

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
NOVEMBER 13, 2020**

**This meeting was conducted electronically pursuant to Governor Carney's State of
Emergency declaration, effective March 13, 2020, as amended.**

MEETING CALLED TO ORDER

Mayor Saxton called the November 13, 2020, Town Council Regular Meeting to order at 10 a.m.

ATTENDANCE

Councilmembers Derek Abbott (joined meeting after the Adoption of Minutes October 9, 2020, Town Council Executive Session Meeting agenda item), Randy Bartholomew, Sue Callaway, Dick Oliver, Carol Stevenson, Frank Weisgerber, and Mayor Tim Saxton; Town Manager Maureen Hartman; Chief Jason Lovins; and Administrative Assistant Pam Smith.

ADOPTION OF MINUTES

October 9, 2020, Town Council Regular Meeting: Motion by Councilmember Oliver, seconded by Councilmember Bartholomew, to accept the October 9, 2020, Town Council Regular Meeting Minutes. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

October 9, 2020, Town Council Executive Session: Motion by Councilmember Stevenson, seconded by Councilmember Bartholomew, to accept the October 9, 2020, Town Council Executive Session Minutes. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

October 22, 2020, Town Council Workshop Meeting: Motion by Councilmember Oliver, seconded by Councilmember Bartholomew, to accept the October 22, 2020, Town Council Workshop Meeting Minutes. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

November 4, 2020, Public Hearing Regarding Comcast Agreement: Motion by Councilmember Oliver, seconded by Councilmember Callaway, to accept the November 4, 2020, Public Hearing Regarding Comcast Agreement Minutes. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION NO. 5-20 (COMCAST FRANCHISE AGREEMENT)

Mayor Saxton said the legal terms of the Comcast Franchise Agreement have been worked out between the Town Solicitor and the legal team at Comcast. Councilmember Callaway said this is an exciting moment to have achieved an agreement with Comcast. She thanked the Mediacom sub-committee (Mayor Saxton, Town Manager Hartman, Councilmember Callaway, and Councilmember Oliver) for their hard work on both the Comcast and the Mediacom agenda items.

Motion by Councilmember Callaway, seconded by Councilmember Oliver, to approve Resolution No 5-20. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

DISCUSSION AND POSSIBLE VOTE ON APPROVAL OF RESOLUTION NO. 6-20 (MEDIACOM FRANCHISE AGREEMENT EXTENSION OF ONE YEAR)

Mayor Saxton stated that the sub-committee believes some improvements have been made over the last few months of working with Mediacom, but there is more to be done. The sub-committee did not want to go into a long-term agreement with Mediacom and believes this is the best resolution to move forward with Mediacom.

Motion by Councilmember Callaway, seconded by Councilmember Oliver, to approve Resolution No 6-20. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

Mayor Saxton thanked the sub-committee members and added that the sub-committee will continue to have quarterly meetings with Mediacom.

SECOND READING OF ORDINANCE 200-20 TO AMEND THE CODE OF THE TOWN OF SOUTH BETHANY BY ADDING A NEW CHAPTER, TO BE ENTITLED "CONCESSIONS AND CONCESSIONAIRES", AND POSSIBLE VOTE TO ADOPT ORDINANCE

Councilmember Abbott said this ordinance is intended to create a protocol and regularize how the Town deals with potential concessionaires.

After discussion, Council agreed to the following change to § 58-9 Storage of equipment: If storage space is authorized by the Town **Council Manager**, concessionaires shall store all inventory and equipment in structures built according to specifications and design approved by the Town Manager and placed in locations approved by the Town Manager.

Motion by Councilmember Abbott, seconded by Councilmember Oliver, to approve Ordinance No. 200-20. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

REVIEW OF POSSIBLE AMENDMENTS TO TOWN CHARTER REGARDING MUNICIPAL ELECTIONS

After discussion, Mayor Saxton asked the Town Manager to contact the Town Solicitor about the comments brought up today and then come back to Council in December.

UPDATE/RECOMMENDATIONS FROM THE AD HOC COMMITTEE REGARDING FEMA BAYSIDE LETTER OF MAP REVISION (LOMR)

Councilmember Bartholomew thanked the FEMA Ad Hoc Committee Members for their work over many meetings. The ad hoc committee met yesterday and determined there is insufficient data to challenge the results of the Riverine/Bayside LOMR. As a result of that, the ad hoc committee is recommending that the Town Council not appeal the Bayside LOMR. By consensus, Town Council agreed. Regarding the ad hoc committee's recommendation that the Town should consider a survey to property owners to determine the impact of the second LOMR on their insurance costs, Councilmember Bartholomew clarified that the idea of the survey was to gather information once the second LOMR is in effect and insurance renewals take place.

STATUS UPDATE ON DUNE CROSSOVER WALKWAYS

The Town Manager reported that the surveys for the six proposed walkways were delayed by the surveyor. The surveys should be completed next week. The next step will be to provide the survey information to the engineer. After the engineer drafts the bid documents and drawings, the Town will go through the bid process. The bid will be for walkways at Division St., S. 5th St., and S. 9th St. with the option of Jamaica St., S. 2nd St., and N. 4th St. The Town Manager hopes to have the bid

opening in February. Mayor Saxton stated that due to the impact of COVID, the cost of lumber is high which might affect the number of crossovers Council agrees to do this year.

LEADERSHIP REPORTS – REPORTS POSTED ONLINE

Mayor Saxton added the following to his report:

- South Bethany Police Officer Shaun Baldasano presented the Town with a U.S. Flag that was flown during his deployment in Afghanistan on USAF C-130H Hercules on March 24 and 25, 2020, in the Town's honor aboard a USAF C-17A Globemaster III aircraft during combat missions over the skies of Kuwait and Iraq, Mayor Saxton said he is deeply honored that the town received this flag from Officer Baldasano and thanked him for his service.
- Complimented and thanked the United States Coast Guard on the excellent work they did on the cleanup from the oil spill on the Delaware Bay and coastline beaches. He said it was an honor to work with them and they responded to the concerns of the mayors from Slaughter Beach to Ocean City. Mayor Saxton said the Coast Guard worked closely with him regarding beach renourishment and assuring him that the beach would be cleaned prior to any sand being placed in that area. They followed through with the United States Army Corps of Engineers and within hours had it resolved.
- Chief Lovins has concerns on the enforcement of bikes not parked in racks. Chief Lovins said in the summer of 2020 the Police Department received numerous complaints of bike parking that infringed on private property or bikes not parked in bike racks. He suggested the Town adopt an ordinance to add a section in Chapter 94, Parking, on prohibitive parking of bicycles. Chief Lovins has a rough draft of an ordinance. He does not recommend a criminal summons, or a criminal charge be issued, but if bikes are improperly parked the bikes could be removed by the police and stored at the Police Department with a removal and storage fee. Mayor Saxton said he would like Chief Lovins to work with Councilmember Abbott on the ordinance and then come to Council for review before sending it to the Charter and Code Committee. Councilmember Abbott agreed.
- The Town will continue to send out email news updates on COVID pop-up testing sites in the area.

The Town Manager added to her report that due to broken equipment and the weather, the beach nourishment project could go into December.

COMMITTEE AND COMMISSION REPORTS – REPORTS POSTED ONLINE

Canal Water Quality Committee – Three months' worth of data has been collected from the pilot program (the jets) in the Petherton Canal. Councilmember Weisgerber said there does not seem to be any improvement regarding dissolved oxygen. After consulting with the manufacturer of the jets, Councilmember Weisgerber is looking for another canal end to move the jets to because the end of Petherton's canal is too shallow at low tide to get the effectiveness of the jets.

Planning Commission – Councilmember Oliver reported that the Planning Commission met yesterday, and they are working on the Comprehensive Plan five-year review. Over the next few months they will be reaching out to Committee Chairs, Councilmembers, and the Town Manager for information regarding the review.

PUBLIC COMMENT

Dick Oliver, 410 Victoria Dr. – Announced that it is posted on the Coastal Point website that South Bethany property owner Vinnette Fowler is 104 years old. On their website the Coastal Point has information on a funding effort to help her pay some expenses that are not covered by insurance. Mr. Oliver encouraged everyone to support the effort for this great lady. Mayor Saxton agreed.

Chris Ross, 139 Henlopen Dr. – Inquired if the public could access the recording of this meeting. Mayor Saxton advised that the recording will be posted on the Town website.

ADJOURNMENT

Motion by Councilmember Oliver, seconded by Councilmember Abbott, to adjourn the November 13, 2020, Town Council Regular Meeting at 11:26 a.m. FOR THE MOTION: Councilmembers Stevenson, Weisgerber, Callaway, Bartholomew, Oliver, Abbott, and Mayor Saxton. AGAINST THE MOTION: None. Motion unanimously carried.

phs:2020 11 13 Regular Meeting Minutes Approved 12 11 20