

TOWN OF BETHANY BEACH
TOWN COUNCIL MEETING
August 19, 2022

The meeting could be viewed on two internet platforms:

The Town's Website at: www.townofbethanybeach.com - click on the Government Tab, then go to the left side of the page and click on Live Video Broadcast

or

Go to our YouTube page at: www.YouTube.com/BethanyBeachGov

Members present for the meeting were: Rosemary Hardiman, Mayor; who presided; Lew Killmer, Bruce Frye, Jerry Morris, Faith Denault, Patrick Sheplee and Scott Edmonston.

Also present were: Cliff Gravier, Town Manager; Terry Tieman, Assistant Town Manager; Molly Daisey, Town Clerk and Will Wharton, IT Manager.

Mayor Hardiman called the meeting to order at 2:00 p.m.

Approval of the Agenda

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

Approval of minutes from Public Hearing (MORE Zoning) held on July 15, 2022

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

Approval of minutes from Public Hearing (Tax Assessment) held on July 15, 2022

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

Approval of minutes from Regular Meeting held on July 15, 2022

Mr. Killmer so moved. Mr. Sheplee seconded the motion and it was unanimously approved.

Approval of the Financial Report

Mr. Morris advised that this report covers the budget thru July 31, 2022. The Town is 33% thru Fiscal Year 2023.

Operating Budget Revenue

Transfer taxes for the first four months of the fiscal year combined are higher than any other year, except last year with the sale of the hotel. However, transfer taxes in July were the lowest since December 2018. Building permits were also low. We have collected 56.8% of the Budgeted Revenue compared to 66.3% at this time last year.

Operating Budget Expenses

We have expended 36.1% of our budgeted amount compared to 32.5% at this time last year.

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

Announcements

Mr. Sheplee stated that Bethany Beach hosted a local lifeguard competition with Bethany Beach placing first. Earlier this month several Bethany Beach Lifeguards traveled to California to compete in the USLA National Lifeguard Championship. These lifeguards were part of the Sussex County Team that competed. The Sussex County Team finished third.

Mr. John Gaughan, 676 Collins Street was recognized. He wished to thank Mr. Bruce Frye and Faith Denault for their service on the Town Council with this being their last meeting.

Ms. Hardiman called Ms. Denault to the podium. She explained that Ms. Denault has been a fixture in Bethany Beach for over 22 years. Serving on many committees in Bethany Beach and in the community. Most recently she chaired the Bicycle and Pedestrian Safety Committee. Mayor Hardiman thanked her for being a great Town Council member.

Ms. Hardiman then called Mr. Frye to the podium. He has served on the Town Council since 2014. With a history of science, he has devoted a lot of his time towards beach preservation and wetlands. He is also chair of the Stormwater and Flooding Committee. He is also the chair of the Fourth of July Parade Committee, which he will continue to chair even after leaving the Town Council. She thanked him for all he has done for Bethany Beach. Both Ms. Denault and Mr. Frye were presented with a remembrance of their service.

Mr. Frye then accepted a check from Mr. Rick Hundley and Mr. Ernie Felici of Focus Multi Sports (FMS) in the amount of \$12,928.00 to put towards the July 4th fireworks. The donation is from the Firecracker 5K Run/Walk, held each year for the benefit of the Town's fireworks and was the largest donation to date from FMS for the fireworks.

Report from the Planning and Zoning Commission

Mr. Boswell stated that at the last meeting, the Commission discussed the University of Delaware's update to the 10-year Comprehensive Plan. They reviewed changes to the Town's "Tree Policy", which they have been working on. Work was also done on pervious surfaces, which is expected to be sent to the Council soon.

Report from the Bicycle and Pedestrian Safety Committee

Ms. Fogash reported the last meeting was held on July 20. There is now a flashing sign at the north entrance to Town alerting motorists to pedestrian and bicycle traffic. There also have been several improvements done in Town to alert the public to bicyclists and pedestrians. An overall update was provided by Sergeant Pat Foley. Work continues regarding the WAVE campaign.

Ms. Jane Switzer, 311 Wellington Parkway was recognized. Shuttle buses from other communities are exiting Town using the 3rd block of Wellington Parkway. Wellington Parkway is very popular for biking and walking. She would like the shuttles to exit Town on main roads. Mr. Gravier explained that the Town cannot tell shuttles which way to go/not go on public roadways. However, it may be something that can be added to their contracts.

Report from the Audit Committee

Mr. Morris read Mr. Peterson's report, "The Audit Committee met on Friday 7/22/22 to review the draft report of our External Audit.

Mr. Herb Geary of TGM Group/UHY went over the report and concluded by noting that the Town achieved an Unqualified Opinion which is the best rating one can achieve. I think that one line from the report summarizes the content very well – 'Overall, the Town is in good financial condition and has the policies and focus to stay in sound fiscal shape.' For anyone who would like a good summary of the Town's finances, the Management's Discussion and Analysis pages 4-16 gives an excellent recap. Ms. Janet Connery reviewed the trends in our five main revenue streams. Mr. Geary concluded by thanking Ms. Connery and her staff for their cooperation.

The Audit Committee discussed the proposed engagement letter from UHY, and all agreed to recommend using them for the next five years. The proposed costs are very reasonable, the knowledge of government accounting is unmatched, and the quality of their work is excellent.

Report from the Town Manager

Mr. Gravier began by stating that it has been his pleasure to work with Ms. Denault and Mr. Frye and thanked them for their service during their time on Council.

Every three years Bethany Beach is required to sample ten homes whose service line material is lead or copper with a lead solder, or galvanized steel that is, or was once, downstream from a lead connection at a water main. These results are submitted to the State of Delaware Office of Drinking Water for compliance. The EPA actionable standard for lead is 0.015 mg/liter, and the actionable standard set for copper is 1.3 mg/liter. Our August 2022 test values for lead and copper are 0.0051 mg/liter and

0.3152 mg/liter respectively; both of which are well below the action level. This information is even more relevant because the EPA has recently mandated that by October of 2024 all municipal water systems have a complete and detailed inventory of all in ground service line material.

The traffic study counts are winding up this weekend. Some counts will be available in the next few weeks. The Town can expect deliverables in the next 4-6 months. These are items that the staff and Bicycle and Pedestrian Safety Committee can review.

Beach volleyball and cornhole were due to end on August 21st, and a huge thank you to Captain Joe Donnelly for staffing this event. The Town ended the program earlier than expected due to weather that flooded the beach. The hope is to do this again next summer with using less obtrusive lighting.

Periodically the Town receives complaints about a lack of benches in Central Park. Four benches with backs have been added to the shaded area of Central Park.

The portable johns that are located in the beach lots are incredibly popular. It has been a struggle to keep them empty with 4 clean outs a week. Depending on the day of the week, and weather, its hard to stay ahead of that. Just the emptying of them this year was about \$15,000.00. Next year the Town will look to hire a vendor to do daily clean outs.

Discussion, Consideration and Possible Vote on Rezoning Town of Bethany Beach Lands Identified as Tax Map and Parcel number 134-13.19-62.00 from R-1 Residential District to Municipal, Open Space, Recreational Facilities and Educational District (MORE) as Recommended by the Planning and Zoning Commission

Mr. Edmonston explained that the Town is required to zone all Town owned property as Municipal, Open Space, Recreational Facilities and Education District (MORE). The Planning and Zoning Commission has reviewed and recommended this change to the Town Council. Ms. Hardiman added that the required Public Hearing was held last month. Mr. Morris made a motion, seconded by Mr. Edmonston, it was unanimously approved.

(First Reading) An Ordinance to Amend Chapter 395 (Building Construction to Adopt International Residential Code (IRC) and International Building Code (IBC), 2021 Editions (Edmonston). The Town Council may elect to waive the First Reading Rule Pursuant to Chapter 45.5 of the Town Council)

Ms. Frederick stated that this is just a housekeeping item for the Town. It is to update the Town Codes from the current 2012 edition to the 2021 edition. The Town follows Sussex County process regarding updates, and they adopted the 2021 edition, going into effect in January. Ms. Frederick does not think there is a need for the Town to wait until January. It is important for the Town to make this update in keeping our insurance rating system for flood insurance.

Ms. Hardiman asked if this is a routine matter, Ms. Frederick replied that yes, it is. Mr. Killmer made a motion to adopt the ordinance and to waive the first reading, seconded by Mr. Edmonston it was unanimously approved.

Discussion, Consideration and Possible Vote on Canceling the September 16, 2022 Regular Town Council Meeting

Ms. Hardiman stated that there is an organizational meeting scheduled for Monday, September 19, 2022, where swearing in of new Council Members takes place. When an organizational meeting is scheduled, the regular Town Council Meeting is cancelled.

Ms. Hardiman made a motion to cancel the September 16, 2022, Town Council Meeting because there is a September 19, 2022, organizational meeting. Seconded by Mr. Morris it was unanimously approved.

Consider a Motion to Go Into Executive Session to Discuss Personnel Matters Pursuant to 29 Del. C., 10004 (b) (9) and (6) Relating to Personnel Matters

Ms. Hardiman made a motion to go into Executive Session. Seconded by Mr. Sheplee it was unanimously approved.

The Town Council meeting was resumed at 3:14pm. A motion was made by Mr. Killmer to pay The Town Manager for his accrued vacation hours over the remainder of his employment contract with the Town rather than at the end of his employment and to extend his contract to January 1, 2025. It was seconded by Ms. Faith Denault. The motion was unanimously approved.

There was no other business.

The Mayor closed the meeting at 3:17pm

Respectfully submitted:

*Molly Daisey,
Administrative Assistant*