

TOWN OF BETHANY BEACH
TOWN COUNCIL MEETING
January 20, 2023

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, Jerry Morris, Patrick Sheplee, Scott Edmonston, Ron Calef and Mickey Hinman.

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. Sheplee seconded the motion and it was unanimously approved.

Approval of minutes of Workshop/Special Meeting held on November 7, 2022

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

Approval of minutes from Regular Meeting held on November 18, 2022

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

Approval of minutes of Executive Session held on November 18, 2022

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

Approval of minutes of Workshop/Special Meeting held on December 12, 2022

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

Approval of the Financial Report

Mr. Morris advised that this report covers the budget thru December 31, 2022. The Town is 75% thru Fiscal Year 2023.

Operating Budget Revenue

After a slow start in fiscal year 2023, income is rebounding. Real estate transfer tax is above budget, rental taxes are coming in strong and interest on CD's has increased in the past few months. To date we have collected 100.7% of the budget compared to 114.1% last year.

Operating Budget Expenses

Our Operating expenses are slightly higher than last year. We have already expended 75.7% of our budget compared to 74.1 % 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.

Approval of Tax Adjustment List #2

Mr. Morris made a motion to approve Tax Adjustment List #2 as presented. Mr. Sheplee seconded the motion and it was unanimously approved.

Announcements

Report from the Planning and Zoning Commission

Mr. Boswell advised that the Commission did not meet in December. The State Planning Board has granted an extension to September 30, 2023 for the update to the Comprehensive Plan.

Report from Non Residential Design Review Committee

Mr. Killmer advised that the Committee last met on December 15, 2022. Signs were approved for the business, Treaty, located at 100 Garfield Parkway, Unit 9. All signs met the required guidelines.

Report from the Fourth of July Parade Committee

Mr. Frye gave the following report: The committee met on January 10, 2023 with a large turnout. All preparations are going well and we are ahead of schedule at this point. Lifeguard Captain Joe Donnelly accepted our invitation to be honored as the Parade Grand Marshall this year. One resident found herself blocked from leaving Bethany during the parade last year and almost missed a plane flight. To prevent this, the Town has offered to send a Code Red to residents to inform them of what roads are closed during the parade. We reviewed samples of our proposed shirt and all were happy with the result. Our next meeting will be on April 17 at 9am.

Report from Stormwater & Flooding Committee

Mr. Calef stated that the Committee met on January 11, 2023. There was an update from Cliff Gravier on the projects happening around Town. The pervious ordinances that were recently approved were also discussed. Also, a discussion on communication strategies to inform residents on issues/projects happening in Town. The Committee

also reviewed flood studies that have been done in the area.

Report from Bicycle & Pedestrian Safety Committee

Ms. Fogash stated that the Committee met on January 13, 2023. There was an update from Cliff Gravier on the Speed Study that was done. There was also an update from Sgt. Foley on bicycle checks that were performed over the summer. Seth Hammond from North Bethany shared what steps they are taking to get the speed lowered in North Bethany. Also discussed was WAVE implementation areas of focus.

Report from the Budget and Finance Committee

Mr. Morris gave the following report: The Budget and Finance Committee met on Thursday, January 19 to review the third quarter of the current year and to discuss the proposed budget for fiscal year 2024, which will begin on April 1st.

The results of the first three quarters of the current year are very good. Revenues should end the year at least \$900,000 over budget, mainly from Real Estate Transfer Taxes, Rental Taxes and Building Permit fee revenues exceeding expectations. Operating costs are higher than budgeted due to inflation and the increase in wages required to keep fully staffed. In the coming months the Council will be asked to amend the FY 2023 General Fund operating budget with a supplement of between \$100,000 and \$200,000 to address those higher than anticipated operating costs.

The first draft of the new budget for 2024 was discussed in detail. Town-wide revenues are currently budgeted at \$12.8 million, operating costs are \$10.9 million and the capital and debt budget is \$1.1 million.

The Committee discussed changes to the Schedule of Fees including:

- Increasing the hourly parking rate from \$2.50 to \$3.00 per hour and applying the same 20% increase to permits and tickets
- Increasing the property tax from \$0.19 to \$0.196. This 3% increase would cost most of our property owners less than \$23 per year.
- Increases to some building permit fees that have not been adjusted for many years are under discussion, specifically where recent changes to the Town Code made permitting more complex and time consuming.
- The Committee is considering recommending an increase in the fees charged for unmaintained properties that violate the Town Code
- Some Water Department service fees are also due for adjustment.

The Committee will meet again in February 16, 2023 to discuss the second draft of the budget.

Report from the Town Manager

DNREC has gone through the time and effort to bring sand to the closed ramps at boardwalk. That sand has come from unwanted sand in the parking lot at the Fenwick Island State Park. That work was done weeks ago and we had an expectation that DNREC would spread the sand and we would be able to open some more ramps. Between staffing problems and equipment issues DNREC has not returned to do this work.

Just two weeks ago we were building a significant berm and the high tide was breaking on the berm on some days. We have had a couple days of unfavorable winds and the berm is now gone and the high tide is breaking closer to the toe of the dune. I hope that DNREC spreads the sand before it's on its way to Portugal.

Beach replenishment should start in Rehoboth/Dewey in March/April and move south. These projects are dependent on weather conditions along with the companies keeping the equipment functioning. Previous projects have been pushed back weeks/months due to those issues. It would not be unusual to see replenishment taking place in the summer months.

Water Resources Development Act 2022 (WRDA) was recently passed by Congress. Senator Tom Carper and his staff were instrumental in making sure that there were significant additions to that bill that impact Delaware. One relates to the current requirement that the Army Corps would respond only provide assistance to a shore protection project that is damaged by an "extraordinary storm" and replenish/restore the beach. Under the special rule enacted in WRDA a Delaware project or beach may be eligible for assistance when damaged by a Nor'easter, even if the storm does not meet the Corps' definition of an "extraordinary storm."

Julie Malewski, Entertainment Director, does an events survey at the end of each season. You will remember that for a variety of reasons we shifted emphasis on bandstand entertainment from summer weekends to summer weekdays and we pushed events into the shoulder season and back. The thought was we would help with crowding on our busy summer weekends and that residents would benefit more from different bandstand entertainment. Julie's Event's Survey this year has affirmed that decision. Results: 65% like summer concerts on Thursdays, 80% like weekend concerts in the fall and 62% prefer fall bonfires.

The Police Department has been actively recruiting seasonal officers since before early December. Applications are not coming in at the rate the department likes to see and they are increasing their efforts to attract seasonal employees. The Department needs 17 seasonals and at this time they only have 2-4. Their training begins in May. The last few years there have also been issues with staffing seasonal public works employees.

Discussion, Consideration, and Possible Vote on Sussex County Multi-Jurisdictional All Hazard Mitigation Plan Update

Mr. Edmonston gave background of the Plan, benefits and goals of the plan.

Mr. Edmonston made a motion to adopt the Sussex County Multi-Jurisdictional All Hazard Mitigation Plan Update. Seconded by Mr. Morris it was unanimously approved.

(First Reading) To Amend Town Ordinance 453-21(F) by removing it in its entirety (Council may elect to Waive the First Reading Pursuant to Chapter 45.5 of the Town Code)

Synopsis

This ordinance removes the current Section 453-21 (F) in order for the Town of Bethany Beach to maintain current FEMA class ratings and the discount for homeowners on FEMA flood insurance policies.

Mr. Edmonston made a motion to approve the changes as proposed at today's meeting and to waive the first reading. Seconded by Mr. Killmer it was unanimously approved.

Discussion, Consideration and Possible Vote on a contract from McCormick Taylor in the amount of \$107,753.17 for the Bethany Living Shoreline Design (Lake Bethany Living Shoreline Design)

Mr. Gravier stated that this contract from McCormick Taylor is for the Lake Bethany Living Shoreline Design. Mr. Killmer made a motion to approve the \$107,753.17 contract from McCormick Taylor for the Bethany Living Shoreline Design. Seconded by Mr. Sheplee it was unanimously approved.

Discussion, Consideration and Possible Vote on a contract from McCormick Taylor in the amount of \$111,174.42 for the Bethany Beach Bulkhead Design (Loop Canal Bulkhead Stabilization)

Mr. Gravier stated that this contract is for design of the roughly 1,000 feet of the bulkhead. Mr. Sheplee made a motion to approve the \$111,174.42 contract from McCormick Taylor for the Bethany Beach Bulkhead Design. Seconded by Mr. Killmer it was unanimously approved.

The meeting was recessed at 2:38 p.m.

Respectfully submitted:

*Molly Daisey,
Administrative Assistant*