



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL JANUARY 26, 2018

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 Manager Gary, Administrative Assistant Martin, Police Clerk Ellinger

President's Report

Mayor Langan began the meeting at 3:30 PM. He provided an update on the beach replenishment. The latest from DNREC is that beach replenishment is scheduled to begin around April 1st. Town Manager Tieman added that at the ACT Meeting she attended, the contractor was given the notice to proceed, with 240 days to complete the project, so the beach replenishment should be completed by June 28th.

The Town's welcome sign was recently damaged in a traffic accident, along with the crepe myrtle. The person has been apprehended and the sign will be replaced.

On January 18th, Mayor Langan attended an open house conducted by the Bureau of Ocean Management in regards to offshore drilling. The open house was very helpful in providing ways of stating opposition to offshore drilling.

Offshore drilling, along with dredging, was also discussed at the January 19th ACT Meeting. The next ACT Meeting will be held on February 23rd at 10:00 AM at the Lewes Town Hall.

Mayor Langan informed everyone that on January 23rd, Town Manager Tieman celebrated her one year anniversary with the Town. Building Official Schuchman gave a speech and the Town Council gave flowers to Town Manager Tieman for her first year of service.

For Discussion and Possible Action

Resolution #88-2018 (Dredging)

Administrative Assistant Martin read the proposed resolution in regards to dredging.

A MOTION was made by Council Member Carmean, seconded by Secretary Merritt, to accept the reading of Resolution #88-2018. The MOTION passed unanimously.

Resolution #89-2018 (Opposition to Seismic Testing & Offshore Drilling)

Mayor Langan stated this resolution was previously approved at the August 25th Council Meeting, but since then we now have additional contacts to send the resolution to, so it is being readdressed at this Council Meeting.

Council Member Carmean commented that she agrees that it is a good idea to update for this year so representatives are aware of our opposition.

A MOTION was made by Council Member Lee, seconded by Treasurer Bunting, to accept the reading of Resolution #89-2018. The MOTION passed unanimously.

Moratorium on Hotels

Mayor Langan stated that 2 years ago, the ordinance on the moratorium on hotels was adopted with a 2-year expiration. The current ordinance is due to expire on February 26th. We do not need a new ordinance, but just need to extend the date on the current ordinance.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Lee, to extend the ordinance for another 2 years, to expire on February 26th, 2020. The MOTION passed unanimously.

Memorial Brick (Chris Lambertson)

A MOTION was made by Vice Mayor Mais, seconded by Treasurer Bunting, to discuss the approval of funding for a memorial brick for Chris Lambertson.

Chris Lambertson was part of the beach patrol for several years and died recently of Lou Gehrig's disease. Vice Mayor Mais stated that it would be a nice gesture to place a brick in the park in honor of Chris.

Discussion: Council Member Carmean disagreed in having the Town fund the memorial brick for Chris. There have been other people who have placed bricks in honor of someone, and if the Town funds this brick then it could be setting a precedent on other Town funded bricks "in honor" of someone. Council Member Lee agreed and suggested that individual contributors could fund the purchase of the brick.

Vice Mayor Mais withdrew the motion and will find contributors to donate towards the cost of the brick.

Mayor Langan recommended that guidelines be written for future brick purchases/donations. Town Manager Tieman will work with Council Member Carmean on writing the guidelines.

Approval of Minutes

A MOTION was made by Treasurer Bunting, seconded by Council Member Lee, to accept the minutes from the December 8, 2017 Public Hearing. The MOTION passed unanimously.

A MOTION was made by Secretary Merritt, seconded by Council Member Carmean, to accept the minutes from the December 8, 2017 meeting.

Vice Mayor Mais noted on page 3 under Beach, the Turkey Trot is not sponsored by the Chamber of Commerce but sponsored by the Beach Committee. Laurie from the Chamber only assisted in the event, but it was not sponsored by the Chamber.

Council Member Carmean made 3 grammatical corrections on page 6.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Lee, to accept the minutes from the December 8, 2017 with the corrections as stated. The MOTION passed unanimously.

Treasurer's Report

Treasurer Bunting presented the report for period ending November 30, 2017 and December 31, 2017. He highlighted that the Dedicated Street Fund closed at \$92,145.60 for 2017. 2017 was also a very good year for RTT funds, which took in \$298,062.64 from August-December. Treasurer Bunting also commented that the audit came out good for the Town.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to accept the Treasurer's Report. The MOTION passed unanimously.

Town Manager's Report

Town Manager Tieman did not add anything to her report that was provided in the Council packet.

Department Reports

Building

Building Official Schuchman stated that on December 1st, business license renewals were sent out. So far she received 111 outside contractor's licenses, 60 retail merchant licenses, and 19 residential/commercial rental licenses. She also attended the DFIT monthly meeting on January 15th in Dover with a presentation provided by the Laurel and Georgetown Police Departments, and the topic was opioid abuse.

Public Works

Public Works Supervisor Reed stated that the dead tree on E. Lewes Street is scheduled to be removed next week. The Public Works employees have been busy working on the medians. He also informed everyone that DSWA is hosting a hazardous waste/shredding event on March 31st starting at 8:00 AM at the State Park. All hazardous items and electronic equipment can be dropped off, along with 2 boxes of paper for shredding.

Town Manager Tieman thanked Bryan for arranging the event with DSWA. She also thanked all of Public Works for the great job with the snow removal during the recent blizzard.

Police Department

Chief Boyden added that Sgt. Parsons was recently injured on duty and will be out for several weeks. He also congratulated Town Manager Tieman on her 1 year anniversary and commented that she is an enormous asset to the Town and is glad to be working next to her.

Committee Reports

Beach

No report.

Business Development

No report.

Dredging

Secretary Merritt thanked Bill Weistling for helping him with dredging research. They are both working on 3 avenues for paying for the dredging project: Federal (for the channel), DNREC (for the bay entrances and exits), and ACT. Secretary Merritt recently spoke to Senator Carper, who is willing to push the project through. Both Secretary Merritt and Bill Weistling have met several times with Tony Pratt, as well as meeting with the Ocean City engineer on their dredging process. A meeting is scheduled with John Hynes on getting a proposal on spoil samples.

The next meeting of the Dredging Committee will be Friday, March 2nd at 1:30 PM.

Environmental

Mary Ellen Langan reported that the open house last week in Dover with the Bureau of Ocean Management was a great success. The Bureau suggested participants go online or write letters in opposition of drilling. They suggested backing up your comments with facts. Mary Ellen noted that the offshore drilling effects not just Delaware but all of the east coast, so please tell everyone to write.

At the meeting in January, the Earth Day event scheduled for April 21st was discussed. Mary Ellen asked Council for approval to purchase a banner, which will cost approximately \$400. Although it sound like a lot of money, this is a one-time cost since the banner will be reused yearly. She requested from the Council to spend up to \$500 to cover the cost of the banner and the giveaways for the volunteers.

At the next scheduled meeting on February 8th, Chris Bason from Inland Bays will be in attendance to discuss waste water runoff.

Beach grass planting is scheduled on March 17th at the State Park. Council Member Williams added that you need to register if you are interested in participating in volunteering for the planting.

A MOTION was made by Council Member Carmean, seconded by Council Member Williams, to approve spending up to \$500 for the banner and giveaways for the Earth Day event.

Council Member Williams stated that last year, people commented that the banner was too small. This banner will be around for a long time and he does not see any problems approving the request.

Council Member Carmean questioned if the Community Outreach account could be used for this. Town Manager Tieman replied yes.

The MOTION passed unanimously.

Finance

Vice Mayor Mais stated that the meetings will now be held on the Thursday before the Council Meetings. The next meeting will be held on February 22nd at 3:00 PM.

At today's meeting, the committee discussed unallocated reserves, risks, and how much of the yearly revenue should be in the reserve account. The committee was in agreement to maintain at least 50% but no more than 60% of the overall revenue. Mayor Langan questioned what will

happen to the remainder of the revenue and asked if it would be put in specific reserves. Vice Mayor Mais responded that it would be used as the Town has a capital need, or the balance could be put into another dedicated fund account. Town Manager Tieman commented that the goal at today's meeting was to set appropriate reserve levels. Secretary Merritt suggested the committee consider reserving money for the dredging project. Mayor Langan suggested the committee formalize a proposal so it can be discussed at the February Council Meeting.

Vice Mayor Mais added that at the December Finance Meeting, the committee made a recommendation to take the 5% that was allocated to Parks & Recreation to be put in the Dedicated Street Fund (to make the allocation 15% instead of 10%), since the Parks & Recreation Fund is already at its maximum.

Pedestrian Safety

Council Member Carmean reported that the committee met on December 18th with DeIDOT, along with Representative Gray, to discuss DeIDOT's support for the project. DeIDOT engineers still need to review past plans and studies to see if they will suffice or if a new study will have to be completed. The funding for the project is still to be determined. Representative Gray promised to fully support the project.

No new meetings will be scheduled until the Town hears back from DeIDOT.

Planning

Town Manager Tieman noted that the Comp Plan is in the Governor's office waiting for his signature.

Technology

Mayor Langan reported that the committee met on December 1st and approved Verizon installing small cell towers in Town.

Charter & Ordinance

Proposed First Reading – Charter Section 9 (Qualification of Voters)

A MOTION was made by Vice Mayor Mais, seconded by Council Member Carmean, for the first reading of Charter Section 9 (Qualification of Voters) to be included in the minutes (copy attached).

Bill Weistling commented that the proposed change includes the definition of resident.

Council Member Lee questioned the addition of having documentation proving residency. She feels that a piece of mail does not really prove that you are a resident. Bill Weistling responded that this was added for Town employees as another means to determine residency. Council Member Lee stated that she thinks people will take advantage of this policy.

Marc McFaul (Big Eye Jacks) questioned if this change states who can vote. Bill Weistling stated no, that the change just defines a resident.

The MOTION to accept the first reading of Charter Section 9 passed unanimously.

Proposed First Reading – Chapter 61 (Article IV – Wireless Infrastructure Construction – Wireless Facilities)

A MOTION was made by Vice Mayor Mais, seconded by Council Member Carmean, for the first reading of Chapter 61 (Wireless Infrastructure Construction – Wireless Facilities) be included in the minutes (copy attached).

Bill Weistling noted that Charter & Ordinance started working on the draft back in October. It now includes necessary legal wording, after the review by the Town attorney. The current proposed reading is now workable for our Town and any service provider. He also added that any new poles would have to be approved by Town Council and any use of existing poles would have to be approved by the Building Committee.

Town Manager Tieman stated that this draft requires that a contractor has to be affiliated with a provider before installing a tower. She also added that the towers are needed for safety reasons since the Police are having several dropped calls. The towers installed are also 5g.

Bonnie Metz (from Verizon) commented that data usage in the area has increased 55% over the last year. The small cell towers they plan to install are approximately 2' x 1' and they will use existing poles wherever possible. Council Member Lee questioned if higher poles would be needed. Bonnie responded that some poles will need to be extended or replaced due to line of sight. Council Member Lee then asked when Verizon plans to remove the old poles that still remain even after the new poles were installed. Bonnie stated that some of the old poles are Delmarva Power poles, but the other Verizon poles should be removed soon. Richard Benn recommended that instead of making the poles higher it would be better just to replace the poles to the correct height. He also questioned about the 5 poles in front of his house that still need to be removed and Bonnie ensured him that they would be removed soon.

Secretary Merritt questioned if the Town was having 911 issues. Chief Boyden responded yes, that 911 calls are being dropped regularly.

The MOTION to accept the first reading of Charter 61 passed unanimously.

Proposed First Reading – Chapter 160-2B (Zoning – Definition of Business, Improved Lot, Primary Building, and Primary Structure)

A MOTION was made by Vice Mayor Mais, seconded by Council Member Carmean, for the first reading of Chapter 160-2B (Zoning – Definition of Business, Improved Lot, Primary Building, and Primary Structure) be included in the minutes.

Bill Weistling commented that the proposed change includes the definitions recommended by the Town attorney.

The MOTION to accept the first reading of Chapter 160-2B passed unanimously.

Proposed First Reading – Chapter 160-10C(2) (Zoning – Commercial – Parking)

A MOTION was made by Vice Mayor Mais, seconded by Council Member Carmean, for the first reading of Chapter 160-10C(2) (Zoning – Commercial – Parking) be included in the minutes.

Bill Weistling commented that the proposed change is to commercial parking spaces. After the Town attorney reviewed, the change was reworded to define building structures and

commercial parking. Council Member Lee noted that the change mentions that parking is allowed only when the property contains a structure.

Chris Reda (Big Eye Jacks) questioned why commercial lots can't be used even without a structure. With the lot recently purchased next to Royal Farms, he was trying to provide employees with additional parking and does not see why he needs to add a structure to the property. Marc McFaul (Big Eye Jacks) added that he has approached the Town with several ideas on how he can use the property, but no one is in favor of any of the ideas so far. Bill Weistling responded that the Town has not received any formal plans from them and suggested they bring the plans in for review.

The MOTION to accept the first reading of Chapter 160-10C(2) passed unanimously.

Old Business

Council Member Carmean questioned if any of the money was planned to be spent in the Dedicated Street Fund. Bill Weistling responded that it has been over a year with no work on the streets, but he can advise Kercher to do an engineering study to see what streets are in need of repair. Last year, Kercher stated the study would cost around \$7,000. To save money, Bill Weistling and Mike Biacco from Kercher rode the streets and conducted their own study. Bill's opinion is that street repair should be included in next year's budget.

New Business

A MOTION was made by Vice Mayor Mais, seconded by Secretary Merritt, to take the 5% from Park & Recreation and allocate it to the Dedicated Street Fund. The MOTION passed unanimously.

Council Member Williams stated that he will not be able to attend the February Council Meeting. Council Member Lee added that she is unable to attend both the February and March Council Meetings.

A MOTION was made by Council Member Carmean, seconded by Treasurer Bunting, to excuse both Council Member Williams and Council Member Lee from the meetings. The MOTION passed unanimously.

Upcoming Events and Meetings

Mayor Langan confirmed the upcoming events and meetings. He added the Finance Committee Meeting on February 22nd at 3:00 PM and the Dredging Committee Meeting on March 2nd at 1:30 PM.

Public Participation

Richard Benn, 1306 Bunting Avenue

Mr. Benn thanked Town Manager Tieman for her one year of service and also for all of her assistance at the Finance Committee Meeting earlier today.

Mr. Benn also suggested that since the funding for the brick was denied for Chris Lambertson that maybe the Town Council could adopt a resolution in his honor instead.

Mary Ellen Langan, 5 E. King Street

Mrs. Langan recently heard about an 11 year old boy soliciting money for the lifeguards for a side-by-side. Town Manager Tieman responded that she has been approached by the boy and

his father and is currently looking into the legality of the use of the Town Seal with the Town attorney.

Wayne Carmean (38 Ebb Tide Cove) stated that he was at the meeting with Senator Hocker and Representative Gray when the boy presented his request, and he led both of them to think that he had already approached the Town and that we could not afford the side-by-side.

Buzz Henifin, 48 Windward Way

Mr. Henifin thanked Public Works for the snow plowing during the recent storm.

Bill Weistling, 7 E. Indian Street

Mr. Weistling asked if at the recycling event on March 31st if they are taking used motor oil. Public Works Supervisor Reed responded yes, that the event includes all hazardous waste, electronics, and paper shredding.

Mr. Weistling also added that he would like Public Works Supervisor Reed to check on the grommet spacing on the Earth Day banner prior to the banner being ordered. Public Works Supervisor Reed stated that he will make any banner that is ordered work.

Adjournment

A MOTION was made by Mayor Langan, seconded by Council Member Carmean, to adjourn the Town Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 5:07 PM.