

TOWN OF BETHANY BEACH
TOWN COUNCIL MEETING
May 21, 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 were: Cliff Gravier, Town Manager; and John Apple, Assistant Town Manager.

Mayor Hardiman called the meeting to order at 2:30. (Due to technical difficulties, the meeting was pushed back to 2:30 p.m.)

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

Approval of the Agenda

Mr. Healy moved approval of the Agenda. Ms. Denault seconded the motion. The motion was unanimously approved.

Approval of minutes of Regular Meeting held on April 16, 2021

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

Approval of the Financial Report

Mr. Morris advised that this report covers the budget thru April 30, 2021. The Town is 8% thru Fiscal Year 2021.

Operating Budget Revenue

The Town has collected 4.9% of the budget revenue compared to 3% at this time last year.

Operating Budget Expenses

The Town has expended 6.3% of its budget expenses, compared to 5.7% 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.

Tax Adjustment List #1

Mr. Morris made a motion to approve Tax Adjustment List #1 as presented. Mr. Sheplee seconded the motion and it was unanimously approved.

Announcements

Ms. Hardiman attended the Valor Awards at Signature's Restaurant in Fenwick Island, where local Emergency Personnel are recognized for their service. This year, from Bethany Beach's Police Department, Sergeant Chuck Scharp was honored for his outstanding service for the Police Department to maintain the CALEA Accreditation. He also located the individuals responsible for defacing the Bandstand and other property.

Report from the Stormwater and Tidal Flooding Committee

Mr. Frye gave the following report, "The Stormwater and Tidal Flooding Committee had its second Zoom meeting on April 29th. The full committee was tuned in along with Town Manager Cliff Gravier, Assistant Town Manager John Apple, and special guest, Brett Warner. We had a productive discussion of Ron Calef's initiative to create a Home Owner Best Practices document for reducing flooding at their property. It lists 9 ideas from French Drains to water gardens and includes photos of successful adaptations in Bethany Beach. We realized that most of Bethany Beach is below sea level and therefore is very subject to tidal flooding and slow drainage. But these 9 suggestions can help home owners mitigate the problem. Our next step is to send the document to the Town Council for their suggestions and approval. Then we plan to place it on the Town's website and send the link out to residents via our Town's list serve and via Bethany Beach Landowners Association."

Report from the Audit Committee

Mr. Morris gave a prepared report from Mr. Peterson, "The Audit Committee met on Friday, May 7th at 10AM. This was our first face to face meeting since 1/24/20 although we have been keeping up through email. I introduced our newest member, David Mercanti and went over our responsibilities for both the Internal and External audit programs for his benefit. We met with the External Audit Team from TGM Group and Herb Geary is back with us as the responsible partner on this review. We discussed the audit plan and agreed to credit card purchases as an area of emphasis. There is also a requirement for a Compliance Audit on the funds we received to cover Covid revenue losses. They are still awaiting guidance in this area which may delay the final report for the Compliance part of the audit. We also discussed the committee's efforts to continue our internal audit program even though the position is vacant due to Phil Rossi's retirement. We have been reviewing the bank accounts and accounts payable every

other month and selecting stand out items to make sure all procurement guidelines are followed. The next meeting is tentatively scheduled for Friday, July 23rd at 10AM to cover the close out of the external audit.”

Report from the Planning and Zoning Commission Meeting

Mr. Sheplee gave a prepared report from Mr. Gaughan, “The commission met on April 17, 2021. It had previously given Ms. Jo Carroll Onoffrey a letter to proceed with a Planned Residential Project at 857 Atlantic Avenue in April 2020. The letter to proceed gave her one year to begin substantial work on the project. She had not begun and initially requested a 6-month extension. Prior to the meeting, she withdrew that request. Coincidentally the letter to proceed expired and the project authorization expired with it. The property is up for sale now. The Commission proceeded to old business and continued reviewing and updating the 2022 – 2032 Comprehensive Plan. That work will continue at the May Meeting.

Report from the Town Manager

Summer

At the moment (all subject to change at a moment’s notice) it does seem as if summer will be very close to the pre-Covid summers that we can all barely remember. The blanket lifting of mask restrictions outdoors by those vaccinated and the change in oversight and control of events means that we will be able to have a “normal” summer by most measures.

We have asked approval from the DHHS (as required by the latest Emergency Order) for Bandstand Events and Beach movies and those requests have been granted. We have also asked approval from the Department of Health and Human Services (DHHS) for our June 5th Craft show and it was approved, but subsequently the Craft Show Committee met and determined that the short time between now and June 5th would not give them adequate time to prepare for the Show and postponed the show until next year.

Later on the Agenda the Council will determine whether it wants to proceed with Fireworks on July 5th and I will note here, that DHHS has given approval for the show so the Council will be the sole determinant regarding whether we proceed.

In all these approvals DHHS requires the Town to have hand sanitizers provided and we must have a display that clearly shows what 3 feet of social distance looks like and further, the Town agrees if there is an “outbreak” (that is the DHHS phrase) associated with our event we agree to issue a press release that advises the public of that. The Town will also post at all of events advising that non-vaccinated should wear masks.

We will also be running the Trolley this year, which I know many are glad to hear. But one thing we will have to deal with regarding the Trolley is the CDC and State clear direction that all public transportation requires users to wear masks. There is no

equivocation by either the State or the CDC on this issue. We will ask DHHS if they will consider a variance from this policy, but we are not optimistic.

We have been able to fully staff our Beach Patrol and our Parking Department, but Public Works continues to look for seasonal help.

As I mentioned last month, we had hoped to hire 17 seasonal police officers this year. We were down as low in the pre-season to 10 after seven hires advised us they would not be working with us this summer, but we were fortunate at the end of the day to have been able to hire 14 officers. These seasonal officers will be supplemented by the group of staff we have hired during the summer to deal with minor code issues on the beach. Just a few years ago we only had 2 of these seasonal positions, but in anticipation of dealing with Covid restrictions and our lack of success with seasonal police hires we expanded the number of these positions this year to 7. Now that these restrictions have been largely lifted, we will put these staffers to good use to help us with minor code compliance issues on the beach and boardwalk this summer. By all preseason measures we anticipate a very, very busy summer, with one of the largest beaches we have begun a season with in many years.

This summer the Town has decided to open and staff our information booth at the top of Garfield Parkway. In recent years the Chamber opened the booth as their staffing allowed, but this year in anticipation of confusion regarding Covid we thought it best to staff it with Town employees and keep it open on a more regular basis. The booth will also have masks available for anyone that would like one. The Info Booth will be open from 9am to 9pm.

Mask Requirements

I think we should quickly review exactly what the CDC says regarding masks so we all know what a reasonable expectation of Town involvement will be regarding mask compliance as summer begins. And I should note-

Fully vaccinated: no longer need to wear a mask or physically distance in any setting; except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.

Unvaccinated: Everyone 2 years and older should wear masks in public. Masks should be worn in addition to staying at least 6 feet apart, especially around people who don't live with you.

I do not foresee the Town doing **any** mask compliance enforcement under these guidelines.

Small Cell Installations

As you are all aware we have just recently passed a very comprehensive ordinance dealing with small cell installations in our community. But one of things we have consistently said was regardless of what ordinance we created, in many instances, there would be little that we could do regarding many installations. To that point I have included a picture of a small cell installation “disguised” as a stop sign. But instead of an 8 foot 4” wide steel pole this disguised stop sign is on a 28’ tall pole that is at a minimum 8” in diameter! AT&T wants to do these installations but has yet to tell us where. AT&T is telling the Town they need to use this type of design because there are no other poles they can collocate on. If that is the case we will have two choices, 28’ tall stop signs or additional wooden poles located in our right of ways. Such is the latitude given providers by the Federal Government. We will look for more attractive alternatives, will consider street light configuration, something....but we may end up with new stop signs.

Comcast/Town Hall

We have finally reached the point where Comcast is completing its installation of internet lines into our server room. When that installation is complete, we will install our new phone system. We have physically owned the system for several months and we have decided to forge ahead with the installation even though the start of the season is only weeks away. We believe the benefits of the new phone system outweigh any potential issues we may encounter with the changeover.

Discussion, Consideration, and Possible vote on Adjustments to the FY 2021 Special Fund Budget to Match Grant Funds Actually Received

Mr. Morris stated that the Special Fund Budget for FY 2021 needed to be amended. Each year the Town applies for grants from Federal, State and other sources. In FY 2021 the Town received \$227, 940 more than what was in the budget. This amendment will adjust the revenue and expense budget to match the grants awarded to the Town. The Town has also been allocated an estimated \$634,834 from the American Rescue Plan for COVID-19 relief. These funds can be used to replace lost revenue and reduced revenue due to COVID-19 expenses or expenses in water, sewer and broadband infrastructure. Mr. Morris made a motion to adjust Fiscal Year 2021 as required to incorporate these funds. Seconded by Ms. Deanult it was unanimously approved.

Discussion, Consideration and Possible Vote on a Draft Resolution Requesting the Delaware Department Transportation Reduce the Speed Limit Along the Kent Avenue Corridor Within the Corporate Limits of the Town of Bethany Beach, Delaware

Mr. Gravier explained that the speed on Kent Avenue has been a concern by residents for a while. The Town has requested that the speed be lowered on Kent Avenue many times over the years, and was denied. A resident on Collins Street, Mr. Gowan, reached out to the Town and requested the speed be lowered. The Chief of Police reached out to DELDOT and asked about the speed being lowered. He was told that if the Town

Council passed a resolution asking the Delaware Department of Transportation to lower the speed that they would strongly consider it. Mr. Morris made a motion to approve the resolution to reduce the speed on Kent Avenue. Seconded by Ms. Denault, it was unanimously approved.

Discussion, Consideration, and Possible Vote to Repeal the Mask Ordinance to Require Individuals to Wear a Face Covering on the Boardwalk, Boardwalk Plaza and Anywhere in the Downtown Commercial Area Passed on July 1, 2020

Mr. Killmer announced that as of 8:00 a.m. this morning, The State of Delaware issued new guidelines regarding masks. The State follows the CDC Guidelines, and the Town follows the State. Mr. Killmer made a motion to repeal the masks ordinance that is currently in place that was passed on July 1, 2020. Seconded by Mr. Sheplee it was unanimously approved.

Discussion, Consideration, and Possible Vote Regarding Proceeding with the Fireworks on the Evening of July 5, 2021

Mr. Gravier stated that an application, which was submitted to the Department of Health and Social Services to have fireworks, was approved. Mr. Killmer made a motion that the Town proceed with fireworks on July 5 as suggested by the Town Manager. Seconded by Mr. Morris, it was unanimously approved.

There being no further business, Mayor Hardiman asked for a motion to adjourn. Moved by Mr. Killmer and seconded by Ms. Denault, the motion was unanimously approved. The meeting adjourned at 3:07 pm

Respectfully submitted:

Molly Daisey,
Administrative Assistant