



## **PRESIDENT'S MESSAGE**

There are now 1161 households within the Town of Bethany Beach that are BBLA members.

Your all-volunteer 13-member Board has been active in fulfilling the purposes in the BBLA Bylaws, continuing BBLA's traditions since 1969 of being a positive constructive influence within the Town.

We are making increased use of ad hoc committees of two to four Board members to address various topics. The most recent was established at the October 15 Board meeting to address Beach replenishment. Its focus is to review the status of the Bethany Beach project and propose BBLA communications to decision makers and other advocacy efforts.

Another ad hoc committee is working on the history of BBLA and a possible exhibit in the proposed Town Museum. If any members have files of BBLA records, especially newsletters between 1969 and 1999, please let us know and we'll make arrangements for copying or transfer.

Other committees are working on recommendations for revisions to the Bylaws; possible insurance needs; a review of our procedures for drafting position letters to government bodies; and marketing-outreach of BBLA. This last Committee recommended, and the Board approved, joining the Bethany -Fenwick Chamber of Commerce as a nonprofit member.

Recently, the Board unanimously approved a recommendation from the Treasurer to adopt a "Security and Oversight Policy for BBLA Banking Accounts". Its purpose is "to provide an effective level of oversight of the collection and disbursement of BBLA's funds by the Treasurer and other authorized signatory to our accounts." Provisions include limiting the number of Board members who are signatories on the bank account with corresponding electronic access to transfer funds. Another provision is the establishment of a "Reviewer" role for a designated Board member who is not a signatory to receive printed bank statements directly by mail; monitor supporting documentation for all disbursements; and report to the Board on such matters at scheduled meetings. BBLA has never had a problem in this area and does not anticipate one now. It just seemed prudent and responsible to have such a policy. The time to do it is when you don't have a problem.

Among the many news and update articles in this newsletter, I want to draw members' attention to the article about the Council's adoption of the ordinance regulating residential bulk density on October 21. Because of the several BBLA Board communications to members on the subject in e-mails and newsletters since December 2014, the most recent development may be of particular interest.

Finally, any ideas and suggestions you may have for how we can improve as an organization are welcome.

Happy Thanksgiving to all. We have a lot to be grateful for in Bethany Beach.

Tracy Mulligan  
President, BBLA

## **NEWS AND UPDATES**

### **2016-2017 Town Council, Committee Chairs and Planning Commission Members**

In accordance with section 5.4.4 of the Town Charter, because there were only four candidates for the four Council positions that became vacant this year there was no need for a formal election. Consequently, the four incumbents who filed for reelection, Bruce Frye, Jack Gordon, Rosemary Hardiman and Lew Killmer, were sworn in on September 19 to serve 2-year terms as Council members.

At a reorganization meeting on the same day, the Council members reelected Mr. Gordon as Mayor and Mr. Killmer as Vice Mayor. Chuck Peterson was reelected to serve as Secretary-Treasurer. The Council also approved the appointment of the following committee Chairpersons: Audit, Patrick Sheplee; Budget and Finance, Chuck Peterson; Charter and Ordinance Review, Rosemary Hardiman; Non-Residential Design Review, Lew Killmer; Cultural and Historical Affairs, Carol Olmstead; and 4<sup>th</sup> of July Parade, Bruce Frye. Planning Commission members John Gaughan and Diane Fogash were reappointed for three-year terms. [Editorial note: All the named individuals and other committee and commission members are volunteers and their service in our community is appreciated by BBLA.]

### **CURRENT BBLA Officers and Directors**

With the election at the annual membership meeting on June 18, 2016, the current officers and Board of Directors are as follows:

#### Officers\*

President: Tracy Mulligan  
Vice President: Doug Mowrey  
Treasurer: Patrick McGuire  
Recording Secretary: Robin Baxter  
Membership Secretary: Jerry Morris

#### Board of Directors

Marty Decre	Claire Loftus
Larry Fishel	Kathy Shorter
Diane Fogash	Jack Walsh
Jerry Hardiman	Margaret Young

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

## **Town In Excellent Financial Condition**

On July 15, 2016, the Chairman of the Town's Audit Committee, Patrick Sheplee, reported on the results of the annual audit of the Town's finances for the fiscal year that ended on March 31, 2016, by the outside auditing firm TGM Group, LLC. Bethany Beach received the highest level evaluation and the audit determined that the Town remains in excellent financial condition. Finance Director Janet Connery and Town Manager Cliff Gravier deserve a large share of the credit for the continued excellence in financial management.

Relevant financial statements are available on the Town's website and at Town Hall. Review of the Management Discussion and Analysis portion of the audit will provide more detailed information and understanding of the Town's finances. In addition to Mr. Sheplee, the volunteers who serve on the Audit committee are Tom Defibaugh and Bill Baxter.

In addition to Chuck Peterson, the volunteers who serve on the Budget and Finance Committee are: Denise Boswell, Martin Decre, Jerry Dorfman, Joseph Healy, Patrick McGuire, and Philip Rossi.

## **Congressional Delegation Urges Funding By Corps of Engineers for Beach Replenishment in 2017**

While beach conditions were sufficient for the enjoyment of many residents and visitors this summer, the beach has not fully recovered from the erosion and substantial damage to the dunes caused by the October 2015 and January 2016 storms. The need for extensive replenishment and dune repair is clear and the Delaware Congressional delegation is actively seeking the funding for the necessary work. In a joint letter to the Assistant Secretary of the Army for Civil Works, dated October 3, 2016, Senators Carper and Coons and Representative Carney expressed their strong support for the allocation of a total of \$12.5 million for Delaware beach and coastal projects in the Corps of Engineers' "work plan" for Fiscal Year 2017 (October 1, 2016 to September 30, 2017). That total would include \$6.65 million for scheduled renourishment work in Bethany Beach.

The letter explains that Delaware's coastal projects were not adequately funded in the President's budget for FY 2016 and the need for restorative work is greater now. Apparently, allocation of funds in the Corps of Engineers work plan for 2017 is essential for implementation of the planned project. The purpose is flood and coastal storm damage reduction. To review the Corps fact sheet for the Bethany Beach part of the coastal project click on the link <http://www.nap.usace.army.mil/Missions/Factsheets/Fact-Sheet-Article-View/Article/490789/delaware-coast-from-cape-henlopen-to-fenwick-island-bethany-beachsouth-bethany/>.

At the Council meeting on October 21, the Town Manager, Cliff Gravier, reported on the efforts of the Congressional delegation and the replenishment work scheduling and funding process. He reported that Bethany Beach is on the Corps replenishment schedule for 2017, but the work is dependent upon the Federal budget and funding process. Mr. Gravier noted that the Town will follow the lead of the Congressional delegation in the process.

The BBLA Board will consider appropriate supportive steps BBLA might take to help secure the necessary funding and replenishment. We consider this a priority issue and will keep you informed of developments and steps that might be taken.

### **Beach Concession Stability**

On August 19, 2016, the Council voted to accept a bid from Steen's Beach Service to continue to provide umbrellas and chairs on the beach for a period extended through the 2019 summer season. This continues a 30-year, plus tradition within the Town.

### **Progress on Town Park Design**

The Town is in a last phase in the development of a design concept and features for the Town park located on the west side of Route 1 (Coastal Highway), between Route 26 and Central Blvd. As previously reported, the Town selected a landscape architect firm, the Oasis Design Group (ODG), in 2015 to develop a design plan for the park. ODG initially developed alternative concepts based on input from a property owner survey, a public workshop and other public comments and suggestions. The concepts were refined based on further input, including another public workshop. However, questions still remained regarding some key design elements. Accordingly, the Town prepared and conducted another survey so property owners could provide their opinions and suggestions on the remaining design questions.

Approximately 540 property owners responded to the survey. The results are available on the home page of the Town's website. On October 21, 2016, the Council considered the survey results and voted to accept the design elements selected by a majority of the respondents for inclusion in a final design for the park. After creation of a final design, the Town will proceed to selection of a contractor for the construction project.

Park construction will be phased in over a number of years and budget cycles and will utilize Town staff as much as possible to minimize cost. Estimated costs and the phasing of construction are all subject to Council approval and will be considered at future public meetings.

Incidentally, we understand that the park is referred to as "Central Park" because it is adjacent to Central Boulevard on the north side.

### **Project to Fill In Wetlands Inconsistent With Delaware's Coastal Management Policies**

As previously reported, a Bethany Beach property owner applied for a permit from the U.S. Army Corps of Engineers to fill in 1.92 acres of federally regulated non-tidal wetlands for a residential building project. The project would involve construction of six multi-family houses (referred to as "The Mews of Bethany Beach") in the area north of Route 26, between Hudson Avenue and Weigand Lane, and adjacent to the Loop Canal.

The Delaware Department of Natural Resources and Environmental Control (DNREC) also had statutory jurisdiction and authority in the matter to consider a related application for a "federal consistency determination," more specifically to determine whether the construction project was consistent with Delaware's coastal management program policies and procedures.

The Delaware Coastal Management Program office (DCMP) invited public comment and conducted a hearing on the application. The BBLA Board, the Town Council and almost 80 others opposed the project, because it would increase flooding in the area; destroy wildlife habitat and kill or displace wildlife; and increase water pollution. The BBLA Board entered a further statement of opposition at the public hearing on March 4, 2016. DCMP determined that the project was incompatible with site conditions and, therefore, could not be constructed in a manner consistent with Delaware's coastal management policies.

By Secretary's Order No. 2016-S-0038, issued on September 1, 2016, the Department concluded that DCMP should issue an "objection letter" in the matter, because the project is not consistent with several cited Delaware coastal management policies and the applicant failed to show how it was consistent. The Order has been posted on DNREC's website at:

[http://www.dnrec.delaware.gov/Info/Pages/SecOrders\\_Permits.aspx](http://www.dnrec.delaware.gov/Info/Pages/SecOrders_Permits.aspx). The permit application is still before the Corps of Engineers for further consideration and final decision. We will keep members informed when we learn of the final outcome.

### **Council Adopts Ordinance on Residential Bulk Density**

On October 21, 2016, the Council adopted an ordinance that will affect architectural plans for new residential construction and major renovation projects in two zoning districts in Town. The ordinance will add a new Section 425-26 to Chapter 425 (Zoning) of the Town Code. It will regulate the "bulk density" (essentially related to building size, shape and scale) of new building and major renovation projects in the R-1 and R-1B residential zoning districts. The R-1 district is generally the area east of Route 1 and the area west of Route 1 bounded by Route 26, the Loop Canal and Evans Avenue. The R-1B district is generally the area east of Pennsylvania Avenue, along Ashwood and Cedarwood Streets.

As provided in the Findings and Intent of the ordinance, the Council determined that regulation of bulk density in the covered districts was necessary to fulfill the intent of Chapter 425, which was enacted in accordance with the Town's Comprehensive Plan. The Council further determined that the ordinance was necessary to address a trend in the construction of large residential buildings in those districts and a number of related concerns.

Consistent with the intent of Chapter 425 and the Comprehensive Plan, the Chairman of the Planning Commission, Lew Killmer, explained at the Council meeting on October 21 that the ordinance seeks to: "(1) preserve the present unique character of the Town as a family friendly beach resort; (2) promote and protect the quality of life in existing neighborhoods; (3) provide adequate light and the free circulation of air around residential structures; (4) minimize the overcrowding of land; (5) avoid undue concentration of population on small parcels of land; and (6) encourage architectural diversity of future residential structures.

As to the concerns related to the trend in building large houses, the Council identified the following examples in the ordinance: some buildings may be considered inconsistent with the historic character of Bethany Beach as a family beach resort; incompatible with the residential homes in the surrounding neighborhood; and may block light and air flow to adjacent homes. A number of such large buildings concentrated on a street can create an unattractive "canyon effect" that is inconsistent with some purposes of Chapter 425 and incompatible with other homes in the surrounding neighborhood.

For those reasons, the ordinance creates a system of “tradeoffs.” The tradeoff system is described as a range of construction options for a property owner that depend upon the choice of lot coverage for a building. A property owner may choose from among a range of percentages of lot coverage to build on, specifically, 40%, 38%, 36% or 32%. Owners of corner lots, which are larger, may choose from 38%, 36% or 32% coverage. Each lot coverage category has its own requirements and options described in the tradeoff charts in the ordinance.

Mr. Killmer explained that even at 32% lot coverage it is still possible to build a 4800 square foot house on an interior lot and a 6000 square foot house on a corner lot. He emphasized that the Planning Commission was “trying to achieve a balance between the rights of an owner of a [property] to build the residential structure desired and at the same time balance that with the quality of life related issues of existing neighborhoods.

Council adoption of the new ordinance is the culmination of a lengthy and extensive development process. The Planning Commission researched how other communities have addressed similar issues and solicited input from architects, builders, developers and others. Some of their suggestions were incorporated in a proposed ordinance for Council consideration. Research discloses that since January 2014, bulk density was a subject of discussion in approximately 14 public meetings, including Planning Commission meetings, a Council workshop and three public hearings, all of which provided opportunities for public questions and input. The Council conducted the three public hearings on November 14, 2014, and August 19 and September 19, 2016. However, relatively few property owners attended the meetings, workshop or hearings, or even submitted written comments.

The BBLA Board did not have any position on the merits of the ordinance until October 15 of this year. Previously the Board was concerned that because the ordinance necessarily contained many technical terms and provisions unfamiliar to non-experts, many property owners would find it difficult to understand how the ordinance might affect them. Consequently, the Board asked the Council on a number of occasions, beginning in October 2015, to develop a process to explain the ordinance and its effects in layman’s language. The Board also notified members of developments in e-mails and newsletters, beginning with the December 2014 newsletter. The Board encouraged members to review the Planning Commission’s proposed ordinance, try to determine how it might affect their plans, and submit any comments, questions or suggestions they might have.

After the public hearing on September 19, the Planning Commission revised the proposed ordinance to clarify the basis and intent of the proposal and to provide some additional definitions of technical terms.

On October 15, after extensive discussion of the revised ordinance, a majority of the BBLA Board voted to inform the Town Council that based upon information available, the Board “supports the efforts of the Town Council of Bethany Beach to encourage the preservation of the unique character of Bethany Beach as a family beach resort, supports the Revised Draft Bulk Density Ordinance, and requests the Town Council of Bethany Beach to be open to making adjustments in the future to prevent undue hardship to landowners.”

The Board also voted to further inform the Council that based upon information available, “the Board requests the Town Council of Bethany Beach to initiate a process comparable to the R-1 Bulk Density Ordinance for the R-2 District.” Those determinations were communicated to the Council by letter dated October 17, 2016.

As adopted by the Council on October 21, the ordinance provides that it will take effect one year from the date of adoption. Mr. Killmer and Susan Frederick, Town Building Inspector, have advised essentially that building and major renovation plans submitted prior to the effective date will be reviewed under current standards.

### **Speed Bumps Reduce Traffic Volume Problem**

As reported last year, the Council considered complaints by homeowners on Gibson Avenue and Central Boulevard about the high volume of traffic using those streets as a “short cut” or detour, especially during the summer, to avoid the traffic light at Route 1 and Garfield Parkway. Some homeowners requested the installation of speed bumps as a solution. Following a traffic measurement study, a survey of homeowners in the neighborhood who would be affected by speed bumps, and a public workshop on the issue, the Town installed speed bumps on the streets on a trial basis this summer.

On August 19, 2016, the Town Manager reported that the speed bumps had resulted in a significant 53 percent reduction in vehicle traffic on the streets over a comparable weekend in 2015, from 3457 vehicles to 1596. While the reduced traffic is still a high volume compared to other residential streets, the speed bumps improved the situation for those on Gibson and Central.

### **Drones Restricted for Safety and Privacy**

At its meeting on June 17, 2016, the Council adopted an ordinance amending Chapter 212 of the Town Code to restrict the noncommercial use of unmanned aircraft systems (drones) by hobbyists and others. The Council determined that restrictions were warranted because of the growing proliferation of drones, which can weigh up to 55 pounds, and serious concerns about public safety in the event a drone was to crash due to malfunction or operator error. Additional concerns were raised regarding intrusions by drones on individual privacy.

Under the new ordinance, individuals may fly a drone over their own property or over the property of another person with that person’s permission. However, the ordinance prohibits, among other things, flying a drone: directly over any person who is not involved in its operations, without permission; outside the line-of-sight of the operator; between dusk and dawn; in adverse weather conditions; under the influence of alcohol or drugs; for the purpose of surveillance of others, without their express permission; or in a reckless or careless manner.

The ordinance allows the use of drones for commercial purposes, provided the operator meets the FAA requirements and obtains a permit from the Town for each day of operation.

The Council also established fines for violations of the ordinance, as follows: 1<sup>st</sup> offense: \$50-\$100; 2<sup>nd</sup> offense: \$100-\$500; 3<sup>rd</sup> offense: up to \$1000.

## **Relocation of Dinker Cottage Back On Schedule**

As previously reported, at its meeting on January 15, 2016, the Council voted to move the locally historic Dinker Cottage from its present location on Garfield Parkway to the Town's undeveloped property on Maryland Avenue (Extended). Council member statements supported conversion of the house to the Town's museum after relocation.

Implementation of the decision was delayed by a complaint filed in Delaware Chancery Court by three property owners in the vicinity of the Maryland Avenue site challenging the relocation decision. On May 12, 2016, the Council approved a settlement agreement in the case. In brief, in return for the two remaining plaintiff property owners paying \$20,000 to the Town to offset the Town's attorney fees and withdrawal of what remained in their complaint, the Town agreed not to pursue counter claims against them.

The Town has obtained the necessary approval for relocation of the sewer line on the Maryland Avenue property. It appears that preliminary work has begun on that project. Upon completion, moving the house to the property will be scheduled.

## **Public Works Employee and Police Officer Recognized for Saving Boy From Drowning**

At the Council meeting on October 21, 2016, Mayor Jack Gordon presented awards to Public Works Department employees Sean Ely and Police Department Sergeant Chuck Sharp in recognition and appreciation for their heroism in saving an 11-year old boy from drowning on October 3, 2016, after lifeguard service had ended for the season.

As reported, Mr. Ely was working on a beach ramp when the boy's distraught mother ran to him for help. Her son was trapped in heavy surf by waves and undertow and in obvious distress. Mr. Ely called the Bethany Beach Police Department dispatcher and realizing that it would be some time before anyone arrived, went into the water to try to rescue the boy. Mr. Ely, who is not an experienced swimmer and says that the last time he was in the ocean was several years ago, was able to keep the boy's head above water, about 7-feet deep at that point. However, he was unable to get the boy back to shore because of the high waves and undertow.

Sergeant Scharp was the first officer to arrive on the scene and immediately went in to help. A strong swimmer, Sergeant Scharp was able to bring the boy back to shore, with Mr. Ely behind them. Other officers, including Chief Redmon and rescue units arrived to help them out of the water and provide other assistance. It is clear that without the selfless courage and immediate response of Mr. Ely and Sergeant Scharp, the boy would have drowned. The happy ending here is that after this extremely dangerous and frightening experience, he didn't require medical attention at the scene.

In addition to the formal award presented by Mayor Gordon, Mr. Ely and Sergeant Scharp received gift bags with official Bethany Beach lifeguard swim suits so that they would be properly attired in any future rescue efforts.

BBLA members add our praise and appreciation to the two rescuers for their courageous action. We are indeed fortunate to have such fine individuals serving our community.

On a related matter of interest, the Town Manager reported earlier in the meeting that Bethany Beach Patrol lifeguards rescued approximately 300 swimmers and found and returned over 100 lost children during the summer season this year. BBLA members add our appreciation to the entire Bethany Beach Patrol for their service.

### **Police Department Meets Standards for Excellence**

On August 19, 2016, the Town Manager reported that the Bethany Beach Police Department had successfully completed the extensive accreditation process of the Commission on Accreditation of Law Enforcement Agencies (CALEA).

CALEA's standards for law enforcement agencies are recognized internationally as benchmarks for excellence. The accreditation process is the primary method for agencies and departments to demonstrate their commitment to meet those standards. The process includes review of an agency's goals, directives, procedures, decision process, preparedness programs for emergencies, community relations and standard of accountability. Accreditation establishes that the Bethany Beach Police Department has met (or exceeded) those standards, as verified by independent professional evaluators. The BBPD was the first small department in Delaware and one of a very few nationally to be accredited in 2005. Congratulations to Chief Michael Redmon, Sergeant Chuck Scharp, the Department's Accreditation Officer, and the entire Department for this outstanding achievement.

In other BBPD news, the Town Manager reported on October 21 that the Department responded to almost 900 complaints and made 1000 arrests during the summer. Puts an exclamation mark after "to serve and protect!"

### **New Town Website and Photo Contest**

The Town has redesigned its website with the goal of making it more user friendly to include improvements in organization, navigation directions and other features. Feedback and suggestions are welcome. Comments and suggestions may be submitted by completing the online feedback form, or contacting the Town Manager's office at (302) 537-3771 or [admin@townofbethanybeach.com](mailto:admin@townofbethanybeach.com). The website is an excellent source of information about the Town government and activities, and a key part of the Town's communications efforts.

Some of the pictures on the new website were submitted in the 2016-17 Calendar Photo Contest. The contest for next year's calendar has begun and will run until December 15. The contest is open to anyone and pictures taken anywhere in Bethany Beach may be submitted. Multiple entries by an individual are acceptable. Digital photos are preferred. Actual size photos are also acceptable. The Town requests that photos be forwarded as attachments to emails and limited to no more than three per email. High resolution will only be necessary if photo is selected. To enter, email jpeg photos to Events Director and Media Coordinator Julie Malewski at: [jmalewski@townofbethanybeach.com](mailto:jmalewski@townofbethanybeach.com). The contest has been expanded and photos may be selected for placement not only in the calendar but possibly in other Town communications such as the website. Individuals whose photos are selected will receive photo credit. The names of all participants will be entered in a drawing to win a grand prize of a 2017 VIP parking pass good for free parking at any space within Town during the 2017 summer season.

## Farmer's Market 10<sup>th</sup> Year A Success

The Bethany Beach Farmers Market (BBFM) completed its 10<sup>th</sup> season a week earlier than planned. The last market day of the year was cancelled due to Tropical Storm Hermine. However, that did not detract from the fact that the Market was busier than ever this year, selling locally grown produce and other products. As a food safety measure, the BBFM Board required vendors to complete a safe food handling course offered by the Delaware Department of Agriculture.

BBLA has provided financial assistance for the Market in the past, and the Market has now become self sufficient. Income for Market expenses is received from participating vendors as well as the sale of BBFM totes and T-shirts. Donations are also received. The Town provides support services and PNC Bank provides space in its parking lot for the Market.

## Trash Collection for October 1, 2016—April 30, 2017

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

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

Recycle items will be picked up every other Wednesday (beginning on Wednesday, October 5).

Yard waste will be picked up every Tuesday through December 31, 2016, and every other Tuesday from January 1 to April 30, 2017. Material must be in heavy-duty paper yard waste bags or labeled containers. See the Town website for other requirements and restriction (<http://www.townofbethanybeach.com/370/Yard-Waste-Schedule>).

Bulk collections of acceptable items will be picked up free-of-charge the last two weeks of October 2016 and April 2017, on days the Public Works Department schedule permits. Special collections of bulk items can also be arranged through PWD. See the Town website for a list of acceptable bulk items and other information. <http://www.townofbethanybeach.com/428/Trash-Collection-Schedule>.

Also see <http://www.townofbethanybeach.com/DocumentCenter/View/2095> for month-by-month trash pickup calendar.

The Town Manager reported that over the summer season the hardworking staff of the Public Works Department made 110,520 trash pickups from residences and businesses, in addition to all their other duties. They, too, deserve everyone's thanks.

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