

Charter and Ordinance Review Committee
Meeting Minutes
February 15, 2007

The Bethany Beach Charter and Ordinance Review Committee held a meeting on Thursday, February 15, 2007 in the Town Meeting Room.

Members present: Tony McClenny, Chairman, who presided: Jerry Dorfman, John Gaughan, and Chuck Peterson. Excused: Fulton Loppatto, Dowell Anders, Paul Denault, Jim Etcechury.

Also present: John Eckrich, Building Inspector; JoAnna Nichols, Administrative Secretary and interested members of the public.

Call to Order

Mr. McClenny called the meeting to order at 2:00 p.m.

Approval of the Agenda

Mr. McClenny made a motion that New Business, Chapter 76 Brush and Grass be discussed first since Brett Warner and Barry English were in attendance.

No objections were made and the motion was so moved.

New Business

Mr. English explained that cattails, bamboo, and phragmites growing throughout the town have become more of a code enforcement issue. Bamboo and phragmites are known as “invasive” or nuisance plants. The current regulation, which is not a town regulation, reads you can grow bamboo plants on your property but it cannot spread to your neighbors. Mr. English explained that these plants are not only capable of fermenting but there is also a chance they can ignite or light off under the right circumstances. Mr. McClenny concurred with Mr. English and stated he spoke with the fire department and they agree these plants can be quite hazardous.

Mr. Warner added he too is concerned about this situation due to the fact houses throughout town are exceptionally close together but also because if by chance a cigarette butt blows into the underbrush of one of these plants, a fire could erupt and quickly spread.

Mr. Gaughan suggested identifying the three plants the town is concerned with presently. If in the future other “invasive plants” surface, amend the ordinance at that point. Mr. Killmer concurred with Mr. Gaughan.

Mr. Eckrich added there would always be challenges in maintaining a town. He used the example of those people who currently have bamboo (clean and contained) on their property as they may be the ones who do not agree with this change. Overall, Mr. Eckrich said it is necessary.

Mr. Dorfman made a motion to amend Chapter 179-1G that adds the wording “grown”. *UNDERBRUSH, RUBBISH, TALL GRASS, BAMBOO, CATTAILS AND HRAGMITES. All lots shall be kept free from dense underbrush, rubbish, tall grass, bamboo, cattails, phragmites, fallen timber, fences, or any other conditions as defined in chapter 76, brush and grass, which may change the natural flow of surface water or constitute a fire hazard or are unsanitary or are prejudicial or detrimental to the health and welfare of the population or adjacent property owner or owners.*

The motion was seconded by Mr. Gaughan and unanimously approved.

Proposed addition to Section 76-2

Referring to the handout Mr. McClenny distributed and after little discussion, committee members agreed to add Section 76-2.A which reads: *It shall be unlawful for the owner of any property or the tenant of any owner to plant, maintain or permit the grown of bamboo, cattails and phragmites and such grown is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Bethany Beach and a common and public nuisance.*

Mr. Peterson made a motion to add Section 76-2.A. The motion was seconded by Mr. Gaughan and unanimously approved.

Mr. McClenny thanked Mr. Warner and Mr. English for attending today’s meeting, and the input they provided.

Approval of the Minutes from January 18, 2007

Mr. Gaughan made a motion to approve the minutes as amended. The motion was seconded by Mr. Dorfman and unanimously approved.

Town Code, Chapter 232 Article II Absentee Ballot Procedure, Status Report

Mr. McClenny announced that correspondence had been received from the Attorney General and the Town Solicitor in regards to the Absentee Ballot Procedure. Although there has been a delay on the end of Frank Calio, Mr. McClenny hopes to move forward by the next meeting.

Mr. Killmer added that this matter is very time sensitive and should be completed as quickly as possible. Mr. McClenny stated his comment was so noted.

Town Charter, Chapter 24 Referendum, Review Draft Legislation

Mr. McClenny circulated the Current Document Language of Chapter 24 along with the Proposed Document Modifications, and recommended viewing them side by side to compare the differences.

Starting with Section 24.1 through 24.X (Referendum Power; Qualified Voters; Petitioner; Circulator)

Committee members agreed to use the proposed document modification, as this was *clearer* to understand.

Section 24.3 (Referendum Petition)

Committee members agreed to use the proposed document modification but change the second sentence slightly.

Mr. Peterson made a motion to change Section 24.3 so it now reads **The Town shall create a form that can be downloaded into a word document or PDF file (format).** The motion was seconded by Mr. Dorfman and unanimously approved.

Section 24.4.4 (Referendum Election/ Petition)

Mr. McClenny stated that after further research on the internet, he found the wording on this petition seemed standard to what majorities are doing. Mr. Killmer disagreed and felt it was somewhat redundant. Mr. Gaughan asked Dan Costello (a member of the audience) what his opinion was, due to his involvement with the previous election.

Mr. Costello said he did not see the need of changing this ordinance. Regarding the number of signatures per petition page, Mr. Costello stated that twenty or more names show the individual being onerous to what they are voting for.

Mr. Peterson made a point, which was well accepted by all committee members, and that was the issue of privacy. Mr. Peterson stated some people might not want others who sign after them to know whether they are in support of that particular petition.

Mr. Costello asked the committee to be more specific (i.e. names of those who complained during the last election) as to why these changes have been initiated. Mr. McClenny stated he appreciated Mr. Costello's comments, however, the precise number and/or names were not important and the final decision was up to this committee.

Section 24.4.4(d) (Ballot Form)

After brief discussion, the majority of the committee members felt it was best to keep the current language.

Although no motion was made, Mr. McClenny asked for those in favor and for those who opposed. Mr. Dorfman and Mr. Peterson were in favor, and Mr. Gaughan opposed.

Therefore, the language for Section 24.4(d) will read - ***The form of the ballot of the said Election, whether the same be considered at the Annual Municipal Election or at a Special***

Election shall be as follows:

(Check your preference)

() For Repealing the Referred Ordinance

() Against Repealing the Referred Ordinance

In closing, Mr. McClenny said he hopes to spend more time on the subject of voting at next months meeting.

Mr. Dorfman made a motion to adjourn the meeting at 3:35 p.m. The motion was seconded by Mr. Peterson and unanimously approved. The next scheduled meeting will be Thursday, March 15, 2007 at 2:00 pm.

Respectfully submitted:

JoAnna Nichols
Administrative Secretary