

TOWN OF BETHANY BEACH  
TOWN COUNCIL MEETING  
May 20, 2022

The meeting could be viewed on two internet platforms:

The Town's Website at: [www.townofbethanybeach.com](http://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](http://www.YouTube.com/BethanyBeachGov)

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

Also present were: Cliff Gravier, Town Manager; Will Wharton, IT Manager and Molly Daisey, Town Clerk.

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

Approval of the Agenda

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

Approval of minutes of Regular Meeting held on March 18, 2022

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

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

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

Approval of minutes of Public Hearing held on April 12, 2022

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

Approval of the Financial Report

Mr. Frye advised that this report covers the budget thru April 30, 2022. The Town is 8% thru Fiscal Year 2023.

Operating Budget Revenue

Income from Real Estate Transfer Tax, Parking Fees are above budget estimates, Licenses and Permit Fees continue to be on or above budget estimates. As a result, we have collected 4.4% of the Budgeted Revenue compared to 4.9% at this time last year.

### Operating Budget Expenses

We have expended 7.4% of our budgeted amount compared to 6.2% 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.

### \*Approval of Tax Adjustment List #1

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

### Announcements

Ms. Hardiman stated that she attended the Valor Awards which recognizes first responders. This year's Bethany Beach's Sargent Chuck Scharp was awarded Policeman of the year. The entire Bethany Beach Fire Company's EMS division was also recognized.

### \*Donation to the Bethany Beach Volunteer Fire Company and Friends of the South Coastal Library

Ms. Hardiman presented Assistant Fire Chief Brain Martin a donation. The Bethany Beach Fire Company protects an area of about 17 square miles, 10,000 homes and a population of 2,500 that grows to 30,000 during the summer season.

Ms. Hardiman presented Norbert Kraich, of the South Coastal Library, was given a donation in appreciation of the events, classes and everything offered by the Library.

Ms. Hardiman announced that May is Police Recognition Month. She asked Police Chief Michael Redmon to come to the podium and read into the record:

*"During the month of May each year communities throughout the country recognize their police departments. It's an opportunity for me, on behalf of the Town Council, to express our deep appreciation for your outstanding service to our community. We are proud of your recognition for professional excellence by the preeminent Commission on Accreditation for Law Enforcement Agencies (CALEA). But we already knew that.*

*We see you on duty in all kinds of weather every day and are reassured knowing you're there 24/7. We see the quiet professional way you enforce our laws and serve our community: How you treat everyone with respect; how you help people in need; how you deal competently and efficiently with different situations, including disturbances and emergencies. In short, you exemplify all that it means "to serve and protect" in the finest sense of the term.*

*We are aware of the challenges for law enforcement officers today and for each of you, especially with the growing need for law enforcement time and attention because of the*

*increase in the number of permanent residents and visitors to Town every year. As you continue to face these challenges know that you have our strong support. It's not too much to say: We are one family.*

*We also recognize and appreciate the many personal sacrifices you and your families make on our behalf to keep Bethany Beach the safe and family friendly Town that it is.*

*For all that, we are very proud of you and are grateful for your service today and every day. “*

Chief Redmon thanked the Council for all their support of the Bethany Beach Police Department. It is appreciated by everyone.

#### Report from the Planning and Zoning Commission

Mr. Boswell stated at the last meeting there was discussion regarding a tree ordinance, best practices regarding plants and trees that are not native to the area. No decisions, or final decisions have been made on either. Work started on a green section to be included in the Comprehensive Plan.

#### Report from the Bicycle and Pedestrian Safety Committee

Ms. Denault stated that at the meeting there was an update from Mr. Graviet. Mayor Hardiman is working on an initiative with the Delaware League of Local Government to allow municipalities to set their own speed limits. The traffic coming out of Bethany West onto Rt. 26 at Halfmoon Drive has been reviewed by the Town's engineers and will soon be taking bids on the project.

#### Report from the Cultural and Historic Affairs Committee

Mr. Sheplee reported that the committee met on April 20 and on May 18, 2022. Scheduling of docents for the Dinker Irvin Museum was discussed at both of these meetings. The Grand Opening held on April 28<sup>th</sup> was a great occasion and a true celebration of several years of planning and work. The museum is now open on Tuesday's, Thursday's and Saturday's from 9:00 am until 12:00 noon with 2 docents in attendance. The museum is being enthusiastically received by those who have visited during these 2-3 weeks. At both meetings the committee discussed plans for Perrier Day 2022. Due to covid, we have not held any Perrier Day events for the past 2 years. We have had communications from our friends in Perrier who cancelled their plans to visit Bethany also due to the virus. We will be celebrating the occasion with a special bandstand performance and other things on Perrier Day, July 27<sup>th</sup> this year. The committee is working on adding a few additional Bethany houses to the "Heritage Trail". They are currently contacting homeowners of identified locations in order to gather information about the homes.

#### Report from the Fourth of July Parade Committee

Mr. Frye reported that the committee met on Tuesday, April 26, 2022. Julie Malewski updated the committee on the bands she has signed up and other arrangements. Jerry

Morris is working with judges and prizes for the floats. The Grand Marshall this year will be Carol Olmstead, honoring her many years of service to the Town and the grand opening of the Dinker Cottage Museum. Ray and Chris Aumiller have expertly organized the parade t-shirt sales effort. The shirts have been sorted, folded and are on sale at boardwalk events. The next meeting is scheduled for Thursday, June 2 at 9am.

#### Report from the Audit Committee

Mr. Peterson stated that the Audit Committee met on Friday, May 13 to review the opening of the External Audit for this year. Herb Geary from TGM Group reported that Miranda Todd and Jessica Shahady started working on our files last week and have been on site this week. He stated that Ms. Connery and her staff were very prepared and the audit is on schedule. The Town is doing very well financially, in particular our Transfer Tax revenue.

Mr. Geary told the committee about his firm, TGM Group, joining UHY LLC a firm based in Columbia, Md that is the 28th largest accounting firm in the country. UHY has expertise working with governments of all sizes and are currently the auditor for Washington, DC. This affiliation provides resources and connections to experts in specific areas of government accounting as well as help with recruiting and training while still allowing TGM autonomy.

They are still awaiting a report from the State regarding the pension fund. Calculating that liability is the last item keeping them from finalizing the statements. They are pleased with the results of the work they have done to date.

Mr. Geary said that he read over the Internal Auditor's reports which he found to be very thorough. He recommends that the Town continue to have an Internal Auditor which is a great protection that most towns lack.

The committee discussed the five-year agreement with TGM, which expires after this year's audit. After expressing satisfaction with the work of TGM, the committee asked Mr. Geary to draft a similar five-year proposal. The committee will review the proposal and determine if we should go out for bids or not.

The committee tentatively scheduled their next meeting for Friday, July 22nd at 10am.

#### Report from the Town Manager

The infamous Storm of 62 was referred to immediately after the storm as the "5 High Tide Storm". The storm we just endured brought us 11 or 12 high tides and although we endured 6 days of flooding and more beach and dune damage than we would like, it could have been much worse! The front dropped about 30%+ in strength after the first 36 hours and that saved us from significant dune damage and more extensive flooding.

All of our beach crossovers were put out of commission and we were very fortunate that our Public Works Department was able to open 7 almost immediately and subsequently

within just a few days the Delaware Department of Natural Resources was able to open the remaining ramps.

Because the Town is scheduled for beach replenishment this fall, DNREC cut into the existing dune and was able to create walkways to the beach. The Town will (where it can without creating unsafe conditions) install Mobi-mats wherever possible.

And to be clear the: the crossovers are less than ideal. WE will ask DNREC to “tweak” them where they can as the season goes on, but some crossovers are going to be problematic, steep, soft and with a bad transition to the beach. This summer regarding beach access, we will be making the most out of a bad situation.

Work on the 30% design of the dam is progressing on schedule. Staff met with McCormick Taylor engineers, their associate surveyor, and their geotechnical subcontractor responsible for the needed borings for site assessment.

It is important to note when we talk about the dam, that the days of flooding the Town just endured would have been eliminated if the dam had been built.

Staff also reviewed the land strip that the Town is working to save that separates Lake Bethany’s lake from the loop canal. McCormick Taylor is working on those construction documents and the permitting is now moving along. The Town has applied for grant resources to help offset the cost of construction design and the physical construction for this project.

Once again, we are starting the summer season understaffed in seasonal employees. And once again, this will be most felt in the Public Works Department.

The Town is paying at the top of the scale for seasonal Public Works employees, and we will continue to work to aggressively fill our vacancies.

The Police Department is currently down 3 seasonal officers from what they had hoped to start the summer with and 3 to 4 of returning officers have active applications for full time employment with police departments in the tri-state area. Not where we had hoped to be.

Even lifeguard hiring has been affected this year. Where we generally over hire because of expected attrition we have just made basic staffing numbers this year.

Another area where we may see a problem is Trolley drivers. We have just enough to meet our posted schedule, but if we lose any drivers, we may have to adjust the Trolley schedule.

A new policy this year pertaining to out-of-town shuttles, since they have become a little problematic with their frequency and number of drop offs. The new policy limits the number of times the shuttle can enter Town during a certain time periods. Parking

Department staff will be monitoring this. This will tell if it helps with the congestion of shuttles

Discussion, Consideration and Possible Vote on an Ordinance to amend Appendix 4, Bethany Beach Non-Residential Design Review Guidelines by amending the membership of the Non-Residential Design Review Committee (NRDRC) by requiring it to consist of a Member of the Town Council in place of The Town Council Liaison of the Planning Commission

Mr. Killmer stated that in 2006 the guidelines for NRDRC were adopted. Work on these guidelines was done by the Planning and Zoning Commission. There are zoning codes that deal with properties, but not non-residential properties, especially design. Residents care about the design and looks of these signs. This gave control regarding exterior and signage of these buildings to the NRDRC. Having a member on both committees gave a familiarity to the Town Code and Planning Commission. A member of the NRDRC should not be required to also be a member of the Planning and Zoning Commission. Just a member of the Town Council. This would require an update to the Town Code Chapter 425-113 as well as Planning and Zoning Commission.

Mr. Killmer made a motion to change the requirement for membership of the NRDRC to just be a member of Town Council, and not also the liaison to the Planning and Zoning Commission. Seconded by Mr. Morris it was unanimously approved.

Discussion, Consideration and Possible Vote on an Ordinance to amend Section 425-2 by adding the terms Natural Area and pervious Materials in the Definition and word usage in Section 425-2

Discussion, Consideration and Possible Vote on An Ordinance to Amend Section 425-27 by adding an additional paragraph to address Ground Covering Restrictions permitted on Residential Lots

Mr. Edmonston stated that Planning and Zoning Commission has been working on language to increase the amount of pervious area and limit impervious areas on residential lots. Mr. Gravier explained that the Town has reached out to Environmental Engineers, McCormick Taylor, who the Town uses for most geotechnical work, and asked them to review these ordinances that the Planning and Zoning Commission had been working on. After review, McCormick Taylor asked to work with the Commission to develop a very comprehensive ordinance that deals with a multitude of best practices relating to storm water management. Mr. Gravier referenced a manual that one of their engineers developed and it would be very helpful in establishing these practices for a number of different areas, not just pervious surfaces. Mr. Gravier asked the Council to table these two ordinances until that is done. While these two ordinances are tabled, the Building Inspector would still have the ability to deny construction if it doesn't adhere to what is in the two draft ordinances. Mr. Edmonston made a motion to table the two draft ordinances 425-2 and 425-27 to further explore suggestions from McCormick Taylor. Seconded by Mr. Sheplee it was unanimously approved.

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

Ms. Morris advised that the Council is required every year to review the Investment Policy of the Town. The policy requires the Town to invest the public funds in a manner which produces the highest maximum return, plus also the highest maximum security, which is a difficult balance. Presently the Town invests in United States Securities issued and supported by the full faith and credit of the United States Government and Treasury Certificates of deposit, time of deposits and bankers acceptances, Money Market Accounts in commercial banks and Commercial bank saving accounts, all of which are federally insured. Mr. Morris made a motion to continue for another year and follow this policy as it is written. Seconded by Mr. Sheplee it was unanimously approved.

Mr. John Gaughan, 676 Collins Street was recognized. He was recently made aware of high interest treasury bonds, that are tied to inflation. Right now, the return on those is very high. Buying a treasury bond, you have to hold them for 30 years. This may fit a portfolio of the investment policy. Mr. Morris replied that the Town is aware and is looking into it.

Mr. Sheplee read into the record a section of this policy:

*"The primary objectives, in priority order, of the Town's investment action shall be; 1. Safety; 2. Liquidity; 3. Return on investment"*

Discussion, Consideration and Possible Vote on Contract and Possible Vote on Contract submitted by IG Burton for the purchase of a 2022 Chevrolet Tahoe Special Service Vehicle in the amount \$44,787.00

Mr. Graviet stated this is sole sourced from the State contract. Mr. Killmer made a motion to approve a contract from IG Burton for the purchase of a 2022 Chevrolet Tahoe Special Service Vehicle in the amount \$44,787.00. Seconded by Mr. Morris it was unanimously approved.

There being no further business, Mayor Hardiman closed the meeting at 3:02 pm

Respectfully submitted:

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*Molly Daisey,  
Administrative Assistant*