

TOWN OF BETHANY BEACH
TOWN COUNCIL MEETING
March 19, 2021 at 2:00PM

The Meeting room was closed to the public due to COVID-19 restrictions.

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

While this meeting is being broadcast you may send questions or concerns regarding topics on this meeting's Agenda to: questions@townofbethanybeach.com

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

Also present was: Cliff Gravier, Town Manager; and John Apple, Assistant Town Manager.

Mayor Hardiman called the meeting to order.

Mr. Gravier advised members of the public how to access the meeting online and how to submit a comment.

Approval of the Agenda

Ms. Hardiman requested that item D, Beach Exercise Concession, under New Business be postponed. All agreed. Mr. Killmer made a motion to approve the agenda as amended. The motion was seconded by Mr. Sheplee.

Approval of minutes of Regular Meeting held on February 19, 2021

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

Approval of the Financial Report

Mr. Morris advised that this report covers the budget thru February 28, 2021. The Town is 92% thru Fiscal Year 2021.

Operating Budget Revenue

The Town has collected 93.6% of the budget revenue compared to 106.5% at this time last year.

Operating Budget Expenses

The Town has expended 80.1% of its budget expenses, compare to 88.1% 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. Killmer seconded the motion and it was unanimously approved.

Report from the Audit Committee

Mr. Sheplee read the prepared report from Chuck Peterson, chair of the committee: "The committee has been continuing their normal program, but working remotely. Everything is on track for our year end in April and our external audit in May. As most of you are aware, our internal auditor, Phil Rossi, retired a few months ago and the Town is looking for a replacement. In the interim, the Committee Chair is doing quarterly reviews of our accounts payable and bank statements to be sure we have an ongoing audit process. If Council has any questions, please let me know."

Report from the Budget and Finance Committee Meeting

Mr. Morris reported that the Budget and Finance Committee met on February 25 at 10:00 AM. The Committee reviewed the results of the current fiscal year and effects of the COVID-19 pandemic. We are projecting that the Town will end the year \$125,000 under budget in operating expenses. The Town has received \$167,247 in assistance from the CARES Act. The new Budget for fiscal year 2022, which starts on April 1st was discussed in detail. We are budgeted for a normal summer, hopefully the pandemic will continue to ease as vaccines are distributed. Town revenues are budgeted at \$10,561,000, operation costs at \$9,338,000, debt repayments at \$246,000. There are no tax or fee increases in the draft budget for the coming year. We do expect trash fees to increase next year and water fees to increase the year after that.

Report from the Cultural and Historic Affairs Committee

Mr. Gravier read the prepared report from Carol Olmstead, chair of the committee. "CHAC met on Tuesday, March 9, 2021. Pam DiOrio who joined CHAC just last year no longer owns a home in Bethany Beach and has resigned from the Committee. The tour of Bethany's historic homes that was planned for last October, but postponed due to COVID 19 has been rescheduled for October this year. Tasks to be accomplished in preparation were reviewed. Theo Lopatto volunteered to organize docents for the various homes. 27 paid ads have been contracted for the tour booklet and committee members were asked to try to secure additional ads before April when the Coastal Point will start to prepare the booklet. The design plan for the Dinker/Irvin Museum was presented to the committee for review. Input was noted and will be included in the upcoming review with Elaine Faye, museum designer, later this month. Once the design plan is finalized, the displays will be created and installed in the house. It is estimated that this will take about 3-4 months for completion. Future CHAC meetings will be scheduled as needed, rather than monthly, until COVID restrictions are lessened."

Report from the Non-Residential Design Review Committee

Mr. Killmer, chair, reported that the committee met on March 11 to review a sign

proposal from Sandy Pony Donut, which will be in the former Shore Foods property. The submitted sign met all requirements and was approved.

Report from the Planning and Zoning Commission Meeting

Ms. Denault read the prepared report from Mr. Boswell, chair. "The Commission was updated on the activity of the Town over the last month by Mr. Killmer. The Commission also continues its review of the Comprehensive Plan, during which storm water management, affordable housing, major goals, addition of a new transportation section and updated statistics were discussed. A completion date of September to finalize the review was established. The next meeting is scheduled for March 20, 2021 at 9:00AM."

Report from the Town Manager

Summer 2021

Planning for this coming summer season has been problematic at best. We are approaching summer as if it is going to be normal in terms of parking, event scheduling and staffing with the exception of adding more Beach Attendants and attempting to add more Seasonal Police Officers.

We have events scheduled to begin in mid-April and will make decisions on what to do with those events in the very last days of March. The contracts we have with event vendors allows us to cancel without penalty and everyone understands the uncertainty of these unusual times. It is our choice to continue to proceed like this as we move into summer in the hope and anticipation that restrictions will be eased to the point that we can have large events. If we determine there is going to continue to be a flat-out prohibition on large groups outdoors, then we will look at outright cancellation of events for the season. But my preference is, with your concurrence, that we monitor and continue to cancel if needed.

I should note that when the Governor announced the availability of vaccine to those 50 and older this past week he mentioned that he would be easing some restrictions in the near future.

Regarding parking we intend, at this moment, to administer parking as if it were a normal summer. This means all normal regulations in place and enforcement to begin on May 15th. The only exception to this might be the change that is on the agenda regarding beach front parking, but that is not a COVID issue. I know the business community would want us to suspend pay to park as much as possible until there is a complete and total return to "normal", but the Town's loss because of changes to parking was \$700,000 dollars and we just cannot sustain that kind of a loss again without affecting summer services like lifeguards, additional seasonal public works staff and seasonal police officers.

We will also begin to place benches on the boardwalk and plaza area. We will not put the full complement of benches in the plaza area at this time.

Stormwater Management

This is one of the times of year where public works cleans and restores swales as needed. This is also the time of year where staff checks the 170+ choke points and pooling areas of the Town drainage infrastructure that they routinely do. This is time consuming but, also graphically shows the staff that the Town drains rainwater very well with very few areas that hold water as long as tidal waters allows our system, which is virtually at sea level, to drain. And correspondingly, the water table allows the few areas where we have puddling and cannot move water because of surface elevation to be absorbed. We speak a lot about our drainage efforts, and I think citizens rightfully confuse drainage issues with flooding issues and wonder about our lack of success despite a lot of effort, but they are two distinctly different things despite the fact they are interconnected.

IT Workspace

You can't visit Will Wharton's work area without realizing that if we don't give him some storage and workspace relief that it won't be long before we won't be able to find him in the office. So we are taking one of the restored office spaces that is at the front of our older storage building at Blackwater and will outfit it as a storage work area for the IT office.

Movies on the Beach

Our movies on the beach have been very well received over the years. The set up and running of the movies and the take down are labor intensive and cost us about \$300 a night in overtime for staff, not to mention the initial purchase price for the equipment and its ongoing maintenance and depreciation. We are in discussion with the company that we use for audio set up at the Bandstand to show our movies with their equipment for \$450 dollars a showing. If we are confident that there will be no diminution with the quality of movie and audio, we will move in that direction.

(Second Reading) Discussion, Consideration and Possible Vote on a Draft Resolution Establishing Design and Development Standards for Wireless Facilities in the Public Right-of-Way

Mr. Graviet gave a brief review of this ordinance. Mr. Killmer made a motion to approve the resolution establishing design and development standards for wireless facilities in the public right of way. Seconded by Mr. Sheplee, it was unanimously approved.

(Second Reading) Discussion, Consideration and Possible Vote on An Ordinance Amending Chapter 525, Personal Wireless Services Facilities

Synopsis

Establishes Standards to Govern the Use, Construction and Siting of Personal Wireless Facilities.

Mr. Gravier gave an overview. There has been a change in the last 24/48 hours to this ordinance. A copy of this change has been provided to each council member. The Town's lawyers have reviewed and vetted this. Mr. Killmer made a motion to approve this ordinance amending Chapter 525, Personal Wireless Services Facilities. Seconded by Mr. Morris, it was unanimously approved.

(Second Reading) Discussion, Consideration and Possible Vote on An Ordinance Amending Chapter 493, Streets and Sidewalks (Hardiman)

Synopsis

Establishes a Process for Managing, and Uniform Standards for Acting Upon Requests for the Placement of Wireless Facilities within the Public Right-of-Way

Mr. Gravier gave a review of this ordinance. Mr. Morris made a motion to amend Chapter 493, Streets and Sidewalks to add Article 6, Wireless Facilities Within the Public Rights of Way. Seconded by Ms. Denault, it was unanimously approved.

(First Reading) Discussion, Consideration of a Draft Resolution Establishing Design and Development Standards for Wireless Facilities Outside the Public Right-of-Way

Mr. Gravier explained that this is a resolution, rather than an ordinance so, if needed, it can be easily modified in the future based on FCC decisions and/or regulations. This is just a first reading; this will be on April's Agenda for a vote.

(First Reading) Discussion and Consideration of an Ordinance to Amend Chapter 223, Beach, Article II of the Bethany Beach Town Code and Chapter 1, General Provision, Article 1

Synopsis

Ordinance would restrict the size of holes, trenches or depressions dug on the beach and require that they be completely filled in before leaving the beach

Ms. Hardiman gave a brief history on this. Mr. Apple gave a background on issues the Beach Ambassadors have encountered on the beach relating to filling in large holes that are dug. This is listed as a rule on the back of the lifeguard stands, but nothing to regulate the size/depth or enforcement provisions. This would allow a Beach Ambassador to enforce this more effectively. Mr. Apple supplied the Council with ordinances that other beach towns use.

Discussion, Consideration, and Possible Vote on Budget for FY 2022 and Schedule of Fees

Mr. Morris advised that the Budget and Finance Committee recommends approval of the FY 2022 Budget as proposed. The budget has been available to the public on the Town's website and at Town Hall. A Public Hearing was held on Monday, March 15,

2021.

This proposed budget includes \$10,561,000 in revenue, \$9,338,000 in operation costs, \$1,790,000 in capital projects and \$246,000 in debt repayments.

There are no new changes to taxes or fees proposed in the budget.

We will continue to monitor the fiscal effects of the COVID-19 pandemic as the year progresses and will adjust as needed.

He made a motion that council approve the Budget and Schedule of Fees for FY 2022. Mr. Killmer seconded the motion and it was unanimously approved.

Discussion, Consideration and Possible Vote to establish a trial period to determine the impact of allowing cars displaying a Residential Parking Permit (Parking for free while displaying the permit) and cars paying to park, to park in parking spaces on ocean front street ends and parking lots while seasonal parking enforcement is in effect

Ms. Hardiman, noted that due to COVID, the Town took action last year to protect the health and safety of residents, visitors, staff and businesses by trying a range of options, adjusting them as circumstances changed to reduce the number of people in Town and on the beach. Ms. Hardiman asked for a motion to approve a trial period to determine the impact of allowing cars displaying a Bethany Beach residential parking permit and cars paying to park to park in the parking spaces on the ocean front street ends while seasonal parking is in effect. Seconded by Mr. Killmer, it was unanimously approved.

Discussion, Consideration and Possible Vote to waive fees for seasonal Employee Business Parking Permits and affirm the Town's commitment to maintain free 15-minute parking spaces close to eateries in our C1 Commercial Zone during the 2021 summer season

Ms. Hardiman noted that since COVID the Town has sought ways to help alleviate the financial hardship businesses in Town are facing, while at the same time encouraging visitors and keeping everyone safe. Actions taken this past summer included designated 60 prime pay to park spaces in the downtown Commercial District as free 15-minute parking in order to facilitate take out and pick up of orders. 2-hour parking was also enforced on Garfield Parkway and throughout the downtown Commercial District to encourage people to visit businesses, rather than park and go to the beach. Free business parking permits were provided to employees. There is widespread support to continue these practices this year. At the present time, businesses are still operating under COVID restrictions. And it is unknown how long this will last. The businesses are important to Bethany Beach. Ms. Hardiman made a motion to waive fees for seasonal employee business parking permits, which would give business owners the same number of permits they purchased in 2019 without a cost to them and affirm the Town's commitment to free 15-minute parking spaces close to eateries in the C-1 Commercial District during the 2021 Summer Season. The 2-hour limit will also continue to be enforced on Garfield Parkway in the C1 Commercial District. Seconded

by Mr. Sheplee, it was unanimously approved.

Mr. Tim Hayley sent in a comment that read, "I understand the Town needs as much parking revenue as possible, but these spaces available for take out were lifesaving to our businesses last year."

There being no further business, Mayor Hardiman asked for a motion to adjourn. Moved by Mr. Killmer and seconded by Mr. Morris, the motion was unanimously approved. The meeting adjourned at 2:50 pm

Respectfully submitted:

*Molly Daisey,
Administrative Assistant*