

**Town of Bethany Beach
Planning Commission Minutes
March 21, 2015**

The Bethany Beach Planning Commission held a meeting on March 21, 2015 at 9:00 a.m. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, Chairman, who presided; Mike Boswell; Diane Fogash; Fulton Loppatto; Jerry Morris; and John Gaughan.

Also present: Susan Frederick, Building Inspector; Bruce Frye, Council member; Nathalie Fernandes, Administrative Assistant; and interested members of the public.

OPENING OF MEETING

Mr. Killmer called the meeting to order at 9:00 a.m. The Pledge of Allegiance was recited.

Approval of Agenda

Ms. Fogash made a motion to approve the agenda. The motion was seconded by Mr. Morris and unanimously approved.

Discussion/Approval of the Planning Commission Minutes of January 17, 2015

Mr. Morris made a motion to approve the minutes dated January 17, 2015. The motion was seconded by Ms. Fogash and unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Killmer/Morris)

Mr. Killmer reported the following:

There was no Non-Residential Design Review Committee meeting held.

Comments/Updates Regarding the March Town Council Meeting (Killmer)

Mr. Killmer reported the following:

The Town Council met on March 20, 2015. They approved the Budget with some modifications.

- The Holiday tree was initially budgeted for \$40,000 but was approved to be up to \$22,000.
- The original budget was not accepted for the Water Pump House Tower next to original water tower, which was \$1 million. Approval was made for \$459,000.
- Approval was also made for the budget for 1 police car and one new town car. The insurance covered most except \$7,000.
- The historic color of the Bethany Beach Town flag was white, but because it fades quickly, approval to change the background to blue was made.

- The Town Council went into an Executive Session as well.

Comments, Q&A and Discussion for Planning Commissioner Members (All)

There were no comments or questions at this time.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

Councilmember Bruce Frye added that during the Town Council meeting he spoke in regards to the American Shore and Beach Preservation event he attended in Washington, DC.

NEW BUSINESS

Proposal to Update Chapter §530-4(H) Temporary Signs in the C-1, C-2 and CL-1 Commercial Zoning District as well as Chapter §530-12(F) Permitted Signs in the C-1, C-2 and CL-1 Commercial Districts (Windblown Displays).

Ms. Frederick explained that the Town Code prohibits certain banners but allows windblown displays. Throughout Town, many windblown displays have never come down and this update would help to regulate that. The issue had come up when a business owner with two businesses in one storefront wanted to use a banner for his second business.

Mr. Killmer added that it is an attempt to get around amount of signs that are permitted at each business and it does not show a very positive outlook on the business community.

The proposal was discussed page by page.

The first page is the current Ordinance §530-12 Permitted Signs in the C-1 and C-2 Commercial Districts. The focus is on Part F, Windblown displays. Pages two through three are the following proposed changes:

- F. Windblown displays, including but not limited to any banner, pennant, gas balloon or flag that is designed to inform or attract attention are prohibited (except for exempt flags). However, temporary event signs, pennants, flags and banners that are used in conjunction with commercial and non-commercial events as well as in-store special sales events may be permitted in the C-1 C-2 and CL-1 Zoning Districts but only upon written application to and approval by the Building Inspector and subject to the following limitations:
 - Sections 1-4 have updated verbiage
 - Section 5 will be removed and updated to the following:
 - (5) A no fee sign permit for windblown displays are required and are valid for a period no longer than fifteen (15) business days and not more than one (1) permit shall be issued for the same premises more frequently than four (4) times a year for a total of sixty (60) days in a calendar year.

- (6) Windblown displays shall be removed within three (3) days of the expiration of the time period. No product shall be advertised on the windblown display unless it is sold in the business.

Mr. Killmer explained that there is no need for the former Section 5 because it gave people an exemption. He stated that in other towns, windblown displays are used to advertise sales or holiday events; they should not be a year round sign. With this update, there is more control over the signs and businesses will still be allowed to have them, but only for a certain amount of time.

Mr. Killmer added that with the new software the Town will be implementing, Spring Brook, which will allow the Town to be able to easily follow along to see who has the signs up and when they are about to expire to notify the businesses.

Mr. Gaughan asked if there have been complaints from citizens, other than the inspector. Mr. Killmer replied that there have been complaints from other businesses.

Ms. Frederick stated that the particular business that brought this to her attention was one that wanted to have his contact information (email and phone number) displayed prominently on a banner. The sign was more of a billboard rather than a sign that was advertises the business location.

Mr. Morris asked if businesses wanted to have a windblown sign out for the entire month of July and August, with the proposed changes, they would be allowed to have the sign up 15 days and taken down for one, and put back up four total times. Mr. Killmer replied that technically they are allowed to do so.

There was some discussion on whether they could have the windblown sign say “open” but the majority of windblown signs seen around Town do not say “open,” unless if done so during the construction done downtown.

This proposed update is only regulating windblown signs. It does not impact any other signs (store front, sandwich boards, etc.).

Mr. Loppatto made a grammatical suggestion that the new Section 5 should read, “A no fee sign permit for windblown displays shall be required and shall be valid for a period...”

Councilman Bruce Frye stated that Jerry Mueller Real Estate has windblown signs year round and asked if after this is approved if he would have to take them down. Mr. Killmer replied that the signs would have to be taken down, there will be no grandfathering.

Mr. Loppatto made a motion to approve the changes to the ordinance as stated. Ms. Fogash seconded the motion and it was unanimously approved.

The fourth page is the current Ordinance §530-4 Types of Signs Exempt From Sign Permit. The focus is on Part H, Temporary Signs. Pages four through five are the following proposed changes:

- H. Temporary signs in the C-1, C-2 and **CL-1** Commercial Districts
- (1) Limited to a total of **five (5)** temporary signs per business location **with no individual temporary sign larger than two (2) feet by two (2) feet.**
- Updated verbiage

Mr. Killmer explained that a sentence was needed to be added so that people would not take advantage of the scenario and put one twenty (20) foot square sign. He added that number two could be eliminated. The purpose of this update is to still allow a temporary sign, but not to take advantage of the size.

Mr. Morris made a motion to approve the changes to the ordinance as stated and omit section 2. Mr. Boswell seconded the motion and it was unanimously approved.

OLD BUSINESS

There was no old business.

Since nothing is pending for the month of April, the Planning Commission will not meet. Confirmation dates were made for: May 16, June 20, and July 18. If there are any conflicts, a date change can be made.

There was some discussion in regards with the sale of the Addy/Cooper property, as well as the construction of the Bethany Beach Ocean Suites Hotel.

SUMMARY OF ACTION ITEMS

- A. Accept updates made to Chapter §530-4(H) Temporary Signs in the C-1, C-2 and CL-1 Commercial Zoning District as well as Chapter §530-12(F) Permitted Signs in the C-1, C-2 and CL-1 Commercial Districts (Windblown Displays).

ADJOURN

Mr. Morris made a motion to adjourn the meeting. Mr. Gaughan seconded the motion and it was unanimously approved. The meeting was adjourned at 9:32 a.m.

Respectfully Submitted:

Nathalie Fernandes
Administrative Assistant