

**Town of Fenwick Island
Minutes of the Charter & Ordinance Committee Meeting
September 1, 2017**

Call to Order at 9:30 a.m.

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

Absent:

Public in Attendance: Ray Fager

Minutes:

- Vicki Carmean made a motion to approve the minutes of August 4, 2017 seconded by Bernie Merritt. Motion passed.

Issues for Discussion & Possible Action:

- Bill Weistling began discussion with the proposed change to the Charter – Section 34 where we previously discussed raising the borrowing limited from \$500,000 to 5% of the assessed value of Town properties.
- Roy Williams stated he would like to see a cap on the borrowing limits and would also like to see votes in increments of four votes if voting to borrow up to \$500,000, five votes if voting on borrowing up to \$1 million and six votes if voting on borrowing over \$1 million.
- Terry Tieman stated that the draft shows a quorum is needed to approve such borrowing. We could consider a super majority to vote.
- Doug Lopez commented that it was agreed at the last meeting to have a quorum vote rather than a super majority. This is for a short term loan. Any long term borrowing would be for something such as a new building and the interest rate could be lower.
- A majority of the committee agreed to a quorum vote.
- A first reading of the increase to the borrowing limit will be forwarded to Town Council for consideration at the September Town Council meeting.
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- Discussion continued onto Chapter 160, parking, the definition of parking and the definition of a business or improved lot.
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- Mr. Weistling mentioned in particular Big Eye Jacks (formerly Ropewalk) who purchased the vacant lot north of the Royal Farm Store with the intent to use as accessory parking for their business and were denied such use by DelDot.
- He also mentioned that the intent of the ordinance (although not specific) is that there must be a building on a lot in order for it to be used for parking in the commercial zone.
- The definition of an “improved lot” varies but most Towns required a structure on a lot for it to be considered “improved”.
- All agreed to the following definition of an “improved lot” – *“Any man made changes to real estate including but not limited to a primary building, accessory building, paving, grading, landscaping, parks and utilities”*.
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- Discussion continued onto a definition for a business.
- It was agreed that everyone was in favor of adopting the definition of a business currently used by the City of Lewes, i.e., *“Nonresidential activity, employment, occupation, profession, or enterprise, whether for profit or not for profit, in which an individual is willing to invest time and capital on future outcome”*.

- Regarding vehicle parking on a lot, we currently presume that commercial parking spaces are located on the same lot as the business it serves.
- Further, the lot will have a permanent building, complete with water, electric, sewer with bathroom facilities operating during business hours.
- As a result of discussion, a draft amendment will be created to allow parking in the commercial zone only on a lot with a building.
- Drafts of the Charter change on borrowing limit, the definition of an “improved lot”, definition of “business” and parking requirement in the commercial zone permitted on lots which permanent structures with working utilities will be forwarded to our town attorney for her review.

Comprehensive Plan:

Terry Tieman reported that the Town made a minor change to the Comp Plan and will submit to the state for approval.

Next Meeting:

The next C&O meeting will be held on Friday, October 6, 2017 at 1:00 p.m.
Item for Discussion will be:

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

Old Business:

Mrs. Tieman state that the newly revised ordinance on cell phone towers needs to be amended to allow small cell technology. This will be added to the agenda for the next meeting.

A first reading of an amendment to Chapter 160-5C (Area regulations: commercial) will be presented at the September Town Council meeting which would allow mechanical equipment a four feet encroachment into rear and 15’ side setbacks.

New Business:

Ray Fager of 44 Oyster Bay Drive complained of grass mowers working on Saturdays and Sundays before 8:00 a.m. and after 6:00 p.m. Pat Schuchman informed Mr. Fager that Town code Chapter 107-6D allows productive activities including grass cutting from 8:00 a.m. to 8:00 p.m. Sunday through Saturday.

Adjourn:

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