



## **PRESIDENT'S MESSAGE**

Greetings:

The lead article below summarizes the 280 responses we received as of November 6 to our first ever multi-question electronic survey, which we distributed on October 29. Numerical results are given without interpretation so members can draw their own conclusions. In addition, members offered over 250 comments that the Board will be considering.

Over the years BBLA has conducted numerous "paper" surveys. The electronic approach offers significant advantages over paper in terms of cost and time. Paper surveys cost BBLA thousands of dollars in printing and postage costs; electronic surveys eliminate those costs, and also eliminate return postage costs for respondents. In terms of time, paper surveys consume several weeks to distribute and receive back a significant number of responses. Also, many hours of human labor are required to tabulate manually the results of a paper survey. By way of contrast, in just a few days our electronic survey produced a significant volume of responses that were tabulated almost instantly by computer.

But electronic surveys are not without disadvantages. For one thing, we cannot reach non-members electronically or those of our members for whom we do not have email addresses. Currently, 135 out of a total of 1,173 BBLA member households (11.5 per cent) either do not have email or have simply chosen not give us their email addresses. Another potential issue is insuring that only a single response from each member will be counted.

We began to develop our capacity to do electronic surveys this Spring when we asked our technical consultant-contractor to develop a survey using only one question with yes-no answer. The resulting survey asked members their views on whether the town should purchase two lots next to Town Hall. Over 330 people responded and over 90% said yes. BBLA presented these results to the Town Council, who were appreciative. It worked.

The Board spent a good deal of time over the Summer developing questions for a more comprehensive multi-question electronic survey and working with our technical consultant-contractor to develop the processing capacity. Unfortunately, there was a glitch in this process that affected about 145 members. The database that checked that the electronic survey response was from a member was not fully linked with the database that mailed out the survey. Consequently, when the affected members clicked on the link to take the survey, they were instead asked to send an email to BBLA that said "please add my email address to your mailing list." The technical problem was promptly corrected and our contractor sent personal e-mails to the members who received this confusing request to enable them to complete the survey. We apologize for the frustration and inconvenience our members experienced.

Among other things, these most recent survey results indicate many BBLA members have interest in volunteering. As we move forward, if anyone with technical expertise or interest in the field of electronic communications would like to participate in our efforts, even on a consulting basis, please let me know.

In addition to the survey results, this Newsletter addresses many important developments since our last Newsletter was distributed. We hope you find this Newsletter interesting and informative.

Best wishes for a wonderful Holiday season.  
Mike Horne,  
BBLA President

## **RESULTS OF MEMBER SURVEY**

A substantial number of members (280) responded to the electronic survey sent on October 29 to members with e-mail addresses on file with BBLA. Following is a summary of the preliminary results, as of November 6.

### About those who responded:

- 83% have owned property in Bethany Beach for over 10 years.
- 17% are full-time residents. Those who are not full-time spent an average of 10 weeks, in Town and a median of 6 weeks, in a year.

### About member views of the BBLA:

- 87% feel they have a good understanding of the purpose and function of the BBLA while 4% do not. 9% are not sure.
- 91 % are satisfied with BBLA's efforts to convey information to them.
- 94% are satisfied with BBLA's efforts to solicit their opinions and suggestions on issues.
- 90% believe their views on public issues are of interest to and likely to be taken into account by the BBLA Board while 10% do not.
- 89% are satisfied with BBLA's testimony before the Town Council on matters pending before the Council.
- 78% are satisfied with the positions taken by BBLA and 19% are not sure.

### About member views of the BBLA website:

- 49% have visited the website
- Of those who have visited the website, 94% found what they looking for and 93% found the website easy to navigate.
- There were 17 comments. Several felt the website should be more up to date.

### About volunteering:

- 84% would like the Town to advertise volunteer opportunities.
- 22% have volunteered for Bethany Beach in some manner.
- 28% would like to volunteer for the Town and 54% are unsure.

### About Town Government:

- 92% have responded to a Town opinion survey or have submitted comments to the Town on some issue.
- 76% have voted in Town elections.
- 68% believe their views on public issues are of interest to and likely to be taken into account by the Town Council while 32% do not.

- 10% have previously or currently served on a Town committee.

About being in Bethany Beach:

- 79% feel Bethany Beach is maintaining its historic character as a quiet resort and family-oriented coastal town. There were about 100 comments.
- 83% would buy a home in Bethany Beach today. There were about 80 comments. Common threads in the comments included: they would not buy today because they already own a house in Town; they would not be able to afford a Bethany home at present prices; and their current age would preclude it. In addition there were over 60 general comments.

To see the details for the responses to all 27 questions and the approximately 250 comments, copy and paste this guide into your browser: <http://bit.ly/1LINU5S>.

### **STORM EMERGENCY RELIEF FUND (SERF)**

At its meeting on July 17, the Council voted to establish SERF and make a start in building the fund. Initially, the building permit fees and transfer tax for the new hotel (approximately \$640,000) will be allocated to seed the fund. Other possible sources will be considered later. (A special assessment on the property tax bill, much like the EMS assessment, and an increase in rental taxes were mentioned as possibilities.) The Council also agreed that the fund should be protected/reserved for use in storm emergency situations. Use for any other emergency contingency will require approval by a super majority of five Council members.

The need for such a fund and the importance of the Council's decision was emphasized by the two weeks of Northeast storms in September-October. With sustained high winds and ten high tide cycles, the storm caused severe damage to the dunes and beach and flooding in some areas of the Town. Fortunately, the dunes saved the Town from damage to the boardwalk and infrastructure along the oceanfront.

### **DUNE REPAIR AND BEACH REPLENISHMENT**

In the aftermath of the September-October storms, the Delaware Department of Natural Resources and Environmental Control (DNREC) has been working to eliminate the high, dangerous cliffs carved into the dunes by the storms; otherwise stabilizing and restoring the dunes as sand becomes available on the beach; and repairing and reopening crossovers for the public to access the beach. Most crossovers have been reopened, although they are steeper than desirable. The handicap ramps at Oceanview Parkway and Wellington Parkway, which will be repaired by the Army Corps of Engineers, are not yet useable. The prompt restoration and repair work of the DNREC crews is certainly appreciated by BBLA and all Bethany Beach landowners. Moreover, the employees of the Town's Public Works Department deserve special recognition and thanks for their extraordinary efforts before, during and after the storms.

As to replenishment of the beach sand lost in the storms, DNREC officials have stated that Bethany Beach is not in line for major beach maintenance/replenishment until 2017. That, of course, will depend upon available funding. Until then, we have to rely on temperamental Mother Nature.

## **POSSIBLE NEW REGULATION OF RESIDENTIAL CONSTRUCTION AND RENOVATION PROJECTS**

The Planning Commission recently approved their final draft of a significant “residential bulk density ordinance” that would affect landowners considering new residential construction or major renovation projects. The draft ordinance would add a new Section 425-26 to Chapter 425 (Zoning) of the Town Code and further regulate bulk density in the R-1, R-1A and R-1B zoning districts.

The purpose of the ordinance is to provide standards for “reviewing architectural plans for new residential construction projects and/or major residential renovations to determine if the architectural plans are appropriate and compatible with the buildings that make up the surrounding residential properties.”

The Planning Commission will send the draft ordinance to the Town Council, together with recommendations for adequate lead-time for public participation and for possible implementation. The recommendations include: (1) public hearings before a Council vote; (2) Council vote possibly in the Spring/Summer of 2016; and (3) if approved, that the ordinance would go into effect one year after final Council approval to allow landowners adequate time to complete projects already in design or planning phase.

This proposed ordinance might, if adopted, impact a large cross-section of landowners. The Planning Commission, correctly in our view, studied this complex issue for a number of years and solicited and received input from numerous architects, builders, planners, and other experts. There also were opportunities for public input along the way. The recent BBLA member survey comments area indicated a number of BBLA members have concerns about the bulk density issue.

The complete proposal necessarily includes many technical terms and provisions that may be unfamiliar to the average person. The BBLA Board is concerned that many landowners will find it difficult to determine just how the proposed ordinance would affect whatever plans and hopes they may have for future construction and renovation, and how it may affect the character of Bethany Beach.

BBLA has written to the Council asking them to develop a process to explain the ordinance and its effects in layman’s language. This should include: (1) the intended positive impacts of the proposal; (2) the effect on an individual landowner of the changes from current zoning code provisions; (3) what tradeoffs may apply, such as the possible reduction in total lot coverage; and (4) the time frame when the ordinance might take effect. A public meeting at which knowledgeable persons would be able to respond to questions was also suggested. The Board also offered to assist the Town in its communication efforts.

The proposed ordinance is available at Town Hall or on the Towns website: <http://www.townofbethanybeach.com/DocumentCenter/View/2091>. Comments may be sent via e-mail to: [admin@townofbethanybeach.com](mailto:admin@townofbethanybeach.com). In the subject line, it would be helpful to note: “Comments on bulk density proposal.”

## **OTHER NEWS AND UPDATES**

### **Council and Committee Changes**

Since there were only three candidates for the three open Council positions this year, no election was conducted. Consequently, incumbents Joseph Healy and Chuck Peterson will continue as Council members. Jerry Morris, a full-time resident who has served on a number of Town committees, will fill the position vacated by Jerry Dorfman, who decided not to run for reelection after more than 10 years on the Council. Jerry Morris is also a BBLA Board member and officer.

At a reorganization meeting on September 21, Council members reelected Jack Gordon as Mayor and Lew Killmer as Vice Mayor. Chuck Peterson was elected Secretary-Treasurer. The Council also approved the appointments of a number of committee chairpersons, as follows: Audit—Patrick Sheplee; Budget and Finance—Chuck Peterson; Charter and Ordinance Review—Rosemary Hardiman; Non-Residential Design Review—Lew Killmer; Cultural and Historic Affairs—Carol Olmstead; and 4<sup>th</sup> of July Parade—Bruce Frye.

### **BBLA Officers and Board of Directors**

With the election of officers and directors at the Annual Meeting on June 27, 2015, the current officers and members of the Board of Directors are as follows:

#### Officers

President: Mike Horne

Vice President: Tracy Mulligan

Treasurer: Patrick McGuire

Recording Secretary: Robin Baxter

Membership Secretary: Jerry Morris

#### Board of Directors\*

Marty Decre

Diane Fogash

John Himmelberg

Doug Mowrey

Larry Fishel

Jerry Hardiman

Claire Loftus

Margaret Young

\*All officers also serve as members of the Board.

### **Progress on Development of Town Park**

At its meeting on August 21, the Council voted to commission the Oasis Design Group (ODG) to develop a “master plan” for design of the Town Park. (The firm created the plans for the Riverwalk in Wilmington and James Farm as well as some planning for the park at the Indian River Bridge, among other projects.) The Council determination included an assurance that the public would be invited to further participate in the development process.

At the public workshop on October 15, ODG presented two initial alternative concepts for possible layout, pathways and areas for park features. Both concepts were based, in part, on the results of the survey the Town conducted to determine property owner opinions regarding development of the park and possible features. The purpose of the presentation was to solicit Council and public input for further preliminary concept development. The public can view the ODG presentation on the Town’s website at: [www.townofbethanybech.com](http://www.townofbethanybech.com). In the process established by the Council for this project, there will be further opportunities for public input.

## **Ban on Firearms in Municipal Buildings**

At a public workshop on August 17, the Council considered a proposed ordinance that would ban openly carried firearms and other weapons in municipal buildings. The ordinance was prepared in response to a recommendation by the Delaware League of Local Governments and mirrors recent State legislation permitting municipalities to adopt such regulations. The ordinance contains certain exceptions permitted by Delaware law, including the carrying of concealed weapons by persons holding a valid license and by law enforcement officers.

The ordinance was on the Council agenda for the required formal “first reading” on October 16. A second reading and possible vote to approve was scheduled for the Council meeting on November 20.

## **Limits on Charity Fund Raising Events In Summer**

At the workshop on August 17, the Council considered complaints regarding the conduct of a charity fund raising race on a Sunday at the same time that the Farmers Market was open. Concerns were raised by the Council about scheduling any such event at the same time as the Farmers Market. The consensus of the Council seemed to be that two events should not be scheduled on the same day. Regarding charity events like the race in question, the consensus was that permitting a fund-raising event on a Saturday, rather than a Sunday, was a possible alternative; and scheduling them during the “shoulder seasons,” rather than during the summer, was a better option.

The Town Manager advised that absent future Council direction on the matter, special events like the race would be administered as follows:

- Only one such event would be approved each month in June, July and August;
- Events will be approved on a “first-come” basis; and
- Any such event must be completed by 10:00 am.

## **Land Strip Preservation And Restoration Project**

A recent project illustrates the importance of property owner attention to problems and involvement in developing solutions. As a direct result of the initiative and efforts of concerned homeowners, the Delaware Center for the Inland Bays has completed the first phase of a “living shoreline” project to halt further erosion of an important strip of land that separates the Loop Canal from the Salt Pond.

The narrow strip of land, which was formed in 1910 when the Loop Canal was dug, begins near the National Guard Training Site and extends westward about 450 yards. Separate parts are owned by the National Guard, the State of Delaware and the Town of Bethany Beach.

Although small in size, the land blocks and provides some protection from wave action across the Salt Pond, especially during Northeasterly storms. It can thereby reduce flooding in affected communities, including The Canal residential community, Tingles Addition, Villas at Bethany West and Lake Bethany. It also provides protection for adjacent tidal wetlands

habitat for crabs, fish, marine life, birds and other species. The first phase of the restoration project involved the installation of over 120 wood and COIR (natural fiber) logs to reduce the energy of waves against the land. Completion of the project will ensure that the land strip will continue to serve its natural beneficial purposes.

The positive outcome achieved would not have happened without the efforts of the concerned homeowners, including Chuck Peterson, Bob Collins and Steve Piron, who devoted considerable time and energy for over two years to saving the land.

As a postscript, at the Town Council meeting on July 17, Mr. Peterson and Mr. Piron, on behalf of the homeowners on their Land Strip Committee, presented a plaque to the Town expressing their appreciation for Town support and assistance in the project. Mayor Jack Gordon congratulated them on their accomplishment. [To learn more about this and other "Living Shorelines" initiatives, visit the Delaware Center for Inland Bays website at: [www.inlandbays.org](http://www.inlandbays.org).]

### **Speed Bumps Under Consideration**

At the public workshop on October 15, the Council considered homeowner complaints about the volume of traffic using Gibson Avenue and Central Boulevard to avoid the traffic light at Route 1 and Garfield Parkway, as well as a related request for the installation of speed bumps to discourage traffic.

In response to the complaint and request the Town had conducted both a traffic measurement study and survey of homeowners in the neighborhood, who would be most affected by the installation of speed bumps. The study recorded over 500 vehicles on a Spring weekday and over 1200 on a Saturday in the Summer using the Gibson-Central "shortcut." A near majority of affected homeowners who responded to the survey were in favor of speed bumps. Some of them spoke in favor of the measure at the workshop. Others spoke against it.

No clear solution to the problem, i.e., one that would be acceptable to everyone, surfaced at the workshop. However, among traffic control measures discussed, the use of speed bumps, although rarely used, seemed to offer the best prospect for some relief for the affected homeowners. In view of the inordinately higher volume of traffic on their streets, especially during the Summer, it appeared likely at the conclusion of the workshop that some speed bumps will be installed next Summer on a trial basis. We will try to keep you informed of developments. Or, you may find out for yourselves if you drive through the Gibson-Central neighborhood.

### **AT&T Case**

AT&T has won its nearly six-year battle for authorization to build a 100-foot tall communications tower behind the BP gas station just outside the southern boundary of Bethany Beach and adjacent to the community of Sea Pines Village. The Sussex County Board of Adjustment denied AT&T's third application on March 25, 2014, but AT&T appealed that decision to the Superior Court for Sussex County. On April 30, 2015, the Court issued a decision reversing the Board, and ruled that it could modify the Board's decision from a denial to a grant of AT&T's application.

The Sea Pines Village Condominium Association and BBLA urged the County Council to appeal the Court's decision. We pointed out, among other things, that the Court's ruling on its

authority to modify a Board decision was highly questionable and could have serious adverse ramifications for the County in future cases.

However, the Sussex County Council voted three to two not to take an appeal. As a result the Court's decision became final. The two members of the County Council who supported us are George B. Cole, who represents District 4 (including Bethany Beach) and Robert B. Arlett of District 5.

### **New Hotel**

The 112-room Bethany Beach Ocean Suites is open and operational. One early occupancy report to the Town covering the first few weeks of operation indicated an average of 245 guests per day. Planning is in progress for reconstruction of the sidewalks and roadbed on Hollywood Street.

### **Trash Collection for October 1, 2015—May 1, 2016**

Regular residential trash will be picked up on Monday for the entire Town.

Residential dumpster collections will be picked up every Monday (and Friday, if needed).

Recycle items will be picked up every other Wednesday (beginning on Wednesday, October 7).

Yard waste will be picked up every Tuesday through December 31. Waste must be in heavy-duty paper yard waste bags or labeled containers. See Town website for other requirements and restrictions.

**NEWSLETTER CONTRIBUTORS:** Larry Fishel, Jerry Hardiman, Mike Horne, Patrick McGuire and Tracy Mulligan.