

TOWN OF FENWICK ISLAND, DELAWARE

Minutes of the May 27, 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 Boyden, Captain Ferry

PRESIDENT’S REPORT

- Mayor Langan thanked all of the committees for everything they have done this year and the past years. The Town has twelve committees plus the Planning Commission, Board of Adjustment and Board of Election. With all the committees and Boards there are 95 members.
- Mayor Langan talked about Beach Replenishment Fund. The town current has a replenishment fund totaling \$35,000. The town needs to plan for the future. He also added that the Town should look into a canal dredging fund. Town Manager Burke will be looking into any opportunities for assistance in the canal dredging area.
- Mayor Langan noted that the town is keeping an eye on tropical storm Bonnie and the Emergency Management Team will get together over the weekend, if needed. Basically what the town does is to set up a command post in the police department with all the members of Emergency Management Committee. Town Manager Burke noted that Emergency Management Information and the Re-Entry Plan are posted on the website along with Sussex County 911 information.

TOPICS FOR DISCUSSION AND POSSIBLE ACTION

- **Bethany/Fenwick Area Chamber of Commerce** – Kristi Maravalli – Noted that the Business Development Event Sub-Committee is tentatively scheduling an event for the Columbus Day weekend. One event would be Fenwick Friday’s where the business community will get together and advertise specials and promotions going on every Friday throughout the year. The Town will launch it on Friday, October 7th of the Columbus Day weekend. The committee would like to plan a festival for October 9th called the Homegrown Harvest Festival from 12-4 p.m. It will include a beach run, obstacle course and activities on the beach for children with a possible pumpkin patch. Registration would commence at Warren Station with family activities and a craft beer tent open all afternoon. The Town would need to apply for a one day State of DE Group Gathering License for \$10.00. All profits will go to the Town to offset costs of the festival events such as special events permit and police coverage. Town Manager Burke estimated expenses at \$1,000 or less. The committee believes this will be a positive event.

Town Manager Burke asked if there was anything presented that the Town does not like such as the alcohol permit or the hours. This would be the time to speak up before all the work is done for the June 17th Council Meeting for official approval. Council Member Weistling asked, “If it’s sponsored by the Fenwick Island Business Development, why are we bringing in an outside brewery?” Why not have the people that want to drink go to one of the local business establishments. Kristy Maravalli stated the businesses wanted to have a festival and it takes away from the community festival if you

have to go somewhere else.

- **Non-Qualified Voter Registration List** – Town Manager Burke, as Town Registrar, recommended that Council approve the non-qualified voter list, per Chapter 13. The non-qualification list is a list of those who are deceased or who have failed to vote in the past five (5) municipal elections. The qualified list will be finalized on July 8th at 4:30 p.m. (that is the last day to register to vote).

Motion – Motion made to accept the Non-Qualified Voter List – Council Member Tingle

Second – Council Member Bunting

Discussion – None

Vote: (7-0)

- **2016 Board of Election (confirmation)** – Mayor Langan announced that the swearing in of the Board of Election members was held early today due to members needing to attend grandchildren graduation. Board of Election members are: Audrey Serio (Inspector), Faye Horner (Judge), Carl McWilliams (Judge).
- **2016 Municipal Election** – Town Manager Burke stated a Notice for Solicitation for Candidates was posted at the Town Hall on May 9, 2016. Wednesday, June 22, 2016 at 4:30 p.m. is the filing deadline for candidates, followed by a meeting of the Board of Elections to certify nominees at 5:00 p.m. Upon completion of the certification process, the Town Council will meet at 6:00 p.m. to accept the nominees. Town Clerk Poole will post the Notice of Election on Friday, July 8, 2016 (if there are more than three candidates). The municipal election date is Saturday, August 6, 2016 from 1:00 p.m. to 5:00 p.m. at the Town Hall.
- **Community Branding Workshop** – Town Manager Burke was asked by the Budget Committee to present the details of a Community Branding Workshop to Council before the FY 2017 (FY17) Financial Plan presentation. The details are as follows:
 - o A DEDO Branding Workshop cost \$10,000, split 50% by State and Town.
 - o The Workshop takes 3-5 days with public workshops.
 - o The final product delivered are a new town logo, theme and tag line.
 - o The Town is responsible for taking future action (no grant funds available).
 - o Participating towns include: Milford, Georgetown, Bridgeville
 - o Benefits:
 - Consistency of branding
 - Brings community together to discuss who the community is
 - Public workshops
 - Relatively low cost for product

The discussion continued with Council Members and Town Manager Burke on different options and resources available to the businesses in the town. Request made to have Diane Laird return to discuss the program and available funds.

Mayor Langan suggested leaving it in the FY17 Plan but the spending request must be approved by Council. Council also recommended a public workshop be scheduled before any vote.

Approved 6.17.2016 with changes

- **New Website Presentation** – Town Manager Burke unveiled the town’s new website. He encouraged the community to review the website (fenwickisland.delaware.gov) and email him suggestions to improve the content, etc.
- **FY 2017 Fee Schedule Resolution #78-2016** – Town Manager Burke read Resolution #78-2016 into the record:

NOTICE

On May 27, 2016, The Fenwick Island Town Council
Passed the Following Resolution #78-2016
Fee Schedule FY 2017

L - ANNUAL BUSINESS LICENSE FEES

- 1 Retail Merchant (100-3-A)
 - (a) \$185 + .10 per square foot of floor space.
- 2 Building or Service Contractor (100-3-B)
 - a \$75 if Revenue made in Town is less than \$1500 yearly.
 - b \$185 if Revenue made in Town are more than \$1500 yearly.
 - c \$5 for additional License Decal (additional)
- 3 Rental Landlord (100-3-C)
 - a \$185 for Residential and Commercial rentals.
 - b \$185 + \$7.20 per sleeping unit for motels / hotels
- 4 Vending Machines (100-3-D)
 - a \$25 Newspaper and postage.
 - b \$50 Dispensing machines (drink, food, candy, ice)
 - c \$50 Children’s amusement.
 - d \$75 Music.
 - e \$250 Amusement and games.

B – BUILDING PERMIT FEES

- 1 3% of estimated construction cost \$100 minimum. (61-8)
- 2 \$350 Permit for approved building move (61-12-B)
- 3 Renewable Energy building permit fee – 2% ECC or \$100 whichever is less (160-7)

S – SIGN PERMITS FEES (136-6-c)

- 1 \$200 Multiple use identification sign (135-6-c)
- 2 Single use identification sign \$2 per lineal foot up to maximum of \$100 (135-6-C)
- 3 \$20 All other sign permits (135-6-C)

P – PARKING PERMIT FEES (112-11-P)

- 1 \$10 Daily
- 2 \$60 Weekly
- 3 \$150 Monthly
- 4 \$350 Summer

- 5 \$150 One Additional Resident Hang Tag (BLUE)
- 6 \$75 Resident Merchant Employee Permit (ORANGE)
- 7 \$75 Replacement of lost permit

C - COPY FEES

- 1 \$0.50 Xerox or computer print-out copy
- 2 \$25 Audio cassette / CD / DVD
- 3 \$500 Town Code Book
- 4 \$50 Town Merchant Address List (PDF available)
- 5 \$100 Property Owner Address List (PDF available)

F – FINANCIAL FEES

- 1 \$100 Charge for checks returned for insufficient funds
- 2 \$100 Late payment of Business License Fee (s)
- 3 \$200 Collection letter from Town Legal Counsel

H – HEARING FEES

- 1 \$750 Board of Adjustment & Zoning (160-10-B)
- 2 \$500 Council Hearing / House Move (61-12-A)
- 3 \$500 Council Hearing / Sub-Division (142-2-A)
- 4 \$500 Council Hearing / Code Exceptions (160-10-B)

O – OTHER FEES

- 1 Beach Bonfire Permit \$75 fee + \$100 deposit
- 2 Villalon Hall Rental \$40 fee + \$40 deposit
 - Annual non-profit fee \$50.00
- 3 Special Events \$150 fee + \$250 deposit
- 4 Special Event Police coverage Fees
 - Events less than 75 persons 2 hours min., \$100 per hour
 - Events exceeding 75 persons 4 hour min., \$100 per hour

R – Real Estate Tax

- (1) \$1.92 per 100 assessed value

O OTHER FEES

- \$53 Emergency Medical Service (EMS)
- \$269 Waste Administration

Attest: _____
Linda M. Poole, Town Clerk

Gene Langan, President of Council

Diane B. Tingle, Council Secretary

Approved 6.17.2016 with changes

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 its regular meeting on February 26, 2016 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 approve the FY 2017 Fee Schedule as presented – Council Member Mais

Second – Council Member Bunting

Discussion – Council Member Lee suggested possibly adding a weekend parking pass and increasing the bonfire fee. Council Member Tingle requested the fee schedule be done several months before so the residents in town had a chance to review, for comments, before it's approved.

Vote: (7-0)

- **FY 2017 Financial Plan** – Town Manager Burke – Annually each year, the Town Council shall prepare a budget containing the Financial Plan for conducting the affairs of the Town for the ensuing fiscal year. The budget shall contain a detailed statement of expenses for managing each department, the value of supplies and materials on hand, the amount of debt and an estimate of the amount of money to be received from taxes and all other anticipated revenue.

The FY 2017 Financial Plan was drafted by the Town Budget Committee in April and May. There were two public budget committee meetings held at Town Hall where the Town Budget Committee reviewed a statement of expenses, a statement of revenues and a statement of capital improvement plan budget expenses.

Overall, the Town is in a good financial position with over \$1.4 million in reserves (from past realty transfer taxes and operating surpluses) and minimal debt. All materials, equipment and vehicles are owned outright.

In FY 2017, the Town of Fenwick Island will deliver municipal services through a \$2 million Financial Plan (operating and capital budgets). The Plan includes Capital Improvement Plan Budget expenses of \$180,700, State and County grants of \$60,000 and Sussex County law enforcement grants of \$25,000.

Motion – Motion made to approve the FY 2017 Financial Plan as presented – Council Member Mais

Second – Council Member Bunting

Discussion – Mayor Langan stated after discussions in the Budget Committee meetings, an Ad Hoc Financial Committee will be formed to look at beach replenishment and canal dredging issues. He also stated that the proposed Committee will research the differences in commercial and residential taxes between private home rental and the businesses in town. Council Member Lee wanted to know if the property tax rate is the same for residential and commercial. She also wanted to know if the tax rate between Sussex County and Fenwick Island tax rate were the same. Town Manager Burke stated that Sussex County assessment ratio is 50% of 1974 and Fenwick Island taxes are based on a 1976 assessment.

Vote: (7-0)

Approved 6.17.2016 with changes

- **BBVFD Fire Service Contribution** – Town Manager Burke – the Fire Department, due to lack of qualified firefighters, asked for a service fee to help pay for seasonal staff. The cost is \$42,000 for four seasonal staff from Memorial Day to Labor Day. The Town of Fenwick Island percentage of the total, based on total properties, would be \$4,679. Sussex County has agreed to fund \$4,000.

Motion – Motion made to approve additional funds to BBVFD, not to exceed \$4,679 – Council Member Mais

Second – Council Member Weistling

Discussion – Discussion continued on fundraising options for the BBVFD to consider.

Vote: (7-0)

APPROVAL OF MINUTES

Motion – Motion made to approve the Minutes of April 22, 2016 - Council Member Bunting

Second – Council Member Weistling

Discussion – None

Vote – (7-0)

TREASURER’S REPORT

2016 Monthly Report

Summary The monthly report is a summary of all account balances through **April 30, 2016** and other pertinent financial information since the prior month’s Town Council meeting.

Cash Balance

- Beginning cash balance 4/1/2016 \$2,325,549.21
- Ending cash balance 4/30/2016 \$2,120,571.43
- Reserve Realty Transfer Tax Funds \$1,485,927.60 **included above in cash balances*

FY 2016 Operating Budget (8/1/15-4/30/16)

- 92.16% of Budgeted Income
- 74.35% of Budgeted Expenses

Realty Transfer Tax (1.5% local tax)

- Taxes collected in April \$33,412.50
- Total taxes collected in FY16 \$100,395.64

Outstanding Property Taxes

- \$ 9,030.15

Revenue Highlights

- 99.68% of real estate property tax budget (collected \$33,412.50 in April)
- 108.86% of rental receipt tax budget (collected \$4,574.23 in April)
- 77.42% of parking violations budget (collected \$100.00 in April)

Municipal Street Aid Report

- \$4,173.88 in expenses

Approved 6.17.2016 with changes

- \$0 (*Deposits*)

MSA Balance \$37,524.57

Dedicated Street Fund Report

- \$0 (*expenses*)
- \$4,385.21 (*Deposits*)

DSF Balance \$45,137.35

Parks & Recreation Fund Report

- \$925.69 in expenses
- \$2,191.61 (*Deposits*)

Parks & Rec Balance \$4,308.65

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

Second – Council Member Lee

Discussion - None

Vote: (7-0)

Treasurer’s Report accepted by Council

TOWN MANAGER’S REPORT

Projects / Updates

- The FY 2017 Financial Plan will be discussed and adopted at the May 27 Council meeting. Two Budget Committee meetings were scheduled.
- Management received DelDOT CTF reimbursement for the FY16 Street Maintenance project.
- The new website, fenwickisland.delaware.gov, is operational.
- The Town website and social media websites were updated accordingly.
- The 2016 Election will be held on Saturday, August 6 from 1-5 pm at Town Hall.

Overall, town staff has been working on preparing the town for the summer season. This is the time of year when specific projects are closing out and employees handle customer inquiries, etc.

Grant Applications (approved, pending, finalized)

- **2015 DNREC Recycling Grant (approved for \$2,689, 100% State of DE)**
 - o Grant purchases will be finalized by May 31. The recycling rack card will be printed by July 4.
- **2015 American Lung Association Grant (approved \$1,389, 100% State of DE)**
- **2015 DNREC DTF Grant (pending \$42,585, 50% Town of Fenwick Island match)**
- **2016 DNREC Surface Water matching Planning Grant (pending, \$30,000, 50% Town of Fenwick Island match)**
 - o DNREC approved \$15,000 in grant funds to engineer three (3) drainage projects along Route 1. The engineering will commence in FY17.

DEPARTMENT REPORTS

- **Building Official** – The monthly report was included in the Council meeting packet. Licenses issued 20.
- **Public Works** – The monthly report was included in the Council meeting packet.

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- **Beach Patrol** – The Monthly report was included in the Council meeting packet. 30 member staff with 25 returning guards, 18 lifeguards full time.
- **Police Department** – The April monthly report was included in the Council meeting packet. Chief Boyden recommended that the community sign on to the nixle Website and review what is offered. The FIPD uses nixle to post emergency management alerts.

TOWN COMMITTEE REPORTS

- **Charter and Ordinance** – Council Member Weistling noted no readings this month. Next month will be the first reading for the no hunting ordinance that was finalized. At the Committees next meeting they will be discussing the preliminary work done on a proposed property drainage ordinance for residential neighborhood to strengthen the verbiage on water drainage from one property going onto another property. Council Member Weistling asked Council, based on an earlier discussion with the Town Solicitor, if they feel Charter & Ordinance should proceed at drafting an ordinance allowing the town to collect legal fees on delinquent tax assessments. All Council Members agreed. Council Member Weistling will add to the upcoming Charter & Ordinance Committee agenda.
- **Beach Committee** – Captain Ferry stated that the Beach Committee will meet the second week in June to discuss the Town Bonfire.
- **Environmental Committee** – Chair Mary Ellen Langan – A meeting was held on May 12th and discussed the success of the town's first Earth Day cleanup and planned for the second annual cleanup. The Committee also drafted a letter to all individuals who have dead trees on their properties. Letters will be mailed shortly asking please to remove the diseased trees. Also, summer events were scheduled. The next meeting will be August 11th.
- **Technology Committee** – The Committee is searching for new projects.
- **Business Development Committee** – Council Member Bunting stated there will no meetings until September.
- **Ad hoc Election Committee** – Council Member Lee stated the Voters Registration Rack Card is complete. Printed cards are available at the Town Hall and will be distributed with the residential parking permits. The Committee has prepared a request for changes to voter's qualifications. The following information will be submitted to the Charter & Ordinance Committee.

After carefully reviewing the Fenwick Island voter qualifications and the comparison of such qualifications in neighboring municipalities, the Ad Hoc Elections Committee respectfully recommends that the Charter and Ordinance Committee make the following changes in Section 9.A. (1-4) of the Charter.

- 1) The spouse of a non-resident property owner held in a trust should be entitled to vote.

Prior to the voter qualification changes made in 2008, the spouse of a non-resident (freeholder) trustee was entitled to vote. In the majority of our neighboring municipalities, the spouse of a non-resident (freeholder) trustee is entitled to vote.

Allowing this change will eliminate a great deal of inequity and legal confusion. Non-resident households held in trust should be treated the same way as resident households held in trust.

- 2) A resident who is a non-property owner should **not** be entitled to a vote.

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Fenwick Island is the **only** municipality that allows resident non-property owners (i.e., renters) to vote without some sort of qualification. Some municipalities require a lease of at least 5 years or longer. Other municipalities do not allow resident non-property owners to vote.

Currently, a renter, who is a resident, is allowed to vote without an ownership stake in the municipality.

The Ad Hoc Elections Committee believes these changes would make voter qualifications more equitable, in line with other municipalities and compliant with Delaware state law. We request that the Charter and Ordinance Committee include these topics on the agenda for the June 7 meeting.

A member of the Ad Hoc Elections Committee will be available at the Charter and Ordinance meeting to answer any questions you might have.

Council Member Weistling ~~asked for~~ was given a copy of the request and will have it sent to the Town Solicitor for her review.

- **Ad hoc Parks Committee** – none
- **Planning Commission** – Council Member Mais stated the Planning Commission has continued to meet with the Plan consultant AECOM. 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 asked about the collections of money for the pole lights. Council Member Bunting stated that as of today the Town has collected \$5,482.67 out of the \$8,940, plus shipping. Sophia Belian has donated \$1,200 as a resident. Donations are not just from the business community. Any/all donations are welcome.

Council Member Bunting with Alex Daily presented the Fenwick Locals 19944 program. This will be volunteer program for businesses and resident participation.

FENWICK LOCALS PROGRAM

PURPOSE: This is a program to strengthen the relationship between local Fenwick Island homeowners/residents and local Fenwick Island businesses and merchants.

Simply stated, local Fenwick businesses supported by local residents, local employees and the Fenwick business community as a whole makes a better Town of Fenwick Island.

THE PROGRAM: This is a totally voluntary program for participating Fenwick business/merchants to reward local residents, local employees and other local businesses for their patronage of local Fenwick businesses.

Participating Businesses/Merchants: Each local participating business will define their own rewards for the Fenwick Locals Program. Participation in the program is free and voluntary for local business and customers. Each can join, develop and improve their reward program or withdraw from the Fenwick Locals Program at any time.

Each local business/merchant participating will receive a Fenwick Locals Program window sign or display poster to indicate their participation in the program. A list of participating Fenwick local business will be posted on the Town of Fenwick Island website to encourage residents to visit the local

Approved 6.17.2016 with changes

Fenwick businesses. This list of participating local Fenwick business/merchants will be updated on the Fenwick Island Town website as the list changes occur overtime.

Local Residents, Employees and Businesses (local customers): Each local Fenwick Island resident, business and /or Fenwick Island employee within the Fenwick Island, DE local zip code 19944 is included in the Fenwick Locals Program. This is a free program; there is no cost to use the program. Participation is totally voluntary. Any local tax bill, resident F.I. parking hangtag, employee I.D. or Delaware License with a 19944 zip code address identifies the customer as a Fenwick Local under this program. Each participating Merchant is the final authority to determine if a customer qualifies for their customer reward program.

Program Administration and Length: The Fenwick Locals Program will be controlled and administrated by the Fenwick Island Town Business Development committee members. Support from local business is welcome and encouraged. This Fenwick Locals Program is for 2016 / 2017. Additional participating business/merchants window signs will be available at Fenwick Island Town hall for new businesses as needed. The Fenwick Locals Program may be revised or extended by the committee.

Program Costs: There is no cost to implement the Fenwick Locals Program. “Fenwick Locals” participating merchant/ business display signs will be donated.

Program Scope and Area: The Fenwick Locals Program is intended for the benefit of Local Fenwick Island residents, town employees and the local businesses and their employees within the Fenwick Island, DE zip code 19944. The area included in the program is from bridge on Route 54 / Lighthouse Road north to the Narrows and east of Little Assawoman Bay. This includes both the incorporated and unincorporated areas of Fenwick Island.

- **New Business** - none

Motion – Motion made to approve the flyer for the Fenwick Locals 19944 Program - Councill Member Mais

Second – Council Member Bunting

Discussion – None

Vote: (7-0)

PUBLIC PARTICIPATION

- Lisa Benn – 1306 Bunting Ave. – As a member of the Technology Committee, she wanted to thank Town Manager Burke and Town Clerk Poole for all the work on the website. Also questioned IT maintenance fee in budget.
- Kevin Carouge – 1006 Bunting Ave. – Wanted to add the website is excellent. He had the opportunity to review it and found it very easy to navigate and find documents. Also had branding question.
- Lynn Andrews – 1205 N. Schulz Rd. – Questioned the amount of additional money to the fire department. Town Manager Burke stated it was just approved to be included in the FY 2016 budget.

UPCOMING MEETINGS AND EVENTS

Approved 6.17.2016 with changes

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

- | | | | |
|----|---------|--------------|---|
| a. | May 30 | Memorial Day | Town Hall Closed |
| b. | June 7 | 9:30 a.m. | Charter and Ordinance Committee Meeting |
| c. | June 14 | 1:00 p.m. | Planning Commission Meeting |
| d. | TBD | 9:30 a.m. | Ad hoc Election Committee Meeting |
| e. | June 17 | 3:30 p.m. | Regular Council Meeting |

Motion to Adjourn – Council Member Bunting

Second – Council Member Mais

Discussion – None

Vote – (7-0)

Meeting adjourned at 5:21 p.m.

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