

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
MARCH 22, 2024
9:00 A.M.**

Meeting Called to Order

Mayor Saxton called the March 22, 2024, Town Council Workshop meeting to order at 9:01 a.m.

Attendance and Absences

In attendance were Mayor Tim Saxton and Councilmembers Randy Bartholomew, Bob Biciocchi, Edie Dondero, Chris Keefe, Tim Shaw, and Bob Shields; Town Manager Maureen Hartman, SBPD Chief Jason Lovins, Town Finance Director Renee McDorman, Town Code Enforcement Constable Joe Hinks, and Town Clerk Matt Amerling. Public attendees: 4. Virtual attendees: 4.

Public Comment

Greg Hastings, of G.A. Hastings & Associates, stated, regarding item 7 on today's agenda, he is in favor of increasing the floor-to-area ratio (FAR) from 71% to 75%. Mr. Hastings thinks if the Town made such an increase, it would allow a property owner to have some additional liberty and flexibility to kind of complete the house in their preferred design rather than having voids in the spaces.

Rob Gensler, 806 S. Ocean Drive, stated regarding the FAR increase and Mr. Hastings' comments, what a property owner can do with their outdoor FAR space all depends on what they choose to do when selecting what to do with interior space. It's all about choice and tradeoffs, so Mr. Hastings is right that when people choose to have the boxiest, biggest inside space, they have these weird looking decks; but that's their choice.

Chip Mitchell, 200 S. Ocean Drive, stated he agrees with Mr. Hastings and thinks the Town should increase the FAR ratios to create a little more ability for more deck space.

Public Presentation of the FY 2025 draft budget (Bartholomew)

Councilman Randy Bartholomew stated the next step after today is bringing the budget forward for final approval at the regular Council meeting on April 12, but he first wanted to go over Town achievements this past fiscal year. First, the Town successfully completed the Town Hall building renovation; there was the creation of the Long-Range Planning Group to plan for future infrastructure projects; the Community Relations Committee (CRC) consistently held monthly "Coffee with Council" events, along with other community programs, such as bonfires on the beach, the tree lighting ceremony, and Earth Day programs; completed a successful FY23 audit; the installation of new trash receptacles as well as new trash and recycling cans at all beach walkways along Ocean Drive; completed the beach nourishment program in 2023; installed 6 speed bumps for safety purposes in Town; started working with Solitude to remove algae from the canals; the police department is fully staffed with a Chief and 6 officers; completed the inventory and inspection of Town-owned stormwater drains and established a maintenance plan for that infrastructure, which will be a continuing project throughout this year; established a process to review the existing Town Code; and moved forward with the GIS program for better mapping of the Code. Several grants have been awarded such as the Hazard Mitigation Grant (HMG), the State and Local Cybersecurity Grant (SLCGP), the Community Transportation Fund (CTF), and the DHS Grant which is through Homeland Security for security purposes; and the Town has already applied for the Building Resilient Infrastructure Grant (BRIC) and the Flood Mitigation Assistance Grant (FMA).

Councilman Bartholomew stated this is a balanced budget, so the Town has revenues that cover expenses. The fiscal year 2025 budget has a projected revenue from operations of \$2.6 million, a

7% increase from the prior year. The operating expenses are about \$2.6 million (excluding reimbursed town services, such as trash and ambulance costs), which is 5% over the prior year's numbers. The new line item showing grant revenue items in more detail are 8 grants out there that the Town is anticipating in this fiscal year. The substantial revenue budget increase for these grants went from \$73,000 in fiscal year 2024 to \$354,000, a \$281,000 increase, which is a result of the efforts of Council and management going out and finding various grants for the Town's various programs. On the expense side of grants, the FY24 budget went from \$43,000 to \$373,000 for FY25 due to a budget realignment of grant expenses. Additionally, in FY25, there will be a \$19,000 expense to the Town due to cost-sharing.

Councilman Bartholomew further stated the theme for the 4 major revenue line items for fiscal year 2025 (transfer tax, rental tax, building permits, property tax) is that the trend the Town has had in the past is not going to be sustainable and there won't be increases as expected. The total overall operating expenses increased by 5% and council approved a 3.2% salary pool increase, with an exception for police officers who were subject to pay scale adjustments. The total capital budget is \$105,000 and those are funded through the asset replacement and maintenance (ARM) reserves as well as other reserves. Additionally, a visual representation of the Town's needs over the next 10 years, totaling \$15.2 million, was presented. There were no questions from the public.

Review and discussion of Schedule of Fees for Homeowner permit (Saxton)

Town Manager Maureen Hartman stated Town Code Enforcement Constable Joe Hinks and she are proposing a \$10 permit fee for up to \$1,500 worth of repair work by a homeowner. A homeowner doing their own work if going over the \$1,500 can apply for a second \$10 permit and that gives them a total of up to approximately \$3,000 of work. This will maintain compliance with Town Code and FEMA requirements. Mr. Hinks stated, in comparison, for a contractor, a building permit fee of \$50 covers up to \$3,333.33 worth of work. Mayor Saxton commented that Mr. Hinks may want to think a little bit about how many of these \$1,500 homeowner permits the Town is going to allow per year due to possible abuse of the allowance, and maybe allow it so a property owner can only purchase 2 per year before it converts to a regular building permit. The Council agreed to add this homeowner's permit to the fee schedule.

Discussion and consensus on written process for grant approval by Council (Saxton)

Mayor Saxton suggested that committees should not independently pursue grants without the knowledge of the Council. Instead, the Council should have the final decision on which committees should go after which grants. The process proposed includes scoping out large projects and then presenting them to the Council for approval. The Council would then decide who would handle the project. Mayor Saxton also suggested that grant applications should be submitted at least two-months prior to the submission deadline but acknowledged that this might not always be feasible. These large projects need to be sponsored by a Town Council member, the Mayor, or the Town Manager. Councilwoman Edie Dondero stated she likes this process but would ask to allow a little bit of flexibility on the two-month submission date due to meeting schedules of committees and the Council, as well as whatever grant periods may be; so sometimes Council might not be able to meet the ideal two-months. Councilman Tim Shaw suggested changing the sentence to read that approval should, wherever possible, occur in two-months. Mayor Saxton concluded by stating that the proposed process would be put into a policy draft and presented at the next meeting in April for discussion.

Discussion to amend the Town Code, Article XI, Setback Requirements, §145-37 and §145-38, by adjusting setback requirements for non-new construction [pre-existing] houses to permit the installation of an elevator (Shields)

Councilman Bob Shields proposed changes to the Town's setback requirements to allow for the installation of elevators in only existing homes. He suggested that giving up some of the setbacks, particularly if the side setbacks are more than 10-feet wide to the boundary line, it could provide relief for homeowners considering installing an elevator as they age. Councilwoman Chris Keefe

stated the Town already has in place the ability that if someone is handicapped, cannot get around, has a wheelchair, has a walker, is dying, etc., the Board of Adjustment (BOA) are there to make the adjustment necessary, or to encourage you to put an elevator inside your house. Councilwoman Keefe stated the reason the BOA does that is because the Town doesn't want anyone in the setbacks. The Town's setbacks are already so small and if a fire were to break out in one house, the houses on both sides of it also catch on fire. Town Code Enforcement Constable Joe Hinks stated he knows of no case that has come before the BOA where there wasn't an accommodation made for an elevator per that specific homeowner's case, where the homeowner has the burden of proof exhibiting the need for an elevator, and so as not to set a Town-wide precedent.

After a lengthy discussion, Council emphasized the need to accommodate those with mobility impairments but suggested the BOA helps facilitate such accommodations with the understanding those exceptions are made on a case-by-case basis.

Discussion to amend Town Code §145-35 by adjusting the floor-to-area ratio (FAR) limitations to permit additional deck construction (Shields)

Councilman Shields stated he would like Council to amend the Town Code, specifically regarding the ratio of FAR limitations, and permit for additional deck construction as well as modifying this amendment to make it required that the applicant could only have a deck that is not enclosed, such as with screens or walls, etc., which could potentially affect somebody's view. Town Code Enforcement Constable Joe Hinks stated an unintended consequence for allowing an increase of the FAR ratio would be that what starts out as an open deck, over time, would become an enclosed, livable space, and that would greatly affect the FAR and livable area ratio (LAR) numbers, so one change will beget another change; so Council will have to think about how one change is going to affect another. Mr. Hinks stated, as a matter of record, the Town did give a concession in 2017 by no longer counting storage space and parking space in the FAR, which does contribute to larger decks and non-livable space. Mr. Hinks added to the point about using the space under an existing area, per Town Code, a ground level deck is an exempt object, and many people choose to use that space as a patio enjoyment area.

There was a consensus by the Council to discuss this item in further detail at a future special Council workshop because this increase could most likely cause people to come in requesting an increase to the LAR.

Discussion of a "Safety Ombudsman" for the Town (Shields)

Councilman Shields stated, to his knowledge, the Town does not have a designated director of public safety in the Town in either the Code or by letter, and the role of public safety director is not defined as we don't know exactly what that position is supposed to entail and what is supposed to be done. Councilman Shields was informed by Town Manager Maureen Hartman at an earlier meeting that Police Chief Jason Lovins was the public safety officer and it is in the Town Code. Councilman Shields stated he is hoping to establish some title role within the Town to appoint either a community, committee, or staff member as a safety ombudsman for the Town, reporting under Chief Lovins, which would consist of that role identified in the Code, as well as having the resources to make an effective program, and to ensure the process for recommending safety items and reporting deficiencies. Councilman Shields stated that water safety should become a focus and we should consider regulations and recommendations to enhance water safety, to protect against incidents such as a child falling in the canal. Council stated such an incident would be handled by the Town police. Councilwoman Dondero stated Councilman Biciocchi and she attended a bicycle and pedestrian safety committee meeting at Bethany Beach yesterday with representatives from every coastal town and the members from Lewes talked about having a short-term rental policy, and how one of the things they require via their policy is the posting of safety information in rental units. Councilwoman Dondero stated she's reached out to them to get a little more information on what their policy says and will hopefully be getting a copy of it as well as materials, which will help South Bethany most likely implement the same type of requirement.

After a lengthy discussion, after factoring in that the Town has a public safety officer in its Police Chief, the Council decided to not move forward with the position of Safety Ombudsman; however, the Town would distribute safety tips, recommendations, and warnings in its newsletters.

Motion to go into Executive Session to discuss legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation. 29 Del. C. §10004(b) (4) and 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 10:54 a.m., seconded by Councilman Bartholomew. Motion carried 7-0.

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 11:30 a.m., seconded by Councilman Shaw. Motion carried 7-0.

Councilwoman Dondero motioned to approve the action taken in Executive Session relating to the matters discussed in item 1, seconded by Councilman Shaw. Motion carried 6-0-1 abstention by Councilman Shields.

Councilwoman Dondero motioned to approve the action taken in Executive Session relating to the matters discussed in item 2, seconded by Councilman Shaw. Motion carried 7-0.

Adjournment

Motion by Councilman Shaw, second by Councilman Biciocchi, to adjourn the March 22, 2024, Town Council Workshop Meeting at 11:31 a.m. Motion carried 7-0.

Respectfully submitted,



Council Secretary



Town Clerk

5/10/2024
Date of Approval