

**TOWN OF SOUTH BETHANY
TOWN COUNCIL REGULAR MEETING MINUTES
JUNE 11, 2021
10:00 A.M.**

Meeting Called to Order and Pledge of Allegiance

Mayor Saxton called the June 11, 2021 Town Council Regular Meeting to order at 10:00 a.m. followed by the Pledge of Allegiance to the Flag.

Attendance

In attendance were Mayor Tim Saxton and Councilmembers, Sue Callaway, Randall Bartholomew, Dick Oliver, Derek Abbott, Edie Dondero, and Tim Shaw; Town Manager, Maureen Hartman; Administrative Specialist, Janet Powell and Code Enforcement Officer, Joe Hinks. Chief Jason Lovins attended remotely. Remote attendees: 11

Public Comment

Mayor Saxton motioned to amend the June 11, 2021 Agenda to move Public Comment prior to Executive Session on the Agenda. Motion by Councilman Oliver, seconded by Councilman Abbott to move the Public Comment prior to Executive Session. Motion carried.

Catherine Peck, 415 Kimberly Rd expressed concern about a newly installed boat lift at 417 Kimberly Road. She was informed by the Code Enforcement Officer that the dock would be removed, the bulkhead would be replaced, and the new boat lift would be installed at ground level. She stated that the boat lift contractor decided to change the plans and was granted a Special Exception from DNREC, to install the new boat lift at the existing bulkhead and dock, protecting and stabilizing the ground level property and waterway. Ms. Peck is upset that the newly installed boat lift is 11 feet from her property line, protrudes out into the narrow canal, is aesthetically unappealing, blocks a portion of her water view and limits family canal activities.

Code Enforcement Officer Joe Hinks explained that DNREC issued a Special Exception to the boat lift installer and that he is compliant with State regulation, and the boat lift installation is compliant with South Bethany Town zoning code. Mayor Saxton explained to Ms. Peck that the Town can review and possibly change the Town Code to avoid this incident from happening in the future; but it would not correct her situation.

Jane Vandell, 410 Kimberly Road commented that there should be more communication between Town Council and property owners. She also commented Kimberly and Rebecca Road canals are beginning to look like a shipyard and wants Town Council to be opened to changing the Town Code regarding new boat lift regulations to keep the charm of the Town.

Chuck Parcelles, 408 Rebecca Road commented that the 417 Kimberly Road new boat lift installation has a slanted elevator lift that sits 5 feet above ground and it is very obtrusive. Their canal is narrow, and the new boat lift is massive.

Executive Session involving legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation. 29 Del. C. §10004(b)(4)

Motion by Councilman Abbott, seconded by Councilman Oliver to go into Executive Session at 10:25 a.m. for purposes of discussing legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation and discussion of the content of documents, excluded from the definition of "public record" where such discussion may disclose the contents of such documents; 29 DEL. C. §10004(b)(4), (b)(6). Motion carried 7-0.

Exit Executive Session and reconvene Town Council Meeting

Motion by Councilman Oliver, seconded by Councilman Abbott to reconvene the Town Council meeting at 10:59 p.m. Motion carried 7-0.

Discussion and possible action on item(s) discussed in Executive Session

No action was taken.

Adoption of Minutes

Motion by Councilman Oliver, seconded by Councilwoman Callaway, to adopt the May 4, 2021 Council Special meeting minutes. Motion carried 5-0; Councilmembers Shaw and Dondero abstained.

Motion by Councilman Bartholomew to amend and adopt the May 14, 2021 Town Council meeting minutes, seconded by Councilman Abbott. Motion carried 5-0; Councilmembers Shaw and Dondero abstained.

Discussion and possible action on appointment of Planning Commission members

Mayor Saxton appointed Brian Moroz, Brian Gander, and Fred Reitzel to the Planning Commission. Motion by Councilman Oliver, seconded by Councilman Abbott to appoint Brian Moroz, Brian Gander, and Fred Reitzel to the Planning Commission. Motion carried 7-0.

Discussion and possible action regarding the American Rescue Plan Act for South Bethany

Mayor Saxton stated the Town will receive the first 50% tranche this month with the remaining 50% tranche arriving 365 days later, for a total amount of \$286,137 from the American Rescue Plan Act of 2021 (ARPA). Costs for allowed items may begin to incur now, with all commitments completed by December 31, 2024, and all disbursements completed by December 31, 2026. If the Town does not qualify or does not use all or a portion of the funds, the funds will be returned to the US Treasury. Mayor Saxton and Councilman Bartholomew stated Council needs more guidance from the US Treasury regarding the guidelines to spend the funds; stating implementation will be an extensive process as new and updated guidelines are developed and released by the US Treasury. Mayor Saxton stated continued discussion of the ARPA will be held at the June 17, 2021 workshop meeting.

Mayor Saxton requested holding the ARPA funds in a separate banking account restricted for uses allowed under ARPA. Mayor Saxton also stated that signatories are required on the account. Motion by Councilman Abbott, seconded by Councilman Shaw to appoint Mayor Saxton, Councilman Bartholomew, Town Manager, Maureen Hartman, and Finance Director, Renee McDorman, all bonded, to be signatories on the ARPA account; allowing for two signatories to release ARPA funds, and to hold the funds in a separate account. Motion carried 7-0.

Discussion and possible action to reconfirm Committee Guidelines

Discussion and clarification regarding the South Bethany Committee Guidelines regarding the posting of DRAFT committee meeting minutes. Mayor Saxton mentioned the Town Solicitor did not advocate it but recommended any Committee DRAFT minutes posted should be watermarked "DRAFT" if posted before approved. Councilman Abbott will review and update the South Bethany Canal Water Quality Committee Mission/Purpose statement and make it consistent with the South Bethany Comp Plan Canal Water Quality mission/purpose statement. Councilwoman Callaway requested the updated reports from Solitude Lake Management be added to the Town Manager's report in the future. Motion by Councilman Oliver, seconded by Councilman Abbott to reconfirm, and approve the Committee Guidelines as written. Motion 7-0.

Leadership Reports – Reports Posted Online

Mayor Saxton had no addition to his report and thanked the Election Judges, Officers, and staff for their work on Election Day. Mayor Saxton attended an Association of Coastal Towns (ACT) meeting with a presentation from US Wind, which will be installing windmills in Maryland starting in 2024 with electrical substations to be installed in the Indian River/Millsboro, DE area.

The Town Manager had no addition to her report.

Councilman Bartholomew stated the Treasurer report will be submitted before the June 17, 2021 workshop meeting.

Committee and Commission Reports – Reports Posted Online

The Budget and Finance Committee – no report submitted.

Canal Water Quality Committee – no report submitted.

Charter and Code Committee – no report submitted.

Communications and Public Relations Committee – Report submitted. Mayor stated Carolyn Bell has resigned and Mayor Saxton has assigned Edie Dondero as Chair.

Community Enhancement Committees – no report submitted.

Planning Commission – no report submitted.

FEMA Ad Hoc Committee – no report submitted.

Adjournment

Motion by Councilman Oliver, seconded by Councilman Abbott, to adjourn the June 11, 2021, Town Council Regular Meeting at 11:35 a.m. Motion carried 7-0.