

## TOWN OF FENWICK ISLAND, DELAWARE

### Minutes of the April 24, 2015 Regular Council Meeting

Call to Order and Flag Salute at 3:30 p.m. by Mayor Serio

*Council in Attendance: Gene Langan, Bill Weistling, Audrey Serio, Gardner Bunting, Roy Williams*

*Absent: Diane Tingle (excused), Todd Smallwood*

*Staff in Attendance: Town Manager Burke, Town Clerk Poole, Building Official Schuchman, Public Works Supervisor Reed, Police Chief Boyden*

### **PRESIDENT'S REPORT**

Mayor Serio read a letter addressed to Fenwick Town council and Employees:

You will never know how wonderful the people from Town Hall and members of various committees and the Town's employees have been to me since "our" Johnny passed away. He loved every inch of our town, respected the progress, land and waters. He got very upset if he missed any meetings or could not do what was asked of him.

Your response to my need for a way to get off our property is wonderful. My first trip to the bay and down several streets was marvelous and tearful. I was excited as a kid riding his/her bikes for the first time independently. Now I can eat out, take a "walk", meet people, shop and see Fenwick's growth. Thanks for opening my world again. May God bless you all, Sophia Thomas-Belian.

- FY 2015 Fenwick Island Police Department Promotions: Chief William Boyden, announced promotions of two officers; Corporal Brian Parson to ~~Sargent~~ **Sergeant** and PFC Stephen Lowe to Corporal.
- The Ad hoc Parks Committee has found that their job is more intensive than was projected. Since the park was previously done, ADA and insurance factors have come to light. The Town will be working on making things compliant. On a walk of the park, the spring toys have been removed and new equipment for that age group has been ordered. The fencing has been replaced with a removal section so the new area can be installed. The fence replacement was provided from a grant from Sussex County. New equipment for the expanded area will be for the age group (6-10). Also, it was discovered that the gazebo is deteriorating and needs to be replaced. The committee had a two consultant present on equipment and landscaping ideas. The committee will be working on a plan for the entire area with a projected time frame and costs to present to council for approval. Committee is looking for suggestion/ideas. The sandbox has been deemed unhealthy and will be repurposed. The garden club has suggested a raised bed garden to go with the readings

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in the park. They will also be refurbishing the butterfly garden with new flowers and bushes.

## **TOPICS FOR DISCUSSION AND POSSIBLE ACTION**

- **Arbor Day Resolution #65-2015** – Mayor Serio  
On **April 24, 2015**, the Fenwick Island Town Council Passed the Following Resolution #65-2015, Arbor Day 2015

**Whereas**, J. Sterling Mortin established the first Arbor Day on April 10, 1872 in his home state of Nebraska to urge Americans to stop misusing their natural resources and begin to practice conservation by planting trees; and

**Whereas**, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**Whereas**, Arbor Day is now observed throughout the nation and the world, and

**Whereas**, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperatures, clean the air, produce oxygen and provide habitat for wildlife, and

**Whereas**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**Whereas**, trees, wherever they are planted, are a source of joy and spiritual renewal,

**Whereas**, the Town Council, of the Town of Fenwick Island, desires to urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

**Therefore**, the Town Council, of the Town of Fenwick Island, on behalf of the citizens and property owners of the Town of Fenwick Island, in order to accomplish this goal, do hereby establish for this purpose, and do hereby proclaim **April 27, 2015** as Arbor Day in the Town of Fenwick Island, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

**Motion:** Motion made to accept Arbor Day Resolution #65-2015 – Council Member Weistling

**Second:** Council Member Langan

**Discussion:** none

**Vote:** (5-0)

- **Blue Star Memorial** – Mayor Serio –

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The Blue Star Memorial Marker Program of the National Garden Clubs, Inc. began in 1945 to honor the men and women serving in the Armed Forces during World War II. The name was chosen for the star on flags displayed in homes and businesses denoting a family member serving. Garden Clubs pictured a ribbon of living memorial plantings traversing every state. The designation of Blue Star Highways was achieved through petitions to the state legislatures and cooperation with the Departments of Transportation. A uniform marker was designed to identify the Highways.

The Blue Star Memorial Program grew to extend thousands of miles across continental U.S., Alaska, and Hawaii. All men and women who have served, are serving, or will serve in the Armed Forces of the United States are included.

Markers continue to be dedicated each year on highways, Veterans' facilities, National Cemeteries, parks, and civic and historic sites, showing our appreciation for those who defend our country.

This memorial is being purchased by the Barefoot Garden Club. The plaque is 12x20 and is for mounting on masonry or wood and be placed in civic gardens, parks or historical sites. The Barefoot Gardens are asking for permission to place it in the park.

**Motion:** Motion made to allow the Barefoot Garden Club to place the Blue Star Memorial to be placed in one of the parks - Council Member Langan

**Second:** Council Member Bunting

**Discussion:** none

**Vote:** (5-0)

**Motion** – Motion made to approve the Minutes of February 27, 2015 - Council Member Bunting

**Second** – Council Member Langan

**Discussion** – none

**Vote** – (5-0)

## **TREASURER'S REPORT**

Council Member Bunting reported:

Monthly report is a summary of all account balances through March 31, 2015 and other pertinent financial information since the prior month's town Council meeting.

**Ending Reserve Balance \$2,476,796.48**

### **FY 2015 Operating Budget**

- 94.6% of Income
- 65.6% of Expenses

**Realty Transfer Tax (1.5%)**

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- \$277,470

**Outstanding Taxes and Fees (FY14 and FY15)**

- Approximately \$9,648.35

**Revenue Highlights**

- \$14k over real estate property tax budget
- \$3k over rental receipt tax budget
- \$2.5k over parking violations

**Motion** – Motion made to accept the Treasurer’s Report as read - Council Member Langan

**Second** – Council Member Weistling

**Discussion** – none

**Report accepted**

**TOWN MANAGER’S REPORT**

• **Personnel**

- o Management hired a new Administrative Clerk who will begin full-time employment May 1, 2015.
- o Police Clerk Hudson will begin summer employment May 1, 2015 for the summer season.

**Projects**

• **FY 2016 Financial Plan**

Management is in the process of meeting with department supervisors to review budget requests. The FY 2016 Plan will be presented to the Town Budget Committee on May 19 at 2 pm at town Hall.

• **Cannon Street Sidewalk (phase 2 – project completed)**

• **General Rack Card (work in progress)**

• **Town Hall Telephone System**

- o Management is evaluating new telephone system proposals. The new system should be installed no later than May 30.

**Records Retention**

- o All old minutes and property record cards were scanned into the Town database. The project will continue after the summer season.

• **2015 Request for Proposals (RFPs) and Bids**

- o Town management posted the 2015 Solid Waste and Recycling Collection Bid on the website, at Town Hall and within local newspapers. Bids are due no later than May 22 at 3:00 p.m.

**Grant Application (approved)**

- **2014 DNREC Surface Water Matching Planning Grant (\$22,000, 50% Town of Fenwick match)**

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- o AECOM completed the construction plans and will publish bids over the summer for a tentative October construction date.
- **2015 DNREC Surface Water Matching Planning Grant (\$13,000, 50% Town of Fenwick Island match)**
  - o AECOM has commenced work on construction plans for improving drainage from McWilliams to Wright Street along W. Dagsboro Street. The project work is scheduled for a tentative October construction date.
- **American Lung Association Grant (no Town match, completed)**
- **2015 Sussex County Economic Development and Infrastructure Grant (\$10,000, no Town match)**
  - o A new fence was installed around the F.I. Community Park for \$7500. The remaining \$2500 will be used to replace playground equipment.

#### **Grant Applications (pending)**

2015 DNREC Recycling Grant was submitted by March 3. DNREC is currently reviewing grant applications.

#### **Meetings and Workshops attended:**

- March 12 UD Community Best Practice Workshop, Georgetown, DE
- March 25 DNREC Flood Ordinance Workshop, Lewes, DE
- April 21 Bethany Beach EMS meeting, Fenwick Island, DE

#### **DEPARTMENT REPORTS**

- **Building Official** – The February and March Building Report was included in the Council meeting packet. At the end of March the Town had received 11 rental renewals, 13 outside contractor license renewals and 4 resident merchant renewals
- **Public Works** – The monthly report was included in the Council meeting packet.
- **Beach Patrol** – The monthly report was included in the Council meeting packet. Lifeguard stands will be going to the beach around May 16<sup>th</sup> for the season. Captain Ferry stated that he has two openings, to be filled before the end of the month. Mayor Serio asked about the percentage of returning lifeguards. Captain Ferry reported that out of 28 lifeguards, 21 will be returning.
- **Police Department** – The monthly report was included in the Council meeting packet. Chief Boyden reported that a contractor will be installing a bathroom for prisoners in the back area of the station. Costs will be covered by a grant from the county.

#### **TOWN COMMITTEE REPORTS**

**Charter & Ordinance** – Council Member Weistling stated that they reviewed the recommendations from the Business Development Committee on A-frame signage and relaxation of regulations for flags and allowing more square footage for signs on sub-divided buildings.  
Recommendations from C&O were:

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- Bill Weistling began discussion on a request by the Business Development Committee to consider changes to the Sign Ordinance.
- Bryan Reed is in contact with DELDOT and Delmarva Power to address the BD committee's interest in banners installed in the State right-of-way on the electric poles. This was looked into several years ago and DELDOT denied this same request based on a potential hazard to high vehicles using the right-of-way.
- Pat Schuchman continued with a request to allow A-frame signs all year long. Currently A-frame signs no larger than 2' x 3' are allowed only from September 15 through June 1, no closer than 10 feet from the property line and must be removed during windy conditions.
- After a discussion citing both pros and cons of such a change, the committee recommended to send to Town Council for consideration allowing one sign per business during business hours year-round and allow them to be placed on property with no setback requirements. A-shape signs would still be required to be removed during windy conditions.
- The BD committee also requested a relaxation of regulations for flags. Currently a free-standing building is allowed an American flag, a Delaware flag and one additional flag of choice. Subdivided buildings permit one flag per business.
- C&O committee members agreed to recommend to Town Council a change in the Sign Ordinance to allow three flags of the business owners choice (as defined in the ordinance a banner flag shall be no larger than 17' high and 3' wide or a traditional flag no larger than 4' x 6') for free-standing buildings and one flag of choice for each unit occupied by a business in a subdivided building. No business shall be permitted to display more than one banner flag.
- Finally the BD committee asked that C&O committee recommend to Town Council consideration of allowing more square footage for signs on subdivided buildings and to allow an additional sign for businesses occupying end units to be displayed on the side wall.
- Currently subdivided buildings are allowed up to three signs not to exceed one square foot of signage for each lineal foot of front building use for a single commercial business. There is no additional allowance for signage on the side wall beyond what is currently allowed.
- It was agreed by the C&O committee to recommend Town Council to consider an increase in the square footage from one square foot of signage to one and one-half feet of signage. It was decided to not consider additional signage for the side of a building although a business owner could use the signage allowance to have a sign on the side of their business if they choose.
- The committee also addressed the issue of freeboard being added to the floodplain ordinance and a change in height restriction. This will be discussed again at the Special Town Council meeting scheduled for Saturday, May 23, 2015 at 10:00 a.m.

Council Member Weistling stated if Business Development agree with recommendations, then the C&O Committee will proceed with the first reading.

- **Beach Committee** – none
- **Environmental Committee** – Next meeting will be in June 4th.
- **Technology Committee** – Council Member Langan said next meeting will be in May 21 @ 10:30 a.m.

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- **Business Development Committee** – none
- **Planning Commission** – none
- **Old Business** – none
- **New Business** – Council Member Weistling stated that Mike Yacko, Field Engineer, Kreistner Engineering was here in town on March 17<sup>th</sup>, 2015. The town’s last street study was four years ago and cost about \$4-\$5,000. Discussion has been to see if the town needs an update. Town Manager Burke was unavailable due to a scheduling conflict so Council Member Weistling drove to every street in Fenwick Island with Mike for about three hours. The result is no new study is needed. Overall the streets are in good shape. Only one street needs resurfacing, Glenn Ave.
- **PUBLIC PARTICIPATION**
  - Cecilia Bergner – 4 W Bayard – yard waste, why was it omitted from the calendar for July and August? Town Manager Burke stated that after review with the vendor they weren’t really needed. This can be changed and discussed at the budget meeting.
  - Vicki Carmean – 38 Ebb Tide Cove – wanted to know why the Ad hoc Parks Committee is not a regular Committee. Mayor Serio stated that it probably will be, but now they are addressing issues in the park.
  - Marc McFaul – Ropewalk – 700 Coastal Highway – Wanted to know if the Council would consider opening up the parking at Town Hall for after hour parking at the restaurant. Mayor advised Marc to address this at Business Development meeting to be presented through proper channels.
  - Lynn Andrews – 1205 N. Schulz – Stated that she had a letter from a member of FISH that was addressed to Council and Town Manager and was very offended that it was not acknowledged. She feels that it wouldn’t be hard to type up a note thanking citizens for their interest. Also, wanted to mention again to do business locally.
  - Richard Benn – 1306 Bunting Ave. – Talked about the purchase of the beach signage. Stated that he felt the amount was meniscal, maybe \$80 on a \$3,000 bid. Shouldn’t the town add preferential treatment to residents? Mayor Serio stated we have to be careful in awarding the bids. He feels the town should take it to our lawyer and reference issue as they do pay taxes in town. Suggested that if the bid is within a small percentage, give it the resident. Town Manager Burke stated that he will follow up on this.

## UPCOMING MEETINGS AND EVENTS

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

- |             |            |                              |
|-------------|------------|------------------------------|
| a. April 30 | 2:00 p.m.  | Business Development         |
| b. May 5    | 9:30 p.m.  | Charter & Ordinance Meeting  |
| c. May 6    | 10:00 a.m. | Ad hoc Parks Committee       |
| d. May 19   | 2:00 p.m.  | Budget Committee Meeting     |
| e. May 21   | 12:30 p.m. | Technology Committee Meeting |

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- f. May 23                      10:00 a.m.                      Special Council Meeting - Freeboard
- g. May 29                      3:30 p.m.                      Regular Council Meeting

**Motion to adjourn** – Council Member Weistling

**Second** – Council Member Bunting

**Discussion** – none

**Vote** – (5-0)

Meeting adjourned at 4:35 p.m.

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