

**Charter and Ordinance Review Committee
Meeting Minutes
September 16, 2010**

The Bethany Beach Charter and Ordinance Review Committee held a meeting on Thursday, September, 16, 2010 at 2:00 p.m. in the Town Meeting Room.

Members present: Chuck Peterson, Chairman, who presided; Fulton Loppatto; Lonny Moore; and Mike Boswell

Excused members: Mary Sue Forestieri

Also present: Councilpersons, Lew Killmer and Margaret Young; Administrative Secretary

Call to Order

Mr. Peterson called the meeting to order at 1:57 p.m.

Approval of Agenda

Mr. Moore made a motion to approve the agenda. Mr. Loppatto seconded the motion and it was unanimously approved.

Approval of Minutes from August 19, 2010 Meeting

Mr. Boswell made a motion to approve the minutes dated August 19, 2010. Seconded by Mr. Moore, the motion was unanimously approved.

Final Review on the White Paper for Chapter 525 on Wireless Communication

The Committee reviewed document on the Proposal to Modify Chapter 525- Wireless Communications Facilities. The proposal is as follows:

Legislative Intent

The Town received a request to review Section 525-9 regarding standards for Ham Radio antennas. Knowing very little about the area, CORC reviewed the Federal Communications Act of 1996, FCC's PRB-1 (1999) Policies and Procedures Governing Amateur Radio Antennas and Support Structures, as well as the codes governing these areas in several towns around the country. We found two areas we feel need to be changed to bring our code more closely in line with FCC guidance- first, the name of the Chapter should be changed to "Personal Wireless Services" and second, there are three definition changes that should be made to follow FCC guidelines.

Chapter 525 is divided into two Articles. Article II deals with Ham Radio Antennas. The Law and especially PRB-1 are very clear that municipalities only have authority over health and safety issues as it relates to Ham Radio Antennas. This being the case, we feel the best way for the Town to maintain any input into this issue, is to eliminate Article II and add a Section to Article I that makes provision for "exemption" to the rules for Ham

Radio Antennas but requires application to the Planning Commission with all of the technical requirements we had before. We believe that this is the only way that the Town can exert any influence over the requirement to provide “Amateur Radio Operators the right to be reasonably accommodated by municipalities”.

Proposed Legislation

Change the Title of Section 525 from Wireless Telecommunications Facilities to Personal Wireless Services to follow the Federal Act. Change this wherever it appears in the Chapter as indicated in the attachment.

In 525-2 Definitions – eliminate the last two definitions, wireless communications equipment building and wireless communication facility and replace them with three definitions from the FCC.

Personal Wireless Services – means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

Personal Wireless Facilities – means facilities for the provision of personal wireless services.

Unlicensed Wireless Services – means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

With the elimination of Article II, we would add a Section 525-7 Exemptions. This new section would read as follows:

525-7 Exemptions

Antennas and antenna support structures for federally licensed amateur radio operators are hereby exempted from those provisions of this ordinance found by the Planning Commission to be applicable in any particular case. Application would have to be made for this exemption to demonstrate that the applicant is federally licensed and why strict conformance with the standards would interfere with the operator’s ability to receive or transmit signals or impose unreasonable costs on the amateur radio operator. The application must be accompanied by:

- a. Site plans drawn to scale and dimensions showing the proposed location of the antenna.*
- b. Manufacturer’s specifications of the antenna structure.*
- c. Details of footings and supports.*
- d. If applicable, details of attaching or fixing the antenna to the roof.*
- e. Elevations drawn to scale and dimensioned so as to fully describe the proposed structure.*

Mr. Peterson is going to send the white paper to the Town Council to review.

Mr. Peterson noted that he going to receive feedback from the Town Manager on portable on demand storage units (PODs) and the definition on recreational vehicles (RVs).

Review of Chapter 395 on Appropriate Driveway Material

The Committee discussed in what section of the Code an ordinance can be added to eliminate untreated clam shells from being used as driveway material.

Mr. Peterson advised that the only place it would be appropriate is in Section 395-32: Residential driveways.

The Committee discussed other possible sections of the Code where this material could be included.

Mr. Killmer suggested adding verbiage to *Section 475- 30 (A): Exterior property areas*, which currently reads:

A. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Motion to Adjourn

Mr. Moore made a motion to adjourn the meeting. Seconded by Mr. Loppatto, the motion was unanimously approved.

The meeting was adjourned at 2:30 p.m.

Respectfully Submitted:

Lindsey Shallcross, Admin. Secretary