

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
FEBRUARY 10, 2020**

MEETING CALLED TO ORDER

Mayor Saxton called the February 10, 2020, Town Council Regular Meeting to order at 10:00 a.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

Councilmembers Don Boteler, Sue Callaway, Frank Weisgerber, and Mayor Tim Saxton; Town Manager Maureen Hartman; Chief Jason Lovins; Code Enforcement Constable Joe Hinks; Town Clerk Janet Powell; and Administrative Assistant Pam Smith

Present by Remote Access: Councilmembers Derek Abbott and Dick Oliver

Excused Absence: Councilmember Carol Stevenson

ADOPTION OF MINUTES – DECEMBER 13, 2019, TOWN COUNCIL REGULAR MEETING

Motion by Councilmember Boteler, seconded by Councilmember Weisgerber, to accept the December 13, 2019, Town Council Regular Meeting Minutes. The voting was as follows:

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

AGAINST THE MOTION: None

Motion unanimously carried.

DISCUSSION AND VOTE ON CHANGE TO PERMITTED PARKING

The Town Manager stated that at the November 19, 2020, Town Council Workshop Meeting the Town Council consensus was that a residential parking permit would be required to park on the east side of Route 1 and one-day parking permits could not be used on the east side of Route 1. On the west side of Route 1 residential or one-day parking permits would be required where designated by signage. The Town Manager stated that Council needs an official motion and vote to approve. Motion by Councilmember Callaway, seconded by Councilmember Weisgerber to approve. The voting was as follows:

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

AGAINST THE MOTION: None

Motion unanimously carried.

ORDINANCES AND RESOLUTIONS

1. First Reading of Ordinance 197-20 to amend the Code of the Town of South Bethany Chapter 94, Parking, to revise permitted parking, fines, and penalties.

Mayor Saxton reviewed Ordinance 197-20.

The Town Manager stated that this ordinance has been reviewed by the Charter and Code Committee and the Chief of Police. The Town Solicitor has also reviewed the ordinance and gave her approval.

Chief Lovins clarified that the fine for parking without a permit would be \$50. The range of not less than \$50 nor more than \$1,000 is there so that the fine can be changed in the future without having to do an ordinance change.

Mayor Saxton declared this the first reading of Ordinance 197-20.

2. First Reading of Ordinance 198-20 to amend the Code of the Town of South Bethany Chapter 145, Zoning, Article IV, General Provisions, § 145-9 Vision clearance at corners, requiring clear vision for vehicle traffic at corner lots.

Mayor Saxton stated that because Ordinance 198-20 is a Zoning ordinance there will be a public hearing on Ordinance 198-20 on March 13, 2020, at 6 p.m. and the Town Council Regular Meeting will be held immediately following the Public Hearing.

Charter and Code Committee Chair John Fields reviewed Ordinance 198-20. At Councilmember Boteler's suggestion, Council agreed to change the first sentence of § 145-9 as follows: . . . three (3) feet *measured from the roadway* shall not be permitted . . .

Mayor Saxton declared this the first reading of Ordinance 198-20.

3. Discussion and possible vote to schedule the first reading of an ordinance to amend the Code of the Town of South Bethany, Chapter 138, "Voting, Absentee", to comply with state law.

The Town Clerk reviewed the draft ordinance. The Town Manager requested that the first reading be scheduled for the February 27, 2020, Town Council Workshop Meeting in order to implement the changes in the upcoming election. The Town Manager stated that the Town Solicitor has reviewed and approved the draft ordinance.

Motion by Councilmember Boteler, seconded by Councilmember Callaway, to bring to a first reading. The voting was as follows:

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

AGAINST THE MOTION: None

Motion unanimously carried.

4. Discussion and possible vote to schedule the first reading of an ordinance regarding concessionaires. After discussion Council agreed to discuss this again at the February 27, 2020, Town Council Workshop Meeting at 12 p.m.
5. Discussion and possible vote on Resolution No. 1-20 Requesting that the Proposed Offshore Wind Project and the Fenwick Island State Park expansion be thoroughly reviewed and studied in partnership with surrounding coastal communities

Councilmember Callaway gave background information on Resolution No. 1-20.

Motion by Councilmember Callaway, seconded by Councilmember Boteler, to adopt Resolution No. 1-20. The voting was as follows:

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

AGAINST THE MOTION: None

Motion unanimously carried.

DISCUSSION AND POSSIBLE VOTE TO AWARD THE FOLLOWING BIDS

1. Bid No. 20-02 Bristol Road Street Improvements

The Town Manager stated that the Town received three bids. All bids were reviewed. The recommendation from the engineering firm George, Miles, & Buhr, LLC, is to award the bid to Terra Firma of Delmarva, Inc., for \$58,390.00 which was the lowest bid. Mayor Saxton stated that Councilmember Boteler will bring a budget amendment forward at the appropriate time. It was noted that the project completion deadline is May 15, 2020.

Motion by Councilmember Weisgerber, seconded by Councilmember Boteler, to award Bid No. 20-02 Bristol Road Street Improvements to Terra Firma of Delmarva, Inc., for the total base bid of \$58,390.00. The voting was as follows:

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

AGAINST THE MOTION: None

Motion unanimously carried.

2. Bid No. 20-03 Dune Walkway Replacements, N. 6th St., S. 6th St., & Indian St.

The Town Manager stated that the town received four bids which ranged from \$65,500 to \$180,000. All bids were reviewed. The recommendation from the engineering firm George, Miles, & Buhr, LLC, is to award the bid to Aquatic-Marine, LLC, for the total lump sum of \$65,500.00 which was the lowest bid. The Town Manager said that the bid is higher than budgeted and a budget amended would be required. It was noted that the project completion deadline is May 15, 2020.

Motion by Councilmember Boteler, seconded by Councilmember Oliver, to award Bid No. 20-03 Dune Walkway Replacements, N. 6th St., S. 6th St., & Indian St. to Aquatic-Marine, LLC, for the total lump sum price of \$65,500.00. The voting was as follows:

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

AGAINST THE MOTION: None

Motion unanimously carried.

ADMINISTRATIVE MATTERS

1. Discussion and possible vote on the approval of the 2020 Board of Election - Motion by Councilmember Callaway, seconded by Councilmember Weisgerber, that Council approve the appointment of Sally Baker, Bonnie Rae, and Donna Farrow to the 2020 Board of Election. The voting was as follows:

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

AGAINST THE MOTION: None

Motion unanimously carried.

2. Discussion and possible vote on the approval of the 2020 Election Workers - Motion by Councilmember Boteler, seconded by Councilmember Weisgerber, that Council approve the appointment of Pat Spangler, Jane Bonbright, and John Stefani as the 2020 Election Workers. The voting was as follows:

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

AGAINST THE MOTION: None

Motion unanimously carried.

3. Discussion and possible vote to appoint a Planning Commission member – Mayor Saxton noted that there were six applicants for the position. The Planning Commission Chair recommends Jane Bonbright and Mayor Saxton supports the recommendation. Motion by Councilmember Boteler, seconded by Councilmember Weisgerber, to appoint Jane Bonbright to the Planning Commission. The voting was as follows:

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

AGAINST THE MOTION: Councilmember Callaway

Motion carried with a 5-1 vote.

LEADERSHIP REPORTS

1. Mayor Saxton – The Mayor submitted his report for review. Mayor Saxton added that there is a FEMA Notice posted on the Town's website that revises the Sussex County, Delaware and Incorporated Areas FIRM Panels, Flood Insurance Study (FIS) Reports, FIRM Database, and NHFL to incorporate the March 16, 2015, study data within the Town of South Bethany. Mayor Saxton also stated that the bike racks around town are in place except for the bike racks that need to be ordered for Sandpiper Village.
2. Town Manager – The Town Manager submitted her report for review.
3. Treasurer's Report – Councilmember Boteler submitted his report for review and noted that nine months through the 2020 Fiscal Year the Town has collected 93% of budgeted revenues and incurred 72% of budgeted expenditures.

COMMITTEE AND COMMISSION REPORTS

1. Budget and Finance – Councilmember Boteler submitted his report for review.
2. Canal Water Quality – Councilmember Weisgerber discussed the canals.
3. Charter and Code – Chair John Fields submitted his report for review.
4. Communications and Public Relations – Councilmember Stevenson submitted her report for review.
5. Community Enhancement – Councilmember Callaway submitted her report for review.

PUBLIC COMMENT

Dennis Roberts, 107 Canal Dr. – Suggested adopting an ordinance prohibiting shuttle buses on Ocean Dr. Councilmember Oliver will meet with Mr. Roberts to discuss this further.

Ed Bintz, 302 N. Ocean Dr. – Made comments about the change in the FEMA maps. Also suggested the Town work with the Army Corps of Engineers to pump sand into the area between the dune and the houses along Ocean Dr. where water pools up.

Mayor Saxton announced that the Town of South Bethany will be hosting a public forum at the South Bethany Town Hall for Residents and Property Owners of South Bethany to meet with representatives from Mediacom on Saturday, April 4, from 10 a.m. to 12 p.m.

ADJOURNMENT

Motion by Councilmember Boteler, seconded by Councilmember Weisgerber, to adjourn the February 10, 2020, Town Council Regular Meeting at 12 p.m. The voting was as follows:

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

AGAINST THE MOTION: None

Motion unanimously carried.