

TOWN OF BETHANY BEACH
TOWN COUNCIL MEETING
April 16, 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

Mr. Killmer moved approval of the Agenda. Mr. Morris seconded the motion. The motion was unanimously approved.

Approval of minutes of Public Hearing held on March 15, 2021

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

Approval of minutes of Special Meeting held on March 19, 2021

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

Approval of minutes of Executive Meeting held on March 19, 2021

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

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

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 March 31, 2021. This is the final report for Fiscal Year 2021.

This has been a very unusual year, Parking and Rental tax were substantially under budget due to the Covid restrictions. However, Real Estate Transfer Tax was well above the projected budget.

Operating Budget Revenue

The Town has collected 102.9% of the budget revenue compared to 114.1% at this time last year.

Operating Budget Expenses

Operating expenses were down because of the COVID restrictions requiring the cancellation of several Town sponsored activities.

The Town has expended 86.9% of its budget expenses, compared to 97.6% 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

Ms. Hardiman had the following announcements:

Each year at this time, the Town recognizes the important contributions made to our community by two quasi-government organizations: Bethany Beach Volunteer Fire Company and South Coastal Library.

The Bethany Beach Volunteer Fire Company. Our fire and emergency medical personnel serve to protect all of us, our lives and our property. The Bethany Beach volunteer fire company was formed in 1948 and the EMT service in 2007. Both serve an area from the Indian River Bridge to the State Line at Fenwick Island. This past year was an especially difficult and challenging one for them and we recognize their dedicated service, often at great personal risk.

In appreciation for all they do for our community, the Town is making a donation of \$20,000. Because of Covid restrictions, we're announcing the donation today but not making an in-person presentation. We hope to be able to do so next year. In the meantime, on behalf of the Town Council, staff and those whom they serve, we wish to thank our volunteer fire company and EMT personnel for their outstanding service to our community.

South Coastal Library. A library was first established in Town on Garfield Parkway in 1978, replacing a busy bookmobile stop. The library was a joint venture sponsored by the Town, which provided the land; Sussex County, which provided the staff and all operating expenses; and the Delaware Division of Libraries which provided the original trailer as well as the book stock.

The Library has grown over the years and moved to its present location on Kent Avenue, on land also donated by the Town. Like our Fire Company and EMT, the Library serves not only citizens of Bethany Beach and visitors, but also our neighboring communities. As Covid-19 restrictions lessened, the Library's services and hours of operation have increased.

On behalf of the Council, staff, residents and visitors, we thank all the South Coastal Library, their volunteers, Friends of the Library for their important service to our community. In appreciation, the Town of Bethany Beach is today making a \$5000 donation to the work of the Library.

Fourth of July Parade. On another matter, because of current circumstances, Mr. Frye, who is also the Chair of the Fourth of July Parade Committee, has asked me to announce that, regrettably, the parade will not be held this year.

We had hoped that the State restrictions would be eased and local circumstances would allow us to safely permit large outdoor events, like 4th of July Parade. Unfortunately, that's not the case. The Governor's current restrictions on outdoor gatherings require that anyone who is planning an outdoor event which would draw more than 150 people would need to submit a plan to the Division of Public Health. The plan must address how the Town will enforce social distancing, including limiting attendance, and ensuring compliance with requirements relating to face coverings and signage.

As those who have attended the Town's 4th of July Parade know, it would be impossible to meet those conditions. On our conference calls with the Governor, it does not appear that he plans to lift the restrictions anytime soon. Accordingly, in compliance with State restrictions and in the interest of health and safety in our community, the parade will not be held this year.

As far as other summer events, Mr. Gravier will continue to monitor and recommend that we proceed, reschedule or cancel events as circumstances require.

Report from the Bicycle and Pedestrian Safety Committee

Ms. Denault reported that The Bicycle and Pedestrian Safety Committee held their first meeting via Zoom on Monday, March 30 at 1:00. All members of the committee were present. The members introduced themselves and then Mr. Gravier gave a very comprehensive overview of the various studies, efforts and actions taken by the Town in the past based on those studies.

Sgt. Patrick Foley of the BBPD who has overseen the activities to date for improving communications with residents and visitors also gave an overview of the activities and efforts by the BBPD in working with the community. The Committee is very pleased that Sgt. Foley will be working with them going forward.

They also reviewed the Committee's purpose and scope and decided to forego trying to develop priorities at this time to enable us to digest everything we learned at the meeting and will discuss further actions at our next meeting that will be scheduled in early May.

Ms. Denault stated that the members were extremely impressed with how much time and effort that has been devoted by the Town and Police Department targeting safety issues that face the Town every day.

Report from the Planning and Zoning Commission Meeting

Mr. Sheplee read the prepared report from Mr. Boswell, Chair. "The Planning and Zoning Commission met on March 20th. They considered and approved an application for relocation of a lot line between properties identified as Lots 100 and 101, Block 28, at 604 and 606 Pond View Drive in the R-1 Zoning District. The Commission also continued its discussions of the 2022-2032 Comprehensive Plan. The Commission will meet tomorrow at 9:00 am to continue its discussion of the Comprehensive Plan. It will also be considering a six-month extension request for a prior approved PRD project at 857 Garfield Parkway as new business. That concludes the report."

Report from the Town Manager

Covid Response

We expect a summer that will still be steeped in problematic issues relating to Covid 19. That little glimmer of a different year, a better year that we may have entertained around January 1st is long gone.

This year we expect significantly larger crowds that will create more problems for distancing and mask compliance on our streets and boardwalk. We are fortunate that our replenishment has held up well to date and that we have a larger beach for distancing, but summer is still months away and it won't take much bad weather to change the size of our beach. We'll keep our fingers crossed.

We expect to deal with issues regarding distancing because of larger crowds on the boardwalk and beach, but will now have a new issue to deal with regarding mask enforcement. Rehoboth began mask enforcement over the last few weekends and are dealing with a growing number of people who refuse to wear masks because they have been vaccinated, presenting their vaccination cards and saying no and good deal of other belligerence related to masks as more of society becomes Covid weary.

The Town will again use our Code Enforcement (beach attendants) to help with distancing and masks. They will begin to work this weekend and good weather weekends from now until Memorial Day.

We will have 8 Code Enforcement attendants this summer, but remember they work multiple shifts, which means generally there will be no more than two working at any one time with occasional overlaps.

I have attached a picture of our new beach attendant Code Enforcement uniforms. The shirts are a fairly “bright” green and hopefully will offset some of the complaints we receive that no one sees enforcement personnel on the boardwalk.

To help them (and our seasonal police officers) we will be staffing the “information booth” with Town employees this summer and will have it open from 9AM to 9PM. We will use the booth to not only provide general information about BB and the area, but also to inform regarding Bethany Beach rules and regulations related to Covid-19 **and** as a place to pick up a free mask.

Beach Front Lots

Remember, this summer we will measure the impact of a change in parking policy in our beach front street ends and parking lots. This summer, cars displaying a Residential Parking permit may park in those lots at no cost along with drivers wishing to pay to park. So again: drivers wishing to pay to park in all of our beach front parking lots and street ends may do so throughout the summer season, in addition, cars displaying a Residential Parking Permit may park there also for free. I have attached a picture of the parking sign we will display in those lots. If any of you think the direction given in the sign is not clear or confusing, or have a better idea, please let me know ASAP.

Route 26 and Pedestrian Safety

Recently a business owner contacted DELDOT to ask if it would be possible to install a pedestrian/vehicle warning light at the crosswalk between DiFebo’s restaurant and the new DiFebo’s Market. DELDOT met with representatives from the Police Department and Town staff on site to discuss the request. It was decided that rather than to respond to one individual request, that DELDOT would conduct a comprehensive study of potential pedestrian issues on Route 26 this summer and determine if there is need for traffic control devices or additional turn lanes.

Water Department

The Town has renewed its interest in replacing the fence that surrounds the water plant with something that is more attractive. It is difficult to meld attractive with secure however, but there are some options out there that accomplish both things. Whatever we select, we will poll neighbors to get their opinions before we move ahead. This is overdue and something we promised the neighborhood when we constructed the new water tower.

The water tower is scheduled to be power washed this weekend and we have just completed widening the paved portion of the driveway leading into the compound. This was done to accommodate the tractor trailers that turn off of Collins into the plant.

Lake Bethany Land Spit

Our engineer has had a preliminary meeting with DNREC and the USACE prior to submittal of our plan for final approval and permitting. It is our hope to have bids in hand and be able to award the project in the early fall.

Comcast

Comcast's subcontractor is working to complete trunk lines for commercial service. Town Hall is finally having preliminary work completed to provide fiber optic to the Building. As I have written before this will allow us to install our new phone system which should have a positive effect on staff accessibility and efficiency.

More importantly, Comcast has advised that they expect to be offering residential service in Bethany as early as the fourth quarter of 2021. Please keep in mind this may not mean the entire Town is offered service at that time, but rather that a neighborhood or street where street installation is complete will be offered service as Comcast moves on to the next area to receive street installation.

Transfer Tax

Interesting to note that we have collected more in transfer tax than we have ever collected, \$1,631,000! It is also interesting to note that Google has experienced a 2450% increase in searches in the last month for: "When is the housing market going to crash."

Parking Complaint

The Town received a letter and petition signed by stores in the Town Center and the Manager of the Ropewalk restaurant asking that 15-minute parking spaces be removed downtown. The letter was sent by the site manager for Jack Burbage who owns both the Town Center and the building the Ropewalk is in, along with being business partners with the Ropewalks owners. The letter is written as if the site manager (Samantha Pielstick) is speaking for all of Bethany's businesses.

As a result of the letter, we surveyed our business community and affirmed that 15-minute parking is very well received. Some feel it crucial as long as Covid limits capacity in Bethany eateries. The complaint and Town response are attached to this report.

Adaptable Animals

Those that pay attention to this type of thing are aware of how Osprey have had a huge resurgence in their numbers in the Americas. They have become incredibly adaptable as their numbers have increased. To that point, there is now an Osprey nest on the antenna Tower between Townhall and the Fire Company! Despite all the activity around and immediately under the Tower it is now home to an Osprey family.

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

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 wanted to clarify that this is meant to keep people safe. Mr. Apple gave a brief background pertaining to the need of this ordinance. This has been monitored on the beach the last few years, approval of this will make it enforceable.

Ms. Hardiman made a motion to approve ordinance to amend Chapter 223, Beach, Article II of the Bethany Beach Town Code and Chapter 1, General Provisions, Article 1 and be effective upon it being passed. Seconded by Mr. Morris, it was unanimously approved.

In response to a suggestion from Mr. Sheplee, Mr. Gravier said that the Town would post the new ordinance on the Town's homepage, along with the article and video from the News Journal explaining and demonstrating the dangers of digging large holes on the beach.

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

Mr. Gravier stated that in March 2021 the Town Council passed an ordinance regulating wireless facilities outside of the right of way. The ordinance required design standards to be created and established and adopted by resolution. In this resolution are design standards that fill that obligation. These standards have been created by our attorney, who is very well versed in wireless facilities and vetted by JMT Engineering Company, which the Town is using to assist the Town in administering these ordinances.

Ms. Hardiman made a motion to approve the resolution establishing design and development standards for wireless facilities inside Town, but outside the public right of way. Seconded by Mr. Sheplee, it was unanimously approved.

Discussion, Consideration and Possible Vote to Approve the Contract for Purchase and Sale of the Property Owned by Kallioppi Dematatis dated April 8, 2021. (Sussex County Tax Map Parcel 134-13.19-61.01) Containing Approximately 2.7 Acres of Land Located on Second Street and Hudson Avenue for \$249,000, Subject to Consideration of Title, Survey Data, Environmental Assessments, and other Pertinent Due Diligence Items (Hardiman)

Ms. Hardiman made a motion to approve the contract for purchase and sale of the

property owned by Kallioppi Dematatis dated April 8, 2021. (Sussex County Tax Map Parcel 134-13.19-61.01) containing approximately 2.7 acres of land located on Second Street and Hudson Avenue for \$249,000, subject to consideration of title, survey data, environmental assessments, and other pertinent due diligence items. Seconded by Mr. Morris, it was unanimously approved. Ms. Hardiman also noted that the Town has acquired and set aside more than 48 acres of undeveloped land, or about 7.5% of the land in the Town.

Discussion, Consideration, and Possible Vote on the Town's Investment Policy (Morris)

Mr. Morris advised that the Town's Investment Policy has been in effect since March of 2005 and was last revised in April 2017 and requires annual review by the Town Council. This limits investments to bank accounts, certificates of deposit and US Government Securities. Collateralization is required when account balances exceed FDIC insured amounts. The annual investment report that has been distributed shows that the majority of Town funds are held in CD's that will mature in 2 years. Mr. Morris made a motion to approve the policy for another year. Seconded by Mr. Sheplee, it was unanimously approved.

Discussion, Consideration, and Possible Vote on Adjustments to the FY 2021 Special Fund Budget to Match Grant Funds Actually Received (Morris)

Mr. Morris stated that the Town applies for Grants Funds from Federal, State and other sources. The Fiscal Year 2021 budget was prepared using estimates with minimum grant money expected. Grant funds actually awarded to the Town exceeded our estimates by \$227,940. In addition, the Town has been allocated an estimated \$634,834 from the American Rescue Plan for COVID 19 relief which was signed on March 11, 2021. These funds can be used to replace revenue lost or reduced, COVID expenses, or broadband infrastructure. Mr. Morris made a motion to amend the revenue expense budget with the Town's Special Funds to match the grant funds that were awarded to the Town during the past year and use the \$634,834 to replace lost revenue expenses resulting from COVID 19. Seconded by Mr. Healy it was unanimously approved.

Discussion, Consideration, and Possible Vote on Awarding Concessions for Exercise Classes to be Held During the Summer Season on the Beach (Graviet)

Mr. Graviet explained that this is a matter of process for the Town. He suggested voting on the six concessions at once. They are all licensed and insured and they have been scheduled, and there are no scheduling conflicts. They are for yoga and a variety of exercise classes. Mr. Morris made a motion, seconded by Mr. Killmer it was unanimously approved.

Discussion, Consideration and Possible Vote on Appointment of Michael Loftus to the Board of Adjustment to fill an unexpired term which ends on September 21, 2021

Ms. Hardiman stated that there was a vacancy with an unexpired term on the Board of Adjustment. Ms. Hardiman made a motion that Michael Loftus be appointed to fill an unexpired term on the Board of Adjustment, with the term ending September 21, 2021. Seconded by Mr. Morris it was unanimously approved.

Discussion, Consideration and Possible Vote on Appointment of Lee Bunting to the Cultural and Historic Affairs Committee

Ms. Hardiman stated that there was a vacancy on the Cultural and Historic Affairs Committee Meeting. Ms. Hardiman made a motion to appoint Lee Bunting to the Cultural and Historical Affairs Committee.

Discussion, Consideration, and Possible Vote on Contract Submitted by International of Delmarva for the Purchase of a New Side Load Garbage Truck in the Amount of \$222,761.00

Mr. Graviet asked for a motion to approve the contact submitted by International of Delmarva in the amount of \$222,761.00. This company is offering the shortest lead time once the purchase is made. Mr. Sheplee made a motion to approve the purchase order submitted by International of Delmarva for the purchase of a new side load garbage truck in the amount of \$222,761.00. Mr. Morris seconded the motion and it was unanimously approved.

Discussion, Consideration, and Possible Vote on a contract submitted by Starfire Corporation for the 2021 July 4th Fireworks Display in the Amount of \$35,000

Mr. Graviet explained the Town has been in communication with Starfire Corporation regarding the 2021 fireworks. In the contract it is stated that if the July 2021 fireworks can not happen, there is the option to reschedule them within six months, possibly Labor Day or New Year's Eve Weekend. Mr. Morris made a motion to accept the contract submitted by Starfire Corporation for the 2021 July 4th fireworks in the amount of \$35,000. Seconded by Ms. Denault it was unanimously approved.

There being no further business, Mayor Hardiman asked for a motion to adjourn. Moved by Mr. Sheplee and seconded by Ms. Denault, the motion was unanimously approved. The meeting adjourned at 3:00 pm

Respectfully submitted:

*Molly Daisey,
Administrative Assistant*