

TOWN OF BETHANY BEACH
TOWN COUNCIL MEETING
JULY 16, 2021 at 2:00PM

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; John Apple, Assistant Town Manager and Molly Daisey, Town Clerk.

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

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 Regular Meeting held on June 18, 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 June 30, 2021. The Town is 25% thru Fiscal Year 2022.

Operating Budget Revenue

Transfer Taxes, Rental Taxes and Parking Fees are back to normal (pre-covid levels). As a result of that, the Town has collected 55.9% of the budget revenue compared to 41.6% at this time last year.

Operating Budget Expenses

The Town has expended 22.3% of its budget expenses, compared to 20.2% 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.

Announcements

Mr. Sheplee announced that Bethany Beach Lifeguards competed in United States Lifesaving Association Mid Atlantic Regional Championship on July 7. Eleven members of the Bethany Beach Patrol qualified to compete in the 2021 United States Lifesaving Association National Championship which will be held in South Padre Island, Texas August 5-7. There are a total of 63 lifeguards this summer. Captain Joe Donnelly has been with the Town for 29 years, and his 5 lieutenants average 14 years of service to the Town. Mr. Sheplee wanted to extend his appreciation and thanks to the Bethany Beach Patrol on behalf of the Town Council, Staff and Visitors of Bethany Beach.

Mr. Killmer, on behalf of the Town Council wished to thank all the Town employees for making this year's Fourth of July so special and memorable.

Mr. Killmer also stated Delaware Botanical Gardens in Dagsboro is having a Covid vaccine event on Thursday, July 22, 2021. Free admission to the gardens for anyone who gets vaccinated at this event.

Nancy Sager of the Bethany Beach Farmer's Market was recognized. She gave a brief history of the Farmer's Market. There are currently 10 vendors, down from 14/15 due to Covid. She thanked the Town for everything they have done for them over the years and the support. Last week about 2,000 shoppers visited the market. An increased number of volunteers was required last year due to Covid protocols.

Doug Mowrey, President of the Bethany Beach Farmer's Market was recognized. In 2019 the average reported sales by the vendors was \$18,000, from 14 vendors in 13 weeks. In 2020 average sales were reported at \$14,000 from 11 vendors in 14 weeks. He thanked the Town for their support of the Farmer's Market.

Report from the Planning and Zoning Commission Meeting

Mr. Killmer gave a report on behalf of Mr. Boswell. The update of the 10-year Comprehensive Plan continues which is ongoing process. This plan is for 2022 – 2032. There should be a draft version by the end of the year.

Report from the Town Manager

Beach Lots

As part of our change to oceanfront, street end and parking lot parking regulations, we

promised to report back on impact of the change. You will remember that we are allowing those with Residential Parking Permits to park in those pay to park areas for no charge. To date we are seeing a 5% increase in hours bought in pay to park areas Town wide compared to 2019. I would say that the impact of the change is negligible to date.

Beach Area Signage

You can't visit our beach without noticing the number of regulatory signs we have posted on railings and crossovers. They are beginning to look much worse for wear and are often redundant or out of date. We are in the process of working to combine and refine the signs. We will also redo signs on the back of Guard Stands. This may be a significant expense (there are good number of these signs) and a request in next year's budget, but it is in the works.

Water Department

The Water Department will be upgrading equipment that monitors saltwater intrusion in our wells. Our well monitoring system is a model system and DNREC uses it as an example when they talk to other providers about monitoring. We are also exploring drilling a test well at the northwest corner of Central Park. This would give us the only real piece we are lacking in our monitoring system, which is a monitor at the north end of our main service area. There is no structure associated with a test well other than 6" cylinder approximately 12" to 18" tall.

Route 26 Bike Lanes

One of the requests from the first meeting of the Town's newly formed Pedestrian and Traffic Safety Committee meeting was a request that the bike lanes on Route 26 be marked to denote they are bike lanes and arrows showing the legal direction for travel of bikes in those lanes. The Police Department made that request and DELDOT (Route 26 is a state road, not a municipal road) completed the work this week. Thank you DELDOT.

Mr. Gravier echoed Mr. Killmer's comments and appreciation for the Town Staff for all they did for the 4th of July events.

Short Staffing

Although we continue to advertise and try to interview potential applicants, we have not been able to grow our seasonal staff in Public Works beyond 11 or 12 people, still far from our budgeted 19/20. This means we are not able to do many of the things summer demands from us except trash pickup and some rudimentary cleaning of the boardwalk and other problem areas. Mobi-mats weren't fully installed until mid-July, power washing sidewalks, restroom cleaning, beach cleaning, pick up of litter from streets and

sidewalks and a host of other things that we do continually throughout the summer have not been done or done with a frequency that has caused many to complain.

Discussion, Consideration, and Possible Vote on a Resolution to Approve the Final Annual Assessment List as Presented on July 16, 2021

Mr. Morris stated that the annual assessment list for all existing properties in Bethany Beach has been completed and available on the Town's website since June 11, 2021, and advertised in the Coastal Point and Wave newspapers. In addition, the Town Council and Board of Assessment held a hearing earlier today at 1:00 pm for property owners to request an appeal of their property assessment. There were no requests. Mr. Morris made a motion to adopt a resolution to approve the Final Annual Assessment List as presented. Mr. Killmer seconded the motion and it was unanimously approved.

Discussion, Consideration and Possible Vote on the Installation of 6-8 Electric Vehicle Charging Stations near Garfield Parkway and Pennsylvania Avenue

Mr. Graviet stated that there was a contract from the Electric Vehicle Institute regarding the installation of 8 electric vehicle (EV) charging stations in downtown Bethany Beach. Ocean City, Maryland has used the Electric Vehicle Institute the last 5 years and have a number of charging stations within Ocean City. For municipalities that want an agreement with them, they provide the charging station, they perform the installation and maintain the station(s) for 5 years (including all responsibility for their upkeep). The only thing they ask is for the municipality to provide the electric to the charging station. We have mapped out 8 locations for the charging stations. Two located on South Pennsylvania Ave, two across from the Blue Crab Restaurant, two located in the stone parking lot adjacent to the Blue Crab Restaurant and two on North Pennsylvania Avenue. The cost to run electric to the charging stations is not known yet, however it should be minimal. The sites that were chosen were selected due to the proximity to electrical poles. The stations will function both as pay to park spaces and charging stations. You will have the option to park there as a pay to park spot and not charge. If you do utilize the charging, you will also pay for parking.

Mr. Sheplee made a motion to accept the contract from the Electric Vehicle Charging Station to install 6-8 electric charging stations in Town that have been designated and provide maintenance for the next 5 years. Mr. Morris seconded the motion and it was unanimously approved.

Mr. Ron Calef was recognized. He asked if when using the charging stations, will the individual be paying for the electricity? Mr. Graviet responded that yes, there will be a \$2.00 charge for the electric, in addition to having to pay for parking.

Discussion, Consideration, and Possible Vote on Developing a Conceptual Plan to determine the feasibility of constructing a pedestrian walkway connecting Central Boulevard and 2nd Street

Mr. Graviet stated that about 2 decades ago, the sitting Council considered a proposal that was offered by the then Mayor, regarding the possibility of creating a road from the

end of Central Blvd. to 2nd Street. That proposal was not well accepted. Residents in that area were concerned a roadway there would create an alternate road for people wanting to avoid Rt. 26 traffic. One idea that came from that was a benefit to pedestrians and cyclist for there to be a pathway connecting the eastern side of Bethany to the area west of the Walchek property. The Town recently purchased the Walcheck property which is 13 acres, and the Dematatis property which is about 2 acres. Mr. Graviet asked the Council to consider creating a pathway between Central and 2nd. This would be similar to the pathway at the Nature Center. Due to the marsh/wetland, the path may need to be elevated. A tentative grant request was sent to DNREC to assist with funding. Mr. Killmer made a motion to explore the feasibility of creating a pedestrian walkway connecting Central Boulevard and 2nd Street. Seconded by Ms. Denault it was unanimously approved.

Discussion, Consideration, and Possible Vote to Post Lower Speed Limit Signs (20 miles per hour) on Residential Streets in Bethany Beach

Mr. Graviet stated that especially during the summer months the Town receives a good number of complaints regarding the speed limits on our roadways and that they are too high. Our roads are about 18 -20 feet wide, which doesn't leave much room for pedestrians or bicyclists. The speed limit of 25 miles per hour in a residential area is an acceptable bureaucratic standard, and lower speeds are not. Rarely do you see where a town can reduce the speed limit and actually be able to enforce it. Bethany Beach is currently in the process of working with the T2 center in Delaware to see if we can get a blanket special exception to legally reduce the speed limit from 25 to 20 miles per hour on Town owned streets and be able to enforce it. The Association of Coastal Towns are interested in working with us and if we're not able to do it within the framework of DelDOT, to try to do it legislatively.

Mr. Denault made a motion to approve a blanket change to all residential streets (Rt. 1, Rt. 26 and Kent Avenue are not Town owned streets nor residential streets and will not be affected by this) and begin the process to change the posted speed limit signs and aggressively work to lower the posted speed limit throughout Town.

Mr. Sheplee seconded the motion and it was unanimously approved.

(First Reading) An Ordinance to Amend Chapter 282 (Peace and Good Order), Article 10, Juvenile Curfew, under 18), to change the curfew time from 1:00 A.M. to 11:00 P.M. (Council may elect to Waive the First Reading Pursuant to Chapter 45.5 of the Town Code)

Ms. Hardiman stated, by way of background, I think we should note that for generations families have come to Bethany Beach and the surrounding area for vacation. Teens have congregated in Town, on the boardwalk and beach and enjoyed themselves, while being respectful of the right of others to do the same. Complaints and incidents of misconduct have been relatively few. Bethany Beach has always enjoyed a reputation as a safe and quiet, family-friendly town.

Unfortunately, that's not what we've seen this summer. The conduct of some groups of unsupervised teens at night has become a serious concern. We have had complaints

of large groups of teens hanging out in town late at night and harassing people as they walk to their cars. I had a call over the fourth of July weekend from a restaurant owner who complained of groups of teens harassing his female wait staff as they left work. The workers felt unsafe to the point that he escorted them to their cars.

In addition, groups of unsupervised teens have been congregating on the beach late at night disregarding beach rules and leaving their trash behind on the beach and boardwalk.

The proposed amendment to Chapter 282 of the Town Code is intended to address this growing problem and protect the safety and security of the Town of Bethany Beach, our visitors, residents and workers. It might also help keep teens from getting into serious trouble while out unsupervised late at night, but the primary purpose is to keep Bethany Beach safe for all.

The proposed amendment would do this by changing the curfew time from 1:00 am to 11:00 pm for those under the age of 18 between May 1 and September 30. There are a number of exceptions, including for those accompanied by a parent or legal guardian and those working, among others. The sections describing parental responsibilities and enforcement stay the same.

Regarding enforcement, plans are being developed by the Town Manager and Chief of Police to increase police and Town staff presence in the late evening hours.

Therefore, I have a two-part motion. First, I move that Council approve the proposed amendment to Chapter 282 (Peace and Good Order), Article 10, (Juvenile Curfew, under 18), to change the curfew time from 1:00 am to 11:00 pm between May 1 and September 30, inclusive, each year. Second, I move that we waive the requirement for a second reading in accordance with Section 45.5 of the Town Code because the ordinance addresses an urgent problem and is needed to protect the health, safety and security of the Town, its visitors and workers as well as unsupervised teens under the age of 18. Seconded by Mr. Morris it was unanimously approved.

Section 45-5 of the Town Code, suspension of rules, provides that:
Whenever it becomes desirable to adopt or amend a particular ordinance in less than two readings, the procedure set forth in § 45-4 hereof may be suspended by the affirmative vote of at least five Council members, provided that the reason for suspending the rules shall be publicly stated and recorded in the minutes. In such case, the ordinance in question may be enacted at the same meeting at which it was introduced.

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 2:59 pm.

Respectfully submitted:

Molly Daisey,
Administrative Assistant