

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
JULY 28, 2016**

MEETING CALLED TO ORDER

Mayor Voveris called the July 28, 2016, Town Council Workshop Meeting to order at 2:00 p.m.

ATTENDANCE

PRESENT: Councilmembers Sue Callaway, Tim Shaw, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Code Enforcement Constable Joe Hinks; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Councilmembers Don Boteler and Wayne Schrader

ADOPTION OF MINUTES – JULY 8, 2016, TOWN COUNCIL REGULAR MEETING

A motion was made by Councilmember Callaway, seconded by Councilmember Shaw, to accept the July 8, 2016, Town Council Workshop Meeting Minutes. The motion was unanimously carried.

PUBLIC COMMENT PERIOD

Bill Beckett (43 S. Anchorage Ave.) – Spoke in opposition of the barricade restriction at Kent Ave. and Black Gum Dr. and recommended that it be removed immediately. Mr. Beckett spoke in opposition to the speed bump that was recently installed on Black Gum Dr. Mr. Beckett said the speed bump is a hazard and it does not meet DeIDOT criteria. Mr. Beckett recommended that the speed bump be installed in the way the Town Charter provides for and at a time when the traffic is minimal.

Bob Smith (420 Black Gum Dr.) – Asked Mr. Beckett why the speed bump is a hazard. Mr. Beckett stated why he felt the speed bump was a hazard. A discussion ensued between Mr. Beckett and Mr. Smith. During the discussion Mr. Smith stated that the speed bump has been totally effective.

Kent Stephan (46 S. Anchorage Ave.) – Spoke in opposition of Gil Geldon becoming a member of the South Bethany Traffic Committee. Mr. Stephan read the following statement:

I know very little about Mr. Geldon, but assume he would be terrific in another job. His colleagues had a reason for picking him to push their point of view. I oppose him purely because it's time to unstack the deck on the Traffic Committee.

It is dominated by people with a Cat Hill/Black Gum activist agenda. Its stated mission is to reduce traffic in Cat Hill/Black Gum. However there seem to have been no constraints on how this mission could be accomplished. Its Chairman, when asked, dismissed consideration of the rest of the Town with a shrug.

It is worth noting that the Black Gum/Cat Hill activists may not even represent the majority of owners in Cat Hill. Everyone just assumes they do.

The tactics and demands of the activists have used up the sympathy others may have had. It is very likely that organized opposition will emerge in response to the Committee, if things continue.

Not only should Mr. Geldon be rejected, the Committee's mission and total membership should be revised dramatically. Barring that, the Committee should be folded. It's done enough.

Rosely Robinson (404 Periwinkle Rd.) – Requested that a "No Outlet" sign on the right hand side of the street be put back up. Mayor Voveris will follow up.

REVIEW, DISCUSSION, AND POSSIBLE VOTE ON RULES OF PROCEDURES RECOMMENDED BY THE TOWN SOLICITOR REGARDING ORDINANCE WORK

Motion and Vote: A motion was made by Councilmember Shaw, seconded by Councilmember Weisgerber, that Council accept the modifications to the Rules of Procedure presented in the July 28, 2016, Town Council Workshop Meeting packet with the following two additional amendments: 1) In Item 3 insert "possibly" before "other", and 2) In Item 6 insert "and possibly" before "other". The motion was unanimously carried.

DRAFT ORDINANCE ON HOUSE HEIGHT FOR AREAS OTHER THAN THE VE ZONE

- **Discussion and possible vote on the Base Flood Elevation (Ad Hoc) Committee recommendation regarding an ordinance on house height for areas other than the VE Zone**

Motion and Vote: A motion was made by Councilmember Callaway, seconded by Councilmember Shaw, to accept the Base Flood Elevation (Ad Hoc) Committee recommendation (as presented in the July 28, 2016, Town Council Workshop Meeting packet) regarding an ordinance on house height for areas other than the VE Zone. The motion was unanimously carried.

- **Discussion and possible vote on tasking the Charter and Code Committee with drafting an ordinance on house height for areas other than the VE Zone**

Motion and Vote: A motion was made by Councilmember Callaway, seconded by Councilmember Shaw, to task the Charter and Code Committee with drafting an ordinance on house height for areas other than the VE Zone per the Base Flood Elevation (Ad Hoc) Committee recommendation. The motion was unanimously carried.

The Charter and Code Committee will try to have the ordinance ready for the first reading at the September Town Council Regular Meeting.

CHARTER AND CODE COMMITTEE PRESENTATION OF A DRAFT ORDINANCE REGARDING BOAT LIFTS. DISCUSSION AND POSSIBLE VOTE TO SCHEDULE THE FIRST READING OF AN ORDINANCE REGARDING BOAT LIFTS

Charter and Code Committee Chair John Fields reviewed the draft ordinance regarding boat lifts that was presented in the July 28, 2016, Town Council Workshop Meeting packet.

Page 1: Councilmember Callaway would like to explore further whether or not the following sentence should be deleted: If the two canal sides of the lot are unequal, the boat lift must be placed on the longest side.

Page 2: Councilmember Shaw had concerns about the words "no higher than necessary". Mr. Fields agreed. Ideas were discussed to better define this section but no definitive conclusions were reached.

Page 4, Paragraph E3: Insert the word "manufacturer's" before "proposed mooring system for MFDS."

Page 5, § 50-9.1, First Sentence: Change to "If an appeal is requested, ~~it shall be~~ **the intent is to commence the appeal commenced** within 30 days **if possible but may be up to 60 days** after the request is received.

Page 5, § 50-9.1, Second Sentence: Do not delete "and approved by Council".

It was agreed that the first reading of this ordinance would be in August.

Mr. Fields stated that the ordinance would be sent to the Town Attorney to review after the first reading.

DISCUSSION AND POSSIBLE VOTE TO SCHEDULE THE FIRST READING OF AN ORDINANCE TO AMEND § 145-14.3 (GROUND COVERING ALLOWED IN SETBACK AREA) TO CLARIFY THE BUILDING SETBACK AREA

Council reviewed the proposed amendments to § 145-14.3 that were presented in the July 28, 2016, Town Council Workshop Meeting packet. Council made no changes to the proposed amendments. Council agreed to have the first reading of this ordinance at the August Town Council Regular Meeting.

PUBLIC COMMENT PERIOD ON THE 2016 COMPREHENSIVE PLAN

There were no comments from the public.

Mayor Voveris thanked the Planning Commission for their work on the 2016 Comprehensive Plan.

ADMINISTRATIVE MATTERS – CONSIDERATION AND POSSIBLE VOTE TO REAPPOINT/APPOINT BOARD OF ADJUSTMENT MEMBERS (Steve Bunoski – Reappoint, Bob Buhner – Reappoint, and Al Rae – Appoint)

Motion and Vote: A motion was made by Councilmember Callaway, seconded by Councilmember Weisgerber, to reappoint Steve Bunoski and Bob Buhner and appoint Al Rae to the Board of Adjustment. The motion was unanimously carried.

DRAFT GUIDELINES FOR A PROPERTY OWNER APPEAL TO A TOWN COUNCIL HEARING BOARD

- **Discussion and possible vote on the draft guidelines**

Councilmember Callaway reviewed the draft guidelines.

Council agreed to amend the fourth sentence in the first paragraph of the guidelines as follows: If the Hearing Board finds that a violation does exist, the property owner shall correct the violation within six months from the date of the hearing decision **and not repeat the same violation again at a later date.**

Councilmember Callaway noted that the Appeal Board Agenda and the Appeal Confirmation Letter that are attached to the guidelines are examples and can be changed as needed.

Motion and Vote: A motion was made by Councilmember Shaw, seconded by Councilmember Stevenson, that Council accept the Guidelines for a Property Owner Appeal to a Town Council Hearing Board as amended. The motion was unanimously carried.

- **Discussion and possible vote to task the Charter and Code Committee to amend our current Code to include the time frame to commence an appeal with the time frame in the policy guidelines**

Charter and Code Committee Chair John Fields will look at other ordinances in the Code regarding Council Hearing Boards where the following change may apply: If an appeal is requested, ~~it shall be~~ **the intent is to commence the appeal commenced** within 30 days **if possible but may be up to 60 days** after the request is received. Mr. Fields will get back to Council.

DISCUSSION AND POSSIBLE VOTE TO ADD GIL GELDON TO THE TRAFFIC (AD HOC) COMMITTEE MEMBERSHIP DUE TO THE RESIGNATION OF JAY HEADMAN

Motion: A motion was made by Councilmember Stevenson, seconded by Councilmember Weisgerber, to add Gil Geldon to the Traffic Committee membership.

Regarding the Traffic Committee membership, Mayor Voveris noted that Gil Geldon and Mike Trentadue are Cat Hill property owners, Councilmembers Carol Stevenson and Frank Weisgerber are not Cat Hill property owners, and Norm Montigny is not a Cat Hill property owner. Mayor Voveris stated that John Janowski is a Cat Hill property owner but he was not involved in the initial efforts of the Cat Hill owners' group.

Vote: The motion was unanimously carried.

REVIEW, DISCUSSION, AND POSSIBLE VOTE ON THE TRAFFIC (AD HOC) COMMITTEE'S RECOMMENDATIONS TO ADD PAINTED WHITE LINES ON EACH SIDE OF BLACK GUM DRIVE, CATTAIL ROAD, AND TAMARACK DRIVE IN CAT HILL (ESTIMATED COST \$1,450) AND SQUARING OFF THE TURN AT CANAL DRIVE AND TAMARACK DRIVE

Mayor Voveris stated that Chief Crowson recommends putting off the vote on squaring off the turn at Canal Drive and Tamarack Drive until after the August 3, 2016, Traffic (Ad Hoc) Committee Meeting at which time the Traffic Committee will possibly vote on a recommendation to Council to modify the intersection at Canal Dr. and Tamarack Dr. from a one-stop sign controlled intersection to a 3-way stop sign controlled intersection. Council agreed to table the vote on squaring off the turn at Canal Dr. and Tamarack Dr.

Public Comment: George Rosenberg, Dennis Roberts, Jane Vandell, and Bob Smith spoke in support of adding painted white lines on each side of Black Gum Dr., Cattail Rd., and Tamarack Dr.

Motion and Vote: A motion was made by Councilmember Shaw, seconded by Councilmember Weisgerber, to approve painted white lines on each side of Black Gum Dr., Cattail Rd., and Tamarack Dr. in Cat Hill. The motion was unanimously carried.

PUBLIC COMMENT PERIOD

There were no further comments from the public.

ADJOURNMENT

A motion was made by Councilmember Callaway, seconded by Councilmember Weisgerber, to adjourn the July 28, 2016, Town Council Workshop Meeting at 4:00 p.m.