

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MINUTES
FRIDAY, AUGUST 28, 2026
9:00 a.m.**

Meeting Called to Order

Mayor Dondero called the August 28, 2026, Town Council Workshop to order at 9:02 a.m.

Attendance and Absences

In attendance were Mayor Edie Dondero and Councilmembers Steve Gallagher, Mark Giler, Chris Keefe, Sarah Long, Bob Shields, and Cindy Van Horn; Town Manager Maureen Hartman, SBPD Chief Jason Lovins, Town Code Enforcement Officer Joe Hinks, and Town Clerk Matt Amerling. Public attendees: 18. Virtual attendees: 23.

Discussion on a possible amendment to Town Code, Chapter 145, Zoning, Article XI, §145-38, item E (Gallagher).

Councilman Steve Gallagher led a discussion to possibly amend Town Code, Chapter 145, Zoning, §145-38, item E, and whether a new code enforcement officer could potentially reinterpret approved construction projects and declare properties non-compliant based on new interpretations, potentially requiring homeowners to modify their properties. Councilman Gallagher shared a personal experience from eight years ago where he and his wife faced similar issues with a house addition that was approved but later deemed non-compliant due to a ground cover requirement that the original code enforcement officer had not applied. Council discussed ground cover restrictions in Cat Hill, which were carried over from before the area was annexed into South Bethany. Town Code Enforcement Officer Joe Hinks explained that while these restrictions were intended to control house sizes, removing them would likely have minimal impact and not result in larger houses or clear cutting of trees. The discussion centered on whether there are alternative ways to address potential issues with the current ground cover requirements, noting that legal opinions are being sought regarding retroactive enforcement and terminology changes. Council members questioned whether this is actually a widespread problem in Cat Hill, stating they haven't heard of similar issues.

Council discussed whether the 1,700-square-foot building limitation should continue to be applied in Cat Hill and about how many homes might be affected by the current limitation, with Mr. Hinks noting that while there is one known case where a resident exceeded the 1,700-square-foot limit, there may be violations that haven't been documented due to residents choosing not to pursue a Board of Adjustment (BOA) approval to avoid potential future compliance issues, but only one person (Councilman Gallagher) has approached him regarding this issue. Code Enforcement Officer Hinks discussed the building restrictions in Cat Hill, explaining that while vertical stacking is allowed without exceeding the floor-to-area ratio (FAR) and livable area ratio (LAR), lateral expansion faces footprint restrictions. Mr. Hinks stated that Cat Hill allows homes to be positioned two feet from side property lines with only 10-foot separation between structures, unlike the typical 16-foot separation elsewhere in Town.

Council and residents debated the need for specific ordinance changes, with concerns raised about vagueness in current Code enforcement and the potential impact on existing homes. No formal proposal was pending at the time of the meeting, though some residents expressed an interest in pursuing this issue after the Comprehensive Plan is completed..

Public Comment

Joe Petito, 22 South Anchorage Avenue, stated the Town doesn't have to change the Code as most cases get grandfathered in. If Council does change it to make it consistent with the FAR, is Council creating new violations because of the setbacks? Mr. Petito stated had this potential ordinance gone through Charter and Code Committee, there might not have been the whole kerfuffle. He thinks a lot of people got wound up because of the lack of effective communication and not using the Town committees. Mr. Petito stated he would like Council to wait for the comprehensive plan before reviewing any such ordinances.

Rich Beutel, 1004 South Ocean Drive, stated he wanted to raise his and a few neighbors' intent to put on consideration for the Council a moratorium on construction during the summer months. Mr. Beutel stated he would like South Bethany to impose a moratorium on heavy construction. He would like the Town during the approval process for new residential construction to take into official consideration both geographic clustering and temporal or time-based clustering as an award criteria for these approvals that should be baked into the consideration process going forward. In addition, he would also ask and intend to include in our proposal a limitation on residential parking permits for commercial purposes, so contractors are given perhaps 2 or 3 commercial-specific placards for parking during jobs.

Russ Beland, 108 Elizabeth Way, stated the Budget and Finance Committee (B&F) proposed diversifying the investment portfolio, and the Council voted it down. Mr. Beland stated that had the Town put \$2 million in an index fund at the beginning of the year, the Town would now be up at least \$175,000.

John Beauregard, 108 Petherton Drive, thanked Town Manager Maureen Hartman and the Public Works department for promptly checking out and addressing a backed-up drain in front of his house.

Annette Galassi, 22 South Anchorage Avenue, stated her same concern from the prior meeting regarding the recommended or suggested change to the zoning code not going through the appropriate committee.

Patty Jaicks, 420 Tamarack Drive, stated she is in support of the proposed amendment to the zoning code regarding Cat Hill as going to the Board of Adjustment (BOA) for a variance is costly, timely and the fact the requester still may not get a variance granted. Ms. Jaicks stated she is looking to change setbacks and to not have to go to the BOA every single time someone needs 20-square-feet of adjustment as most people aren't going to the BOA but are dealing with what they have privately and she has spoken with 10 to 15 other people who've said this is an issue. She proposes to the Council to either have a more formal discussion, and it should not be dropped, as she thinks Cat Hill needs to be brought into the arms of South Bethany and the rules should apply to everybody, or make everybody else in South Bethany limited to 1,700-square-feet like in Cat Hill.

Nancy Spiotto, 401 Victoria Road, stated her agreement with Mr. Beutel's comments regarding a moratorium on heavy construction from Memorial Day to Labor Day.

John Janowski, 403 Cattail Road, stated he agrees with a moratorium on heavy construction in the summer months, and thinks a minor change such as allowing the Town Code Enforcement Officer to grant a permit for non-compliant requests if they only go over about one foot is something the Town should consider.

Bonita Lambertson, 324 York Drive, stated she would also like a moratorium on heavy construction during the summer months.

Ron Jaicks, 420 Tamarack Drive, stated his agreement with amending the zoning code for Cat Hill but such ordinance should go through the appropriate committee.

Gwen Clauter, 6 Indian Street, stated her agreement with putting a moratorium on heavy construction during the summer months.

Carmine Pilla, 203 Anchorage Drive, stated his disagreement with putting a moratorium on heavy construction during the summer months as it's a slippery slope, and he's not sure it's fair to property owners or their property rights, who may need to do construction in the future.

Carl Bittenbender, 141 Layton Drive, stated his thanks to Council for having this conversation today about the zoning code change in Cat Hill and thinks the same should have been done for Ordinance 223-26.

Jack Whitney, 105 Boone Road, stated the original restrictions on impervious materials were originally put in there to limit the amount of nutrients and pollutants going into the canals, and the impervious material has very minor impact on flooding. He disagrees with the ordinance passed at the last meeting and thinks there should've been discussion.

Joe Conway, 160 Henlopen Drive, suggested forming a working group to address Code clarifications and land use concerns, as well as work on language to address the current situation with properties so that you have grandfathered in particular aspects for the way homes are currently constructed, clarity of the definitions, and identifying a footprint that deals with the pervious surface in the Cat Hill area should the Town decide to move forward on today's proposed amendment.

Nancy Loube, 117 Elizabeth Way, stated to Council to better utilize the committees the Town has and take the input that is offered by individuals on those committees.

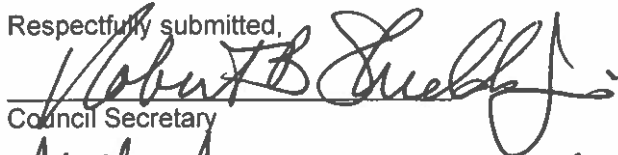
Gerry Cardillo, 411 Victoria Road, stated something must please be done about the construction traffic and contractor parking as most contractor and builder vehicles take up a majority of the roads as well as sometimes going into people's driveways.

Mayor Dondero stated her appreciation for everyone speaking today on the listed agenda item and Council does want to continue to hear from Cat Hill property owners who have any personal experience with this, if it is an issue or not, since those are the ones most affected. The Town certainly welcomes everybody's opinion, but for now, there is no proposal on the table; however, if further comments show that there is a problem and this is something we potentially need to tackle, then we will bring it forth again with a potential solution.

Adjournment

Motion by Mayor Dondero, seconded by Councilwoman Cindy Van Horn to adjourn the August 28, 2026, Town Council Workshop meeting at 10:33 a.m. Motion carried 7-0.

Respectfully submitted,


Council Secretary


Town Clerk


Date of Approval