

**TOWN OF FENWICK ISLAND, DELAWARE**

Minutes of the January 22, 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, Roy Williams, Richard Mais*

*Excused Absence: Julie Lee, Gardner Bunting*

*Staff in Attendance: Town Manager Burke, Town Clerk Poole, Public Works Supervisor Reed, Building Official Schuchman, Police Chief Boyden*

**PRESIDENT'S REPORT**

- Mayor Langan stated that because of the weather, the Public Hearing on the moratorium was cancelled along with the proposed second reading. The Public Hearing will be scheduled before the February Council meeting.
- Mayor Langan and Town Manager Burke met with Senator Carper in December and asked for assistance in securing funding for sidewalks for Fenwick Island. The town will keep asking for sidewalks and pedestrian safety crosswalks throughout town.
- Mayor Langan mentioned the weather as the big topic. The beach will be closed for the weekend. Chief Boyden updated the latest weather information from the National Weather Service. Chief Boyden stated that the latest report for the coastal region will be mostly wind and rain with some snow accumulation. Greatest concern will be the coastal flooding due to the winds and beach erosion with moderate bay flooding. If anyone has any concerns or minor emergencies, please call the duty officer at 302.542.8793 as to not overload the 911 system. If it is a major emergency or fire, please call 911.
- Mayor Langan asked that Town Manager Burke present Employee Recognition Award Certificates to Cpl. Jennifer Kerin and Vaughn McCabe, Public Works for 4 years of service, Capt. Timothy Ferry with 11 years of service and Patricia Schuchman, Building Official with 19 years of service. Congratulations to all employees.

**TOPICS FOR DISCUSSION AND POSSIBLE ACTION**

- **Seismic Testing (presentation)** – Matt Heim, Outreach and Communications Coordinator – Assateague Coastal Trust – He stated some facts on offshore drilling. The Bureau of Ocean Energy Management (BOEM) estimates the Atlantic Federal Waters in the mid and South Atlantic contain about 2.92 billion barrels of oil. This may seem like a lot, but the U.S. uses 5.89 billion barrels per year, meaning that even if the entirety of the Atlantic oil supply was drilled, it would only fuel the U.S. for six months.  
The BOEM estimates the Atlantic Federal Waters in the mid and South Atlantic contain 25.56 trillion cubic feet (Tcf) of gas. The U.S. currently uses 21.13 Tcf uses 21.12 Tcf of natural gas per year, meaning the Atlantic basin only contains enough gas to fuel the U.S. for a little over a year. For more information, visit: [www.ACTforBays.org](http://www.ACTforBays.org).

Seismic Surveys: Before drilling can take place, oil companies must first map the ocean floor and find potential drilling spots via seismic surveys. This process entails firing a seismic air gun into the ocean every 10 seconds, 24 hours a day, 7 days a week for the duration of the mapping project, which can last multiple weeks, and recording the reflection of the sound waves. The cannon fires a sonic burst at 230 decibels (db), that's louder than a 747 jet at takeoff. Research vessels conducting seismic surveys often use arrays of up to 40 air guns at a time. Seismic Surveys off Delmarva's Coast have submitted to BOEM, for 10 permits, 3 of which plan to conduct seismic surveys off Delmarva's coast. For more information, visit: [www.ACTforBays.org](http://www.ACTforBays.org).

**Seismic Testing Resolution – NOTICE**

**RESOLUTION # 74-2016 OF THE TOWN OF FENWICK ISLAND, DELAWARE,  
IN OPPOSITION TO SEISMIC TESTING AND OFFSHORE DRILLING  
ACTIVITIES ALONG THE ATLANTIC COAST**

**WHEREAS**, the U.S. Bureau of Ocean Energy Management (BOEM) is currently in the process of accepting applications from companies wishing to conduct seismic testing in the Atlantic Ocean, off of the coast of Delaware and other coastal areas of the Mid-Atlantic region; and

**WHEREAS**, seismic testing is a precursor to actual oil and natural gas exploration, including drilling, in the Atlantic Ocean; and

**WHEREAS**, should oil and natural gas exploration occur off of the coast of Delaware or other coastal areas of the Mid-Atlantic region, the possibility of a disastrous oil spill, such as the BP oil spill that occurred in the Gulf of Mexico and countless others, poses a significant and real danger to the beaches and marine life of the Atlantic Ocean, as well as the economies and quality of life of the Town of Fenwick Island and its neighbors in the Mid-Atlantic region; and

**WHEREAS**, seismic testing is also potentially devastating to the fish and marine life of Delaware's coastal communities and our neighbors in the Mid-Atlantic region, as the testing process involves firing a seismic air-gun into the ocean every 10 seconds, 24 hours a day, 7 days a week for multiple weeks at a time, with the sounds emitted during testing being two (2) times louder than that of a 747 jet engine; and

**WHEREAS**, such seismic testing has been shown to harm fish, driving them from traditional feeding and breeding habitats, and to injure and kill marine mammals, such as dolphins, sea birds and whales; and

**WHEREAS**, the risks associated with oil and natural gas exploration, and the precursor activity of seismic testing, far outweigh the potential benefits that will be received from these activities and the residents, workers, property owners, businesses, and recreational visitors (which number in the millions each year for Delaware's coastal communities alone) of the Town of Fenwick Island and its neighbors should not have to face the threat of an oil spill and should not have to face the impact that such an oil spill and/or that seismic testing will have on the local habitat, property values, quality of life and local economy.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Fenwick Island, Delaware, in session met, a quorum pertaining at all times thereto, that the Town of Fenwick Island, Delaware, opposes the proposed oil and gas exploration and development activities, including but not limited to seismic testing, off of the coast of Delaware and other coastal areas of the Mid-Atlantic region.

**BE IT FURTHER RESOLVED** that a copy of this Resolutions shall be sent to the Governor of the State of Delaware and to our Federal and State Congressional Representatives.

Attest: \_\_\_\_\_  
*Linda M. Poole, Town Clerk*

\_\_\_\_\_  
*Gene 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 by the President and Council at a meeting on April 24, 2015, 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 for Council to accept Resolution #74-2016 – in opposition to Seismic Testing and offshore drilling activities along the Atlantic Coast – Council Member Tingle

**Second** – Council Member Mais

**Discussion** – None

**Vote: (5-0)**

- **Town Website (redesign) – Town Manager Burke** – Presented information to consider a free website from the Delaware Government Information Center (GIC). The Town’s current website has been in operation for quite a few years and we have made every attempt to make the website as transparent as possible, and yet there are still issues on locating information. The State of Delaware GIC is a viable option for a new website. Local Governments supported by the GIC include 31 towns in Delaware. The town currently pays \$2500 a year to CivicPlus. The GIC website for hosting and design is free. Some of the features include: upcoming meetings, public notices, calendar, news posts, events listing, embed videos, photos, custom designed look, and training and email support help by GIC Staff. Town agendas and minutes will be listed under Generalcode.com which makes it easy to locate. Mayor Langan stated that at the last Technology Committee meeting the Committee voted unanimously to go forward with the new website.

**Motion** – Motion made to go forward with the GIC website for Fenwick Island – Council Member Tingle

**Second** – Council Member Mais

**Discussion** – none

**Vote** – (5-0)

- **Holiday Pole Lights (year-round marketing) – Town Manager Burke** – The Business Development Committee recommended to the Town Council for the lighted pole decorations to be installed all year. This will help start a new branding campaign to help identify the Town. If Council approves leaving the lights up a budget increase of \$1500 (estimate) could be anticipated. The new expense would be paid from the Municipal Street Aid (MSA) account. The Business Development Committee also recommended changing the lights over to all white. Supervisor Reed was going to look into changing the lights to white or possibly purchasing new decorations with white lights. Town Manager Burke stated that this is a great start since the Town just applied to the State of Delaware Commercial Development Commercial Affiliate Program.

**Motion** – Motion made to move forward on leaving the Holiday street lights up year round – Council Member Weistling

**Second** – Council Member Mais

**Discussion** – None

**Vote** – (5-0)

**Voter Information Newsletter Notification** – Town Manager Burke – Presented the Voter Information Newsletter Notification information to Council for approval. Council discussed the edited information and thought it was a good idea to mail with the newsletter.

**Motion** – Motion made to approve the information with a change in verbiage to be included with the winter newsletter mailing – Council Member Weistling

**Second** – Council Member Mais

**Discussion** – None

**Vote** – (5-0)

**GIS Needs Assessment – Town Manager Burke** – introduced Kathryn Maglio, a graduate student from Salisbury University, to present a proposal for a GIS Needs Assessment for the Town of Fenwick Island.

Fenwick Island doesn't have its own independent GIS system and relies on the State and County for its spatial data. The only maps available to the public are a zoning map that appears to be scanned from a paper copy and a street map that was contracted to URS Corps. There was no allocation of funds for departments specifically for GIS either based on the FY 2016 Budget for the town. Due to this lack of GIS, the implementation of GIS into the town would need to be extensive and would most likely have a higher budget than most plans for a town of this size. The following are goals that would need to be accomplished before creating a needs assessment for Fenwick Island to have GIS integrated:

- o Contact the town of gain sponsorship and approval for the project.
- o Investigate total GIS use and amount of data on hand (paper and digital).
- o Analyze how much each department would individually prosper from GIS.

After meeting with Town Manager Burke, all of these goals have been accomplished. The current GIS use is limited to contractors and while there is spatial data available, there has been no use of the data by

town officials. It has also been determined that almost all of the departments would benefit from some type of GIS application however; it would be best if there was one GIS user for the entire town who produced spatial products for the departments on demand.

**Project Goals:**

- Assess total use of the GIS within the Town of Fenwick Island and how it can be built upon.
- Devise multiple approaches to implementing GIS for the town before suggesting one as the best method.
- Create a system based on the current system that is easy to learn and use.
- Increase quality of geographic products created by the town and create easier access for the public to these products.
- Implement a system that can last long term and improve the quality of data stored on the town.

**Motion** – Motion made for the town to proceed with the GIS Needs Assessment through Salisbury University – Council Member Weistling

**Second** – Council Member Tingle

**Discussion** – Council Member Weistling asked Kathryn if she was doing this on her own or would she be assisted by other students of teachers. Kathryn stated that she would be the primary one, with teachers to fall back on for assistance. There will be class time and a discussions board for myself and colleagues to talk about issues.

**Vote** – (5-0)

**APPROVAL OF MINUTES**

**Motion** – Motion made to approve the Minutes of December 11, 2015 - Council Member Weistling

**Second** – Council Member Mais

**Discussion** – None

**Vote** – (5-0)

**TREASURER’S REPORT**

**January 2016 Monthly Report**

**Summary** The monthly report is a summary of all account balances through **December 31, 2015** and other pertinent financial information since the prior month’s Town Council meeting.

**Cash Balance**

- Beginning cash balance 12/1/2015 \$2,633,948.88
- Ending cash balance 12/31/2015 \$2,689,822.78
- Reserve Realty Transfer Tax Funds \$1,468,946.02 *\*included above in cash balances*

**FY 2016 Operating Budget (8/1/15-12/31/15)**

- 80.96% of Budgeted Income
- 44.05% of Budgeted Expenses

**Realty Transfer Tax (1.5% local tax)**

- Taxes collected in December \$19,303.51
- Total taxes collected in FY16 \$56,543.59

**Outstanding Property Taxes**

- \$ 13,861.47

**Revenue Highlights**

- 99.23% of real estate property tax budget (collected \$8,944.92 in Dec)
- 101.19% of rental receipt tax budget (collected \$89,508.89 in Dec)
- 74.92% of parking violations budget (collected \$250.00 in Dec)

**Municipal Street Aid Report**

- \$88.48 in expenses (Delmarva Power)
- \$1,083.45 in expense (street repairs) MSA Balance \$46,665.00

**Dedicated Street Fund Report**

- \$1,006.15 (street repairs)
- \$1,930.36 Deposits 10% from RTT DSF Balance \$56,410.12

**Parks & Recreation Fund Report**

- \$118.99 in expenses.
- \$965.18 Deposits 5% from RTT Parks & Rec Balance \$3,289.23

**Motion** – Motion made to **accept** the Treasurer’s Report as read – Council Member Tingle  
**Second** – Council Member Weistling

**Treasurer’s Report accepted by Council**

**TOWN MANAGER’S REPORT**

**Projects / Updates**

- Department supervisors have commenced FY16 Capital Improvement Plan purchases.
- Management continues to improve and update information on the Town website.
- State funding was approved to pay for the FY16 Street Project; however due to the winter season the work has been postponed until spring.
- The W. Dagsboro drainage project is complete. The project consisted of 2.5” of new paving and installation of new drainage pipe.
- Management is moving forward on the Town Hall lobby project that consists of a new safety glass window and removing the Admin. Clerk lobby door.
- The Town of Fenwick Island newsletter will be mailed out by Friday, January 29.
- Reviewed potential GIS project with Mrs. Katy Maglio.
- DNREC approved additional parking for lifeguards in the unincorporated area.

- Management submitted the Commercial District Affiliate Program Application. The status of the application should be decided by the end of the month.
- Management is working on a 5-year Capital Improvement Plan Budget for the FY17 Budget Committee meetings.

**Grant Applications (approved and pending)**

- **2015 DNREC Recycling Grant (approved for \$2,689, 100% State of DE)**
  - o DNREC approved the grant and purchases have commenced. The recycling rack card should be completed over the winter months.
- **2015 American Lung Association Grant (approved \$1,389, 100% State of DE)**
  - o The grant was approved by the ALA. Grant purchases will commence in early 2016.
- **2015 DNREC DTF Grant (pending \$42,585, 50% Town of Fenwick Island match)**
  - o DNREC submitted a grant award letter dated December 2. Town management is moving forward with the second phase of the F.I. Community Park improvement project. The project should be completed by May 1.
- **2015 Delaware Bicycle Council Grant (denied, match TBD)**
  - o Town management submitted a grant application to the DE Bicycle Council to improve local infrastructure and increase education between motorists and bicycles. Grant applications will be reviewed by December 15.

**DEPARTMENT REPORTS**

- **Building Official** – The December monthly reports were included in the Council meeting packet.
- **Public Works** – The December monthly reports were included in the Council meeting packet.
- **Beach Patrol** – No report until March.
- **Police Department** – The December monthly reports were included in the Council meeting packet.

**TOWN COMMITTEE REPORTS**

Council Member Weistling announced the Public Hearing and proposed second reading for of Motel/Hotel Moratorium were cancelled due to the current snow storm and will be rescheduled for February 26, 2016 at 2:45 p.m.

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

*Proposed First Reading – January 22, 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 – General regulations; exceptions; (9) Fences to include “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. – Council Member Weistling

**Second:** Council Member Tingle

**Discussion:** Building Official Schuchman stated the town has been enforcing this all along that fences rather commercial or residential have some sort of gap in the fence to allow wind flow but the town ordinance doesn't say that. This was discovered because of a contractors challenge after being told to remove the fence after installation of a solid fence on residential property.

**Vote: (5-0)**

Council Member Weistling stated at next month meeting this will require a Public Hearing so the Town will include the fences along with the moratorium at the Public Hearing scheduled for February 26<sup>th</sup>, 2016 at 2:45 p.m.

- **Beach Committee** – Becca McWilliams stated the 12<sup>th</sup> Fenwick Freeze once again was a huge success with about 200 people participating and raised around \$3,000 for the lifeguards this year. She wanted to extend a big thank you for everyone that helped in the background with online registrations and t-shirts sales. The bonfire will be becoming up later this year, more details to follow.
- **Environmental Committee** – Chair, Mary Ellen Langan thanked the Council for adopting the Resolution opposing the Seismic Testing. Also noted that the Town of Fenwick Island was the 101<sup>st</sup> town to adopt the resolution opposing the Seismic Testing. Further noted that in February, the Environmental Committee will have another speaker from the Department of Agriculture, Forestry Division to talk about the problem the town has with the pine bark beetle infestation. Lastly, she wanted to announce the Environmental Committee will be sponsoring an Earth Day event on April 22, 2016. It's going to be a town cleanup event starting at 9:30 a.m. – 11:30 a.m. There will be breakfast refreshments and drawings for prizes held after the cleanup.
- **Technology Committee** – The Committee held a meeting on Wednesday, January 20<sup>th</sup> and met with the State of Delaware GIC and discussed a new website option. The Technology Committee will be working with the GIC to develop a new website.
- **Business Development Committee** – The next meeting will be February 18<sup>th</sup> at 2:00 p.m.
- **Ad hoc Election Committee** – The next meeting will be January 25<sup>th</sup> at 9:30 a.m.
- **Planning Commission** – None
- **Old Business** – None
- **New Business** – Council Member Weistling mentioned the lack of parking for the lifeguards mentioned at a prior meeting by Virginia Davidson. He suggested contacting the State about parking all the way at the end of Fenwick Island with the honor systems for payment. Town Manager Burke stated that he has already contacted them and approval for a couple of spaces for the lifeguards.

### **PUBLIC PARTICIPATION**

- Lynn Andrews – 1205 N. Schulz Rd. – Mentioned the police present at the last council meeting and the Delaware Main Street Project.

- Becca McWilliams – 1701 Coastal Highway - Was concerned about the decorative lights causing issues after hours. Wanted to make sure they would not be annoying to anyone.

**UPCOMING MEETINGS AND EVENTS**

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

- |    |          |    |           |  |
|----|----------|----|-----------|--|
| a. | January  | 25 | 9:30 a.m. | At <i>hoc</i> Election Committee meeting |
| b. | February | 09 | 2:30 p.m. | Planning Commission meeting              |
| c. | February | 18 | 2:00 p.m. | Business Development Committee meeting   |
| d. | February | 26 | 3:30 p.m. | Regular Council meeting                  |

**Motion to Adjourn** – Council Member Weistling

**Second** – Council Member Mais

**Discussion** – None

**Vote** – (5-0)

Meeting adjourned at 5:00 p.m.

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