

**TOWN OF SOUTH BETHANY
TOWN COUNCIL MEETING MINUTES
MAY 12, 2023
9:00 A.M.**

Meeting Called to Order and Pledge of Allegiance

Mayor Saxton called the May 12, 2023, Town Council meeting to order at 9:04 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, and Tim Shaw; Town Manager Maureen Hartman, Chief Jason Lovins, and Town Clerk Matt Amerling. Public attendees: 8.

Public Comment

Ed Nazarian, 20 Peterson Drive, stated his request to Council to amend a construction ordinance to read no external construction between Memorial Day and Labor Day. Mayor Saxton stated the only ordinance he would consider would be to restrict pile driving during that timeframe. Mr. Nazarian stated despite the Town voting today on hiring a contractor to help Town Code Enforcement Constable Joe Hinks with plan reviews, he would still like to see a full-time person working with Mr. Hinks to assist him in all of Mr. Hinks' job duties.

Adoption of Minutes

Motion by Councilman Tim Shaw, second by Councilman Dick Oliver to adopt the April 5, 2023, Town Council Meeting minutes with amendments. Motion carried 7-0.

Discussion and possible action to use Code Solutions International to assist the Building Code Official with plan reviews or any additional requested assistance (Hartman)

Town Manager Maureen Hartman stated she and Town Code Enforcement Constable Joe Hinks have been trying to restructure his department so he can get out a little bit more to do some field investigations, as well as have a "one-on-one" with contractors or on site with property owners. Ms. Hartman stated, after speaking with several municipalities, she found they use and strongly recommend Code Solutions International. Ms. Hartman stated she and Mr. Hinks decided to use the gentleman from Code Solutions International on an "as needed" basis. Councilman Randy Bartholomew asked for a "guesstimate" on how often or how many hours this individual would be working, and Mr. Hinks stated it depends on how many projects come in which require a substantial review, but it won't be a weekly occurrence. Mayor Saxton requested Town Manager Hartman contact Council if the amount charged exceeds ten-thousand dollars (\$10,000.00).

Councilman Derek Abbott motioned to approve the use of Code Solutions International to assist the Building Code Official with plan reviews or any additional requested assistance. Councilman Tim Shaw seconded the motion. Motion carried 7-0.

Discussion and possible action regarding canal maintenance with third-party contractors (Shaw)

Councilman Tim Shaw stated he wanted to just update everybody on the canal situation. Councilman Shaw stated last year, the Town contracted with Solitude, which has experience in cleaning and harvesting activities.

Councilman Shaw stated that they arrived the week of May 1st, and they spent about four (4) days in the canal harvesting with a hydro rake, but that the rake couldn't efficiently harvest all of the algae that had proliferated. After speaking with the representatives from Solitude, it was decided that they would try a harvester for the second phase. DNREC has provided the truck for transportation and disposal.

Councilman Shaw further stated the Town doesn't have any kind of preventive maintenance or periodic maintenance put in place. We have been using a local contractor, Envirotech, to come, and manage the floating wetlands; but at some point, the Council really has to make a decision as to whether we consider continuing to put money into the wetlands because there has been no demonstrable improvement in the water quality due to their presence. CWQ has contacted Envirotech and requested they make some suggestions as to what should or could be done; afterwards, CWQ will sort through all that stuff and come back to the Council with some possible recommendations.

Councilwoman Dondero stated they normally use the hydro rake in ponds and lakes and asked if it is worth spending another twenty-thousand dollars (\$20,000.00) to have Solitude come back and do this again. Councilman Abbott stated he thinks this has been a valuable experience to know that the Hydro-rake doesn't work, and he still thinks the Town has got to bring this capability in-house.

Mayor Saxton stated we can have all the floating wetlands we want out there, but we're still at the mercy of the Little Assawoman Bay, and the quality of that water is not getting better; and the floating wetlands are ineffective. Councilwoman Dondero stated she is less interested in talking about floating wetlands than she is about the CWQ working with Council and the Charter and Code Committee (C&C) to start to see what changes are needed in our Town Code. Councilwoman Dondero stated Council is talking about addressing a problem, managing a problem, without talking about what's contributing to the problem. Councilwoman Dondero further stated what's contributing to the problem are the properties in South Bethany that are nearly 100% covered with impervious surface, that have existing drains, grandfathered or not, going into the canals, and those nutrients entering the canals, and the algae growing because of the nutrients in the water.

Discussion regarding the Delaware Marijuana Control Act

Mayor Saxton stated Section 1351 of the Act gives municipalities the prerogative of prohibiting marijuana cultivation, product manufacturing, testing, and retail sales; but it doesn't give the County that authority. Mayor Saxton stated he wanted to just discuss this so people know what's going on. Mayor Saxton stated he knows the other towns are starting to consider ordinances – probably mostly around retail sales and not wanting retail sales in their towns. Mayor Saxton further stated the Town Code covers marijuana under its prohibition of smoking on the beach. Chief Jason Lovins stated towns will have the option not to have retail sales in their town, but recreational use of marijuana is now legalized and it's basically like alcohol or tobacco. Mayor Saxton stated his own opinion is he doesn't want dispensaries open here in Town, so Council will eventually have to tackle this item through an ordinance.

Leadership Reports

Mayor's Report – Report submitted. Mayor Saxton stated it looks like the Town is on track with DNREC for beach replenishment from June 1 to June 20, 2023. The Mayor stated that he wanted to thank Councilman Dick Oliver for his services over all the years. Councilman Oliver served on the Planning Commission for nine (9) years and has been our Planning Commission liaison for the last four (4) years. Councilman Oliver stated he would like the Town to investigate possibly prohibiting any work in the morning hours on Sundays, coming from equipment such as lawnmowers, which would cause unnecessary noise pollution.

Councilman Oliver stated it is with a heavy heart that he leaves this Council, but he thinks they've done great work, he's enjoyed every minute of it, and he's proud of the service that he did here.

Town Manager Report – report submitted.

Police Chief Report – report submitted.

Treasurer Report – The financial statements will be delayed due to the end of the fiscal year.

Committee and Commission Reports

Budget and Finance Committee – Report submitted, and they will schedule a meeting for June.

Canal Water Quality Committee – Report submitted.

Charter and Code Committee – No report submitted. Councilman Abbott stated he will have to schedule a meeting for drafting of an ordinance regarding limiting parking permits.

Community Relations Committee – No report submitted. The Town Bonfire will be held tonight (Friday, May 12) at 7 p.m.; and on May 18 at 5:30 p.m., Andrew McGowan from the Center for Inland Bays will be coming to Town Hall to speak about water quality in the Little Assawoman Bay, and how it affects our canals.

Planning Commission – No report submitted.

Bicycle & Pedestrian Safety Ad Hoc Committee – Report submitted. Councilman Biciocchi stated the bike rodeo event will be happening on July 15, 2023.

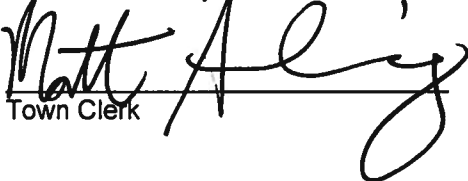
Adjournment

Motion by Councilman Abbott, second by Councilman Oliver, to adjourn the May 12, 2023, Town Council Regular Meeting at 10:07 a.m. Motion carried 7-0.

Respectfully submitted,



Council Secretary



Town Clerk

6/9/2023
Date of Approval