

## **TOWN OF FENWICK ISLAND, DELAWARE**

Minutes of the April 25, 2014, Regular Council Meeting

Call to Order and Flag Salute at 3:30 p.m. by Mayor Serio

*Council in Attendance: Gene Langan, Diane Tingle, Bill Weistling, Audrey Serio, Gardner Bunting, Todd Smallwood and Roy Williams*

*Staff in Attendance: Town Manager Burke, Building Official Schuchman, Town Clerk Poole, Sgt. John Devlin and Public Works Department Supervisor Reed*

### **PRESIDENT'S REPORT**

- Mayor Serio introduced Mr. Ron Wuslich, Co-Founder & President, Inland Bay Foundation, who wished to address the Council and the public. The mission of the Inland Bays Foundation is to advocate and promote the restoration of the inland bays watershed by conducting public outreach and education. There will be a meeting at the South Coastal Library on May 15<sup>th</sup> at 6:30 p.m. with a seminar on Coastal Sea Level Rise, open to the public. Mayor Serio stated that the Town would send one person from Council for support.
- Mayor Serio noted our recognition in the *Coastal Point*, referencing the April 11<sup>th</sup> article in the editorial section, "Fenwick Island becoming a model town". The article stated, "It is vitally important for all our towns to continue to find new ways to grow while maintaining the charm and tradition that made the area so desirable to begin with over the years. Kudos to Fenwick Island for acting accordingly".
- Arbor Day - Mayor Serio stated the Town was again named as a Tree City USA for 2013. She read, "On behalf of the Arbor Day Foundation, I write to congratulate Fenwick Island on earning recognition as a 2013 Tree City USA. Resident of Fenwick Island ought to be proud to live in a community that makes planting and care of trees a priority. The community joins more than 3,400 Tree City USAs with a combined population of 140 million. The Tree City USA Program is sponsored by the Arbor Day Foundation and partnership with the US Forest Service and the National Association of the State Foresters. This is the Town's 7<sup>th</sup> year of recognition.
- New Ambulance Unit – Mayor Serio and Town Manager Burke attended the meeting for the sponsors of the ambulance service. The new ambulance is in service along with the two other ambulance units. Bethany Beach Volunteer Fire Company will be using the new unit as a first responder to work out all the issues before the summer season. There will be an EMS Days Open House at the Bethany Beach Volunteer Fire Company on May 10th from 10:00 a.m. – 2:00 p.m.
- Mayor Serio announced that the Building Official, Pat Schuchman, will be out for surgery from mid-May till mid-August. In her absence, please contact Town Manager Burke or staff for assistance.

### **TOPICS FOR DISCUSSION AND POSSIBLE ACTION**

*Approved  
5.23.2014 with  
changes*

- Fenwick Island Arbor Day – Town Manager Burke noted the dedication and hard work of the Public Works Department, Town Staff and Council for doing a variety of things, including obtaining a tree grant. One of the projects was to re-plant the front of Town Hall with new landscaping and to replace the holiday light tree at the Fenwick Island Community Park. Also, Cannon Street Park has several new trees. The Town also received a free tree from the Arbor Day Foundation which was planted at Cannon Street Park. On April 25, 2014 The Fenwick Island Town Council Passed the Following Resolution, #63-2014, Arbor Day 2014.

**Whereas**, J. Sterling Mortin established the first Arbor Day on April 10, 1872 in his home state of Nebraska to urge Americans to stop misusing their natural resources and begin to practice conservation by planting trees; and

**Whereas**, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**Whereas**, Arbor Day is now observed throughout the nation and the world, and

**Whereas**, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperatures, clean the air, produce oxygen and provide habitat for wildlife, and

**Whereas**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**Whereas**, trees, wherever they are planted, are a source of joy and spiritual renewal,

**Whereas**, the Town Council, of the Town of Fenwick Island, desires to urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

**Therefore**, the Town Council, of the Town of Fenwick Island, on behalf of the citizens and property owners of the Town of Fenwick Island, in order to accomplish this goal, do hereby establish for this purpose, and do hereby proclaim **April 26, 2014**, as Arbor Day in the Town of Fenwick Island, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

**Motion** – Motion made by Council Member Bunting to approve Arbor Day Resolution #63-2014

**Second** – Council Member Smallwood

**Discussion** – none

**Vote** – (7-0)

*Approved  
5.23.2014 with  
changes*

**Approval of Minutes:** Motion made to approve the Minutes of March 28, 2014 - Council Member Weistling

**Second** – Council Member Langan

**Discussion** - none

**Vote:** (7-0)

### **TREASURER’S REPORT**

Council Member Bunting stated that after reviewing the current numbers that the Town is still within its projected range for the budget.

**Motion** – Motion made to approve the Treasurer’s Report - Council Member Langan

**Second** – Council Member Smallwood

**Discussion** – Council Member Weistling asked about the upcoming FY 2015 Budget meeting. Council Member Bunting stated they are working on a future date that would work for the Budget Committee.

**Vote** – (7-0)

### **TOWN MANAGER’S REPORT**

#### **Finance**

- As of April 23, 2014, the overdue taxes total \$10,109.46 including \$3,631.00 owed by Samanda Properties from the 2012/2013 tax year.
- Town management is preparing the FY 2015 Financial Plan for the first Town Budget Committee meeting in May.

#### **Projects (with grant information)**

- **Town Hall Rain Garden project (DNREC) grant, no match**
  - DNREC will design and install the rain garden in front of Town Hall by May 30, 2014.
- **Information Technology (FY 14 Capital project)**
  - Town management is continuing website design upgrades and researching online purchasing for future transactions.
- **Drainage / Stormwater (2014 projects)**
  - W. Dagsboro Street – DNREC approved the grant application to improve drainage and increase water quality on W. Dagsboro Street.
  - Bay Street – the project was moved to FY 2015 as the Sussex Conservation District (SCD) does not have funding in fiscal year 2014.
- **2014 Beach Services and Concessions**
  - The approved vendors were contacted and meetings have been scheduled to execute contracts / submit required documents.
- **Rack Cards (Parking and General Information)**
  - The parking permit rack card will be finalized by the end of April with 4,000 copies printed before May 15. The general information rack card should be finalized and printed before Memorial Day.
- **BBVFC EMS**

Approved  
5.23.2014 with  
changes

- o The new ambulance is in service and the BBVFC EMS is prepared for the upcoming summer season.

#### **Grant Funding (approved)**

- DNREC Coastal Programs Grant (\$10,000.00, 50% match)
  - o The funds will pay for a Sea Level Rise Vulnerability Assessment to be performed by URS Corporation. The project delivery date is October 2014.
- DNREC Surface Water Matching Planning Grant (\$22,000.00, 50% match)
  - o The funds will pay for 50% of the W. Dagsboro Street engineering expenses.

#### **Meetings, Workshops and Conferences**

- The Town Manager represented the Town of Fenwick Island at the following meetings:
  - o April 3-4 International City Management Association (ICMA) regional conference at Princeton, NJ
  - o April 24 Bethany Beach Volunteer Fire Company / EMS meeting

#### **DEPARTMENT REPORTS**

- **Building Official** – The March report was included in the Council meeting packet. In March the Town issued 20 outside contractor’s licenses, 3 resident merchant licenses, and 2 renter’s licenses.
- **Public Works** – The report was included in the Council meeting packet.
- **Beach Patrol** – The report was included in the Council meeting packet. Beach Patrol Captain Ferry stated that he filled the 3 open positions and everything is on track for the summer season.
- **Police Department** – The report was included in the Council meeting packet. Sgt. Devlin informed the community about a Fraud Alert. The Department has been advised of information being distributed along Bunting Avenue. If anyone receives anything addressed to a different name at their address, please contact Sgt. Devlin immediately.

#### **TOWN COMMITTEE REPORTS**

- **Charter & Ordinance** – Council Member Weistling
- **Chapter 160—5A (12) – (Zoning) – Fixed Items 0 (Second Reading)**  
**EXISTING:**

*Chapter 160-6C: (to be rescinded)*

*All free-standing structures, including but not limited to, boardwalks, propane tanks, ground level decks, sheds and trash enclosures, must be either properly anchored using an auger type anchor a minimum of two feet in the ground, proper footings designed to resist floatation,*

collapse or permanent lateral movement, or an anchor-system design approved by the Building Official. In accordance with Delaware Code, Title 26, (Chapter 8 – UNDERGROUND UTILITY DAMAGE PREVENTION AND SAFETY ACT), “Miss Utility” must be contacted at 1-800-282-8555 before proceeding with any anchoring. Effective date for proper anchoring of free-standing structures as indicated above shall be no later than June 1, 2014.

**PROPOSED:**

§ 160-2B. Definitions and word use.

Insert:

**FIXED ITEMS** – Any items including, but not limited to, decks, walkways, boardwalks, sheds and trash enclosures, which are designed to be a permanent part of the property.

§ 160-8A. General regulations; exceptions.

**Add:**

(12) In new construction, all fixed items not located at or above base flood elevation and designed to be a permanent part of the property shall either be properly anchored using an auger type of anchor a minimum of two feet in the ground, proper footings designed to resist floatation, collapse or permanent lateral movement, or an anchor system design approved by the Building Official. In accordance with Delaware Code, Title 26, (Chapter 8 – UNDERGROUND UTILITY DAMAGE PREVENTION AND SAFETY ACT), “Miss Utility” must be contact at 1-800-282-8555 before proceeding with any anchoring. Existing fixed items such as listed above are recommended to be anchored but are not required.

**Motion** – Motion made by Council Member Weistling for the 2<sup>nd</sup> reading to be included in the minutes.

**Second** - Council Member Langan

**Discussion** - none

**Vote** – Council polled – (7 I’s)

• **Chapter 52 – (Beaches) – Smoking – (First Reading)**

**Article I (Terms Defined):**

**Add:**

§ 52-1. Definitions.

**SMOKING** – *The burning of a cigarette, cigar, pipe or other matter or substance that contains tobacco.*

*Article II (Activities Prohibited on Beach Within the Corporate Limits of Town):*

**Add:**

**§ 52-11. Smoking.**

*Smoking on the beach is prohibited.*

*Re-number existing § 52-11 (Violations and Penalties) as § 52-12.*

**Motion** – Motion made by Council Member Weistling for the First Reading to be included in the minutes.

**Second** – Council Member Langan

**Discussion** – Council Member Weistling noted that this was first entered in Peace and Good Order and for some reason it was not listed in the section for beaches.

**Vote** – (7-0)

- o Chapter 61 – (Building and Utility Construction ) – Issuance of permit – (First Reading)

**Chapter 61-9. Information required before issuance of permit.**

**Add:**

*L. Sidewalks approved by DELDOT, in compliance with ADA regulations and no less than five feet (5') in width or a DELDOT and ADA approved alternative are required for all new construction and substantial improvements in the Commercial Zone.*

**Motion** – Motion made by Council Member Weistling to add the First Reading into the minutes

**Second** - Council Member Langan

**Discussion** – Council Member Weistling stated that this is the first step in making an effort to get sidewalks in the Town. DelDOT does not have the money to proceed with the sidewalks so Town Manager Burke and Council Member Weistling along with several other Council Members have been working with DelDOT to keep pedestrians safely off the highway.

**Vote** – (7-0)

- Chapter 112 – (Parking) – Issuance of permit – (First Reading)

**Existing:**

**§ 112-5. Determination of Council; issuance of permits.**

*E. (Reserved)*

**Proposed:**

**§ 112-5. Determination of Council; issuance of permits.**

*E. Resident Merchant employee parking permits are available for a fee and shall be valid for bayside street parking only. Such permits may be purchased by Resident Merchant license holder only.*

**Motion** – Motion made by Council Member Weistling to add the First Reading into the minutes.

**Second** – Council Member Bunting

**Discussion** – Council Member Weistling stated that this recommendation came from the Ad Hoc Parking Committee. This will help free up some of the parking for the businesses' customers and utilize some of the bayside streets.

**Vote** – (7-0)

- **Beach Committee** – The Town Bonfire is scheduled for July 5<sup>th</sup> with a rain date of July 6<sup>th</sup>.
- **Environmental Committee** – Chair Mary Ellen Langan stated that the Environmental Committee met on April 10<sup>th</sup>. Volunteers signed up for the upcoming events and the cigarette butt count. They are also going to try, with Council approval, to coordinate an Environmental Committee Speaker Series. They would like to schedule the first one on June 27<sup>th</sup> prior to the Council meeting for about ½ hour. Hopefully, they can get someone from the Center for the Inland Bays to come and speak for about 20 minutes and then open the floor for questions. The next meeting will be June 19<sup>th</sup>.
- **Technology Committee** – Chair Gene Langan stated their next meeting will be June 10<sup>th</sup>. There will be presentations from several credit card vendors. With these presentations, the Committee should be able to make recommendations to Council as to whether or not it's feasible for the Town to take credit card payments. They are also working on the emergency notification system and will be discussing this at the June meeting.
- **Ad hoc Parking Committee** – Chair Gardner Bunting reported that they have had their last meeting until October. There was one motion passed at the last meeting to ask Charter & Ordinance Committee to consider an amendment to parking of vehicles with signage for long periods of time. Council Member Weistling stated that this will be addressed and discussed with the Town Manager Burke and Chief Boyden.
- **Planning Commission** – None
- **Old Business** – None
- **New Business** – None

**PUBLIC PARTICIPATION**

- Virginia Davidson – Sea Shell City – There is still parking issues at Sea Shell City. Some of the issues they had last year have already started this year. They have issues with taxi-cabs pulling

through our parking lot as well as sitting and waiting for the next fare. People are also parking in the Sea Schell City lot, going over to Ropewalk and when asked to leave are very disrespectful to the employees.

- Lynn Andrews – 1205 Schulz Rd. – Her concern is the parking lot on Dagsboro and the parking at the new restaurant that is replacing the House of Welsh. Mayor Serio stated that they have plenty of parking and it's going to be a very nice restaurant.
- Mike Quinn – 5 W. Houston – He would like the Charter & Ordinance Committee to look at the smoking ordinance in reference to e-cigarettes. Council Member Weistling stated that he had spoken to Chair Mary Ellen Langan (Environment Committee) in reference to this. ~~Until the Federal government does something, the Town cannot do anything.~~ The Town is waiting to see how the Federal Government proceeds in research and regulation before the Town will proceed. Mike Quinn questioned the Building Official reports on an elevator issue.
- Jay Kleman – Atlantic Shoals Surf Shop – he wanted to give back and support the local beaches through a clean-up. This clean up would take place on Friday, June 27, 2014 from 7 a.m. to 10 a.m. on the public beaches of Fenwick Island. The goal is to promote stewardship within the beach community with minimal impact to the natural system, as well as further outreach within the local community. Mayor Serio stated he did not need the Town's approval and any clean-up is greatly appreciated.

#### UPCOMING MEETINGS AND EVENTS

Mayor Serio announced the following upcoming meetings and events as follows:

- |          |                        |    |                                       |
|----------|------------------------|----|---------------------------------------|
| • May 6  | 9:30                   | AM | Charter & Ordinance Committee Meeting |
| • May 10 | 10:00 – 2:00           | PM | EMS Day Bethany Beach Fire Company    |
| • May 23 | 3:30                   | PM | Regular Council Meeting               |
| • May 26 | Memorial Day - Holiday |    | Town Hall Closed                      |

**Motion to adjourn** – Council Member Weistling

**Second** – Council Member Bunting

**Discussion** - None

**Vote** – (7-0)

Meeting adjourned at 4:35 p.m.

*\*Transcribed by Linda Poole, Town Clerk  
for Council Member Diane Tingle, Secretary*