

**TOWN OF BETHANY BEACH
TOWN COUNCIL REGULAR MEETING
JANUARY 17, 2020 – MINUTES**

The Bethany Beach Town Council held a regular meeting at 2:00 p.m. on January 17, 2020, in the Town Meeting Room, 214 Garfield Parkway, Bethany Beach, DE 19930.

Members present for the meeting were: Lew Killmer, Mayor, who presided; Rosemary Hardiman; Jerry Morris; Bruce Frye, Joseph Healy and Patrick Sheplee. (Faith Denault was excused from the meeting).

Also present were: Cliff Gravier, Town Manager; William Wharton, IT Manager; and Molly Daisey, Administrative Assistant; and interested members of the public.

Approval of the Agenda

Mr. Healy made a motion to approve the agenda. The motion was seconded by Mr. Morris and unanimously approved.

Approval of minutes of regular meeting held on November 15, 2019

Ms. Hardiman moved approval of the minutes. Seconded by Mr. Morris, the motion was unanimously approved.

Approval of minutes of workshop/special meeting held on November 8, 2019

Mr. Healy made a motion to approve the minutes. The motion was seconded by Mr. Morris and unanimously approved.

Approval of minutes of executive session held on November 8, 2019

Ms. Hardiman moved approval of the minutes. Seconded by Mr. Sheplee, the motion was unanimously approved.

Approval of Financial Report

Mr. Morris advised that this report covers the fiscal year-to-date performance through December 2019.

Operating Budget Revenues

The Town collected 102% of the budgeted revenues compared to 92.1% at this time last year.

Operating Budget Expenses

The Town expended 77.1% of its budgeted expenses compared to 74.7% expended this time last year.

Recognizing that this report is subject to audit, Mr. Morris respectfully moved that the Council accept and approve this unaudited report. Mr. Healy seconded the motion and it was unanimously approved.

Approval of Tax Adjustment List #4

Mr. Morris made a motion to approve Tax Adjustment List #4. The motion was seconded by Mr. Sheplee and unanimously approved.

Announcements/Recognition of Visitors and Public Comment

Kay Houston, President of the Women's Civic Club of Bethany Beach, was recognized. She presented the Town Council with a check as a donation for the flowers in front of Town Hall in the Martha Jean Addy Garden and a bench for the Museum.

Report from Budget and Finance Committee

Mr. Morris advised that the Budget & Finance Committee met on Thursday, January 16, 2020 to review the third quarter of the current year and to discuss the proposed budget for fiscal year 2021, which will begin on April 1st.

The results of the first three quarters of the current year are very good. Revenues should end the year at least \$900,000 over budget, mainly from real estate transfer taxes, building permits and parking fee revenues exceeding expectations. Operating costs should end the year a few percent under budget.

The first draft of the new budget for 2021 was discussed in detail. Town-wide revenues are currently budgeted at \$10.6 million, operating costs are \$9 million and the capital and debt budget is \$1.5 million.

In November, the Town Council voted to increase the hourly parking rate to \$2.50 and adjusted parking fines. The Budget & Finance Committee is not recommending any other changes to taxes rates or fees at this time.

The Committee will meet again on February 20, 2020 to discuss the second draft of the budget.

Report from Charter and Ordinance Review Committee

Ms. Hardiman advised that the Charter and Ordinance Review Committee met on December 6, 2019. Members drafted the two ordinances that are on the agenda for First Readings today.

Report from Fourth of July of Parade Committee

Mr. Frye advised that the Fourth of July Parade Committee met on December 17, 2020. Members designed the annual parade T-Shirt for this year's event. It is red and has the words: "*The Vision is Clear and the Message is Timeless*" with a picture of the clock on both the front and the back of the shirt. Plans are being worked on and groups are being booked for this year's parade. The next meeting will be in March, 2020.

Report from the Planning and Zoning Commission

Ms. Frederick, Building Inspector, advised the Town Council that the Planning and Zoning Commission would not meet tomorrow. They were scheduled to meet and discuss the PRD plan for 857 Garfield Parkway. The applicants have submitted their final paperwork and their submittal is complete. They met the deadline requirements. The final step is to take the paperwork to Georgetown to be recorded.

Report from the Town Manager

Mr. Gravier gave the following report:

DELAWARE COASTAL FLOOD MONITORING CENTER

The Delaware Department of Transportation (DELDOT) and their Traffic Management Center (TMC) has an active flood monitoring system for the State that shows real time flood conditions from New Castle to Lewes. We have reached out to DELDOT and been in communication with the engineer who designed their system. We have forwarded the information that we have queued up over the years from our own gauge and DELDOT has decided to add their flood data monitor and modem to our Town gauge, which will allow the TMC to incorporate lower coastal Delaware into their monitoring system.

DELAWARE DEPARTMENT OF TRANSPORTATION

We have sent the check off to DELDOT for the decorative light poles for our median strip. DELDOT still advises that they intend to have the lights installed before the summer.

In more news from DELDOT, they believe they will be able to reengineer the crosswalk at Wellington and DE. Route 1, installing a flashing pedestrian signal similar to what has been installed in the forgotten mile, before summer also. They are also willing to talk to us about designing a crosswalk at Kent Avenue and Wellington Parkway with a flashing pedestrian light before summer, but advise that would have to be at our expense.

We have asked to meet with them to discuss Kent and Wellington and to get an idea of costs. Since they would absorb the design/engineering costs the hard costs would be the painting of crosswalk markers and the light(s). This may be a reasonable cost and worth considering.

In addition, DELDOT had indicated there is a good chance (in the State's next fiscal year) they will add pedestrian lights at Ashwood Street, Central Boulevard and Ocean View Parkway.

CENTRAL PARK

Despite what some have thought, the Park has been moving along on schedule. There has been some delay because of the very wet November/December, but we are not far off track.

COMCAST

Comcast continues to move ahead with their work to bring fiber optic internet service to businesses in Bethany Beach. You will see their utility located downtown, on Routes 1 and 26. We are making preliminary arrangements to have them supply internet service to our five different municipal locations in Town and believe the commercial phone system they offer to businesses may be a worthwhile improvement to our current system with some great enhancements.

ACT

The Association of Coastal Towns is continuing to develop and realize its potential as a force to maintain and defend Delaware's coastal communities, their beaches, bays, and waterways. In the coming year, Mayor Gene Langan from Fenwick Island will assume the Presidency of the organization and I'm sure ACT will prosper under his leadership.

STAND PIPE

You will recall that we had changed how we were handling and storing water because we had drained the one-million-gallon standpipe so the interior could be painted. That work was completed and the standpipe is in a curing period of one month. When that is over, the aeration enhancement to the standpipe will be completed.

(First Reading) Amendment to Section 395-24 (Pile Driving) of the Town Code to Require Advance Notice by General Contractor to Neighboring Property Owners As Condition for Issuance of Building Permit and an Amendment to Add Section 395-24A to Chapter 1, General Provisions, Article I, Penalties

Ms. Hardiman advised that this ordinance was prepared by the Charter and Ordinance Review Committee (CORC) at the request of the Town Council. It was initiated by citizen complaints that they didn't receive any advance notice of pile driving that was to happen near their homes. Complainants wanted notice so they could secure their belongings. The ordinance will require general contractors to notify the owners of all properties within 200 feet of the site on which the piles will be installed. Notifications shall be made on the form provided by the Town Building Inspector and shall be forwarded in writing, by certified mail to the mailing address of record, at least fourteen (14) calendar days prior to the commencement date of the pile installation. A building permit shall not be issued until proof of mailing satisfactory to the Building Inspector is provided.

Ms. Hardiman added that there is language included on the form that property owners will receive regarding the process to claim any damages due to pile driving being done near their homes.

This ordinance will be presented for adoption at the February meeting.

(First Reading) Amendments to Chapter 440 (Brush and Grass) of the Town Code, Sections 440-2 (Notice to Cut or Remove), 440-3 (Effect of Notice) and 440-4 (Cutting or Removal by Town) to Delete the Word "Destroy" From Each Section; Revising Section 475-29 C (Vacant Structures and Land); Adding a New Subsection C (Lot Maintenance) to Section 475-30 and Subsections C Through I as D Through J

Ms. Hardiman advised that CORC prepared this ordinance at the request of the Town Council because complaints were made because property owners were using herbicides to destroy grass on their property instead of simply cutting and maintaining it. In order to prohibit that, Subsection C of Section 475-29 (General Requirements) would be amended as follows (deletions struck through, additions underlined):

- A. Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition in keeping with the overall landscaping appearance of the neighborhood in which they are located as provided herein so as not to cause a blighting problem or adversely affect the public health, ~~or safety~~ and overall well-being.

In addition, Subsection C (Lot Maintenance) would be added to Section 475-30 Exterior property areas as follows:

A. Lot Maintenance

(1) Every lot, whether vacant or improved with a structure, shall have grass, vegetation, shell or stone in keeping with the overall landscaping appearance of the neighborhood in which it is located in order to: (i) prevent any soil erosion onto or into streets, swales, canals other waterways and/or adjacent properties and (ii) maintain the appearance of the neighborhood.

(2) Exceptions:

(a) If active construction activities are underway on the lot in question, the foregoing requirements shall be met within a reasonable period of time following completion of the construction activities as determined by the Town Manager.

(b) Grass or other vegetation growing on a lot may be cleared in order to replant the lot with new grass or vegetation provided that replanting shall be completed within a reasonable period of time after clearing as determined by the Town Manager.

This ordinance will be presented for adoption at the February meeting.

Discussion, Consideration, and Possible Vote on Proposal Submitted by Regional Builders, Inc for Interior Renovations to the Blackwater Property for the Amount of \$71,468

Discussion, Consideration, and Possible Vote on Proposal Submitted by Hazzard Heating and Cooling, Inc. for Electrical Work Needed for the Blackwater Property for the Amount of \$30,545

Mr. Graviet explained that these two agenda items can be presented together. They are to finish the Blackwater Property's operations office. The two proposals are approximately \$102,000. The first one submitted by Regional Builders Inc., is for \$71,468 for interior renovations to the building. The lesser one was submitted by Hazzard Heating and Cooling, Inc. for electrical work. Mr. Graviet asked for a motion to approve both proposals.

Mr. Healy so moved. Ms. Hardiman seconded the motion and it was unanimously approved.

Discussion, Consideration, and Possible Vote on Proposal Submitted by Hometown Trolley for the Purchase of a New Trolley for the Amount of \$155,000

Mr. Graviet recommended approval of the proposal submitted by Hometown Trolley for the purchase of a new 30 passenger trolley for the amount of \$155,000. Another bid was received from Cable Car Concepts for a similar trolley for the amount of \$169,000.

Mr. Morris made a motion to approve the proposal submitted by Hometown Trolley as detailed. Ms. Hardiman seconded the motion and it was unanimously approved.

Discussion, Consideration, and Possible Vote to Approve the Cosmetic Renovations of the Guardhouse Comfort Station for the Total Amount of \$250,485

EDSI (Construction Services)	\$ 93,560
Atlantic Refrigeration (HVAC)	\$ 1,600
Harry Caswell (Plumbing)	\$34,900
K.B. Coldiron (Wall and Ceiling System)	\$31,282
Mid-Shore Electric	\$22,296
R&R Coatings (Floor and Wall Coating)	\$22,145
Salisbury Door	<u>\$44,702</u>

\$250,485

Mr. Gravier explained that he was originally going to recommend to the Town Council that it consider a major reconstruction of the Guardhouse and Comfort Station. However, engineering reports indicated that it would be cost prohibitive to do that. The Town's engineering firm further thought it would be better to demolish the entire building and to do so was estimated to cost over one million dollars.

Mr. Gravier stated that after being advised of this, he and his staff went back to the drawing board and are now recommending cosmetic renovations instead. The renovations would include new fixtures, walls, flooring, doors, and plumbing.

The Town will hold the contracts and EDSI would be our representative and general contractor. EDSI recently was used by the City of Rehoboth Beach in a similar capacity with very good results.

Mr. Gravier recommended that the Town Council approve the contracts as detailed with EDSI overseeing the construction process.

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

Ms. Hardiman chaired the meeting for this item of business.

Discussion, Consideration, and Possible Vote on Appointment to the Planning Commission
Mayor Killmer advised that Mr. Jim Sirkis has resigned from the Planning Commission because he is relocating. He made a motion to appoint Ms. Kathleen Shorter as his replacement. Mr. Sheplee seconded the motion and it was unanimously approved.

Hearing no additional comments, Mayor Killmer called for a motion to adjourn. Mr. Morris so moved. Mr. Healy seconded the motion and it was unanimously approved.

Respectfully submitted:

Lisa A. Kail, MMC
Administrative Assistant/Town Clerk