

**TOWN OF BETHANY BEACH
TOWN COUNCIL REGULAR MEETING
JANUARY 18, 2019 – MINUTES**

The Bethany Beach Town Council held a regular meeting at 2:00 p.m. on January 18, 2019, in the Town Meeting Room, 214 Garfield Parkway, Bethany Beach, DE 19930.

Members present for the meeting were: Lew Killmer, Mayor, who presided; Rosemary Hardiman; Jerry Morris; Bruce Frye. (Faith Denault, Joseph Healy and Patrick Sheplee were excused).

Also present were: Cliff Gravier, Town Manager; Lisa Kail, Administrative Assistant/Town Clerk; and interested members of the public.

Approval of the Agenda

Mr. Frye moved approval of the agenda. The motion was seconded by Mr. Morris and unanimously approved.

Approval of minutes of regular meeting held on November 16, 2018

Mr. Morris made a motion to approve the minutes. The motion was seconded by Ms. Hardiman and unanimously approved.

Approval of minutes of executive session held on November 16, 2018

Mr. Morris made a motion to approve the minutes as previously amended. Ms. Hardiman seconded the motion and it was unanimously approved.

Approval of Financial Report

Mr. Morris advised that this report covers the fiscal year-to-date performance through the month of December, 2018.

Operating Budget Revenues

The Town is seven months into fiscal year 2019. The Town collected 96.7% of the budgeted revenue compared to 102% at this time last year.

Operating Budget Expenses

The Town expended 75% of its budgeted expenses compared to 75.1% expended this time last year.

Recognizing that this report is subject to audit, Mr. Morris respectfully moved that the Council accept and approve this unaudited report. Mr. Frye seconded the motion and it was unanimously approved.

Announcements/Recognition of Visitors and Public Comment

There were no comments.

Report from Budget and Finance Committee

Mr. Morris reported that the Budget and Finance Committee met on Thursday, January 17, 2019, to review the third quarter of the current year and to discuss the proposed budget for fiscal year 2020, which will begin on April 1, 2019.

The results of the first three quarters of the current year are very good. Revenues should end the year at least \$400,000 over budget, mainly from Real Estate Transfer Taxes and parking fee revenues exceeding expectations. Operating costs should end the year a few percent under budget.

The first draft of the new budget for 2020 was discussed in detail. Town-wide revenues are currently budgeted at \$9.9 million, operating costs are \$8.4 million and the capital and debt budget is \$1.6 million. This first draft of the budget contained no changes to taxes rates or fees.

License fees and property tax rates were discussed. The Committee is considering recommending that the Town Council approve increases to Business License fees, Rental License fees and a small property tax increase.

The Committee will meet again on March 5, 2019, to discuss the second draft of the budget.

Report from Cultural and Historic Affairs Committee

Ms. Carol Olmstead, Chair of the Committee, reported that the members met on December 4, 2016 and January 16, 2016. Some members provided assistance to an author creating a children's book about Bethany Beach and it was shared with the rest of the Committee. An updated copy of the Heritage Trail brochure was also reviewed and finalized. Several Cultural Evenings were discussed and selected for April and May. Fenwick Historical House Tour netted about \$10,000 from ticket sales which will go towards the Coastal Towns Museum. In 2019, South Bethany will do a similar tour, then Bethany Beach in 2020. As money allows, the Coastal Towns Museum will open one room at a time. Updates to the Dinker-Irvin Cottage were reported.

Report from Fourth of July of Parade Committee

Mr. Frye reported that the committee met on January 9, 2019, and approved a design for this year's t-shirts. The theme will be "Celebrating 35 Years" in honor of the Parade's 35th year. They will be blue and similar to a football Jersey with a number 35 on the back. Last year's t-shirt sales generated about \$16,000. The committee is always looking for volunteers for that day and encouraging families and businesses to enter floats in the parade.

Report from the Town Manager

Mr. Gravier gave the following report:

Central Park

The Town finally received the engineer's estimate for the Park's construction. This estimate is for the complete construction of the Park: pathways, lighting, all plants, trees, grass, benches, parking, etc. Two phases for later consideration and construction will include:

(1) The construction of the pergola on the northern border of the park and the pavilion in the south west corner, and:

(2) The construction of an entranceway on the south-east corner of the property at the intersections of Route 1 and 26. Our engineers assure us that construction could begin as early as April with Council approval.

Comfort Station

Design work indicates that an addition to the comfort station (into the maximum foot print available for expansion) would increase the capacity of both the men's and ladies' rooms. We would add four stalls in the ladies' room and two urinals in the men's room. Not significant increases, but the crowding is such that any increase would be welcome. With this expansion, we will create facilities that are in keeping with the rest of the Town's First Class infrastructure.

Dinker-Irvin Cottage

Work on Dinker-Irving Cottage will be done by the end of March.

At that point, Melinda Linde, the Town's Horticulturist, and the Public Works Department will work on plantings, sod and irrigation. Staff will construct a paver walkway to the front of the building. The building and grounds will be done and ready for whatever the Cultural and Historical Affairs Committee has planned.

Audio Visual Displays in Council Chambers

By our next Council meeting, we will have two 80" 4k UHD TV's to help us with visual displays and presentations to our audience and the Council. We all know the drop down screen (because of resolution issues in bright light) leaves something to be desired. This new arrangement will allow us to use the TV's when we are not able to get a good visual with the drop down screen.

Community Climate Adaptation Seminar

Yesterday, John Apple (Code Enforcement Officer), was a presenter at the Delaware Department of Natural Resources and Environmental Control's (DNREC) Community Climate Adaptation Training seminar. Mr. Apple addressed some of the innovative projects and strategies that Bethany Beach is using to mitigate and deal with Climate Adaption issues. He did a great job representing Bethany Beach.

(First Reading) An Ordinance to Amend Chapter 1 (General Provisions), Article 1, (Penalties) to Increase Penalties for Violations of Chapter 240 (Dogs and Other Animals), Article 5 (Dog Waste) to \$100 for First Offense and \$200 for Each Subsequent Offense Within a 12-Month Period (Graviet) (Council may elect to Waive the First Reading Rule Pursuant to Chapter 45.5 of the Town Code)

Mr. Graviet advised that Bethany Beach has become a dog walking destination. It is incredible to see how many people enjoy bringing their dogs to the beach and boardwalk. Unfortunately, a few chose not to pick-up after their dogs even through there are bag dispensers along the boardwalk and ramp access points. He explained that he is requesting to have fines raised to \$100 for the first offense and \$200 for each subsequent offense within a 12-month period. He added that he is not trying to be draconian. He simply wants to raise attention to the issue.

Ms. Hardiman made a motion to Amend Chapter 1 (General Provisions), Article 1, (Penalties) to increase penalties for violations of Chapter 240 (Dogs and Other Animals), Article 5 (Dog Waste) to \$100 for first offense and \$200 for each subsequent offense within a 12-month period. Mr. Morris seconded the motion.

Mayor Killmer explained that there is no reason for people not to pick up after their dogs, because bags are available.

Ms. Hardiman agreed noting that people need to be responsible.

Mayor Killmer called for a vote on the pending motion. The motion was unanimously approved.

Ms. Hardman made a motion to waive the First Reading Rule as permitted in Chapter 45.5 of the Town Code. This would make the fines effective immediately. Mr. Morris seconded the motion and it was unanimously approved.

Discussion, Consideration, and Possible Vote on Town Council Procedure and Protocol Manual

Ms. Hardiman chaired the meeting for this item of business. She explained that this was considered at the November meeting, but was tabled. The only difference between this and the November redlined version is in the "Appeal to the Town Council" section (pages 38-44). The main difference is that it eliminates the requirement for public comment in every appeal proceeding. Instead public comment will be allowed on a case-by-case basis as determined by our Town Solicitor. She asked for a motion to approve the redlined changes to the Manual.

Mr. Frye so moved. Mr. Morris seconded the motion and it was unanimously approved.

Mayor Killmer resumed Chair of the meeting.

Discussion, Consideration, and Possible Vote on a Contract Submitted by Envirotech, Environmental Consulting, Inc. to Install Geotextile Fabric and #R4 Rip Rap (Stone) to

485 Lineal Feet x 4 Feet of Shoreline along the Northern Perimeter of the Bethany Beach Loop Canal, East of Route #1 for the Amount of \$35,000

Mr. Gravier advised that there is some erosion of the Loop Canal on the north side of the loop. Envirotech was asked to provide an estimate to repair the problem. The original estimate was \$75,000. Their bid came back with the price of \$35,000. They can start the work as early as next week. He asked for a motion to approve the contract with Envirotech for \$35,000 as outlined.

Mr. Frye so moved. Ms. Hardiman seconded the motion and it was unanimously approved.

Mayor Killmer asked if homeowners need to be contacted regarding the work to be done. Mr. Gravier advised that affected property owners have always been advocates for the work to be done. He added that he requested a price for the same work to be done on the south side of the loop as well.

Discussion, Consideration, and Possible Vote on a Supplement to the FY 2019 General Fund Capital Budget of \$265,500 for the Purchase of Parking Pay Stations

Mr. Morris made a motion to approve a supplement to the FY 2019 General Fund Capital Budget of \$265,500 for the purchase of parking pay stations. Numerous bids were received to replace the outdated electronics. Ms. Hardiman seconded the motion and it was unanimously approved.

Discussion, Consideration, and Possible Vote on Agreement Submitted by the Parking Department to Purchase 45 Parking Pay Stations for the Amount of \$265,500 and four-year maintenance plan for \$44,775

Mr. Gravier advised that the Town evaluated whether or not to replace parking pay stations. The current ones the Town purchased from Hectronics, a multi-national company. The modems on the machines are outdated. They are expensive and problematic to repair. We were going to wait until next year, but we decided to move it up a year. The Parking Department did an extensive review of three bids from three vendors. It has been recommended that the Town award the contract to the lowest bidder, IPS Group, Inc. The contract includes a 24-hour response time for service and comes with a two-year full warrantee for the amount of \$265,500. An additional four-year warrantee will be budgeted after the initial one expires for the amount of \$44,775.

Ms. Hardiman made a motion to approve the Agreement Submitted by the Parking Department to Purchase 45 Parking Pay Stations for the Amount of \$265,500 and four-year maintenance plan for \$44,775. Mr. Frye seconded the motion and it was unanimously approved.

Hearing no additional business, Mayor Killmer called for a motion to adjourn.

Ms. Hardiman so moved. Mr. Morris seconded the motion and it was unanimously approved.

The meeting was adjourned at 2:25 p.m.

Respectfully submitted:

Lisa A. Kail, MMC
Administrative Assistant/
Town Clerk