

TOWN OF FENWICK ISLAND, DELAWARE

Minutes of the April 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, Gardner Bunting, Julie Lee, Richard Mais, Roy Williams

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

PRESIDENT’S REPORT

- Mayor Langan announced several service awards: presented by Town Manager Burke to Lieutenant John Delvin, 13 years; Bryan Reed, 15 years. Congratulations to all employees.
- Mayor Langan noted the Budget Committee meeting scheduled for April 27th at 1:00 p.m. to start the budget process for FY 2017. Also, Mayor Langan wanted to congratulate the Environmental Committee on a very successful Earth Day event. More details to follow with the committee reports.
- Mayor Langan wanted to address everyone on a serious issue. So there is no confusion and clear understanding on his policy for electronic and paper communications. 1) The Mayor will not /does not respond to Letters to the Editor. 2) The Mayor will not / does not respond to emails on personnel, including staff, council or committee members. If an email does not need a response, he does not respond. He reads the email, adds to the pros and cons list and takes it into consideration whenever a decision is being made. The Mayor further added, if you want to talk to me, I’ll meet you and respond to an email. The Mayor added one final note he will not respond to the Fenwick Forum nor is he a member of the Forum. He is not speaking for the other council members but the majority of council members feel the same way. He received an email, with a post on the Forum, signed the Fenwick Forum Editor. It’s hard to respond to anonymous, whoever you are. Mayor quoted from the email “I promise that your response will be present unedited and in its entirety”. This tells me that they do edited things. He stated if you have questions for him the floor is open during the public participation.

TOPICS FOR DISCUSSION AND POSSIBLE ACTION

- **Board of Election (BOE) Appointment – Mayor Langan** – Appointed Audrey Serio as the Election Inspector. Audrey Serio appointed Faye Horner and Carl McWilliams as Election Judges.

Motion – Motion made to accept the appointed Board of Elections members – Council Member Tingle
Second – Council Member Bunting

Discussion – None

Vote: (7-0)

Town Manager Burke introduced the seasonal Police Clerk, Erin Ellinger, and welcomed her to the Town of Fenwick Island Staff.

- **GIS Needs Assessment (final presentation) – Katie Maglio** – The assessment was a success even though the timeline was moved up one month. Packets were issued to members of council and town manager for review. The software recommended is sold by ESRI. It is the number one software in the business and the number one software used by government. It would also give you the benefit of GIS online. Mrs. Maglio continued to show how you can use GIS around town, from beach access, street address, pine beetle infestation, yellow permit parking spaces, police data, hurricane data, flood plain, etc. She recommended a student intern to input data and perform maintenance. The software cost is \$1,500 and the summer intern cost would be approximately \$9,356. The total for the first year is \$10,856. A full time employee would cost \$30,000 per year. Town Manager Burke asked what would be her suggestion for the intern to work on. Mrs. Maglio stated police research and plotting major crimes categorically on locations, type of incident etc. and update regularly. Another option would be to use GIS on hurricanes storm surge. Not only would this help with the Emergency Management Data but would also be good information to show the home owners. Also, the infrastructure site is under developed. It is mostly done through contracting with AECOM. The town can easily have the intern map fire hydrants, sidewalks, building footprint, commercial and residential properties.
- **DNREC DTF Grant Presentation – Town Manager Burke** – introduced DNREC staff including Secretary David Small to present grant check (\$21,287.50) for the new playground equipment. DNREC staff commented on how well the Town of Fenwick Island manages local parks with more equipment than any other town incorporated into one parcel.
- **Resolution – Arbor Day – Town Manager Burke** – Read Resolution #77-2016 into the Record.

NOTICE

On **April 22, 2016** The Fenwick Island Town Council
Passed the Following Resolution #77-2016
Arbor Day 2016

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 27, 2016** 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.

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 to accept Resolution #77-2016 – Arbor Day – Council Member Tingle

Second – Council Member Bunting

Discussion – Town Manager Burke stated that the town has planted an American Holly at the F.I. Community Park in honor of Arbor Day.

Vote: (7-0)

- **FY 2016 Capital Improvement Plan Budget Amendments – Town Manager Burke** – recommended to Council amending the Capital Budget by adding two items.
 - o **Comprehensive Plan Consultant Fee** – Town Manager Burke recommended Council approve an additional \$5,000 in FY16 to help offset Comp. Planning Consulting Fees.

Motion – Motion made to amend the Capital Budget to add an additional \$5,000 to cover the consultant fee – Council Member Mais

Second – Council Member Bunting

Discussion – Council Member Tingle asked what does this additional \$5,000 cover? Town Manager Burke stated to continue the work/workshops to complete to the update of the Comprehensive Plan. The final Plan is due December 2016 or January 2017.

Vote: (7-0)

- o **Shuffle Board Mat Replacement- Town Manager Burke** – The town has a quote, not to exceed \$3,800. This expense was not anticipated but after discussions with Public Works Supervisor Reed about the continued time painting and maintenance involved with the current mats, it was decided that the time would be better spent doing other tasks. The town has a very

active shuffle board group and it would be nice have the new mats for the spring league. Public Works Supervisor Reed added the company that is providing the mats has recommended the white mats which they have had great success in Florida with long-term maintenance costs. Town Manager Burke recommended Council amend the FY16 Capital Budget to add new mats for the spring league.

Motion – Motion made to amend the Capital Budget not to exceed \$3,800 to cover the shuffle board mats – Council Member Mais

Second – Council Member Weistling

Discussion – none

Vote: (7-0)

- **2016 Lifeguard Professional Service Agreement – Town Manager Burke** – This is a new three year agreement to provide funding for lifeguards on the State Line Beach. The State of Delaware will contribute \$45,000 to beach patrol services.

Motion – Motion made to approve the Service Agreement for another three years – Council Member Mais

Second – Council Member Bunting

Discussion – none

Vote: (7-0)

- **BFACC 2016 Electric Buying Group Co-op – Town Manager Burke** – The 2016 Electric Buying Group Co-op will provide an opportunity for savings by “buying in bulk” for businesses served by Delmarva Power. The accounts are currently part of the largest multi-chamber electric aggregation buying group in Delaware with over 360 accounts included in the group. We are planning to execute a two or three year electricity supply contract at a flat, fixed price per kilowatt-hour with no separate demand charges that will cover the period from June 2016 through June 2018 or 2019. Current energy market prices are low so the town expects the new rate will be lower than the current/expiring rate as well as Delmarva Power’s current tariff supply rates.

Motion – Motion made to approve the BFAC 2016 Buying Group Co-op – Council Member Mais

Second – Council Member Bunting

Discussion – none

Vote: (7-0)

- **Wedding – Heintzelman – Town Manager Burke** – The Heintzelmans are asking for Council approval to be married on the beach, October 7, 2016 at 4:30 p.m. on James Street with around 100 guests.

Motion – Motion made to approve the Heintzelman’s wedding on October 7, 2016 at 4:30 p.m. – Council Member Mais

Second – Council Member Lee

Discussion – none

Vote: (7-0)

- **Voter Information Rack Card – Council Member Lee** – asked Council for a change in the verbiage on the approved Voter Information Rack Card. Noted the card will be distributed with the residents parking permits.

Motion – Motion made to approve the verbiage change in the first paragraph – Council Member Lee

- **Second** – Council Member Mais
- **Discussion** – none
- **Vote:** (7-0)

APPROVAL OF MINUTES

Motion – Motion made to approve the Minutes of April 1, 2016 - Council Member Bunting

Second – Council Member Mais

Discussion – None

Vote – (7-0)

TREASURER’S REPORT

2016 Monthly Report

Summary The monthly report is a summary of all account balances through **February 29, 2016** and other pertinent financial information since the prior month’s Town Council meeting.

Cash Balance

- Beginning cash balance 2/1/2016 \$2,537,379.27
- Ending cash balance 2/29/2016 \$2,460,180.00
- Reserve Realty Transfer Tax Funds \$1,471,507.81 **included above in cash balances*

FY 2016 Operating Budget (8/1/15-2/29/16)

- 87.85% of Budgeted Income
- 57.82% of Budgeted Expenses

Realty Transfer Tax (1.5% local tax)

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

Outstanding Property Taxes

- \$ 11,552.30

Revenue Highlights

- 99.45% of real estate property tax budget (collected \$0 in Feb)
- 106.96% of rental receipt tax budget (collected \$12,408.11 in Feb)

- 75.76% of parking violations budget (collected \$50.00 in Feb)

Municipal Street Aid Report

- \$1,254.03 in expenses (Delmarva Power)
- \$0 in expense (street repairs)

MSA Balance \$42,935.63

Dedicated Street Fund Report

- \$0 (expenses)
- \$0 (Deposits)

DSF Balance \$40,735.64

Parks & Recreation Fund Report

- \$228.50 in expenses. (Old Mill Impressions-bricks)
- \$0 (Deposits)

Parks & Rec Balance \$3,210.73

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

Second – Council Member

Discussion - None

Vote: (7-0)

Treasurer’s Report accepted by Council

TOWN MANAGER’S REPORT

Projects / Updates

- Management submitted invoices to DelDOT for reimbursement funds regarding the FY 16 Street Maintenance project.
- The Town Hall lobby project was completed.
- Management will recommend allocating \$5K in the FY 17 Budget for a Community Branding Workshop in August for a tentative October 7 revel presentation.
- 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 finished 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 15.
- 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)**
 - Phase two park improvements were completed. DNREC will present a check to Council at the April Council meeting.
- **2016 DNREC Surface Water matching Planning Grant (pending, \$30,000, 50% Town of Fenwick Island match)**
 - Town management reapplied 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 was the deadline.
- **2016 DE Agriculture Micro Grant (pending, 100% State of DE)**
 - The grant application was denied by the Department of Agriculture due to such a high volume of applicants.

DEPARTMENT REPORTS

- **Building Official** – The April monthly report was included in the Council meeting packet. Permits issued: Outside Contractors 10, Resident Merchants 3 and Rental Licenses 5.
- **Public Works** – The April monthly report was included in the Council meeting packet.
- **Beach Patrol** – none
- **Police Department** – The April monthly report was included in the Council meeting packet. Chief Boyden welcomed Erin Ellinger as the summer Police Clerk.

TOWN COMMITTEE REPORTS

- **Charter and Ordinance** – Brief summary for the next Charter & Ordinance Committee meeting. The Committee has completed the draft on the No Hunting Ordinance for the town. It was submitted to the town solicitor with a version to review at the next meeting. Also for discussion, as part of the height limit rise and freeboard, the committee will discuss considering elevating the ground levels on properties inside the buildable footprint. The last item to discuss; at the last council meeting there was a discussion between Tim Collins and Richard Benn on some changes in the commercial zoning signage ordinance. He has reviewed the changes recently made to signage in the commercial zone and would like to read what actually changed regarding signs. The only change regarding signs states in a subdivided building the original ordinance allowed one square foot of signage per lineal foot of the building that is used. What changed was one and one half square feet per lineal feet of signage per building used. There was also a discussion about the apartments and mixed use, the number of square footage and the number of apartments allowed. The ordinance now states, one apartment per lot of a 6500 square foot lot. Building Official Schuchman stated these changes were recommendations from the Business Development Committee.
- **Beach Committee** – none
- **Environmental Committee** – Chair Mary Ellen Langan stated the Earth Day event was successful with twenty-five participants. The majority of the streets were cleaned and the remainder will be cleaned over the weekend. Thanks to all the sponsors: Center for the Inland Bays, Ropewalk, Hollys Treasure Chest, Sea Shell City, Warren Station, McCabe's Gourmet Market, the Mahon Family, Ocean Side Pizzeria and Fenwick Surf Shop. Also, thanks to participating Barefoot Gardner's members.

- **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 Business Development Committee is working on some activities for the Columbus Day weekend event. Several suggestions were: Community walk/run on the beach and pumpkin sale and carving on the beach. Several other suggestions were mentioned but nothing has been finalized. Will post final plans on the website with the various activities. The Bethany-Fenwick Chamber of Commerce will be spearheading the project.
- **Ad hoc Election Committee** – A couple of changes need to be made on the new Voter Information Rack Card. Distribution will be included with the spring newsletter or included with the parking permit packets.
- **Ad hoc Parks Committee** – The Community Park playground equipment has been installed.
- **Planning Commission** – Council Member Mais stated the Planning Commission has continued to meet with the Plan consultant AECOM. The town completed the pre-plus application and received overall a good review with minor updates and areas that need to be addressed. The Commission will continue to work on review/updates to the plan and will be scheduling several summer public workshops to present the changes and receive feedback.
- **Old Business** – Council Member Lee reminded everyone the State of Delaware has opened up for discussion again for public comment on the oyster farming in little Assawoman Bay. Persons wishing to comment on the proposed Shellfish Aquaculture may present written statements through the close of the public comment period, which is re-opened and extended until the conclusion of the public hearing on June 8, 2016. Persons may also present comment orally or in written form at the hearing. Persons who want to speak at the public hearing are encouraged to register in advance no later than June 6, 2016 and this registration will be used to determine the order of speakers at the public hearing at South Coastal Library.

Motion – Motion made to revise the prior letter sent by Town Manager Burke on the Aquaculture Farming Project and resend - Council Member Tingle

Second – Council Member Bunting

Discussion – None

Vote: (7-0)

- **New Business** – Council Member Weistling asked for Council for an excused absence for the May Council meeting due to a family graduation.

Motion – Motion made to approve excused absence request - Council Member Tingle

Second – Council Member Bunting

Discussion – None

Vote: (7-0)

- Council Member Bunting announced the new address for the Farmers Market. The Market will be open at Warren Station, 1406 Coastal Highway and Monday through Friday 8:00 a.m. -12 noon starting June 17th through September 2, 2016.

PUBLIC PARTICIPATION

- Bill Mould – 1 Indian St. – Requested additional copies of Town Council documents for the public.
- Lynn Andrews – 1205 N. Schulz Rd. – Noted that the legal budget is at 191%. Mayor Langan stated we must protect the town and we need legal counsel.
- Mike Quinn – 5 W. Houston St. – He stated should Council look into local legal options? Council Member Bunting stated the town solicitor we use is familiar with municipal law.
- Doug Lopez – 1007 Bunting Ave. – questioned quarterly mailings.

UPCOMING MEETINGS AND EVENTS

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

a.	May 3	9:30 a.m.	Charter and Ordinance Committee Meeting
b.	May 11	10:30 a.m.	Technology Committee Meeting
c.	May 12	2:30 p.m.	Environmental Committee Meeting
d.	May 17	2:30 p.m.	Planning Commission Meeting
e.	May 19	2:00 p.m.	Business Development Committee Meeting
f.	May 26	9:30 a.m.	Ad hoc Election Committee Meeting
g.	May 27	3:30 p.m.	Regular Council Meeting
h.	May 30	Town Hall Closed	Memorial Day
i.	June 17	3:30 p.m.	Regular Council Meeting

Motion to Adjourn – Council Member Weistling

Second – Council Member Tingle

Discussion – None

Vote – (7-0)

Meeting adjourned at 4:50 p.m.

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