

**Town of Bethany Beach
Planning Commission Minutes
August 18, 2007**

The Bethany Beach Planning Commission held a meeting on Saturday, August 18, 2007 in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Kathleen Mink, who presided, Lew Killmer, Donald Doyle, Lonny Moore and Fulton Loppatto.

Also present: Mayor Carol Olmstead, Councilman Tracy Mulligan, Councilman Steve Wode, Patricia Titus of the Coastal Point, John Eckrich, Building Inspector, Seville Pettit, Administrative Secretary and interested members of the public.

The meeting was called to order at 9:05 a.m.

OPENING OF MEETING

Approval of Agenda

Mr. Doyle made a motion to approve the agenda. The motion was seconded by Mr. Loppatto and unanimously approved.

Discussion/ Approval of Planning Commission Minutes dated July 21, 2007

Mr. Doyle made a motion to approve the minutes. The motion was seconded by Mr. Killmer and unanimously approved.

Announcements/ Comments/ Updates

Commercial Design Review Committee (CDRC) (Doyle)

Mr. Doyle reported that there was no meeting held in the month of July.

Mr. Killmer added that the CDRC was expected to receive final plans from the Blue Surf Condominiums and Shops project. There are a number of design revisions that were requested by state agencies that will be included in the updated plans.

Mr. Eckrich reported that he has just received the updated plans for the Blue Surf project. In the latest submission there will be two restaurants on the premises as well as placing the electrical transformer on the property rather than on Town property as was originally requested as well as seven less condominium units.

Town Council & other Town news (Killmer)

Mr. Killmer noted that there were a number of updates to current ordinances approved by the Town Council that involved the cost of fines and penalties relating to traffic and vehicular citations. In addition, the Town received grant monies from Sussex County and the Town Council approved the use of those funds for the purchase of a new vehicle for the police department. The Town Council also agreed on the method to be used in appointing a replacement Town Council member in the event that a member of the Town Council retires, resigns or is removed from office.

Comments, Questions & Answers discussion for Planning Commission Members

There was no discussion at this time.

PUBLIC COMMENT/ QUESTIONS

Mr. and Mrs. Eric Mendoza of the Lake Bethany section of Town notified the Planning Commission that they along with a number of other Town residents were given notices for having an oversize boat trailer on their property. The Town Code (§245-17.C) states that a trailer cannot be wider than 6 feet and longer than 25 feet. The Mendoza's presented data that suggests that the Town's regulations are unsafe, do not comply with Federal and State guidelines. They have requested that the Town change the ordinance to the State and Federal regulations as well as rescinding the notice issued by the Code Enforcement Officer.

NEW BUSINESS

Discussion and possible vote on amending 245-17.C. (which prescribes the Maximum width and length of trailers used to hold or transport pleasure boats) to bring the Bethany Beach regulation in alignment with State regulation. (Doyle)

Mr. Doyle noted that a person in town complained that the Town was not enforcing the regulations regarding trailers parked on private property. The Town Code Enforcement followed up on the complaint and based on the current code, issued a number of notices for those residents who had boat trailers parked on their properties that were in violation.

Mr. Doyle also stated that until he spoke with Mr. and Mrs. Mendoza, residents of Lake Bethany about a problem, he did not know that there was an issue with the width of a boat trailer. In further conversation Mr. Doyle asked if Mr. and Mrs. Mendoza would research the boat trailer issue. The research was done and the information was presented at the meeting.

Mr. Loppatto questioned if the concerns were with the size of the boats and trailers or just the trailers.

Mr. Doyle answered by stating the problem with the ordinances is that it does not address all of the issues, it only covers the trailers. The way the ordinance is written now, it does not require the entire Town to limit the size of a boat if it is not sitting on a trailer. The trailer is the only one that can be limited.

Ms. Mink commented the ordinance does not allow safe transporting of the boat.

Mr. Doyle added that he spoke to the Town Manager about this issue and it is important to have the right allowance for residents to park their boats and trailers, however the Town does not want to encourage residents to put nautical devices in front of their houses.

Mr. Eckrich asked if he could review this with the Town Manager and the Code Enforcement Officer a little further and expand on some things. Definitions should be added to the section with the boats, pleasure boats, personal water crafts, kayaks and canoes. Also the surface that the boat will be parked on will have to be defined. Lastly, whether a boat and trailer should be permitted to park in the public's right-of-way.

Discussion and possible vote on recommending to the Town Council that Planning Commission membership be increased to six, with the Town Council representative Becoming an Associate Member with no voting rights. (Killmer)

Mr. Killmer reported that after reviewing Chapter 40 in the General Code, he realized that it does not adequately describe the actual duties, areas of responsibilities as well as limitations of the Planning Commission.

After reviewing the ordinances of the seventeen municipalities that have their Town Codes on the internet, Mr. Killmer reported that 15 municipalities that have three-year terms for member of the Planning Commission while Bethany Beach has two-year terms. Bethany Beach is the only municipality that has an elected official as a voting member on the Planning Commission. If the members of the Planning Commissions favor the changes that are proposed for Chapter 40 of the Town Code, the proposal would be forwarded to the Town Council for the comments and hopefully their approval.

Ms. Mink reminded the Planning Commissioners that this is a three element proposal which includes the ex-officio membership, three-year term and the added duties and responsibilities.

Mr. Doyle made a motion to send the proposed changes of Chapter 40 of the General Code to the Town Council for approval. The motion was seconded by Mr. Moore and was unanimous.

Discussion on start-up activities required to field a Town-wide survey (residents, Residential and commercial property owners, business owners) in 2008, tied to item IV.A.3. (vision of Bethany Beach's future) (Mink)

Ms. Mink advised that the survey would consist of opinions, thoughts and suggestions from residential, commercial and business property owners.

Mr. Loppatto agreed with the survey to interact with the public for their opinions to create a vision of Bethany Beach.

Ms. Mink stated this will be a Town-wide mailed survey at this time. In order for the survey to be successful, it will have to go to everyone in the Town.

OLD BUSINESS

***Update of each Planning Commissioner's Special Project.
Loppatto-Interactive web site (eGovt)***

Mr. Loppatto reported that he received some comments and would like to receive more from the Town Council. The biggest issue that needs work is interactivity between the government and the citizens.

Mr. Loppatto asked the Planning Commissioners to pick the sections they want to work on and he will elaborate on them.

Moore - Updated requirements for PRDs

Tabled until the month of September.

Doyle-vision of Bethany Beach's future (what are we today and to what are we evolving) to serve as our longer-term planning assumption.

Mr. Doyle reported he is waiting on some input on the previous information that was provided. He presented the Planning Commissioners with some more information for discussion. The primary reason for the information was to focus on the various issues and expand on them.

Killmer-development of strong communications between the business Community and the Planning Commission

Mr. Killmer reported that after having several conversations with Diane Laird coordinator of the Delaware's Mainstreet Project, he was referred to Mr. Rick Ferrell who is a consultant that the state uses for developing better working relationships between governments and the private sector.

Ms. Mink announced that Mr. Killmer will be leaving the Planning Commission as the representative from the Town Council.

Ms. Mink questioned if the Planning Commission would like to hand this issue over to the new representative of the Town Council.

Mr. Moore made a motion to let the next Town Council representative on the Planning Commission this effort in the future. The motion was seconded by Mr. Doyle and the motion unanimous.

Mink-identification of Comprehensive Plan's recommendations needing Development of new regulations

Ms. Mink reported that there were no actions that the Planning Commission needing to take in the development or updated in regulations in Chapter 200 and in Chapter 245.

Ms. Mink provided the Planning Commissioners with information for review. Ms. Mink suggested removal from the Comprehensive Plan if there is no action.

Killmer & Moore-town-wide pedestrian walkways

Mr. Killmer reported the survey is finished and he is in the process of talking to various contractors for future cost. There will need to be a meeting with the Town Manager,

Director of Public Works and the Building Inspector to come up with a proposal on funding this project.

ADJOURN

Mr. Killmer made a motion to adjourn. The motion was seconded by Mr. Doyle and unanimously approved. The meeting was adjourned at 11:11 a.m.

Respectfully Submitted,

Seville Pettit
Administrative Secretary