

Town of Fenwick Island
Minutes of the Charter & Ordinance Committee Meeting
October 6, 2017

Call to Order at 9:30 a.m.

Present: Committee Members Bill Weistling, Bernie Merritt, Roy Williams, Vicki Carmean, Bill Mould, Mike Quinn, Terry Tieman, Erin Ellinger and Pat Schuchman

Absent: Doug Lopez

Public in Attendance: Bethany Hooper (O.C. Dispatch)

Minutes:

- Vicki Carmean made a motion to approve the minutes of September 1, 2017 seconded by Bernie Merritt. Motion passed.

Issues for Discussion & Possible Action:

- Bill Weistling began discussion with the proposed change to the Charter – Section 9 (Qualification of Voters), specifically the definition of a resident.
- Previously, there was an approved first reading on July 28, 2017 which included proposed changes to both voter qualification definition of residents, non-residents and candidate qualifications. This was rescinded at the September 22, 2017 Town Council meeting.
- This proposed amendment targets only the voter qualifications of residents.
- Mr. Weistling pointed out that some of the current requirements for proof of residency can be easily obtained by a non-resident such as a utility bill which shows the Fenwick Island address.
- He reviewed the handouts which included resident definition for our local area as well as residency requirements from Virginia and Maine.
- The proposed changes are highlighted below:

A. Voter qualifications.

(1) Residents:

(a) Every natural person, who is a citizen of the state of Delaware and the United States, age 18 on or before the date of the election, a bona fide resident of the Town prior to the annual municipal election, and registered to vote thirty (30) or more days prior to the annual municipal election, if provided by ordinance, shall have one vote.

(b) A bona fide resident for purposes of this Section 9 shall mean a permanent, full-time resident of the Town. The following factors may be offered by an applicant and considered by a registrar in determined a person's residence under this section. The registrar need not find all of these factors to be present in order to conclude that an applicant qualifies to register to vote in the municipality:

- (i) A current State of Delaware driver's license or ID card;
- (ii) A uniformed service ID card;
- (iii) Another current photo ID issued by the State of Delaware; U.S. Government; the voter's employer, high school or higher education institution;
- (iv) The residence address, not a post office box, show on any motor vehicle operator's license held by the person;

(v) The place where any motor vehicle owned by the person is registered, and/or;

(vi) Any other documentation that a person can reasonably and commonly accept as proof of address.

- This will be prepared as a draft for next month's C&O meeting.
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- Discussion continued onto Chapter 34 (Borrowing for Current Expenses). A draft to increase the current borrowing amount was prepared by Terry Tieman and forward to Mary Schrider-Fox for her review. The amended amount for short-term borrowing is proposed to change from \$500,000 to a total of 5% of the assessed value of Town properties. This will require the majority vote of Town Council in the event of an emergency and payable back with ten years.
- Roy Williams expressed his concern that this should be forwarded to the Finance Committee for review before proceeding.
- A vote of committee members showed all in favor of forwarding to Town Council for a first reading at the October 27, 2017 Town Council meeting to increase the borrowing limit to 5% with the exception of Mr. Williams.
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- Discussion proceeded to Chapter 61 (hours of construction) and Chapter 107 (noise). At the September Town Council meeting Ray Fager of Oyster Bay Drive expressed his concern that grass cutting companies are making too much noise before and after designated hours of construction and that such companies should adhere to the same requirements of contractors by not being permitted to work on holiday and Sundays.
- After discussion it was agreed that there has only been one complaint received on this matter. Rather than making such a change at this time Pat Schuchman will include a reminder of permitted hours of operation for grass cutting companies in license renewals for the 2018 license year informing them that the ordinance will be strictly enforced.
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- The draft amendment to Chapter 160-2B will add "Business" and "Improved Lot, Commercial Zone" to definitions. Chapter 160-10C(2) will be amended to prohibit parking on a commercial lot that does not have a permanent structure, working utilities and bathrooms which are operational during business hours.
- This draft will be forwarded to Mary Schrider-Fox for her review and comments.
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- Mr. Weistling proceeded to discussion on Chapter 160 (Small Wireless Facilities) and stated that there needs to be more research on this proposed amendment. Currently DELDOT permits small cell technology along their rights-of-way and Town Council has expressed an interest in allowing such technology in Town rights-of-way.

Comprehensive Plan:

Terry Tieman reported that Town Council will need to sign a letter of approval for submittal to the state at the October 27, 2017 Town Council meeting.

Next Meeting:

The next C&O meeting will be held on Friday, November 3, 2017 at 1:00 p.m.
Item for Discussion will be:

Charter Section 9 (Qualification of Voters) – definition of resident
Chapter 160 – (Zoning) - Commercial – parking – definition of business/improved lot
Chapter 160 – (Zoning) – Cell Phone Communications Facilities

Old Business:

None.

New Business:

None.

Adjourn:

Bernie Merritt made a motion to adjourn seconded by Bill Mould. Meeting adjourned at 2:20 p.m.