

TOWN OF FENWICK ISLAND, DELAWARE

Minutes of the September 23, 2016, Regular Council Meeting

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

Council in Attendance: Gene Langan, Richard Mais, Gardner Bunting, Bernie Merritt, Vicki Carmean, Julie Lee, Roy Williams

Staff in Attendance: Town Clerk Poole, Public Works Supervisor Reed, Chief Boyden, Captain Ferry, Building Official Schuchman

PRESIDENT'S REPORT

- Mayor Langan stated the recruiting for a new Town Manager is ongoing and thanked Chief William Boyden for taking over as the interim Town Manager.
- Mayor Langan noted, recently it was brought to his attention that Bayard Street had no Mob-i-mats all summer. This was error on the Town's part. To the people who were inconvenienced by this, he apologized on behalf of the town. Reasons aren't reasonably clear but the mats have been put in place. It's late in the season and the intention is to keep the mats in place until November 1st. Mayor Langan discussed with Public Works Supervisor Reed that next year the Mob-i-mats, regardless of the State, will be in place for the beginning of the season.
- Mayor Langan thanked the Barefoot Gardeners for planting the planters in the Community Park and adding the outside decorations for the fall season. Also, on October 1st at 1:00 p.m., the Garden Club will be holding a dedication ceremony for the Blue Star Memorial Marker to honor our veterans: past, present and future. New committee members will be announced at the October Council Meeting.

TOPICS FOR DISCUSSION AND POSSIBLE ACTION

- **Section 9 – Qualification of Voters** – Mayor Langan reported this is still under legal review.
- **2016 Fenwick Flicks Summer Review** – Mayor Langan noted due to scheduling conflict, this will be moved to October Council.
- **Committee Participation Application** – Mayor Langan announced if you are interested in being on a committee, please get your application in. Committee participation is from November 1, 2016 – October 31, 2017.

APPROVAL OF MINUTES

Motion – Motion made to approve the Minutes as read - Council Member Lee

Second – Council Member Carmean

Discussion – None

Vote – (7-0)

TREASURER'S REPORT

2016 Monthly Report

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

Cash Balance

- Beginning cash balance 8/1/2016 \$1,763,299.39
- Ending cash balance 8/31/2016 \$1,911,932.07
- Reserve Realty Transfer Tax Funds \$1,403,811.50 **included above in cash balances*

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

- 15.03% of Budgeted Income
- 8.86% of Budgeted Expenses

Realty Transfer Tax (1.5% local tax)

- Taxes collected in July \$48,678.30
- Total taxes collected in FY16 \$48,678.30

Outstanding Property Taxes

- \$ 4,769.99

Revenue Highlights

- 22.83% of real estate property tax budget (collected \$155,759.03 in August)
- 1.23% of rental receipt tax budget (collected \$3,367.68 in August)
- 45.72% of parking violations budget (collected \$5,486.00 in August)

Municipal Street Aid Report

- \$2,339.80 in expenses
- \$32,095.09 in deposits

MSA Balance \$64,431.83

Dedicated Street Fund Report

- \$0 in expenses
- \$0 in deposits

DSF Balance \$45,821.35

Parks & Recreation Fund Report

- \$348.00 in expenses
- \$1,977.71 in deposits

Parks & Rec Balance \$4,162.03

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

Second – Council Member Lee

Discussion – none

Vote: (7-0)

Treasurer's Report *accepted* by Council as read.

Council Member Bunting added, the new bank is scheduled to open in about three (3) weeks. After much research and discussion would like to propose the Town consolidate all account into one bank. PNC has started charging the Town ridiculous fees on accounts that had previously been waived. PNC currently has no Commercial Account Manager in the area and the local branch has no manager. Needless to say, communication on account issues is very difficult. The Bank of Ocean City is paying the highest interest rate and has taken action to back the Town with 3 million dollar to cover anything not covered by FDIC. This request was presented to the Town's Auditor, Tom Sombar and approved with the information provided in writing once a month.

Motion – Motion made to consolidate all banking accounts to the Bank of Ocean City as proposed – Council Member Mais

Second – Council Member Merritt

Discussion – Council Member Carmean noted because the auditor has agreed and monthly letters to confirm the insurance, then she feels this will be good.

Vote: (7-0)

TOWN MANAGER'S REPORT

- The October Fall Festival, sponsored by the Chamber has been cancelled and rescheduled for next fall season.
- Town Hall roof leak has been repaired and inspected.
- Chief William Boyden is the contact person for the Town Manager position. All applications and inquiries should be direct to Chief William Boyden.
- Chief William Boyden wanted to say "Thank You" to Bill & Elsie Weistling for providing lunch and cake for Law Enforcement Appreciation Day.

DEPARTMENT REPORTS

- **Building Official** – The monthly report was included in the Council meeting packet. Only (4) Business License were issued in August. Also, DNREC's Division of Watershed Stewardship's Shoreline & Waterway Management Section will make a Public Informational Presentation on the Revised Beach Regulations. The presentation will take place from 1:00 – 3:00 p.m., Friday, October 21, at the South Coastal Library, 43 Kent Avenue, Bethany Beach, and DE 19930. Registration is required.
The Shoreline & Waterway Management Section will outline the recent revisions that have been made to the Regulations Governing Beach Protection and the Use of Beaches (effective August 11, 2016).
Topics Include:
 - A history of coastal storms and erosion that have impacted Delaware, and the importance of beaches and dune systems for their protective and recreational benefits.
 - A brief history of the Act and Beach Regulations
 - Building Line maps
 - 2016 Revisions to the Regulations including: The Regulated Area Substantial Damage, Substantially Improved, The Four Step Process, Cantilevered Decks, and Temporary Structures.
- **Public Works** – The monthly report was included in the Council meeting packet. Council Member Carmean is working with Public Works Supervisor Reed to work on the median strip landscaping.
- **Beach Patrol** – The monthly report was included in the Council meeting packet. Captain Tim Ferry announced that the guards are finished for the season. The weather was hot and sunny. Surf was moderate. Small increase on emergencies. The Transport side-by-side is (4) years and had major

mechanical issues in the spring. Would like to see if the capital budget might be able to cover the purchase of a new side-by-side.

- **Police Department** – The monthly report was included in the Council meeting packet.

TOWN COMMITTEE REPORTS

- **Charter and Ordinance** – First Reading – Chapter 9 – Qualification of Voters – moved to October Council. Chair, Bill Weistling noted after meeting with the Town Solicitor the C&O Committee is working on drafting recommended changes to the following areas: 1) Voting, 2) Spouses of trusts, LLC and artificial entities, 3) Define resident, 4) How one person or maybe a spouse could have multiple vote, depending on how they own property. A draft has been prepared and sent to the Town Solicitor and asked for approval/changes that would pass through the General Assembly. The second item discussed was FAR. The Towns Ordinance allow 5 bedrooms and 4 baths. The committee discussed adding more bathrooms. All of the members of the committee were in favor except for one increasing the bathrooms. Chair, Weistling would like council to consider changing 5 to 6 or 5 ½ and the committee can draft something at the next C&O meeting with your recommendation. All of Council recommended with an informal vote to increase to 5 ½. The committee will also be preparing for a first reading on Property Maintenance Drainage for the October Agenda.
- **Planning Commission** – Next meeting October 18th, 2016 to review red line version.
- **Beach Committee** – None.
- **Environmental Committee** – Chair, Mary Ellen Langan noted the next meeting with be October 13th, 2016. Also, noted the dead trees are coming down but be careful as there is a scam from a tree service stating trees can be treated. According the Forestry Service, there is no treatment for this, the trees must be taken down and destroyed.
- **Technology Committee** – Next meeting TBD.
- **Business Development Committee** – Next meeting will be Thursday, October 20th, 2016. Branding will be discussed.
- **Ad hoc Election Committee** – Chair, Julie Lee noted that she attended the C&O meeting to address the Voter Qualification – Section 9.
- Old Business – Council Member Lee asked what are the requirements to participate on a Committee the same as qualifications for voting? Mayor Langan stated all you need is to be a property owner to be on a committee
- New Business – Council Member Carmean added the group would like to continue the Christmas Holiday Event. Also, requested funding not to exceed \$300.00.

Motion – Motion made to approve funds for the Holiday Event not to exceed \$300.00 – Council Member Bunting

Second – Council Member Lee

Discussion – None.

Vote: (7-0)

UPCOMING MEETINGS AND EVENTS

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

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| a | Oct 04 | 9:30 a.m. | Charter and Ordinance Committee Meeting |
| b | Oct 11 | 2:00 p.m. | Planning Commission Meeting |
| c | Oct 13 | 2:30 p.m. | Environmental Committee Meeting |
| d | Oct 20 | 2:00 p.m. | Business Development Meeting |
| e | TBD | 10:30 a.m. | Technology Committee Meeting |
| f | Oct 28 | 3:30 p.m. | Regular Council Meeting |

PUBLIC PARTICIPATION

Ben Waide – 12 W Dagsboro St. – How does the town define a property owner in reference to voting.

Lisa Benn – 1306 Bunting – Need to have Committee Application Updated.

Mike Quinn – 5 W Houston - Has DNREC passed this law and who's laws will rule. The law has passed on August 11th, 2016. Building Official Schuchman stated whoever has the more restrictions, DNREC.

Motion to Adjourn – Council Member Bunting

Second – Council Member Mais

Discussion – None

Vote – (7-0)

Meeting adjourned at 4:27 p.m.

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