

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

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

Mayor Saxton called the September 10, 2021, Town Council Regular Meeting to order at 10:00 a.m. followed by the Pledge of Allegiance to the Flag and a moment of silence in memory of the 20<sup>th</sup> Anniversary of 9/11.

**Attendance and Absences**

In attendance were Mayor Tim Saxton and Councilmembers 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. Councilman Abbott and Councilwoman Callaway attended remotely. Public attendees: 3; remote attendees: 3.

**Public Comment**

Ed Nazarian, 20 Peterson Drive, asked for the status of his previous request for a Code Enforcement assistant in the summer months. Councilman Shaw stated he received a letter from Brenda Hossick, 8 S 3<sup>rd</sup> Street, regarding lack of enforcement on various ordinance violations, such as lawn maintenance and dogs around town with no leash. Councilwoman Callaway and Town Manager Hartman stated they met with Code Enforcement Officer Joe Hinks and are reviewing the request. Mayor Saxton suggested Town Manager Hartman make a recommendation within a month at a Town Council workshop meeting if an assistant is needed or not. He also noted some of the violations are police enforcement, not code enforcement.

**Adoption of Minutes**

Motion by Councilman Oliver, seconded by Councilman Abbott to adopt the August 13, 2021 Town Council Regular meeting minutes. Motion carried 7-0.

Motion by Councilman Oliver, seconded by Councilman Shaw, to adopt the August 26, 2021 Council Workshop minutes. Motion carried 7-0.

**Presentation of Recognition Resolutions**

**A. Resolution No. 04-21, A Resolution to Recognize Don Boteler**

**B. Resolution No. 05-21, A Resolution to Recognize Carol Stevenson**

**C. Resolution No. 06-21, A Resolution to Recognize Frank Weisgerber**

Mayor Saxton presented Resolutions 04-21, 05-21 and 06-21 in recognition of Don Boteler, Carol Stevenson, and Frank Weisgerber and along with Council thanked the former councilmembers for their contribution and dedication to the Town. Don Boteler was present and thanked the staff for their hard work, Margaret Oliver represented Carol Stevenson (not present) and thanked the Council, staff, and volunteers; and Frank Weisgerber was not present.

**A Second Reading of Ordinance 203-21 to amend the Code of South Bethany Ch 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.

**Discussion and possible action to adopt Ordinance 203-21**

Mayor Saxton requested a motion to adopt Ordinance 203-21, motion by Councilman Oliver, seconded by Councilman Abbott. Motion carried 7-0.

**Discussion and possible action to adopt Resolution 07-21 to revise South Bethany's Schedule of Fees by adding fines for Ordinance 203-21**

Town Manager Hartman stated the Schedule of Fees added a section for fines to coordinate with Ordinance 203-21; first offense \$100; second offense \$200, and third offense \$300. Mayor Saxton requested a motion to adopt Resolution 07-21, motion by Councilman Oliver, seconded by Councilman Shaw. Motion carried 7-0.

**Discussion and possible action to award Bid No. 22-01, Phase 1 Street Improvements**

Town Manager Hartman received one bid from Jerry's Inc for \$197,500 which includes contingent items listed on Schedule B of the bid proposal. She noted \$125,000 was allocated for the project from the FY 2022 budget, however, there is \$196,000 in the MSA Fund and \$10,000 in the PW's general fund for street maintenance. Town Manager Hartman recommended awarding the bid to Jerry's Inc, which includes 53 streets for crack sealing, 23 streets for paving/patching and one street with a pipe replacement. Councilman Oliver asked which 23 streets of the 53 will be patched, and Town Manager Hartman stated she would provide the list, along with documents on Phase II (Evergreen) and Phase III Street Improvement larger projects to Council. Mayor Saxton requested a motion to award Bid No. 22-01 to Jerry's Inc., motion by Councilman Oliver seconded by Councilman Abbott. Motion carried 7-0.

**Discussion and possible action to approve George, Miles & Burr to create a long-term stormwater plan for the Town with the use of ARPA funds**

Resident Jack Whitney, 105 Boone Road, noted there is a 2016 Coastal Resiliency and Adaptation Plan by Anchor QEA and recommended that Council consider requesting a proposal from Anchor since they are already familiar with the town. Mr. Whitney has a copy of the 2016 study and will provide a copy to Council. Town Manager Hartman will reach out to Anchor QEA for a proposal. She also reminded Council that an action plan with a dollar amount will need to be submitted to ARPA by October 31, 2021. Mayor Saxton tabled the GMB proposal, and requested Council review the 2016 Coastal Resiliency and Adaption Plan for discussion at the September 23, 2021 workshop.

**Discussion and possible action to appoint Marsha Butterfield to the Communications and Public Relations committee**

Mayor Saxton requested a motion for the appointment of Marsha Butterfield as a member to the Communications and Public Relations committee. Motion by Councilwoman Dondero, seconded by Councilman Oliver. Motion carried 7-0.

**Leadership Reports – Reports Posted Online**

Mayor's report submitted. Councilwoman Callaway requested that ACT address cleaning up the Assawoman Canal and install additional No Wake signs. Mayor Saxton stated he will address the issue at the next ACT meeting. Mayor Saxton also suggested Council vote whether to continue the ACT membership at the Town Council meeting on October 8, 2021.

Town Manager's report submitted. Town Manager Hartman thanked the town staff, public works, and police for handling a busy summer season with minimum complaints. Mayor Saxton agreed and thanked Council for creating solutions to town issues resulting in minimal complaints this summer.

Treasurer's report submitted. Councilman Bartholomew encouraged Council to read the Treasurer's narrative and stated Ashley Stern, CPA, CGFM will present the FY2021 audit at the September 23, 2021 Town Council Workshop.

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

The Budget and Finance Committee – report submitted.

Canal Water Quality Committee – no report submitted.

Charter and Code Committee – report submitted. Councilman Shaw stated a member resigned and he is soliciting for a replacement.

Communications and Public Relations Committee – no report submitted. Councilwoman Dondero invited Council to join, greet and welcome property owners at the Bonfire on the Beach, Friday, October 1<sup>st</sup>, 2021.

Community Enhancement Committee – report submitted.

Planning Commission – no report submitted. Mayor Saxton mentioned to Councilman Oliver that if the CP 5 Year Update Plan needs an amendment, it will need to be approval by Council.

**Adjournment**

Motion by Councilman Oliver, seconded by Councilman Abbott, to adjourn the September 10, 2021, Town Council Regular Meeting at 11:03 a.m. Motion carried 7-0.