

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL REGULAR MEETING MINUTES  
DECEMBER 13, 2019**

**MEETING CALLED TO ORDER**

Mayor Saxton called the December 13, 2019, Town Council Regular Meeting to order at 6:00 p.m., followed by the Pledge of Allegiance to the Flag.

**ATTENDANCE**

Councilmembers Derek Abbott, Don Boteler, Sue Callaway, Carol Stevenson, Frank Weisgerber, and Mayor Tim Saxton; Town Manager Maureen Hartman; Chief Jason Lovins; and Administrative Assistant Pam Smith

Excused Absence: Councilmember Dick Oliver

**ADOPTION OF MINUTES**

November 19, 2019, Town Council Workshop Meeting: Motion by Councilmember Abbott, seconded by Councilmember Boteler, to accept the November 19, 2019, Town Council Workshop Meeting Minutes. Motion unanimously carried.

November 19, 2019, Town Council Executive Session: Motion by Councilmember Stevenson, seconded by Councilmember Boteler, to accept the November 19, 2019, Town Council Executive Session Minutes as amended. Motion unanimously carried.

**DISCUSSION AND POSSIBLE VOTE ON BICYCLE PARKING**

Mayor Saxton noted that previously there was a consensus among Council to not place bikes in beach access walkway areas, and there was a consensus (though not a full consensus) to not create a bike corral on the beach. The Town Manager was asked to develop a plan for bicycle parking throughout town based on the rest of the recommendations of the Planning Commission. Mayor Saxton said that there will continue to be an effort to identify lots that could possibly be used for bicycle parking on the east side of Route 1.

The Town Manager reviewed the proposal.

After discussion, Council agreed that bicycle carts cannot be parked on the east side of Route 1. Bicycle carts can be parked in designated areas on the west side of Route 1 or taken onto the beach.

Councilmember Callaway stated that she does not support Location #2 – North Ocean Drive (north of 5<sup>th</sup>). After discussion, Council agreed to use this area only as a flex area.

Councilmember Callaway stated that she does not support location #4 -South Ocean (north of S. 1<sup>st</sup>). After discussion, Mayor Saxton said to place one rack, not two racks, at location #4. This could be flexed out if not used.

Mayor Saxton said the design of the bike racks will be left to the Town Manager. He believes an ordinance will be needed requiring bikes to be parked in a bike rack and to give the Town the authority to confiscate bikes if needed.

Public Comment:

Diann Nazarian (20 Peterson Dr.) – Expressed concern that emergency vehicles may not be able to access N. 5<sup>th</sup> St. if bicycle racks are placed on the south side of N. 5<sup>th</sup> St. The Town Manager noted that N. 5<sup>th</sup> St. has a 7-foot shoulder. Chief Lovins did not think it would be detrimental. Ms. Nazarian suggest putting a plaque on the bike racks stating only one bike per slot along with the ordinance.

Connie Jack (26 Sea Side Dr.) – Believes the most important thing is the ordinance. Stated that signage does not work without enforcement.

Tom Roche (141 Henlopen Dr.) – Suggested distributing a notification flyer when owners purchase their parking permits or mail the flyer to property owners.

Motion by Councilmember Abbott, seconded by Councilmember Boteler, to accept the plan as devised by the Town Manager as modified as follows: 1) Location #1 (N. 6<sup>th</sup> St.) would be the option with more car parking, 2) Location #2 (north Ocean Dr. north of N. 5<sup>th</sup> St.) would not be approved at this time, 3) Location #4 (South Ocean north of S. 1<sup>st</sup>) would be approved, but leave the Town Manager the discretion on major holiday weekends when there is additional traffic to implement the entirety of the plan on a temporary basis to flex to meet demand. Motion unanimously carried.

Mayor Saxton thanked the Town Manager and the Planning Commission for their work.

**ORDINANCE 196-19**

**Second 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**

Mayor Saxton stated that at the first reading there were comments received and the Town Attorney made minor changes based on those comments. Mayor Saxton stated that the second reading includes the fees in the ordinance and gives the Town the option to put the fees on the Schedule of Fees. Councilmember Stevenson asked if the Town gets \$270 for each box. Mayor Saxton confirmed.

**Discussion and possible vote to adopt Ordinance 196-19** – Motion by Councilmember Boteler, seconded by Councilmember Abbott, to adopt Ordinance 196-19. Motion unanimously carried.

**DISCUSSION OF POSSIBLE BUILDING RENOVATIONS TO TOWN HALL**

Council reviewed two possible floor plans. Councilmember Callaway believes Council needs to decide in order to not delay the security issue.

After discussion, the consensus was to get plans and costs estimates for the plan that adds a breezeway between the Town Hall and Police Department buildings and two additional offices and send them to the Town Council and Budget and Finance Committee.

**DISCUSSION AND POSSIBLE VOTE ON MUTUAL AID MOU WITH FENWICK ISLAND AND OCEAN VIEW POLICE DEPARTMENTS**

Motion by Councilmember Abbott, seconded by Councilmember Boteler, to approve the Mutual Aid MOU with Fenwick Island and Ocean View Police Departments. Motion unanimously carried.

### **DISCUSSION AND POSSIBLE VOTE TO RE-ALIGN MONIES WITHIN THE CPR FY 2020 DEPARTMENTAL BUDGET**

Motion by Councilmember Weisgerber, seconded by Councilmember Callaway, to re-align monies within the CPR FY 2020 departmental budget as presented in Council's meeting packet. Motion unanimously carried.

### **LEADERSHIP REPORTS**

1. Mayor Saxton – The Mayor submitted his report for review. The Mayor added that he, Councilmember Weisgerber, the Town Manager, and Tony Pratt met with Secretary Garvin of DNREC and his staff to discuss ways to manage widgeon grass in the canals. A working group has been formed with members from DNREC and the Town of South Bethany. The working group will report to Secretary Garvin and Mayor Saxton and further discussions will take place in March. Regarding the Wind Farm Project, Mayor Saxton stated that because the project is in federal waters and the federal government oversees the leasing and permitting in federal waters, his approach has been to try and put pressure on Delaware's federal legislators to see if there is a way to move the wind farm further out or if there is a way to move the wind farm in front of the Maryland coastline. Senator Coons' office will be getting back to Mayor Saxton next week regarding Senator Coons' stance and if he would be willing to assist. Councilmember Callaway shared information she received in a conversation with Senator Carper's Sussex County Regional Director, Karen McGrath.
2. Town Manager – The Town Manager submitted her report for review. The Town Manager added that Public Works employee Rick Gentile was appointed as Vice-President of the DFIT Safety Committee.
3. Treasurer's Report – Councilmember Boteler submitted his report for review and stated that the Town's property taxes and gross rental taxes are virtually collected at budget level and the Town has collected 107% of budgeted realty transfer taxes with five months left in the fiscal year. Expenses are tracking to budget.

### **COMMITTEE AND COMMISSION REPORTS**

1. Budget and Finance – Councilmember Boteler stated that the Budget and Finance Committee will meet on January 14, 2020.
2. Canal Water Quality – Councilmember Weisgerber stated that the committee has not met. Councilmember Weisgerber will be meeting with Envirotech next week to discuss cleaning the surface of the canals and work on more floating wetlands. Councilmember Weisgerber will follow up with Envirotech to see if they have pulled all the dead floating wetlands out of the water.
3. Charter and Code – Chair John Fields submitted his report with no additions. Councilmember Abbott will sponsor the ordinance addressing resident only parking on the east side of Route 1.
4. Communications and Public Relations – Councilmember Stevenson submitted her report for review and introduced the new Town of South Bethany video. The new video is posted on the "Visitor" page of the Town's website.
5. Community Enhancement – Councilmember Callaway submitted her report for review with no additions. Councilmember Callaway is continuing to look into receptacles and brackets for banners for the new light poles that DelDOT will be installing on Route 1.

### **PUBLIC COMMENT**

Ed Nazarian, 20 Peterson Dr. – Regarding renovations to the Town Hall building, feels the Town should make a major plan of what is needed and then reduce from that plan if the cost is too high.

Tom Roche, 141 Henlopen Dr. – Inquired about the Pine Road survey. The Town Manager said the Town had an engineer and his survey crew research it and concluded that the vacation of

Pine Road in 1983, which was a Superior Court Civil Action, sealed the fate of the road because the right-of-way was extinguished during the vacation and “the road” went back to its original owner. Middlesex owns the majority and the Town of South Bethany owns the center of the ditch west.

Bill Murphy, 204 Anchorage Dr. – Stated that the cat problem still exists, and it has a terrible impact on his family and his property. Chief Lovins stated that he issued two summonses in violation of the ordinance. Mayor Saxton said the goal is to continue to enforce the ordinance, and if that doesn’t work the Town will have to take a look at something else.

### **ADJOURNMENT**

Motion by Councilmember Abbott, seconded by Councilmember Boteler, to adjourn the December 13, 2019, Town Council Regular Meeting at 8:20 p.m. Motion unanimously carried.