

**TOWN OF SOUTH BETHANY
TOWN COUNCIL MEETING MINUTES
AUGUST 11, 2023
9:00 A.M.**

Meeting Called to Order and Pledge of Allegiance

Mayor Saxton called the August 11, 2023, Town Council meeting to order at 9:02 a.m., followed by the Pledge of Allegiance to the Flag.

Attendance and Absences

In attendance were Mayor Tim Saxton and Councilmembers Derek Abbott (virtual), Randy Bartholomew, Bob Biciocchi, Edie Dondero, Chris Keefe, and Tim Shaw; Town Manager Maureen Hartman, Town Code Enforcement Constable Joe Hinks, and Chief Jason Lovins. Public attendees: 26. Virtual attendees: 16.

Public Comment

The following residents were not in favor of reducing the number of parking permits from four (4) to two (2): Gil Geldon, 405 Tamarack Drive; Marie Kilian, 418 Black Gum Drive; Scott Purnell, 303 W. 2nd Street; and Michael Loftus, 163 New Castle Drive.

The following residents were in favor of reducing the parking permits from four (4) to two (2): Steve Bunoski, 417 Victoria Drive; Richard Dallaire, 444 Black Gum Drive; and Marlin Van Horn, 12 S. Anchorage Avenue.

Wailohia Woolsey, 400 Black Gum Drive, stated before Council makes its decision on the possible decrease of permits, she would like Council to consider the issues attached to this decrease, specifically, there's not enough parking spaces for people that want to park at the beach side; people are potentially selling permits; and there's not enough access for people that want to come to the beach on bikes. Ms. Woolsey stated the decrease in the number of permits is kind of drastic.

Laura Macauley, 16 Peterson Drive, stated she thinks four permits is a bit too much but would like to see another solution such as lines on the street for guidance so your tires have to be on the backside of the yellow line, but the front part of your car can be over, and it really does expand the amount of parking on the streets.

Sandy Raymond, 5 N. 3rd Street, stated she thinks every property owner should get at least one (1) parking permit for free, and any additional permits can be sold, regardless of number.

Liz Renninger, 207 W. 10th Street, stated she would request the Town Code be amended to include more specificity regarding what kind of repairs and building projects require a building permit from the Town, as well as if a permit is required for certain small repairs done by the homeowner themselves. Mayor Saxton stated what is required in the Town Code – and the way it is written – in relation to repairs having a requirement of a Town-issued building permit were written and required by the Federal Emergency Management Agency (FEMA) for the Town to be a part of the National Flood Insurance Plan program. Town Code Enforcement Constable Joe Hinks stated FEMA wants the Town to track all development, all improvements and any change that occurs on a structure, but the actual cost/fee is something that can be reviewed by the Town as it is a part of the fee schedule.

Ed Bintz, 302 N. Ocean Drive, stated after listening to the Council discuss both the resiliency report given by GMB and the canal dredging done with a hydro rake by Solitude, it seems the Town was

somewhat disappointed with both results. Mr. Bintz suggested reviewing the Town's request for proposal (RFP) process and finding ways to avoid paying for services that don't produce what they should. Mr. Bintz asked if it is worth the Town spending about forty-thousand-plus dollars (\$40,000+) to dredge the canals. Mayor Saxton stated the Town's RFP can always be reviewed; and as for Solitude, they were paid per the contract with the hydro rake being used the first time per Council's decision, and when Solitude came back the second time, they did a great job. Mayor Saxton stated the resiliency report was not completely disappointing to Council as it did give some great feedback to help guide the Town in areas we need to work on.

Adoption of Minutes

Motion by Councilman Randy Bartholomew, second by Councilman Tim Shaw to adopt the July 14, 2023, Town Council Meeting minutes. Motion carried 5-0-2 abstentions (Saxton and Biciocchi).

Councilman Biciocchi requested, regarding the July 28, 2023, Town Council Workshop Meeting minutes, the accuracy of the edit of the minutes is that is not a quote from Town Manager Maureen Hartman in paragraph one under the topic "Discussion and review of mission statement for proposed Resiliency Committee," but rather Town Manager Hartman provided the 2-inch file of the history of the committee, and from that, there were a number of recommendations that Councilman Biciocchi reported and put forward to Council that didn't seem like the previous administration adopted any of it; so it really should be a reference that the previous administration did not adopt any of those recommendations. Councilman Bob Biciocchi motioned to adopt the July 28, 2023, Town Council Workshop Meeting minutes, with amendments, seconded by Councilwoman Dondero. Motion carried 6-0-1 abstention (Abbott).

First Reading of Ordinance 211-23 to amend Chapter 94-6 parking permit system, to reduce the number of seasonal parking passes from four to a maximum of two per property (Biciocchi)

Councilman Bob Biciocchi stated some further background as to the intent of this is to have consistency to promote safe bike and pedestrian conveyance to the beach; and the comments from Council talked about the significant reduction in available parking spaces, some of it conversion to bike parking, some of it the building process which now has driveways going end to end, which also further reduces parking spaces on the east side of Coastal Highway. In regard to some of the comments, there is also available daily parking for people that have some hardships with contractors or guests in town, so daily passes can be used on the west side of Coastal Highway.

Councilman Tim Shaw stated he is not sure that just dropping the permit number to two (2) fixes the problem for everybody, so Council may want to reconsider some of the alternatives that people have talked about today. Councilman Derek Abbott stated he doesn't have a problem with four (4) permits per house, but if people are concerned about that, we should give two (2), and then sell the third and fourth for a much higher price, and let people pay for that privilege. Councilman Biciocchi stated the Town did research other local beach towns and South Bethany is the only town that gives out four (4) permits per property; and his problem with charging \$500 for the third pass or fourth pass is that's a sense of entitlement leading people to think they will definitely have a parking spot and Councilman Biciocchi doesn't want to create that kind of atmosphere. Councilman Randy Bartholomew stated he thinks the number of permits should be reduced to three (3) or two (2). Councilwoman Edie Dondero stated she generally supports a reduction from four (4) to either two (2) or three (3), but Council should also consider an alternative setup where residents only are permitted to purchase weekly permits.

Council agreed to table this ordinance in order to do some more research and drafting before bringing it back for another first reading.

Discussion and possible action on the development of a Resiliency (flooding/stormwater) Committee and approving the mission statement for the committee (Mayor)

Councilwoman Dondero motioned to approve the formation of a standing Resiliency Committee, seconded by Councilman Shaw. Motion carried 6-1 (with Councilman Biciocchi dissenting).

Councilman Abbott suggested adding in the first sentence the line "as requested by the Town Council" after the words "to assist the Town of South Bethany." Councilwoman Dondero motioned to approve the Resiliency Committee mission statement with the change noted by Councilman Abbott in the first sentence, seconded by Councilman Shaw. Motion carried 6-1 (with Councilman Biciocchi dissenting).

Councilman Shaw motioned to appoint Councilwoman Edie Dondero as chairperson of the Resiliency Committee, seconded by Councilwoman Chris Keefe. Motion carried 5-1-1 abstention (with Councilman Biciocchi dissenting and Mayor Saxton abstaining).

Discussion and possible action to initiate the process of procuring professional services to work on the next Comprehensive Plan (Mayor)

Mayor Saxton stated he would like to table this item as the Comprehensive Plan is not due until July 2027, and he doesn't think Council needs to make a decision on this today; however, but before tabling the item, he would like for Council to make sure it's clear to the public and to the planning commission why Council put this item in the budget, and what Council's full intent is for recommending of how we're going to move forward in creating the Comprehensive Plan. Councilwoman Dondero stated the idea was to get some professional help in writing the new Comprehensive Plan because of the number of changes that have happened in the community over the last few years, and some of the big picture things the Town is wrestling with like this Resiliency Committee and also to get some professional services in terms of geographic information system (GIS) mapping and things like that, which the Town just doesn't have the capability at the town staff level, or certainly at the volunteer level, to do. Most communities at some point use professional services to help with comprehensive planning, and there are a lot of good resources out there; and it's not because the planning commission can't do it. Councilwoman Dondero stated she thinks now it would behoove us to get a little bit of professional help by looking a little more broadly and kind of pulling together a lot of these issues.

Discussion and possible action to begin negotiations with Sharp Energy for possible renewal of contract and rental rates (Mayor)

Councilman Shaw motioned to move forward with Sharp Energy negotiations as discussed at the July Council workshop meeting, seconded by Councilman Abbott. Motion carried 7-0.

Discussion about enforcing Town code regarding obstructions to the Town Rights-of-Way (§Section 125-2) and recommendations to remedy those issues (Mayor, Hartman, Hinks)

Town Code Enforcement Constable Joe Hinks stated it's becoming more and more difficult to have two (2) vehicles pass one another without smacking into a tree, and it's hard to even turn the town truck around because we have so many encroachments that are pushing him onto oncoming traffic. Mr. Hinks stated a lot of this is occurring at the stop signs and intersections, and he would like to take action on this immediately, to begin clearing up all of those for safety concerns and at the same kind of encroachment that has slowly crept further and further to the full length of many streets so that there is no place for a driver to safely ease over to let another driver by. Mr. Hinks stated there are now situations where property owners' trees and other plantings need to be trimmed as they are creating a driver and pedestrian safety hazard.

Councilman Shaw stated this is slightly reminiscent of a year or two ago when Council notified property owners who had built chain barriers or built garbage can receptacles within the Right-of-Way, and even though Council did decide to not move forward with having those owners remove said items, they did warn the owners this would be revisited. Mayor Saxton stated yes, and, like that former attempt, the Town will get pushback, but he is asking that whenever property owners get a new survey done, they must have the exact markings of where the right-of-way is so they will know not to place any obstructions in said area. Councilman Bartholomew asked if the Town will be sending out letters to inform property owners about this action and how it may affect them. Mayor Saxton stated his agreement, and reiterated the Town has asked that all new site surveys submitted by property owners to the Code Enforcement Officer have the rights-of-way marked. Councilwoman Dondero stated she agrees that the Town needs to communicate this clearly to people so it's not a surprise and give people the opportunity to be proactive and do it themselves – for those possibly few who are inclined to do so. Councilman Abbott agreed that the Town gets this done and communicates it effectively, even though there will be pushback. Council agreed for Town Manager Hartman to draft a letter to send to property owners, which Council will approve before sending it out. Councilman Abbott left the meeting.

Discussion of possible ordinance regarding prohibition of marijuana cultivation and sales in the Town of South Bethany (Mayor)

Councilman Shaw motioned to approve moving forward with drafting an ordinance regarding prohibition of marijuana sales and cultivation in town limits, for the Town Solicitor to review before bringing it before Council for a first reading, seconded by Councilman Bartholomew. Motion carried 5-1 (with Councilwoman Dondero dissenting).

Leadership Reports

Mayor's Report – No report submitted.
Town Manager Report – report submitted.
Police Chief Report – report submitted.
Treasurer Report – report submitted.

Committee and Commission Reports

Budget and Finance Committee – No report submitted.
Canal Water Quality Committee – Report submitted. CWQ members had a phone call with Solitude to give an after-action report to essentially tell them know what the Town thought went well, what didn't, and ask what we could do to improve; and the Town did ask them to provide some budgetary pricing for this coming year, which Town Manager Hartman has received.
Charter and Code Committee – No report submitted.
Community Relations Committee – Report submitted.
Planning Commission – No report submitted, but the P.C. will be meeting on August 25, 2023.
Bicycle & Pedestrian Safety Ad Hoc Committee – Report submitted. Thanks to Chief Lovins and the SBPD as well as the volunteers who helped with this year's bike rodeo event.


Adjournment

Motion by Councilwoman Dondero, second by Councilman Shaw, to adjourn the August 11, 2023, Town Council Regular Meeting at 11:35 a.m. Motion carried 6-0.

Respectfully submitted,



Council Secretary



Town Clerk

9/8/2023

Date of Approval