



# The Town of Fenwick Island

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## REGULAR MEETING OF THE TOWN COUNCIL OCTOBER 27, 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, Building Official Schuchman, Public Works Supervisor Reed, Finance Administrator Brittingham, Administrative Assistant Martin

#### **President's Report**

Mayor Langan began the meeting at 3:34 PM by stating that there will be no November meeting and the next meeting will be held on December 8<sup>th</sup>.

He received 2 letters, one from Governor Carney's office in regards to dredging, and the other from Army Corp. of Engineers in regards to the beach replenishment. Both letters have been posted on the Town's website. Mayor Langan commented that in the dredging letter received by the Governor's office, it stated that a 2016 survey was done of the bay. He thought that the survey should have been brought up at our Dredging Workshop in August. Mayor Langan attends the ACT meetings monthly, and the ACT has been working with federal legislators and congressman to enforce dredging. The other letter received, from the Army Corp. of Engineers, was in regards to Beach Replenishment, in particular the beach dune grass planting. The Army Corp. gave notice to proceed with the beach replenishment at the end of October, and the contractor that has been hired to do the beach replenishment has 240 days to complete the project. Dune grass planting can be done from October – March and can even extend into April. Mayor Langan is concerned that the replenishment project, along with the dune fence and grass planting, may not be completed before summer. He was told that the beach replenishment would begin in January, but now he is hearing that it will not begin until spring. He will keep everyone informed of updates to either project.

#### **For Discussion and Possible Action**

##### Committee Announcements

Mayor Langan thanked the volunteers who filled out the committee applications. He read the list of assigned committees for November 2017 – October 2018.

##### Resolution #87-2017 (Comprehensive Plan)

Mayor Langan informed everyone that the Comprehensive Plan was review by all State agencies, and now the resolution needs to be sent to the State for the adoption of the Plan.

Town Manager Tieman read the resolution.

Motion – Vice Mayor Mais asked for a motion to approve Resolution #87-2017.

Second – Council Member Lee.

The resolution was passed 7-0.

Mayor Langan thanked the Planning Commission for all their hard work in developing the Comprehensive Plan.

#### Town Seal

Town Manager Tieman presented the design of the new Town Seal. The design incorporates both fishing and the Fenwick Island Lighthouse, which are both important to the Town. Vice Mayor Mais commented that the original seal from 1953 is outdated and does need to be updated. The Council was polled and everyone was in favor of the new Town Seal.

Council Member Carmean asked for a motion to approve the new Town Seal.

Second – Council Member Lee.

The Town Seal was approved 7-0.

#### Turkey Trot

Becca McWilliams addressed the Council in regards to approval for the 10<sup>th</sup> Annual Turkey Trot, to be held beginning at 8:00 a.m. on Thanksgiving Day (November 23<sup>rd</sup>). The run/walk will start on the ocean side and will run from Lewes Street down to the State line and back. Free parking is available at Warren Station, the Bethany/Fenwick Chamber of Commerce, and the Pottery Place. Donations from the Turkey Trot will be contributed to the Bethany Beach Volunteer Fire Department. Everyone is encouraged to pre-order the Turkey Trot t-shirt for \$25.00, and the funds from the t-shirt sales will also be contributed to the Bethany Beach Volunteer Fire Department. Non-perishable food donations are also being accepted at the Pottery Place starting on October 27<sup>th</sup>. If anyone is interested in sponsorship, please contact Lori Martin.

#### **Approval of Minutes**

Motion – Council Member Carmean asked for a motion to approve the minutes from the September 22, 2017 meeting.

Second – Secretary Merritt.

Approved – 7-0.

#### **Treasurer's Report**

Treasurer Bunting presented the report for period ending September 30, 2017. He added that in the month of September we received \$57,929.85 in realty transfer tax, bringing the year-to-date total to \$85,884.97.

Treasurer Bunting said he still hasn't heard anything about the auditor's report. Hopefully we will have the report in a few weeks.

Council Member Carmean questioned about the permit fee of around \$75,000.00 that we were supposed to receive for the permit of the new hotel. Building Official Schuchman said that no permits have been filed so far.

Motion – Secretary Merritt 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 the majority of the property taxes have been collected.

### **Department Reports**

#### **Building**

Building Official Schuchman stated that 5 business licenses were issued in the month of September. She also attended the DFIT in October with Public Works Supervisor Reed, and attended a GIS class this past Tuesday to aid in floodplain and wetlands mapping.

#### **Public Works**

Public Works Supervisor Reed introduced John Farrace, the new Public Work employee.

The Blue Star Memorial is now complete. Public Works Supervisor Reed worked with the Gardners Club for plantings around the memorial.

The drainage problem on Bora Bora Street has been resolved. An ADS pipe was installed with a valve put in at the end of the pipe. Public Works still needs to flush out the pipes.

Public Works Supervisor Reed said that he is still working on the millings and will finish removing the MobiMats within the next few weeks.

#### **Police Department**

Chief Boyden added that there have been several cars and houses broken into in the last month. He encourages everyone not to leave cars unlocked and to install deadbolts on house doors. If anyone sees any suspicious activity, please report it to the Police Department.

### **Committee Reports**

#### **Beach**

Becca McWilliams asked for permission to hold the Turkey Trot. Vice Mayor Mais asked for a motion for approval, seconded by Treasurer Bunting. The Turkey Trot was approved 7-0.

#### **Business Development**

Building Official Schuchman reported for Tim Collins, who was not available. The first Fenwick First Friday was a success, with 2 more scheduled for this year.

#### **Dredging**

Secretary Merritt stated that if anyone was interested in participating in the newly developed Dredging Committee to see him. He will be scheduling the first meeting soon.

#### **Environmental**

Mary Ellen Langan stated that the Committee is still working on solutions for the pine wilt disease. Mayor Langan questioned if the Committee is still sending out letters to owners to remove the dead/diseased trees, and Mary Ellen responded yes.

### Pedestrian Safety

Council Member Carmean discussed the October 19<sup>th</sup> meeting and the analysis completed by Bill Weistling and Bernie Merritt. Both of them did an outstanding job studying each block of sidewalk in Town. The analysis was sent to DelDOT, where it received a positive response. Council Member Carmean is still following the ongoing Route 54 traffic complaints. Also, the Committee plans to work with the Business Development Committee with their suggestions and concerns about the sidewalk project.

### Finance

This newly formed full-time Committee will be setting goals and objectives for the Town's financials, and the Budget Committee will carry out what the Finance Committee develops. Mayor Langan met with Vice Mayor Mais, Treasurer Bunting, and Town Manager Tieman in regards to funding guidance. Vice Mayor Mais added that 5 topics were discussed during the meeting: (1) if the current Dedicated Street Fund and the need for sidewalk funding should go together and if the name of this fund should be changed; (2) borrowing limits on long-term debt; (3) property tax structure, since there have been no raise of taxes over the last 15 years; (4) parking as a revenue source; (5) Realty Transfer Tax and where to use the funds.

Vice Mayor Mais added that the Committee needs to determine allocating reserve money. Although beach replenishment and dredging are not funding issues at this time, Mayor Langan said the urgent issue is revenue and the different reserves. Council Member Lee added that the Committee should research all revenue sources.

Council Member Williams stated the Committee is on the right track on the funding guidance. Secretary Merritt questioned if this would hurt our grant capability, and Vice Mayor Mais responded no, that it would actually help in the grant process.

### Charter & Ordinance

#### Proposed First Reading – Charter Section 34 (Borrowing for Current Expenses)

Motion – Vice Mayor Mais asked for a motion for the first reading of Charter Section 34 (Borrowing for Current Expenses) to be included in the minutes (copy attached).

Second – Council Member Carmean.

Bill Weistling explained the change to the title to "Short Term Borrowing" and the allowed borrowing will be changed to 5% of the total assessed value of real property, payable in full within 10 years. Town Manager Tieman came up with the draft of the change, and the Town Counsel also reviewed the draft.

Vice Mayor Mais asked what 5% currently is of the assessed value. Town Manager Tieman responded \$1.5 million. She also added that the Code in most municipalities also lists 5% for short-term borrowing, to be paid back in 10 years. Short-term borrowing is mostly used to fund emergency projects or Town projects. As an example, due to our current Charter, we were not allowed to borrow money for the building of the Police Station and had to fund the project otherwise.

Council Member Carmean commented that we are a coastal town and are susceptible to storm damage. She is for the Charter change, especially for emergency situations. Council Member Lee also said that she is in favor of this change, but would like the wording to change to include a super majority vote, not just a majority vote.

Council Member Williams stated that he has a problem with the wording of Charter change since it does not list the short-term borrowing as "emergency money". With the current change suggestions, any 4 Council members could vote to borrow money even if it wasn't for an emergency. In his view, we currently do not have a way to pay back the money. Vice Mayor Mais responded that the short-term borrowing is not just for emergencies.

Council Member Williams also added that he too would like a super majority vote since nowadays borrowing can be done electronically and through email with limited signatures. Town Manager Tieman responded that it is not legal to do borrowing electronically.

Vote – 5-2 (Council Member Lee and Council Member Williams against – both want "super majority" vote added).

1<sup>st</sup> reading passed.

Proposed Second Reading – Chapter 160-5.C. (Area Regulations – Commercial)

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

Second – Council Member Carmean.

Bill Weistling noted that there was a public hearing before the Council Meeting in regards to the concerns of the mechanical equipment setbacks for commercial properties.

Council Member Carmean stated that she thought about the concerns of the side view issue at the public hearing but feels the required enclosure of a 6'-7' fence would address any issues. After she reviewed the drawing at the Charter & Ordinance meeting, she had a better understanding that this change is better than the previous Code.

Bill Weistling added that when the Charter & Ordinance Committee discussed the commercial mechanical equipment and restricting the rear setbacks, that would force a commercial property to put the equipment on the roof, which would be noisier.

Council Member Lee commented that the proposed change is better than what was prior to the existing code. Everyone needs to be aware that this is only for new construction and that existing properties would not change. The Charter & Ordinance asked Tim Collins, and he suggested that the equipment could be put on the side. Council Member Lee then questioned if we were allowing commercial buildings to have equipment in the side setbacks if they would also be allowed to put equipment in the rear, do they have to choose which or can it be both the rear and side. Bill Weistling stated that some existing buildings do have both.

Treasurer Bunting said that the change now requires screening, and the screening will reduce any noise. Secretary Merritt added that we don't want equipment on roof tops due to noise, and the change is just giving commercial properties other options on placing the equipment. Vice Mayor Mais asked if any complaints have been received about equipment on the roof. Building Official Schuchman responded yes.

Council Member Lee commented that the Council should consider Council Member Carmean's suggestion and postpone the 2<sup>nd</sup> reading until the Council can see the diagrams of the layout of the equipment. Council Member Williams said he had no objections to put the reading on hold and send back to the Charter & Ordinance Committee for revision. Council Member Carmean agreed.

Vice Mayor Mais suggested withdrawing the motion for the 2<sup>nd</sup> reading.  
Council Member Lee motioned to table the 2<sup>nd</sup> reading to the December 8<sup>th</sup> Council Meeting.  
Second – Council Member Carmean.  
Vote – 7-0. 2<sup>nd</sup> reading tabled to the December 8<sup>th</sup> meeting.

### **Old Business**

Bill Weistling stated that at the September Council Meeting, Ray Fager brought up the noise of mowers and the hours that contractors were operating the mowers. The Charter & Ordinance discussed the issue at the October 6<sup>th</sup> meeting and decided to table the issue for another year to see if anyone else complains to the Police Department. Building Official Schuchman will also put a note on the business licenses issued stating the hours of operating machinery.

### **New Business**

Council Member Lee suggested that the 2-year moratorium on hotels (ending at the end of this year) should be added to the agenda for the December Council Meeting. Building Official Schuchman stated that the moratorium actually expires in February so it can be discussed at the January Council meeting.

### **Upcoming Events and Meetings**

Mayor Langan confirmed the upcoming events and meetings. Council Member Carmean commented that the Tree Lighting is actually December 2<sup>nd</sup>.

Council Member Lee asked for a motion to continue to hold the Council Meeting on December 8<sup>th</sup>, even though she is not sure she will be able to attend. The motion for Council Member Lee's excused absence was seconded by Council Member Carmean, with everyone in agreement.

### **Public Participation**

Nadia Butler, 7 W. Essex Street

Ms. Butler questioned how she could participate in discussions about the Town since she is a new homeowner. Mayor Langan suggested that she attend Committee meetings since they are open to the public. Ms. Butler also asked where she could view the Comprehensive Plan that was mentioned earlier, and Town Manager Tieman responded that it is available on the Town website.

Since her house is right behind Our Harvest, Ms. Butler commented that the equipment that was placed on the roof is louder than when the building was owned by Claddagh's. She feels that equipment on the roof is degrading her experience living here. Mayor Langan suggested that she meet with Town Manager Tieman to discuss her concerns. Bill Weistling added that it is difficult to change the Code for equipment on rooftops since it has already been addressed by the Charter & Ordinance Committee and they have no way of setting an acceptable decibel level.

Ms. Butler also commented that we should be promoting the Fenwick Island Lighthouse more, including the visibility of the lighthouse. Vice Mayor Mais commented that the lighthouse is scheduled to be restored and a park area built around the lighthouse. Since the lighthouse is actually on State property, the Town has no say on what can be done to the lighthouse and surrounding area.

Mark Tingle, 1605 Coastal Highway

Mr. Tingle asked Chief Boyden about the new bike law. He heard that when you pass a bike you now have to get into the opposite lane.

Chief Boyden responded that the State is trying to treat bicycles like emergency vehicles and you should move over to the other lane, but bicycles still need to yield to oncoming cars.

Mr. Tingle also asked about the lending limit discussed earlier and if \$1.5 million is still too low. He suggested a limit of \$3 million for the Town. He also added that he feels that a super majority vote is not necessary. Mr. Tingle also feels that the assessed value should not be used since we are basing the amount off the assessed values from 1972 and not taking into account the cost of living or inflation.

Mike Quinn, 5 W. Houston Street

Mr. Quinn commented about the appraised values of the property. He disagrees with Mr. Tingle and said the appraised values have gone up since 1972 since his tax bill amount has changed. Mr. Tingle responded that the appraised values did not go up, but the school rate was increased. Town Manager Tieman added if any modifications were made to a home that it would also change the tax bill amount.

Mr. Quinn also questioned if the Town is planning to restripe the parking areas on the street. Public Works Supervisor Reed responded yes.

Jackie Napolitano, 2 E. James Street

Ms. Napolitano asked if the Town plans to blacktop at the end of the roads. Public Works Supervisor Reed responded that they are currently putting millings down instead of stone dust. The millings are a harder surface and almost like asphalt, which is making for a better parking area. Mayor Langan added that the Town will look into asphalt in the future.

Denny Pridgeon, 1 E. James Street

Mr. Pridgeon questioned if there was a specific property in mind for the proposed ordinance change. Bill Weistling responded no. Town Manager Tieman stated that the Code change was suggested by Tim Collins since he said there was not enough room to put equipment on commercial properties, and the square footage of new buildings had to be taken into effect.

**Adjournment**

Motion – Mayor Langan asked for a motion to adjourn.

Second – Treasurer Bunting.

Vote – 7-0.

The meeting adjourned at 5:00 PM.