

**South Bethany Charter and Code Committee Meeting  
Friday, August 26, 2016 2:00 PM – South Bethany Town Hall**

**Minutes**

**Agenda Item 1.** Call Meeting to Order – John Fields called the meeting to order at 2:00 PM. All Committee members were present; John Fields, George Junkin, Wayne Schrader, and Joe Hinks. Also present was Frank Weisgerber, the Council Member that is sponsoring the boat lift ordinance, and Mayor Voveris

**Agenda Item 2.** Public Comment – There was no public comment.

**Agenda Item 3.** Review the Town attorney’s comments to Ordinance 182-16 relative to regulating boat lifts and modular floating docking systems.

- This agenda item was actually discussed after agenda item number 4.
- This agenda item went very smoothly except for the discussion of §50-8.1 B. (1) which is copied below

***(1) Lift structure heights. Pilings, post, and any other vertical structure used in the installation of a boat lift shall not be higher than necessary for the proper function of a boat lift. The top of the beams that support the water craft which are perpendicular to the bulkhead shall be no higher than Base Flood Elevation (BFE).***

**ALTERNATIVE LANGUAGE TO CONSIDER**

***(1) Pilings, posts, and any other vertical structures used to support a boat lift shall be no higher than [3?] feet above the [gunwale or hull?] of the boat when the boat has been elevated out of the water. The boat lift shall be constructed such that the keel or bottom of the boat, not including the rudder or any other appendages, shall be no higher than the Base Flood Elevation (BFE) when elevated out of the water.***

- The committee agreed that there needed to be specific language to regulate the height of the lift structure. At this time the committee did not have data to make that determination. Frank Weisgerber was assigned to break the above paragraph into two parts. One part defines the height of the lift structure the second part defines the maximum height that the boat is lifted to.
- The committee recommended that this ordinance not go forward for the next reading until the above paragraph is quantified.
- The lawyer suggested some changed words for §50-9.1. The committee agreed to keep the original words. They had been approved by Council and were not significantly different from the lawyer’s words.
- The committee agreed that some word changes were required in §50-9 to be consistent with §50-9.1. Pat Voveris agreed to develop consistent words.

- The rest of the lawyer's comments were resolved quickly. See below

§50-3

***MODULAR FLOATING DOCKING SYSTEMS (MFDS) – Platforms of wood or plastic material used as floating boat ramps, floating docks and inflatable lifting docks.*** The lawyer's comment was "Are inflatable docks also made primarily of rubber or materials other than wood or plastic that should be referenced here?" **The committee agreed to strike the words "of wood or plastic material"**

§50-8.1 D (1)

***(1) The MFDS shall be the minimum size necessary to properly support the docked personal watercraft(s) or other vessel.*** The lawyers comment was, "This is a bit subjective. Who determines the minimum necessary size? We really need to provide an objective standard to make this determination clear." **The committee agreed that this should be removed. The size will be covered in §50-8.1 B. (1) when we get the right words.**

§50-8.1D (3)

***(3) Is subject to the same 10' side property set back and canal intrusion limitations of 20%.***

***Lawyer's ALTERNATIVE LANGUAGE for (3)***

***(3) The MFDS shall be placed no closer than 10 feet to either side property line, and may not protrude into the canal more than 20% of the canal width, not to exceed 13 feet for canals wider than 60 feet.***

**The committee agreed that the lawyer's alternate words should be used.**

§50-8.1D (5) and (6). The lawyer suggested rewording as shown below.

***(5) ~~Shall not be homemade or drum type platforms or constructed of ferrous materials.~~ All MFDS shall be commercially manufactured products that have warranties from the manufacturers.***

***(6) ~~Shall be capable of multi-season use, if not seasonally removed. If not removed each season, MFDS shall be capable of multi-season use.~~***

**The committee agreed that the lawyer's alternate words should be used.**

**Agenda Item 4.** Discuss the development of an ordinance to allow the maximum measurement of a house from BFE.

- This item was actually discussed before agenda item 3.
- George led the committee through a discussion of the draft Ordinance 184-16, *Change to BFE Height Option*.
  - The purpose of this ordinance is to allow all homeowners the same vertical space (33 feet) to build their homes in. This allows those in the AE and AO zone to have the same space as was provided to the homeowners in the VE zone by an ordinance a couple months ago.
  - This ordinance would also require that a floor that is allowed below BFE is at least as high as the centerline of the street in front of the house so that rain water does to flood the area.
  - There was a lot of discussion relative to the terms used by FEMA.
  - The committee made two changes to the draft ordinance. The first was related to the definition of “Bottom of the Lowest Floor”. This was changed to “Lowest Floor --- Bottom of” so that it would be in the code next to the definition of “Lowest Floor”. The second was to add the words “The elevation of any ground floor structure shall be equal to or greater than the centerline of the street” to Article XI so that it would be consistent with Article X.

**Agenda Item 5.** Adjournment. At 3:55 PM George Junkin made a motion to adjourn. The motion was seconded and was passed unanimously.

Minutes submitted by George Junkin.