

**TOWN OF SOUTH BETHANY
TOWN COUNCIL MEETING MINUTES
APRIL 12, 2024
9:00 A.M.**

9:00 AM Public Hearing To receive public input regarding Ordinance No. 214- 24 to amend the Code of the Town of South Bethany, Chapter 42 Building Construction, §42-5 amending B and C, and Chapter 145 Zoning, Article XVII, §145-68, amending A (1), (6) and (9), regarding when building permits are required.

An unidentified audience member asked Council to clarify exactly what this ordinance entails. Mayor Saxton stated this ordinance basically states all repairs will need a permit, whether it's work performed inside or outside of the house; and it's a requirement of the Federal Emergency Management Agency (FEMA), which is in our zoning ordinance, under the floodplain chapter. Mayor Saxton stated the proposed homeowner permit will cost ten dollars (\$10) for up to one-thousand-five-hundred dollars (\$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 three-thousand dollars (\$3,000) of work. Any contractor or company doing work will still need to obtain a regular building permit. The audience member asked Council if they would publicize this action. Town Code Enforcement Constable Joe Hinks stated the Town usually places any need-to-know information such as this in the Town newsletter, but if anyone should have questions, they are able to call Town Hall during business hours and talk to Mr. Hinks or email him.

Meeting Called to Order and Pledge of Allegiance

Mayor Saxton called the April 12, 2024, Town Council meeting to order at 9:10 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 (virtual), 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: 6.

Public Comment

Diann Nazarian, 20 Peterson Drive, asked how long a building permit is valid for and if there is any cut-off to potential extensions of said permit. Town Code Enforcement Constable Joe Hinks stated building permits are typically valid for one year and while a homeowner can request an extension for that permit to take it beyond the scope of a year, there is also other provisions for the Board of Adjustment (BOA) to continue the extensions further out if necessary. As to cut-off, even though there have been requests for extensions due to building material availability issues, there has not been an instance where a homeowner or contractor has continually requested or received constant extensions.

Adoption of Minutes

Councilman Randy Bartholomew stated under the section about the FY25 budget, to add the words "current fiscal" before "year"; on page two, to add prior to Councilman Bartholomew's name, "regarding the operating budget"; and to add the word "about" before "4%." Motion by Councilman Tim Shaw, seconded by Councilman Bob Shields to adopt the March 8, 2024, Town Council meeting minutes with proposed changes. Motion carried 7-0.

Regarding the March 22, 2024, Town Council Workshop minutes, Councilman Bob Shields stated he doesn't think the minutes caught his basic argument or point of discussion, which is that 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 Randy Bartholomew requested on the second page, after the words "2.6 million" to add in parentheses "excluding reimbursed town services, such as trash and ambulance costs"; the ARM stands for "asset replacement and maintenance"; and where it says \$2.2 million, it should say \$15.2 million. Council agreed to table these minutes until the April 26, 2024, workshop meeting.

Councilwoman Edie Dondero motioned to approve the March 22, 2024, Town Council Executive Session meeting minutes, seconded by Councilman Bartholomew. Motion carried 7-0.

Discussion and possible action on Resolution 1-24, to set the FY 2025 Property Tax and Rental Tax Rates (Bartholomew)

Councilman Randy Bartholomew motioned to approve Resolution 1-24, seconded by Councilman Tim Shaw. Motion carried 7-0.

Discussion and possible action on Resolution 2-24, Schedule of Fees (Bartholomew)

Councilman Bartholomew stated the only changes to the schedule of fees are the insertion of the ten dollar (\$10) homeowner permit, with a maximum of two (2) issued per year for the homeowners performing their own repairs on work costing up to one-thousand-five hundred dollars (\$1,500); and although it's not highlighted, the residential parking permit changes which were previously approved – with residents permitted a maximum of two (2) parking permits each year and costing thirty dollars (\$30) each, as well as replacements for the resident parking permits costing two-hundred dollars (\$200) each and limited to one (1) replacement per year.

Councilman Bartholomew motioned to approve Resolution 2-24, seconded by Councilman Shaw. Motion carried 7-0.

Action on Resolution 3-24 to approve the FY 2025 Budget and Capital Budget, including the Long-Range Planning (Bartholomew)

Mayor Saxton stated he received comment from Councilman Bob Biciocchi to make sure that Public Works will be looking at whether there is money for them to do the road painting for direction of walking alongside the roads, and that Council would make sure that they're covered within the budget, even though there's not a line item; and, regarding the annual bike rodeo, there is not a line item, but if Council so chooses to do it, Councilman Biciocchi requests it will be covered within the budget. Councilwoman Edie Dondero stated she doesn't remember talking about the long-range plan as an addendum to the budget, and she was under the impression that this was intended to be a standalone document because it is meant to be edited regularly. Councilman Bartholomew stated he thinks at the last meeting Council did conclude that the long-range plan would be included in this resolution as part of the budget presentation approval. And while the long-range plan is a living document that will be changed as needed, Council felt that this is just the appropriate place to document it and make it available for viewing on the Town website. Councilwoman Dondero stated her opinion is that it needs more public presentation before we adopt it as part of the budget. Mayor Saxton stated he disagrees as he feels every project on that list has been discussed in public.

Councilman Bartholomew motioned to approve Resolution 3-24, seconded by Councilman Shaw. Motion carried 6-1 (Councilwoman Dondero voted no).

Second Reading of Ordinance 214-24 to amend Chapter 42 Building Construction, §42-5 amending B and C, and Chapter 145 Zoning, Article XVII, §145-68, amending A (1), (6) and (9), regarding when building permits are required (Biciocchi)

Mayor Saxton read the Ordinance and reviewed the proposed changes for the public. Councilman Tim Shaw motioned to approve Ordinance 214-24, seconded by Councilman Bartholomew. Motion carried 7-0.

Action to approve employment contracts for the Town Manager and Police Chief (Saxton)

Councilwoman Edie Dondero motioned to approve the respective employee contracts for the Town Manager and Police Chief, seconded by Councilman Bob Shields. Motion carried 7-0.

Discussion and possible action to adopt an identification and approval process for large Town projects and grants to be placed in the Procedural Guidelines for Council (Saxton)

Mayor Saxton stated after speaking with Councilwoman Chris Keefe and some members of the Budget & Finance Committee (B&F), they told him to make sure they get the opportunity at evaluating some of these projects. Councilman Shaw suggested that the large project identification process also be put into the guidelines for committees. Mayor Saxton stated we can put that process in those guidelines. Councilwoman Dondero suggested that "large project" be defined. Council discussed setting a threshold of fifty-thousand dollars (\$50,000). Councilman Bob Biciocchi suggested the need for the threshold to be a percentage of the annual budget for better interpretation, and he would like to see it as more of an equation of what the \$50,000 suggestion might be, so it has scale to the budget. Council agreed to put in the language of a \$50,000 threshold, and if it doesn't work, Council will try something else in the future.

Councilman Shaw motioned to adopt both procedures and have them attached to both Council and Committee guidelines as amended, seconded by Councilman Bartholomew. Motion carried 7-0.

Discussion and possible action to approve the construction of a new pedestrian walkway at the north crossing in Sandpiper Village by Aquatic Marine in the amount of \$36,000.00 (Saxton)

Councilman Bob Shields recused himself from the discussion. Mayor Saxton stated this construction job will be a new pedestrian crossover, removing the "wood scape" currently there, and the design will be like the south end, which will take away all stairs for it as well. Councilwoman Dondero asked if this is essentially an extension of the beach crossover/walkway project, and because this one was not done previously, it's now being requested to be done, which will provide public access to the beach from Seaside Drive. Mayor Saxton stated yes. Councilman Shaw asked if the Town will be responsible for the maintenance and upkeep of this walkway. Mayor Saxton stated yes.

Councilman Shaw motioned to approve the construction of a new pedestrian walkway at the north crossing in Sandpiper Village by Aquatic Marine in the amount of \$36,000 with the addendum that the Town Budget & Finance Committee determines which funds will pay for the project, seconded by Councilman Bartholomew. Motion carried 6-0-1 abstention (Shields).

Leadership Reports

Mayor's Report – Report submitted. Mayor Saxton stated on March 21, 2024, Town Manager Hartman, the Association of Coastal Towns (ACT) and he went to Legislative Hall, and invited all the Senators and Representatives to come meet us and get an understanding of what ACT is about. It was a successful meeting where ACT discussed that beach renourishment should remain the State's responsibility and should not be a responsibility of the municipalities. Most senators and

representatives who ACT talked to, agree with ACT's stance. Mayor Saxton stated he would like to thank Councilwoman Chris Keefe for taking the lead on getting the long-range plan in place.

Town Manager Report – Report submitted.

Police Chief Report – Report submitted. Chief Lovins stated Corporal Shaun Baldasano is back from his 8-month deployment overseas and should be returning to work in May. Councilwoman Dondero asked if most violations consisted of contractors working outside of the 8 a.m. to 5 p.m. construction hours. Chief Lovins stated yes, all the violations were a result of contractors working past the permitted construction hours. Chief Lovins stated this past July (2023), Governor Carney signed a bill for a new law on police reform whereas each municipality, State police, and each police department in the State of Delaware shall form a police accountability commission (PAC) where civilian members of communities join with the police to discuss how disciplinary actions are reviewed as well as potential training, policy additions, and how to be more transparent with the communities with which those police departments serve. The Towns of South Bethany, Ocean View, Fenwick Island, and Dewey Beach have joined forces to form a multi-jurisdictional PAC. The Commission agreed to these standards and said they would accept the formation of the multi-jurisdictional endeavor. The first meeting is taking place next Wednesday where the PAC will lay out guidelines and goals. There is no monetary obligation to the Towns.

Treasurer Report – Report submitted.

Committee and Commission Reports

Budget and Finance Committee – No report submitted, but the next B&F meeting will be on Monday, April 22, 2024, at 9 a.m.

Canal Water Quality Committee – Report submitted, and the next meeting will be this Monday, April 15 at 10 a.m.

Charter and Code Committee – No report submitted.


Community Relations Committee – Report submitted and there will be a blood drive at Town Hall on Friday, April 19.

Planning Commission – No report submitted. Mayor Saxton stated he talked with Commission Chairman Joe Conway, who will be presenting a verbal parking report at the April 26, 2024, Council Workshop meeting.

Resiliency Committee – Report submitted.

Adjournment

Motion by Councilman Shaw, second by Councilman Bartholomew, to adjourn the April 12, 2024, Town Council Regular Meeting at 9:58 a.m. Motion carried 7-0.

Respectfully submitted,


Council Secretary



Town Clerk



Date of Approval