

**TOWN OF BETHANY BEACH
TOWN COUNCIL REGULAR MEETING
APRIL 12, 2019 – MINUTES**

The Bethany Beach Town Council held a regular meeting at 2:00 p.m. on April 12, 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; Faith Denault; Joseph Healy; Bruce Frye; and Patrick Sheplee.

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

Approval of the Agenda

Mr. Healy made a motion to approve the agenda. The motion was seconded by Mr. Morris and unanimously approved.

Approval of minutes of regular meeting held on March 15, 2019

Ms. Hardiman moved approval of the minutes. Seconded by Mr. Healy, the motion was unanimously approved.

Approval of Financial Report

Mr. Morris advised that this report covers the fiscal year-to-date performance through March 31, 2019.

Operating Budget Revenues

The Town has collected 108% of the budgeted revenue compared to 112.4% at this time last year.

Operating Budget Expenses

The Town expended 94% of its budgeted expenses compared to 93.7% expended this time last year.

Recognizing that this report is subject to audit, Mr. Morris made a motion to accept and approve this unaudited report. Ms. Hardiman seconded the motion and it was unanimously approved.

Announcements/Recognition of Visitors and Public Comment

* Donations to the Bethany Beach Volunteer Fire Company (BBVFC) and Friends of the South Coastal Library (FOSCL)

EMS Chief Phil Brackin accepted the donation for the BBVFC. Mr. Norbert Kraich accepted the donation on behalf of the FOSCL. They were thanked for their services and dedication to the Town of Bethany Beach and surrounding communities.

Report from Cultural and Historic Affairs Committee

Ms. Olmstead, Chair of the Committee, reported that the Committee met on Tuesday, April 9, 2019. The members reviewed plans for the Cultural Evening which took place that evening. This was a presentation by Michael Naz regarding historic theatres in Delaware, the subject of a book he has written.

On May 7, 2019, there will be a presentation regarding the importance of dunes and other aspects of the beach and ocean environment.

The Committee gave a final review of the updated brochures regarding locations of historic homes in Bethany Beach. The brochure will now be printed and will be available for the summer season.

Members also discussed plans for having the Dinker-Irvin Cottage available for public visiting this summer on a limited basis. Plans and designs for the museum are in progress as we look forward to completion in late spring of 2020.

Report from the Town Manager

Mr. Gravier gave the following report:

Loop Canal

The work on preserving the north side of the loop is complete. The south side of the loop has been evaluated and it will take a combination of rip rap, bio-logs and other preservation methods to stabilize this bank. Envirotech, the firm we use for environmental assessment and rehabilitation, is putting together the cost for this work. When we have firm figures this will be issue for future Town Council consideration.

Boardwalk

Last month I spoke about the tremendous support we have received from the distributor of our boardwalk decking. They sent us over \$100,000 worth of decking boards gratis. Our installer has completed the work at the boardwalk plaza and is replacing other boards along the length of the boardwalk as needed. These newer boards are appreciably denser than the older boards and the company is comfortable they will perform substantially better.

South Atlantic

The very last bit of the South Atlantic project is just about complete with the installation of pavers in the buffers between the parking lanes and multi-use path.

Tidal Flooding in Bethany Beach

Town Council is familiar with the ability we have on our website to track the impact of tidal flooding on Bethany in real time. Using the same technology, NOAA, USGS, NWS, USACE, and Columbia University have partnered to create a site called FloodIQ.com where they identify cities at risk because of tidal inundation caused by sea level rise. Bethany is one of those jurisdictions.

The site is very informative and was presented at the meeting.

<https://floodiq.com/poi/c4f9ccc27f967b1cc0ba3c5fde92f3a8>

Discussion, Consideration, and Possible Vote on Contract Submitted by A-Del Construction for Earthwork, Utilities, Hardscape Features and Landscape Plantings for Central Park for the Amount of \$1,113,985

Mr. Graviet advised that in 2012, the Town Council adopted a process that would be followed to create what is now known as Central Park. Part of that process included the adoption of a Resolution that outlined what the Town Council wanted to see in the park. At that time the Town Council envisioned walking paths, gardens with benches, fountains, open pavilions and a small playground area.

The Town Council also wanted to get public input from property owners on how they would use the park and what features they would like to see in the park. In 2014 and 2016, Town-wide surveys were conducted. Over 1,500 property owners responded and provided input. Multiple meetings were held and park design/feature articles were published on the Town's website. In 2016 Council approved a final design based on a preliminary design created as a result of both surveys and multiple public meetings. In April 2017 Council voted to fund the creation of bid documents based on the final design. A complete set of the graphics of the park design has been featured on the website since 2016. The final park design has been thoroughly vetted with the public.

Bids for park construction were advertised in February. Three (3) bids were received on March 28, 2019. Kercher Engineering conducted a bid evaluation and recommended that the award of the contract be given to the low bidder, A-Del Construction, Co., for the amount of \$1,113,865.00. Mr. Graviet asked for a motion to approve the contract. He noted that a budget supplement for the project will be presented to the Town Council at next month's meeting for this project.

Mr. Sheplee so moved. Ms. Hardiman seconded the motion.

Mr. Healy advised that there are there are four expenditures on today's agenda. This one is for \$1,113,985. There is a total of \$1,252,000 in capital purchases including the purchase of vehicles below. He stated that this points out a need for a long term capital acquisition plan that would look at what requirements we need in the future and give us an idea as to the adequacy of our reserves. He stated that he doesn't mind spending the money. He just doesn't know how adequate our reserves are and that is concerning. Those concerns could be mitigated by having a long term acquisition plan that we can review.

Mr. Graviet advised that the Town has a contingency plan for vehicles. He added that Mr. Healy's concerns are routinely discussed at Budget and Finance Committee Meetings as well as Town Council meetings. Recently, a Five-Year Plan was created that looks at Capital needs. He doesn't want the impression to be created that the Town doesn't have a plan.

Ms. Hardiman advised that the Town Council conducted a detailed review of assets and reserves at a workshop two months ago and agreed on a five year capital plan.

Mr. Gilbert Tietz, property owner, was of the opinion that the park would not be used by the majority of people who visit Bethany Beach. Visitors come here for the beach, not to use a park. Earlier in the meeting, the Town Manager showed that nearly one-half of the Town would be under water in the future. It is unknown what monies will be needed to deal with flooding problems and the money being spent on the park should be saved.

Mr. Morris advised that there are monies in the reserves to cover the park project. There are recommended ranges that must be held in reserves and the Town's reserves are well above those ranges.

Former Mayor Jack Gordon, property owner, was recognized. He advised that during Hurricane Sandy, water from the bay was within six inches of coming into his home on the lower level. In the future, flooding will be mitigated through new ordinances and amended construction. The Town also has a Storm Emergency Relief Fund (SERF) that was created to address infrastructure problems caused by flooding. There has been a lot of planning done for the future and now is the time to continue with the park.

Mr. Norbert Kraich, property owner, was recognized. He questioned whether or not the Town Council ever included the price to construct the park in either of the two surveys that were conducted. And, what will the final cost would be for the park?

Mr. Gravier advised that the numbers today include everything for a completed park. The only things that are not budgeted are a pergola structure and an open pavilion.

Mr. Kraich advised that the Town of Ocean View has a John West Park. He has never seen a person there. It is very similar to what is being proposed today. Whether or not people use our park remains to be seen.

Mayor Killmer called for a vote on the pending motion. The motion was approved with a 6-0 vote. Mr. Healy abstained.

Discussion, Consideration and Possible Vote on Contract Submitted by Winner Ford for the Purchase a Ford F150 4x4 Pickup Truck for the Amount of \$29,212 for the Public Works Department

Mr. Gravier advised that this truck would be purchased under state contract and used by the Public Works Department. He asked for a motion to approve. Ms. Denault so moved. Ms. Hardiman seconded the motion and it was unanimously approved.

Discussion, Consideration and Possible Vote on Contract Submitted by Winner Ford for the Purchase of a Ford F250 Utility Body Pickup Truck with Lift Gate for the Amount of \$47,134 for the Water Department

Mr. Gravier advised that this truck would also be purchased under state contract and would replace a 2012 truck in the Water Department. He asked for a motion to approve.

Mr. Morris made a motion to approve the purchase as outlined. Ms. Hardiman seconded the motion and it was unanimously approved.

Discussion, Consideration and Possible Vote on Contract Submitted by Burke Equipment Seaford Inc. for the Purchase of a Kubota Backhoe with Forks and Two Dipping Buckets for the Amount of \$62,132 for the Water Department

Mr. Graviet explained that there is only one bid for this purchase. Burke Equipment Seaford Inc. is the only company that makes small backhoes and that is what is needed for the Water Department. He asked for a motion to approve. Mr. Sheplee so moved. Ms. Hardiman seconded the motion and it was unanimously approved.

Mr. Morris pointed out that the three items just approved are part of the budget for Fiscal Year 2020.

Discussion, Consideration, and Possible Vote on Town's Investment Policy

Mr. Morris advised that the Town's Investment Policy requires an annual review and vote by the Town Council. It has been in place since 2005. He made a motion to approve the Town's Investment Policy as submitted. Ms. Hardiman seconded the motion.

Mr. Healy suggested an amendment to #7 (Authorized and Suitable Investments) to include Delaware State Bonds. He also would like to see the Town-owned lot (located east of Town Hall) transferred to the Water Department.

Mr. Morris advised that the Town Council looked at transferring the lot before and decided against it. The Delaware State Bond issue needs to be looked at further.

It was agreed to table approval of the Investment Report until next month allowing time to review the bond question.

Hearing no additional comments, Mayor Killmer asked for a motion to adjourn. Mr. Morris so moved. Ms. Hardiman seconded the motion and the meeting was adjourned at 2:50 p.m.

Respectfully submitted:

Lisa A. Kail, MMC
Administrative Assistant/
Town Clerk