

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
OCTOBER 11, 2019**

MEETING CALLED TO ORDER

Mayor Saxton called the October 11, 2019, Town Council Regular Meeting to order at 6:00 p.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

Councilmembers Don Boteler, Sue Callaway, Dick Oliver, Carol Stevenson, Frank Weisgerber, and Mayor Tim Saxton; Town Manager Maureen Hartman; Chief Jason Lovins; Town Solicitor Stephani Ballard; and Administrative Assistant Pam Smith.

Present by Remote Access: Councilmember Derek Abbott

LETTER FROM ARTESIAN

Attached is an information sheet from Artesian Water Company and the letter Artesian Water Company distributed to all South Bethany property owners on 09/18/2019.

Artesian Water Quality Department Representative Kenny Haggerty reviewed the information sheet and responded to questions from the Town Council and the public. Jeff Price, Manager Southern Operations, Artesian Water Company, also attended the meeting and answered questions.

At the end of the question and answer period, Mayor Saxton requested that Artesian Water Company send the data from future water samples to the Town of South Bethany including data after the South Bethany plant is running again in the spring/summer of 2020.

Mr. Haggerty said residents who have questions should call Artesian at 302-453-6900 and ask to speak to someone in the Water Quality Department.

MUTUAL AID MEMORANDUM OF UNDERSTANDING (MOU) WITH FENWICK ISLAND AND OCEAN VIEW POLICE DEPARTMENTS

Prior to the discussion, Mayor Saxton stressed that this is not the Town trying to form a regional police force.

Town Solicitor Ballard recommended the MOU have a designated "Term" with an end date. After reviewing all concerns, it was agreed that Town Solicitor Ballard will make a few additional revisions based on what was discussed and then send the MOU back to the Solicitors of Fenwick Island and Ocean View for their review.

Motion by Councilmember Boteler, seconded by Councilmember Oliver, to move forward on entering into a MOU with Fenwick Island and Ocean View Police Departments. The voting was as follows:

FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Oliver, Abbott, and Mayor Saxton

AGAINST THE MOTION: None

The motion was unanimously carried.

Motion by Councilmember Oliver, seconded by Councilmember Boteler, to move forward with the changes as discussed and forward the revised agreement to the other two towns. The voting was as follows:

FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Oliver, Abbott, and Mayor Saxton

AGAINST THE MOTION: None

The motion was unanimously carried.

Mayor Saxton stated that once the legalities are worked out between the three towns, Council will vote on the final agreement at a future Town Council Meeting.

DISCUSSION AND VOTE TO APPOINT SUSAN SPINGLER AND PEGGY TINKLEPAUGH TO THE COMMUNITY ENHANCEMENT COMMITTEE

Motion by Councilmember Oliver, seconded by Councilmember Stevenson, to appoint Susan Spingler and Peggy Tinklepaugh to the Community Enhancement Committee. The voting was as follows:

FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Oliver, Abbott, and Mayor Saxton

AGAINST THE MOTION: None

The motion was unanimously carried.

FIRST READING OF ORDINANCE 196-19 TO AMEND THE CODE OF THE TOWN OF SOUTH BETHANY BY ADDING A NEW CHAPTER TO ESTABLISH UNIFORM POLICIES AND PROCEDURES FOR THE DEPLOYMENT AND INSTALLATION OF SMALL WIRELESS FACILITIES IN OR ON RIGHTS-OF-WAY WITHIN THE TOWN OF SOUTH BETHANY'S JURISDICTION.

Charter and Code Committee Chair John Fields introduced Ordinance 196-19.

Charter and Code Committee Chair John Fields suggested putting the fees in the Town of South Bethany Schedule of Fees and not in the ordinance. Because the fees are federally regulated, it was agreed to leave the fees in the ordinance as well as in the Town of South Bethany Schedule of Fees.

Councilmember Abbott suggested the following change:

§143-4. Permit Required.

- A. A Permit shall be required to place DAS and/or small cell technology facilities in rights-of-way or on Town-owned property. **under the following conditions: *The following procedures shall apply to such permit:***

In response to Councilmember Abbott's concern regarding the definition of commercial cell phone communication facilities, Town Solicitor Ballard will work on clarifying the following section:

§143-10. Exclusions and Non-applicability.

- B. Commercial cell phone communication facilities, including but not limited to, DAS support structures and other structures, are prohibited on private

properties in the Commercial and Residential Zones unless approved by the Town Council upon a showing that such prohibition will violate the provision of personal wireless service under federal law.

Property owner Bob Cestone gave copies of his handout titled Comments on Ordinance 196-19 "Wireless Infrastructure Construction" to Council and voiced his concerns regarding the ordinance.

Town Solicitor Stephani Ballard will make changes and prepare the ordinance for the second reading at the November 8, 2019, Town Council Regular Meeting.

Mayor Saxton declared this the first reading of Ordinance 196-19.

LEADERSHIP REPORTS

1. Mayor Saxton – The Mayor submitted his report for review. The Mayor added that he and the Town Manager have been working with DeIDOT for the last three months on safety issues for pedestrians and bicyclists on Route 1. The Town has been granted approval to use the west side right-of-way on Route 1 for bicycle parking which has been passed onto the Planning Commission as they do their study. As a result of a DeIDOT study, DeIDOT is proposing to place 15 to 20 lights down the Route 1 median in South Bethany as a safety measure for bicyclists and pedestrians. (Post meeting note correction: DeIDOT is proposing 29 lights.) This project is projected to start about this time next year. Mayor Saxton noted that the Town has to agree to pay for the electricity and maintain the poles, which will require a Council vote. Also, next summer in late July DeIDOT hopes to have flashing lights across four select crosswalks on Route 1 in South Bethany similar to the crossings in the "Forgotten Mile" or on Fred Hudson Road. Mayor Saxton and the Town Manager are pleased with the cooperation they are getting from DeIDOT and they will continue to work with DeIDOT.
2. Town Manager – The Town Manager submitted her report for review. In addition, she thanked Council for approving the full-time hire of Ryan Dacey who is doing a fabulous job.
3. Treasurer's Report – Councilmember Boteler submitted his report for review with no additions.

COMMITTEE AND COMMISSION REPORTS

1. Budget and Finance – Councilmember Boteler stated that the committee has not met. The committee will meet October 29, 2019, to start work for the next budget cycle.
2. Canal Water Quality – Councilmember Weisgerber stated that starting October 15 Envirotech will be trimming the floating wetlands and policing and removing any of the wetlands that are not surviving or are having issues. Met with Envirotech and they have been putting a proposal together that Councilmember Weisgerber will bring to the Council on how they will become better caretakers of the Town's canal waters next year.
3. Charter and Code – Chair John Fields submitted his report with no additions. Councilmember Abbott noted that the committee did discuss Ordinance 196-19 at its October 7, 2019, committee meeting.
4. Communications and Public Relations – Councilmember Stevenson submitted her report for review and added that the Halloween Pot Luck Dinner is October 26.
5. Community Enhancement – Councilmember Callaway submitted her report for review with no additions.

PUBLIC COMMENT

Jerry Injaian, 406 Bristol Rd. – Commented about the state of Bristol Road and offered assistance to the Town, if needed. He also supports retaining bike racks and was not in favor of the 15 MPH speed limit. He supports the proposed lighting on Route 1 but stated that pedestrians will need to be schooled on using crosswalks.

Mayor Saxton stated that when the flashing lights are installed, the Town will need to educate the public on who has the right-of-way.

Tom Roche, 141 Henlopen Dr. – Suggested indicating exactly where the crosswalks start to help pedestrians crossing Route 1. Inquired about surveying Pine Road. Mayor Saxton said Pine Road has not been surveyed and at a future meeting Council could discuss whether to spend the money to have it surveyed. Asked that the Code Enforcement Constable check on a house that has just been raised but has no silt fence at the site. Also asked that the street in front of the house be checked for damage. Noted that there has been wood for sale at a South Bethany property for the last six months which could be considered as operating a business. Councilmember Stevenson added that the property also has continuous yard sales.

Bob Cestone, 140 New Castle Dr. – Gave background information on Pine Road from when he was on Town Council in 2000.

Diann Nazarian, 20 Peterson Dr. – Noting that there is a sign at Pine Road that says Private Property, spoke in support of paying to have the Pine Road survey done.

Ed Nazarian, 20 Peterson Dr. – Asked who would like the Town to do the telephone directory that the South Bethany Property Owners Association has done in the past. Spoke against reducing the speed limit to 15 MPH on town streets.

ADJOURNMENT

Motion by Councilmember Oliver, seconded by Councilmember Boteler, to adjourn the October 11, 2019, Town Council Regular Meeting at 8:30 p.m. The voting was as follows:

FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Boteler, Oliver, Abbott, and Mayor Saxton

AGAINST THE MOTION: None

The motion was unanimously carried.