

**Town of Fenwick Island  
Minutes of the Charter & Ordinance Committee Meeting  
August 4, 2017**

**Call to Order at 9:30 a.m.**

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

**Absent:** Mike Quinn

**Public in Attendance:** Julie Lee, Kevin Carouge

**Minutes:**

- Vicki Carmean made a motion to approve the minutes of July 7, 2017 seconded by Doug Lopez. Motion passed.

**Issues for Discussion & Possible Action:**

- Bill Weistling began discussion by explaining that all committee members were given information on short and long term borrowing procedures, definitions of an “improved lot”, accessory parking and definitions of “business” for surrounding Delaware Towns. This information has been put together to enable committee members time to review and be prepared for discussion at the September Charter & Ordinance Committee meeting. Mr. Weistling thanked Linda Martin for the excellent job researching this information.
- He also informed the committee that all future research on subjects intended for discussion will be done in-house by staff members before sending to the Town attorney in order to keep attorney’s fees at a minimum.
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- He then proceeded to discussion on increasing borrowing limits which was brought to Town Council’s attention by Vicki Carmean. At present the borrowing limits is \$500,000 which has been in effect since 1965. At that time this would have been a significant amount but not all that much by today’s standards.
- Mrs. Carmean and Terry Tieman have researched other surrounding Towns and found that most adopted a percentage of the total assessed value of the Town’s properties for borrowing purposes. It was suggested by Mrs. Tieman to increase the amount to 5% of the Fenwick Island properties’ assessed value which currently amounts to \$1.75 million with a payback requirement of no more than ten years.
- Mrs. Carmean stated that she initially imagined such borrowing would be in the event of an emergency but sees now that it could also be permitted for short-term borrowing.
- All committee members agreed to recommend to Town Council to approve increasing the borrowing limits from \$500,000 to 5% of total assessed property value. Mr. Weistling asked that Mrs. Tieman draft an amendment and forward to Town Council to see if they are in favor of such an increase.
- Also discussed was whether to have a Town Council vote or referendum to approve borrowing which Mrs. Tieman was also asked to research.
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- Mr. Weistling proceeded to discussion on Chapter 52 (Smoking). He stated that this has been approved as a First Reading at the July Town Council meeting and is scheduled for a Second Reading at the August meeting.
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- Discussion continued onto Chapter 160 concerning commercial dumpsters. Bernie Merritt stated he has met with Tim Collins of the Business Development Committee to discuss options of

screening dumpsters in the commercial zone. In an effort to not over-regulate Mr. Merritt stated that requesting only those dumpster areas visible from Coastal Highway have screening from view may be a solution. He will report back to the C&O committee after the September Business Development meeting.

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- Chapter 160 regarding mechanical equipment in setbacks was discussed. At the June 23, 2017 Town Council meeting an amendment was approved to prohibit mechanical equipment in setbacks in both the residential and commercial zones.
- Mr. Collins approached the C&O committee to ask that they reconsider the prohibiting of HVAC systems in the rear and side setbacks of commercial buildings. He feels that such a prohibition limits the buildable area for a commercial building and would like to see a four feet encroachment into the rear setback for mechanical equipment and a four feet encroachment into the fifteen feet side setback required for corner lots only.
- The committee agreed to this minimal change for commercial buildings only and would not apply to any residential homes built in the commercial zone. A draft amendment will be prepared for the next C&O meeting.

**Comprehensive Plan:**

Terry Tieman reported that the Town is still waiting for State approval of the Comp Plan update.

**Next Meeting:**

The next C&O meeting will be held on Friday, September 1, 2017 at 9:30 a.m.  
Item for Discussion will be:

- Charter – Section 34 (Borrowing for Current Expenses)
- Chapter 160 – (Commercial –parking – definition of business / improved lot)

**Old Business:**

Roy Williams expressed his concern that the business license application for resident merchants may need to be updated. Pat Schuchman stated that when a new business applies for a license, they not only have to provide the information on the application but must submit a floor plan and obtain permits from the State Fire Marshall's office, Sussex County Building Code, Health Department (when applicable), the Town and obtain a State of Delaware business license before being issued a license to operate their business in Town.

**New Business:**

None.

**Adjourn:**

Bernie Merritt made a motion to adjourn seconded by Vicki Carmean. Meeting adjourned at 11:05 a.m.