



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL MAY 25, 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, Lifeguard Captain Ferry, Building Official Schuchman, Public Works Supervisor Reed, Finance Manager Gary, Administrative Assistant Martin

President's Report

Mayor Langan began the meeting at 3:30 PM.

The beach replenishment is now scheduled to begin around July 21st. The Army Corp. of Engineers has been conducting a meeting every Wednesday morning at the South Bethany Town Hall to discuss the beach replenishment project.

The Town has yet to receive plans from Verizon on the small cell technology. As soon as they are received, they will be shared with all residents.

Since hurricane season begins on June 1st, Mayor Langan would like to schedule an Emergency Management Committee Meeting soon.

Mayor Langan attended the Association of Coastal Towns (ACT) Meeting on May 18th during which the condition of the bays and the need for dredging were discussed. Also, the Sussex County long-range plan for its beaches was discussed, especially the impact of sea level rise. If this is not in the Sussex County Comprehensive Plan, the plan may not be accepted by the State.

For Discussion and Possible Action

Appointment of the 2018 Board of Elections

Mayor Langan requested the re-appointment of Audrey Serio, Faye Horner, and Carl McWilliams to the Board of Elections for this year.

The MOTION was made by Vice Mayor Mais, seconded by Treasurer Bunting, to accept the nominations to the Board of Elections. The MOTION passed unanimously.

Voter Roll List

Mayor Langan presented the Voter Roll List changes. He amended the list to include Jean McWilliams of 1707 Bunting Avenue, who passed away this past year.

A MOTION was made by Council Member Carmean, seconded by Secretary Merritt, to approve the amended voter roll list. The MOTION passed unanimously.

Resolution #93-2018 – FY 2018/2019 Fee Schedule

Town Manager Tieman announced the changes to the fee schedule this year, which include an increase to the service contractor fee, a new fee for ATM's, as well as restructuring and fee increases for parking.

A MOTION was made by Treasurer Bunting, seconded by Council Member Carmean, to approve and accept the FY 2018/2019 Fee Schedule. The MOTION passed unanimously.

Resolution #94-2018 – FY 2018/2019 Operating & Capital Improvement Budget

Town Manager Tieman read the resolution: she noted that the budget this upcoming fiscal year is \$2,090,540 and the capital budget is \$309,975.

A MOTION was made by Secretary Merritt, seconded by Council Member Carmean, to approve and accept the FY 2018/2019 Operating & Capital Improvement Budget. The MOTION passed unanimously.

Council Member Carmean suggested that when the audit is conducted this year to set aside prior year balance funds for sidewalk and dredging projects. Town Manager Tieman confirmed that after the audit money will be set aside for both projects.

Mayor Langan thanked Town Manager Tieman, Finance Manager Gary, Treasurer Bunting, and the Finance Committee for their hard work on the budget.

Relaxing Codes for Week of July 1 – 8

Town Manager Tieman noted that Sunday, July 1st is the Town's 65th Birthday, Wednesday is the 4th of July, and then the annual bonfire will be held on Saturday, July 7th. She is asking for permission to relax the codes and allow tents at businesses from June 30th – July 8th. Also, on July 1st, she would like to remove parking permit restrictions on streets from 9:00 AM – 5:00 PM.

Council Member Williams asked if all parking would be unrestricted from 9:00 AM – 5:00 PM. Chief Boyden responded only for street parking but not on beach end parking or handicap parking.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Carmean, to accept suspending some of the Town's codes the week of July 1 – 8. The MOTION passed unanimously.

Association of Coastal Towns (ACT) Consulting Agreement with Tony Pratt

Mayor Langan explained that Tony Pratt is offering his consulting services to ACT members. The Town's cost is \$3,500 and this would be funded via the General Government section of the budget.

Council Member Williams questioned if there would be a conflict of interest since Tony Pratt now works with Senator Carper. Town Manager Tieman stated that she will check and require that Tony Pratt sign an agreement. Council Member Lee added that the agreement would need to be clear about who Tony Pratt is representing and also resolve any questions about the potential conflict of interest.

Council Member Carmean asked how the Town would benefit from this arrangement with Tony Pratt. Mayor Langan responded that Tony Pratt would provide information on dredging and beach replenishment.

Secretary Merritt commented that Tony Pratt could provide a wealth of information on these projects, and thus would be a huge asset, along with Chris Bason, for the proposed dredging project. Town Manager Tieman added that Tony Pratt could help with the resiliency grant that will be needed for the study on back bays dredging.

A MOTION was made by Vice Mayor Mais, seconded by Treasurer Bunting, to approve the funding for the consulting agreement. The MOTION passed unanimously.

Senate Bill No. 200

Mayor Langan noted that Delaware Senate Bill No. 200 is similar to New Jersey's, which does not allow oil to be shipped along Delaware waters. The Town Council needs to approve the bill so it can be sent to the State with the Town's acceptance.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Carmean, to accept Senate Bill No. 200. The MOTION passed unanimously.

Approval of Minutes

A MOTION was made by Council Member Carmean, seconded by Secretary Merritt, to accept the minutes from the April 27, 2018 public hearing. The MOTION passed unanimously.

A MOTION was made by Treasurer Bunting, seconded by Vice Mayor Mais, to accept the minutes from the April 27, 2018 Council meeting. The MOTION passed unanimously.

Treasurer's Report

Treasurer Bunting presented the report for the period ending April 30, 2018. He noted that the Town has already reached its budgeted goal on building permits for the year. Also, no additional RTT funds were received this month.

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 Tieman noted that this is the first time the Treasurer's Report has been done through the Edmunds program.

Town Manager's Report

Town Manager Tieman submitted her report. She added that the General Assembly has approved the Town's Charter changes, which are awaiting the Governor's signature for final approval.

Department Reports

Building

Building Official Schuchman stated that 26 business licenses were issued in April.

The Community Assistance Department (CAD) review that was conducted last month was accepted by DNREC; so the Town is certified for another 5 years.

Public Works

Public Works Supervisor Reed had nothing to add to his report.

Mayor Langan asked if the Mobi mats were all installed. Public Works Supervisor Reed confirmed that all dune crossings were completed as of yesterday afternoon.

Council Member Lee commented that she has heard nothing but praise about the Mobi mats and thanked the Public Works Department for their hard work.

Beach Patrol

Lifeguard Captain Ferry added to his report that the lifeguards will be on duty full-time beginning on June 8th. He also thanked Public Works Supervisor Reed for the fantastic job getting everything ready prior to the Memorial Day weekend.

Police Department

Chief Boyden added to his report that parking permit regulations began on May 15th. He also added if anyone has any problems this Memorial Day weekend to contact the officer on duty.

Committee Reports

Beach

Lifeguard Captain Ferry stated that the Beach Committee met on May 23rd to discuss the upcoming bonfire on July 7th.

Business Development

Tim Collins stated that the Committee approved two ads for the Coastal Point and Dispatch. He also requested to be alerted, either by the Town or the Council, on anything that would impact the business community.

Dredging

Secretary Merritt stated that the John Hynes soil study came back with no contaminants in the samples. There will be a joint meeting with the Environmental Committee on June 15th.

Environmental

Mary Ellen Langan stated that the Environmental Committee met on May 10th. Earth Day was discussed along with the elimination of plastic straws by the business community. On July 10th at the Lewes Library, there will be a presentation about the negative impact of plastic straws on the environment. Alex Daly will present at the Business Development Meeting next month the idea eliminating plastic straws throughout the commercial area.

Mary Ellen also asked if the Environmental Committee could set up a table at the Town's birthday party and also at the bonfire. Town Manager Tieman responded "yes" for the birthday celebration but suggested Mary Ellen contact Becca McWilliams for the approval at the bonfire.

Finance

No report.

Pedestrian Safety

Council Member Carmean reported that DelDOT has returned the signed agreement for the sidewalk study. In response to DelDOT's request for an expanded committee, Colleen Wilson, Lauren Weaver, and Kimberly Flynn have volunteered to participate. If anyone else would like to volunteer for the expanded committee, please contact Council Member Carmean.

Planning

Vice Mayor Mais stated that a meeting has been scheduled for July.

Technology

Mayor Langan commented that now in Delaware, individuals can text 911, but the State is asking people not to text pictures of emergency situations. Also, in Sussex County, people can use Smart911 by going online and creating a profile before emergency responders arrive.

Charter & Ordinance

Proposed First Reading – Chapter 146-4, Article III (Gross Rental Receipts)

A MOTION was made by Council Member Carmean, seconded by Council Member Lee, for the first reading of Chapter 146-4, Article III (Gross Rental Receipts) to be included in the minutes (copy attached).

Town Manager Tieman noted that the tax for hotels and motels will increase to 3.5%, while other commercial rentals will be 4%. Also, residential rental tax will increase to 8%.

Tim Collins asked if any other beach communities have a gross rental tax. Town Manager Tieman responded that all communities have some form of gross rental tax. Tim then asked the need for the increase. Vice Mayor Mais responded that the Finance Committee looked at all of the fees and compared them to other communities who charge a higher tax than our Town. Tim is concerned about the increase from 3% to 4% for commercial rentals since this increase will affect the small businesses and not the landlord. Vice Mayor Mais commented that he felt the increase will actually help the businesses and not hurt them. Council Member Lee stated that the increase will also aid Public Works and Public Safety, thus benefitting businesses. She added that the fees have not been raised since 2002 and the Finance Committee met for over a year to discuss the

increases. Richard Benn commented that the Finance Committee went over every fee and our Town is the only beach community that differentiates fees for commercial and residential areas.

Council Member Carmean noted that this Town has a beach environment that is a magnet for many visitors who then spend money in the commercial area, thus, the Town helps the businesses by spending money to maintain and improve the community. Tim responded that if the Town wants to help, it needs to make the business community aware of any change that impacts the businesses.

The MOTION to accept the first reading of Chapter 146-4, Article III passed unanimously.

Old Business

Council Member Williams asked about the status of the Town sign replacement. Town Manager Tieman responded that the sign is currently being constructed and she has not received a finish date for the sign.

New Business

None.

Upcoming Events and Meetings

Mayor Langan confirmed the upcoming events and meetings as stated on the agenda.

Public Participation

Alex Daly, 5 W. Farmington Street

Mr. Daly would like the Town Council to reconsider the parking regulation hour extension to 10:00 PM. He feels that extending the hours will hurt businesses. Mark Tingle responded that the Finance Committee did not change the hours to hurt businesses but to help them since the hour increase will help keep cars moving which will bring in more business. Tim Collins disagreed and stated the additional hours will hurt businesses since after 4:00 PM is when the businesses receive most of their customers, who in the past did not have to pay for parking after 4:00 PM.

Willia Peoples, Fenwick Pet Stop

Ms. Peoples is requesting the Town Council change the ordinance to allow pet services be performed since she would like to add a grooming service at her business. Tim Collins commented that he spoke to Bill Weistling about changing the ordinance, and he commented that the Town Council needs to instruct the Charter & Ordinance Committee to pursue the change. Bill Weistling responded that it is something to look at since when the original code was written the Town did not want animals at businesses overnight or for extended hours. If the grooming service would be brief, then he feels the ordinance is worth changing. Ms. Peoples responded that the grooming service would be one animal at a time and not several animals. All of the grooming would be done by appointment only.

Nadia Butler, 7 W. Essex Street

Ms. Butler is concerned about the type of signage allowed for businesses. Mayor Langan responded just regular signage and no flashing signs are allowed. Ms. Butler added that she lives behind Our Harvest and would like to get involved in the Town so the same problems Ocean City

deals with do not happen with residential homes in our Town's commercial zones. Council Member Lee responded that Ms. Butler should get involved in committees, which Council Member Lee said she would discuss further with Ms. Butler after today's meeting.

Bill Weistling, 7 E. Indian Street

Mr. Weistling commented that he recently spoke to Ocean City in regards to the wind turbines. Ocean City is trying to have the turbines built 25 miles or more off the coast, but Mr. Weistling heard that in Rehoboth Beach, the turbines will only be 16 miles off the coast. Council Member Lee noted that the Town needs to voice its support of having turbines located further away from the coast. She added that she is not sure about the effectiveness of the turbines, but we should stay on top of the turbine installation and possibly join forces with Ocean City.

Jack Pyne, 6 E. Bayard Street

Mr. Pyne asked for the status of the dredging project. Secretary Merritt responded that the soil sample study was just completed on the south side of Town and the Town will look at the north end next. Mr. Pyne then asked if the Town is looking into having a channel put in the Bay. Secretary Merritt responded that for now the Town is looking at possible locations for the dredged materials, which will be discussed with Chris Bason at the meeting in June. Mayor Langan added that the State now allows placement of dredged spoils in the wetland areas, which will provide cost savings for the project. Vice Mayor Mais added that this will help preserve the wetlands, especially since the recent soil sample indicated that there were no contaminants to worry about.

Adjournment

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to adjourn the meeting. The MOTION passed unanimously, and the meeting adjourned at 4:48 PM.