

TOWN OF FENWICK ISLAND, DELAWARE

Minutes of the May 23, 2014, Regular Council Meeting

Call to Order and Flag Salute at 3:30 p.m. by Council Member Bunting

*Council in Attendance: Diane Tingle, Bill Weistling, Gardner Bunting, Todd Smallwood and Roy Williams
Excused Absence: Council Member Langan and Mayor Serio*

*Staff in Attendance: Town Manager Burke, Town Clerk Poole, Chief Boyden and Public Works
Department Supervisor Reed and Beach Patrol Capt. Ferry*

PRESIDENT’S REPORT

- Town Manager Burke will cover the details of the President’s Report.

TOPICS FOR DISCUSSION AND POSSIBLE ACTION

- Chapter 112 (Parking) – Vehicle Sign on commercial Properties
 - o Possible change to Chapter 112 (Parking) – Vehicle Sign on Commercial Properties. This was discussed at the last council meeting by Parking Committee Chair Gardner Bunting. This committee consists of business owners and residents of the Town which has sent recommendations to the C&O committee to consider an ordinance prohibiting commercial vehicles used strictly for advertising to be parked along Rt. 1. There are currently three (3) such vehicles and last year there was only one (1). Council Member Weistling stated it was discussed at the last C&O committee and samples of ordinances from across the country were reviewed and sent them on the Town’s Attorney for recommendations. She replied with positive results and feels the Town should proceed with drafting an ordinance. Council Member Weistling asked if anyone had any questions/comments and if Council would like to go forward with this process. Council Member stated that they would like to go forward with drafting an ordinance. Council Member Tingle also noted that they should look at all signage. She noted that there were four (4) sandwich signs on the sidewalks along Rt. 1 along with seven (7) flag banners.
- Chapter 116 (Peace and Good Order) – Special Events Permits on Private Commercial Property
 - o Council Member Weistling stated that the Town currently has an ordinance requiring a special events permit, but it only applies to private property, public streets and beaches. A recommendation was made by Sgt. Devlin that the Town might want to consider adding any events on commercial property by commercial business to also require a special events permit. Council Member Weistling asked if anyone had any questions/comments and if Council would like to go forward with this. Council Member Smallwood said that he felt \$100.00 an hour for police coverage was a little steep. Council Member Weistling stated that C&O could draft the ordinance (which does not include the fees) and council would have to review the fee schedule and recommend any changes.

Approved

June 27, 2014

Approval of Minutes: Motion made to approve the Minutes of May 23, 2014, with noted changes - Council Member Weistling

Second – Council Member Smallwood

Discussion – changes made to page 7 to read “The Town is waiting to see how the Federal Government proceeds in research and regulation before the town proceeds.”

Vote: (5-0)

TREASURER’S REPORT

Council Member Bunting stated after reviewing the current numbers that the Town is still within its projected range for the budget. Second budget meeting will be next week and completed by the June meeting.

Motion – Motion made to approve the Treasurer’s Report - Council Member Weistling

Second – Council Member Smallwood

Discussion – None.

Vote – (5-0)

TOWN MANAGER’S REPORT

Finance

- Town management is preparing the FY 2015 Financial Plan and Fee Schedule for the second Town Budget Committee meeting on May 27, 2014, at 3 p.m.
- Total expenses are 69% of the FY 2014 Operating Budget with three months remaining in the current fiscal year.
- Total revenues are 98% of the FY 2014 Operating Budget (amended) with building permit fees (\$59,000.00) and property taxes (\$5,000.00) over the approved budget.

Projects (with grant information)

- **DE HEALTH Application**
 - The Town of Fenwick Island was one of five towns recognized by the Delaware Coalition for Healthy Eating and Active Living.
- **Town Hall Rain Garden project (DNREC grant, no match)**
 - DNREC will design and install the rain garden in front of Town Hall by May 30, 2014.
- **Information Technology (FY 14 Capital project)**
 - Town management is continuing website design upgrades and researching online purchasing for future transactions.
- **Drainage / Stormwater (2014 projects)**
 - All FY 2014 approved capital improvement budget projects are completed. Public works will continue to work on minor drainage projects such as the second phase of the Bora Bora Street replacement project.

Approved

June 27, 2014

- **Rack Cards (Parking and General Information)**

- The parking permit rack card will be finalized by the end of April with 4,000 copies printed before May 15. The general information rack card should be finalized and printed before Memorial Day.

Grant Funding (approved)

- DNREC Coastal Programs Grant (\$10,000.00, 50% match)
 - URS Corporation commenced the 2014 Sea Level Vulnerability Assessment. The final delivery date is October.
- DNREC Surface Water Matching Planning Grant (\$22,000.00, 50% match)
 - URS Corporation commenced preliminary engineering on the drainage project to improve water quality and flooding.

Meetings, Workshops and Conferences

- The Town Manager represented the Town of Fenwick Island at the following meetings:
 - May 1 State of Delaware Walkable Summit in Dover, DE
 - May 20 DE HEALTH Coalition Awards Ceremony in Dover, DE

DEPARTMENT REPORTS

- **Building Official** – The April report was included in the Council meeting packet. In April the Town issued 11 outside contractor’s licenses, 4 resident merchant licenses, and 6 renter’s licenses.
- **Public Works** – The report was included in the Council meeting packet.
- **Beach Patrol** – The report was included in the Council meeting packet. Beach Patrol Captain Ferry stated he filled the three (3) open positions and everything is on track for the summer season.
- **Police Department** – The report was included in the Council meeting packet. Chief Boyden stated that Cpl. Majewski has returned to work after his accident and wanted to thank the Town and residents for all the well wishes. The new Police Clerk, Vicki Hudson, has started so please stop by and say hi.

TOWN COMMITTEE REPORTS

- **Charter & Ordinance** – Council Member Weistling
- **Chapter 52 – (Beaches) – Smoking – (Second Reading)**

Article I (Terms Defined):

Add:

Approved

June 27, 2014

§ 52-1. Definitions.

SMOKING – *The burning of a cigarette, cigar, pipe or other matter or substance that contains tobacco.*

Article II (Activities Prohibited on Beach Within the Corporate Limits of Town):

Add:

§ 52-11. Smoking.

Smoking on the beach is prohibited.

Re-number existing § 52-11 (Violations and Penalties) as § 52-12.

Motion – Motion made by Council Member Weistling for the Second Reading to be included in the minutes.

Second - Council Member Tingle

Discussion - none

Vote – Council polled – (5 Aye’s) Second Reading passed.

- o Chapter 61 – (Building and Utility Construction) – Issuance of permit – (Second Reading)

Chapter 61-9. Information required before issuance of permit.

Add:

L. Sidewalks approved by DELDOT, in compliance with ADA regulations and no less than five feet (5’) in width or a DELDOT and ADA approved alternative are required for all new construction and substantial improvements in the Commercial Zone.

Motion – Motion made by Council Member Weistling for the Second Reading to be included in the minutes.

Second – Council Member Tingle

Discussion – none.

Vote – Council polled (5 Aye’s) Second Reading passed.

- o Chapter 112 – (Parking) – Issuance of permit – (Second Reading)

Existing:

Approved

June 27, 2014

§ 112-5. Determination of Council; issuance of permits.

E. (Reserved)

Proposed:

§ 112-5. Determination of Council; issuance of permits

E. Resident Merchant employee parking permits are available for a fee and shall be valid for bayside street parking only. Such permits may be purchased by Resident Merchant license holder only.

Motion – Motion made by Council Member Weistling to add the Second Reading into the minutes

Second - Council Member Tingle

Discussion – none

Vote – **Council polled** (5 Aye's) Second Reading passed.

- **Beach Committee** – Town Bonfire scheduled for July 5th with rain date of July 6th. The committee this year is considering offering a long sleeved shirt along with the regular t-shirt. Information will be posted on the website when available.
- **Environmental Committee** – Buzz Henifin stated that the Environmental Committee will be hosting a speaker series once a month. First speaker will be from the Center for Inland Bays scheduled for June 27 @ 2:45 p.m. at Town Hall.
- **Technology Committee** – Town Manager Burke reported the next meeting will be June 10 @ 2:00 p.m. Presentations for credit card payments and fees for online and over-the-counter credit card payments will be discussed. Vendors were CivicPlus (current website), an online vendor (MuniciPAY) and a local bank (PNC).
- **Ad hoc Parking Committee** – Chair Gardner Bunting reported that the next meeting will be in September.
- **Planning Commission** – Council Member Weistling reported the next scheduled meeting is June 10th.
- **Old Business** – None
- **New Business** –
 - o Council Member Weistling wanted to remind everyone that summer season is here, traffic has picked up and everyone should stay alert on the streets and Rt. 1.
 - o Council Member Smallwood announced the death of a longtime town supporter, Arthur Vanderpool, after a fight with cancer. Also he shared information on the Aquaculture proposed sites. Comment period ends June 4, 2014. Contact Lisa Vest (302) 739-9042 or email lisa.vest@state.de.us.

PUBLIC PARTICIPATION

Approved

June 27, 2014

- Lynn Widdowson – 606 Coastal Hwy. – Very disappointed that she was not contacted to participate on the parking Committee and is very concerned about all the traffic up and down the streets due to parking issues at the local restaurant (Ropewalk). Would like to have Atlantic Avenue listed as residents only. She also addressed the parking lot on Dagsboro Street. Council Member Bunting stated that he received her message after 6:00 p.m. on Friday and Town Hall was closed. All Parking committee meetings are open to the public and are posted at Town Hall and the website.
- Robert Clark – 1100 Schulz Rd. – He noticed a lot of curb cuts in Town with markings and noticed the high curb at Ropewalk without markings. Town manager Burke stated that Ropewalk has been notified and has agreed to correct the problem in the fall. He also asked about the rumor of a municipal parking lot on Dagsboro Street. Council Member Bunting stated that nothing had been decided except to research the option.
- Lynn Andrews – 1205 Schultz Rd. – Noted with Building Official Schuchman out that June 1st is the deadline for anchoring all propane tanks and how will that be enforced. Council Member Bunting noted to notify Building Official Schuchman to record for the record and to inspect.
- Buzz Henifin – 48 Windward Way – Wanted to thank the Town Manager and Public Works for correcting the drainage issue on Schulz Rd.
- Colleen Wilson – 1801 Coastal Hwy – Wanted to thank Town Clerk Poole and Public Works Supervisor Reed for assisting her in getting a beach wheelchair for some elderly friends to attend the bonfire. Also wanted to know if the Town had any information in reference to the surveying on Lewes Street. Asked if they were extending the parking lot at the Chamber. Council Member Tingle stated that she has called the Chamber, but has not heard back as of yet.
- Bob Wheatley – Candidate for Sussex Co. Council – 5th District – Stated that he was here today to learn more about how the Town of Fenwick does business.

UPCOMING MEETINGS AND EVENTS

Council Member Bunting announced the following upcoming meetings and events as follows:

- | | | | |
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| a. | May 27 | 2:00 p.m. | Budget Committee Meeting |
| b. | June 3 | 9:30 a.m. | Charter and Ordinance Committee Meeting |
| c. | June 10 | 2:00 p.m. | Technology Committee Meeting |
| d. | June 10 | 2:30 p.m. | Planning Commission Meeting |
| e. | June 19 | 2:30 p.m. | Environmental Committee Meeting |
| f. | June 27 | 3:30 p.m. | Regular Council Meeting |

Motion to adjourn – Council Member Weistling

Second – Council Member Smallwood

Discussion - None

Vote – (5-0)

Meeting adjourned at 4:30 p.m.

**Transcribed by Linda Poole, Town Clerk
for Council Member Diane Tingle, Secretary*