

**TOWN OF BETHANY BEACH
TOWN COUNCIL REGULAR MEETING
JANUARY 15, 2016 – MINUTES**

The Bethany Beach Town Council held a regular meeting at 2:00 p.m. on January 15, 2016 in the Town Meeting Room, 214 Garfield Parkway, Bethany Beach, DE 19930.

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

Also present were: Max Walton, Esquire; Special Counsel; Cliff Graviet, Town Manager; Lisa Kail, Administrative Assistant/Town Clerk; and interested members of the public.

Approval of the Agenda

Mr. Killmer moved approval of the agenda. The motion was seconded by Ms. Hardiman and unanimously approved.

Approval of minutes of regular meeting held on November 20, 2015

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

Approval of minutes of executive session held on November 20, 2015

Ms. Hardiman made a motion to approve the minutes as previously amended. The motion was seconded by Mr. Peterson and unanimously approved.

Approval of minutes of public hearing held on November 20, 2015

Mr. Killmer made a motion to approve the minutes. Seconded by Mr. Peterson, the motion was unanimously approved.

Approval of minutes of workshop/special meeting held on November 16, 2015

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

Approval of minutes of executive session held on November 16, 2015

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

Approval of Financial Report

Mr. Peterson advised that this report covers the year-to-date fiscal budget performance through the month ending December 31, 2015. The fiscal year commences on April 1st of each year.

Operating Budget Revenues

To date, the Town has collected 98.4% of budgeted revenues compared with 105.9% collected during the same period last year.

Operating Budget Expenditures

To date, the Town has expended 78% of budgeted expenses compared with 77.4% expended during the same period last year.

Recognizing that this report is subject to audit, Mr. Peterson made a motion to approve the un-audited report. Mr. Killmer seconded the motion. The motion was unanimously approved.

Announcements/Recognition of Visitors and Public Comment

- Mr. Peterson recognized all of the efforts that went into creating the Weekend Wonderland Events in Town. Twenty-four local businesses participated and he hoped that this will become an annual tradition.
- Mr. Phillip Feliciano, property owner, asked the Town Council for an update on the Storm Emergency Relief Fund (SERF).

Mr. Peterson advised that the Budget and Finance Committee will soon be making recommendations to the Town Council on how to fund SERF.

Report from Cultural and Historic Affairs Committee (CHAC)

Ms. Carol Olmstead, Chair of the Committee, reported that CHAC met on January 13, 2016. There is a small museum conference being held in Ocean City, Maryland in February. She is hoping a few of the committee members will attend. She had a brief discussion at the meeting about the donation of the Dinker Cottage that is on today's Council agenda. Ms. Olmstead recently met with Madeline Dunn of the Delaware State Historic Preservation Office. They are exploring having the house listed on the National registry, with the on-site visit being the initial step in this process. Pending the acceptance of the Dinker Cottage, the National Park Service's approval would be the next step. CHAC unanimously approved providing the Town (from CHAC's reserved fund) monies in the amount of \$46,300. That is the amount estimated by East Coast Structural Movers to move and relocate the house, if it is accepted. Ms. Loppatto provided a report from the Coastal Town's Museum most recent meeting with Mr. Ed McWilliams from the Delaware Cultural & Historical Affairs Office to gain insight on the Evans-West house in Ocean View. This home was recently listed on the national registry. This home is being considered a possible future museum to represent the whole coastal area. CHAC also discussed updating the self-guided tour of Historical Homes in the area where CHAC has placed bronze markers & listed the homes on brochures available at Town Hall. A local citizen had suggested to Ms. Olmstead that this whole tour could be enhanced by creating an audio that can be accessed by a cell phone app. They will be looking into this idea in the future. On February 18, 2016 at 7:00 p.m. in the Town Hall, CHAC will be hosting a presentation by Dr. Gary Wray entitled Fort Miles-Past, Present, Future that explores the history of Fort Miles,

constructed during WW II at Cape Henlopen, and how it is being preserved as a museum.

Report from Fourth of July of Parade Committee

Mr. Frye reported that the Committee met on January 5, 2016. Members decided that this year's theme for the 4th of July will be "Celebrate Your Right to Vote". The next meeting will be held on February 9, 2016 and final designs for T-Shirts will be decided upon.

Report from Non-Residential Design Committee

Mr. Killmer advised that the Committee met on January 8, 2016 and approved an application submitted by Mari Thompson requesting approval for new/revised facades and signs for two (2) businesses – "Kites, Tails and Toys" and "Bethany Trading Company." The businesses are located at 110 and 112 Garfield Parkway, Lots 12 & 14, Block 107 in the C-1 Commercial Zoning District, Bethany Beach, DE.

Report from the Town Manager

Mr. Gravier gave the following report:

Water Department

The new water tower is now fully functional. Staff is looking into obtaining prices for a ten-year maintenance contract on the standpipe.

Blackwater Property

Improvements continue on the Blackwater property.

Newspaper Boxes

The newspaper boxes have been replaced with better quality ones. These are temporary to see how they hold up. Council members were asked to take a look at them. They are located near Grotto's Pizza at the foot of Garfield Parkway.

Holiday Events/Tree Lighting

Staff was thanked for their efforts in having three weekend holiday events, which started with a tree lighting. Next year, there will be improvements. The hope is to make this an annual tradition.

Discussion, Consideration, and Possible Vote on Accepting the Donation of the Historic Dinker Cottage

Mayor Gordon read the following prepared statement into the record:

We have reached the portion of the agenda where two items of significant interest to the community are to be discussed and voted on by the Town Council. There are many who would like to address the council on both items.

To move the meeting along as efficiently and effectively as possible, I would like to outline the ground rules related to these two agenda items for today's meeting.

First, I will ask the Town Manager to brief the Council on the Dinker Cottage donation and his recommendation regarding the siting of the house on Maryland Avenue. Then, I would like to ask our outside counsel, Max Walton, to also brief the Council on these issues from a legal perspective.

After this briefing, I will ask those in the audience who are interested in these issues to speak to the Council. If you have not already done so, please sign the sign-in sheet at the rear of the room. The meeting is being recorded and broadcast. People will be asked to come to the podium in the order their signatures appear on the sheet. We are in receipt of much correspondence on this issue, all of which has been forwarded to the Council members for their review.

Each speaker will go to the podium, give his or her name and Bethany address and will be allotted three minutes to speak, no more. Speakers are to end their comments when advised to do so. You may not assign or give your time to another person. If you have no new information to cover, please just indicate you agree or disagree with what has previously been said. Council members may ask speakers questions if they so choose, but this is not an opportunity for speakers to debate or argue with staff, Council members or our counsel. This is a time for you to tell the Council your opinions on these issues. I ask that we all respect each other's opinions and comments and that we all treat each other with respect and courtesy.

After everyone who wishes to do so has gone to the podium and has spoken on these issues, public comment will be closed.

At that time, if a Council member is so inclined, he or she may make a motion on Item (A) and another Council member may second. At that time Council deliberation can begin on that item. When there is closure on Item (A), we will repeat the process for Item (B).

This will be a time for Council discussion and deliberation, not a time for further public comment. We will not entertain comments from the audience during our Council deliberations.

As a footnote, because of the interest in agenda Item (D), development of the Mews at Bethany, we will be handling it in the same manner. A separate sign-up sheet is available in the back for individuals wishing to comment on this issue.

At this time, Mr. Gravier read the following statement into the record:

To parallel the Agenda items as they are listed today, I am going to break my comments into two parts, the first on the Dinker Cottage, its possible acceptance by the Council and costs associated with that acceptance and then a review of my siting recommendation to the Council for the cottage.

The idea that there was a possibility of the Town acquiring the Dinker Cottage first came to my office in October.

This home that we refer to as the Dinker Cottage in our Comprehensive Plan, is owned by Christina and Clem Edgar and has been in their family for the last 85 years.

The cottage however, was originally built and owned by William A. Dinker and in all likelihood built in 1903 or 1904 and probably located in the 100 block of either First or Second Street.

Mr. Dinker was the President of a group of six gentlemen who had come together to rescue the failing Bethany Beach Improvement Company, the Church group that had tried but were failing to turn Bethany into the Chautauqua at the shore they had imagined. This group is referred to in histories of the Town as the "Pittsburgh Six".

Making the house even more interesting from a historical perspective, is the fact that 4 of these 6 gentlemen built identical homes. Dinker, Addy, Errett and Kidd, all members of the Pittsburgh Six, built homes that were virtually identical and the Dinker Cottage, the house we are speaking of, is one of those homes. Talk about a window into early Bethany Beach History, this house is certainly that.

In the early twenties the home was moved from its original location and placed on Garfield Parkway extended in the only area east of Route 1, or what was then called Delaware Avenue, that had been part of the Town's original design and street layout.

For a period of time after it was moved the Dinker Cottage was also the Bethany Beach post office.

In the mid-twenties the Edgar family bought the home and it has been owned by their family for the last 85 years. Making the home even more important from an historical perspective are that family's records, photos and recollections, and if compiled and presented as part of the home's preservation will make a unique and priceless record of Bethany Beach's history through many generations.

Regardless of any outside designation of historical importance, the Dinker/Hicks/Edgar Cottage is important to, and relevant to, the history of Bethany Beach.

The Dinker Cottage had been for sale for several months and there had been ongoing informal dialog between CHAC members about the home's value to the community and curiosity if there was a way the Town might be able to acquire the home. Because of that interest the Committee's Chairperson, Carol

Olmstead, arranged a meeting between herself and the property owners, Christina and Clem Edgar.

Out of that discussion came an interest on the part of the Edgars in exploring the mechanics of, or the process if you will, of the Town acquiring the cottage.

Around this time Ms. Olmstead approached me about the issue and it was placed on the November Agenda for a Council Workshop.

Out of Ms. Olmstead's initial informal discussions with the Edgars, came a list of things the Edgars were interested in seeing done if they were to donate their house to the Town.

In the months since this list was presented to Ms. Olmstead, I have had a chance to meet with the Edgars and Ms. Olmstead has maintained an ongoing dialog with the Edgars.

This has been a learning experience for all involved. We have been very clear, and the Edgars very understanding, regarding what the Town can do to facilitate this acquisition and what it can't or won't do.

And to be very clear, the Edgars have a keen desire to see their cottage preserved and are giving their home to Bethany Beach whether their property is partitioned by the Planning Commission or not.

The Edgars now have a clear understanding about what the Council might do to facilitate the acquisition of their home, if it so chooses, and would like the Bethany Beach Town Council to consider doing three things,

- 1) That the Town be responsible for all cost associated with moving the house.*
- 2) That the Town removes the remaining structure from the property.*
- 3) And the Town prepares a letter of donation to the IRS based on an appraisal from a certified appraiser for the donation of the house.*

There is precedent in these 3 requests and they are the exact same things the Town did over a decade ago when the owner of the Addy House, Addy 3, which now houses our Nature Center, gave that house to the Town.

In addition, in the last few years we prepared a letter of donation to the property owner who donated a portion of the Loop Canal and the Salt Pond to the Town.

As a point of clarification, the Town has based these past letters of donation on appraisals provided by the property owner from certified and licensed appraisers provided by the owner and at the owners expense and we would do the same thing

here. The Town has not been so bold as to question valuation provided by licensed appraisers, and question either their ability or their integrity.

It is my recommendation for the Council's consideration that the Town agree to pay for the costs associated with the move, remove the remaining structure on the property and provide a letter of donation to the Edgars for presentation to the IRS.

Removing the remaining structure on the property would be done with Town staff and equipment as time permits. This is an ideal time of year for us to do this type of work, when wet weather makes storm water maintenance in Bethany impossible and trash responsibilities are complete.

I can tell you that the Dinker Cottage has had a home inspection by a licensed professional who has provided us with a positive report on the home and it has also been inspected by a licensed exterminator and has no issues of concern.

Expenses related to moving the house and to updating the house break out this way:

\$5000 to install new electric service and rewire the home. Hazard Heating and Cooling.

\$10,500 to install HVAC. Hazard Electric and Cooling.

\$4000 to re-brace floor joist in crawl space and re-tie attic joist. Ocean Swell, Inc.

\$6000 to build ADA compliant ramp to rear entry door of the home. Ocean Swell, Inc.

\$14,000 for the engineering and permitting required for sewer line relocation KEI, Inc.

\$17,000, for the physical relocation of sewer the line. William Mills.

This totals \$56,500 and would be the Town's fiscal obligation

The Town has those funds in this year's budget in its contingency line.

The actual cost to physically pick the house up and move the house to Maryland Avenue would be \$46,300. The Town's Cultural and Historic Affairs Committee has voted to pay those costs from funds they have raised over the years hosting the Bethany Beach Craft Show.

Total Cost \$102,800

Operational Cost

Ultimately I believe that CHAC sees the home as a Museum or extension of the Museum in Town Hall and displayed as an historic home that tells a story about summers in Bethany Beech through the decades.

Depending on how CHAC presents the home, we estimate yearly operational costs, using volunteer docents, will be in the neighborhood of \$10,000 and if a paid staff is required to supplement volunteers would be approximately \$25,000 a year. These costs are similar to our experience at the Nature Center.

The second item on our agenda under new business deals with my recommendation to Council that the Dinker Cottage, if accepted by the Council, be placed on Maryland Avenue, south of Garfield Parkway Extended.

I have recommended Maryland Avenue as a location, first because it is very close to Town Hall and downtown Bethany. It is incredibly accessible to all of our many, many residents and visitors who both walk and bike Garfield Parkway in route to downtown Bethany, the boardwalk and the beach. And it is also accessible and visible to the many motorists that drive through southeastern Sussex County's busiest intersection.

In addition, placing the Dinker Cottage on Maryland Avenue situates the house as if it were in a Bethany Beach neighborhood and presents as it has appeared for the 85 years just a few feet west of its current location and keeps it in an area that is within the founder's original layout of the community.

As a matter of fact the CHAC Chairperson has recently asked if we could move the house north and closer to Garfield Parkway so it could keep the look it has today. We can easily cut back the number of parking spaces in front of the home and move it closer to the street if that is a wish of the Council and CHAC.

I have not recommended to you that the Dinker Cottage be moved to the Nature Center as some have suggested because of restrictions place on the property by the U.S. Fish and Wildlife Service when they gave the Town grant monies to purchase the property.

*I have not recommended the Cottage be moved to our future park because my direction from this and previous Town Councils, is that the property remains open and natural with plantings and green-space, devoid of **any** formal structure. That we create a pastoral environment that **would be open and accessible to every citizen**, and the only enhancements to be considered were enhancements to the property be enhancements that would impact the property in the most minimal and natural way.*

This has been public comment Town Councils have received in every public meeting and hearing for over 15 years. The suggestions given to the Council in citizen surveys and this is the direction the Town Council gave to the company it hired this

summer to develop plans and concepts for the park's development. This has been the direction that has been given to me.

From my perspective, to suggest or recommend any location other than Maryland Avenue to the Council for their consideration would have created a false choice, and led community wide alarm and debate. If I have interpreted the Council's direction incorrectly I am sure the Council will advise me so today.

With all that said the only piece of Town owned property where the Dinker Cottage could be sited is Maryland Avenue.

In the letter the Town sent via registered mail to 35 homeowners who live close to Maryland Avenue, I have explained that the Town would do all it can to make the siting of the Dinker House on Maryland Avenue a positive thing for their neighborhood. I explained there would be no public access to the property after hours. That the property would be gated, and the gate would only be open when the house was open. Most weeks the Nature Center is only open 15 to 20 hours a week and never in the evening and we foresee the same sort of schedule here.

*The placement of the house on Maryland **MIGHT** result in one pine tree being taken down but no more and the Town would plant flower beds and other plantings around the home as our horticulturist deems appropriate and maintain them at the same high level we do in the rest of Town owned property. If neighbors request we will plant and maintain any natural buffers necessary to create a break between private property and the Dinker Cottage.*

I believe at the end of the day the Dinker Cottage as a home of historic importance to Bethany Beach can and will be maintained and presented in such a way to be an enhancement to the neighborhood and I recommend to the Council that they consider siting the Dinker Cottage on Maryland Avenue.

At this time, Mr. Max Walton, Esquire, Special Counsel to Town Council, was recognized. He stated that the proposal before the Council is to move an existing house to a location on Town-owned property that, at one time, was mapped out by the original founders of the Town. He noted that he had a title company confirm that the Town owns the property. It was confirmed that the Town acquired title to the property in fee simple in 1987.

At this time, the Town is deciding what to do with land that it owns that has never been dedicated or used as a street during the term of ownership of the Town. The Town must confirm that the property is zoned for the intended use. Because the property is zoned as a Municipal, Open Space, Recreational Facilities, and Educational District (MORE), it is zoned correctly for the intended use. Although this property was once depicted on a street plat back in early 1902, there was never a street in this location and the property has been used as public open space since 1987. Mr. Walton discussed

the definitions of “vacation” and “abandonment” as used in the Delaware Code and concluded that by moving the house to this location on property that it owns, the Town is not vacating or abandoning a street. Rather, the Town is using its open space land the same as any other fee simple owner could. There is no vacation or abandonment of the land.

Mr. Walton advised that two additional arguments have been raised in correspondence that he received. The first is denial of access and the second is taking of property rights. Mr. Walton reported that having personally viewed the proposed area for the Dinker house relocation, there is no denial of access to the affected properties nor would there be any taking of property under the law.

Mr. Walton stated that, in his view, open space owned by the Town (Maryland Avenue Extended) may be used for the relocation of the Dinker house. He added that as fee simple owner of that property, he doesn't think the Town has to go through the procedure outlined in Chapter 18 (Streets and Alleys) of its Charter. However, in closing, he recommended that the Council follow those procedures prior to the relocation of the house in order to give everyone notice and the opportunity to be heard.

Mayor Gordon thanked Mr. Walton for his comments and started the public comment process.

Mrs. Christina Edgar, 310 and 302 Garfield Parkway, was recognized. Mrs. Edgar stated that she would like to correct information that was recently printed in the Coastal Point Newspaper. She explained that there is not now, nor ever has been, a signed agreement, preliminary or otherwise. Nothing has been signed or agreed to by herself or her husband or the Town. A series of notes were prepared by her and her husband consisting of items they would like to see in an agreement, not expecting to get all they wanted. Another thing that needs to be noted is that Jane Hickman Tribbitt never requested a commission of any kind. This was the Edgar's idea. She added that Mrs. Tribbitt told her that she would not take a commission even if the Town offered one. As the Town Manager mentioned, the partitioning of the lots will be decided on its own merits, completely separate from the donation, by the Planning Commission, not the Town Council.

Mr. Philip Feliciano, 18 Kent Avenue, was recognized. Mr. Feliciano expressed his appreciation for the wonderful things that the Council has done for Bethany Beach. Under its leadership, the Town has flourished. The flower beds, the redevelopment of Garfield Parkway, and the summer entertainment at the Bandstand are all wonderful improvements. He stated that he recognizes the dual importance of the comprehensive long-term plans and wise utilization of revenue to ensure Bethany's viability well into the future, which is why his group is here today. He wanted to make sure that the Town Council received all correspondence sent to them by property owners, including a petition signed by many owners regarding the selling of the Dinker House to the Town.

For a point of clarification, Mayor Gordon explained that the house was not being sold to the Town. Rather, it was being donated to the Town.

Mr. Feliciano responded that he was asked not to debate, so he will not do that. However, he felt there was consideration. Bethany Beach 2010-2020 Comprehensive Plan, Section 4.1 identifies Maryland Avenue as open space. It is currently being utilized by residents and visitors for numerous recreational activities. Section 4.2 identifies it as a park and recreation area. Maintaining the open green space is essential to Bethany Beach's appeal as an ideal family friendly resort. We really do not know the numbers associated with costs to move the house until all of the engineering, design work, and request for bidding is done in accordance with local and state government regulations. Until then, you cannot have a true estimated cost. Lastly, regarding this matter, he stated that he has not received all of his FOIA requested documents.

Ms. Mary Feliciano, 18 Kent Avenue, was recognized. She advised that her group is here today to speak about various topics. She would speak about the impact on the environment moving the Dinker House would have on Maryland Ave. Bethany Beach has a reputation of being a Quiet Resort and family friendly. The natural beauty is what brings tourists whose revenue supports the Town. It is a beach town, not a concrete beach town like so many neighboring beaches. If you ask people, that is why they choose to come here. Retaining this environment is very essential. The green space sets us apart from neighboring beaches and draws residents and visitors to this area. People from Bethany West and on the east side of Rt. 1 use the space, it doesn't have any requirements. People play games there, walk their dogs, families play badminton, and hula hoop. Hundreds of people a week utilize this space in the summer—a lot more than would visit a museum. If they were to visit the museum, it would only be once. Families use this area day in and out, rain or shine. It's also a habitat for wildlife.

Mr. Joe Tropea 324 Garfield Parkway, addressed the Town Council. He stated that he is here to present the names of people who have signed the petition to save Maryland Avenue. There are many people who are concerned about Maryland Avenue that do not live on Maryland Avenue. Signers of the petition are from Collins Street, Wellington Parkway, Atlantic Avenue and streets he didn't even know existed. A few petitions were sent directly to the Town Council. There were over 100 signers. He presented the list to the Town Council.

Ms. Narda Namrow, 320 Garfield Parkway, was recognized. Ms. Namrow advised that she lives here year round with her husband and two daughters. Her children play in that area. They have enjoyed this grassy strip for many years. Molly Feliciano mentioned all the purposes they use grass area for. She stated that she wants to keep the area green and have everyone enjoy the area. The Dinker Cottage being moved and turned into a Museum/Welcome Center is a good idea. However, she felt that it would be better suited at the Park. She runs her office out of her home and the thought of having visitors in and out of a museum near her home is very upsetting to her, including for the noise pollution it would cause.

Mr. Tony Namrow, 320 Garfield Parkway, was recognized. Mr. Namrow stated that he has been in the construction business for 20 years, and the estimated costs to move the house are too low. The sewer line alone will be more than what is estimated. The park is 166,000 square feet. He is friends with the Edgar's and wants them to succeed. The footprint of the Dinker Cottage is 1,140 square feet, less than 1% of the park. If you want visibility and people to see the museum, you would have to put a neon sign on Kent Avenue. Mr. Graviet's estimate that only one pine tree would need to be removed is inaccurate. To fit the house and a parking lot on Maryland Avenue, all of the trees and bushes will need to be cleared. He advised that he has had a real estate appraiser come out and look at the property. The devaluation of their homes would be significant, which no one cares about. He has spoken with Mayor Rick Meehan of Ocean City, Maryland; and his biggest regret is density, packing things in. Once the Edgar's develop their land, which is their right, and he applauds them for that, the whole area will look like an apartment complex. If really want the museum to be viewed, put it in the park.

Ms. Rachael Namrow, 320 Garfield Parkway, addressed the Town Council. She advised that the green space behind her house is where she and her friends love to play. The area has become almost like her backyard. Her wish was that we can make this work for everyone so we don't lose our favorite place to play. We were always taught to work together. Maybe we can work as neighbors and friends to find a better spot for the house.

Ms. Theo Loppatto, 614 Second Street, addressed the Council. She advised that she has been a full time resident since 2003 and has spent the last 40 (+) years visiting Bethany Beach. She is a member of the Cultural and Historic Affairs Committee. As a concerned citizen, she strongly feels that the Town shouldn't let this rare opportunity to preserve a valuable piece of the Town's history slip by. She quoted from the Town's Comprehensive Plan of 2010 to show that accepting the donation would be consistent with the Plan's objectives. This house is one of only twelve properties of 141 that haven't been remodeled or torn down. Shame on us if we do not chose to take this opportunity. The Maryland Avenue location is a very good location. It's accessible, visible and safe. With proper signage, the museum will be utilized. It can be safely accessed using the crosswalks. Noise and safety should not be an issue, because it will be gated. Many museums are located in neighborhoods. It would add to the area, not detract.

Ms. Jane North, 317 Hollywood Street, was recognized. She advised that today she has three roles – mom, property owner and lawyer. The proposed location on Maryland Avenue is a small sliver of space. Not everyone comes to Bethany Beach for the beach. She stated that she has an autistic son who enjoys the green space, and she knows he is safe when he's there. They shouldn't have to cross Route 26 to get to the park for green space. According to a real estate expert, her property value will diminish if the Dinker house is moved to Maryland Avenue. She doesn't live here year round and feels that these hearings were thrown together at a time of year when there are not a lot of people in Town. She drove three hours to get here, and was only allowed to speak for three minutes.

Mr. John Schmidlein, 306 Hollywood Street, was recognized. He advised that he has lived in Bethany Beach for the last 50 years. He was opposed to placing the Dinker house on Maryland Avenue. He explained that he understands that it is a historical house and sees both sides of the issue. He feels the Town should accept the donation, purchase the lots on which the house is now located and leave the house where it is. He urged the Town to look at a solution like this. While the Town would be putting up some money, he thought it would be a good idea. He hoped that we can find a place other than what is being recommended by the Town Manager. This would be a wonderful addition to the Town.

Mr. William Ziegler, 849 Glenn Court, addressed the Town Council. He supported the Town Manager's recommendation that the Town accept the donation of the Dinker home, because it is a historical home. He felt that even if Mr. Graviet's cost estimates would be doubled, it would still be a bargain. He also felt that placing the house on Maryland Avenue was a good choice. This is a once in a lifetime opportunity to preserve this home.

Ms. Margaret Young, 603 Pebble Court, was recognized. She stated that she has vacationed in Bethany Beach for 78 years and has been a property owner since 1949. She is a member of the Cultural and Historical Affairs Committee. The Town is being offered a wonderful gift and CHAC is offering to pay for its relocation. There is a perfect opportunity to use this as a museum; the house itself is an artifact. Noise is not an issue at other museums. If the house is not accepted, the house will be demolished and that would be a tragedy.

Mr. George Watson, 508 Candlelight Lane, was recognized. He stated that he supports the proposal and all aspects of the donation. He was unaware that Maryland Avenue was other than private property and he was shocked to learn that the community objected on two different occasions to have park benches put there. He struggles to walk a short distance, so he would find park benches useful. He said he did not know that his grandchildren could go to Maryland Avenue to play ball, although he did not think they would be welcomed.

Mr. Henry Rojewski, 311 Oakwood Street, addressed the Town Council. He advised that he has been a full time resident since 2008. He has seen cottages torn down and trophy houses built. This is a great opportunity to preserve the home and Maryland Avenue is a wonderful location to place the home.

Mr. Patrick McGuire, 639 Tingle Ave, addressed the Town Council. He stated that he supports the Town accepting the donation of the Dinker house. He stated that he thinks this is a kind gesture and commends the Cultural and Historical Affairs Committee for getting the Town to this point. He agrees with Mr. Graviet's letter and supports the location. However, he proposed that the Town Council also deal with the parking issue in Town. He recommended that the Town extend the parking surface to the end of Maryland Avenue and gain about 50 more spaces. The new hotel will be fully

operational this year. They will have a need for guest and employee parking. The South Coastal Library has closed their parking lot to anyone who is not a patron. He proposed adding 50 parking spaces for Town employees and those who work in the retail shops.

Ms. Joy Knox, 217 Wellington Parkway, was recognized. She stated that she has owned property in Bethany Beach since the early 1980's and is a full-time resident. Friends of hers were contacted to sign the petition, but they said no. There have been no objections to the museum from the residents she spoke with. Some residents will object to anything being placed on the property. She added that she sees greed from Mr. and Mrs. Edgar. She also agreed that more parking spaces are needed in Town.

Ms. Claudia Dieste, 321 Hollywood Street, was recognized. She advised that the land being discussed is Town-owned and is open to anybody who would like to use it. Some have spoken today regarding the many uses it serves. She feels like she is being punished for enjoying the green space. What makes up a Town is all that live in the Town. This issue is dividing everyone. We have a choice and the logical place for placement of the Dinker house is the Park. Lastly, the waters are being muddied by the parking issue. That is a separate issue and should not be part of the discussion today.

Ms. Cathy Crowley, 305 Central Boulevard, addressed the Town Council. She thanked the Council for having this forum. She advised that the front of her house faces the park. She empathizes with the people of Maryland Ave. However, she opposes the Dinker House being located to the Maryland Avenue. She agreed with Mr. Schmidlein's recommendation to leave the house where it is. Moving the house may destroy the foundation.

Mr. James Tippet, 406 Gibson Avenue, was recognized. He stated that he empathizes with the people on Maryland Avenue. However, he supports the Town Manager's proposal to relocate the Dinker house to Maryland Avenue.

Ms. Claudia McClenney, 118 Ashwood Street, addressed the Town Council. She stated that she fully supports Mr. Graviet's proposal. She explained that she, too, empathizes with the people on Maryland Avenue. However, several years ago the people of Maryland Avenue turned down the idea of putting a playground there. The Dinker house will be a welcoming addition for the Town.

Mr. Robert Witzel, Esquire, addressed the Town Council. He explained that he is here today representing Mr. Robert Cohen who lives on Kent Avenue. He thanked the Council for providing him an extra two minutes to speak. However, he objected to the limit in general. Despite what has been said about the preliminary agreement, it is a smoking gun evidencing contract zoning, which is illegal. He explained that Mr. Walton is hesitant to tell you what you can't do. He explained that is what he is here to do today. Other laws are applicable to the Town Council's decision. Contract zoning is the first issue. He questioned how Town Council can disregard the preliminary agreement that the Edgar's presented that states the approval of the lot partitioning by the Planning Committee of lots 14 and 16 as a condition to their donation. That is illegal and would

be struck down by any court. From a financial point of view, there are state codes that address spending & contract bidding. Based upon the new estimate of \$102,000, which is significantly higher than the original estimate, and is probably too low, the Town is bound to enter competitive contract bidding pursuant to State Codes. This project requires competitive bidding. He stated that he disagrees with Mr. Walton regarding abandoning or vacating a street. In his opinion, that must be granted by Superior Court. The Town needs to go to the Superior Court to have the road vacated or abandoned.

Mr. Witsel cited portions of the Comprehensive Development Plan that must be amended prior to moving the Dinker house to Maryland Avenue. There must be public hearings before any amendments can be made to the Comprehensive Plan. He asked for more time to address the Council, since his allotted time, which totaled 6 minutes was over. His request was denied based on Mr. Walton's advice that under Delaware case law, the Town's limiting public comments to three minutes per person was not a denial of due process. Mr. Witsel asked that his objection be noted in the record.

Mr. Bryce Turner, 431 Gibson Avenue, was recognized. He stated that he has lived here since 1968 and been coming to Bethany Beach since 1937. He supported the Town Manager's proposal.

Ms. Laura Hickman, 300 Ocean View Parkway, was recognized. She advised that she grew up in Bethany Beach. She explained that she is an artist and documents the ever changing houses and streets in Bethany Beach. With each passing year, the Town is changing and starting to look like any other local beach Town. She encouraged the acceptance of the Dinker house. It would be an incredible museum and a proud treasure for all.

Hearing no additional comments, Mr. Peterson made a motion to accept the donation of the historic Dinker Cottage. Mr. Killmer seconded the motion.

Mr. Killmer explained that for any town to be successful, it must focus not only on the future, but also on protecting and preserving the past. It is the Town's charm that makes Bethany Beach our home. The Dinker house is a perfect way to protect the past and preserve the Town's historic charm. It would be a great place for a museum and to house all the artifacts that cannot be displayed in the limited space available in Town Hall. Historic events sponsored by CHAC can be held in the space and to not accept the donation would be a great mistake and would result in the permanent loss of an important part of the Town's history.

Mr. Peterson stated that he agreed with Mr. Killmer's comments.

Ms. Hardiman thanked everyone that came out today. She stated that many of you sent in comments and all of them have been read. She thanked Mr. and Mrs. Edgar for offering the house to the Town. The house is a historic treasure that an inspector has said that it is in amazingly good shape for a house its age. The costs of moving the house are going to be absorbed by CHAC, which is in-keeping with the Committee's

mission. She said that accepting the Cottage is consistent with the Town's Comprehensive Plan, that the record shows that the Town staff has done its due diligence and the information they have provided Council in calculating costs and outlining work that needs to be done to open it to the public is reasonable. For these reasons she approves accepting the donation.

Mr. Healy thanked everyone for their comments and for attending today's meeting. He supported accepting the Dinker house and relocating it to Maryland Avenue to help the Town retain part of its rich history.

Mr. Frye also expressed appreciation to all who sent in comments and came today. He noted that he talked to many residents and is in support of the donation. Making the Dinker house into a museum is a good way to preserve the history of Bethany Beach. The Dinker house is mentioned in the Comprehensive Development Plan and acquiring it is also supported by the Bethany Beach Landowners Association which represents many landowners in Town and should be accepted from Mr. and Mrs. Edgar.

Mr. Morris also thanked everyone for attending the meeting and for sending in their comments. He stated that it would be a tragedy for us to not accept the donation whether or not it is placed on the National Registry, since it is an important part of our history. Bethany Beach is going to become like Ocean City if we don't take control.

Mayor Gordon stated that he agreed with all the previous comments. He added that the donation being offered by the Edgars is very generous and the Town should accept it. Having the house demolished would be wrong.

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

Contingent Upon the Town Council's Acceptance of the Dinker Cottage, Discussion, Consideration, and Possible Vote on the Town Manager's Recommendation to Relocate the Dinker Cottage on the Unimproved Portion of Maryland Avenue Extended South of the Sidewalk on Garfield Parkway Extended

At this time, Mr. Walton reminded the Town Council if they vote to move the Dinker house to Maryland Avenue, they should follow the procedures outlined in Section 18 (Streets and Alleys) of the Town Charter.

Mr. Healy made a motion to relocate the Dinker cottage on the unimproved portion of Maryland Avenue extended south of the sidewalk on Garfield Parkway Extended and to follow the procedures set forth in Section 18 (Streets and Alleys) of the Town Charter. Ms. Hardiman seconded the motion.

Mr. Killmer advised that there are two possible places to locate the house – Maryland Avenue or the Town Park. There has already been a Town-wide survey and a number of public hearings have been held regarding the park. It was the expressed view of the community members that they did not want any structures on the property. There is

plenty of room on Maryland Avenue for the Dinker house and it seems to be the ideal location.

Mr. Peterson advised that he has read all of the input received on this issue and the majority support the donation and the placement of the house on Maryland Avenue. There have already been a number of surveys that clearly show that people do not want any structures in the park. He added that some of the people that he spoke with were irate that tax dollars were being spent to maintain a piece of Town-owned land that was being used by so few property owners and felt it should be put to a use that benefits all or sold to developers and the money put into the general fund. He said that he must support the majority of property owners and therefore votes to move the house to Maryland Avenue.

Ms. Hardiman advised that there is a record of uses that property owners want to see for the Park. In addition to the survey conducted by the Town, the Bethany Beach Landowners Association (BBLA) also surveyed property owners. That survey specifically asked if an enclosed building with HVAC would be acceptable for the Park. The majority of property owners who responded felt that would be unacceptable. The Town Council needs to make a decision. Although she was empathetic to the property owners near Maryland Avenue, she was of the opinion that the Dinker house should be placed on Maryland Avenue.

Mr. Healy advised that for all the reasons that have already been said, the Dinker house should be moved to Maryland Avenue.

Mr. Frye valued the interests of those opposed to moving the house to Maryland Avenue. However, he felt this was for the greater good of the Town.

Mr. Morris stated that he understands the Maryland Avenue resident's concerns regarding green space. However, there will be plenty of green space left over. There is room for four houses on the area being discussed and only one house is going to be placed there.

Mayor Gordon explained that there are only two possible locations for the house and the Park's future has already been planned. If the house were to be located on the Park property, those neighboring the Park would be upset. The ideal location for the Dinker house is Maryland Avenue.

Mayor asked for a vote on the pending motion. The motion was unanimously approved.

At this time, Mr. Killmer took over as chair of the meeting.

Discussion, Consideration, and Possible Vote on Recommendation to the Governor that He Affirm the Town of Bethany Beach Alderman

Mayor Gordon made a motion to adopt a Resolution requesting the Governor to reappoint Charles McMullen as the Town Alderman. Mr. Morris seconded the motion and it was unanimously approved.

Mayor Gordon resumed chair of the meeting.

Discussion, Consideration, and Possible Vote on Request for Comment from the Administrator of the Delaware Department of Natural Resources regarding the Development of the "Mews of Bethany"

Mr. Frye advised that Stanley Walcek is continuing to seek approval to build in the wetlands between Garfield Parkway and the Loop Canal. He hopes to construct six buildings, each with four units for a total of 24 units, by filling 1.9 acres of forested wetlands. He would then mitigate four acres of new wetlands. Many residents feel that the development would not be good for the Town and there are concerns about the loss of habitat.

Mr. Frye made a motion that the Town take a position to oppose the Mews of Bethany and send a letter to the Administrator of the Delaware Department of Natural Resources and the Army Corps of Engineers. Mr. Morris seconded the motion.

Mr. Carl Tull, 314 Second Street, was recognized. He agreed with Mr. Frye and supported his proposal.

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

Mr. Killmer made a motion to adjourn. Seconded by Mr. Healy, the motion was unanimously approved.

Mayor Gordon adjourned the meeting at 4:45p.m.

Respectfully submitted:

Lisa A. Kail, MMC
Administrative Assistant/
Town Clerk