



# The Town of Fenwick Island

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## REGULAR MEETING OF THE TOWN COUNCIL SEPTEMBER 22, 2017

### MINUTES

#### In Attendance

##### Town Council Members:

Mayor Langan, Vice Mayor Mais, Treasurer Bunting, Secretary Merritt, Council Member Carmean, Council Member Lee, Council Member Williams

##### 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 reminding everyone if they are interested in a committee to please sign up. Community involvement is important. Announcement of committee appointments will be made at the October Council Meeting.

There are 2 months remaining of hurricane season. It looks like Hurricane Maria is going out to sea, but the Town will still need to keep an eye on it for any impact it might bring.

While driving around, Mayor Langan noticed more dead pine trees that have the pine bark disease. The Environmental Committee is looking into the disease and solutions. If anyone has any questions they can contact Mary Langan.

Bill Weistling provided a handout of a hazardous waste and shredding event that will be held on Saturday, September 30<sup>th</sup> at Hockers in Clarksville from 8:00 AM to 5:00 PM.

Mayor Langan stated that he has heard no new updates on the beach replenishment. It should begin sometime in October and be completed by the beginning of November.

#### Approval of Minutes

Motion – Mayor Langan asked for a motion to approve the minutes from the August 25, 2017 meeting.

First – Council Member Carmean.

Second – Vice Mayor Mais.

Approved – 7-0.

### **Treasurer's Report**

Treasurer Bunting presented the report for period ending August 31, 2017. He added that in the month of August there was a recorded \$27,955.12 in realty transfer tax. As of this morning, the Town received another \$57,929.85 in realty transfer taxes for the month of September, bringing the year-to-date total to \$85,884.97.

Council Member Carmean questioned now that the fiscal year is over if Treasurer Bunting had a better idea what amount is left over. Treasurer Bunting responded that he would have a figure once the auditor finishes his report. He also added that the final number usually goes up after the audit is completed. Town Manager Tieman confirmed that the auditor would be at the Town Hall beginning on October 2<sup>nd</sup>.

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

### **Town Manager's Report**

Town Manager Tieman added to her report that she received notification from Senator Hocker and Representative Gray that we have been awarded a grant for \$23,600.00 to redo the Town Hall parking lot. The work should begin at the end of November/beginning of December.

### **Department Reports**

#### **Building**

Building Official Schuchman stated that 4 business licenses were issued in the month of August.

#### **Public Works**

Public Works Supervisor Reed had nothing to add to his report that was provided in the Council packet.

Council Member Carmean asked Supervisor Reed when completing the right-of-way mowing, do they do the bayside area as well. Supervisor Reed stated yes. Council Member Carmean asked Supervisor Reed to check an area on Bora Bora Street that is undeveloped land that is covered with weeds.

Council Member Carmean also asked Supervisor Reed about the drainage problem on Schulz Road. Supervisor Reed responded that the water is flowing as fast as it can but is having problems pumping out due to the tides and the hurricane off our coast earlier in the week. Council Member Carmean then asked if the area had any clogs that Supervisor Reed is aware of. He responded that there are no clogged pipes but the water is just backed up due to the tides.

#### **Beach Patrol**

Lifeguard Captain Ferry stated that the lifeguards finished the season last weekend. The beach patrol had a safe summer, and he is proud of his great staff which included 10 rookies. As stated in the report, the rescue numbers are pretty much the same from the previous year. The weekly crowds were not as strong as previous years.

Council Member Lee commended the beach patrol on their great service and commented that the reason the numbers were down were because of Public Works placing and maintaining the mobi mats.

### Police Department

Chief Boyden added that there are 2 more months of hurricane season remaining. He asked everyone to be vigilant and if anyone needed help with a hurricane prep kit or for help reinforcing their house to contact the Police Department.

Chief Boyden is waiting for approval from the Department of Defense on the application he submitted for the high sitting vehicle that will be used for evacuations. He also stated that he has recently submitted an application for a \$23,000.00 grant to cover the overtime that the Police Department is incurring assisting the County.

### Committee Reports

#### Beach

No information. Next meeting has not been scheduled.

#### Environmental

Next meeting will be held on October 5<sup>th</sup> at 2:30 PM. The Committee will be looking into solutions for the tree disease that is effecting the whole Town, especially the north end. They will also be discussing trees in Town that are not being taken care of.

#### Pedestrian Safety

The Committee reviewed a cover letter that was sent with the resolution at the September 15<sup>th</sup> meeting. Council Member Carmean hopes the mailing will get the word out on our need of installing connected sidewalks. The Committee also discussed meeting with different groups in what the plan will be on the sidewalk installation.

Council Member Carmean and Vice Mayor Mais attended a meeting earlier in the week in Roxana Fire Hall in regards to the safety along Route 54. Over 300 people attended the meeting, with one of the concerns being that people want more traffic lights on Route 54. DelDOT alerted the attendees that there needs to be over 5 accidents with bodily injury within a year before a traffic light is installed. DelDOT said in most cases when they install lights, it actually increases accidents. Vice Mayor Mais added that is why the need for planning and getting the County approval is so important. Council Member Carmean added that DelDOT is having another Route 54 meeting either on October 25<sup>th</sup> or 26<sup>th</sup>.

Mayor Langan commented that letters have also been sent out to Representatives on dredging and that if anyone is interested, a petition is available as well. Council Member Carmean responded that the Pedestrian Safety Committee talked about a petition to property owners for sidewalks, but the Committee did not want to conflict with the current dredging petition.

#### Business Development

The Committee agreed to change the format of the meetings to be more of an "open forum" meeting with business owners. That way the Committee can then bring to the Council Meetings the concerns of the business owners.

The Committee is trying to set more realistic goals for the upcoming year, focusing on smaller issues such as appearance, parking, and lighting/decorations for the holiday season.

There will be an advertisement in Coastal Point for "Fenwick Friday's", hopefully with local business input. The ad will target customers to the October – May off-season.

Tim Collins spoke to Bill Weistling and the Charter & Ordinance Committee on the issues in regards to mechanical equipment. Modifications were made to the Code to help businesses. Secretary Merritt thanked Tim Collins for resolving the dumpster problem at some of the businesses.

The next meeting will be held on Wednesday, October 18<sup>th</sup> at 2:00 PM.

#### Ad hoc Financial

No information. Next meeting has not been scheduled.

#### Planning Commission

The Comp Plan has been approved. It will be discussed at the October Council Meeting.

#### Technology

Waiting to hear back from Verizon. Town Manager Tieman added that she is waiting to hear the results of House Bill 189, which is supposed to be signed by the Governor. She has heard from some utility companies that they will be working in the right-of-ways.

Mayor Langan alerted everyone that the bill is supposed to help increase the cell phone coverage in Town. Chief Boyden added that he has talked to the State because of the signal constantly dropping for his Police Officers. Mayor Langan added that he has talked to the Chief about Zello, which is a communication application used in other municipalities for police to communicate during a disaster.

Bill Weistling added that he has spoken to Verizon, who is currently working on Bunting Avenue. They are moving lines to the new poles and once they are finished, the old poles will be removed.

#### Charter & Ordinance

##### Chapter 160-5.C. (Area Regulations – Commercial)

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

Second – Council Member Carmean.

Bill Weistling explained the two changes, both regarding the setback of both the side and rear for mechanical equipment for commercial properties.

Vote – 7-0. Motion passed.

#### **Old Business**

Council Member Carmean thanked Sally Craig for conducting the beach clean-up this year.

Council Member Lee asked for funding guidance for the Ad hoc Financial Committee be added to the October Council Meeting.

### **New Business**

Council Member Carmean, on behalf of Sue Clark and Barbara McCoy, asked for a motion for funding to organize a holiday party, to be held on December 2<sup>nd</sup>. The club is asking for approval to spend \$100.

First – Vice Mayor Mais.

Second – Treasurer Bunting.

The Council discussed prior year's expenditures and suggested \$150, not to exceed \$200.

Approved 7-0. Motion passed.

### **Upcoming Events and Meetings**

Mayor Langan confirmed the following upcoming events and meetings:

October 5<sup>th</sup> at 2:30 PM: Environmental Committee

October 6<sup>th</sup> at 1:00 PM: Charter & Ordinance

October 18<sup>th</sup> at 2:00 PM: Business Development

October 19<sup>th</sup> at 10:00 AM: Pedestrian Safety Committee

October 27<sup>th</sup> at 3:30 PM: Regular Council Meeting

### **Public Participation**

Ray Fager, 44 Oyster Bay Drive

Mr. Fager addressed the council in regards to two ordinances, 61-14 and 107-6. In 61-14, the construction times were revised in 2003, but now the huge equipment used is louder than in 2003. He witnessed contractors out past 8:30 PM on a Sunday, and it is a detriment to his peace and quiet. Also, the contractor's trailers block the roads which inhibits the flow of traffic. In 107-6 (D), it allows grass cutting between 8:00 AM – 8:00 PM. Mr. Fager would like the ordinances revised to end at 6:00 PM, and also restrict the days from Monday – Saturday and exclude Sundays.

Mayor Langan asked Mr. Fager if he has contacted the Police. Chief Boyden responded that he has never received a call from Mr. Fager, but they should be called so the Police can enforce the ordinances. Mr. Fager asked the Council if a fine could be issued. Chief Boyden responded that it would have to go through the Police Department then would have to go to court.

Council Member Lee asked if the problems in question are with commercial properties or residential properties. Mr. Fager responded all residential. Council Member Lee commented that if the hours were limited to 6:00 PM, property owners who work and do not come home until the evening would never be able to cut their grass.

Mr. Fager asked if there was a way to measure decibel levels and change the ordinance to reflect the higher decibel level equipment. Chief Boyden responded no.

Council Member Carmean referred Mr. Fager to the Charter & Ordinance Committee. Bill Weistling stated that the Committee could look into excluding Sunday's, but feels Mr. Fager should notify the Police when he sees a contractor working after hours.

Mayor Langan asked if any complaints were received by other residents. Chief Boyden responded that he hasn't had any complaints, and Town Manager Tieman responded the same.

The Council referred Mr. Fager to the Charter & Ordinance Committee with his concerns on the hours.

Sally Craig, 12 Oyster Bay Drive

Ms. Craig stated that the beach clean-up was a success and the majority of trash picked up were cigarette butts.

Ms. Craig is a teacher at Selbyville Middle School. She is selling discount cards for a fundraiser for \$10 and they are available after the Council Meeting. Mary Langan added that \$7 from the cards goes directly to the volleyball team.

Richard Benn, 1306 Bunting Avenue

Mr. Benn is concerned with the new ordinance earlier from the meeting allowing a 9' setback in the rear of a commercial property for mechanical equipment. Bill Weistling responded that it is actually 10' in the rear, and Mr. Benn commented that it is still too close.

Charlie Hastings, 1310 Bora Bora Street

Mr. Hastings wanted to know if there is anything that can be done about the "deer stands", referring to the new electric meters installed on stilts, particularly on the bay side. Bill Weistling responded that there is nothing we can do since the electric company put them in to be above the flood plain level. Town Manager Tieman added that they are the "smart meters" that can be read electronically. Building Official Schuchman said that she will look into the situation and see if anything can be done.

Mr. Hastings also asked if we could look into installing valves on Bora Bora Street to eliminate the flood problem. Public Works Supervisor Reed responded that he just received the valves and is planning on doing the worst case areas first.

**Adjournment**

Motion – Mayor Langan asked for a motion to adjourn.

Second – Council Member Carmean.

Vote – 7-0.

The meeting adjourned at 4:29 PM.