

<b>TOWN OF SOUTH BETHANY TOWN COUNCIL WORKSHOP MEETING MINUTES JUNE 23, 2016</b>
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**MEETING CALLED TO ORDER**

Mayor Voveris called the June 23, 2016, Town Council Workshop Meeting to order at 2:23 p.m. following the Public Hearing to receive public input regarding Ordinance 181-16.

**ATTENDANCE**

PRESENT: Council Members Sue Callaway, Don Boteler, Wayne Schrader, Frank Weisgerber and Mayor Pat Voveris; Town Manager Melvin Cusick; Police Chief Troy Crowson; and Administrative Assistant Pam Smith

EXCUSED ABSENCE: Council Member Tim Shaw

REMOTE ACCESS: Council Member Carol Stevenson

The Mayor welcomed Councilman Boteler to his first meeting as a new Council member.

**THIRD READING AND POSSIBLE VOTE ON ORDINANCE 181-16 TO AMEND THE CODE OF THE TOWN OF SOUTH BETHANY, CHAPTER 145, ZONING, ARTICLE III, "DEFINITIONS", ARTICLE V, "NON-CONFORMING USES", AND ARTICLE X, "DIMENSIONAL REQUIREMENTS", TO ELIMINATE THE RESTRICTIONS ON BATHROOMS IN HOUSES IN THE TOWN OF SOUTH BETHANY.**

The Mayor brought forward this ordinance and explained the amended ordinance is to eliminate the restriction on the number of allowed bathrooms and has copy stricken on page 2 and page 3. The Mayor asked for any comments/questions from Council and there were none. She then asked if there was anything further from the audience and there was not. The Mayor declared this the third reading of Ordinance 181-16 and asked Council to go ahead with a vote.

**Motion and Vote:** Councilman Weisgerber made the motion to approve the ordinance.

Councilman Schrader seconded the motion.

The motion was unanimously carried by a roll call vote to approve the ordinance into law.

**PUBLIC COMMENT PERIOD**

There were no comments from the public.

**ADOPTION OF MINUTES**

- **Town Council Workshop Meeting Minutes, May 26, 2016** – A motion was made by Councilman Weisgerber, seconded by Councilman Schrader, to accept the May 26, 2016, Town Council Workshop Meeting Minutes. After discussion (see below), the motion was unanimously carried with a roll call vote and the minutes were adopted with no changes.

During discussion Councilman Boteler suggested there might be a typo with all meeting dates shown as the same day in May but the Mayor clarified there were a number of meetings due to the bathroom ordinance issue and all the meetings were the same day in May.

- **Town Council Regular Meeting Minutes, June 10, 2016** – A motion was made by Councilwoman Callaway, seconded by Councilman Schrader, to accept the June 10, 2016, Town Council Regular Meeting Minutes. After discussion (see below) the motion was unanimously carried with a roll call vote for the minutes to be adopted with the added change.

During discussion Councilwoman Callaway noted that on page 4 Dave Wilson listed his committee members and acknowledged their efforts at some point of his presentation and it would be important to include this to show the diversity of the committee. The Mayor then suggested his comment be added at the beginning of his presentation and Council move forward with a vote to accept the minutes with change.

**DISCUSSION AND POSSIBLE VOTE ON PUTTING PROCEDURE IN PLACE WHERE MINUTES FROM A MEETING ARE MADE AVAILABLE FOR APPROVAL AT THE NEXT MEETING THAT FOLLOWS**

**Motion and Vote:** A motion was made by Councilwoman Callaway to put the procedure in place. Councilman Boteler seconded the motion.

There was no discussion from Council and no public comment and the motion was unanimously carried with a roll call vote.

**RESOLUTIONS – DISCUSSION AND POSSIBLE VOTE ON THE FOLLOWING:**

**A. RESOLUTION NO. 4-16, A RESOLUTION TO RECOGNIZE GEORGE JUNKIN**

**B. RESOLUTION NO. 5-16, A RESOLUTION TO RECOGNIZE TIM SAXTON**

The Mayor said any change to wording should be made now since these resolutions will be presented at the July Council Meeting.

**Motion and Vote:** A motion was made by Councilwoman Callaway to accept the resolutions. Councilman Weisgerber seconded the motion.

There was no discussion from Council and no public comment and the motion was unanimously carried with a roll call vote.

**DISCUSSION AND POSSIBLE VOTE ON TASKING THE CHARTER AND CODE COMMITTEE TO REVIEW THE ORDINANCE THAT SPEAKS TO REVOKING A RENTAL LICENSE**

**Motion and Vote:** A motion was made by Councilwoman Callaway to review the ordinance. Councilman Boteler seconded the motion.

After discussion (see below) the motion was unanimously voted down with a roll call vote.

The Mayor pointed out that the Town does not revoke rental licenses. The Police Department answers a complaint, fines on the second call, and evicts renters by the 3<sup>rd</sup> call and since the procedure works that does not penalize the owner should we address the ordinance language. Councilman Schrader pointed out the language in the ordinance allows for revoking but not as a requirement since it says “may” and this gives the ability to revoke if we so choose. It also gives us the right not to renew a rental license. Chief Crowson outlined his department’s practice and that eviction is done in conjunction with a real estate agent.

**Public Comment:** George Junkin 8 South 4<sup>th</sup> Street spoke in favor of the current ordinance. Bob Cestone 140 New Castle Drive spoke in favor of the current ordinance.

Town Manager Cusick also commented that maintenance issues as a threat to health have been cited and the threat of lifting a rental license has proven beneficial.

**DISCUSSION AND POSSIBLE VOTE ON OWNER REQUEST FOR A CUPOLA AND TASKING THE CHARTER AND CODE COMMITTEE WITH ORDINANCE TO INCLUDE CUPOLA (OR ADDING LANGUAGE TO THE TOWN CODE)**

The Mayor pointed out the request was not just for a decorative element since it houses an elevator shaft. In building a new house the owners have discretion and Council should consider maintaining rules on building height. Charter and Code Committee Chair John Fields pointed out a real cupola could be easily taken out with a Nor’easter and the requested cupola with an elevator shaft would take up much larger space than a normal cupola.

**Public Comment:** George Junkin 8 South 4<sup>th</sup> Street spoke against adding to ordinances.

Bob Cestone 140 New Castle Drive spoke against adding to ordinances.

The Mayor concluded the discussion has led to no need for cupola to be added to an ordinance.

**DISCUSSION AND POSSIBLE VOTE ON PROPOSED STREET LIGHT FOR W. 9<sup>TH</sup> STREET**

Town Manager Cusick explained a petition for a light came in on May 3<sup>rd</sup> and was followed up with survey letter sent to 12 properties on the street. Only 2 comments came in primarily against

the style of light and the majority of owners wanted the light with only 1 saying no to the addition of the light.

**Motion and Vote:** Councilman Boteler made the motion to install this light on W. 9<sup>th</sup> Street  
Councilwoman Callaway seconded the motion.

After discussion (see below) the motion was unanimously passed with a roll call vote.

Councilman Weisgerber asked for the exact location for the light and Town Manager Cusick referred him to the drawing in his Council packet and noted there was not much choice available.

#### **REVIEW OF COMPREHENSIVE PLAN**

The CP was projected on the screen with track changes. Councilwoman Stevenson's comments were left for the Mayor to read. The Mayor also noted Councilwoman Stevenson thanked the Planning Commission for all of their efforts. A page by page review took place with participation by Council and Planning Commission Chair Dick Oliver and member Joe Conway. The Mayor and Councilwoman Callaway made notations on all comments and agreed upon changes made during the discussion.

The Mayor said the document to include all changes but without visible track changes would be sent to Council and Planning the following week.

Planning Commission member Joe Conway commented that the impact of the County allowing development all around us should be considered in the CP to which the Town Manager noted the County does not maintain streets in municipalities. Planning Commission Chair Dick Oliver pointed out the CP should be posted to the Town website for public comment per state request.

The Mayor then noted the CP would go out in a News Update and the News Update would be posted in Bulletin Boards and the CP would be posted on the Town website.

#### **PUBLIC COMMENT PERIOD**

There were no comments from the public.

#### **ADJOURNMENT**

A motion was made by Councilman Weisgerber, seconded by Councilman Schrader, to adjourn the June 23, 2016, Town Council Workshop Meeting at 4:00 p.m. The motion was unanimously carried with a roll call vote.