

**TOWN OF BETHANY BEACH
TOWN COUNCIL REGULAR MEETING
JUNE 17, 2016 – MINUTES**

The Bethany Beach Town Council held a regular meeting at 2:00 p.m. on June 17, 2016 in the Town Meeting Room, 214 Garfield Parkway, Bethany Beach, DE 19930.

Members present for the meeting were: Lew Killmer; Vice-Mayor; who presided; Chuck Peterson; Bruce Frye; Rosemary Hardiman; Joseph Healy, and Jerry Morris. (Mayor Jack Gordon was excused from the meeting.)

Also present were: Jim Liguori, Esquire, Town Attorney; Cliff Gravier, Town Manager; Lisa Kail, Administrative Assistant/Town Clerk; and interested members of the public.

At this time, Mr. Killmer asked for a moment of silence in recognition of the victims of the mass shootings in Orlando, Florida.

Approval of the Agenda

Ms. Hardiman made a motion to approve the agenda. Mr. Morris seconded the motion and it was unanimously approved.

Approval of minutes of regular meeting held on May 20, 2016

Ms. Hardiman made a motion to approve the minutes. Seconded by Mr. Morris, the motion was unanimously approved.

Approval of minutes of executive session held on May 20, 2016

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

Approval of minutes of special meeting and executive session held on May 12, 2016

Ms. Hardiman made a motion to approve the minutes of the special meeting. The motion was seconded by Mr. Healy and unanimously approved.

Ms. Hardiman made a motion to approve the executive session minutes. Mr. Morris seconded the motion and it was unanimously approved.

Approval of minutes of special meeting/workshop held on May 16, 2016.

Ms. Hardiman moved approval of the minutes as previously amended. Mr. Killmer seconded the motion and it was unanimously approved.

Approval of Financial Report

Mr. Peterson explained that this report covers our year-to-date fiscal performance through the month of May. The fiscal year begins on April 1st of each year so we are 16.7% through the year.

OPERATING BUDGET REVENUES:

To date, the Town has collected 41.9% of our budgeted revenue compared to 41.4% at this time last year. This is attributed to property tax payments.

OPERATING BUDGET EXPENSES:

To date, the Town has expended 16.6% of our budgeted expenses compared to 13.7% expended at this time last year.

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

Announcements/Recognition of Visitors and Public Comment

Dr. Larry Fishel, property owner, was recognized. He explained that he will become a full-time resident next week. He expressed concerns regarding the behavior of young people and their use of alcohol. A young person was recently arrested near his home for public intoxication. He added that he doesn't want to see Bethany Beach have this problem and offered his assistance. As a psychologist, he would volunteer his time to those in need of counseling services for young adults.

Mr. David Limroth, property owner, was recognized. He complimented Melinda Linde and her staff on keeping the Town beautiful with all the wonderful plantings throughout Town. He also thanked the police department for their excellent work. He raised concerns about bicycle safety in Town and advised that he watched a seasonal police officer ride by pedestrians that were walking with traffic instead of against traffic. He felt additional training might be needed and more public education is needed as well.

Report from Charter and Ordinance Review Committee

Ms. Hardiman reported that the Committee met on June 16, 2016. Members met with Mr. Blaine Smith, Zoning Administrator for the Town of Ocean City, MD, regarding how Ocean City enforces regulations regarding light trespassing onto neighboring properties. Mr. Smith's presentation was informative and helpful. Members plan to meet with him again in the evening hours so that he can demonstrate the equipment used for this purpose.

Report from Fourth of July of Parade Committee

Mr. Frye advised that the Committee met on June 14, 2016. Plans for the parade are on schedule. Currently, there are seven marching bands and seven bands on trucks scheduled. Miss Delaware and Senator Hocker have confirmed their participation. T-Shirt sales are going well. As always, more volunteers are needed as well as drivers with convertibles.

At this time, Mr. Peterson took over as Chair of the meeting.

Report from Non-Residential Design Review Committee

Mr. Killmer advised that the Committee met on June 10, 2016. Members approved an application submitted by Ms. Rose Conte for a new letter wall sign, a new awning with signage and a neon window sign for her new business “Pomodoro Pizzeria” located at 101 Garfield Parkway in the C-1 Zoning District.

Report from the Planning Commission

Mr. Killmer explained that the Planning Commission met on May 28, 2016. Members approved an application for partitioning submitted by Ms. Joan Meisenhalter and Ms. Jean Laird for their property, Lots 55 and 58, Block 28, currently known as 611 Second Streets. The partitioning was approved.

The members also voted to delete footnote (e) of the Table of Dimensional Requirements (TDR) since it is no longer applicable to the Town’s Zoning Code.

Mr. Killmer resumed Chair of the meeting.

Report from the Town Manager

Mr. Gravier provided the following report:

Traffic Control Gibson

As you are aware, we had installed speed bumps at the intersection of Gibson and Central in an effort to discourage the use of that route as a shortcut during the summer months. Our first installation of very mild speed bumps did nothing to discourage traffic and seemed to result in more people running the stop sign. So these mild speed bumps have been moved 90 feet away from the stop signs and more serious speed bumps have been placed adjacent to the stop signs. Motorists need to stop at the sign now. They will not be able to slow and coast through the intersection. We will monitor traffic and the impact of these new speed bumps closely. If they become a problem we will remove them and revisit the issue with the neighborhood.

Zika Virus

We continue to monitor the Zika Virus closely. The State is taking no extraordinary precautions at this time and as of today there have been no recorded transmissions to a human in America through a bite received in America. Regardless we recently began applying mosquito larva control products. Granules as well as extended release tablets are placed in problem areas and catch basins. These products provide 30-60 day coverage. Approximately 15 areas have been treated to date. These areas include all large ditches and standing water areas that cannot be accessed by the State of Delaware Mosquito Control Division. The State of Delaware treats roadside ditches throughout the Town.

Keep off the Dunes

We are doing our best to post the dunes with “Keep off of Dunes” signs. We have ordered a lot more and we will post more heavily when they are in. We are reluctant to commit a seasonal officer to babysit the dune but may be forced to.

Movies on the beach

We kicked off the 2016 season with the showing of “THE PEANUTS MOVIE” on Monday, June 13, 2016 to a moderate crowd on the beach!! We are prepared to move the movie to the bandstand area if needed. Beach bonfires will also be a problem. It all depends on wind and tide.

Fireworks

We are waiting for the Fire Marshall’s final inspection next week to see if he will issue our permit to shoot fireworks. We are expecting a quick nor’easter to roll through in the next 12 to 18 hours and we hope it has little impact on the beach.

Bikes and Scooters

Parking in downtown Bethany as you all know is a no-win battle. Parking has many different constituents and it is almost impossible to make all of them happy. We have worked this year to increase the number of bikes we can accommodate and now have deployed racks for 540 bikes. We have also worked to create parking for scooters. Today we have spaces for 35 scooters and I anticipate that we will have spaces for 50 before the summer is over. We look to regulate by permit scooter parking next year, charging a seasonal fee that allows parking in Town scooter spaces.

(Second Reading) An Ordinance Amending Chapter 212, By Adding Article III Regulating Unmanned Aircraft Systems (Also Known as Drones) in the Town of Bethany Beach

Ms. Hardiman read the title and synopsis of the proposed ordinance. She explained that the purpose of the ordinance is to amend Chapter 212 by adding certain and specific regulations of drone technology and unmanned aircraft to protect the public health, welfare and safety of citizens and inhabitants of the Town of Bethany Beach.

Ms. Hardiman advised that the ordinance addresses safety and privacy issues for all involved. Drones are permitted to those who use them as a hobby as long as they are flown over property owned by the individual flying the drone. They can also be used over other property with the owner’s permission. Drones are permissible for commercial purposes as long as they are registered with the FAA and also obtain a Town permit.

Ms. Hardiman made a motion to adopt the ordinance with the following fines to be included in Chapter 1 of the Town Code for violating the ordinance.

First offense - \$50 - \$100;

Second offense - \$100 - \$500;

Third offense - \$1,000; and there would be no seizure of drones.

Mr. Peterson seconded the motion.

Mr. Killmer advised that drones, as the ordinance is written, would be permitted to fly too close to the water plant and high voltage power lines. He recommended that amendments be made that would prohibit drones to fly closer than 50 feet of the water plant and 100 feet of power lines. There was no objection.

Mr. Killmer also asked that the provision referring to seven “calendar” days be amended to seven “business” days. There was no objection.

Ms. Hardiman amended her motion. She moved to adopt the ordinance to include the revisions offered by Mr. Killmer. Mr. Peterson seconded the motion.

Mr. Morris questioned how the Town would notify the public about this ordinance.

Mr. Gravier advised that notice of the ordinance’s adoption would be included in the local newspapers and will also be put on the Town’s website. He also noted that warnings would be given before a person was issued a citation.

Dr. Joshua Fried, property owner, advised that he applauds the Town’s efforts in this regard. However, he explained as a drone hobbyist, he felt that drones can be handled safely. He asked where he would be able to operate his drone outside of his own property.

Ms. Hardiman advised that drones are permitted in some areas of state parks with permission and over somebody’s house who gives permission. Mr. Gravier suggested calling the State Park at Indian River to inquire about any restrictions on flying drones over the back bay and beach front lots.

Ms. Joan Thomas, property owner, was recognized. She recommended that the Town send out an email to all property owners regarding adoption of the ordinance and to provide the same information to realtors for renters.

Hearing no additional comments, Mr. Killmer called for a vote on the pending motion. The motion was unanimously approved.

Mr. Peterson took over as Chair of the meeting.

Discussion, Consideration, and Possible Vote on Setting a Date for the Town Council Election – Saturday, September 10, 2016 – 12:00 Noon to 6:00 p.m.

Mr. Killmer made a motion to hold the Town Council Election on Saturday, September 10, 2016 from 12:00 Noon to 6:00 p.m. Ms. Hardiman seconded the motion and it was unanimously approved.

Mr. Killmer announced that anyone wishing to file as a candidate for the election must file a written Notice of Intention (Application for Candidacy) in the Town Manager's Office at Town Hall no later than 4:30 p.m. on Wednesday, July 27, 2016.

Discussion, Consideration, and Possible Vote on Appointments to the Election Board and Election Officers

Mr. Killmer made a motion to appoint the following individuals to serve as members of the Election Board and as Election Officers:

Election Board

Charles McMullen, Chair
Chris Aumiller
Phillip Rossi

Election Officers

Joan Thomas, Inspector
Sandra Lehman, Judge
Cathy Davis, Judge
Susan Street-Wingate, Judge
Lonny Moore, Judge
Dean Sissler, Judge

Ms. Hardiman seconded the motion and it was unanimously approved.

Discussion, Consideration, and Possible Vote on Setting a Date for the Town Council Organizational Meeting – Monday, September 19, 2016 at 10:00 a.m.

Mr. Killmer made a motion to hold the Town Council Organizational Meeting at 10:00 a.m. on Monday, September 19, 2016. Ms. Hardiman seconded the motion and it was unanimously approved.

The meeting was adjourned at 2:40 p.m.

Respectfully submitted:

Lisa A. Kail
Administrative Assistant/
Town Clerk

