



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL JUNE 23, 2017

MINUTES

In Attendance

Town Council Members:

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

Staff in Attendance:

Town Manager Tieman, FIPD Chief Boyden, Lifeguard Captain Ferry, Building Official Schuchman, Public Works Supervisor Reed, Finance Administrator Brittingham, Administrative Assistant Martin

President's Report

Mayor Langan began the meeting at 3:30 PM by stating that there would be no election this year and the incumbents would be sworn in at the Organizational Meeting in August.

Mayor Langan thanked the Mumford's family for hosting the farmers market again this year in the Warrens Station parking lot.

Town Manager Tieman is working on setting up a working session with DNREC, the Environmental Committee, and Town Council to discuss the dredging of canals. The meeting will be held sometime after the budget year at the end of July. The meeting will be open to the public.

For Discussion and Possible Action

The amended fee schedule was presented to the Council by Town Manager Tieman. She stated that the amendment changed Section H, item 1, of the fee schedule. The new fee schedule more accurately reflects the cost of an attorney and a clerk if they are needed for the Board of Adjustments application.

Motion – Council Member Carmean asked for a motion to approve the amended Fee Schedule.

Second – Council Member Lee.

Vote – 7-0.

Approval of Minutes

Motion – Vice Mayor Mais asked for a motion to approve the minutes from May 26, 2017 meeting.

Second – Treasurer Bunting.

Vote – 7-0.

Treasurer's Report

Treasurer Bunting presented the report for period ending May 31, 2017. He highlighted the fact that although we have had some unexpected expenses for the month, including the clean-up of beach grass on the beach, we are under budget for the year and month.

Motion – Council Member Carmean asked for a motion to approve the Treasurer's Report.
Second – Vice Mayor Mais.
Vote – 7-0.

Town Manager's Report

Town Manager Tieman introduced Linda Martin as the Administrative Assistant. For the next few meetings, Town Manager Tieman requested that those in attendance at the meetings state their name to assist Linda in her note taking.

So far, \$15,600 has been raised for the Fenwick Island lifeguard stand advertisement. \$2,550 has been raised for the Fenwick Flicks, but the town is still looking for more sponsors to help with the costs of the 3 movies.

Lifeguards are up and running as the season has kicked off. Town Manager Tieman read a letter to the Council that she received from a visitor in regards to the friendliness of the lifeguard team during their stay in Fenwick Island.

Department Reports

Building

Building Official Schuchman stated that 20 business licenses were issued in the month of May.

Public Works

Public Works Supervisor Reed stated that all the Public Works employees are doing a great job keeping the grass cut. The team has also been busy removing sand from the mats and preparing for the upcoming bonfire on July 8th.

Council Member Williams asked if there have been any problems with the new mobi mats. Supervisor Reed stated that there have been no issues as they are using sand to hold down the edges of the mats. So far he has heard nothing but good responses on the 6 new mats that were put down this year, and is hoping that 6 more can be purchased for the upcoming year, and 6 more the following year. Council Member Lee thanked Supervisor Reed on the installation of the mats.

Beach Patrol

Lifeguard Captain Ferry stated that even though the season started off slow, things are starting to pick up. He commented that he has more rookie lifeguards this year than in previous years, but all the lifeguard certifications have been completed. The Junior Lifeguard program begins next week and Captain Ferry noted that 18 of his current lifeguards were part of the Junior Lifeguard program in the past.

Vice Mayor Mais questioned about any remnants of Hurricane Cindy this upcoming weekend. Captain Ferry stated that as of Friday morning, the hurricane had been downgraded, so he is only expecting strong waves and wind and a mild rip current risk.

Council Member Lee was concerned about the amount of rookie lifeguards this year and if they were being paired with more experienced lifeguards. Captain Ferry responded that he did have every rookie paired with an experienced lifeguard and so far has had no issues.

Police Department

Chief Boyden noted the report provided in the packets shows a marked increase in statistics. This was due to more visitors in May compared to previous years.

There have been issues with residents and parking stickers. Residents seem to be unaware that the sticker actually has to be stuck on the vehicle in order for a ticket not to be issued. There was a flyer issued with each sticker stating the location that it has to be placed.

There is a small supply of bicycle permits available at the police station or from any FIPD officer if anyone is interested.

The Delaware Office of Highway Safety will be holding an event on Wednesday, June 28th in conjunction with the Maryland Office of Highway Safety. The event will be held on the MD/DE state line on Coastal Highway. Free giveaways and information will be handed out about crosswalk safety.

Committee Reports

Beach

Nancy Merritt informed the Town Council that the bonfire is scheduled for July 8th beginning at 7:00 PM – 11:00 PM. Also, letters were mailed out to local businesses for donations (gift cards) for the silent auction to be held in the fall.

Environmental

No information. Next meeting to be held in September.

Business Development

No information.

Ad hoc Election

Council Member Lee is working with the Charter & Ordinance Committee on rewording the election qualifications section in the Code Book.

Planning Commission

Vice Mayor Mais stated that he is waiting to hear from the State on the 10 year anniversary plan and needs to reconvene with the Planning Commission soon to hopefully forward the 2nd reading to the Council in July, then will submit for final approval from the State.

Ad hoc Financial

Vice Mayor Mais stated that he is waiting on the State in regards to adjusting our fees/taxes.

Charter & Ordinance

Bill Weistling stated that the first reading of Chapter 116-2 (Peace and Good Order – Smoking) is withdrawn from the agenda. First reading to be held at the July Council Meeting.

Chapter 52 (Beaches – Umbrellas and Beach Tents)

Motion – Vice Mayor Mais asked for a motion for the first reading of Chapter 52 (Beaches – Umbrellas and Beach Tents) to be included in the minutes (copy attached).
Second – Council Member Merritt.

Bill Weistling explained the addition of the definition of tents and umbrellas in 52.1 and the new addition in 52.8 which was added due to Rehoboth Beach and Bethany Beach restricting tents at their beaches due to size and location. Bill provided Captain Ferry the proposed changes and he stated that he had no issues with the changes.

Motion – Vice Mayor Mais asked for a motion to approve the first reading of the amendment to Chapter 52 (Beaches – Umbrellas and Beach Tents).
Second – Council Member Carmean.
Vote – 7-0.

Chapter 116-2 (Peace and Good Order – Smoking)

Bill Weistling stated that this is being removed from the agenda due to revisions still needed on the definition of inhaling since it could include someone using an inhaler or oxygen. The rewriting will be discussed at the Charter & Ordinance meeting on July 7th.

Chapter 116-9 (Peace and Good Order – Unmanned Aircraft Systems)

Motion – Vice Mayor Mais asked for a motion for the first reading of Chapter 116-9 (Peace and Good Order – Unmanned Aircraft Systems) to be included in the minutes (copy attached).
Second – Council Member Carmean.

Bill Weistling explained the change to this section was defining an Unmanned Aircraft Systems (UAS). The definition was taken directly from FAA regulations. While Fenwick Island would like to come up with their own ordinance on UAS, FAA has the overall decision.

Motion – Vice Mayor Mais asked for a motion to approve the first reading of the amendment to Chapter 116-9 (Peace and Good Order – Unmanned Aircraft Systems).
Second – Council Member Carmean.
Vote – 7-0.

Bill Weistling provided to the Town Council the second readings of Chapter 160-2B, 160-4C(5), 160-5C(4), and 160-8A(12) at the Zoning Hearing at 3:00 PM.

Chapter 160-2B (Zoning – Definition and Word Use)

Motion – Vice Mayor Mais asked for a motion for the second reading of Chapter 160-2B (Zoning – Definition and Word Use) to be included in the minutes (copy attached).
Second – Council Member Carmean.

Bill Weistling explained the addition of the definition and word use for Commercial Cell Phone Communication Facilities and Mechanical Equipment.

Council Member Williams commented on the wording of "...other service equipment or facilities..." as it seems too vague. He thinks the wording should be removed, reworded to be more descriptive, and then resubmitted to the Town Council. Bill Weistling stated that all mechanical equipment should be considered. Mayor Langan stated that even pool equipment should be considered. Bill Weistling will insert "including but not limited to" to the mechanical equipment definition and remove the "other service equipment or facilities".

Motion – Mayor Langan asked for a motion to approve the second reading of the amendment of Chapter 160-2B (Zoning – Definition and Word Use) with the changes listed above.

Second – Council Member Lee.

Vote – 7-0.

Chapter 160-4C(5) (Zoning – Area Regulations – Residential)

Motion – Vice Mayor Mais asked for a motion for the second reading of Chapter 160-4C(5) (Zoning – Area Regulations – Residential) to be included in the minutes (copy attached).

Second – Council Member Carmean.

Bill Weistling explained the change of inserting subparagraph 5 to define equipment prohibited in side setbacks. The previous paragraphs of the chapter will be renumbered.

Treasurer Bunting commented that this amendment was for future placement and does not include anything already in place.

Motion – Vice Mayor Mais asked for a motion to approve the second reading of the amendment of Chapter 160-4C(5) (Zoning – Area Regulations – Residential).

Second – Council Member Carmean.

Vote – 7-0.

Chapter 160-5C(4) (Zoning – Area Regulations – Commercial)

Motion – Vice Mayor Mais asked for a motion for the second reading of Chapter 160-5C(4) (Zoning – Area Regulations – Commercial) to be included in the minutes (copy attached).

Second – Council Member Carmean.

Bill Weistling explained that subparagraph 4 remained the same from the previous hearing, but subparagraph 5 was revised to add commercial pools, hot tubs, and spas. There is an ordinance already in writing for residential, but not for commercial properties. All pools, hot tubs, and spas require a fence and need to be placed in the required setback and footprint of the building.

Council Member Carmean stated that she thought about the comments made earlier from Mr. Collins at the zoning hearing, but after consideration the setback requirements

are still accommodating for commercial properties and there is flexibility in the ordinance to work with the Town on any issues.

Motion – Vice Mayor Mais asked for a motion to approve the second reading of the amendment to Chapter 160-5C(4) (Zoning – Area Regulations – Commercial).

Second – Council Member Carmean.

Vote – 7-0.

Chapter 160-8A(12) (Zoning – General Regulations; Exceptions)

Motion – Vice Mayor Mais asked for a motion for the second reading of Chapter 160-8A(12) (Zoning – General Regulations; Exceptions) to be included in the minutes (copy attached).

Second – Council Member Carmean.

Bill Weistling explained that subparagraph 13 was added to state that all cell phone communication facilities are prohibited in town limits. Although there have been requests for towers to aid in cell phone service issues, particularly on commercial buildings and on Route 1, the Charter & Ordinance Committee agreed that they do not want to see towers on roofs of businesses and residences.

Vice Mayor Mais stated that Town Manager Tieman and Chief Boyden have been involved in conversations with Verizon on using the existing utility pole to aid in better cell phone reception. Town Manager Tieman commented that using the poles would put our town in front of other towns in proposing the use of these poles.

Motion – Vice Mayor Mais asked for a motion to approve the second reading of the amendment to Chapter 160-8A(12) (Zoning – General Regulations; Exceptions).

Second – Council Member Carmean.

Vote – 7-0.

Council Member Carmean requested to Bill Weistling to look at the parking regulations at the next Charter & Ordinance meeting since upon her review it seems to be missing information. Bill Weistling stated that he will add it to the agenda for the meeting to be held on July 7th.

Old Business

Council Member Carmean requested that action be taken on the sidewalk issue throughout the town. She suggested a committee be formed on redoing the sidewalks. Mayor Langan agreed that it was a good idea to look into replacing the sidewalks. Vice Mayor Mais suggested that the redeveloped commercial properties along Route 1 should be addressed as well. Council Member Carmean stated that she counted at least 6 blocks of residential sidewalks that require immediate attention.

New Business

Council Member Lee stated that at the May Ad hoc Financial meeting, a motion was passed to seek specific guidance and recommendations from Town Council on the balance of money and how it is being earmarked. This should be discussed at the Town Council meeting in July or at a special Council workshop. Vice Mayor Mais agreed but did suggest that we will have a better idea after the State finishes their budget.

Upcoming Events and Meetings

Mayor Langan confirmed the following upcoming events and meetings:

- July 7th at 9:30 AM: Charter & Ordinance Meeting
- July 8th at 7:00 PM: Town Bonfire (rain date July 9th)
- July 11th at 6:00 PM: Fenwick Flicks (Moana)
- July 28th at 3:30 PM: Regular Council Meeting

Public Participation

Lynne Andrews, 1205 Schulz Road

Ms. Andrews announced that the annual FISH Meeting will be held on July 8th at 9:00 AM. All Council members will be in attendance.

Ms. Andrews is also concerned about the gravel placed near the Royal Farms store. Town Manager Tieman stated that Royal Farms did not place the gravel there, but it was placed by the owners of Ropewalk. Town Manager Tieman also confirmed that this area cannot be developed without a permit from the town, DelDot, and from Sussex Conservation. Vice Mayor Mais informed Town Manager Tieman that he heard rumors that Royal Farms is using the area too for parking. Town Manager Tieman stated that she will investigate and if anyone is using it for parking or development, a citation will be issued.

Ms. Andrews also questioned what was happening with the property owned by Ropewalk across the street that was supposed to be a t-shirt shop. It looks like it is being used for a parking lot only and the building is only being used for storage. Per Town Manager Tieman, she said the building and parking lot are leased by Ropewalk and she has not seen plans on what Ropewalk plans to do with the building.

Richard Benn, 1306 Bunting Avenue

Mr. Benn congratulated the incumbent Council members on the new 2 year term.

Mr. Benn is concerned about the election process and is hoping the State voting changes will take effect by the next election.

In regards to the rear yard screening for equipment, Mr. Benn mentioned that screening for dumpsters should also be taken into consideration, particularly a business on Route 1 that has the dumpster in the front yard (it looks hideous and is also a health and safety hazard). Screening of dumpsters would improve the appearance of our community. Bill Weistling suggested that Treasurer Bunting research a solution for the next Business Development meeting.

Ben Waide, 12 W. Dagsboro Street

Mr. Waide is concerned about the mechanical equipment ordinance approved earlier in the meeting and was wondering if emergency generators allowed in the setback areas. Bill Weistling stated that generators are allowed in the setback for only existing properties that have the existing equipment. Mr. Waide suggested that we add "with a permit" to the ordinance and view on a case-by-case basis. Building Official Schuchman responded "no", since generators can be placed under a rear or front desk or within the 20' rear setback as long as it is screened from view with lattice. Bill Weistling stated that the last line of the ordinance states if it is a replacement unit that you need to get a building permit. Council Member Williams suggested that a generator should be able to be placed anywhere on the property as long it is

screened. Treasurer Bunting agreed stating that the setback should not be of any concern since a generator under a structure could cause carbon monoxide poisoning. He also added if they do not have the space then they should not be allowed to have a generator. Bill Weistling questioned if there were any state or federal code on generators, and Treasurer Bunting responded that installers should know the code for carbon monoxide. Mr. Benn spoke up that there are generators that can be installed under structures that have an exhaust pipe for carbon monoxide emissions.

Paul Breger, 1707 Bay Street

Mr. Breger is having an issue with a neighbor on James Street running a wordworking shop in their house. It is very noisy (noise continues even after 7:30 PM) and he is concerned about the noise effecting property values. Council Member Carmean stated that she had a similar issue in the past and she contacted Building Official Schuchman who took care of the problem. Building Official Schuchman told Mr. Breger that she is already aware of the situation and has sent a notice on June 14th to the owner to cease any operation in their home. Mr. Breger asked Building Official Schuchman if there is a section in the ordinances on home businesses, and Building Official Schuchman confirmed there was and that the use of tools of any kind are prohibited.

Mr. Breger is also concerned about the end of Bay Street. It is a dead end street and there is a lot of traffic, particularly this time of year on weekends, with people watching sunsets. It is causing traffic jams and alot of turnarounds in private driveways. Council Member Carmean suggested that Mr. Breger call the FIPD for any parking issues. Mr. Breger stated that he has already done that and some homeowners have placed a rope across the driveway to prevent turnarounds. Chief Boyden said that Mr. Breger suggested implementing the same code as South Bethany but this cannot happen since Bay Street is not a private street. Chief Boyden stated that his officers will respond to any traffic or parking issues and will issue tickets if vehicles are not moved as requested by an of his police officers.

Mary Langan, 5 E. King Street

Ms. Langan stated that she has received a clean bill of health. She would like to thank everyone for their thoughts, prayers, and gifts, and would like to especially thank Mayor Langan for his support.

Adjournment

Motion – Mayor Langan asked for a motion to adjourn.

Second – Treasurer Bunting.

Vote – 7-0.

The meeting adjourned at 4:34 PM.