

TOWN OF BETHANY BEACH  
TOWN COUNCIL MEETING  
March 18, 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 and Scott Edmonston

Excused Members: Jerry Morris and Patrick Sheplee.

Also present were: Cliff Gravier, Town Manager; Will Wharton, IT Manager; Terry Tieman, Assistant Town Manager, Janet Connery, Finance Director, and Molly Daisey, Town Clerk.

Mayor Hardiman called the meeting to order at 2:05 p.m.

Approval of the Agenda

Ms. Hardiman requested that item C under New Business to be first item under New Business. Ms. Hardiman mad a motion to approve the agenda as amended. The motion was seconded by Mr. Frye.

Approval of minutes of Workshop/Special Meeting held on February 14, 2022

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

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

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

Approval of the Financial Report

Mr. Frye advised that this report covers the budget thru February 28, 2022. The Town is 92% 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 116% of the Budgeted Revenue compared to 93.6% at this time last year.

### Operating Budget Expenses

We have expended 84.9% of our budgeted amount compared to 80.1% at this time last year.

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

### Announcements

Ms. Mary Regan, 606 Delaware Court was recognized. She questioned if anything was being done to improve the entrance off of Rt. 26 into Bethany West/Bicycle Shop and Bethany Diner. It's very confusing and dangerous. Mr. Gravier responded that the Town's engineering firm has been to the location and are currently developing a solution to this.

### Report from the Planning and Zoning Commission

Mr. Gaughan advised at the last meeting the Commission approved a lot partitioning at 857 Garfield Parkway into two lots. Discussions continued regarding the Comprehensive Plan. Various environmental initiatives will be discussed at tomorrow's meeting. And also changes to the membership of the Non Residential Design Review Committee.

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

Mr. Killmer reported that at the last meeting a sign was approved for Off the Hook Restaurant. The sign meets all requirements.

### Report from the Town Manager

Mr. Gravier reported that we are having our engineers design a crosswalk layout for the intersection of Ashwood Street and Route 1 that would include a pedestrian warning light. Unfortunately, DELDOT will not be able to lend the Town fiscal assistance for this project, but we are hoping it is something we might be able to complete by late spring or early summer. The cost of this would be approximately \$90,000.00.

The Council is aware of the length of time and the amount of effort we have put into dealing with a potential visual blight of utility poles as 5G cell service coverage is expanded. The Federal Government has given service providers a great deal of latitude with the installation of these poles and has given local government very little protection or ability to push back on the installation of these poles. When you talk to service providers, they always site the fact that they can install camouflaged poles.

Well, our first camouflage pole is going to be installed at the east end of the north Garfield Parkway alley.

Comcast continues to work in Bethany Beach. Their in-ground installation has not been without a number of issues and foremost among them is that they are repeatedly breaking our water lines. Staff met with higher level Comcast representatives two weeks

ago and we have agreed to let them continue to work into the summer and they have committed to work to eliminate their problems. If we find we are having issues with their installation, we'll stop construction and wait for the fall to resume. That is not what we want to do, however.

The Town had been looking at installing EV stations at the north and south ends of Pennsylvania Avenue. Those installations would have occurred in residential areas and after some of our experiences with our EV stations downtown, it was decided not to place them on our residential streets. We still want to increase the number of stations we have and to that end are working to install 4 Level 3 (the faster charger) stations that will charge up to 8 cars in the public parking lot alongside of the Blue Crab Restaurant.

The museum is about ready to open to the public. A model was just completed of the Allie May, the boat that used to bring visitors to Bethany in the Town's early years. The model will be installed in the next week or so and the sign for the museum will also be installed. That ends the current work on the Museum and I believe that the CHAC Committee is planning an official open in late April.

Citizens should not be alarmed, the National Guard Camp will be conducting a training exercise in Town from April 4<sup>th</sup> to April 8<sup>th</sup>. They will be wearing white hazmat suits and driving Humvees.

Discussion, Consideration and Possible Vote on an Amendment to the Proposed FY 2023 Budget, Adding \$251,000 to the General Fund Capital Budget for Preliminary Engineering of the Loop Canal Dam and Decreasing the General Fund Capital Reserve By a Like Amount

Mr. Graviet stated that this is simply a supplement to the budget. He introduced Mr. Chris Brooks who is the principal working on the construction of the dam and asked him to brief the Council on what exactly the dam can do in Bethany Beach. A 30% plan is what the Council is being asked to approve today with this budget supplement. Mr. Brooks gave a brief presentation to the Council and audience. Ms. Deanult made a motion to approve the 30% plan to add \$251,000 to the General Fund capital budget as proposed. Seconded by Mr. Frye it was unanimously approved.

Discussion, Consideration and Possible Vote on Adjustments to the FY 2022 Special Fund Budget, to Match Grant Funds Actually Received

Ms. Connery stated that every year the Town applies for grants from Federal, State and other sources. Fiscal Year 2022 budget was prepared over a year ago using estimates of the minimal amount of grant funds the Town expected to receive. Grant funds that were actually awarded to the Town exceeded those estimates by \$136,438. This amendment will adjust the revenue and the expense of the Town's Special Fund in order to match grant funds actually received. Mr. Killmer made a motion to adjust fiscal year 2022 special fund budget to match grant funds actually received. Seconded by Mr. Frye it was unanimously approved.

Discussion, Consideration and Possible Vote on a Supplement to the FY 2022 General Fund Capital Budget of \$239,000 for Previously Approved Land Purchases and \$7,000 for a Previously Approved Vehicle Purchase

Ms. Connery stated that these are two amendments to the capital budget. The land purchase was approved by the Town Council in April 2021. However, the budget was not amended at that time, so it is being done now before the fiscal year ends. This was for the purchase of 2.7 acres of unimproved land. Second part of the amendment had \$15,000 in the budget for the purchase of a used vehicle for administrative uses. With vehicle prices being much higher than anticipated, the vehicle purchased was a little over \$21,000, so the budget needs to be amended to compensate for the higher price. Mr. Killmer made a motion to approve the supplement to fiscal year 2022 general fund capital budget of \$239,000 for a previously approved land purchase and \$7,000 for a previously approved vehicle purchase. Seconded by Mr. Frye it was unanimously approved.

Discussion, Consideration and Possible Vote on Budget for FY 2023 and Schedule of Fees

Ms. Connery advised that the budget for the following year begins on April 1, 2022. The Budget and Finance Committee recommends approval of the FY 2023 Budget. The proposed budget has been available to the public on the website and at Town Hall. A Public Hearing was held on March 14, 2022. The proposed budget includes \$11,507,000 in revenue, \$9,864,000 in operating costs, \$596,000 in capital payments and \$246,000 in debt repayment. This budget does include an increase in trash fees. Mr. Killmer made a motion to approve the FY 2023 Budget and schedule of fees. Seconded by Ms. Denault it was unanimously approved.

Discussion, Consideration and Possible Vote on Awarding Concessions for Exercise Classes to be held during the Summer Season on the Beach

Mr. Graviet stated that Code requires the Town to approve beach activities, such as yoga. This aids in not having a large number of people in the same areas competing at the same time. There are seven applicants this summer. Events Coordinator, Julie Malewski, has created a calendar showing the days/times of events offered, which shows no conflict. Only change from previous years is yoga in the park would be offered. Ms. Denault made a motion to approve the proposed exercise classes as presented. Seconded by Mr. Killmer it was unanimously approved. Ms. Hardiman requested that activities in the park not take place near the homes, Mr. Graviet stated that that can certainly be a stipulation.

Discussion, Consideration and Possible Vote to Pave the Town Public Parking Lot in the 200 Block of Garfield Parkway

Mr. Graviet stated this is informational rather than approval of the funding because this falls in the amount the Town Manager is allowed to proceed with. The Town has owned this parking lot for several years now. The plan was to improve the lot with pervious surface as opposed to asphalt. At this point in time a pervious surface will not work in this lot. It will not hold up with the turning. Other surfaces were discussed and the price was significantly more. Mr. Killmer made a motion to approve paving the parking lot in

the 200 block of Garfield Parkway. It was seconded by Mr. Frye.

Mr. Edmonston commented that he understands the concern with costs, but is against paving the lot with blacktop. It conflicts with what the Planning and Zoning Commission has been working on. This parking lot is mostly only used in the summer months for parking and farmer's market. Mr. Gravier stated that this parking lot, and area of Bethany Beach never floods. It deteriorates quickly and it constantly being re-stoned in the summer months.

Mr. John Gaughan, 676 Collins Street, was recognized. He doesn't agree with asking residents to do one thing, and the Town do the opposite. The option to leave it as it is, and re-grade it as needed is the better option in his opinion. He disagrees with the use of a non-pervious surface for the parking lot. Mr. Gravier stated that looking at the lot, you may think it is a pervious surface, it is not. The crush and run is constantly compacted, just as concrete or blacktop are. Mr. Gaughan suggested having a public hearing and letting residents know the difference.

Diane Fogash Boyle, 358 Sandpiper Dr, was recognized. She stated that not having a pervious surface in this lot is going against what the Planning and Zoning Commission is trying to do.

Mr. Edmonston asked if it is possible to continue to regrade the lot and wait and see if another product becomes available.

Mr. Killmer asked how many residents would be okay with spending \$400,000 vs \$30,000. In response to residents using pervious surfaces, their residential lots would be nowhere near this price. It would be a much smaller area.

Ms. Hardiman tabled this until more information is gathered and there is a full Council present.

(First Reading) To Amend Town Ordinance 486-21A(4) (Littering, Solid Waste, Recyclables and Yard Waste), Article IV (Recycling and Recyclable Items), changing from "four" inch to "three" inch limbs that may be removed (Council may elect to Waive the First Reading Pursuant to Chapter 45.5 of the Town Code)

(First Reading) To Amend Town Ordinance 486-21A(5) (Regarding logs) by removing it entirely (Council may elect to Waive the First Reading Pursuant to Chapter 45.5 of the Town Code)

(First Reading) To Amend Town Ordinance 486-21C(4) by adding "logs" to the list of items not accepted for yard waste (Council may elect to Waive the First Reading Pursuant to Chapter 45.5 of the Town Code)

Ms. Hardiman stated that these three items all relate to Section 486 of the Town Code are related and will be combined in the interest of saving time. Mr. Gravier explained that these items were brought up by the Public Works Dept. This has been discussed at

previous Council Meetings and at a workshop. Also the proposed amendments have been available on the website for the last 2 months. If passed today, assuming it will pass as the Second Reading an insert reflecting these changes will be included when the calendars go out to residents. Mr. Killmer made a motion to approve Town Ordinances 486-21A(4), 486-21a(5) and 486-21C(4) as listed on the Agenda and waive the first reading. Seconded by Mr. Edmonston, it was unanimously approved.

Discussion, Consideration and Possible Vote on a Contract Submitted by Enhanced Wood Technologies Inc. for the Purchase of 686 pieces of 2" x 6" x 12' Kebony deckboards for boardwalk ramps and platforms in the amount of \$67,032.80

Mr. Gravier gave background on past purchases the Town has made with Enhanced Wood Technologies and how well it has held up. There are additional areas in Town (ramps and other areas) that have not been upgraded to this material. This contract would complete these areas, making the entire boardwalk Kebony boards. Mr. Killmer made a motion to approve a contract from Enhanced Wood Technologies Inc. for the purchase of 686 pieces of 2" x 6" x 12' at a cost of \$67,032.80. Seconded by Mr. Frye it was unanimously approved.

Consider a motion to go into Executive Session to discuss personnel matters pursuant to 29 Del. C., 10004 (b) (9) and (6) relating to personnel matters

Ms. Hardiman asked for a motion to go into Executive Session to discuss personnel matters pursuant to 29 Del. C., 10004 (b) (9) and (6) relating to personnel matters. Ms. Denault seconded the motion and it was unanimously approved.

The meeting was recessed at 3:20 pm. Mayor Hardiman called the meeting back into session at 3:45 pm. There being no further business, Mayor Hardiman adjourned the meeting at 3:45 pm.

Respectfully submitted:

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*Molly Daisey,  
Administrative Assistant*