

**TOWN OF SOUTH BETHANY
TOWN COUNCIL MEETING MINUTES
AUGUST 14, 2026
9:00 A.M.**

9:00 AM Public Hearing To receive public input regarding Ordinance No. 223-26 to amend Chapter 145-3 definitions; 145-14.3(A) regarding pervious ground covering allowed in the setback area; and 145-38(E) regarding setback requirements for the R-1 district west of Delaware Route 1.

Mayor Dondero stated the last item under Chapter 145-38(E) was omitted from the ordinance and will not be a part of the discussion today. Joe Petito, 22 S. Anchorage Avenue, expressed concerns about the proposed 100% impervious surface ban, arguing it was too absolute and difficult to enforce. Mr. Petito stated the Town should wait until the comprehensive plan is completed to move forward with any action which falls under this chapter of the Code. John Beauregard, 108 Petherton Drive, stated his concern with this ordinance is that the 100% pervious coverage is very absolute, and the steppingstones example brought up by Councilman Giler at the last Council meeting is a valid concern. Mr. Beauregard recommended that Council reduce the coverage from 100% to 90% or 95%, because 100% becomes difficult to enforce. Carl Bittenbender, 141 Layton Drive, stated his concern over the 100% pervious coverage in the setback and believes Council should be able to clearly identify the factual and professional basis for such a change in the Zoning Code as it can affect property rights, property values, redevelopment, and future character of the community for years to come. Mr. Bittenbender stated he's OK with the definitions amendment in this ordinance but still believes the ordinance should be tabled, and Council should go back to the 55% required in each setback. Jack Whitney, 105 Boone Road, suggested – regarding the 100% pervious pavement amendment and mitigating flooding – using Low Impact Development (LID) as an alternative approach which would provide specific design data and address stormwater control issues.

Meeting Called to Order and Pledge of Allegiance

Mayor Dondero called the August 14, 2026, Town Council meeting to order at 9:17 a.m., followed by the Pledge of Allegiance.

Mayor Dondero stated public comment would be pushed back until after the Ordinance 223-26 discussion and vote.

Attendance and Absences

In attendance were Mayor Edie Dondero and Councilmembers Steve Gallagher, Mark Giler, Chris Keefe, Sarah Long (via Zoom), Bob Shields and Cindy Van Horn; Town Manager Maureen Hartman, Town Code Enforcement Officer Joe Hinks, and Town Clerk Matt Amerling. Public attendees: 25. Virtual attendees: 15.

Adoption of Minutes

Councilman Steve Gallagher motioned to approve the July 17, 2026, Town Council meeting minutes, seconded by Councilman Bob Shields. Motion carried 7-0.

Presentation of Resolution 5-26, recognizing former Councilman Randall Bartholomew and Resolution 6-26 recognizing former councilman Robert Biciocchi (Dondero)

Mayor Dondero presented Randy Bartholomew with Resolution 5-26 and Bob Biciocchi with Resolution 6-26.

Second Reading of Draft Ordinance 223-26 to amend Chapter 145-3 definitions; 145-14.3(A) regarding pervious ground covering allowed in the setback area; and 145-38(E) regarding setback requirements for the R-1 district west of Delaware Route 1 (Dondero)

Mayor Dondero stated in regard to the comments about the polymeric sand in the definitions, it should be noted that while polymeric sand is pervious, it is being restricted for use because of the concern about the product's composition and the chemicals that are used in its production and their potential impact on the canals. This concern comes from the manufacturer's information and warnings that are with those products, and that is why the Town is proposing that it not be allowed for use in South Bethany, given our proximity to the canals and wetland areas. Mayor Dondero stated the Town formed a Community Planning Advisory Group (CPAG) to work with the University of Delaware, and the recommendations that came in that plan came from the CPAG and the residents at our two-plus community meetings. The proposed, recommended increase to 100% in the setback area came from members of the CPAG and the Resiliency Committee, based on calculations of runoff that were provided to the Town in the resiliency implementation plan that was prepared by our consultants George, Miles and Buhr (GMB) in 2023. Mayor Dondero stated there is table in that plan on page 11 that calculates various scenarios of runoff based on lot coverages in South Bethany using the typical 5,000-square-foot lot size that we have and it looks at the amount of coverage in the lot, giving five different scenarios, ranging from 0% coverage to 100% impervious coverage. It then calculates runoff based on a 1-year, a 10-year, and a 100-year rainfall. The plan with that table is available on the Town website for review. Mayor Dondero stated if you look at the table, there's a significant difference in the amount of runoff produced based on the amount of impervious coverage on a lot; and since South Bethany is an almost built-out community, the Town is trying to come up with solutions that work in, that will actually make a difference in this Town on stormwater management. That is where the recommendation to go up to 100% came from, so it is not without basis, and it is not without engineering behind it. Mayor Dondero further stated steppingstones and landscape features like fences and retaining walls have never been calculated towards impervious coverage. While it is true that an individual steppingstone is by definition "impervious," code enforcement has never calculated landscape features like that into impervious coverage calculations, and we are not proposing that change. Impervious coverage has generally been restricted to driveways, walkways, and buildings.

Councilman Bob Shields stated he is in support of this ordinance in its entirety, although he would like to slightly amend the ordinance to make an exception to the 100% for walkways traversing the setback areas so long as they do not exceed 36 inches in width, which is enough to give compliance per the Americans with Disabilities Act (ADA) for a wheelchair or a walker. Mayor Dondero agreed with Councilman Shields' recommendation. Councilman Mark Giler stated he appreciates the consideration for ADA compliance but still has not heard from any constituents who think this 100% is a good idea and he thinks the ordinance needs more work. Councilwoman Cindy Van Horn stated she is in support of this ordinance although she thinks the 100% could be hard to enforce, so Council should make sure we got all the details right. Councilwoman Sarah Long expressed concerns about the proposed ordinance, particularly regarding the change from 55% to 100% pervious surface requirements without sufficient study to determine the optimal percentage. She argued the 100% requirement would be too expensive for many homeowners and suggested returning to the 55% standard or pausing the vote to conduct further study on definitions and impacts. Councilwoman Long also emphasized the need to address definition changes, including for pervious pavers and gravel, and suggested waiting for the comprehensive plan to be completed before finalizing the ordinance. Mayor Dondero stated if the ordinance was passed with the 100% coverage, this would only affect driveways and walkways being installed from this point on and would have no effect on the preexisting driveways and walkways as they are deemed an existing non-conforming use. Councilwoman Long asked how much of a driveway or walkway would have to be replaced to fall under this ordinance. Town Code Enforcement Officer Joe Hinks stated in the

Zoning Code, Chapter 145, Section 14.3, item H, it addresses that question specifically, stating 50% as the pivot point where things must be repaired under the new 100% coverage.

Roll Call Vote on Ordinance 223-26

Councilwoman Chris Keefe motioned to adopt Ordinance 223-26 regarding the definitions as discussed in Chapter 145-2 and the 100% pervious ground covering allowed in the setback area as presented in Chapter 145-14.3(A), to read "100% of any required building setback area shall be covered with pervious covering materials, with the exception of walkways up to 36 inches in width that traverse the setback area"; seconded by Councilman Shields. Motion carried 5-2 (with Councilman Giler and Councilwoman Long voting no).

Public Comment

Carl Bittenbender, 141 Layton Drive, and John Beauregard, 108 Petherton Drive, stated their disappointment in the Council passing Ordinance 223-26.

Nancy Loube, 117 Elizabeth Way, stated, as a member of the Budget & Finance Committee (B&F), her issues with the B&F's lack of meetings and transparency in financial reporting. Mayor Dondero stated the treasurer's report is issued for the public to see every month, just as it has been for years, and, with regards to the B&F's meetings, it was the B&F Chair's decision to hold off on meetings temporarily so Ms. Loube can speak with her if she has questions about that decision.

Annette Galassi, 22 S. Anchorage Avenue, stated she thinks there is a lack of process when it comes to the Council and their meetings.

Sue Watson, 118 Elizabeth Way, stated her concern is the south beach access in Sandpiper Village, which seems to be falling apart as her grandkids have gotten splinters from holding onto the railing of the entrance ramp. Mayor Dondero stated she believes the replacement of that walkway and railing is on the docket for this fall.

Rich Juliano, 162 Brandywine Drive, stated he is a member of the B&F, and he echoes Ms. Loube's comments.

Discussion and possible vote on future of Charter & Code Committee

This item was tabled.

Leadership Reports

Mayor's Report – Report submitted. Mayor Dondero congratulated James Baffone for being the 2026 South Bethany Lifeguard of the Year and highlighted the Sussex County lifeguard team's third consecutive national championship win at the Fort Lauderdale competition, where father and daughter team, Chris and Ella Rutter, also performed well.

Town Manager Report – Report submitted.

Police Chief Report – Report submitted.

Treasurer Report – Report submitted.

Committee and Commission Reports

Bicycle & Pedestrian Safety Committee – Report submitted.

Budget and Finance Committee – No report submitted.

Charter and Code Committee – No report submitted (report submitted late).

Community Relations Committee – Report submitted.

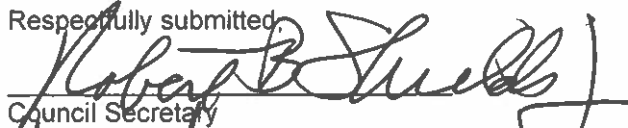
Planning Commission – Report submitted.

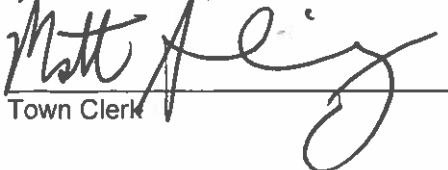
Resiliency Committee – Report submitted. Mayor Dondero stated the committee is awaiting data collection and analysis from AECOM consultants regarding the York Road Phase 2 project, as well as data analysis from Verdantas regarding possibly raising bulkheads.

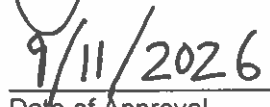
Adjournment

Motion by Mayor Dondero, seconded by Councilwoman Keefe, to adjourn the August 14, 2026, Town Council Regular Meeting at 10:30 a.m. Motion carried 7-0.

Respectfully submitted,


Council Secretary


Town Clerk


Date of Approval