

South Bethany Charter and Code Committee Meeting
Monday, July 11, 2016 2:00 PM – South Bethany Town Hall

Minutes

1. Call Meeting to Order – John Fields called the meeting to order at 2: 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.
2. Public Comment – The only non-committee person present was Frank. Frank had been a member of the Boat Lift Ad Hock Committee, so John asked him to educate the committee relative to the goals of the Ad Hock Committee. Frank said that essentially the bottom line was that the Ad Hock Committee wanted to:
 - A. Allow floating docking and boat lift systems
 - B. Limit the height of boat lift systems
 - C. Allow boats to be docked on boat lift systems with assistance from the boat's propulsion system
3. Discussion of the development of an ordinance to regulate the boat lifts in South Bethany.
 - A. After much discussion the C&C Committee unanimously agreed that the use of a boat's propulsion system should not be allowed to help lift a boat.
 - B. The C&C Committee unanimously agreed that a Modular Floating Docking System must have ramps with rollers, cut outs, mechanical pullers, buoyancy lifters or whatever would be required to lift a boat without the use of the boat's propulsion system.
 - C. The basis for the above decisions is:
 - i. The Town Charter, Chapter 37 Boating, states **§ 37-2. Prohibited activities**. No person shall operate any watercraft within the waterways of the town in the following manner: A. With an unreasonable and reckless disregard for the safety of persons or property; or B. By causing a wake.
 - ii. The Town has litigated in the past to prohibit watercraft from being driven onto a floating boat ramp or floating docks.
 - iii. Recently an appeal was made to allow drive on ramps and the appeal was denied by a Council Hearing Board.
 - D. The C&C Committee reviewed in detail the recommended code changes that were submitted by the Boat Lift Ad Hock Committee. The document containing the Boat Lift Committee's recommendations follows at the end of the minutes. This document is marked up (changes highlighted in yellow) with the changes that were agreed to by the C&C Committee. The changes that were agreed to by the C&C Committee were basically as follows:
 - i. Many definitions that had been added were not referenced in the document.
 - ii. Some words were removed that did not need to be in the code. Some were just educational. Some did not belong because they were too general,
 - iii. Words were removed that allowed drive on ramps.

- E. The committee discussed the issue of time constraints imposed by § 50-9.1 Appears. In a different part of the code the words (and approved by council) do not appear. The committee discussed increasing the 30 day to 45 to eliminate the time constraint. After discussion the committee decided to be consistent with the other code paragraph.
- F. Joe was concerned that a homeowner could tow away a structure that was in violation before the six months were up and then tow it back again in the spring and we would have to go through the process again. George was tasked to develop some words to keep this from happening.
- G. George was tasked to add word concerning the fee required to appeal.
- H. The committee had concern with § 50-8.1 B. 1. *“Lift structure heights. Boat lifts shall be constructed to minimize the height of pilings and /or lifting structures required to lift craft no higher than that necessary to provide safe dockage from high tides or floods and to minimize risk of failure due to high winds. That height shall be measured from the watercraft keel, less appendages, to no higher than one foot above BFE.”* There concerns were:
- i. How does the code constable verify the measurements? It was decided that essentially the homeowner would have to pay to have a surveyor verify that the structure met the requirements.
 - ii. If the structure does not have a boat on it, how do you measure it? Maybe the words need to be changed to relate to the lowest structure that supports the boat.
 - iii. There are existing structures that the Boat Lift Committee thought were too high. Would the proposed words have restricted them? George and Frank agreed to go for a cruise to measure and photograph some existing structures to answer the above question. Two pictures follow.



4. Public Comment. – There was no public present to comment.
5. Adjournment – At 4:15 George made a motion to adjourn. Wayne seconded the motion. The motion passed unanimously.

Submitted by: George Junkin