



The Town of Fenwick Island

800 Coastal Highway, Fenwick Island, DE 19944-4409
302-539-3011 ~ 302-539-1305 fax
www.fenwickisland.delaware.gov

REGULAR MEETING OF THE TOWN COUNCIL DECEMBER 7, 2018

MINUTES

In Attendance

Town Council Members:

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

Absent:

Council Member Carmean

Staff in Attendance:

Town Manager Tieman, Chief Boyden, Building Official Schuchman, Public Works Supervisor Reed, Finance Manager Gary, Town Clerk Martin, Assistant Building Official Ellinger

Mayor Langan began the meeting at 3:30 PM.

President's Report

Town Manager Tieman has been selected as one of the top 100 Engaging Local Government Leaders in the U.S.

A parking permit analysis was completed for the season, and the Town took in \$24,575, with \$8,917 of the \$24,575 from the kiosk.

The State has submitted a 2-year extension contract for lifeguard services. The annual fee has increased from \$45,000 to \$52,000.

NOAA has confirmed that seismic testing has been approved in the Atlantic Ocean. Mayor Langan has already contacted Tom Carper's office, Coastal Trust, and Oceana to oppose the seismic testing. It will also be brought up at the Association of Coastal Towns (ACT) Meeting next Friday. According to the Bureau of Ocean Management, there will be 5 companies that will be conducting the testing. Mayor Langan noted that contact information will be put on the Town's website for those who want to submit opposition to seismic testing.

For Discussion and Possible Action

Request for Funding for Fenwick Freeze Expenditures

Town Manager Tieman noted that Becca McWilliams is requesting \$2,000 for expenditures for the upcoming Fenwick Freeze in January. \$3,000 was already budgeted, so there is no need for a motion to approve.

Appointment of Revaluation Review Committee

Mayor Langan commented that he would like to forward the two bids received for revaluation to the Finance Committee for their review and recommendation.

Approval of Minutes

A MOTION was made by Treasurer Bunting, seconded by Vice Mayor Mais, to accept the minutes from the October 26, 2018 Council Meeting. The MOTION passed unanimously.

Treasurer's Report

Treasurer Bunting presented the report for the period ending October 31, 2018. He commented that \$9,000 in RTT was received in October.

Due to the change in auditing firms, the Audit Report will be presented at the January Council Meeting.

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

Town Manager's Report

Town Manager Tieman submitted her report. She added that the January Sussex County Association of Towns (SCAT) dinner will be hosted by the Town and will be held at Bear Trap.

Department Reports

Building

Building Official Schuchman stated that 10 business licenses were issued in October. She added that Royal Farms is scheduled to close beginning January 7th for remodeling.

Public Works

Public Works Supervisor Reed reported that the annual tree lighting event was a success. He, along with John Farrace, recently attended the Snow Plow Rodeo conducted by DFIT.

Mayor Langan asked if the landscaping around the Town sign has been approved. Town Manager Tieman replied that DelDOT did not approve the rip-rap, but revised plans have been forwarded for DelDOT's approval.

Police Department

Chief Boyden submitted the Police Department Report. He added that he recently received a grant to replace all desktop computers and 2 laptop computers for the Police Department.

Committee Reports

Beach

No report.

Business Development

Tim Collins noted that the Business Development Committee met in November. As suggested by the Charter & Ordinance Committee, the members of the Business Development Committee will be reaching out to the business community for their feedback on locations of mechanical equipment.

Dredging

Secretary Merritt noted that the Dredging Committee met this morning and were all in agreement to present the project funding sources to the Town Council in January.

Environmental

Mary Ellen Langan stated that the Environmental Committee met on December 4th to discuss plastic straw usage in local restaurants. A no straw usage sign will be distributed to all restaurants to have them display on their front window as well as in their bar area.

Mary Ellen has been in contact with the American Litter Society in regards to our Town becoming a "Champion of the Coast". In order to do so, the Town would need to adopt a resolution for regional ocean planning, adopt an ordinance banning the release of balloons, and oppose offshore drilling.

Also discussed at the December 4th meeting was the increase in bayside flooding and how to mitigate. Suggestions were made to either raise the road height or raise the bulkheads. The flooding on the bayside is getting worse every year.

Senator Carper is asking for 100,000 signatures for climate change and the damage to our environment. A link to sign the petition will be placed on the Town's website and Facebook.

Finance

Vice Mayor Mais noted that the next Finance Committee Meeting will be held on January 25th. The 2 items on the agenda will be funding for infrastructure projects and reviewing the proposals for revaluation.

Pedestrian Safety

Council Member Lee reported on behalf of Council Member Carmean. The Town is supposed to hear back from DelDOT in January on the cost of the sidewalk project.

Planning

No report.

Technology

Mayor Langan stated that he plans to hold a Technology Committee Meeting over the winter to discuss obtaining parking permits through a smart phone app.

He also reported that currently the Town has 819 Twitter followers, 4,774 Facebook page likes, and the website had 30,686 unique visitors over the last year. 74% of the 30,686 were new visitors to the website.

Charter & Ordinance

Proposed Second Reading – Chapter 88 (Flood Damage)

A MOTION was made by Vice Mayor Mais, seconded by Treasurer Bunting, for the second reading of Chapter 88 (Flood Damage), to be included in the minutes (copy attached).

Bill Weistling noted that this was a mandatory change from the Town's CRS review.

Vote to adopt the second reading:

Vice Mayor Mais – yes; Council Member Lee – yes; Secretary Merritt – yes; Mayor Langan – yes; Treasurer Bunting – yes; Council Member Williams – yes.

The MOTION to adopt the second reading of Chapter 88 passed unanimously (6-0).

Proposed Second Reading – Chapter 160-2B (Zoning – Definition and Word Use)

A MOTION was made by Vice Mayor Mais, seconded by Secretary Merritt, for the second reading of Chapter 160-2B (Zoning – Definition and Word Use), to be included in the minutes (copy attached).

Bill Weistling noted that a definition of a weather station was added to this section.

Vote to adopt the second reading:

Vice Mayor Mais – yes; Council Member Lee – yes; Secretary Merritt – yes; Mayor Langan – yes; Treasurer Bunting – yes; Council Member Williams – yes.

The MOTION to adopt the second reading of Chapter 160-2B passed unanimously (6-0).

Proposed Second Reading – Chapter 160-4 (Zoning – Residential Zone)

A MOTION was made by Vice Mayor Mais, seconded by Secretary Merritt, for the second reading of Chapter 160-4 (Zoning – Residential Zone), to be included in the minutes (copy attached).

Bill Weistling noted that this section had 3 changes: height regulations were included for mechanical equipment, a height for a flag pole was defined, and the rest of the section was renumbered.

Vote to adopt the second reading:

Council Member Williams – yes; Treasurer Bunting – yes; Mayor Langan – yes; Secretary Merritt – yes; Council Member Lee – yes; Vice Mayor Mais – yes.

The MOTION to adopt the second reading of Chapter 160-4 passed unanimously (6-0).

Proposed Second Reading – Chapter 160-15 (Zoning – Violation and Penalties)

A MOTION was made by Vice Mayor Mais, seconded by Secretary Merritt, for the second reading of Chapter 160-15 (Zoning – Violation and Penalties), to be included in the minutes (copy attached).

Bill Weistling noted that the approval of permits was added to include the Town Manager, Building Official, or designee. Also, the attorney fees were defined.

Vote to adopt the second reading:

Council Member Williams – yes; Treasurer Bunting – yes; Mayor Langan – yes; Secretary Merritt – yes; Council Member Lee – yes; Vice Mayor Mais – yes.

The MOTION to adopt the second reading of Chapter 160-15 passed unanimously (6-0).

Old Business

Council Member Williams questioned what became of the usage of “shall” in our ordinances. Town Manager Tieman responded that she forwarded an email to the Town Council from the Town Solicitor with her recommendations on using “shall”. Council Member Williams suggested defining “shall” as “must” or “mandatory” in the nomenclature of the Town Code. Town Manager Tieman responded that the Town Solicitor urged to be cautious of adding it to the nomenclature. Council Member Williams then suggested that going forward “must” be used instead of “shall” to any changes in the Code. Town Manager Tieman stated that it was up to the Council to forward the word change recommendation to the Charter & Ordinance Committee. Bill Weistling added that the Council should review the email from the Town Solicitor again before referring to the Charter & Ordinance Committee, but noted that the State uses “shall”, so if the State uses it then the Town should continue to use it as well. Mayor Langan will add this item for discussion to the agenda for the January Council Meeting.

New Business

None.

Upcoming Events and Meetings

Mayor Langan confirmed the upcoming events and meetings as stated on the agenda, and added the Dredging Committee Meeting on January 24th at 10:00 AM.

Public Participation

None.

Adjournment

A MOTION was made by Secretary Merritt, seconded by Vice Mayor Mais, to adjourn the meeting. The MOTION passed unanimously, and the meeting adjourned at 4:10 PM.