

**TOWN OF SOUTH BETHANY
TOWN COUNCIL PUBLIC HEARING AND MEETING MINUTES
OCTOBER 14, 2022
9:00 A.M.**

9:00 AM Public Hearing To receive public input regarding Ordinance No. 209-22 to amend the Town of South Bethany Chapter 145, Zoning §145-72 Penalties for offenses and §145-73 Additional civil remedies, addressing classification of certain violations, fines and penalties in Code of The Town of South Bethany.

Meeting Called to Order and Pledge of Allegiance

Mayor Saxton called the October 14, 2022, Town Council meeting to order at 9:03 a.m. followed by the Pledge of Allegiance to the Flag.

Attendance and Absences

In attendance were Mayor Tim Saxton and Councilmembers Derek Abbott, Randy Bartholomew, Bob Biciocchi, Edie Dondero, Dick Oliver, Town Manager Maureen Hartman, Town Clerk Matt Amerling, Administrative Assistant Brittany Sneeringer; and Chief Jason Lovins. Councilmember Tim Shaw was absent. Public attendees: 2, remote attendees: 5.

Public Comment

Diann Nazarian, 20 Peterson Drive, had a bad experience with Comcast and cautioned anyone who has DSL to be careful as her internet cut off for seven (7) days.

Adoption of Minutes

Motion by Councilman Abbott, second by Councilman Biciocchi to adopt the September 9, 2022, Town Council Meeting minutes. Motion carried 6-0.

Motion by Councilman Abbott, second by Councilman Oliver to adopt the September 28, 2022, Town Council Workshop minutes. Motion carried 6-0.

Second Reading for Ordinance 209-22 to Amend Chapters 34, 37, 50, 69, 73, 84, 94, 104, 130, 141 and 145 Addressing Classifications of certain Violations, Fines and Penalties

Mayor Saxton noted Councilman Abbott reviewed the Second Reading during the Public Hearing. Councilman Abbott stated the intent of this ordinance is just to align the penalty structure and the Code to make things simple rather than criminal, except in isolated circumstances.

Discussion and possible action to adopt Ordinance 209-22

Motion by Councilwoman Dondero, second by Councilman Biciocchi to adopt Ordinance 209-22, to update language pertaining to violations, fines and penalties. Motion carried 6-0.

Discussion of Council regarding direction to the Charter & Code Committee (C&CC)

Mayor Saxton stated historically, the way council has worked with Charter & Code is if a Council member would like to make a change to the Code, they come to the Council, either in a workshop or a Town Council meeting and discuss within the Council as to whether they would like to see such an amendment or addition to the Code. Mayor Saxton said if Council says yes, it gets referred to C&CC to do the work in terms of drafting the ordinance; however, if the idea is turned down, that's the end of it. Mayor Saxton stated it has not been the mission of C&CC to go through the

entire Code and just make changes, but the committee was set up to review and draft any ordinances so the Town could save monies from having an attorney do the work and charge the Town; however, there's one review by the Town attorney to make sure any additions or amendments are all legal, and they're not affecting other sections of the Code.

Councilman Biciocchi questioned if Council is directing the C&CC, shouldn't they emphasize that C&CC has to conform to the same framework of public safety, environment and community? Councilman Abbott stated that he thinks everything the C&CC has done has focused certainly on all those things, and any proposal that comes back, committee members discuss each of those topics in their meetings. Councilman Abbott stated it's up to the committee members to think about those factors as they deliberate, and bring something back to Council, and in fact, that's what happened. Mayor Saxton asked if the Town should explore some kind of language where if a proposal for an ordinance comes up and it's turned down, unless it's urgent, maybe there should be a limit of six (6) or twelve (12) months before it's reintroduced. Councilman Abbott stated he's fundamentally against such a ruling.

Councilwoman Dondero stated she questions why the Town needs a C&CC. She believes drafting of ordinances should be done by staff and the Town attorney, who are more knowledgeable of the Code and any possible legal issues, then brought to Council for final approval. Mayor Saxton and Councilman Bartholomew disagreed with ending C&CC. Councilman Biciocchi stated to spend a year-and-a-half on a committee's work and come back to Council twice with language that went really unchanged this year and then get zero supporting votes, seems to not be an effective use of our resources. Councilman Abbott stated he doesn't think Councilman Biciocchi understands the process because what Mr. Abbott brought back to Council was to merely open the proposal for discussion. Mayor Saxton stated the Town will leave the C&CC as it currently stands.

Leadership Reports

Mayor's Report – no report submitted.

Town Manager Report – report submitted. Town Manager Hartman welcomed new employee Administrative Assistant Brittany Sneeringer.

Police Chief Report – report submitted. Of the two (2) new police hires, they were sent to the academy; however, one resigned.

Treasurer Report – Councilman Bartholomew stated the report was submitted.

Committee and Commission Reports

Budget and Finance Committee – no report submitted.

Canal Water Quality Committee – report submitted. Councilman Abbott stated they're looking into the long-term costs and implications of adding harvesting cleaning equipment to the fleet.

Charter and Code Committee – no report submitted.

Community Relations Committee – report submitted. Councilwoman Dondero stated they received generous sponsorship from Comcast to hold a holiday event in early December.

Planning Commission – no report submitted.

Bicycle & Pedestrian Safety Ad Hoc Committee – no report submitted.

Adjournment

Motion by Councilwoman Dondero, second by Councilman Oliver to adjourn the October 14, 2022, Town Council Regular Meeting at 9:54 a.m. Motion carried 6-0.

Respectfully submitted,