

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

Meeting Called to Order and Pledge of Allegiance

Mayor Saxton called the December 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 Randy Bartholomew, Bob Biciocchi, Edie Dondero, Chris Keefe, and Tim Shaw; Town Manager Maureen Hartman, SBPD Chief Jason Lovins, and Town Clerk Matt Amerling. Public attendees: 8. Virtual attendees: 10.

Public Comment

Bob Shields, 39 Seaside Drive, stated he is one of the candidates for filling the Council seat and just wanted to introduce himself to Council.

John Beauregard, 108 Petherton Drive, stated he is one of the candidates for filling the Council seat and just wanted to introduce himself to Council.

Rob Gensler, 806 S. Ocean Drive, stated he is one of the candidates for filling the Council seat and just wanted to introduce himself to Council.

Jim Fitzpatrick, 125 Canal Drive, stated he is overall very pleased with the quality of life and the management of the Town of South Bethany, and he's grateful and thankful for the work, commitment, and efforts of the Town Council for making South Bethany a really great place to live. Mr. Fitzpatrick stated that he is not happy with the decision to decrease the number of parking passes for homeowners. He believes the decision wasn't effectively communicated and further stated he would ask that the parking permit issue be reconsidered for broader resident input and options related to the number of seasonal passes available to homeowners. Mayor Saxton stated that the Town was transparent, and the parking permit reduction issue was on multiple agendas throughout this year and Council has been forthright in making sure this issue was discussed at public meetings; and there were meetings where there were multiple people in the room discussing this issue.

Steve Bunoski, 417 Victoria Drive, stated he can confirm that he was at the meetings where the parking permit reduction was discussed at great length. Mr. Bunoski stated he is one of the candidates for filling the Council seat and just wanted to introduce himself to Council.

Karen Beazell, 121 Canal Drive, stated she would like to echo Mr. Fitzpatrick's comments regarding the parking permit reduction.

Mark Giler, 332 York Road, stated he is one of the candidates for filling the Council seat and just wanted to introduce himself to Council.

Adoption of Minutes

Councilwoman Edie Dondero requested the following corrections: SBPD Officer Ader is spelled with an "e" rather than an "a", she requested on page two, in the third paragraph, to change the sentence to read "Town Clerk Matt Amerling provided the list of observed federal holidays from the OPM, which Council agreed to utilize," and to add "in the ordinance" at the end of Councilman Shaw's motion. Motion by Councilwoman Dondero, second by Councilman Bartholomew to adopt the November 9, 2023, Town Council Meeting minutes with proposed changes. Motion carried 6-0.

Discussion of potential candidates and appointment to assume the vacant council seat until May 11, 2024.

Mayor Saxton stated all seven (7) of the applicants were extremely qualified to be appointed to Council; however, there can only be one chosen and it must be done publicly by Council per the Town Code. Councilwoman Dondero stated the only fair way for her to make this decision was to recommend the person that she has worked with the most closely for the longest on committee work, and who has proven to be a great leader and a great volunteer, and really puts the time and energy in. For that reason, her choice is Bob Shields.

Mayor Saxton stated the criterion he used to make his choice was the applicant had to have been involved in Town government on a committee level or something, because it's a very steep curve to "sit on this side of the table," and another criterion was the person would have to represent the entire Town. Councilman Randy Bartholomew stated for the reasons the Mayor explained, he is choosing Rob Gensler because Mr. Gensler has shown up to all of the Council meetings for probably the last year in person, he's very active in the Budget and Finance Committee, which Councilman Bartholomew chairs. He recently became a member of the Strategic Planning Group, and has added a lot of talent and ideas related to that group.

Councilman Bob Biciocchi stated he chooses Bob Shields for the reasons the Mayor previously explained as well as having some experience working with Mr. Shields on the Bike and Pedestrian Safety Committee (B&PS). Councilman Tim Shaw stated he's torn because he really has a lot of respect for Joe Mormando, but he's going to choose Bob Shields. Councilwoman Chris Keefe stated she would love to see Mr. Gensler on Council at some point, but right now, the Town needs him on the B&F and Strategic Planning Group; so, because she would love to have someone on the dais who has a legal background, she chooses Steve Bunoski. Mayor Saxton stated Council has narrowed it down to Mr. Shields and Mr. Bunoski, and Mayor Saxton can support both.

Councilman Biciocchi motioned to appoint Bob Shields to the vacant Council seat. Councilman Shaw seconded the motion. Motion carried 5-0-1 abstention (with Councilwoman Keefe abstaining).

Discussion and possible action to approve Resolution 6-23, revision of schedule of fees for seasonal parking permits (Bartholomew)

Councilman Randy Bartholomew stated the major revision under this resolution would be the schedule of fees which indicates that the seasonal residential passes - not to exceed two parking permits - would be thirty dollars (\$30) each, and the one (1) replacement permit available would be two-hundred dollars (\$200). Councilman Bartholomew motioned to approve Resolution 6-23, seconded by Councilman Shaw. Motion carried 6-0.

Second Reading and possible action to adopt 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)

Councilman Tim Shaw motioned to approve Ordinance 212-23, seconded by Councilman Biciocchi. Motion carried 5-1 (with Councilwoman Dondero voting no).

Discussion and possible action to approve General Code proposal for codification services in reviewing Town Code (Hartman)

Town Manager Maureen Hartman stated the proposal is currently under review by the Town Solicitor because there are some changes she would like to see in the proposal and the terms of agreement. Councilman Biciocchi stated there is a reference in the proposal where General Code refers to the website platform of E-Code 360, and is this a platform owned by General Code, or is it something from municipal government or state government? Town Manager Hartman stated E-Code 360 is General Code's platform, which the Town currently uses, and it is just for the Charter and Code information. Councilman Bartholomew asked if the 18 to 24 months General Code provided as a timeframe is a boilerplate estimate, or how long would it take to complete? Town Manager Hartman stated General Code said it depends on how long Council takes to review the revisions.

Councilwoman Dondero stated it's her understanding that Council is more interested at this point in the legal analysis and the search for inaccuracies and redundancies, which she knows is in this proposal; however, such a task doesn't seem to be the core of what General Code is proposing to do, so she's not sure General Code is the right company to do this review. Town Manager Hartman stated it is her understanding after having spoken with General Code, that they do conduct a legal analysis of the Code as they do have legal attorneys on their staff. General Code is constantly working with someone from the Town, and, in this case, would be Town Manager Hartman, Town Code Enforcement Constable Joe Hinks, and Chief Lovins; but it ultimately all comes back to the Town Council for everybody to review and to make sure that everything is going exactly as Council wants it to go.

After a lengthy discussion, Council requested Town Manager Hartman contact General Code to answer the following questions: What is the technology behind E-Code and the construction of the platform; can General Code provide more detail on a Comprehensive Index; as a final deliverable, could General Code please add the Editorial and Legal Analysis as referenced on page four (4) of the proposal; and can General Code provide more details on the three additional services, as designated on page 11 (MapLink, E-Code360 Enhanced Graphics, Custom Local Building Code)? Mayor Saxton asked for Town Manager Hartman to take those questions and requests to General Code and have Councilman Biciocchi represent Council in making sure there were no conflicting Code or Charter amendments which would result in contradictions.

Councilman Shaw motioned to have Town Manager Maureen Hartman go back to General Code and move forward with the requests of Council and only come back to Council if there is a substantial change in the dollar value, seconded by Councilman Biciocchi. Motion carried 6-0.

Review and consensus on Resiliency Committee's Scope of Work for the York Road Study being conducted under the Hazard Mitigation Grant Program (Dondero)

Councilwoman Dondero stated in September of this year, the Town was awarded a hazard mitigation grant from the Federal Emergency Management Agency (FEMA), and the purpose of that grant is to conduct an engineering study to address the flooding issues of York Road and the associated contiguous secondary roads. Councilwoman Dondero stated the FEMA grant amount is \$87,500, and it as a 21-month period of performance; so, the Resiliency Committee has worked with Town staff to

put together a scope of work for the mitigation study and design, which is what Council is being presented with today. Councilwoman Dondero stated she is asking today for just a consensus that Council is comfortable with this scope of work because the Town will need to provide this scope for engineering firms to conduct the study of York Road. Councilwoman Dondero further stated the Committee is specifically requesting the firm to assess the existing and future conditions on York Road and then do a design plan for a mitigation project that would potentially alleviate much of the flooding of York Road and the associated streets.

Councilwoman Chris Keefe requested under Task One, to add language at the end specifying the South Bethany area. Councilwoman Dondero stated she can add at the end, "in the project area." Councilman Shaw requested there be language added referencing that the firm shall have access to the existing studies that have been previously done and the firm can make use of that data. Councilman Bartholomew asked an estimate of when this will be done. Councilwoman Dondero stated it would have to be done by August 2025, and that's just for the design plan to be completed, not the actual work. There was a consensus by Council to move forward with this scope of work.

Discussion and possible action to appoint Ingrid Moore as Chair for the Community Relations Committee (Dondero)

Councilwoman Dondero stated since she is now chair of the Resiliency Committee, and Council members can only chair one committee, the Community Relations Committee needs a new chair and Councilwoman Dondero would like to nominate member Ingrid Moore as the chair. Councilwoman Dondero motioned to appoint Ingrid Moore as chairperson of the Community Relations Committee, seconded by Councilman Biciocchi. Motion carried 6-0.

Discussion of proposed FY25 consulting proposal with Tony Pratt for the CWQ Committee (Shaw)

Councilman Shaw stated the Canal Water Quality Committee (CWQ) knows in order to move forward on the dredging of our canals, it will be very likely that the Town is going to need some consulting assistance. Councilman Shaw is proposing Tony Pratt because he's been working with Fenwick Island with their dredging efforts. He is not requesting Council to vote on or do anything today, merely making the Town aware of Mr. Pratt's presence and how much it could cost to hire him for his services. Mayor Saxton stated Resiliency Committee member Michael Powell also has extensive experience and knowledge in this field, so he is another resource with whom the Town can consult.

Leadership Reports

Mayor's Report – 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 but the B&F will be holding a meeting on Friday, December 15, at 8:30 a.m., and there will be a "Coffee with ..." event the same day at 10 a.m., featuring the Town Long-Range Planning Group. Also, to Council and committees, all fiscal year 2025 budget information is due to Town Manager Hartman by January 4, 2024.

Canal Water Quality Committee – Report submitted. Councilman Shaw stated it was brought up at the last CWQ meeting by one resident that there are quite a few owners who really like the floating wetlands and would like to take possession of them. Councilman Shaw advised him that the Town does not want to have an ongoing cost of maintaining the wetlands and any ownership, so adoption or rental of the wetlands by residents would mean residents would completely be responsible for

the maintenance. This includes the trimming of the wetlands, which has to be done, making sure none of the trimmings end up in the canal, that if the wetland breaks loose, the resident will round it up and tie it up again, and if the wetland starts deteriorating, the resident will remove it from the canal and dispose of it at no cost to the Town, as well as the resident having an agreement in place that made this legally enforceable so if the Town did have to retrieve a wetland or pull a wetland out, the Town would be able to bill the owner who took possession.

Charter and Code Committee – No report submitted. Councilman Biciocchi stated he hopes to have a meeting in February.

Community Relations Committee – Report submitted, and Councilwoman Dondero wanted to thank the staff and police for helping with the second annual holiday tree lighting, and a big thank you to everyone who donated food for the community food drive, with all proceeds going to the Henlopen Food Basket, as there was an entire SUV-full load delivered.

Planning Commission – No report submitted.

Resiliency Committee – Report submitted.

Motion to go into executive session for the purpose of discussing personnel matters in which the names, competency, and abilities of individual employees will be discussed. 29 DEL C. §10004(b)(9)

Councilman Shaw motioned to go into Executive Session at 10:32 a.m., seconded by Councilwoman Dondero. Motion carried 6-0.

Motion to reconvene the Town Council Meeting and possible action on matters discussed in executive session

Councilwoman Dondero motioned to reconvene the Town Council meeting and exit the Executive Session at 11:50 a.m., seconded by Councilman Shaw. Motion carried 6-0.

Councilman Bartholomew motioned to approve the actions taken in Executive Session relating to the matters discussed, seconded by Councilman Shaw. Motion carried 6-0.

Adjournment

Motion by Councilwoman Dondero, second by Councilman Shaw, to adjourn the December 8, 2023, Town Council Regular Meeting at 11:51 a.m. Motion carried 6-0.

Respectfully submitted,



Council Secretary



Town Clerk

1/25/24
Date of Approval