

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

Call to Order at 9:30 a.m.

Present: Committee Members Bill Weistling, Bernie Merritt, Vicki Carmean, Bill Mould, Mike Quinn, Virginia Childers-Davidson, Terry Tieman, Erin Ellinger and Pat Schuchman

Absent: Doug Lopez

Public in Attendance: Bonnie Metz (Verizon), Suzanne O'Berry (Verizon), Roy Williams, Jackie Napolitano, Pam Pridgeon

Minutes:

- Vicki Carmean made a motion to approve the minutes of November 3, 2017 seconded by Mike Quinn. Motion passed.

Issues for Discussion & Possible Action:

- Bill Weistling began discussion on the proposed changes to Section 9 of the Charter (Qualification of Voters) which has been reviewed by the Town Attorney. He suggested that Item VII (*A current utility bill, bank statement, credit card statement, a paycheck or pay advise, or another type of bill or statement showing a Town address that is not a post office box*) and Item VIII (*A lease or sale agreement showing a Town address that is not a post office box*) be removed from the draft and be on the Agenda for a Proposed First Reading at the January 26, 2018 Town Council meeting.
- Regarding Chapter 160 Zoning (Commercial parking – definition of business/improved lot) the Town Attorney sent two definitions of “structure” with the draft. A definition was selected and would be renamed “primary structure”. This will also be on the Agenda for a Proposed First Reading at the January 26, 2018 Town Council meeting.
- Mr. Weistling proceeded to discussion on the proposed amendment to Chapter 160 (Zoning) on Cell Phone Communications. Bonnie Metz and Suzanne O'Berry of Verizon were in attendance and gave a powerpoint presentation on the proposed small cell technology and explained the new 5G technology will offer greater capacity to small cells infrastructure.
- The original amendment of Small Wireless Facilities prohibited towers in any Town owned right-of-way but not in the State right-of-way along Rt. 1. We have since been advised that federal law mandates we cannot prohibit cell towers both on commercial and residential properties.
- It was explained by Ms. Metz that a review of existing poles revealed that these poles are 40' to 45' and would need additional height to lengthen the poles to 50' to crest the dunes for beach access.
- The proposed amendment (taken from an existing ordinance in Gonzalez, Louisiana) has been sent to the Town Attorney for review. Approval to install additional poles will require the permission of Town Council on an individual basis.
- It has not yet been determined what distance apart the antennas would be; each carrier will need to map out gaps in service to determine the locations. The proposed ordinance will permit co-location of more than one provider on poles as long as subsequent providers have permission of the provider who installed the pole.
- Ms. O'Berry stated that Verizon is researching whether three macro-poles, one located at the Chamber of Commerce, one at the old PNC and one at the Royal Farms property would be feasible to support towers along Bunting Avenue and in various locations on bayside. The capacity needs on the beach is expected to be the greatest need during the Summer months.

- The Town will be able to charge permitting and licensing fees; these amounts are to be determined.
- Once the proposed draft is approved, it is expected to have approval from Town Council of the ordinance. Verizon is optimistic to have the small cell technology ready for operation by Summer 2018.

Comprehensive Plan:

Terry Tieman reported that the plan has been sent to the State for Gov. Carper's signature.

Next Meeting:

The next C&O meeting will be held on Friday, January 5, 2018 at 1:30 p.m.
Item for Discussion will be:

Chapter 160 – (Zoning) – Cell Phone Communications Facilities

Old Business:

Jackie Napolitano asked about the status of the proposed amendment of Chapter 160-5C regarding mechanical equipment in commercial setbacks. Mr. Weistling answered the proposed amendment tabled at the October 27, 2017 meeting is on the agenda for the December 8, 2017 Town Council meeting for a second reading. He advised Ms. Napolitano he will address her concerns of the vegetative buffer with the councilmembers at that meeting.

New Business:

None.

Adjourn:

Vicki Carnean made a motion to adjourn seconded by Mike Quinn. Meeting adjourned at 11:02 a.m.

Chapter 160 -- Zoning

Chapter 160-2B:

Add:

B. For the purpose of this chapter, certain terms and words are defined as follows:

BUSINESS: *Non-residential activity, employment, occupation, trade, profession or enterprise, whether for profit or not, in which an individual(s) is willing to invest time and/or capital on future outcome.*

IMPROVED LOT: *A parcel, lot, tract or area of land to which any man made changes or improvements have been made, examples of which include, but are not limited to, the construction of a structure, primary building or accessory building, paving, grading, landscaping, construction of a park and/or the installation of utilities.*

PRIMARY BUILDING: *The main building on a lot, the building in which is conducted the principal use of the lot on which it is located and which, in the Residential Zone, is the residential structure on the lot with the largest gross floor area.*

PRIMARY STRUCTURE: *That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some manner. The term "structure" shall be construed as if followed by words "or part thereof."*

Chapter 160-10C(2):

Existing:

C. Location of parking spaces.

(2) Commercial. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways:

(a) Within a permitted garage or carport.

(b) On an open area of the lot, provided that the parking area(s) required for any building or structure hereafter erected shall be set back a distance of not less than three feet from any lot lines and shall be set back a distance of not less than three feet from the structure.

Proposed:

(2) Parking in the Commercial Zone is permitted on improved lots, but only those that have been improved with permanent structures that have working utilities and one (1) or more bathrooms that are operational and available for employee, customer or client use during business hours.

CHARTER.

Existing:

Section 9. Voter Qualifications.

A. Voter qualifications.

- 1) Resident: Every natural person, who is a citizen of the United States, age 18 on or before the date of the election, a bona fide resident of the Town as of March 1 prior to the annual municipal election, and registered to vote, if provided by ordinance, shall have one vote.

Proposed:

Section 9. Voter Qualifications.

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 documentation may be considered by a registrar in determining whether a person is a permanent, full-time resident of the Town under this section. The registrar need not be presented with all of the following documentation in order to conclude that a person qualifies to vote in the annual municipal election as a bona fide resident of the Town:

(i) A current State of Delaware driver's license or ID card showing a Town address that is not a post office box;

(ii) An official government uniformed service ID card showing a Town address that is not a post office box;

(iii) A voter registration card issued by the State of Delaware showing a Town address that is not a post office box;

(iv) Another current photo ID issued by the State of Delaware; U.S. Government; the voter's employer, high school or higher education institution showing a Town address that is not a post office box;

(v) Any motor vehicle operator's license, whether or not it is a conventional driver's license, showing a Town address that is not a post office box;

(vi) Documentation of any motor vehicle registration, provided the registration shows that the motor vehicle is owned by the person in question and shows a Town address that is not a post office box; and/or

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