

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

Meeting Called to Order and Pledge of Allegiance

Mayor Saxton called the November 9, 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 Randy Bartholomew, Bob Biciocchi, Edie Dondero, Chris Keefe, and Tim Shaw; Town Manager Maureen Hartman, SBPD Officer Cliff Ader, and Town Clerk Matt Amerling. Public attendees: 3. Virtual attendees: 6.

Public Comment

There were no comments.

Adoption of Minutes

Councilman Randy Bartholomew requested a change to add category names to the allocation of funds on page two, and Councilwoman Edie Dondero requested on page five, in the second paragraph, to change the word "most" to "least." Motion by Councilman Bartholomew, second by Councilman Bob Biciocchi to adopt the October 13, 2023, Town Council Meeting minutes with proposed changes. Motion carried 6-0.

Councilwoman Dondero motioned to adopt the October 27, 2023, Town Council Workshop Meeting minutes, seconded by Councilman Randy Bartholomew. Motion carried 6-0.

Discussion and possible action to appoint three signatories for the Vanguard Brokerage Account and approval of funds being transferred to Vanguard (Bartholomew)

Councilman Randy Bartholomew stated the Town Budget & Finance Committee (B&F) selected Vanguard as one of the investment options and Vanguard, as part of their application, needs a formal resolution from Council approving, opening the account, and with three (3) signatories, of whom will be the Town Manager, Town Finance Director, and the Council Treasurer.

Councilman Bartholomew motioned to approve the opening of a Vanguard account and appoint Town Manager Hartman, Finance Director McDorman, and Councilman Bartholomew as signatories for the Vanguard Brokerage Account. Councilman Biciocchi seconded the motion. Motion carried 6-0.

First Reading for Ordinance 212-23 to amend Chapters 84 and 145 prohibiting licensure of marijuana establishments, as well as businesses of marijuana cultivation, manufacturing, testing and sales (Saxton)

Mayor Saxton read the ordinance to prohibit licensing of marijuana establishments within Town limits, specifically amending the Code of the Town of South Bethany, Chapter 84, Licenses and Permits, Article 1, Mercantile Licenses, to prohibit licensure of marijuana establishments; and 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. There was no further comment from Council. Mayor Saxton stated this concludes the first reading of Ordinance 212-23.

Second Reading and possible action for Ordinance 213-23 to Amend Chapter 42, Building Construction, Enforcing Officer, Periods of Prohibited Construction and Penalties for Offenses Regarding Establishing Stop Work Orders, Amending Hours of Construction and Types of Violation Notice Correspondence (Dondero)

Councilwoman Edie Dondero stated this ordinance includes the addition of a stop work order section, which gives the Town Code Enforcement Constable, Town Manager or their designee the authority to issue stop-work orders as needed. Under periods of prohibited construction changes, construction work hours were amended so no construction work shall be conducted between the hours of 5 o'clock p.m. and 8 o'clock a.m., as well as no construction work on Sundays or Federal holidays throughout the year. Councilwoman Dondero stated Council was provided with an example of next year's holidays which would be the days construction is prohibited. Councilwoman Dondero further stated under section 42-16, penalties for offenses, the ordinance lists changes from criminal offenses to civil penalties and applies a fine for each subsequent offence of the ordinance.

Councilman Tim Shaw asked if observed holidays such as Veterans Day, which this year is observed on Friday, November 10, rather than the actual day of Saturday, November 11, would be the holiday where construction is prohibited. Mayor Saxton stated he interprets in that situation the day as meaning the observed holiday. Town Clerk Matt Amerling provided the list of observed federal holidays from the Office of Personnel Management (OPM), which Council agreed to utilize. Councilman Shaw suggested adding the word "observed" before "Federal holidays." Council agreed.

Councilman Shaw motioned to approve Ordinance 213-23, with the amendment of adding "observed" before "Federal holidays" in the ordinance, seconded by Councilman Biciocchi. Motion carried 6-0.

Second Reading and possible action for Ordinance 211-23 to amend Chapter 94-6 parking permit system, to reduce the number of seasonal parking passes from four (4) to a maximum of two (2) per property (Biciocchi)

Councilman Biciocchi stated this ordinance reduces the seasonal parking permits from four (4) to two (2), and that affects most of the area east of Coastal Highway. Councilman Biciocchi stated there is one change since the last reading which needs to be made in terms of Chapter 94-7(B), of which Council had a discussion of limiting the replacement permits to one (1) instead of two (2), and he would like to apply that change to the ordinance in the motion. Council agreed to limit replacement parking permits to one (1). Councilwoman Dondero asked if any other Council members received correspondence about limiting contractor parking. Councilman Tim Shaw stated yes, he did, and he believes that if the concerned businessman understands that sub-contractors can also get two (2) each, Councilman Shaw thinks that really resolves the problem, because it still ends up letting a general contractor have a fair number of people parked. Councilwoman Chris Keefe suggested placing a map near the outside kiosk, showing where people with guest permits may park.

Councilwoman Dondero motioned to approve Ordinance 211-23 with the amendment of changing replacement parking permits from two (2) to one (1), seconded by Councilman Shaw. Motion carried 6-0.

Discussion of parking permit fees and possible action for a fee schedule revision at the December Council meeting

Councilman Bartholomew stated to keep revenue neutral, he would suggest the two (2) parking permits be sold for thirty dollars (\$30) each, and the replacement permit be sold for two hundred dollars (\$200). The Council agreed.

Leadership Reports

Mayor's Report – No report submitted, but the Town is not done yet negotiating with FEMA regarding building permits and reviewing costs and requirements. The Town is still trying to get additional clarification out of FEMA to see if we can change something. And so, we have asked our Town Solicitor to write the letter based on ordinance and the code of Federal regulations, of which there seems to be some conflict between them; so, we're asking FEMA for clarification. There will be a Town Strategic Planning meeting on November 17, at 1 p.m.

Town Manager Report – Report submitted, but per the Freedom of Information Act (FOIA), the Town is advising committee chairpersons and liaisons that no items on agendas should be "catch-all" items such as "other business" or "other committee business."

Police Chief Report – Report submitted, and Officer Cliff Ader introduced himself as the new public information officer, and they have a new Facebook page (The South Bethany Police Department), which is active, as well as an Instagram page (@sbpd928). There is also the new initiative they're working on which is called the Ring Camera Initiative. Under this initiative, there will be certain zones that are covered by Ring cameras, which residents and visitors will have access to, and they'll be notified of goings-on in the area from Bethany to Dewey; and you don't have to have a Ring camera to download this specific information, but just the standard Ring app.

Treasurer Report – Report submitted.

Committee and Commission Reports

Budget and Finance Committee – Report submitted.

Canal Water Quality Committee – Report submitted. EnviroTech has been out to two (2), possibly three (3) canal ends and EnviroTech advised us that over the next several weeks they're going to be going back as there's quite a bit of stuff in these canals. The Canal Water Committee will be going out and looking at the canal ends when EnviroTech says they've completed the work because part of the agreement was that the Town pays when EnviroTech has done the job properly.

Charter and Code Committee – No report submitted. Councilman Biciocchi has sent the committee the Town Code to read so they know about the initiative underway by Council.

Community Relations Committee – No report submitted, but they are having a meeting on November 13, 2023, at 10 a.m. And Saturday, December 2, 2023, will be the second annual holiday tree lighting at the fitness park right outside Town Hall at 5 p.m.

Planning Commission – No report submitted. Councilwoman Keefe stated December 2 is when the Planning Commission members will be out measuring parking spaces.

Resiliency Committee – No report submitted. The committee had its first meeting on October 30, to familiarize itself with the resiliency study Council had done last year, and the committee is starting to work on a scope of work for the study for which the Town was given funds from FEMA to conduct.

Adjournment

Motion by Councilman Shaw, second by Councilman Bartholomew, to adjourn the November 9, 2023, Town Council Regular Meeting at 9:56 a.m. Motion carried 6-0.

Respectfully submitted,



Council Secretary



Town Clerk



Date of Approval