

TOWN OF FENWICK ISLAND, DELAWARE

Minutes of the May 29, 2015 Regular Council Meeting

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

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

Absent: 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 introduced new employee Kristy Brittingham, Administrative Clerk, and seasonal Police Clerk, Bonnie Wooten to the Town of Fenwick Island.

Mayor Serio read a Tribute to retiring employee Lynn Massey, "The Town of Fenwick Island extends its thanks and congratulations on her retirement with wishes of happiness, good health and joy today and always."

TOPICS FOR DISCUSSION AND POSSIBLE ACTION

- Resignation Letter Council Member Smallwood – Dear Mayor Serio and Council: Per the Charter, Section 15, Vacancies and Forfeitures, I resign from the Fenwick Island Town Council on April 27, 2015. Thank you again, it was a pleasure serving the Town of Fenwick Island. Yours Truly, Todd Smallwood.

Motion: Motion made to accept Council Member Smallwood's resignation - Council Member Weistling

Second: Council Member Bunting

Discussion: Council Members Weistling and Bunting thanked Todd for his services to the Town. Town Manager Burke noted Todd's passion for the Town and the beach.

Vote: (6-0)

Mayor Serio stated that per the Charter the Town Council is to fill the vacancy by appointing a new member to fill Todd's term which will end on July 31, 2015.

Motion: Motion made to appoint Richard Mais to fill Todd Smallwood's seat on Town Council – Council Member Bunting

Second: Council Member Langan

Discussion: none

Vote: (6-0) Richard Mais appointed to complete Todd Smallwood term.

Mayor Serio administered the Oath of Office for Fenwick Island Town Council to Richard Mais on May 29, 2015.

- **2015 Residential Solid Waste Collection and Disposal Bid & 2015 Residential Recycling Collection and Disposal Bid**

2015 Solid Waste and Recycling Bid

<u>Current Rates</u>	<u>Monthly</u>	<u>Annual</u>	<u>3-Year</u>	<u>Bundle</u>	<u>Notes</u>
Chesapeake Waste	\$8,154.90	\$97,858.00	n/a	n/a	
Republic Service	\$2,982.00	\$35,784.00	n/a	n/a	

2015 Bids

Solid Waste

Chesapeake Waste	\$8,043.00	\$96,516.00	\$289,548.00	
Waste Industries	\$8,301.27	\$99,615.24	\$298,845.72	\$25,000 less over 3 years
Republic Service	\$8,015.50	\$96,186.00	\$293,576.00	

Recycling

Waste Industries	\$1,770.38	\$21,244.56	\$ 63,733.68
Chesapeake Waste	\$2,700.00	\$32,508.00	\$ 97,524.00
Republic Service	\$2,857.00	\$34,292.00	\$105,386.40

Solid Waste and Recycling Service (bundle)

Waste Industries	\$362,579.40
Chesapeake Waste	\$387,072.00
Republic Service	\$398,962.40

Town Manager Burke asked Council to award the bid to Waste Industries, for a 3 year contract for Solid Waste and Recycling Service Bundle for \$362,579.40 (3 year total). Town savings over three (3) years, \$25,000.00.

Motion: Motion made to award the 3 year contract to Waste Industries for \$362,579.40 – Council Member Weistling

Second: Council Member Bunting

Discussion: none

Vote: (7-0) to award as quoted to lowest bidder for a 3 year bundle

- **Voter Registration List** – Town Manager Burke – Per Town Code Section 13 §13-25. Removal of registrants from voting rolls – Certification – (1) The Town Registrar shall certify to the Town Council a list of those registered individuals who are deceased, who have failed to vote in the past five municipal elections or for any other reason failed to qualify as a voter of the Town according to this article or the Town Charter. (2) It shall be the duty of the Board of Elections to keep the

Approved
6.26.2015

registration list up-to-date by identifying those persons who have failed to qualify as a voter of the Town and presenting such information to the Town Council as hereafter provided.

Motion: Motion made to approve the Voters Registration List as of May 29, 2015 – Council Member Langan

Second: Council Member Tingle

Discussion: none

Vote: (7-0) to approve Voters Registration List per Chapter 13 §13-25

- **Board of Elections Oath of Office** – Mayor Serio administered the Oath of Office for Board of Elections member Lynn Andrews on May 29, 2015.
- **2015 Municipal Election** – Town Manager Burke stated the Town’s Election will be August 1, 2015. Four Council seats are up for election, Audrey Serio, Gene Langan, Roy Williams and Richard Mais. Candidate filing deadline is June 17th at 4:30 p.m. Board of Elections will meet on Wednesday, June 17th at 5:00 p.m. to review and accept the candidates followed by Special Council to confirm candidates for election. Town Clerk Poole will post the Notice of Election on Friday, July 10 (more than 20 days before the election date). The election date is August 1, 2015 from 1:00 p.m. to 5:00 p.m. at Town Hall.
- **Town Hall parking after hours** – Council Member Bunting stated this was brought up in Business Development meeting to open the parking to the general public after hours at the Town Hall. Council Members noted several concerns/issues:
 - o If considered - concern for people trying to go to the Community Park
 - o Signage currently reads Town Business ONLY
 - o Currently no signs for no parking after hours
 - o Towns bumper sticker for Town parking only
 - o Suggested posting signs for different events to allow parking
 - o Police can advise if there are any issues
 - o Police Chief stated “No parking in the rear of building – keep to the front of building only”
 - o There is nothing in the code to enforce after hour parking at the Town Hall
 - o Nothing restricting public parking
 - o Should post Employees only in rear of building
 - o Check Towns insurance for liability issues
- **Nautical Holiday Lights** – Public Works Supervisor Reed asked council to consider hanging the holiday lights on Rt 1 and lighting them from Memorial Day to Labor Day to let everyone know they have entered the corporate limits of Fenwick Island. Mayor Serio stated that Council would consider.
- **Permit Extension Boettcher Residence** – Building Official Schuchman – Virginia Boettcher has requested Town Council to extend the building permit for 6 months due to her husband’s illness and health situation. The permit is due to expire June 28. Construction has resumed and feels confident for completion in this time frame.

Motion: Motion made to approve 6 month extension for Boettcher residence – Council Member Langan

Second: Council Member Bunting

Discussion: none

Vote: (7-0)

Parks Fund Proposed Resolution – Town Manager Burke stated the Town has 2 parks and no funding for maintenance. Original Town Park raised money by selling memory bricks to support/maintain but now we have Cannon Street Park in addition which needs maintenance. He asked the council to approve a 5% allocation from the RTT funds for updates and maintenance by adopting Resolution #67-2015, Dedicated Funding Resolution for the Town of Fenwick Island Parks. Town Manager Burke read into record Resolution #67-2015: On May 29, 2015, The Fenwick Island Town Council passed the following Resolution # 67-2015.

Dedicated Funding for Town of Fenwick Island Parks

Whereas, *Title 22, Chapter 16 of the Delaware Code specifies that Realty Transfer Tax receipts be held in a segregated fund and expended solely for capital and operating costs of public safety, economic development programs, public works services, capital projects and improvements, infrastructure projects and improvements, and debt reduction; and*

Whereas, *The Town of Fenwick Island owns and maintains public parks such as the Fenwick Island Community Park located on the corner of West Cannon Street and Coastal Highway, adjacent to the Town Hall, and Cannon Street Park located east of the public works building (hereinafter "Town Parks"); and*

Whereas, *prudent financial management necessitates planning for the costs associated with the ongoing operation and maintenance of the Town Parks, which are capital assets of the Town available to and enjoyed by members of the Town and the general public as well;*

Now 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 the above-described goal of planning and providing for the costs associated with the ongoing operation and maintenance of the public Town Parks, declares that, hereafter, no less than five percent (5%) of the Town's Realty Transfer Tax Fund deposits shall be allocated to a separate account for the specific purpose of providing for the ongoing operation and maintenance of the public Town Parks.*

Motion: Motion made to pass Resolution #67-2015 as read – Council Member Langan

Second: Council Member Tingle

Discussion: none

Vote: (7-0)

- **Parks Committee Funding Request** – Town Manager Burke – Parks Committee Funding Request:

- ✓ \$5,000 to upgrade the FI Community Park
 - o Butterfly garden
 - o Along Route 1 including Town LED sign
 - o Additional phases to be completed in FY16
 - o Sposato invoice of \$8,419.55 for all work
- ✓ \$7,500 for a new gazebo with a shingle roof
- ✓ \$7,000 for new rubber mulch
- ✓ Lighting will be removed, no new lighting
- ✓ Irrigation TBD
- Total request is not to exceed \$25,000, if approved, funds would be allocated from RTT account.

Motion: Motion made to approve \$25,000 for repairs/updates to the Community Park – Council Member Langan

Second: Council Member Bunting

Discussion: none

Vote: (7-0)

- **Technology Committee Funding Request** – Town Manager Burke – Per recommendations from the Technology Committee, Town Manager Burke asked for funding to purchase an 800 watt radio for the Beach Patrol to contact Sussex County directly on emergency responses.

Mayor Serio stated request being postponed as more research is needed.

Motion – none

Second – none

Discussion – none

Vote – none

Motion – Motion made to approve the Minutes of April 24, 2015 with correction of spelling error - Council Member Weistling

Second – Council Member Langan

Discussion – none

Vote – (7 -0)

TREASURER’S REPORT

Council Member Bunting reported:

Monthly report is a summary of all account balances through April 30, 2015 and other pertinent financial information since the prior month’s Town Council meeting.

Ending Reserve Balance \$2,339,103.37

FY 2015 Operating Budget

- 95.76% of Budget Income
- 73.55% of Budgeted Expenses

Realty Transfer Tax (1.5%)

- \$335,000 (as of May 19)

Outstanding Taxes and Fees (FY14 and FY15)

- Approximately \$5,997.46

Revenue Highlights

- \$14k over real estate property tax budget
- \$3.5k over rental receipt tax budget
- \$2.6k over parking violations

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

Second – Council Member Langan

Discussion – none

Report accepted

TOWN MANAGER’S REPORT

- **Personnel**
 - o Administrative Clerk Brittingham commenced work on May 1.
 - o Police Clerk Wooten commenced summer employment May 18.

Projects

- **FY 2016 Financial Plan**
- **General Rack Card (printing in progress)**
- **Town Hall Telephone System (system ordered)**
- **2015 Request for Proposals (RFPs) and Bids**
 - o The 2015 Solid Waste and Recycling Collection Bid were opened on May 22 at 3 pm.

Grant Application (approved)

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

Grant Applications (pending)

- 2015 DNREC Recycling Grant was approved DNREC.

Grant Applications (future)

- 2015 DNREC Parks Grant Application due July 10

Meetings and Workshops attended:

- May 8 SCAT Steering Committee meeting, Georgetown, DE
- May 14 Delaware City Management Association meeting, Dover, DE

DEPARTMENT REPORTS

- **Building Official** – The April Building Report was included in the Council meeting packet. At the end of April the Town had received 4 rental renewals, 12 outside contractor license renewals and 1 resident merchant renewals. Building Official Schuchman noted that hurricane season starts June 1st. check website for updated information.
- **Public Works** – The monthly report was included in the Council meeting packet.
- **Beach Patrol** – The monthly report was included in the Council meeting packet. Town Bonfire July 5th on Bayard Street. Captain Ferry thanked council for the purchase of a new ATV.
- **Police Department** – The monthly report was included in the Council meeting packet. Public Safety Building now open from 8:00 – 4:30 p.m. daily. Noted information about Smart911. Registration is available on the Town’s website.

TOWN COMMITTEE REPORTS

Charter & Ordinance – Council Member Weistling proposed a motion for council to approve the following changes to Chapter 135 – Signs: First Reading read into the record.

Proposed First Reading – May 29, 2015

CHAPTER 135 – SIGNS

§ 135-2. Definitions.

Existing:

BLADE BANNER - A flag, pennant or similar instrument intended to be hung on a pole no higher than 17 feet nor wider than three feet, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind.

Proposed:

FEATHER FLAG - A flag, pennant or similar instrument intended to be hung on a pole no higher than 17 feet nor wider than three feet, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind.

Motion – Motion made to accept the changes §135-2 Definitions - Council Member Weistling

Second – Council Member Tingle

Discussion – none

Vote: (7-0)

§ 135-3. General provisions, restrictions and prohibitions.

Existing:

C. Portable and movable signs; A-shape signs.

(2) ***After September 15 and before June 1, in lieu of (and not in addition to)*** the flags permitted in § **135-5A(3)** and **C(4)(b)**, A-shape signs with maximum dimensions of three feet high and two feet wide or a flag indicating either "open" or a product or nationality having dimensions of not greater than four feet by six feet shall be permitted, ***to be located not closer than 10 feet to either the front or side property line***, one per business establishment, to be removed at sundown and not replaced until 7:00 a.m. A-shape signs shall be removed in high winds where they could create a hazard.

Proposed:

(2) ***In addition to*** the flags permitted in § **135-5A(3)** and **C(4)(b)**, A-shape signs with maximum dimensions of three feet high and two feet wide or a flag indicating either "open" or a product or nationality having dimensions of not greater than four feet by six feet shall be permitted, to be located ***not beyond*** either the front or side property line, one per business establishment, to be removed at sundown and not replaced until 7:00 a.m. A-shape signs shall be removed in high winds where they could create a hazard.

Motion – Motion made to accept the changes § 135-3 - Council Member Weistling

Second – Council Member Langan

Discussion – none

Vote: (7-0)

§ 135-5. Commercial and industrial signs.

Existing:

A For a single commercial business, which is not a part of a subdivided building, the following shall apply (All signs described herein shall be subject to the restrictions provided in § **135-4**):

(1) With property less than 100 feet of frontage on Route 1, two signs or two **blade banners, or one of each**, are permitted. One sign, attached to the building and not exceeding one square foot for each front foot of building, is permitted. A freestanding sign or **blade banner** is also permitted, but shall not exceed 30 square feet and shall not reduce the number of required parking spaces.

(2) With property of 100 feet of frontage or more on Route 1, there shall be allowed **one blade banner** or one freestanding sign no larger than 120 square feet and one sign attached to the building not to exceed one square foot in area for each front foot of building.

(3) **One United States flag and one State of Delaware flag, and one flag indicating either "open," a product or a nationality, with each flag having dimensions not in excess of four feet by six feet, are permitted if on a pole(s) attached to the front of the building or on a flag pole set back at least 25 feet from the front property line and 10 feet from any side property line;** anything contained in this chapter notwithstanding, a flag may protrude no more than six feet from the wall to which it is attached and, if attached to a building, may not be higher than the roof of the building.

B In the case of a subdivided building, the total number of signs shall not exceed three signs for each single commercial occupant, **the total square footage of all such signs shall not exceed one square foot** in area for each lineal front foot of building used for a single commercial purpose. Each allowed sign must be on or attached to the building.

C In addition to the sign allowed in Subsection B above, the following signs shall be permitted:

1 One multiple-use identification sign, stating the name of the subdivided building and some or all of its tenants. The area of such sign shall be determined independently from the sign area allowed under Subsection A of this section and shall not exceed 30 square feet per tenant or exceed 250 square feet per subdivided building.

2 One additional sign shall be permitted below a canopy or overhang, not to exceed two square feet in size.

3 In the case of gasoline service provided by a retail store, one additional conventional freestanding gasoline sign.

4 Subdivided buildings; protrusion.

a For an entire subdivided building, one United States flag and one State of Delaware flag are permitted on a pole(s) attached to the front of a building or on a flagpole set back at least 25 feet from the front property line and 10 feet from any side property line.

b For a subdivided building, each **holder of a business license** is permitted to have one flag indicating either "open," a product or a nationality, with dimensions not in excess of four feet by six feet, if on a pole attached to the front of the business (building). **Blade banners are prohibited.**

- c Anything contained in this chapter notwithstanding, if attached to a building, a flag(s) may protrude no more than six feet from the wall to which it is attached and may not be higher than the roof of the building.

Proposed:

- A For a single commercial business, which is not a part of a subdivided building, the following shall apply (All signs described herein shall be subject to the restrictions provided in § [135-4](#)):
 - (1) With property less than 100 feet of frontage on Route 1, two signs are permitted. One sign, attached to the building and not exceeding one square foot for each front foot of building, is permitted. A freestanding sign is also permitted, but shall not exceed 30 square feet and shall not reduce the number of required parking spaces.
 - (2) With property of 100 feet of frontage or more on Route 1, there shall be allowed one freestanding sign no larger than 120 square feet and one sign attached to the building not to exceed one square foot in area for each front foot of building.
 - (3) **Three flags not in excess of four feet by six feet are permitted if attached to front of a building, on a pole, or attached to a sign;** anything contained in this chapter notwithstanding, a flag may protrude no more than six feet from the wall to which it is attached and, if attached to a building, may not be higher than the roof of the building. **One flag may be substituted with a feather flag.**
- B In the case of a subdivided building, the total number of signs shall not exceed three signs for each single commercial occupant, **the total square footage of all such signs shall not exceed one and one-half square foot** in area for each lineal front foot of building used for a single commercial purpose. Each allowed sign must be on or attached to the building.
- C In addition to the sign allowed in Subsection [B](#) above, the following signs shall be permitted:
 - 1 One multiple-use identification sign, stating the name of the subdivided building and some or all of its tenants. The area of such sign shall be determined independently from the sign area allowed under Subsection [A](#) of this section and shall not exceed 30 square feet per tenant or exceed 250 square feet per subdivided building.
 - 2 One additional sign shall be permitted below a canopy or overhang, not to exceed two square feet in size.
 - 3 In the case of gasoline service provided by a retail store, one additional conventional freestanding gasoline sign.
 - 4 Subdivided buildings; protrusion.
 - a For an entire subdivided building, one United States flag and one State of Delaware flag are permitted on a pole(s) attached to the front of a building or on a flagpole set back at least 25 feet from the front property line and 10 feet from any side property line.

- b For a subdivided building, each unit comprising a business is permitted to have one flag for each unit of the business, with dimensions not in excess of four feet by six feet, if on a pole attached to the front of the business (building). Only one feather flag shall be permitted for multiple units.
- c Anything contained in this chapter notwithstanding, if attached to a building, a flag(s) may protrude no more than six feet from the wall to which it is attached and may not be higher than the roof of the building.

Motion – Motion made to accept the changes §135-5 - Council Member Weistling

Second – Council Member Langan

Discussion – none

Vote: (7-0)

- **Beach Committee** – Town Bonfire will be July 5th on Bayard Street. Next meeting June 13th at 9:15 a.m.
- **Environmental Committee** – Next meeting will be in June 4th at 2:30 p.m.
- **Technology Committee** – Council Member Langan said the last meeting was May 21. Next meeting will be in September. Will be looking at a demo in the fall to duplicate our agendas and minutes as an alternative to the website.
- **Business Development Committee** – no scheduled meeting from now until the third Thursday in September at 2:00 p.m.
- **Ad hoc Parks Committee** – addressed above
- **Planning Commission** – none
- **Old Business** – none
- **New Business** – none

PUBLIC PARTICIPATION

- Lynn Andrews – 1205 N. Schulz – Referenced Special Meeting of May 23rd and wanted council response on the proposed roof heights. Mayor Serio stated no decision has been made. Lynn Andrews requested that it be put on the ballot for the Towns Election on August 1st. Legal Counsel to be advised. Mary Ellen Langan stated there are a lot of misconceptions after reading the letter referencing freeboard and roof heights.
- Faye Horner - 708 Bunting Ave – After leaving the meeting last week, she really thought about the height levels. She is one of the few on Bunting Avenue with a vacant lot across virtually in front of her house. If someone were to build a house there, it would not make any difference to her if it were 30ft or 33ft tall, it's still going to block the view. She was surprised that all the towns around us have passed this and feels that 24" won't change the quaintness' and charm of Fenwick Island. Not sure why you would want to take 2ft away from the people on the bayside.
- Pet Frederick – 1605 Bunting Ave. – Everyone is lumping too much together. Freeboard and roof heights are two difference issues. You can address height without freeboard.

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- Gardner Bunting – 16 E. Dagsboro St – There are three (3) different flood zones to deal with. Discussions continued on measuring for roof heights.
- Amy Kyle – 1205 Bunting Ave – Thanked the Town and staff for the relocation of her mom’s memorial.
- Mayor Serio noted that Senator Hocker and Representative Gray will be here for coffee and donuts on June 2nd at 8:00 a.m. Bring your questions and concerns.

UPCOMING MEETINGS AND EVENTS

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

- | | | |
|------------|------------|---|
| a. June 2 | 8:30 a.m. | Coffee and donuts with Senator Hocker |
| b. June 2 | 10:30 a.m. | Charter and Ordinance Committee Meeting |
| c. June 4 | 2:30 p.m. | Environmental Committee Meeting |
| d. June 9 | 2:30 p.m. | Planning Commission Meeting |
| e. June 26 | 3:30 p.m. | Regular Council Meeting |

Motion to adjourn – Council Member Bunting

Second – Council Member Langan

Discussion – none

Vote – (7-0)

Meeting adjourned at 5:15 p.m.

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