

TOWN OF FENWICK ISLAND, DELAWARE

Minutes of the February 26, 2016, Regular Council Meeting

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

Council in Attendance: Gene Langan, Diane Tingle, Bill Weistling, Gardner Bunting, Julie Lee, Richard Mais

Excused Absence: Roy Williams

Staff in Attendance: Town Manager Burke, Town Clerk Poole, Public Works Supervisor Reed, Building Official Schuchman, Lieutenant John Devlin, Chief William Boyden

PRESIDENT'S REPORT

- Mayor Langan updated Council Members that DNREC has equipment on the beach moving sand. Unfortunately, the Army Corp of Engineers announced last week that no beach replenishment would occur in Fenwick Island until the fall of 2017. Dewey and Rehoboth Beach are scheduled for the fall of 2016. Mayor Langan and Town Manager Burke have been working with Senator Hocker, Representative Gray, Tony Pratt and Senator Carper to get funding assistance for Fenwick Island. Senator Hocker has written a letter to the Army Corp of Engineers that Bethany, South Bethany and Fenwick Island be included this year for beach replenishment. Fortunately, Fenwick Island had minimal damage compared to the other coastal towns, so the town is low priority even though the estimates are the town lost about 30-40% of the dunes.
- Senator Hocker noted that at some point the towns are going to have to start funding some of the beach replenishment. Mayor Langan stated that this will be an item to discuss in the upcoming budget meetings.
- Mayor Langan announced the Joshua Freeman Valor Award was presented to Lieutenant John Devlin. Lieutenant Devlin setup a charitable fund and collected over \$20,000 to assist Officer Lowe new son's medical needs. Along with his regular duties and working shifts for Officer Lowe, John was informed that his older brother was diagnosed with stage three throat cancer. So along with the extra work schedule, assisting Officer Lowe needs he commuted back and forth to Philadelphia to take care of his brother and assist with his medical needs and daily activity. Chief Boyden announced this is the third year a Fenwick Officer has won this award.
- Mayor Langan asked Town Manager Burke to present Employee Recognition Award Certificates to Chief William Boyden for 13 years of service. Chief Boyden announced a five year award to Sargent Parsons who was absent due to scheduling. Congratulations to both employees.

TOPICS FOR DISCUSSION AND POSSIBLE ACTION

- **Forestry Grant (application) – Town Manager Burke** – The Delaware Forest Service & Community Forestry Program is accepting grant applications, deadline to apply is March 4th. Town

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Manager Burke believes that this would be a good grant for the town to apply for. The grant is for trees only with a minimum of \$500 / maximum \$5,000 and is 100% funded. The staff has suggested several locations for new trees if Council is interested.

Motion – Motion made for Town Manager Burke to proceed with the Forest Grant Application – Council Member Weistling

Second – Council Member Mais

Discussion – None

Vote: (6-0)

- **DE Department of Agriculture Forest Service – Laura Yowell, Sussex Co. Forester** – Talked about the issues with the Black Pines in town. Ms. Yowell stated that after reviewing the trees in question, it was discovered the trees have pine wilt. Pine wilt takes a tree from being healthy and green to sudden browning and death of the pine tree. Pine wilt only affects the non-native pines such as black pine, scotch pines and Australian pines. There are two main pines in Fenwick Island, one is a black pine and the other is a loblolly pine. This is important as only the black pine gets pine wilt and there is no known treatment. Pine sawyers beetle feed on stressed and dying trees. Unfortunately many trees in the coastal areas are stressed due to sandy soils and saltwater intrusion. New construction can also damage tree roots without leaving visible damage to the trees. Once a tree is infected with pinewood nematode, complete removal is highly recommended. This means that the tree must be cut down and either chipped, burned or disposed of at a landfill.
- **FY 2016 Fee Schedule (amendment) – Town Manager Burke** – Parking Permit fees for the summer of 2016. Residents complained that the beach ends were crowded. Each property owner is issued one blue parking permit with the option of purchasing two additional permits. Suggestions of reducing the number of additional permits from two to one or increasing the cost from \$75 to \$150 were discussed. Most of the additional permits are purchased in May and June. Discussions continued between Council Members. Council Member Weistling thought the fee should be raised to \$150 but Council Member Lee stated that the fee was already raised to \$75 last year and she was not sure why an increase was necessary. Chief Boyden suggested parking stickers for the property owners. Council Member Weistling stated that makes it difficult for property owners who rent and allow their renter to use the property blue parking permit. Discussions will continue at the Budget Committee meetings.
- **Amend Resolution #37-2009 – Special Events (form) – Town Manager Burke** – The attached Resolution will amend the language that was passed on September 25, 2015.

NOTICE

Resolution #75-2016

Amendment to “Special Events” Rules & Regulations

On June 26, 2009, The Fenwick Island Town Council

Passed the Following Resolution #37-2009

Town of Fenwick Island “Special Event” Rules & Regulations

4. Police coverage will be required for all “Special Events” and the permit holder will incur an hourly expense for such coverage. A “Special Event” permit may not be issued to parties larger than 75 without the approval of the Town Council.
5. “Special Events” permit fees are non-refundable.

This wording will replace the changes as set in the Fee Schedule, September 25, 2015, for the “Special Events” Application Form Rules & Regulations as set by Resolution #75-2016.

Attest:

Linda M. Poole, Town Clerk

Eugene Langan, President of Council

Diane B. Tingle, Council Secretary

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed with the noted exception by the President and Council at a meeting on January 22, 2010, at which a quorum was present and voting throughout and the same is still in force and effect.

Date

Diane B. Tingle, Council Secretary

- **Motion** – Motion made to amend the Resolution # 37-2009 with corrected language – Council Member Tingle
- **Second** – Council Member Bunting
- **Discussion** – None
- **Vote: (6-0)**

APPROVAL OF MINUTES

Motion – Motion made to approve the Minutes of January 22, 2016 - Council Member Mais

Second – Council Member Lee

Discussion – None

Vote – (6-0)

TREASURER’S REPORT

February 2016 Monthly Report

Summary The monthly report is a summary of all account balances through **January 31, 2016** and other pertinent financial information since the prior month’s Town Council meeting.

Cash Balance

- Beginning cash balance 1/1/2016 \$2,689,822.78
- Ending cash balance 1/31/2016 \$2,537,379.27
- Reserve Realty Transfer Tax Funds \$1,470,811.61 **included above in cash balances*

FY 2016 Operating Budget (8/1/15-1/31/16)

- 85.62% of Budgeted Income
- 52.85% of Budgeted Expenses

Realty Transfer Tax (1.5% local tax)

- Taxes collected in December \$0
- Total taxes collected in FY16 \$56,543.59

Outstanding Property Taxes

- \$ 13,289.45

Revenue Highlights

- 99.3% of real estate property tax budget (collected \$0 in Jan)
- 102.51% of rental receipt tax budget (collected \$3,420.61 in Jan)
- 75.34% of parking violations budget (collected \$50.00 in Jan)

Municipal Street Aid Report

- \$1,292.99 in expenses (Delmarva Power)
- \$0 in expense (street repairs) MSA Balance \$44,189.66

Dedicated Street Fund Report

- \$15,674.48 (street repairs)
- \$0 Deposits *10% from RTT* DSF Balance \$40,735.64

Parks & Recreation Fund Report

- \$0 in expenses.
- \$0 Deposits *5% from RTT* Parks & Rec Balance \$3,276.63

Motion – Motion made to accept the Treasurer’s Report as read
Vote: (6-0)

Treasurer’s Report accepted by Council
TOWN MANAGER’S REPORT

Projects / Updates

- State funding was approved to pay for the FY 16 Street Maintenance Project; however due to the winter season the work has been postponed until March.
- Management is moving forward on the Town Hall lobby project that consists of new safety glass windows and new entrance doors with windows.
- Reviewed GIS Needs Assessment project with Mrs. Katy Maglio. She will present the final report on Friday, May 27.
- The Commercial District Affiliate Program Application was approved by the State of DE.
- Management is working on a 5-year Capital Improvement Plan Budget for the FY 17 Budget Committee meetings.
- Town management has started work on the draft FY 2017 Financial Plan and draft 5-Year Capital Improvement Plan Budget. Both documents will be discussed at the spring budget meetings.
- Town management is in the process of ordering parking permits for the season.
- The new website is in the development stage. The DE Government Information Center should have the website completed no later than May 27.
- The Town website and social media websites were updated accordingly.
- Town Clerk Poole has started to prepare the voter registration list for Council approval at the May 27 Council meeting.
- The spring newsletter will be posted on the website no later than April 30.
- The 2016 Election will be held on Saturday, August 6 from 1-5 pm at Town Hall.

Grant Applications (approved and pending)

- **2015 DNREC Recycling Grant (approved for \$2,689, 100% State of DE)**
 - o Grant purchases will be finalized by May 31.
- **2015 American Lung Association Grant (approved \$1,389, 100% State of DE)**
 - o Grant purchases will be finalized by May 31.
- **2015 DNREC DTF Grant (pending \$42,585, 50% Town of Fenwick Island match)**
 - o Town management executed the park proposal. Construction shall commence in 4-6 weeks. The project will be completed no later than May 27.
- **2015 DNREC Surface Water matching Planning Grant (in application process)**
 - o Town management will reapply for funding to engineer three (3) drainage projects along Route 1. Grant applications of up to \$50,000 will be considered with a 1:1 cash match requirement. March 17 deadline (FY 16 Capital Budgeted grant).

DEPARTMENT REPORTS

- **Building Official** – The January monthly reports were included in the Council meeting packet. Permits issued: Outside contractors 5, Resident Merchants 15 and rental licenses 32.
- **Public Works** – The January monthly report was included in the Council meeting packet.
- **Beach Patrol** – No report until March.
- **Police Department** – The January monthly report was included in the Council meeting packet. New vehicle has been put into service and the surplus vehicle was sold.

TOWN COMMITTEE REPORTS

- Council Member Weistling – Proposed Second Reading – AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ISSUANCE OF ANY PERMIT, LICENSE OR OTHER APPROVAL FOR OR INVOLVING NEW MOTEL / HOTEL USES IN THE TOWN OF FENWICK ISLAND: entered into the record.
- Council Member Weistling stated that this is a two year moratorium. The moratorium will be on new motel/hotel construction only; existing motel/hotel buildings will not be affected. The moratorium can be extended, modified or terminated at any time by a majority vote of all members of the Town Council. Without any action it will automatically dissolve two years from the adoption date of this ordinance. The purpose of this ordinance is to allow the Comprehensive Plan to discuss and consider in their new revision how the town should go forward with motel/hotels in the Town of Fenwick Island.

*Approved First Reading – December 11, 2015
Proposed Second Reading – February 26, 2016*

1AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ISSUANCE OF ANY PERMIT, LICENSE OR OTHER APPROVAL FOR OR INVOLVING NEW MOTEL/HOTEL USES IN THE TOWN OF FENWICK ISLAND.

WHEREAS, the Town of Fenwick Island currently allows motels/hotels as a permitted use in the Commercial Zone; and

WHEREAS, whether or not an expansion of the total number of motel/hotel uses in the Town, above and beyond the parcels already devoted to motel/hotel uses, is in the best interest of the Town has recently been the subject of much debate among the Town Council members, as well as the citizens of and property owners in the Town; and

WHEREAS, whether or not to expand the total number of motel/hotel uses in the Town has been a topic of discussion in years past as well, including, but not necessarily limited to, the 2006 to 2007 time frame when the Town adopted its Comprehensive Plan; and

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WHEREAS, the Town will soon begin the process of updating its Comprehensive Plan, as required by Title 22 of the Delaware Code, and the expansion of motel/hotel uses in the Town will be an important topic of discussion during said update process; and

WHEREAS, the Comprehensive Plan update process must be completed by June, 2017, in order for the Town to satisfy certain State-mandated deadlines, and will consist of multiple public meetings and/or hearings, as well as hiring a professional consultant to study the issue of motel/hotel uses and other land use planning issues with which the Town is faced; and

WHEREAS, in light of the ongoing debate about whether to expand the total number of motel/hotel uses in the Town and because the Comprehensive Plan update process may result in comprehensive and/or significant changes to the permitted land uses within the Commercial Zone, the Town Council deems it to be in the best interest of the Town to maintain the status quo of existing motel/hotel uses during the Comprehensive Plan update process; and

WHEREAS, the Town Council finds that maintaining the status quo of existing motel/hotel uses by placing a moratorium upon the issuance of any permit, license or other approval for or involving new motel/hotel uses in the Town for a period of two (2) years is the minimum time period necessary for the Town to complete the Comprehensive Plan update process and the period of plan implementation that often follows said process.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Fenwick Island, in session met, a quorum pertaining at all times thereto, that:

Section 1. A moratorium upon the issuance of any permit, license or other approval for or involving new motel/hotel uses in the Town is hereby imposed for a period of two (2) years after the date of adoption of this Ordinance, unless extended, modified, or terminated in accordance with this Ordinance. During the period of said moratorium, the Town's Building Official/Code Enforcement Official, as well as all other Town staff and boards, committees or commissions, shall not grant any approvals which would have, as the result, the establishment or development of any new motel/hotel uses in the Town.

Section 2. This moratorium shall not apply to existing motel/hotel uses in Town. The parcels in Town already devoted to motel/hotel uses, as of the adoption of this Ordinance, may continue to be used for a motel/hotel use and the owners/operators thereof may maintain, remodel, renovate, reconstruct and/or rebuild the structures located on said parcels as they deem necessary and appropriate for the furtherance of their motel/hotel businesses, provided all necessary permits and approvals from the Town and/or any other applicable governing agency are obtained.

Section 3. This Ordinance may be extended, modified, or terminated at any time by a majority vote of all members of the Town Council. Without action by the Town Council to terminate this moratorium early or to further extend this moratorium, the moratorium hereby imposed shall automatically dissolve two (2) years from the effective date of this Ordinance.

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Section 4. If any clause, section or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and so not affecting the validity of the remaining portions or application remaining in full force and effect.

Section 5. This Ordinance shall become effective upon its adoption.

PASSED ON FIRST READING THIS 11th DAY OF December, 2015.

PASSED ON SECOND READING, AFTER PUBLIC HEARING HELD ON February 26, 2016, THIS 26th DAY OF February, 2016.

I, Diane Tingle, Secretary of the Town Council of the Town of Fenwick Island, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by the Town Council at its Regular Meeting held on February 26, 2016, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Diane B. Tingle, Secretary

Motion: Made for Council to approve 2nd reading of an ORDINANCE TO ESTABLISH UPON THE ISSURANCE OF ANY PERMIT, LICENSE OR OTHER APPROVAL FOR OR INVOLVING NEW MOTEL / HOTEL USES IN THE TOWN OF FENWICK ISLAND – Council Member Weistling

Second: Council Member Tingle

Discussion: Council Member Weistling stated there were no comments from the public in the Public Hearing.

Council Polled: Council Members R. Mais, J. Lee, B. Weistling, G. Langan, D. Tingle and G. Bunting –

VOTE: 6 Ayes – R. Williams (Absent) - Second Reading Passed.

- Council Member Weistling – Proposed Second Reading – Chapter §160-8A – General regulations; exceptions (9) Fences: entered into the record.

First Reading Approved – January 22, 2016
Proposed Second Reading – February 26, 2016

Chapter 160-8A. General regulations; exceptions.

Existing:

(9) Fences.

(a) No fence, wall, hedge, partition or other such structure shall be permitted in any zone under this chapter unless such fence, wall, hedge, partition or other such structure is not more than four feet above the grade level of the land on both sides of such fence, wall, hedge, partition or other such structure.

(b) An exception to Subsection **A(9)(a)** above is that a fence, wall, hedge, partition or other such structure along the rear lot line within the limits of any lot zoned commercial which fronts on Route 1, and/or along the corresponding property line in the Residential Zone comprising such property line, shall be permitted, not to exceed seven feet in height above the curb or crown level of the adjoining street of such structure, except that, in the case of corner lots fronting on Route 1, the structure from the side street property line to a point 15 feet in from said property line shall not exceed four feet in height above the curb or crown level of the adjoining street of such structure. A solid foundation or retaining wall for such structure shall be permitted, not to exceed two feet in height above the crown of the side streets adjacent to the commercial property. The remainder of the fence, wall, partition or other such structure shall not be solid but shall have openings approximately 20% to 30% of the total surface area to provide for the flow-through of air. A detailed design drawing of the structure shall be submitted with the application for a building permit.

Proposed:

(9) Fences.

(a) No fence, wall, hedge, partition or other such structure shall be permitted in any zone under this chapter unless such fence, wall, hedge, partition or other such structure is not more than four feet above the grade level of the land on both sides of such fence, wall, hedge, partition or other such structure. **Such a fence, wall, partition or other such structure shall not be solid but shall have openings approximately 20% to 30% of the total surface area to provide for the flow-through of air. A detailed design drawing of the structure shall be submitted with the application for a building permit.**

(b) An exception to Subsection **A(9)(a)** above is that a fence, wall, hedge, partition or other such structure along the rear lot line within the limits of any lot zoned commercial which fronts on Route 1, and/or along the corresponding property line in the Residential Zone comprising such property line, shall be permitted, not to exceed seven feet in height above the curb or crown level of the adjoining street of such structure, except that, in the case of corner lots fronting on Route 1, the structure from the side street property line to a point 15 feet in from said property line shall not exceed four feet in height above the curb or crown level of the adjoining street of such structure. A solid foundation or retaining wall for such structure shall be permitted, not to exceed two feet in height above the crown of the side streets adjacent to the commercial property. The remainder of the fence, wall, partition or other such structure shall not be solid but shall have openings approximately 20% to 30% of the total surface area to provide for the flow-through of air. A detailed design drawing of the structure shall be submitted with the application for a building permit.

Motion: Made for Council to approve the addition to Chapter §160-8A (9) – fences – Council Member Weistling

Second: Council Member Tingle

Discussion: None

Council Polled: R. Mais, J. Lee, G. Bunting, G. Langan, B. Weistling, D. Tingle

VOTE: 6 Ayes – R. Williams (Absent) – Second Reading passed.

- Council Member Weistling – Proposed First Reading – Chapter §160-4 – Residential Zone and §160-5 – Commercial Zone: entered into the record.

Proposed First Reading – February 26, 2016

§ 160-4. Residential Zone.

Existing:

B. Height Regulations. No building shall exceed a height of 30 feet, except as provided in § 160-6A(2).

Proposed:

B. Height Regulations:

1. No building shall exceed a height of 30 feet, except as provided in § 160-8A(2).
2. Notwithstanding § 160-4B(1) above, where the principal building has a freeboard of 18 inches to 24 inches above base flood elevation (BFE), the principal maximum building height may be increased by said 18 inches to 24 inches, not to exceed a total building height of 32 feet measured from the highest point of the crown of the road.

§ 160-5. Commercial Zone.

Existing:

B. Height Regulations. No building shall exceed a height of 30 feet, except as provided in § 160-8A(2).

Proposed:

B. Height Regulations:

1. No building shall exceed a height of 30 feet, except as provided in § 160-8A (2).
2. Notwithstanding § 160-5B(1) above, where the principal building has a freeboard of 18 inches to 24 inches above base flood elevation (BFE), the principal maximum building height may be increased by said 18 inches to 24 inches, not to exceed a total building height of 32 feet measured from the highest point of the crown of the road.

Synopsis

The purpose of this amendment is to allow an increase of roof height based on freeboard for a building height of not more than 32 feet.

Motion: Made for Council to approve the First Reading § 160-4 – Residential Zone – Height Regulations and § 160-5 – Commercial Zone – Height Regulations – Council Member Weistling

Second: Council Member Mais

Discussion:

- Council Member Weistling noted a brief history over the past year. January of 2015 the Charter & Ordinance Committee met and discussed this topic prior to the January Council meeting where Council voted on the changes that were mandated by the state to accept the Chapter 88, Flood Protection Ordinance. At the regular monthly meeting, Council was divided between voluntary and/or mandatory freeboard measurements. Council decided at that time to go with the voluntary freeboard option. On April 7th, 2015, Charter & Ordinance Committee met to discuss freeboard and height and delayed the discussion to get public opinion based on the fact that there will be a Public Hearing in May 2015. On May 23, there was a Special Meeting held in the town Hall, discussion of freeboard and height. At that particular time, the opinion was strongly against freeboard and height but there was a consensus for a survey to be taken of all the town residents to get the opinion of all the people in town, not just the people in attendance at the meeting. Following up after the meeting was at the FISH Meeting “Meet the Candidates” and all the candidates spoke, stating their feelings on freeboard and height. It was also discussed at the FISH meeting that a survey would be sent to all the property owners. At our October 23rd Council Meeting that survey was addressed, amended and approved for mailing to all residents with a deadline to return by December 1st. Results were: 190 in favor of a height increase of 18” – 2 ft.; 164 were against; and 8 were neutral. In summary based on these dates the actions proposed today was not a process that was rushed. It was a process that was discussed over the past year. It was discussed through an election cycle where people were allowed to vote for the candidates that they wanted to serve on current Council. The survey was sent to the property owners and returned. The Town has six properties that are waiting to apply for a building permit, pending which way the town will proceed.
- Council Member Weistling further stated along with Mayor Langan, the importance was the survey that was sent to the property owner. He stated that he would follow whatever the results are from the survey. He feels the survey represents what the people in town wished and that would be his vote. The people spoke in the survey and that’s how everyone here should vote today.
- Council Member Lee read into the record for absent Council Member Williams: “I am extremely disappointed by the action of the council to have this ordinance change surface during my only absence of the year! For the record: I am against any change in ordinance 160-4B and 160-5B. We already have voluntary Freeboard. My observation is that most new construction built their homes above FEMA minimum standards and yet stay within the 30 foot height limit. The exception could be in the 7 zone on the bayside and in addition, for anyone who raises their lot

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before construction. This could be addressed on a case by case review and be granted a variance of some type to achieve two living floors. I know that this statement will make no difference in the outcome of the vote but I still want the council to hear my opinion. Sincerely, Council Member Roy Williams”

- Council Member Lee stated she is opposed to the blanket raising of the height because of the freeboard. She stated the town should be addressing how the town can work best to provide relief for those properties which actually need to have relief from flooding issues and base elevation and the impact the town has with flooding on the bay side.
- Council Member Bunting stated that we are the only town in the State of Delaware that has not addressed freeboard and passed it. There is a reason why FEMA is pushing freeboard and its sea level rise.

Vote: (5-1) – Council Member Lee voted “no” – First Reading passed.

- **Beach Committee** – n/a.
- **Environmental Committee** – Next meeting scheduled for March 3rd at 2:30 p.m. Earth Day Event plans are in process for April 22nd starting at 9:30 a.m. at the Town Hall.
- **Technology Committee** – Next meeting will be scheduled when the new website draft is ready for review. Memorial Day is the target date to launch the new website.
- **Business Development Committee** – The Committee met earlier this month and discussed street lighting. Several local business owners in town and one homeowner have agreed to donate funds toward the replacement holiday lights. The idea would be to leave lighthouse lights up year round to market the Town of Fenwick Island as the lighthouse town. Currently, if the Town purchases two lights one would be free from the original vendor that customized the first lighthouse lights. If the Town moves forward with the purchase there would be a total of ~~13~~ 15 new lights. The next meeting will be March 31 at 2:00 p.m.
- **Ad hoc Election Committee** – The Committee will meet next on February 25th and review the voter rack card prepared by Boyden Designs. The rack card will be available for review by Council at the next Committee meeting. The Committee is also reviewing voters’ information on the website for changes/additions.
- **Ad hoc Parks Committee** - New park equipment will be installed on April 4-5.
- **Planning Commission** – n/a.
- **Old Business** – Council Member Weistling asked about the signage to follow the approval of the gun ordinance. Chief Boyden stated the signs have been ordered and will be placed at the entrance to the building, both parks and the police station.
- **New Business** – None

Mayor Langan addressed Council and the public to clear up some misconceptions before Public Participation:

- F.I.S.H. mailed a letter and an email asking everyone to email the Mayor regarding the freeboard ordinance. Mayor Langan received three responses against the ordinance and one was in support.

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- Next, there is a myth out there that people are saying the town is raising the height because they are pro-development. That has nothing to do with this. This is about freeboard, saving homes and saving homeowners money.
- Another comment was, “Let’s just do this for the bayside”. If you were around when Gloria hit in 1985 and saw the damage to the ocean side this wouldn’t be fair to the ocean side homeowners to not include them in everything.
- The Town lost 40% of our dune in this last storm (Jonas) and due to the extensive damage up the coast the town most likely will not get any assistance for repairs. It’s very likely if the town receives any bad storms this winter or next winter that the dunes could breach and the ocean side homes will suffer damage.
- Another comment is “Following the Comprehensive Plan”. Our consultant who is helping the town with the Comprehensive Plan, just returned from a meeting with the state where sea level rise needs to be addressed in the Comprehensive Plan.
- The Town has been discussing this for almost two (2) years; discussion being freeboard and raising the roof height. The State has presented to the town and a sea level rise study has been completed.
- Another complaint was the survey was faulty. If the survey is faulty, speak to Council Member Lee who wordsmith the document and Council accepted her changes. The survey was not faulty, 44% of the residence responded to the survey.
- In May of 2015 the town held a public hearing, 150 residents attended (18% of the town) and not all the residents in attendance were opposed to raising height for freeboard.
- Mayor Langan opened the floor to public participation and stated be courteous, speak your name and address and be brief; you have three (3) minutes.

PUBLIC PARTICIPATION

- John Rymer – 8 E. Georgetown St. – Stated that the proposal before us is incredibly controversial. The town is basing an ordinance on a non-binding survey of 190 for – 164 opposed. Let us do the right thing and spread this out over several months and let the people’s voice be heard.
- Mike Houser – 10 W. Cannon St. – He is in favor of freeboard and the accommodation that were passed today. His concern is with the methodology of how the town measures the height. It’s been technically surpassed to go from the center of the street. It would be much better and more equitable for all the town residents to have the height measured from the highest point.
- Lisa Benn – 1306 Bunting Ave. – Bill Weistling had a long list of time this freeboard and roof height had been discussed. He said, “The survey should go out to all people in town”. The survey was mailed to properties. She does not feel the 44% is accurate because you only received one person’s vote per property and potentially there could be two votes per property. And sometime a husband and wife could vote differently. 190 people is approximately 16%.
- Dave Reifschneider – 8 E. Essex St. – Feels the ordinance is incompletely written.
- Mike Quinn – 5 W. Houston St. – On the ocean side where the two foot drop was instituted by FEMA, those people would have to remain at 30 ft. because they wouldn’t need freeboard. Council Member Weistling stated if you elect to build to the actual base flood elevation that is required then you are

only allowed 30 ft. from the crown of the road. Council Member Weistling said that this will be discussed at the next Charter & Ordinance Committee meeting. Our code book states that Charter & Ordinance Committee consider any changes to zoning between the first and second reading. If there are any recommendation from Charter & Ordinance it will go back to Council.

- Vicki Carmean – 38 Ebb Tide Cove – The majority of Council is determined to raise the 30 ft. building height. But your reasoning is not based on any of the following: 1) freeboard – the town knows that a 30 ft. high home can easily be built to accommodate freeboard. Freeboard is good. 2) Base flood elevation levels; 80% of Fenwick Island had their new BFE either reduced or kept at their previous levels. Insurance rates are not going to be impacted rather your house is 30 or 32 ft. The existing comprehensive plan support a 30 ft. roof height. Nothing has been discussed on freeboard and roof height since last May and the non-binding survey, she agrees with Lisa Benn, that it only represents 16%. She feels the survey was poorly written and not delivered to all residents.
- Mark Tingle – 1605 Coastal Hwy. – He listened to all the arguments against the ordinance but he has not heard one good reason to be opposed to it.
- Mary Ellen Langan – 5 E. King St. - She has not heard any reason not to do this but the 30 ft. roof height was set in stone year ago. It's a different world today. The town has sea level rise and the potential of tremendous storms hitting the town. The town needs to protect its houses. It only makes sense to do this. Why not do this, what's 2 ft. It's not being done to give your house a steep roof, this is done to protect the whole house from sea level rise, the ocean, the rain and with everything that's happening now with flooding. It's a different world now, time/things has changed since the 1950's.
- Lynn Andrews – 1205 N. Schulz Rd. – Everything in my house is above base flood elevation and her house has 8 ft. ceilings. Just remember that the town is built on a barrier island.
- Dottie Lopez – 1007 Bunting Ave. – She agrees that the survey should have just read , “Do you want to raise the height limit in town from 30 ft. to 32 ft. and not mixed it with the freeboard.
- Mike Quinn – 5 W. Houston St. – Under the budget, last page, about transfer in and transfer out from the Bank of Ocean City. Council Member Bunting, can you explain this. Council Member Bunting stated that there are transfers from saving that go into the payroll account. We also have transfers every day. Town Manager Burke stated, “If you would like to sit down with him after the meeting, he would be happy to explain.”
- Discussion from several residents on the blue hang parking permits and parking issues. Council will be discussing the purchase of extra blue parking permits and the possibility of residents purchasing extra permits for other people outside of town.

UPCOMING MEETINGS AND EVENTS

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

- | | | | |
|----|--------|-----------|---|
| a. | Mar 1 | 9:30 a.m. | Charter and Ordinance Committee meeting |
| b. | Mar 3 | 2:30 p.m. | Environmental Committee meeting |
| c. | Mar 8 | 2:30 p.m. | Planning Commission meeting |
| d. | TBD | 2:00 p.m. | Technology Committee meeting |
| e. | Mar 31 | 2:00 p.m. | Business Development Committee meeting |

Minutes Approved 4.1.2016 with correction

- f. TBD 9:30 a.m. Ad hoc Election Committee meeting
- g. Apr 1 3:30 p.m. Regular Council meeting

Motion to Adjourn – Council Member Mais

Second – Council Member Bunting

Discussion – None

Vote – (6-0)

Meeting adjourned at 5:35 p.m.

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