

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL MEETING MINUTES  
SEPTEMBER 8, 2023  
9:00 A.M.**

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

Mayor Saxton called the September 8, 2023, Town Council 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 Derek Abbott, Randy Bartholomew, Bob Biciocchi, Edie Dondero, Chris Keefe, and Tim Shaw; Town Manager Maureen Hartman, Town Code Enforcement Constable Joe Hinks (virtual), Chief Jason Lovins, and Town Clerk Matt Amerling. Public attendees: 4. Virtual attendees: 5.

**Public Comment**

Liz Renninger, 207 W. 10<sup>th</sup> Street, asked if there was any update on what was discussed at the August 11, 2023, Town Council meeting, namely talking to the Federal Emergency Management Agency (FEMA). Mayor Saxton stated not to his knowledge, but, according to his DNREC contact, the language still holds.

**Adoption of Minutes**

Mayor Saxton stated he had a minor change to the August 11, 2023, Council meeting minutes, suggesting his reiteration of site surveys submitted by property owners to show rights-of-way. Motion by Councilman Randy Bartholomew, second by Councilman Derek Abbott to adopt the August 11, 2023, Town Council Meeting minutes with amendments. Motion carried 7-0.

Councilwoman Chris Keefe requested, regarding the August 25, 2023, Town Council Workshop Meeting minutes, under the topic "Discussion of Strategic Planning," to read that she was appointed chairperson rather than sounding like it was her, Mayor Saxton and Councilman Bartholomew. Councilwoman Edie Dondero motioned to adopt the August 25, 2023, Town Council Workshop Meeting minutes, with amendments, seconded by Councilman Tim Shaw. Motion carried 7-0.

Councilman Abbott motioned to adopt the August 25, 2023, Town Council Executive Session minutes, seconded by Councilwoman Dondero. Motion carried 7-0.

**Discussion and possible action to amend ordinances §42-5.B and C, Building Permit Required and §145-68.A (6) and (9), Building permit, to bring into conformance with the floodplain ordinance.**

Town Code Enforcement Constable Joe Hinks stated the point of his memo he distributed to Council is to align our Code with the floodplain ordinance. Mr. Hinks proposed amendments to the Code, with basic strikethroughs of what requires a permit, what doesn't, which will bring the Code into harmony with the floodplain ordinance. Councilwoman Dondero stated in the first sentence of the memo, where it says, "or to begin the moving demolition or alteration of any building or structure," she thinks it's important that we add something in there to clarify that it includes repairs such as "moving demolition, alteration, or repair" to add a bit more clarity.

Mayor Saxton asked Mr. Hinks if there is a way to write this new code under the definition of repairs so simple tasks such as replacing a carpet or painting would not require a building permit from the Town. Mr. Hinks stated if the Council wants to exclude certain things to require permitting, the exclusion takes place in the floodplain ordinance as that is the most restrictive. Mr. Hinks stated if the Town wants to modify the floodplain ordinance and exempt certain things, then we would need to contact DNREC and FEMA. It doesn't matter what fee the Town charges, as long as we keep a record of changes and repairs done. Mr. Hinks stated that FEMA wants tracking to know what the community is doing. Mr. Hinks stated if someone or the Town doesn't track these repairs, FEMA will wonder why and what is being done; and if there is a claim for flooding, the property owner puts themselves in jeopardy because the Town is not enforcing the floodplain ordinance. Mr. Hinks stated it's more difficult to rewrite the Code with exemptions which must be reviewed and approved by DNREC and FEMA than it is to create a smaller dollar amount permit. Mayor Saxton stated his agreement that the easiest compromise is to place repairs in the fee schedule rather than go the other route of having to get permission from FEMA and DNREC.

Councilwoman Edie Dondero stated it is still onerous on the constituents to have to come in and get a permit for something so minor, and she thinks it's worth a conversation with FEMA and DNREC; and she feels like the Town needs to push back on those agencies a little bit and have a conversation to make sure we're interpreting this correctly. Mayor Saxton stated he, Town Manager Maureen Hartman and Mr. Hinks can have a conversation with Michael Powell, because he negotiated with DNREC at the time. Council came to a consensus the Town will try to reach out to FEMA, but if the Town gets a "no," we'll continue toward a first and second reading of an ordinance with language discussed today.

#### **Discussion and possible action to approve agreement with Envirotech to clean canals**

Councilman Shaw stated there are two more actions to consider with the canal cleanup: 1) fall cleanup of leaves and pine needles; and 2) maintaining wetlands unless we decide to pull them all out. Councilman Shaw stated he is requesting Council approve moving some dollars around and get some additional money, having to place monies in the two different fiscal budget years, so we can have the floating wetlands covered and give the contract to Envirotech for the canal cleanup. Council discussed the ineffectiveness of the floating wetlands and removing them before considering the possible purchase of new floating wetlands.

Councilman Abbott motioned to approve the Envirotech contract except for the floating wetlands maintenance, and rather request a price from Envirotech for removal of the floating wetlands, seconded by Councilwoman Dondero. Motion carried 7-0.

#### **Discussion and possible action to approve researching costs for a complete Town Code rewrite**

Mayor Saxton stated the purpose of this revision is to make sure the Code is reviewed for consistency as well as making sure there are no discrepancies with Federal and State laws. After a lengthy discussion, the Council agreed to have Town Manager Hartman come up with a scope of work for Council to review before moving forward with researching pricing.

#### **Leadership Reports**

Mayor's Report – No report submitted, but Councilwoman Keefe is no longer the Point of Contact for the Planning Commission as she is now chairperson for the Strategic Planning Working Group, but if anyone on the Council is interested in being the Point of Contact, please let him know as soon as possible. Also, the Resiliency Committee is looking for members so let Councilwoman Dondero know if you have anyone interested in joining that committee.

Town Manager Report – Report submitted, and Sept. 9 is the last day for guarded beaches by lifeguards.

Police Chief Report – Report submitted, and the Delaware Police Task Force Reform is going to have a mandate that by 2025, all agencies in the state of Delaware must be accredited, or they will not be funded by any type of State or Federal grants. Chief Lovins stated there is going to be a financial impact to it so it will cost some money; but he is getting all of it together for Council's review.

Treasurer Report – August financials will be distributed next week.

### **Committee and Commission Reports**

Budget and Finance Committee – No report submitted, but there will be a meeting on September 13, 2023.

Canal Water Quality Committee – Report submitted. There will be a meeting on September 18, 2023.

Charter and Code Committee – No report submitted.

Community Relations Committee – Report submitted, and there will be a meeting on September 14, 2023.

Planning Commission – No report submitted, but the P.C. reviewed its by-laws and will not be meeting anytime soon.

Bicycle & Pedestrian Safety Ad Hoc Committee – No report submitted, but September is the month the Town is bringing this ad hoc committee to a close, and any concerns or events falling under the purview of this committee will be addressed by Councilman Biciocchi and Councilwoman Dondero.

### **Adjournment**

Motion by Councilman Shaw, second by Councilman Abbott, to adjourn the September 8, 2023, Town Council Regular Meeting at 10:06 a.m. Motion carried 7-0.

Respectfully submitted,

  
\_\_\_\_\_  
Council Secretary

  
\_\_\_\_\_  
Town Clerk

10/13/2023  
Date of Approval