



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL JULY 24, 2020 *MEETING HELD VIA TELECONFERENCE*

MINUTES

In Attendance

Town Council Members:

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

Staff in Attendance:

Town Manager Tieman, Acting Police Chief Devlin, Town Clerk Martin

Others in Attendance:

Along with the Town Council and Staff, there were an additional 26 participants that called in to the meeting.

Mayor Langan began the meeting at 3:30 PM.

President's Report

Mayor Langan noted that the coronavirus hospitalizations are down to 58 for the entire State.

The FOIA complaint filed with the Attorney General's office by Council Member Carmean was determined that no FOIA violation was committed by the Town.

Ørsted has moved the windfarm project out of the Fenwick Island State Park. The project may be moved to off of Fred Hudson Road near Bethany Beach.

For Discussion and Possible Action

2nd Reading on Moratorium on Motels/Hotels

Town Manager Tieman read the ordinance.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Houser, to approve the second reading of the moratorium on motels/hotels. The MOTION passed unanimously.

POD's

Council Member Weistling noted that at last month's Council Meeting, Mike Quinn requested that Charter & Ordinance review the ordinance for POD's and make changes as needed.

A MOTION was made by Council Member Carmean, seconded by Council Member Houser, to send the POD's ordinance back to Charter & Ordinance for review.

Council Member Carmean commented that she thinks it is a good idea to have Charter & Ordinance review the original ordinance, in particular with allowing POD's for properties under construction only as well as the size of the POD allowed.

The MOTION passed unanimously.

Parking on Private Property

Council Member Houser noted that over the last several weeks he has been contacted by individuals who are concerned about the unauthorized parking on commercial lots without the purchase of a parking permit. He cited the Ocean City, MD ordinance which allows for ticketing and/or towing of vehicles unpermitted, with the permission of the private property owner.

A MOTION was made by Council Member Houser, seconded by Council Member Carmean, to refer parking on private property to Charter & Ordinance for review.

Council Member Carmean questioned where in Town is the unauthorized parking occurring. Council Member Houser replied in the church parking lot as well as other privately-owned lots. Secretary Merritt asked what the parking rules are currently at the church. Council Member Houser replied that parishioners are allowed to park for service along with parking for any church-sponsored activities or events. Council Member Carmean suggested that Charter & Ordinance address how to monitor church activities versus who is parking in the lot that are beach goers.

Acting Chief Devlin added that the police would not ride around and ticket cars on lots. The ticketing would be on an "on call" basis, with the property owner calling in to report that they would like for someone to come and ticket a vehicle. Treasurer Bunting asked how the police would differentiate the vehicles to be ticketed. Acting Chief Devlin responded that it would be the responsibility of the property owner to call with the vehicle information that is to be ticketed. Council Member Weistling noted that it needs to be defined on what businesses do and do not want to participate.

The MOTION passed unanimously.

Request for Extension of Building Permit #4997 (Buas Sands Hotel LLC)

Town Manager Tieman read the memorandum sent to Town Council from Building Official Schuchman in regards to how building permit extensions were granted by Town Council in the past.

Mr. Buas commented that he was hoping to have the project completed by now, but he had several issues with the supply chain due to COVID-19. Town Manager Tieman read into record the letter from Mr. Buas in regards to the reason for the extension request.

A MOTION was made by Council Member Houser, seconded by Secretary Merritt, to grant an extension of Building Permit #4997 for an additional 6 months.

Council Member Weistling noted that the request is valid from the setbacks due to COVID-19. Secretary Merritt commented that maybe extensions should be granted for all permits due to COVID-19. Treasurer Bunting added that the construction could not avoid the delay due to COVID-19. Council Member Carmean commented that she can understand the delay due to COVID-19, but the building permit ordinance should still be looked at to allow extensions on a monthly, as needed, basis.

Town Manager Tieman noted that Bethany Beach allows 18 months for construction to be completed.

Vice Mayor Mais commented that there are a lot of environmental considerations with commercial projects and suggested an extension to the time allowed to complete commercial projects. Council Member Carmean agreed that the ordinance is a little rigid but added that an ordinance is still an ordinance. Treasurer Bunting also agreed and noted that he would like the ordinance changed for commercial permits to be longer than residential permits. Council Member Houser commented that he is sure that Mr. Buas believes that the project can be done expeditiously within 6 months and the extension should be granted.

The MOTION passed unanimously.

Council Member Carmean suggested that Council refer the ordinance change to Charter & Ordinance. Council Member Weistling commented that any ordinance change should wait until after KCI makes changes to the Code.

Approval of Minutes

A MOTION was made by Treasurer Bunting, seconded by Council Member Houser, to accept the minutes from the June 26, 2020 Regular Council Meeting. The MOTION passed unanimously.

Treasurer's Report

Treasurer Bunting presented the report for period ending June 30, 2020. He noted that the Town should still make the year on a positive. Vice Mayor Mais commented that the end of June net income is around \$192,000. Town Manager Tieman noted that it will be more likely \$10,000-\$15,000 on the plus side, since there is still one more payroll left in the fiscal year.

Council Member Carmean suggested an oversight by the Finance Committee to confirm that the Town does not run too short. Vice Mayor Mais commented that he would be happy to address any problems if needed with the Finance Committee.

Council Member Carmean asked if the paving issues have been resolved. Town Manager Tieman replied that only one complaint was received but the engineer determined the road to be in acceptable condition.

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

Town Manager's Report

Town Manager Tieman submitted her report. She added that the tax bills were mailed out yesterday and today. Included in the envelope was also the newsletter which contains an article written by the Environmental Committee chair, which is a worthy read.

5G structures have been installed on Essex Street, at the Chamber of Commerce, and also will be installed on 3 other poles outside of Town limits. Residents may purchase the 5G product for their homes at around \$50 a month.

The lifeguard transport service over the dunes has resumed. She commended all the lifeguards on getting through this summer so far with the COVID-19 restrictions.

Department Reports

All reports were submitted.

Acting Chief Devlin added to his report that the State law is that if someone is in the crosswalk a vehicle must stop. The Police Department will be conducting public safety patrols the rest of the summer to inform drivers of this law. Also, in regards to speeding, the State Police will be installing a speed sign to see if there are problems with speeding.

Council Member Weistling thanked Acting Chief Devlin on contacting DeIDOT on trying to get a "no u-turn sign" installed at Bayard Street. Acting Chief Devlin replied that he spoke to an engineer at DeIDOT and they think it is a good idea.

Committee Reports

Dredging Committee

Secretary Merritt noted that the Dredging Committee conducted a meeting this week with Steve Bagnall from Anchor QEA. Right now, the dredging project is on track to begin next year.

Pedestrian Safety Committee

Council Member Carmean noted that the Steering Committee is looking for additional grant money to supplement funding for the proposed sidewalk construction. This past week the Steering Committee met with Senator Hocker and Representative Gray.

She thanked Acting Chief Devlin for the issues surrounding the pedestrian crosswalk and his efforts on educating pedestrians and motorists on the use of the solar flashing pedestrian lights. Although there have been no recorded pedestrian injuries so far this season, she recommended that the Police track any traffic accidents.

She also thanked Acting Chief Devlin for initiating procedures to have the "no u-turn" sign installed at Coastal Highway and Bayard Street.

Council Member Weistling questioned if there was a way to get red lights in the new flashing pedestrian signs. Acting Chief Devlin replied that he is researching something like what Rehoboth Beach has, which is a 3-tier light, or exchanging the whole light bar on the existing sign from a yellow light to a red light. Secretary Merritt suggested maybe lowering the light bar so it is more visible to motorists. Acting Chief Devlin replied that he would investigate it.

Business Development

Town Manager Tieman reported on behalf of Tim Collins of the Business Development Committee that retail and restaurant business is mixed. He extended his thanks to the Town Council for relaxing the ordinances this Summer.

Technology Committee

Mayor Langan noted that the Town's website has had 39,536 unique visitors over the last year.

Old Business

Council Member Carmean noted that she filed a FOIA petition and not a FOIA complaint. She added that the letter returned by the Attorney General's office states that the issue was not rejected and instead that they have no opinion on the allegations since it was determined that it was outside the scope of FOIA.

Council Member Weistling asked for the last sentence of the Attorney General's letter to be read. Council Member Carmean read, as stated, "that based on the above, we find that the Town has not violated FOIA as alleged."

She requested for the liquor license to be added for discussion to the agenda for next month's Council Meeting. She is concerned about the potential legal challenge and added that the Council owes it to the residents who pay taxes to look at this issue to see if everything with the license request follows the rules. Mayor Langan commented that it is up to the entire Council to decide if it will be included on the agenda.

New Business

Council Member Houser would like for the Town Council to extend a commendation to Mary Ellen Langan for the article she wrote and for her work thus far on sea level rise. Mayor Langan noted that he will add it to the agenda for next month's meeting.

Upcoming Events and Meetings

Mayor Langan confirmed the upcoming meetings as stated on the agenda. He noted that at the Council Organizational Meeting, the 3 Council Members (Treasurer Bunting, Secretary Merritt, and Council Member Carmean) will be sworn in for another 2-year term.

Council Member Weistling added that a Charter & Ordinance Committee Meeting will be scheduled for some time in August.

Town Council Comments

Presentation on Information about Schulz Road Dock and Pier Plans

Council Member Carmean presented additional information in regards to the plans. The lot owner has come up with a revised plan, but the project is still an issue due to concerns of safety and navigability since the area is difficult to navigate around since the water is very shallow and visibility is limited. There was confusion by DNREC since they originally requested concerns to be sent in by July 14th then they agreed to have a hearing, so some did not submit their concerns. However, DNREC wanted to prepare the answers to these questions before the meeting took place. As of this date, no hearing has been scheduled. She added that she is concerned that the leasing of public subaqueous land to this project could inhibit future dredging projects and future problems with bayfront property owners wanting to extend their water access.

Secretary Merritt noted that the original permit was for a 46' pier and it has been revised to 35'. When he spoke to DNREC, they said they would have approved the permit at the 46'. Council Member Carmean commented that no one opposes an owner to have a dock and pier, but this project is a safety issue. She added that she thinks it is a good idea to have a public hearing. Council Member Weistling noted that a public hearing could take up to a year to schedule.

Public Participation

Roy Williams, 9 E. Essex Street

Mr. Williams noted that as previously mentioned earlier in the meeting, the paving on Bunting Avenue is not adequate and there are several areas that are still in need of repair.

Gail Warburton, 10 W. Farmington Street

Ms. Warburton commented that she is still having problems hearing with the new sound system.

Patti Breger, 1707 Bay Street

Ms. Breger thanked the Council on consideration of the ordinance on parking on commercial lots. She added that she hopes that paved parking and roping off lots by the owner are also considered.

Adjournment

A MOTION was made by Vice Mayor Mais, seconded by Council Member Houser, to adjourn the meeting. The MOTION passed unanimously and the meeting adjourned at 4:35 PM.