

**Town of Fenwick Island  
Minutes of the Charter & Ordinance Committee Meeting  
July 7, 2017**

**Call to Order at 9:35 a.m.**

**Present:** Committee Members Bill Weistling, Bernie Merritt, Roy Williams, Vicki Carmean, Bill Mould, Mike Quinn, Doug Lopez, Terry Tieman, Linda Martin and Pat Schuchman

**Public in Attendance:** Julie Lee, Tim Collins

**Minutes:**

- Vicki Carmean made a motion to approve the minutes of June 9, 2017 seconded by Doug Lopez. Motion passed.

**Issues for Discussion & Possible Action:**

- Bill Weistling began discussion on the proposed Charter amendment to Section 9 (Voting) presented by Julie Lee of the AdHoc Election Committee. Over the last two years it has been discussed to change the current non-voter qualification from one vote per trust or LLC by increasing the number of persons on a trust to two and all other non-residents on a deeded property to no more than four votes.
- Mrs. Lee commented that the purpose of this change is to re-instate the votes lost by the spouse of a trustee when the Charter was amended in 2007 – 2008. At that time an artificial entity gained the ability for one member of the artificial entity to vote in Town elections. She also requested that the Charter be changed to allow no more than four votes per trust and allow those persons on a deed who are not bonafide residents up to four votes per property.
- Mr. Weistling commented that although he agrees that spouses of trustees should regain their right to vote as they had previously, he is opposed to allowing up to four persons on a trust or deed to vote individually as he believes this would dilute the voting capability of the property owners who permanently reside in Town.
- A poll of the committee members showed all in favor of allowing all bonafide residents to vote, up to four persons on a deed, up to two for a trust and one vote per LLC.
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- The discussion continued onto a definition for “smoking” in both Chapter 52 (Beaches) and Chapter 116 (Peace and Good Order). Using the original definition discussed at previous C&O meetings and suggestions from the Town Attorney, the new definition will be as follows: *“The burning, heating, inhaling or exhaling of a cigarette, cigar, pipe or other product or device that contains tobacco, herbs, weeds and marijuana including the use of e-cigarettes and vaporizers.”*
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- The next item for discussion was Chapter 160 (Zoning). Mr. Weistling proposed a definition of an *“improved lot as any man made changes to real estate, including, but not limited to, a primary permanent building, accessory structures, paving, grading and landscaping”* which he obtained from various municipalities’ definitions.
- In an effort to define parking on a commercial improved lot, he has suggested an amendment to Chapter 160-10C(2) by adding: *“Commercial parking spaces shall be located on the same improved lot(s) with the structure they are intended to serve. Such parking and parking on any improved lot(s) will only be allowed on an improved lot that has a permanent structure that includes electric, sewer and bathrooms in working order during the operating hours of the business. Such business shall be open to the public. Town Council may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits or any other requirement it shall deem necessary to assure the continued provision and maintenance of such spaces.”*

- After a lengthy discussion the following are considerations for accessory parking that need to be addressed:
  - How to prohibit beach parking on commercial property (improved and vacant lots);
  - If a lot is vacant, will we require a structure on the lot;
  - A need for a definition of a “business”;
  - Allowing food trucks, etc. Is DelDot approval needed;
  - Safety and liability controls – require Certificate of Insurance; and
  - Purchasing a lot for the purpose of allowing accessory parking for existing business.
  - Define “required” and “accessory” parking.

**Comprehensive Plan:**

Terry Tieman reported that the Town is still waiting for State approval of the Comp Plan update. Will contact Winnie Lewis and Richard Mais to see when it should be placed on agenda for approval by Town Council.

**Next Meeting:**

The next C&O meeting will be held on Friday, August 4, 2017 at 9:30 a.m.  
Item for Discussion will be:

- Charter – Section 34 (Borrowing for Current Expenses)
- Chapter 52 & Chapter 116 (Smoking)
- Chapter 160 – (Commercial – dumpsters)
- Chapter 160 – (Commercial – mechanical equipment in setbacks)

**Old Business:**

Tim Collins, Chairman of the Business Development Committee, expressed his concerns on the recently enacted amendment to Chapter 160-5C (Area regulations; commercial zone) where any mechanical equipment servicing a commercial building now must not be located in any setbacks. He asked that C&O review this requirement and reconsider alternatives that would allow them to be in setbacks in some instances. It was agreed to place this on the agenda for further discussion at the next C&O meeting.

**New Business:**

None.

**Adjourn:**

Bernie Merritt made a motion to adjourn seconded by Doug Lopez. Meeting adjourned at 11:15 a.m.