE OFFICER MEGAN LOULOU WHO RECEIVED THE CROWE-MCGRORY AWARD ON NOVEMBER 17, 2016, FOR HER ACTION IN LAW ENFORCEMENT THAT DISPLAYED HER DEDICATION TO DUTY, THE PUBLIC, AND OUR COMMUNITY THAT IS DESERVING OF RECOGNITION

Chief Troy Crowson stated that this is the second year a South Bethany Officer has received the American Society for Industrial Security (ASIS) Crowe-McGrory Award. Last year PFC Nate Hudson received the award and this year Ptlm. Megan Loulou received the award.

Everyone acknowledged Ptlm. Loulou's accomplishment with applause.

POLICE DEPARTMENT BUILDING EXPANSION

- **Presentation by Dr. Gregory Warren (President of the Strategic Management Research Center)**

Dr. Greg Warren gave a recapitulation of the presentation he gave at the August 12, 2016, Town Council Regular Meeting and what was contained in the report he submitted to Council and to Chief Crowson. (Administrative Assistant's Note: The report can be viewed on the Town's website, www.southbethany.org, on the Town Council Meeting Agendas and Minutes page as an attachment to the August 12, 2016, Town Council Regular Meeting Minutes or on the PD Building Expansion Initiative page by clicking the Police Facility Renovations and Expansion Operational, Administrative and Support Services Needs Analysis and Recommendations link.)

Dr. Warren made the following points:

- South Bethany's Police Station does not meet the needs of a full service police department today.
- Risk mitigation is one of the biggest things to worry about. Areas of concern are officer safety, safety for suspects when they are brought in, safety for visitors to the facility, safety for victims, and safety for reporting persons.
- South Bethany Police Department's "holding bench" is seven or eight steps to the side door and the side door is not secure.
- There should never be any ammunition or any weapons anywhere near any food. South Bethany's Police Department Armory is located in the locker room which is also where the kitchen is. Heavy metals, which ammunition contain, are not allowed to be anywhere near food.
- Issues with where prisoners are being secured on the "holding bench": Prisoners can look at every computer screen in the office area. Prisoners can see through a doorway and look out into where the receptionist sits. Prisoners could see victims, reporting

persons, or witnesses that may be in the vestibule. While being processed prisoners can hear radio transmissions, telephone communications, and interpersonal communications between law enforcement personnel.

- To show a chain of custody in court, the police department has the responsibility to secure all evidence in an appropriate fashion. Currently the South Bethany Police Department is processing prisoners in the same room in which the department houses evidence.

Dr. Warren reviewed his responses to the questions Council submitted:

1. WE HAVE GOTTEN ALONG WITH THIS BUILDING UNTIL NOW – WHY THE NEED FOR EXPANSION?

The building expansion has been needed for what appears to be quite some time, but the Town has been fortunate enough not to have had a negative occurrence as of yet. However, in risk management, the rule is “if it is predictable, it is preventable”, and as the PD facility currently stands, I think it is just a matter of when a negative event occurs, not if.

2. ARE YOUR RECOMMENDATIONS TO A STANDARD FOR A MORE SOPHISTICATED OR LARGER OPERATION?

No, the recommendations stem from all risk management principles utilized today throughout the United States, and the actual written standards were produced by the Delaware Police Chief’s Council, which represents a great many smaller sized departments throughout Delaware.

3. WHY CAN’T WE JUST RE-PURPOSE THE EXISTING SPACE TO MEET DEPARTMENT NEEDS?

Some of the items could be addressed through remodeling, however the main problem stems from the actual footprint of the current station being too small to make the necessary changes. For example, you have a closet which is also housing advanced computer and communications equipment, an interview room that also doubles as an office, and a locker room that serves triple duty as an armory and a kitchen, not to mention the other space issues we discussed during the Town meeting.

4. WHAT IS THE DOWNSIDE TO NOT MAKING THE CHANGES?

Someone getting hurt or someone’s constitutional rights being violated. (Internally an employee of the Town could get hurt or a suspect, visitor, witness or reporting person could also get hurt or have their rights to privacy violated). These events can easily result in either a State or Federal lawsuit.

5. WITH MEN & WOMEN WORKING WHY WERE SEPARATE BATHROOMS NOT RECOMMENDED?

They should be, and I believe the final plans will allow for this. Additionally, a separate bathroom for offenders should be under consideration.

6. IS THIS A SOLID FOUNDATION AND PLAN FOR THE FUTURE OR WILL THE NEED FOR MORE EXPANSION SURFACE AGAIN?

Because I don’t see the size of the Town growing dramatically and I don’t see a tremendous change coming in the Town’s policing methodologies, I would not predict any additional changes needed for decades. (20-25 years)

In summary Dr. Warren gave the following five major areas of risk: 1) Chain of custody, 2) Ensuring the safety of everyone internal and external, 3) The right to privacy, 4) Trying to keep prisoners from escaping, and 5) Weapon safety.

At the conclusion of Dr. Warren's presentation, Dr. Warren took questions from the Council and the audience.

- **Presentation by Kelli Burns (Capitol Police and DPAC)**

Cpl. Kelli Burns with the Delaware Capitol Police stated that she has been working with accreditation standards for about 12 years and she has been working as an assessor to make sure agencies are meeting standards for about 4 years.

Cpl. Burns spoke about national standards and state standards. Cpl. Burns said we want the officers and anyone who walks into your buildings to be safe and we don't want anybody to be sued.

There are 105 state standards. There are 480 national accreditation standards.

The following will get you in trouble in the police world: Use of force, prisoners, evidence, and holding cash.

Cpl. Burns reviewed the following minimum things that need to be modified to avoid civil liability:

- Take the evidence that is stored in the file cabinet and drawers and put it in a separate room with a lock, and give the key to one or two officers at the max. Currently the department has their evidence next to where prisoners are processed.
- Toilet facility – There should be a prisoner bathroom that does not have a lock on the door. It can be as simple as a one piece stainless steel toilet/sink.
- The prisoner holding area is very close to the officers. A police officer sitting in front of the computer doing the warrant is in reaching distance, spitting distance, kicking distance of the prisoner.
- If you have two prisoners you want to have another bench somewhere else where you can separate them.
- Per federal mandate, juvenile offenders must be sight and sound separate from adult offenders. Have a separate area or backup location for the juveniles.
- Keep males and females separate, sight and sound if possible, but at least sight (Prison Rape Elimination Act)

At the conclusion of her presentation, Cpl. Burns took questions from the Council and the audience.

On the following pages is a letter from Cpl. Burns which was available on the sign-in table.



John E. Horsman
Chief, Capitol Police

STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
CAPITOL POLICE
150 Martin Luther King Jr. Blvd. South
P.O. Box 1401
Dover, Delaware 19903



Office: 302-744-4380
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Chief of Police
South Bethany Police Department
402 Evergreen Road
South Bethany, DE 19930

November 17, 2016

Chief Troy Crowson,

On November 3, 2016, I conducted a perfunctory inspection of the evidence/prisoner processing room and the prisoner holding areas at the South Bethany Police Department as you requested.

Here are some of the things that I noted:

1. Prisoners are processed inside the evidence room.

Prisoners should not be allowed to go anywhere near where evidence is stored. I noticed there was evidence on the floor, probably because it wouldn't fit into the designated storage containers. When a prisoner is brought into the room to be processed, he is not handcuffed and could access any of this exposed evidence. Evidence storage/processing should be kept in a separate area from prisoner holding/processing. The separateness ensures the integrity of the evidence as well as prisoner/officer safety. My recommendation is to have a separate room designated just for evidence with a minimum number of people having access to it.

2. The only toilet facilities available for prisoners are a common bathroom.

I understand that your agency may not be able to have more than one bathroom; however, my concern is that there is a lock on the bathroom door whereby a prisoner may go in, lock the door and barricade himself inside. There is a plethora of examples of treacherous opportunities that

a prisoner would have if he had access to an officer's toilet facility; thereby making it unsafe for the officers and anyone else using the facility. My recommendation is to have a separate toilet facility for prisoners with a stainless steel prison-type toilet.

3. The prisoner holding area is within a close proximity to officers

The designated holding bench is in a location where the offender could kick, strike or spit on officers sitting at their desks. There are also objects, within the offenders reach, that he could use as a weapon. I highly recommend having a separate area, where the offender is isolated from objects and far enough away from officers where he cannot obstruct official business or disturb the officer while he is completing paperwork.

4. The prisoner holding area leaves no room for multiple offenders

The current holding bench does not allow any kind of separation between offenders if two or more are arrested. Lack of separation can be dangerous depending on many factors such as: the nature of the offense, whether the offenders are intoxicated, or whether they are co-defendants. I recommend having a back-up area in case you have more than one offender.

5. There is no place to hold juvenile offenders

The Juvenile Justice and Delinquency Prevention Act of 1974 mandates that juvenile offenders are to be kept "sight and sound" away from adult offenders. The Delaware Criminal Justice Council regularly audits agencies to ensure that agencies are in compliance. From what I understand, your agency currently holds juveniles either in an office or in the conference room. Although, this may suffice the sight and sound separation standards, it is an unsafe practice for both the offender and for the officer as the officer cannot maintain surveillance of the individual at all times. I recommend having a separate, designated area for juvenile offenders in the case that you have an adult and a juvenile in custody at the same time.

6. There is no way to separate male and female offenders.

Because of the nature of the bench holding area, a female offender and a male offender would be secured in a very close proximity to each other which opens the door to sexual assaults. "In-custody sexual assault" is a hot topic with the Department of Justice right now as they have recently

come out with Prison Rape Standards. I recommend there be "sight and sound" separation between female and male prisoners if possible.

7. Evidence

The evidence at your agency is secured in lockers and file drawers: these are not secure. Lockers and file drawers are at best good for temporary storage. Your facility needs a more secure method of storing your evidence. Lockers and file drawers can be easily broken into and everyone in your agency, including prisoners have access to the room the evidence is housed in. I recommend a separate room for evidence, it doesn't have to be large, it just has to be secure and adequate to hold the amount of evidence you may have at any given time.

8. State Accreditation

If I were assessing your agency as a State Accreditation Assessor you would fail in the aforementioned areas.

Even if you have no desire to become State Accredited then please realize that these recommendations are best practices and are based on Supreme Court rulings, Police Executive Research Forum guidance as well as officer safety lessons, among other things.

After looking over the plans for the renovations I believe most, if not all, of these issues will be taken care of.

Good Luck in your endeavors

Sincerely,

Cpl Kelli Burns
Delaware Capitol Police
Assessor, Delaware Police Accreditation Commission

- **Presentation by Pat Ryan (Ryan Architecture, LLC)**

Mr. Ryan gave a history of the current Town Hall and Police Station buildings. Mr. Ryan said it is a very compact site with many restrictions due to an extraordinarily high water table and wetlands. Mr. Ryan pointed out that the Town Hall and Police Station were not designed for future additions because of the tight space. But with pulling in more parking spaces Mr. Ryan did come up with a solution. Mr. Ryan reviewed the proposed floor plan which was projected on the screen. Chief Crowson explained how the new floor plan will be utilized.

Chief Crowson and Mr. Ryan took questions from the Council and the public including questions on if the building with the addition will address all of Dr. Warren's and Cpl. Burns recommendations. Chief Crowson said he will have to talk to Mr. Ryan regarding a prisoner bathroom.

Chief Crowson said the issue is the functionality of everything. The addition would separate the multipurpose rooms and gives the department the ability to fall into compliance and reduce liability issues.

After discussion, Mr. Ryan recommended that he update the floor plan to make sure everything is covered and update the cost estimates for the December 9, 2016, Town Council Regular Meeting. Then Council can approve going forward or cut back. Councilmember Shaw said it sounds like the Town needs to get a proposal from Mr. Ryan for the cost of this effort.

Mr. Ryan reviewed his responses to the questions Council submitted:

**ARCHITECTURAL/ENGINEERING QUESTIONS FOR THE ADDITION
TO THE SOUTH BETHANY POLICE DEPARTMENT
11/17/16**

1. Why do we need a soil boring test?

A Soil Boring Report provides the following:

- Bearing pressure requirement to efficiently design the foundation.
- Identifies shallow soil types to predict potential earthwork problems during construction.
- Identifies shallow soil types to determine if we can re-use soils as structural fill, or if you need to borrow from off site.
- Identifies groundwater depths to provide frost protection (GW to be at least 2 feet below grade), and to dewatering is required for the proposed improvements (utility lines, footings, etc.).

With a history of a high-water table and poor soil conditions at this location, a soil boring test is recommended for this project.

2. Why are the drawings so expensive?

The fees have been established based on the time required to conduct site investigations/measurements, perform calculations, prepare construction drawings, specifications, update the cost estimate and submit documents to the Fire Marshal, Sussex Conservation District and Building Department for approval.

The fee breakdown for this project is:	Architectural	\$10,000
	Mech/Elec/Plumb Eng.	\$11,000
	Structural Eng.	\$2,000
	Site Engineering	\$6,000

Commercial construction compared to residential, requires compliance with additional codes & regulations and approval from additional agencies.

3. Why can't use the original drawings?

The original drawings did not include the design of the proposed addition. Drawings & specifications are required for the new construction for permitting, bidding and construction.

4. Where can costs be cut on this project?

Remove the mechanical and plumbing engineering design from the project and considering delivering this portion of the project through a design/build process.

5. Are these cost numbers competitive?

The fees represent a reasonable cost for the work effort required to prepare the necessary documents and assist with permitting.

6. Is this work as modest as can be done?

Yes, there are no materials proposed that would be considered excessive or luxury.

7. How comfortable are you with the \$206,000 estimate knowing bids can be lower/higher?

The cost estimate for the project was prepared by John L. Briggs & Co., a Georgetown-based General Contractor with more than 50 years of commercial construction experience. I have used their cost estimating services for some 10 years and have found their estimates to be very accurate. Please understand this estimate has been prepared using Preliminary Plans. A more refined estimate will be developed at the end of the Construction Documents Phase and may change.

8. Can you summarize the inclusion in the estimate for computers, painting, etc?

Painting, conduit and boxes for future data & communications equipment are included in the estimate. Your computer vendor/installer should be contacted for the cost of wiring, devices and equipment. You should also contact your vendor for estimates for furniture, fixtures and equipment.

9. What life cycle costs can we expect?

The calculation of life cycle costs for major components of the work such as roofing, windows and HVAC Equipment can be provided near the end of the Construction Documents Phase. This requires energy modeling of the building, and performing mathematical calculations comparing initial, operating/maintenance and salvage costs, then testing various alternative components to determine the component with the lowest life cycle cost. The proposed fee does not include Life Cycle Calculations, but can be provided as additional service.

The life expectancy of various commercial building components can be viewed at this web site: http://www.barrie101.com/life_expectancy.html

Mr. Ryan took more questions from Council and the property owners.

Councilmember Callaway said a list of all of the things that are additional purchases would be helpful for the December 9, 2016, Town Council Regular Meeting.

Public Comment: Tim Saxton (24 Peterson Dr.) said his concerns are around moving so fast. Mr. Saxton does not argue the need. Mr. Saxton is arguing process. Mr. Saxton asked that this Council honor a process and let the Budget and Finance Committee do their analysis and bring back to Council a cost that it is fully loaded (to include furniture, etc.) so that all of the costs are understood and Councilmembers know what they are voting on.

Mayor Voveris thanked Mr. Ryan.

PROPERTY OWNERS' PARTICIPATION

- George Junkin (8 S. 4th St.) – Announced that the 2016 State of the Delaware Inland Bays Presented by The Delaware Center for the Inland Bays is published and contains data that came from South Bethany water quality volunteers. The report shows what is happening in South Bethany relative to water quality. The report is posted on the CIB website, <https://www.inlandbays.org>.

DISCUSSION & POSSIBLE VOTE FOR THE POLICE DEPARTMENT BUILDING EXPANSION TO INCORPORATE LAW ENFORCEMENT CONSULTANT DR. WARREN'S POLICE FACILITY RENOVATIONS AND EXPANSION OPERATIONAL, ADMINISTRATIVE, AND SUPPORT SERVICES NEEDS ANALYSIS AND RECOMMENDATIONS REPORT AND MOVE FORWARD ON THE JOHN D. HINES & ASSOCIATES' GEOTECH PROPOSAL FOR SOIL BORING TEST(\$3,500) AND RYAN ARCHITECTURE LLC'S PROPOSAL ON PREPARATION OF ARCHITECTURAL, STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING ENGINEERING DESIGN DRAWINGS AND SITE ENGINEERING (\$29,000)

Citing the discussion that took place at this meeting, Mayor Voveris tabled this item until the December 9, 2016, Town Council Regular Meeting. Mayor Voveris encouraged owners to look at the PD Building Expansion Initiative page on the Town's website, www.southbethany.org, and take the next few weeks to submit comments or questions. Council agreed.

CHARTER AND CODE COMMITTEE PRESENTATION OF A DRAFT ORDINANCE REGARDING PROHIBITING SMOKING ON THE BEACH AND BEACH ACCESS WALKWAYS (JOHN FIELDS)

Mr. Fields gave background information regarding the issue of banning smoking on the beach in South Bethany. Mr. Fields said the Charter and Code Committee looked at all of the local ordinances (Rehoboth Beach, Dewey Beach, Bethany Beach, Fenwick Island) regarding banning smoking on the beach. The ordinances ranged from one page to ten pages. Mr. Fields said the Charter and Code Committee is proposing the following ordinance which is as simple of an ordinance as the committee could possibly draft:

Chapter 34

BEACHES

§ 34-8. Beach safety and sanitation.

- D. Beach closing. Any of the following may close the beach to ensure the public safety: the Mayor, **Beach Commissioner** *Town Manager*, lifeguards, town police officers or the acting Civil Defense Coordinator.

§ 34-13. Smoking.

- A. **Definitions – As used in this section, the following terms shall have the meanings indicated:**

- (1) **SMOKING – The smoking, burning, heating, inhaling or exhaling of any substance (i.e., tobacco, herbs, weeds, marijuana, etc.) by any type of delivery system (i.e., cigar, cigarette, hookah, etc.) This includes electronic vapor-generating devices known as “e-cigarettes.”**
- (2) **BEACH – The area defined to the North and South by the Town of South Bethany North and South boundary lines, to**

the West by the Western edge of the dune and to the East by a line that is 100 yards to the East of the high water line of the Atlantic Ocean.

B. Smoking is prohibited in the following areas:

- (1) The beach.**
- (2) Beach access walkways from the Eastern edge of Ocean Drive to the beach, and from the Eastern edge of Sea Side Drive to the beach, and all handicapped walkways.**

Council was satisfied with this draft ordinance. The first reading of the ordinance will be at the February 10, 2017, Town Council Regular Meeting. Councilmember Weisgerber will be the sponsor. The ordinance will go through three readings in time to ban smoking on the beach for the 2017 summer season.

CHARTER AND CODE COMMITTEE PRESENTATION OF A DRAFT ORDINANCE REGARDING PROHIBITING ANY VEHICLE TO ENTER BLACK GUM DRIVE FROM KENT AVENUE FROM 10 A.M. TO 1 P.M. MAY 15 TO SEPTEMBER 15 (JOHN FIELDS)

George Junkin reviewed the following draft ordinance:

**Chapter 134
VEHICLES, OPERATION OF**

§ 134-3. Penalties for offenses.

- A. Any person violating this chapter will be fined as prescribed in 21 Del. C. § 4169.
[Amended 9-8-1995 by Ord. No. 50-95]
- B. Whoever violates § 134-2B, C, D or E, shall, for the first offense, be fined \$25, and for each subsequent offense, the fine shall be \$50.
[Amended 5-13-2008 by Ord. No. 141-08; 2-13-2009 by Ord. No. 148-08]
- C. Any person violating § 134-4 shall be fined as prescribed in 21 Del. C. § 4107.**

§ 134-4. Controlled street entry.

It shall be unlawful for any vehicle to enter Black Gum Drive from Kent Avenue from 10 a.m. to 1 p.m. May 15 to September 15.

Mr. Fields noted that per State law emergency vehicles are exempt from this ordinance.

It was agreed to add the word "inclusive" at the end of the following sentence: ***It shall be unlawful for any vehicle to enter Black Gum Drive from Kent Avenue from 10 a.m. to 1 p.m. May 15 to September 15.***

Public comment on the draft ordinance: Kent Stephan (46 S. Anchorage Ave.) spoke against the draft ordinance regarding the barricade. Mr. Stephan believes the Town needs to survey the people who are on the "feeder roads" into Black Gum Drive before proceeding.

Mayor Voveris said Council is going to move forward with the three readings of the ordinance. Mr. Fields said the first reading will be at the February 10, 2017, Town Council Regular Meeting.

ADOPTION OF MINUTES – OCTOBER 27, 2016, TOWN COUNCIL WORKSHOP MEETING

A motion was made by Councilmember Callaway, seconded by Councilmember Shaw, to accept the October 27, 2016, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

LEADERSHIP REPORTS AND COMMITTEE & COMMISSION REPORTS

Due to the length of the meeting, oral reports were not presented. The Leadership Reports and the Committee & Commission Reports were posted to the Town's website on the Town Council Meeting Agendas and Minutes page. The reports are also attached to these minutes.

Mayor Voveris announced that Councilmember Tim Shaw successfully completed Part 1 of the Coastal Practitioners Certification Program. He has two more courses and he will be a Certified Coastal Engineer.

DISCUSSION AND POSSIBLE VOTE ON MOVING FORWARD WITH A PHOTO EXHIBIT AT TOWN HALL IN MAY 2017

Motion: A motion was made by Councilmember Callaway, seconded by Councilmember Stevenson, that the Council support the Community Enhancement Committee's idea to have a photography exhibit at Town Hall between May 26, 2017, and June 24, 2017.

Councilmember Callaway noted that the Council approved a budget for an Art Show but the committee has switched gears and is proposing a photography exhibit.

Vote: The motion was unanimously carried.

ADJOURNMENT

A motion was made by Councilmember Boteler, seconded by Councilmember Weisgerber, to adjourn the November 18, 2016, Town Council Regular Meeting at 9:30 p.m. The motion was unanimously carried.

phs:2016 11 18 Regular Meeting Minutes Approved 12 9 16

Attachment: Leadership Reports and the Committee & Commission Reports

LEADERSHIP REPORTS AND COMMITTEE & COMMISSION REPORTS

- **Mayor's Report**—Submitted by Mayor Voveris:

During the month of November I spent a great deal of time working on the initiative for the Police Department Building Expansion to iron out details and prepare communications for the Town Council.

I also spent a great deal of time with the Traffic Committee initiatives and communicating with DeIDOT personnel. You all should have noticed the 3-way stop has been set up at Canal and Tamarack. Let's hope this makes a difference in lowering speed and increasing pedestrian safety in that area of our community.

Josh Thomas from DeIDOT's Dover Office came to our Town on November 14 for a Traffic Committee meeting to accompany several of us on a "Walking Tour" of the study route from Kent to Route 1 and then back through Anchorage to gain an understanding of our traffic flow and hear about our traffic issues. Additionally, we walked Pine Road that runs parallel to our Town Hall area.

DeIDOT Planning personnel will be assisting our Traffic Committee in gathering data for an over view of necessary steps and costs for walkways particularly in our Cat Hill area.

Town Manager Cusick and I attended an ambulance meeting in Bethany Beach on November 17 with representatives from Fenwick, Sea Colony, and Bethany Beach in attendance. The budget for the coming year was met with approval.

At this meeting I also learned the Fire Prevention Commission is having the Attorney General review a letter from the BBVFC on the need for funding and employees due to their lack of volunteerism.

A committee is forming to review funding for fire companies in our state and will begin meeting in January. I have volunteered to be a voice from a municipality.

After the meeting the Bethany Beach Mayor and I met to discuss sending the following letter on beach replenishment to Jo-Ellen Darcy, the Assistant Secretary of the Army.

**TOWN OF BETHANY BEACH**

P.O. Box 109
214 GARFIELD PARKWAY
BETHANY BEACH, DE 19930
OFFICE (302) 539-8011
FAX (302) 539-8149
EMAIL: admin@townofbethanybeach.com

November 16, 2016

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civic Works)
108 Army Pentagon
Washington DC 20310-0108

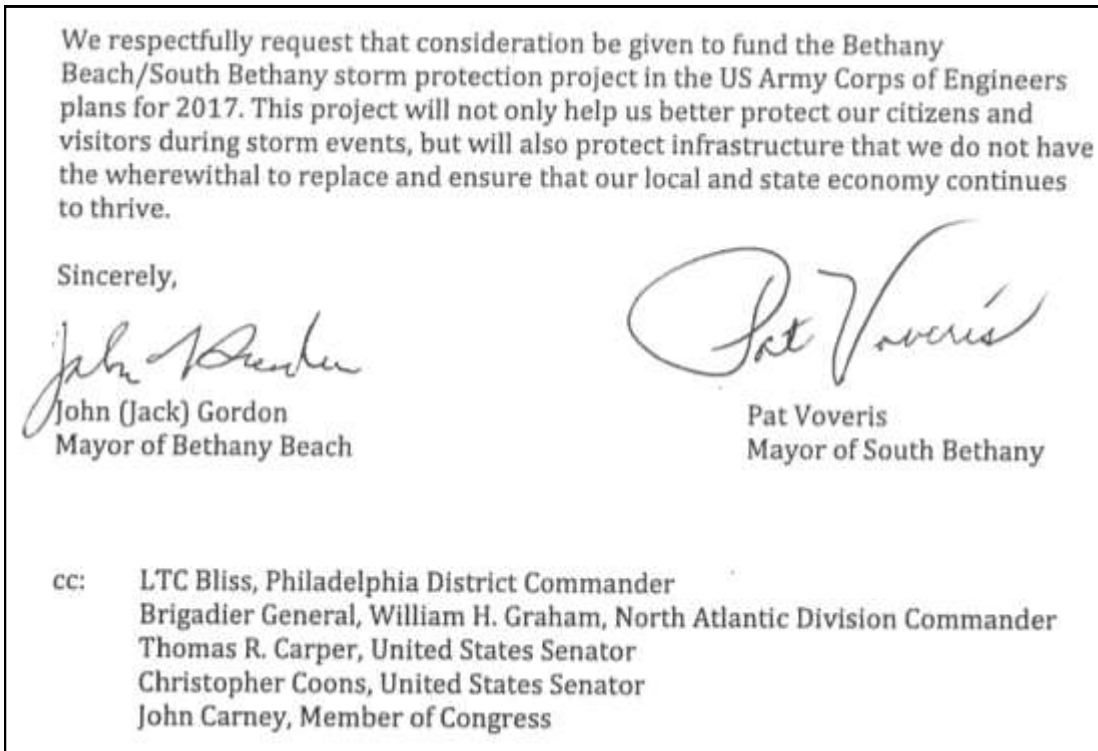
Dear Assistant Secretary Darcy:

We are writing on behalf of the Towns of Bethany Beach and South Bethany to ask for your serious consideration to prioritize and fund the restoration of a previous US Army Corps of Engineers (USACE) storm damage reduction project for Bethany Beach/South Bethany in the USACE plans for 2017. Before we go any farther, we would be remiss if we did not thank the CORPS for its tireless work on our behalf and for the projects that have saved our community from serious storm damage and destruction in the past!

Unfortunately, we are at a critical juncture where the lack of storm damage reduction project funding for Bethany Beach/South Bethany in the recent past, has left our beach and dunes in poor condition exposing us to significant damage with future storms. That next significant storm (and we are confident there will be a next storm) will not only lay open the possibility for serious damage to 12 million dollars in public infrastructure immediately adjacent to the dune in Bethany Beach, but also potentially cripple our communities' economic well being as well as that of the county and the state.

Storm damage reduction projects don't just benefit the individual municipality in Delaware they benefit the entire state. No other state in the nation relies so heavily on 21 miles of ocean-front (and the five USACE storm damage reduction projects that protect that ocean front) to maintain the entire State's economic well being.

Delaware's short oceanfront strand is the engine that drives a 6.9 billion dollar coastal tourism industry, an industry that employs almost 60,000 people (over 10% Delaware's workforce!) and generates \$711 million dollars in local, state and federal taxes. It can't be stated strongly enough that Coastal tourism and related business is a critical component of Delaware's economy.



Tony Pratt from DNREC came to Town Hall this morning for an informal discussion with a few of us from South Bethany, Fenwick, Dewey and Bethany Beach in regard to the ASBPA's (American Shore & Beach Preservation Association) initiatives. South Bethany again became a member this year and our Councilman Tim Shaw attended their recent conference in New Jersey. *This is what I took away from the meeting:*

The coastal towns from Lewes to Fenwick should re-establish ACT (Association of Coastal Towns) and get together for a workshop. We should develop a letter to send to Governor Carney to thank him for support of our towns, speak to sustaining this investment, and express the need for a comprehensive plan that not only includes the beach but the bays and Sea Level Rise. We should ask to expand the DNREC authority and funding, possibly presenting the idea to increase the accommodation's tax to include all rentals.

ACT can partner/support ASBPA and bolster efforts on our towns' behalf.

- **Town Manager's Report**—Submitted by Melvin Cusick:

November 4 – Attended Sussex Association of Towns Steering Committee Meeting.

November 9 – Participated in Delaware Founders Insurance Trust monthly claims review meeting.

November 14 – Attended Traffic Committee Meeting.

November 17 – Attended Ambulance Sponsors Meeting and discussed 2017 budget.

November 17 – Attended "CRIM" meeting with Fulton Bank.

November 18 – Attended meeting with Delaware Shoreline Administrator Tony Pratt.

- **Treasurer's Report**—Submitted by Councilmember Boteler:

11/8/2016

Town of South Bethany
 Monthly Treasurer's Report - As of October 31, 2016
 by Don Boteler, Treasurer



Fiscal 2017 Year-to-Date (10/1/16 – 10/31/16) Revenues and Expenditures

	<u>Adopted Budget</u>	<u>Amended</u>	<u>Total Budget</u>	<u>Actual</u>	<u>%</u>
Total Operating Revenue	\$2,184,475	\$0	\$2,184,475	\$1,919,540	88%
Total Operating Expenditures	\$2,184,475	\$0	\$2,184,475	\$1,231,761	56%
Revenue less Expenditures	\$0	\$0	\$0	\$691,234	
Revenue from Grants/Donations	\$123,163	\$16,631	\$139,794	\$185,511	133%
Expenditures from Grants/Donations	\$123,163	\$16,631	\$139,794	\$190,610	136%
Revenue less Expenditures	\$0	\$0	\$0	(\$5,099)	
Capital/Reserve Revenue (from Fund Balance)	\$114,396	\$20,265	\$134,661	\$24,822	18%
Capital/Reserve Expenditures	\$114,396	\$20,265	\$134,661	\$24,822	18%
Revenue less Expenditures	\$0	\$0	\$0	\$0	
Total Revenue - All Funds	\$2,422,034	\$36,896	\$2,458,930	\$2,129,873	87%
Total Expenditures - All Funds	\$2,422,034	\$36,896	\$2,458,930	\$1,447,193	59%
Revenue less Expenditures	\$ -	\$0	\$0	\$682,680	

Fiscal 2017 (10/1/16 – 10/31/16) Summary of Year-to-Date Departmental Budget to Actual

	<u>Budget</u>	<u>Amended</u>	<u>Total Budget</u>	<u>Actual</u>	<u>%</u>
Revenues:					
Property Taxes	\$509,774		\$509,774	\$500,953	98%
Realty Transfer Taxes	\$355,000		\$355,000	\$243,498	69%
Gross Rental Taxes	\$510,000		\$510,000	\$521,067	102%
Grants	\$123,163	\$16,631	\$139,794	\$185,511	133%
All other revenue	\$809,701		\$809,701	\$662,288	82%
Appropriated Fund Balance	\$114,396	\$20,265	\$134,661	\$16,557	12%
Total Revenue	\$2,422,034	\$36,896	\$2,458,930	\$2,129,873	87%
Expenditures:					
General & Administrative Department	\$652,816		\$652,816	\$343,646	53%
Edward Jones Deferred Comp	\$500		\$500	\$230	46%
Public Works Department	\$251,530		\$251,530	\$105,721	42%
Trash	\$308,606		\$308,606	\$158,753	51%
Public Safety Department	\$662,898		\$662,898	\$337,863	51%
Ambulance	\$74,147		\$74,147	\$37,074	50%
Beach Patrol Department	\$237,983		\$237,983	\$233,620	98%
Town Committee	\$57,275		\$57,275	\$10,913	19%
Grants	\$55,683	\$16,631	\$72,314	\$190,610	264%
All Others (e.g. – Capital, etc.)	\$120,596	\$20,265	\$140,861	\$28,764	20%
Total All Expenses	\$2,422,034	\$36,896	\$2,458,930	\$1,447,193	59%

Highlights on Revenue

Property Taxes are 98% collected and are tracking to budget. There are 12 properties with delinquent property taxes. Realty Transfer Tax is 69% collected.

Highlights on Expenditures

All Operating expenditures are tracking to budget. Grant expenditures are tracking higher due to certain grant expenditures being allocated in a prior fiscal year however, were not expended until the current fiscal year.

- **Police Department Report/Questions**—Submitted by Chief Troy Crowson:

IACP

Chief Crowson attended the annual International Chiefs of Police meeting in San Diego, CA from October 15 through October 18. The IACP Annual Conference and Expo is the largest and most important law enforcement event of the year. More than 14,000 public safety professionals go to learn new techniques, advance their knowledge and careers and equip their department for ongoing success.

Office of Highway Safety

Cpl. Burton and Ptlm. Loulou participated in the Office of Highway Safety DUI checkpoint strike force on October 29 in Rehoboth Beach. This was one of several recent DUI check points the South Bethany Police Department has assisted with. The check point strike force has resulted in over 28 DUI arrests, as well as many others for traffic, drug, and criminal offenses.

Cops and Goblins

Officers from South Bethany participated in the Cops and Goblins event held on Sunday, October 30 at John West Park. This event for Halloween featured a petting zoo, horseback rides, free food, and a 12 and under costume contest. The South Bethany hummer was decorated for Halloween and officers handed out candy to trick or treaters.

Trunk or Treat

Chief Crowson and Ptlm. Loulou attended a Public Safety Trunk or Treat event on Saturday, October 22. The South Bethany hummer was set up and decorated for Halloween while the officers handed out candy to 105 children, giving our youth the opportunity to trick or treat in a safe environment while also fostering a positive interaction with public safety partners.

COMMITTEE & COMMISSION REPORTS

(Due to the length of the meeting, oral reports were not presented.)

- **Traffic (Ad Hoc) Committee** – Submitted by John Janowski, Chair:

Report # 1 - The Traffic Committee met October 26, 2016. Status and action items included:

1. **3-way Stop Sign Controlled Intersection at Canal Drive/Tamarack Drive:** Mike Somers representing DeIDOT's Traffic Engineering Division reported that his section has reviewed their policy regarding stop sign controlled intersections within subdivisions and decided on a new policy where in certain cases DeIDOT will recommend this control measure. DeIDOT decided to recommend 3-way stop sign controlled intersections at 4 locations (all within subdivisions). Included in this recommendation is the intersection of Canal Dr./Tamarack Dr. Criteria for this pilot program is to collect data (accident, complaints, comments, any general information) for a year. This information will be evaluated after a year. The Town will collect the information. Following the evaluation, the project is complete. The signs and striping can begin immediately. The Traffic Committee voted unanimously to recommend to Council for their discussion and possible vote to install a 3-way stop sign at Canal Drive and Tamarack Drive (see justification statement below). The Traffic Committee will continue to monitor the intersection to determine if the east bound approach leg needs to be tightened.
2. There was no status reported on estimates for **ROW and Town boundary surveys**. The committee was reminded that few if any improvements can be completed if these or some portion of are not done.
3. A **title search for Pine Road**, the recorded paper street adjacent to South Bethany, has been authorized.

4. An **inventory of all traffic control devices** (stop signs, regulatory and warning signs etc.) has been prepared for the Study Area streets. The inventory is on an Excel spreadsheet and is consistent with the location map prepared earlier. The latter will be updated.

The Committee continued to fine tune the scoring matrix which lists over a dozen alternative measures and projects designed to improve traffic and safety conditions in the study corridor. Representatives from DeIDOT's Planning Division will be at the November Meeting following a tour of the Study Area.

Mr. Janowski reported that he met with the Mayor to discuss the status of the Traffic Committee. Lately there has been concern regarding attendance and the lack of a quorum. Since it is recommended it is best to reduce the size of the committee and work with 3 voting members. Mr. Janowski said he had spoken to the committee members and that they agreed with the new configuration.

Public comment was heard. Motion to adjourn was passed. The next Traffic Committee meeting is scheduled November 14, from 12:30 to 2:30, Town Hall.

TRAFFIC CONTROL MEASURE/PROJECT

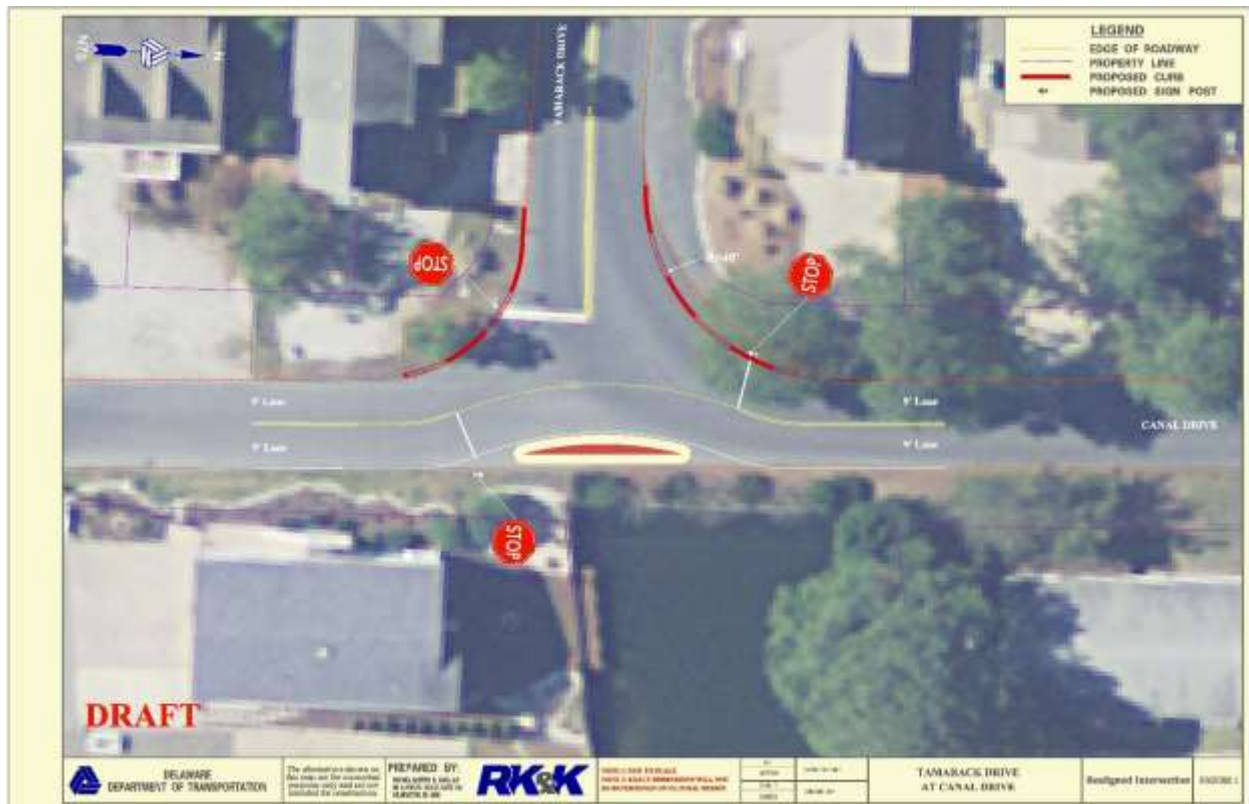
Name: Intersection of Canal Dr./Tamarack Dr. 3-Way Stop Sign Control

Date: November 14, 2016

Description: Convert Intersection to a 3-Way All Stop Sign Controlled Intersection.

Justification: This intersection is located along the South Bethany Traffic Calming Study Corridor. It currently operates with one stop sign controlling the eastbound approach, Tamarack Drive. NB Canal Drive (minor approach) and SB Canal Drive are free flow. This measure will make all approaches stop. This represents one of four intersections all within subdivisions where DeIDOT's Traffic Engineering Division has recommended 3-way stops. This improvement is part of a pilot program and will be evaluated and concluded one year after installation. **The improvement shown below does not include realigned bumpout nor proposed curb, only stop signs and appropriately located painted stop bars.** This intersection currently has no provision for pedestrian and bicycle safety. This project will improve safety and help mitigate the impact of traffic volume much of it generated by regional growth.

Cost: \$300



Report # 2 – The Traffic Committee met November 14, 2016. This was the first meeting following the restructuring of the committee from six voting members to three. The meeting was preceded by a walking tour of the Study Area. The objective was to acclimate interested parties to the accomplishments and efforts yet to follow. A representative from DeIDOT's Planning Division participated.

The tour started at Kent Avenue and Pine Street (paper street), the latter being a potential alignment for a new road or walkway or both connecting to Evergreen Road as listed in the Alternatives Table. The tour continued west on Kent Avenue to the intersection with Black Gum Drive. Turning restriction regulatory signs were pointed out and the possible need to enhance them. All completed measures were identified (white-lines on roadway surface edges, digital speed signs, upgraded speed humps, location for approved three-way stop sign at Canal/Tamarack intersection, sidewalk on north side of Russell Road. Limitations were pointed out including; offset center lines within existing ROW, unimproved shoulders, yellow painted center lines, non-existing easement access to State DNREC lands at Black Gum and Assawoman Canal, Canal Drive with narrow cartway within unknown ROW possibly the most standard link in the corridor in terms of capacity and safe pedestrian use. The tour continued to Town Road AKA Pine Road then to Pine Street (paper street) then to Kent Avenue. The later currently functions as a path between Evergreen Road and Kent Ave. From here the tour continued by van to Ocean View to view new development which is part of the 9,000 DU's included in a Traffic Impact Study completed in 2006. The tour continued to Evergreen Road where again ROW is unknown. Three streets connect Evergreen Road to Anchorage Drive which has several speed humps. The intersection of Evergreen/Ocean Highway has only one approach lane which results in back-ups during the summer with some traffic diverting to Anchorage Drive via Mays Way. Pedestrian improvements to Ocean Highway include a hard surface walkway and regulatory sign cautioning right turns to watch for pedestrians using the crosswalk. The tour continued to Anchorage Drive where a "No Outlet" sign is incorrectly located and to where it should be relocated at the intersection of Peterson/Anchorage. The tour concluded at Town Hall where at 12:30 the Traffic Committee Meeting was held.

Mr. Joshua Thomas introduced himself to the Committee. He explained his role and responsibilities with DeIDOT's Planning Division. He is the principle staff assigned to Sussex County functioning as DeIDOT's liaison to the Seaford /Salisbury Metropolitan Planning Organization as well as non-MPO areas including the coastal area. He explained his role with assisting Sussex County with their Comprehensive Plan Update that will include a mobility element. It is timely that South Bethany is currently doing this study. A regional coordination effort will be done as part of the Sussex County Comp Plan Update. Mr. Thomas will notify the Traffic Committee when the meetings start. He also stated that he will take back the information he learned on the tour and will discuss the findings with his staff who in turn will advise us. Mr. Janowski said DeIDOT's planning activities were timely and that he sees this Traffic Committee evolving into a planning role working in part with DeIDOT's regional efforts. However, the Committee will continue to evaluate and make recommendations until it completes its mission in April, 2017.

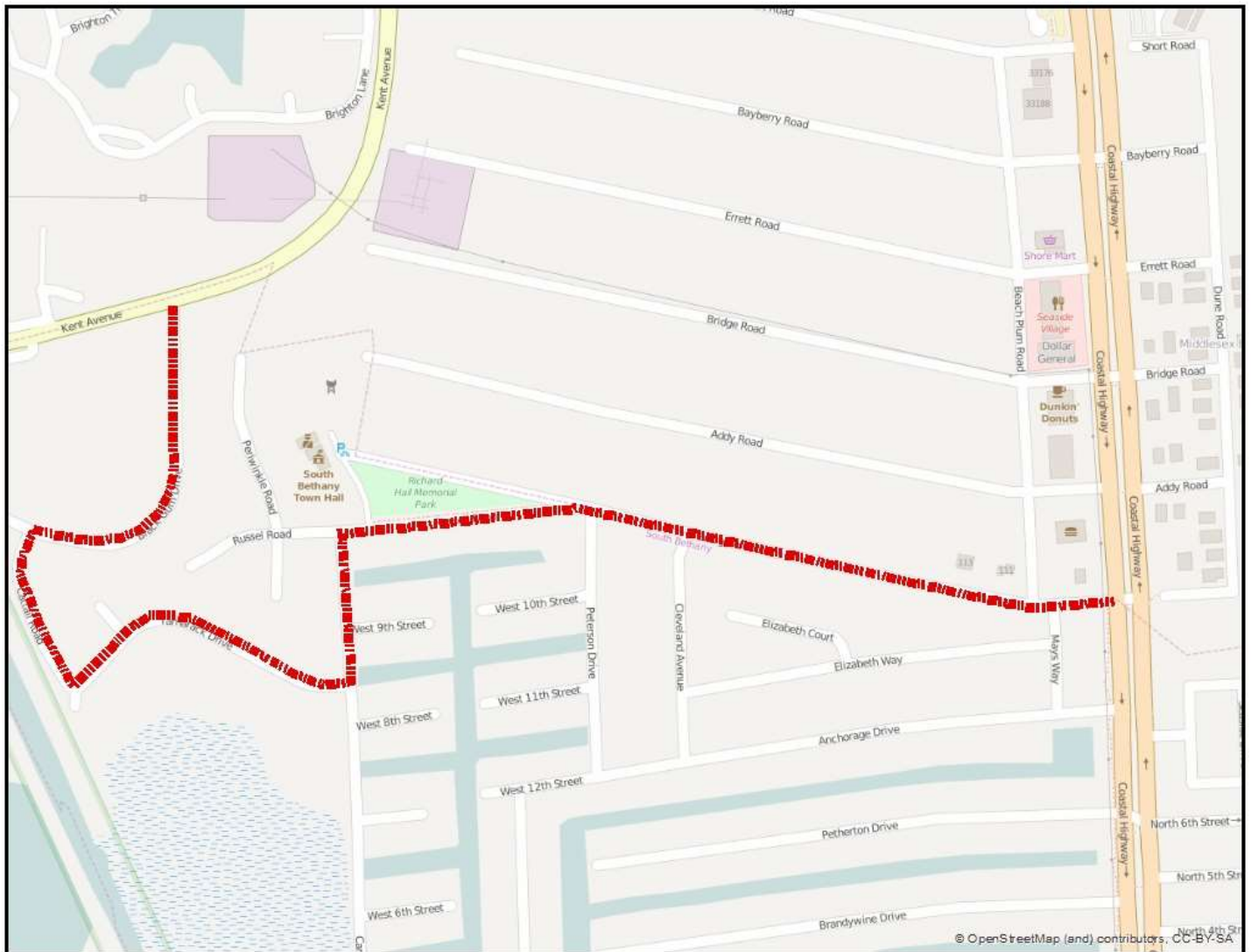
Status reports included:

1. **Turning Restriction at Kent Ave./Black Gum Drive - draft Ordinance.**
Mayor Pat stated that an ordinance was being drafted to codify the restrictions placed in effect last season. No review by this committee was necessary since the committee made those recommendations.
2. **3-way Stop Sign Controlled Intersection at Canal Drive/Tamarack Drive:** Melvin reported that the Town was ready to install the new stop signs and stop bars however wanted guidance from DeIDOT as to where to place them. Mike Somers (DeIDOT Traffic) reported that the request was relayed to his Division. This improvement will be completed within the next few weeks.

- 3. **ROW and Town Boundary Surveys.** The committee understands that this measure is costly but necessary if most of the projects listed in the Alternative Measures Table are to be completed. Rather than pursue approval now what first needs to be done is the evaluation of projects. Those that are found to have merit and are approved as part of the town's Mobility Element to the Comprehensive Plan will be considered. The **Title Search for Pine Road**, the recorded paper street adjacent to South Bethany, has been authorized and expected soon.
- 4. An **inventory of all traffic control devices** (stop signs, regulatory and warning signs etc.) has been prepared for Study Area streets. The inventory is on an Excel spreadsheet and is consistent with the location map prepared earlier. Mr. Janowski will meet with Mike Somers DeIDOT for that update.

Public comment was heard.

Motion to adjourn was passed. The next Traffic Committee meeting is scheduled December 14, 2016, from 1:00 to 3:00, Town Hall.



- **Community Enhancement Committee** – Submitted by Councilmember Callaway:

The Community Enhancement Committee held its last meeting on October 25, 2016, with the following CEC members in attendance: Sue Callaway, Chair; Donna Farrow, Diann Nazarian, Kent Stephan, Bobbe Stephan, Carol Stevenson, Garnet Timbario, Pat Weisgerber, and Don Chrobot, Public Works Supervisor

CEC/Public Member Comments

The following issues were presented during the CEC/Public comment period:

- The paint spill near Tamarack and Canal Drive
- The hanging of decorative flags along Route 1
- Creating a seating area in the small wooded area adjacent to the Town Hall parking lot

Update on SB landscaping and maintenance tasks

Don Chrobot updated the group on the following: all rain gardens along the pedestrian walkway and the circle gardens and bio-retention beds in the median are being cleaned out and cut back and the sumac has been removed. Five different plants will be placed along the walkways in the spring; new Christmas lights have arrived and will be installed by Thanksgiving; the Phase 5 of the sign project has been completed; and work on cleaning up the York Beach Mall beds is in progress.

Update on Historic Sign Project

The first two signs have undergone a final edit and are now final. Sue Callaway and Pat Weisgerber have scanned and reviewed additional photos and a draft of the 3rd sign has been edited by the CEC. The 3rd draft sign will be presented at the November 18th Historical Society meeting. The plan is to have drafts for signs 4 and 5 presented at the December 9 Historical Society meeting.

Follow-up to Improve Street Lighting Along Canal Drive

Letters to property owners (120) along Canal Drive and the streets running perpendicular to Canal Drive were mailed on October 18 seeking property owner input regarding support or opposition to installing street lights along Canal Drive. A return date of November 14 was requested and Dee Burbage, Town Clerk, is organizing and tabulating responses received via email or in the stamped envelope provided by the Town. *CEC Chair Sue Callaway will prepare a summary report of the responses and present the report at the December 9th Town Council meeting with a possible vote on the next steps regarding the lights.*

Discussion and preliminary planning of 2017 Photography Exhibit at Town Hall

The group reaffirmed interest in hosting a Photography Exhibit between the dates of Friday, May 26th and Saturday, June 24th at the Town Hall. The Exhibit will be open to all South Bethany photographers (professional or avid photographers) and will feature South Bethany scenes and Delmarva area coastal scenes. The opening night on the 26th will be hosted by the CEC and the Communications and Public Relations Committee – light refreshments will be served. An Email News Update announcing the exhibit will be prepared and distributed in January. The CEC named the photography exhibit, “South Bethany Art in the Hall.” *The CEC will present a motion for moving forward with this event at the November 18 Town Council meeting.*

December meeting date (meeting/Christmas Party)

The CEC will meet on Wednesday, December 7 at 10:00 am, followed by the annual Holiday lunch at noon.

- **Budget and Finance Committee** – Submitted by Councilmember Boteler:

The Committee met on Monday, November 14, 2016, with all property owner members in attendance, along with Renee McDorman, the Town's Finance Director. Also in attendance for part of the meeting were Joe Conway as Planning Commission liaison to the Committee, and Tim Saxton for the public comment period.

The Committee reviewed the Town's financial results vs. budget for the first six months of the fiscal year (May through October) and requested and received satisfactory clarifications from Renee McDorman regarding various line items.

The Committee then reviewed and approved the draft budget memo seeking budget submissions from town departments and relevant committees and reviewed and approved the proposed timeline for compiling, reviewing and approving the new budget.

The Committee then discussed and considered how best to develop long range revenue and expense projections and agreed on first steps.

The Committee then reviewed how best to capture the estimated costs of the proposed PD building expansion and actual costs should the proposal be approved.

Finally, the Committee reviewed and approved a proposed donation policy for the town to be considered by the Town Council at its December 9th meeting.

- **Charter and Code Committee** – Submitted by John Fields, Chair:

The C & C Committee completed its work on Ordinance 182-16, related to regulating boat lifts in South Bethany, and Ordinance 184-16, related to the height of houses in South Bethany. Both ordinances were approved by the Council October 14, 2016.

The Committee is currently working on an ordinance to ban smoking on the beach in South Bethany and an ordinance to regulate traffic entering Black Gum Drive from Kent Avenue in South Bethany. A draft of both ordinances will be reviewed by the Council at the November 2016 Council meeting.

- **Planning Commission** – Submitted by Councilmember Shaw:

The Planning Commission had its latest meeting on Monday, November 14, at Town Hall from 10:00 a.m. till noon.

Several procedural issues were discussed and managed and one of the operational items agreed to at the meeting was a rotating, rather than permanent, recording secretary function, and Sharon Polanski agreed to be the next person to assume this role.

The majority of the meeting time, outside of operational matters, pertained to how to respond to the Plus letter in regards to the State/County response to the Town's strategic plan and the issues raised that need to be addressed and who was going to assume the responsibility for addressing the various issues.

The final discussion centered about the planned PC presentation to the Council in regards to recent and recurring 'nuisance' flooding and the need to fund Phase 2 of the SLR study in order to have the information needed to plan for necessary and optimal SLR mitigation actions. The PC plans to ask for time at the December 9 Council meeting to make a short PowerPoint presentation on the issue.

The PC plans to have a supplemental meeting on December 2 to work on the Plus issues and to finalize the SLR PowerPoint presentation.

- **Assawoman Canal Trail** – Submitted by Councilmember Stevenson:

There have been no meetings and no activity on the Assawoman Canal Trail.

- **Communications and Public Relations Committee** – Submitted by Councilmember Stevenson:

The Communications and Public Relations Committee met on October 24 at 1p.m. The following members were in attendance: Carol Stevenson, Chair, Margaret Oliver, Lisa Saxton, and Linda Whitney. Ann Boteler was absent due to illness. There were no public comments.

The Committee sponsored a Fall Pot Luck Supper at the Town Hall on October 29 with over 45 persons in attendance. The Town Hall was turned into a “Halloween Fun House” and many attendees dressed in costume. The next pot luck event is planned for March with a St Patrick’s Day theme.

The Committee will again support the Polar Plunge on New Year’s Day with a light breakfast for plungers and their families. Folks signing up for the South Bethany Team will be given special T-shirts and be provided with a light breakfast prior to the 12 noon Plunge in Bethany Beach. The Plunge leaders will be Karen and Mike Tine. Sign up information is available through the E-Mail Update.

Spring Realtor Outreach was discussed and a packet of South Bethany materials will be prepared for distribution to Realty Companies for the rental season.

Carol Stevenson and Lisa Saxton continue to explore prices for a South Bethany flag which could be used for advertising events.

Michael McGowen, a South Bethany photographer and contributor of many excellent photos to our Website, has agreed to assist with updating the website photographs.

An opportunity to have a band play a concert during the Fourth of July week either at Town Hall or on the beach. This could be in addition to a movie on the beach or in lieu of a movie. Plans are in the works.

The Committee agreed to assist the CEC committee with their spring Photography Exhibit showcasing South Bethany Photographers, which will be held in the Town Hall in May.

Linda Whitney and Carol Stevenson along with Sue Callaway attended a workshop in Dover called “DIY Destination Marketing Workshop,” which was offered by the Office of Economic Development. Topics covered included The Value of Tourism, Community Asset Assessment, Visitor Surveys, Tourism Branding, Digital Media, and Public Relations Tips. The Delaware Tourism Office can assist us in raising awareness of offerings in our town and attract more visitors to the community. We plan to follow up and may have the opportunity to have an intern to assist us with website updates.