



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL MARCH 22, 2019

MINUTES

In Attendance

Town Council Members:

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

Absent:

Council Member Lee

Staff in Attendance:

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

Mayor Langan began the meeting at 3:30 PM.

Chief Boyden introduced the new Police Officer, Nate Hudson.

President's Report

Mayor Langan noted that the Federal Government still have not posted anything on offshore drilling. He recently attended a meeting in Ocean City sponsored by Oceana and the Ocean City Chamber of Commerce in regards to the offshore drilling. Ocean City tourism brings in \$6 billion in revenue and employs 91,000, while Delaware employs 51,000 and tourism brings in \$5 billion a year.

Street patching will begin on April 1st and microsurfacing of the streets will begin on May 1st. The entire Bunting Avenue within Town limits will be done, along with several side streets. Residents will be notified via mail next week, and business contractors and trash haulers have already been notified.

For Discussion and Possible Action

Clarification of "Shall", "Will", "Must" Referral to Charter & Ordinance

Town Manager Tieman noted that the January Town Council Meeting minutes were revised after listening to the audio and are included in everyone's packet.

A MOTION was made by Council Member Williams, seconded by Council Member Carmean, to refer to the Charter & Ordinance Committee the use of "shall" as stated in the revised minutes.

Vice Mayor Mais responded that the Town Solicitor's response was satisfactory and does not feel that "shall" needs to be defined. Secretary Merritt asked for Bill Weistling's thoughts on defining "shall". Bill Weistling noted that the previous Town Solicitor said "shall" was mandatory, and our

current Town Solicitor in her October letter pointed out that the Supreme Court uses "shall". Shall is also common in legal circles and is used in State and Federal levels. The Town Solicitor reinforced that defining "shall" would not be recommended. Council Member Williams commented that the last part of the Town Solicitor's email said that the change could be made. Bill Weistling noted that the Town Solicitor approved the use of "will" but didn't strongly support defining the current usage of "shall".

The motion to refer the use of "shall" to the Charter & Ordinance Committee failed, with Mayor Langan, Vice Mayor Mais, Treasurer Bunting, and Secretary Merritt opposed.

Planning Services for Fenwick Island Commercial District

Town Manager Tieman presented the proposal from Jeff Schoellkopf, Architect and Planner of JSD, for planning services for the Fenwick Island commercial district. The 3 primary efforts included in this proposal is to explore possible design guidelines for the commercial district, conceptual and schematic design studies of possible model buildings and site planning in the commercial areas, and possible changes to the ordinance to achieve more desirable outcomes. The study will take approximately 3-4 months to complete.

Council Member Carmean questioned if the cost of this study was a budgeted amount. Town Manager Tieman replied no, and it would be put on the capital plan, but with residents here in the summer, the Town would like for the study to be done now while the residents are here.

Vice Mayor Mais commented that the Planning Commission had put this in the Comprehensive Plan, as they felt the Town was missing guidelines.

Council Member Carmean noted that guidelines are needed for the commercial area. Town Manager Tieman added that the Town has an aged commercial district that will eventually be redeveloped. This study would be a tool to guide the Town during the redevelopment.

Council Member Carmean commented that the Town needs someone with design expertise. Town Manager Tieman noted that the Town does not have the in-house expertise, but Mr. Schoellkopf has the expertise along with municipal experience.

Council Member Williams asked if commercial property owners are in favor of this study. Town Manager Tieman commented that they would be included in the process.

A MOTION was made by Vice Mayor Mais, seconded by Secretary Merritt, to accept the proposal, not to exceed \$25,000. The motion passed by majority 5-1, with Council Member Williams opposed.

Resolution #95-2019 – Earth Day 2019

Town Manager Tieman read the resolution for Earth Day.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to approve Resolution #95-2019. The MOTION passed unanimously.