

TOWN OF BETHANY BEACH
TOWN COUNCIL MEETING
February 18, 2022

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

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

Also present was: Cliff Gravier, Town Manager; Will Wharton, IT Manager; Terry Tieman, Assistant Town Manager and Molly Daisey, Town Clerk.

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

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 Workshop/Special Meeting held on January 18, 2022

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

Approval of minutes of Regular Meeting held on January 21, 2022

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 January 31, 2022. The Town is 83% thru Fiscal Year 2022.

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 115.9% of the Budgeted Revenue compared to 90.9% at this time last year.

Operating Budget Expenses

We have expended 79.4% of our budgeted amount compared to 74.5% 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

Report from the Planning and Zoning Commission

Mr. Boswell advised at the last meeting; the P&Z Commission completed an ordinance that was sent to Town Council for their review regarding pervious ground covering. The draft Comprehensive Plan was sent to the Town Council for their review. The plan is not completed yet, but this will allow the Council plenty of time to review. Charts and data are still being updated.

Report from the Budget and Finance Committee

Mr. Morris reported that the Budget & Finance Committee met on February 17 to discuss the proposed budget for fiscal year 2023, which will begin on April 1st.

The draft of the new budget was discussed in detail. Town-wide revenues are budgeted at \$11,507,000, operating costs are \$9,864,000 and the capital and debt budget is \$882,000.

The Committee discussed trash fees and recommends that the Town Council increase the annual residential fee by \$100 and increase all other residential and commercial trash rates by the same percent. The Town plans for trash rate increases every three to five years, and it has been five years since the last increase. Costs to provide trash services have increased significantly over the past few years, including a 15% increase in the cost of personnel and a 28% increase in the cost of replacement trash trucks. The proposed fee change would make are our residential rate \$430 per year.

Our trash service is self-supporting and operates like a business, separate from other Town activities. This means that the cost of running the sanitation department is funded 100% from trash fees. The proposed \$430 residential fee is comparable to GFL Environmental who charges \$494 and Waste Management who charges \$410. It is likely that both these companies will soon be reevaluating their current fees since they must be seeing similar cost increases. This Town provides a much higher level of service than both those companies, who pick up trash weekly, recycling every other week and yard waste only for an extra fee. Our service is weekly trash pickup in the off-season and twice weekly in the summer, plus recycling weekly and yard waste weekly.

The Committee also recommends that the Town Council increase the cost of the annual residential parking permit by \$15 from \$35 to \$50.

The Town Council will hold a Public Hearing on March 14 to hear comments from the public on the proposed budget. The next Budget & Finance Committee meeting is Tuesday March 15 at 10 am, if needed.

Report from the Telecommunications Committee

Mr. Sheplee stated that the Committee met on January 28 via Zoom. Cliff Gravier and John Apple provided updates on current internet and TV service, including the Comcast installation, which has not gone as smoothly as everyone hoped it would. There have been many issues with service interruptions and hitting water and service lines. These have required additional work from the Water Department. Comcast has stated that their work will continue through the summer. To minimize problems, there have been meetings with Comcast. Work in the Canal Community, Lake Bethany and most of Bethany West has been completed. There was also an update on the wireless antenna installations. The Town has hired an outside firm to look at all 5G small cell wireless antenna applications for permits. The number of applications from Verizon and AT&T has decreased to two or three per year. Cell phone providers have informed the Town that their goal is to provide 5G service to the densely populated downtown area, not the entire Town. This would just be cell phone service, not home or internet service. There was also an update on T-Mobile home internet. It provides internet service only, no tv service. Speed and reliability of the service are excellent. However, this is a very limited service offering to not overload the system. Other carriers are beginning to offer similar services. The Committee is also working on two documents to be added to the website. One will offer basic Wi-Fi troubleshooting and steps for further help. The other document will be the various telecommunication options that are available in this area.

Report from the Stormwater and Flooding Committee

Mr. Frye announced that the Committee met by Zoom on February 10; all members attended. They met to discuss the latest study done on how to reduce flooding in Bethany Beach and whether there would be unintended consequences for neighbors in Ocean View and South Bethany regarding the installation of the bladder dam. The 'Bethany Beach Loop Canal Flood Mitigation Concept Impact Study' was done by McCormick and Taylor. The engineers presented the study to the Committee. Some of the key findings were that the bladder dam and flood gate will prevent more than 90% of nuisance tidal flooding in Bethany Beach. The dam would not harm neighbors along the Assawoman Canal, Ocean View or South Bethany. This could also benefit Salt Pond community. Next steps are to seek funding for a preliminary design and to investigate permits. This will be a multiyear process that is estimated to cost between \$1 to \$5 million dollars.

Report from the Town Manager

Mr. Gravier reported that this has been a very busy month for Bethany Beach. As stated at last month's meeting, the Assistant Town Manager took a position in New Hampshire and the Town's Horticulturist, Melinda Linde retired. The Town welcomed Terry Tieman as the new Assistant Town Manager.

The Fire and Ice event was a huge success. The Elvis show was great and the fireworks were fantastic. The same company will be doing the July 4th Fireworks. Thank you to Public Works for all the work they did and to Julie Malewski for coordinating with the Chamber on the Event.

This week staff has met with the contractor from the Electrical Vehicle Institute regarding installing four more dual charging stations in Town. Four at the north end of Pennsylvania Avenue and four towards the south end of Pennsylvania Ave. The new stations should be capable of charging Tesla's in a shorter time. There is an additional cost with that however.

The completion of the McCormick/Taylor study and its positive results moves our consideration of the bladder dam to the next step. That step is the completion of what the engineers refer to as a thirty percent (30%) plan. That plan begins the first steps needed for designing a dam. The thirty percent design of the project includes survey, geotechnical exploration, and development of the project Type, Size and Location (TS&L), including the basic details of the dam apparatus, conceptual structures for the foundation and seepage control beneath the dam, staging of the support infrastructure for the dam pump and power supply, and plans showing the anticipated limits of disturbance, construction access and anticipated easement requirements. This plan will also include the installation of a tidal flap gate at the 36" pipe under the bike path north of the Salt Pond.

The estimated cost for this work is \$251,000 and McCormick/Taylor is preparing a grant application to submit to DEMA's Hazard Mitigation Grant Program (HMGP). We should have the application in by early summer and have award information by late August. The Town also signed an EWO (Extra Work Order) with McCormick/Taylor to expand the study area from our recent report farther into Ocean View to allay concerns offered by Ocean View's Town Manager when McCormick/Taylor made their presentation to Ocean View Town officials. In addition, we will ask McCormick/Taylor to expand some of their analysis to include the Salt Pond community. If it is not cost prohibitive, being able to show the 500+ homeowners in the Salt Pond the benefit of the dam to their community and having them strongly support us going forward will be a positive as we continue to look for state and federal funding sources for the project's construction.

At the Workshop held earlier this week, there was a discussion regarding zoning of the Walcek/Dematatis Property. Work is being done with a surveyor to remove the boundary lines on the property. Once there is a clear survey on file, the Town Council will be asked to zone the property as MORE.

Delaware's Congressional Delegation is leading an effort to have the US Army Corp of Engineers (USACE) reprioritize protecting America's beaches and coastline as one of its highest priorities. With recently introduced legislation to that end, Senator Carper, who is Delaware's and one of the country's biggest advocates for shoreline protection is the lead sponsor on SB 3624, the Shoreline Health Oversight, Restoration, Resilience and Enhancement Act. The bill not only establishes a number of important protections for the country's coastline, but it also extends for another 50 years authorization of 7 beach nourishment projects throughout America, and first on the list is Delaware Coast Protection! Representative Blunt Rochester has a companion bill in the House of Representatives.

Senator Coons is the lead sponsor of SB 3531, the National Climate Adaptation and Resilience Strategy Act. And this bill has a heavy emphasis on the protection and restoration of Americas shoreline. Kudos and thank you to Delaware's Congressional delegation!!

Discussion, Consideration and Possible Vote on the 2022 Summer Events Schedule

Mayor Hardiman stated that the shoulder season in Bethany Beach has been getting longer and longer. Now extending beyond Memorial Day to Labor Day. There were no events planned in 2020 due to Covid. At the start of 2021 Mr. Graviet suggested a new approach. After that and speaking with businesses and the Council, instead of having all the events and bandstand performances in the summer months, have fewer in the summer and extend them thru the shoulder season. Businesses were very much in favor of this. This year Julie Malewski sent out the events survey and results were overwhelming in favor of keeping events extended thru the shoulder season. She created a draft events schedule for the Council to review. Mayor Hardiman made a motion to approve the events calendar for 2022. Seconded by Ms. Denault it was unanimously approved. Mr. Graviet noted that the events calendar is not normally presented to Council for approval. This is being done because the events are being scheduled differently than in the past.

Mayor Hardiman stated that she has heard from residents and visitors who have requested to be able to see and hear the events that happen on the bandstand. Right now you are only able to see the events, there is no audio. The only way the Town is able to do that is to have 1,000 subscribers on the Town's YouTube channel. There are currently only 660 subscribers. The Town's homepage has a link to subscribe.

Discussion, Consideration and Possible Vote on an Increase for Residential Parking Permit Fees

Mr. Morris commented that currently residents are given one free residential permit and the option to purchase a second permit for \$35.00. This fee has not been raised in ten years. In this time, the hourly parking rate has increased from \$1.50 to \$2.50, per hour. An additional justification for this increase is the change made at the beginning of the pandemic to allow residential permit holders to park in all 14-beach end lots without restrictions. This prevents out of town visitors from using those spaces, which costs the Town between \$70,000 and \$80,000 in hourly parking revenue per year. The proposed increase in the annual permit fee would replace a portion of this lost revenue. Mr. Morris made a motion to increase the second residential parking permit from \$35.00 to \$50.00. Seconded by Mr. Frye it was unanimously approved.

Discussion, Consideration and Possible Vote on Changes in Yard Waste and Bulk Trash Pick up Policies and Ordinances

Mr. Graviet stated that Public Works has been interested in making minor changes to trash pick-up. The Council was given the proposed changes. Currently, the diameter of limbs permitted to be pick up is 4 inches and logs are permitted to be picked up.

The proposed changes would decrease the limb diameter to 3 inches and no longer provide for the removal of logs. The other change would be to limit the number of items placed out for bulk pick up. There currently is no limit, the change would limit this to 6 individual items to be picked up. In addition, each household will only be allowed one free bulk trash pickup during the allotted time period in April and October. The current fee for bulk pick up outside the allotted time is \$47.00, the new fee would be \$50.00. Mr. Killmer made a motion to approve these changes, seconded by Mr. Morris it was unanimously approved. The Council agreed that making these changes know to residents will be important.

Discussion, Consideration and Possible Vote on a contract submitted by Carter Machinery for the Purchase of a 2022 Caterpillar Mini Excavator in the amount of \$82,662.83

Mr. Gravier asked for a motion to approved the purchase of a 2022 Caterpillar Mini Excavator model 3035 in the amount of \$82,662.83 to replace an 18-year-old excavator the Town currently owns that is having mechanical issues. Mr. Killmer made a motion to approve the contract submitted by Carter Machinery for a 2022 Caterpillar Mini Excavator model 3035 in the amount of \$82,662.83. Seconded by Mr. Morris it was unanimously approved.

There being no further business, Mayor Hardiman closed the meeting at 2:47 pm

Respectfully submitted:

*Molly Daisey,
Administrative Assistant*