

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
OCTOBER 27, 2023
9:00 A.M.**

9:00 AM Public Hearing To receive public input regarding Ordinance No. 212-23 to amend the Code of the Town of South Bethany, as to the prohibition of marijuana-related establishments; including amending Chapter 145, Zoning, Article IX, C-1 Commercial District, to add as prohibited uses in the zone: establishments engaged in the business of marijuana cultivation, manufacturing, testing and sales.

Mayor Saxton opened the Public Hearing at 9:00 a.m. Pam Kropf, 135 Henlopen Drive, asked if the Town is considering any sort of requirement as to prohibiting the smell of marijuana and the use of it in neighborhoods. Mayor Saxton stated the Town cannot prohibit people from smoking it nor can the Town ban the smell of it; however, the Town has prohibited smoking of marijuana on the beach because all smoking of any kind is banned on the beach. Mayor Saxton closed the Public Hearing at 9:04 a.m.

Meeting Called to Order and Pledge of Allegiance

Mayor Saxton called the October 27, 2023, Town Council Workshop 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 Randy Bartholomew, Bob Biciocchi, Edie Dondero, Chris Keefe, and Tim Shaw; Town Manager Maureen Hartman, Town Finance Director Renee McDorman, and Town Clerk Matt Amerling. Public attendees: 4. Virtual attendees: 4.

Public Comment

Lynn Hormanski, 202 Carlisle Road, stated she would like to address the flooding over at York Road and Carlisle Road, and she is representing everyone who submitted signatures on the packet she presented to Council along with the pictures. This has been an ongoing thing for some time, and now that both corner lots have been built on, the flooding has increased, and more water has come onto Carlisle Road. Ms. Hormanski stated when the tide comes up, the water comes through that pipe which also floods the roads, along with the rain, and it goes further up now, and a lot of the bottom floors of a lot of homes are getting flooded, and a lot of people are getting damage to their elevator shafts and bottom floors. Mayor Saxton stated the Town is checking all the areas with stormwater draining, and we have found some that were totally covered up. Mayor Saxton requested Town Manager Hartman to inspect the check valve on that particular drain even though when a big rain comes in, that area gets "hit from both sides," so the check valve isn't too effective. The Town has won a grant to get an engineering firm to come in and look at the situation and give us the best path forward – whether it's raising roads, raising bulkheads, whatever it is, but there's going to be a study done. The Town is starting to work on the scope of work so the bid can go out for the RFP, and when that gets back, hopefully we'll award it, and the Town will ask for a timeframe to be completed. Once that gets done, then the Town will be able to take some action. Mayor Saxton further stated he doesn't want to do anything major until the Town has an engineer here to give the Council some guidance on what to do, but the residents along those roads are on the Town's radar.

Mark Bucher, 201 Carlisle Road, stated he would like to echo Ms. Hormanski's concerns as the corner (York and Carlisle) took a nasty turn about eight (8) or nine (9) months ago when the flooding now gets so bad, emergency vehicles either stop or don't pass through it timely; so it is not just a nuisance but also has become a public safety issue.

Discussion and possible action on FY24 budget amendments to the Capital Budget to approve additional monies spent in FY 24 for Town Hall renovation completion and to add monies to build 16 trash bin receptacles on Ocean & Seaside Drives

Councilman Randy Bartholomew motioned to approve the allocation of forty-eight-thousand-four-hundred-sixty-eight dollars (\$48,468) as a formal budget line item in the capital budget to be funded out of the reserve, seconded by Councilman Tim Shaw. Motion carried 6-0.

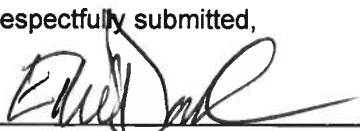
Discussion and possible action to move forward with a full rewrite of the Town Code

Town Manager Maureen Hartman stated as previously discussed at the September 8, 2023, Council meeting, Council wanted to start working on a rewrite, whether partial or full of the Town Code, to kind of bring it up to speed and start deleting some discrepancies in it. Chief Jason Lovins and Town Code Enforcement Constable Joe Hinks have expressed concerns about some of the things that they try to enforce, and with which they have issues with wording as it's a little antiquated. Town Manager Hartman has been working with Chief Lovins and Mr. Hinks, asking them to review their sections of the Code to tell Ms. Hartman specifically what they want to see changed, giving them until November 6, 2023, so she can bring their issues and concerns back to Council. In the meantime, Town Manager Hartman has spoken to Town Solicitor Stephani Ballard Wagner and she thinks it's a good path the Town is going on and maybe what we should do is have a vendor, the Charter & Code Committee, and all of us working together to see whether the Town wants to do a full rewrite or just start changing major things that they find our issue with enforcement. Councilwoman Edie Dondero stated under task 2, the scope of work says to ascertain concerns with the current Code, so will that task be staff-driven? Town Manager Hartman stated she thinks it could be staff-driven, but, if Council has any suggestions, or the Solicitor sees anything, it will be everyone working together and presenting things to Council. Mayor Saxton stated he thinks the Charter & Code Committee should also be involved. Town Manager Hartman stated she agrees with the Solicitor that this process should be done by a few chapters at a time, so it will take quite a while to complete the entire Code. Councilman Bob Biciocchi asked for some kind of timeline for completion of each task on this scope of work. Town Manager Hartman stated she is not sure so she would have to speak with someone more experienced, such as a planner, but if it's the entire Code, it will be a lengthy process. Councilman Bartholomew asked at what point will the Town identify and bring in a vendor to assist with this process. Town Manager Hartman stated she thinks the Town first needs to identify what exactly it needs to change, but she doesn't see why a vendor couldn't be involved from the beginning. The Council came to a consensus for Town Manager Hartman to move forward with finding an appropriate vendor to assist with the Town Code rewriting process as well as getting some budgetary quotes. Councilwoman Dondero stated she thinks another item to put in the scope of work is for the consultant that Council hires to list suggestions on things that are missing in our Code, such as ordinances that we should have but we don't have, that need to be added. Councilman Biciocchi stated he thinks one of the objectives also needs to be defining some self-managing aspect of this Code so that residents can use it and its search engine as a tool without having to contact the chairman or the Mayor; therefore, we should include the Town residents in this process.

Adjournment

Motion by Councilman Shaw, second by Councilman Biciocchi, to adjourn the October 27, 2023, Town Council Workshop Meeting at 9:30 a.m. Motion carried 6-0.

Respectfully submitted,



Council Secretary



Town Clerk

11/9/2023
Date of Approval