

**TOWN OF SOUTH BETHANY**  
**TOWN COUNCIL REGULAR MEETING MINUTES**  
**August 13, 2021**  
**10:00 A.M.**

**Meeting Called to Order and Pledge of Allegiance**

Mayor Saxton called the August 13, 2021, Town Council Regular Meeting to order at 10:00 a.m. followed by the Pledge of Allegiance to the Flag.

**Attendance and Absences**

In attendance were Mayor Tim Saxton and Councilmembers Derek Abbot, Randall Bartholomew, Edie Dondero, Dick Oliver, and Tim Shaw; Chief Lovins, Code Enforcement Officer Joseph Hinks; Town Manager, Maureen Hartman; and Administrative Specialist, Janet Powell. Councilwoman Callaway attended remotely. Public attendees: 7; remote attendees: 8.

**Public Comment**

Christine Keefe, 6 N 3<sup>rd</sup> St, questioned why there has been no action taken on Town Hall security and renovations. She stated preliminary architectural designs were drawn in 2015, but Council decided that the police station needed to be upgraded first, which was completed in 2019. The Budget & Finance allocated funds to renovate Town Hall, and Council has voted to fund the Capital project in fiscal year 2019, 2020, 2021 and 2022. Town Manager Hartman met with Homeland Security and was informed that the Town qualifies for a current grant up to \$15,000 and a \$25,000 grant is available next Feb/March 2022. Mayor Saxton agreed in principal that Town Council needs to decide to move forward with the security and renovation plans to Town Hall and will be discussed later in today's meeting.

Diann Nazarian, 20 Peterson Drive, commented that there is overgrown vegetation on Evergreen Road. Mayor Saxton agreed and asked Councilwoman Dondero if the Ad Hoc Bicycle and Pedestrian Safety Committee could create a plan to educate the public to maintain overgrown vegetation on their property and the Public Works Department will maintain Town property.

Ed Nazarian, 20 Peterson Drive, stated he feels there are several ordinances that are being abused by property owners. Mr. Nazarian noted property owners are using pilings attached with cables to each end to block their driveways, but the pilings are placed where the public are allowed to park; Republic Services is not placing the emptied trash/recycle bins back in the receptable; construction companies start before 8am and work after 5pm and questioned when will the roads be paved, noting S Anchorage is in bad shape. Mayor Saxton asked Chief Lovins to investigate the ordinance violations. Town Manager Hartman stated the pre-bid meeting was held on August 12<sup>th</sup>, the bid opening meeting will be held on August 31<sup>st</sup>, and awarding the bid will be at the Town Council meeting on September 10, 2021, and S Anchorage is one of the roads to be repaired.

Ed Bintz, 302 N Ocean Drive emailed the Atlantic Coast of Maryland Shoreline Protection, MD fact sheet from the US Army Corp of Engineers to Town Council members earlier in the week and reviewed said fact sheet and FEMA's responses to the LOMR questions. Mr. Bintz stated FEMA's re-appealed town map has imposed higher flood insurance premiums to some ocean front and Sandpiper Village properties. He suggested the FEMA Ad hoc committee continue since local government has a stronger communication with FEMA than a property owner's accessibility with FEMA and suggested the Town hire a coastal engineer to assess the FEMA documents and offer support services.

Maria Vershel, 16 Seaside Drive, volunteered to answer any questions regarding the continuation of the FEMA Ad hoc committee and noted the committee created comments on the FEMA responses and would like those comments submitted to FEMA.

Ed Nazarian, 20 Peterson Drive, commented the Code Enforcement Officer has an assistant in the off season, but needs an assistant year-round due to his workload. Mayor Saxton deferred the suggestion to the Town Manager.

### **Adoption of Minutes**

Motion by Councilman Abbott, seconded by Councilman Oliver to adopt the July 9, 2021 Town Council Regular meeting minutes. Councilwoman Callaway attended virtually but due to audio difficulty, her vote was not documented. Motion carried 6-0.

Motion by Councilman Oliver, seconded by Councilman Bartholomew, to adopt the July 29, 2021 Council Workshop meeting minutes. Councilman Abbott and Councilwoman Callaway abstained since they did not attend the workshop meeting. Motion carried 5-0.

### **Presentation from Brent Jett from George, Miles & Buhr, LLC regarding potential stormwater projects for the American Rescue Plan Act (ARPA) funds**

Brent Jett, Engineer from GMB, presented a Resiliency Plan regarding potential stormwater projects for the American Rescue Plan Act (ARPA) funds. The plan is to review previous works, studies, data, and projects completed for South Bethany; brainstorm and discuss potential flood mitigation options to increase resiliency and alleviate the impact from sea level rise and climate change. The proposed project would be concentrated in key locations which has constant flooding; improve drainage on Cattail and Tamarack, improve the water quality of runoff before entering the canal system, and remove runoff and flooding from properties, and reduce impact to public infrastructure. The Resiliency plan will be a 30-year plan to also provide strategies, locations, trouble spots, short and long-term goals, and provide an opportunity to budget for Capital improvements and pursue grants and funding.

### **Discussion of Town Hall Repurposing/Renovation**

Lauren Wandel, Project Architect, and Andrew Lyons, Engineer, from GMB, answered several questions regarding handicapped bathroom requirements, parking requirements, and the addition of a caucus room. Council decided there is no support to expand the council room beyond what was already provided and agreed to move forward with Schematic Plans 1 and 2, to renovate Town Hall currently estimated at \$272,000. Mayor Saxton stated Council will vote to move forward with architectural designs and competitive bids at the August 26, 2021 workshop meeting. Mayor Saxton reminded everyone this is still a cost estimate, and an expense, and wants a discussion on how to get the Town Hall renovation project out to the property owners. Councilman Abbott suggested if the Town uses regular mail, there should be a notification to sign up for the Town email communication.

### **Resolutions**

Motion by Councilman Abbott, seconded by Councilman Oliver to adopt Resolution 4-21, Recognizing Councilman Don Boteler; Resolution 5-21, Recognizing Councilwoman Carol Stevenson and Resolution 6-21, Recognizing Councilman Frank Weisgerber. Motion carried 7-0. Mayor Saxton asked Town Manager Hartman to invite the three councilmembers to the Town Council meeting on September 10, 2021 for a presentation of the Resolutions.

**First Reading of Ordinance 203-21 to amend the Code of South Bethany Chapter 42, Building Construction, to permit the use of fuel powered generators and air compressors that conform to OSHA noise level safety limits and make violations of the provisions of this chapter Civil penalties rather than Criminal offenses.**

Councilman Shaw read the modifications to Ordinance 203-21 to amend Chapter 42, Building Construction, §42-12 (A) Use of portable construction equipment, including fuel-powered electric generators and fuel-powered air compressors and §42-16 Penalties for offenses. Mayor Saxton asked the Council and public if they had any comments regarding the modifications. John Stephani, 6 N 3<sup>rd</sup> Street, questioned if this modification will affect the use of his personal compressor or is this for construction companies only. Code Enforcement Officer, Joe Hinks, responded that a personal compressor has an OSHA safety standard in place; the intent of this modification is for construction companies operating with an ongoing loud noise level. Diann Nazarian, 20 Peterson, asked if a construction company is supposed to pay a utility company to operate their generator. Mr. Hinks responded a contractor can file an application with a utility company requesting hook up of their generator. Mayor Saxton declared the First reading of Ordinance 203-21 to amend Chapter 42, Building Construction.

Mayor Saxton declared a five-minute break for Council at 12:55 p.m. Town Council meeting resumed at 1:00 p.m.

**Discussion and possible action to approve a budget amendment of \$21,250.00 for beach walkways**

Councilman Bartholomew motioned, seconded by Councilman Oliver, to approve the budget amendment of \$21,250.00 for beach walkways. Mayor Saxton questioned if the amendment would complete the project. Councilman Bartholomew stated it will not; there are five additional ramps that need to be completed and the Budget & Finance committee will need to reallocate additional funds to complete the five additional ramps. Motion carried 7-0.

**Discussion and possible action to reappoint Martha Fields and Charlene Sturbitts as Board of Adjustment members**

Mayor Saxton requested a motion to reappoint Martha Fields and Charlene Sturbitts as Board of Adjustment members. Motion by Councilman Shaw, seconded by Councilman Oliver to reappoint both, as presented. Motion carried 7-0. Mayor Saxton asked Town Manager Hartman to notify BOA Chairman Steve Bunoski of the approved reappointed.

**Discussion and possible action to appoint Robert Herb, Dick Oliver, Dennis Roberts, Beth Rosso, Robert Shields Jr., Andrea Sokoloff, Bill Tinklepaugh, Glen Tom, and Kathy Wood as members to the Ad Hoc Bicycle and Pedestrian Safety Committee.**

Mayor Saxton requested a motion for the appointment Robert Herb, Dick Oliver as a non-voting member, Dennis Roberts, Beth Rosso, Robert Shields Jr., Andrea Sokoloff, Bill Tinklepaugh, Glen Tom, and Kathy Wood as members to the Ad Hoc Bicycle and Pedestrian Safety Committee. Motion by Councilman Abbott, seconded by Councilman Oliver to appoint all, as presented. Motion carried 7-0.

**Discussion and possible action on issue of continuing or disbanding Ad Hoc FEMA Committee**

Mayor Saxton stated if the Committee continues and if Council decides to hire an engineer; the Council will take control of the funding and assistance of the hired engineer. The current committee requested that their additional questions be sent to FEMA regarding FEMA's LOMR responses. Upon discussion, the Council agreed the additional questions will be sent to FEMA whether the committee continues or disbands. Motion by Councilman Abbott, seconded by Councilman Oliver to continue the FEMA Ad Hoc committee as constituted solely as to present composition with no

funding decision to be made and allowing the existing committee to continue in its present form; with an aspirational goal of increasing membership from the riverine side of the Town. Motion failed 6-1 with Councilman Abbott dissenting.

**Leadership Reports – Reports Posted Online**

Mayor's report submitted.

Town Manager report submitted.

The Treasurer report submitted. Councilman Bartholomew commented he has been in communication with the auditor and is hoping to have some of the numbers solidified by the end of the month, with a report coming early next month.

**Committee and Commission Reports – Reports Posted Online**

The Budget and Finance Committee –report submitted.

Canal Water Quality Committee – no report submitted. Town Manager Hartman stated the CWQ will have their first meeting on Monday, August 16, 2021.

Charter and Code Committee – report submitted.

Communications and Public Relations Committee – report submitted.

Community Enhancement Committee – report submitted. Councilwoman Callaway commented the CEC will discuss Ed Nazarian's public comment regarding the part-time Code Enforcement position since the CEC committee works with property maintenance and enforcement.

Planning Commission – no report submitted.

FEMA Ad Hoc Committee – no report submitted.

Councilman Abbott left the meeting at 12:30 p.m. due to work commitments.

**Adjournment**

Motion by Councilwoman Dondero, seconded by Councilman Oliver, to adjourn the August 13, 2021, Town Council Regular Meeting at 12:51 p.m. Motion carried 6-0.