

TOWN OF BETHANY BEACH  
TOWN COUNCIL MEETING  
July 15, 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, Jerry Morris, Faith Denault, Patrick Sheplee and Scott Edmonston.

Also present were: Terry Tieman, Assistant 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 June 17, 2022

Mr. Killmer so moved. Mr. Morris 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, 2022. The Town is 25% thru Fiscal Year 2023.

Operating Budget Revenue

Revenue is slightly down from last year. Transfer tax revenue was higher last year due to the sale of the Hotel. As a result, we have collected 42.9% of the Budgeted Revenue compared to 55.9% at this time last year.

Operating Budget Expenses

We have expended 25% of our budgeted amount compared to 22.3% 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

Mr. Sheplee gave a brief report on the Lifeguards. According to Captain Joe Donnelly the lifeguards are fully staffed this year. There are about 40 full time lifeguards, and 20 part time lifeguards. This includes 1 Captain, 5 Lieutenants and 2 Crew Chiefs. So far this season there have been about 250 water rescues, compared to half this number last year. This past Wednesday the United States Life Saving Association Mid Atlantic Regional Championship was held in Rehoboth Beach. About 300 lifeguards from the east coast competed. Bethany Beach Lifeguards did very well in several categories and Captain Donnelly will be sending a group to the National Tournament being held in California in August. On Monday, July 25, Bethany Beach will host an annual lifeguard competition.

Mayor Hardiman wished to thank Senator Gerald Hocker and Representative Ron Gray for including two Town projects in the State of Delaware FY 2023 Bond and Capital Improvement Act. Because of their work on our behalf, Bethany Beach will be receiving \$250,000 for the Collins Street pathway project and \$102,814 for the Lake Bethany bulkhead design project. Mayor Hardiman also thanked Assistant Town Manager Terry Tieman who worked alongside Senator Hocker and Rep. Gray to secure the funding. This will allow the Town to move forward with these projects and would not have happened without their efforts.

Mayor Hardiman reminded the council and audience that last summer the curfew was lowered from those under 18 years of age to 11:00PM. There were complaints last year of large groups of unsupervised teens hanging out in Town, harassing visitors and restaurant employees. That ordinance was effective in eliminating that behavior. This year, the behavior has become more aggressive, including 3 seasonal police officers being assaulted. One who had an M80 explosive thrown at him. Fortunately, there are no lasting effects from this. Businesses have described these large groups of teens as "terrifying." There have also been reports of drug and alcohol use. This type of behavior is unacceptable in Bethany Beach. The Town Manager increased the police presence on the beach and had bright construction lights placed on the beach. After about 10 days of having the lights on the beach, business owners are reporting that customers and employees are no longer afraid walking thru the plaza area late in the evening. Seeing families playing on the beach at night lead to the purchasing of cornhole boards and volleyball nets on the beach at night from about 7:00 PM to 11:00 PM. They will be set up, weather permitting, but not on nights of scheduled entertainment. Lifeguards will be there staffing the activity.

### Report from the Planning and Zoning Commission

Mr. Edmonston reported that the Commission vote and recommended to the Town Council to rezone the Walcek property to MORE. They also voted to approve a subdivision on Evans Ave. Discussions still continue regarding tree protection and furthering the Green Bethany Initiative.

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

Ms. Olmstead stated that the Committee met on Wednesday, July 13. Plans for Periers Day (which is July 27) were discussed at the meeting. Due to COVID, there has not been a planned program for the last 2 years. There was also discussion of possible Cultural Evenings to be held this fall and spring 2023. Five Bethany Beach homes have been suggested to be added to the Heritage Trail Tour. The homeowners have been notified of what information would need to be provided to confirm the homes are eligible. The Museum continues to be enjoyed by all visitors.

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

Mr. Frye reported that the July 4<sup>th</sup> parade was very successful. Many thanks to Julie Malewski, our parade committee and all the volunteers who helped. And to the Town Police, Public Works, Parking Dept., Volunteer Fire Company and the Christian Church. Ray and Chris Aumiller and their team managed to sell all 560 of our custom T-Shirts; those proceeds went to supporting the parade expenses. Also, a special thanks to three businesses that donated to the parade: The Penguin Diner, CVS Pharmacy and Banks Liquors. There will be a full thank you to all in next week's Coastal Point.

John Gaughan, 676 Collins Street was recognized. He wished to thank Mr. Frye for all his efforts in making the parade the success that it is. It was only tarnished by the tragedy that took place in Illinois. He hopes that what happened there does not affect Bethany Beach's ability to continue to have the all American parade that Bethany does.

#### Report from the Non Residential Design Review Committee

Mr. Killmer reported that the committee met on July 5. There were two applications for approval at that meeting. One was for Pack the Bowl and one for Cedar Sands Condo Assoc. Approval for both were granted.

#### Report from the Budget and Finance Committee

Mr. Morris advised that the committee last met on July 14 for the final review of fiscal year 2022 and to discuss results of the first quarter. Fiscal Year 2022 ended in March with Town wide revenue 28% over the budget. This was due to transfer tax revenue, rental taxes and building permits. Town wide operating expenses were 4% under budget. Also reviewed was revenue from the 1<sup>st</sup> quarter which is down 4% from the prior year. Operating expenses are 19% higher than the 1<sup>st</sup> quarter of last year.

#### Report from the Assistant Town Manager

Ms. Tieman wished to acknowledge that even with the injuries to the 3 seasonal officers, everything went very well for the July 4<sup>th</sup> celebration. To bring tens of thousands of people into 1 square mile for 2 major events, all done without a hitch. Credit goes to the staff for this. Some staff put in 12 to 20-hour days. Special thanks to the Public Works Dept., Police Dept., and the Lifeguards. Revenue was \$2.6 million dollars higher than previous year. Contributing to that were the transfer taxes, which is the highest transfer tax on record. Licenses and permits were 63% over budget. Building permits were over budget by half a million dollars. This is a testament to the hard work of our Building Official, Susan Frederick. Parking fees have nearly returned to

pre pandemic levels. McCormick Taylor is the firm being used by the Town for many projects. The Town is currently pursuing a master service agreement with them. These projects are: the steel dam at the Loop Canal and the Lake Bethany land stabilization. There should be drawings in the next few days for the Collins Street Plan. Once received, a workshop will be scheduled and the drawings will be reviewed. Just as we use parking data to show us the number of people in Bethany, water consumption can also be used to gauge how many people are actually living in Bethany Beach. What it is telling us in that right now, there are more people living in Bethany Beach over the summer than pre pandemic, but not as many as were living here during the 2020 lockdown.

Presentation by US Wind regarding the release by the Bureau of Ocean Energy Management (BOEM) of their Construction and Operations Plan (COP) for the next level of review and public comment before BOEM makes a final decision on the COP and what this means for Bethany Beach

Ms. Hardiman wanted to point out that there are two lease areas off the Bethany Beach coast between Maryland and Delaware. The furthest away is the U.S. Wind lease area, off the coasts of Ocean City Maryland and Fenwick Island. The turbines will be visible from Bethany Beach. The second, Orsted, will be 19 miles off the coast of Bethany Beach. U.S. Wind is further along in their construction and operating plan's (COP) approval process. Orsted has not submitted its COP. They expect to do so by the end of the year. U.S. Wind submitted their COP in 2020 and it was just released for the next step of public review by BOEM last month. This step in the process for U.S. Wind will probably take about 18 months. Ms. Hardiman invited Mr. Dunmyer because she felt the need for Bethany Beach residents to understand what the U.S. Wind Turbines will look like from Bethany Beach's coast. Also, to get a better understanding of the process that will be followed and what can be expected from Orsted when they are ready to present. Ms. Hardiman has been in contact with Brady Walker from Orsted and he is aware that Mr. Dunmyer is here giving a presentation today. Once Orsted is at this stage in the process, they will be given the opportunity to present.

Ms. Hardiman then introduced Mr. Dunmyer as follows: Mike Dunmyer lives in Lewes, Delaware and serves as the Development Manager for U.S. Wind. He is an Ocean Environmentalist with an extensive business background. After a long career as a senior executive with a Fortune 500 company, he served as executive director of Ocean Champions, a bipartisan political organization, focused solely on ocean health. He was also elected and served as a commissioner for the Town of Dewey Beach where he partnered with the Center for Inland Bays to address Dewey's bayside flooding problems. He has an MBA from Duke University and a BA from Washington and Lee University. Has served on the Board of Directors for Ocean Champions, National Aquarium in Baltimore and Center for the Inland Bays. Mr. Dunmyer gave a very detailed presentation which is available to view:  
<https://www.townofbethanybeach.com/DocumentCenter/View/6140/US-Wind-Presentation---July-2022>

Discussion, Consideration and Possible Vote on appointment of an Inspector to the Election Board

There is an opening on the Election Board. Ms. Hardiman made a motion to approve Diane Fogash to serve as an Inspector. Mr. Sheplee seconded the motion and it was unanimously approved.

Discussion, Consideration and Possible Vote on appointment of an Election Officer to the Board of Elections

There is another opening on the Election Board. Ms. Hardiman made a motion to approve Cathy Blackburn to serve as an Election Officer. Mr. Morris seconded the motion and it was unanimously approved.

Election Officers will be:

Election Board

Charles McMullen, Chair  
Chris Aumiller  
Diane Fogash

Election Officers

Suzanne Evans  
Andrea Gowetski  
Jan Kinsella  
John Gaughan  
Denise Folliard  
Cathy Blackburn

Discussion, Consideration and Possible Vote on a Resolution to Approve the Final Annual Assessment List as Presented on July 15, 2022

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 15, 2022 and advertised in the Coastal Point and Cape Gazette newspapers. In addition, the Town Council and Board of Assessment held a hearing earlier today at 1:30 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. Sheplee seconded the motion and it was unanimously approved.

Discussion, Consideration and Possible Vote on Contract submitted by Hertrich Fleet Services for the purchase of a 2023 Chevrolet Tahoe PPV in the amount of \$37,802.00

Ms. Tieman stated that this vehicle is in the 2023 Budget. There is a Sussex County Grant that will cover \$30,000.00. This is an additional vehicle. Mr. Frye made a motion to approve a contract from Hertrich Fleet Services for the purchase of a 2023 Chevrolet Tahoe PPV in the amount of \$37,802.00. Seconded by Mr. Morris it was unanimously approved.

Discussion, Consideration and Possible Vote on Contract submitted by Mid Atlantic Waste Systems for the purchase of a Trash Truck in the amount of \$248,930.00

Ms. Tieman stated that this vehicle is also in the 2023 Budget. Mr. Morris made a motion to approve a contract Mid Atlantic Waste Systems for the purchase of a Trash Truck in the amount of \$248,930.00. Seconded by Mr. Killmer it was unanimously approved.

There being no further business, Mayor Hardiman closed the meeting at 3:31 pm

Respectfully submitted:

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*Molly Daisey,*  
*Administrative Assistant*