

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL WORKSHOP MEETING MINUTES  
JULY 28, 2023  
9:00 A.M.**

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

Mayor Saxton called the July 28, 2023, Town Council Workshop meeting to order at 9:00 a.m., followed by the Pledge of Allegiance to the Flag.

**Attendance and Absences**

In attendance were Mayor Tim Saxton and Councilmembers Randy Bartholomew, Bob Biciocchi, Edie Dondero, Chris Keefe, and Tim Shaw; Chief Jason Lovins, Town Code Enforcement Constable Joe Hinks, and Town Clerk Matt Amerling. Councilman Derek Abbott and Town Manager Maureen Hartman were absent. Public attendees: 4. Virtual attendees: 3.

**Public Comment**

There were no comments.

**Discussion of Sharp Energy 5-Year lease that expires in 2024 (Mayor)**

Mayor Saxton stated the initial term of the lease was from March 28, 2019, to March 27, 2024, and the current rent for the space is five-thousand dollars (\$5,000) per year. Mayor Saxton stated that the intention to renew the lease for another 5 years, is 120 days or November 27, 2023. The annual rent for the renewal terms must be mutually agreed between the parties no later than 90 days prior to the expiration date or December 27, 2023. Mayor Saxton stated it is his recommendation that Council renew the contract with the stipulation that we want to discuss the value of the lease. Councilwoman Chris Keefe asked if Sharp provides a good, reliable service. Mayor Saxton stated yes, and Sharp charges a \$4.95 meter fee every month, and his opinion is that is very cheap compared to what most utilities charge. Councilwoman Keefe stated there seems to be odd numbers when it was \$2,500 per year. Mayor Saxton stated he would have to defer to Town Finance Director Renee McDorman to get an answer.

Mayor Saxton stated one issue he has with Sharp is they do make a real mess when they add a line to a house, and they don't come back fast enough to repair it. Town Code Enforcement Constable Joe Hinks stated yes, the Town wants to go back to DelDOT specifications of putting down the appropriate crushed stabilizing material and build it back out. Mr. Hinks stated that process, according to Sharp, is difficult to get a paving company to come out for a smaller patch. Mr. Hinks stated the cold patch job which is currently done does not hold up well and he agrees with Mayor Saxton, and he would welcome suggestions on what the Town can do about these new cuts, to get them to hold up longer. Mayor Saxton stated that issue could be another point in the negotiation with Sharp, in that they must fix it more quickly. Councilman Randy Bartholomew stated it sounds like we have a desire to renew, but there's a few things that can be cleaned up. Mayor Saxton stated the Town will put this item up for approval on the August 11 Council meeting agenda.

**Discussion and review of mission statement for proposed Resiliency Committee (Biciocchi)**

Mayor Saxton stated he has received an email from Councilman Abbott, who says he has some concerns about this mission statement, which Mayor Saxton will give Councilman Abbott time at the August 11 Council meeting to address. Councilman Bob Biciocchi stated after he was tasked at the last meeting to draft a mission statement for this committee, he contacted Town Manager Maureen Hartman, who provided Mr. Biciocchi with a 2-inch-thick file, which informed him that about 10 years ago, under another mayor, there was a Sea Level Rise Committee, of which its

recommendations were not adopted or put into effect by the Council during that time. Councilman Biciocchi stated he wanted to try and approach this with a little different strategy than in the past, with unifying a set of principles of the new committee, which addresses flood resiliency, and its associated issues. Councilman Biciocchi further stated the message in this mission statement should be around the principles of unification around public safety as well as property values. The scope itself is broad enough to have the Council direct anything that it wants related to the committee regarding flood resiliency.

Councilwoman Keefe stated she likes how this is very general. Councilman Bartholomew stated he thinks the verbiage is fine, but he thinks the collaboration also needs to be with the Budget and Finance Committee (B&F), since it could impact financial aspects of the Town. Councilman Tim Shaw stated he reviewed this with Councilman Biciocchi, and he thinks it's a good mission statement. Councilwoman Edie Dondero stated she understands Councilman Biciocchi's desire to keep the statement broad, but she thinks it's a little too vague and unclear what exactly the committee is going to do. Councilwoman Dondero understands the desire to work across committees, but she also indicated that the committees have specific charges and lanes that they are supposed to stay in, and the last sentence leaves her with some unease. Councilman Biciocchi stated from reading through this, it's going to take changes to the Charter and Code Committee as well as coordination with the Canal Water Quality Committee, and that's what's meant to be inferred in the last sentence. And it also empowers Council to act like that, so Council doesn't have to silo tasks to only the one committee; and he thinks better government is when we do collaborate because our talents are significant, and when we work together, it gets a better result. Councilman Bartholomew stated instead of stating specific committees, it could read all committees or with the appropriate committees. Councilwoman Dondero stated she likes Councilman Bartholomew's suggestion, and she would like to see a little more specificity regarding what exactly this committee is going to do.

Mayor Saxton stated since most of Council are on committees, after seeing this language, he opposes this because if the mission statement is written as presented, this committee can bring a majority five votes to Council before Councilwoman Keefe or the Mayor sees anything, and that is not in the spirit of the Town's committee guidelines. Mayor Saxton stated the Council wrote the committee guidelines so no one committee had the power to bring all the votes to Town Council. He believes the mission statement is way too broad. Mayor Saxton further stated if you're going to go across committees, it should come from the direction of the Council and not from the direction of a committee. Councilman Biciocchi thanked everyone for their comments and thought the way he wrote it and is willing to review it again and submit another draft. Mayor Saxton stated Councilman Biciocchi could do so and even meet with Councilwoman Dondero to iron out some details.

Councilman Bartholomew stated there is going to be a joint meeting between Town Council and the B&F on August 15, of which we have not finalized an agenda, and suggested that Council delay reviewing this until after that meeting. Mayor Saxton stated that he hopes what comes out of the August 15 meeting is to decide the direction and budget for the resiliency committee. He doesn't think Council needs any of this done for us to do all the strategic work that we need to do, because what comes out of that meeting is going to drive this committee. The council agreed to hold off on this at least until the next meeting.

Councilwoman Keefe asked if there will be parameters to the mission statement. Mayor Saxton stated yes, and he wanted to address that the Council and he made a major mistake in the process. Mayor Saxton stated that, at the last meeting, a couple of council members suggested Councilman Biciocchi be the chairperson of this new committee, but there was no vote on that yet. Mayor Saxton approached Councilman Biciocchi about being chairperson, but Mayor Saxton was approached by someone else on Council who also wants to be the chairperson. Mayor Saxton stated no one is chairperson yet as there are no members yet, and the committee has not officially been formed. Regarding the chairmanship, because he made the mistake, Mayor Saxton stated he will not be nominating anyone for chairperson, and he will recuse himself when it comes up for vote.

**Discussion on an ordinance prohibiting the operation of marijuana cultivation, manufacturing, and testing facilities; and retail stores in the Town of South Bethany (Mayor)**

Mayor Saxton stated Council should decide on whether to move forward with prohibiting sales of marijuana within Town limits, keeping in mind that the Town only has one commercial-zoned property – being the York Beach Mall strip of stores – and that a business selling marijuana could still go in the strip mall with Dollar General since that's in County jurisdiction. Councilwoman Dondero stated she's surprised that so many of our local municipalities are rushing into this as the ink is barely dry on the statute, and we're talking close to two (2) years before they even start issuing the licenses for a retail operation; so, it seems a bit premature as the statute is still being flushed out. Councilwoman Dondero stated she doesn't quite see what the rush is to make a decision on this, and Council can probably table this item for a bit. Councilwoman Keefe stated she doesn't want to be "the last one on the block to do it," because doing so sends a signal. Councilwoman Keefe stated that's why everybody's doing it right away; they're sending a signal of "we don't want anything associated with that here." Councilwoman Keefe stated the last town to go is the one where these businesses will go to, so she's very much in support of an ordinance to prohibit it.

Councilman Shaw stated he's in agreement of an ordinance because the Town doesn't want someone to start making plans of bringing a business that sells marijuana into Town because they haven't heard anything from the town on the subject, and they start investing some time and energy, thinking that the Town is going to allow it. Councilman Shaw stated once they've put in the money, we very well could run into a legal issue where the business owner comes back, and the Town is going to have a lawsuit or something; he thinks it's important for the town to make it very clear as soon as possible that we're going to prohibit certain things so that no one is on that path. Councilwoman Dondero stated she's wondering what the what the thinking is here, and how we regulate or decide what businesses we want in town, and what businesses we don't, as the Town has one commercial property which is for York Beach Mall, and if you look at the Code, it specifically prohibits liquor stores; but it permits drug stores where you can buy opioids, tobacco shops where you can buy cigarettes, and gun shops so you can buy guns. Councilwoman Dondero stated the Town has nothing that prohibits the sale of adult entertainment, so you can buy pornography; but you can't buy wine, you can't buy marijuana, and you can't have more than two (2) arcade games in any business. Councilwoman Dondero stated she thinks we need to look at all the permitted uses and prohibited uses in the commercial code and revisit them all together before we take this on. Councilwoman Dondero stated she also wants to know whether this ordinance will include prohibiting medical marijuana and compassion centers. Mayor Saxton stated all examples shown from other towns prohibit all sales of marijuana, medical marijuana and compassion centers included. Councilman Shaw stated there are plenty of other drugstores or places to buy for people in the area, and if Maryland is going to allow it to be sold, people can drive a few miles down the road get it. Mayor Saxton stated he has no problem with drafting an ordinance now and he's in support of prohibiting all marijuana sales. Councilman Bartholomew stated he is in support of prohibiting marijuana and Council can look into those other issues Councilwoman Dondero brought up at another time. The council agreed upon having a draft ordinance to vote on at the August 11 Council meeting.

**Discussion of contracting with Envirotech for a Fall canal cleanup (Shaw)**

Councilman Shaw stated he has been trying to push the Canal Water Quality Committee (CWQ) to look at things the committee should put into the budget every year, so we have it in place and contracting with people in enough advance. Councilman Shaw stated that members of the committee must start being tasked to inspect contracted work and give their consent that the work has been adequately completed and that it shouldn't be up to the town staff. Councilman Shaw stated he knows the CWQ has \$14,000.00 budgeted right now, and that's the price we got from Envirotech to clean the canal ends, but what he's really pushing forward is to get routine maintenance in our annual plan and budget. Councilman Shaw stated CWQ has asked Envirotech for another price, which is the price to do the routine pruning, cleaning, and having the roots and tops trimmed on the floating wetlands. Councilman Shaw stated he's also putting some serious pressure on CWQ to rethink whether to keep and maintain the current floating wetlands because


they are really at their end of life. The wetlands are coming apart and causing problems and complaints from residents. Councilman Shaw stated unless the Council wants to declare we're pulling these floating wetlands, then we're leaving it for CWQ to decide and if they can't seem to make a decision in that area then we have to maintain the floating wetlands. Councilman Shaw stated right now these proposals from Envirotech are saying that they're not going to touch the floating wetlands, but this is a separate proposal from the 3 different proposals from them. One proposal is to clean the canal ends after all the tree branches, grass clippings, pine needles and leaves land in the canals. The second proposal is to trim and clean up the floating wetlands, which has to be done annually. The third proposal is a combination of both for a price break. Councilman Shaw further stated he doesn't have all those numbers yet, but he wanted to bring it up to the Council that he's looking to get that information together.

Council agreed to have CWQ develop a full scope of work of what they want done, and then Council will review the proposals.

**Adjournment**

Motion by Councilman Shaw, second by Councilwoman Dondero, to adjourn the July 28, 2023, Town Council Workshop Meeting at 10:05 a.m. Motion carried 6-0.

Respectfully submitted,

  
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Council Secretary

  
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Town Clerk

  
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Date of Approval