

TOWN OF FENWICK ISLAND, DELAWARE

Minutes of the December 9, 2016, Regular Council Meeting

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

Town Council Members in Attendance:

Gene Langan, Richard Mais, Gardner Bunting, Bernie Merritt, Vicki Carmean, Julie Lee, Roy Williams

Staff in Attendance:

Chief Boyden, Town Clerk Poole, Building Official Schuchman, Public Works Supervisor Reed

PRESIDENT'S REPORT

- Mayor Langan recognized Council Member Carmean for all her assistance in helping Public Works with the renovation of the *median* project.
- Mayor Langan noted there will be no change to the \$53.00 ambulance fee for 2017.
- Association of Coastal Towns Group (ACTS) are looking on moving forward on reviving this committee for the coastal towns. SCAT does a good job for Sussex County but the coastal town have completely different needs. This should be moving forward in the next couple of months.

TOPICS FOR DISCUSSION AND POSSIBLE ACTION

- **2016 town Audit** – Mr. Tom Sombar, Sombar & Company, CPAs, P.A. reported the financial status of the Town with a surplus of \$32,973 for the 2015 – 2016 calendar year. Council Member Carmean asked when the Town is part of a grant process, how can this be funded without using RTT funds. Mr. Sombar noted the Town should be able to pay for things rather than transfer funds. The Town should follow expenses and if significant the budget should be amended on both the revenue and expense sides.

Motion – Motion made to accept the audit for 2015 -2016 – Council Member Mais

Second – Council Member Merritt

Discussion – None

Vote – (7-0)

- **2016 Fenwick Flicks Summer Review** – Ms. Kristie Maravalli the Chamber of Commerce announced the success of the Fenwick Flick with a total of 650 attendees but unfortunately the Chamber will not be able to do the Fenwick Flicks for 2017. They will be able to help with transition and contact if the town is interested. Cost per movie is about \$900.00. Mayor Langan suggested looking for sponsor to support the program.

- **Appoint Chairman of the Board of Adjustments** – Mayor Langan announced the newly elected Board of Adjustment Members. Chairman - Tim Collins, Vice-Chair - Richard Benn, Secretary – Marlene Quinn, Linda Bunting and Craig Lambertson.

Motion – Motion made to approve Board of Adjustment Members – Council Member Lee

Second – Council Member Bunting

Discussion – None

Vote – (7-0)

- **Approve Rules of the Board of Adjustments** - Building Official Schuchman noted the Rules of the Board of Adjustment of the Town of Fenwick Island, Delaware were revised to better define the Building Official and the Town Manager’s responsibilities.

Motion – Motion made to accept the revised Rules of the Board of Adjustment of the Town of Fenwick Island, Delaware – Council Member Bunting

Second – Council Member Merritt

Discussion – None

Vote – (7-0)

- **Approve Go Melvo 2017 Contract** – Acting Town Manager Boyden presented a letter from Go Melvo requesting to extend for the 2017 season at the rate of \$12,500 upfront.

Motion – Motion made to accept the Go Melvo contract option to extend at \$12,500 upfront payment – Council Member Mais

Second – Council Member Carmean

Discussion – None

Vote – (7-0)

APPROVAL OF MINUTES

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

Second – Council Member Lee

Discussion – None

Vote – (6-1) Mayor abstained

TREASURER’S REPORT

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

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

Second – Council Member Lee

Discussion – none

Vote: (7-0)

Treasurer's Report accepted by Council as read.

TOWN MANAGER'S REPORT

- Acting Town Manager Boyden welcomed back Town Clerk Poole and thanked Admin Clerk Brittingham and Building Official Schuchman for all their assistance in covering in her absence.
- Public Works are working on completing the holiday lights in the Community Park and the Town Hall.
- Acting Town Manager Boyden reported some good news. An old PayPal account notified the town of \$2,100 from the sale of surplus equipment.

DEPARTMENT REPORTS

- **Building Official** – The monthly report was included in the Council meeting packet. Nineteen (19) Business License were issued in October and November. Mayor Langan asked Building Official Schuchman what was projected for the PNC lots. Building Official Schuchman stated the builder is planning to build on the 3 vacant lots and rent the PNC Bank building.
- **Public Works** – The monthly report was included in the Council meeting packet. Public Works Supervisor Reed reported that since adding the brick option to the Community Park in 2004, 279 bricks have been added in the walkways generating \$36,000.
- **Beach Patrol** – None.
- **Police Department** – The monthly report was included in the Council meeting packet. Chief Boyden stated to keep an eye on your neighbor's property to help avoid break-ins.

TOWN COMMITTEE REPORTS

- **Beach Committee** – Chair McWilliams reported that the Turkey Trot had 648 participants, 45 dogs and generated \$7,700 for the American Cancer Society. Also, the 13th Annual Fenwick Freeze will have a time change from 9:00 a.m. to 11:30 a.m. Forms available for registration and new artwork available soon. Pre-Registration requested.
- **Environmental Committee** – Mayor Langan announced Colleen Wilson will be taking over as Environmental Committee Chair while Mary Ellen Langan addresses health issues. Chair Wilson reported the Town had a good response on the pine wilt but noted a few more trees have shown pine wilt issues. The cigarette count sponsored by the American Lung Association Grant: 809 cigarette butts and 28 cigar butts. Looking ahead, Earth Day Celebration will be held on April 22, 2017. Details to follow at a later date. Requested \$300.00 from the Town to help support the expenses for clean-up materials for the event. Chair Wilson continued by stating the Town has a feral cat issue that should be addressed along with the health of the Town's canal with silt build-up. Next meeting January 12th, 2017 at 2:30 p.m.

- **Technology Committee** – None. Next meeting will be scheduled after the new Town Manager is hired.
- **Business Development Committee** – Chair Tim Collins noted the Business Development Committee is working to pull together the business community and to encourage those that are open to add holiday lights. The committee is working on several events with the Chamber to host a Homegrown Harvest Festival for Columbus Day weekend 2017 and also looking into implementing a Fenwick Friday’s program. Alex Day is working on the Fenwick Locals Program, which is a discount program with the local stores.
- **Ad hoc Election Committee** – No recent meeting. Workshop to be scheduled, date and time TBD.
- **Charter and Ordinance** – Chairperson Bill Weistling:
 - First Reading – Chapter 9 – Qualification of Voters – proposed amendment was tabled.
 - First Reading – Chapter 61-1C (Utility & Bldg. Const. – Article 1) – The Town of Fenwick Island is 100% in the flood plain and per Chapter 88, Flood Damage Protection, a building permit is required now for any work done in the Town.
 - **Motion** – Motion made to **accept** the First Reading as read – Council Member Mais
 - **Second** – Council Member Carmean
 - **Discussion** – none
 - **Vote: (7-0)**
 - Second Reading – Chapter 120-2A (3)(a) – (Property Maintenance) - this amendment will require any additional work to approved drainage plans be approved by the Building Official. Council Member Merritt made a motion to accept the First Reading as read, seconded by Council Member Bunting.
 - **Motion** – Motion made to **accept** the Second Reading as read – Council Member Carmean
 - **Second** – Council Member Bunting
 - **Discussion** – none
 - **Vote: Council Polled: Council Member Williams, Carmean, Bunting, Langan, Merritt, Lee and Mais – 7 Ayes Reading passed.**
 - Second Reading – Chapter 160-2B – (Zoning) – this amendment will increase the number of bathrooms allowed in a single-family dwelling from no more than four bathrooms to a maximum of five full bathrooms and one half-bathroom. Council Member Merritt made a motion to accept the First Reading as read, seconded by Council Member Bunting.
 - **Motion** – Motion made to **accept** the Second Reading as read – Council Member Mais
 - **Second** – Council Member Bunting
 - **Discussion** – none
 - **Vote: Council Polled: Council Member Williams, Carmean, Bunting, Langan, Merritt, Lee and Mais – 7 Ayes Reading passed.**
 - Second Reading – Chapter 160-8A (9)(b) [1](a) – (Zoning) – this amendment will require a fence along the rear of commercial property for new construction (*being used for commercial purposes and adjacent to residential property*). In the event a fence pre-exists the new construction that fence may remain; however, in the event the fence is removed at any time it will be the

responsibility of the commercial property owner to replace the fence with a fence no less than six feet high nor more than seven feet high. Council Member Merritt made a motion to accept the First Reading as read, seconded by Council Member Lee.

- **Motion** – Motion made to accept the Second Reading as read – Council Member Mais
- **Second** – Council Member Merritt
- **Discussion** – none
- **Vote: Council Polled: Council Member Williams, Carmean, Bunting, Langan, Merritt, Lee and Mais – 7 Ayes Reading passed.**

Chair, Bill Weistling added that at the last Charter & Ordinance meeting council had asked the committee to look into additional handicap spaces at the beach ends. The committee discussed and agreed that the parking should remain the same. There was a consensus that Bayard Street beach end is the designated handicap area from the State of Delaware and handicap access is provided to the beach. Discussion continued that possible ADA requirements would require the Town to provide more parking. Town Solicitor, Mary Schrider-Fox, researched and stated that the Town is not obligated to provide handicap parking at the beach ends since the Town regulates parking within Town. The Committee agreed there would be no need to increase the number of handicap spaces.

OLD BUSINESS

None

NEW BUSINESS

Council Member Mais asked Town Council to approve an amount, not to exceed \$300.00 for the Environmental Committee to help with expenses for the Earth Day Celebration.

- **Motion** – Motion made to approve funds for the Environmental Committee Earth Day Celebration not to exceed \$300.
- **Second** – Council Member Merritt
- **Discussion** – none
- **Vote: (7-0)**

Council Member Carmean announced the Barefoot Garden Club 2017 Garden Tour. The Club will only be selling 500 tickets and parking will be at the local patrons. Council Member Mais stated there will be a booklet published with plenty of space for commercial advertising and residential good wishes. More details to follow.

Public Works Supervisor Reed wanted to remind everyone that the last yard waste for the year will be December 15th.

Council Member Carmean has requested an excused absence from the January Town Council Meeting.

- **Motion** – Motion made to approve excused absence for Council Member Carmean: Council Member
- Mais

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

Bill Weistling suggested possibly using the GoMelvo payment to help with the costs of the Fenwick Flicks. Council Member Bunting suggested a possible workshop be held to discuss the options to continuing the Fenwick Flicks.

UPCOMING MEETINGS AND EVENTS

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

a	Jan 06	9:30 a.m.	Charter and Ordinance Committee Meeting
b	Jan 12	2:30 p.m.	Environmental Committee Meeting
c	Jan 19	2:00 p.m.	Business Development Committee Meeting
d	TBD	10:30 a.m.	Technology Committee Meeting
e	Jan 27	3:30 p.m.	Regular Council Meeting

PUBLIC PARTICIPATION

Mike Quinn – 5 W Houston – Noted a correction to the upcoming meeting and events. Charter & Ordinance meeting is Jan 06 not Jan 03. Also, questioned delinquent tax amounts.

Lynn Andrews – 1205 Schulz Road – Asked about the installation of smoke alarms and CO2 alarms in all rental property and having the Building Official inspect all rental properties. Also added that someone should be inspecting the docks in town.

Motion to Adjourn – Council Member Mais

Second – Council Member Merritt

Discussion – None

Vote – (7-0)

Meeting adjourned at 4:48 p.m.

**Transcribed by Linda Poole, Town Clerk
for Council Member Bernie Merritt, Secretary*