The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL
MAY 22, 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, Town Clerk Martin
Others in Attendance:
Along with the Town Council and Staff, there were an additional 57 participants that called in for the meeting.

Mayor Langan began the meeting at 3:30 PM.

President's Report
Mayor Langan has attended several coronavirus meetings with State officials. Currently, there are 220 people hospitalized and a total of 317 deaths, with Sussex County having over 4,000 cases.

Mayor Langan thanked Reid Tingle from the Bank of Ocean City for donating the 40 face shields to the Town lifeguards and staff.

The Ørsted project has been postponed for a year and now the estimated start date is in 2023. Ørsted has not obtained the permit from BOEM yet for the project. Mayor Langan also spoke to Ray Bivens from the State Parks who said that DNREC Secretary Garvin still has not approved the project.

For Discussion and Possible Action
Summer Events Resolution #101-2020
Town Manager Tieman presented the Resolution which follows the Governor's guidelines on outdoor seating and business activity.

Vice Mayor Mais asked why the State regulations are 8 feet apart on tables while the Resolution states 12 feet apart. Town Manager Tieman noted that the Town prefers enforcing the extra 4 feet.

Treasurer Bunting questioned if outdoor tables could be used for carryout or will they be used for seating by a hostess only. Town Manager Tieman replied that it would be determined by to the restaurant owner.

Council Member Carmean commented that the language needs to be clarified for the restriction to the side property lines. Town Manager Tieman noted that the information in the Resolution, listed as 15 feet, was incorrect and it would be changed to note the front and side property line setback will be no less than 20 feet.

Council Member Houser noted that spacing between each table is about the width of a parking spot.

A MOTION was made by Vice Mayor Mais, seconded by Mayor Langan, to approve Summer Events Resolutions #101-2020. The MOTION passed unanimously.

Beach Patrol Protocols
Town Manager Tieman noted that all beach events, Junior Lifeguard, Town Bonfire, competitions, and Fenwick Flicks, will be cancelled.

A MOTION was made by Council Member Houser, seconded by Treasurer Bunting, to approve the cancellation of the beach events. The MOTION passes unanimously.

Police Department Protocols
Town Manager Tieman noted that Town Council needs to determine what should be done about Bonfire Permits. As for Special Events Applications, they will be issued as per the Resolution passed today. Parking permit issuance is in effect along with parking enforcement, which both began on May 15th.

Town Manager Tieman commented that Bonfire Permit issuance should be acceptable if participants maintain 6 feet for social distancing.

Operations Restart Guidelines
Town Manager Tieman presented the guidelines. She noted that all Town employees will return to the normal work schedule beginning this upcoming Tuesday.

Go Melvo Contract
Town Manager Tieman noted that the owner of Go Melvo initially asked for a contract reduction but since the beach restrictions have been lifted, he will be making two installments on his payment to the Town, with the first payment to be made next week.

Vendor Debarment Policy
Town Manager Tieman noted that the policy needs to be adopted per FEMA. The policy is the standard ethical guidelines for vendors.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Houser, to approve the Vendor Debarment Policy. The MOTION passed unanimously.

Moratorium on Hotels/Motels
Council Member Carmean noted that the current moratorium expired in February. Another moratorium should be drafted. The moratorium should coordinate with the guidelines that are being addressed by the Ad Hoc Commercial District Planning Committee. Vice Mayor Mais agreed, stating that due to COVID-19, the final version of the Commercial District Design Guidelines have been delayed.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to send the moratorium to the Charter and Ordinance Committee for revision. The MOTION passed unanimously.

Council Member Weistling noted that since a new moratorium is to be drafted, he has scheduled a Charter & Ordinance Committee Meeting for June 5, 2020 at 9:30 AM. He suggested that the moratorium be extended to 15 months, which would expire in September 2021.

Appointment of Board of Elections
Mayor Langan noted that he would like to keep the same members on the Board of Elections: Audrey Serio, Faye Horner, and Carl McWilliams, with Colleen Wilson as an alternate.

A MOTION was made by Council Member Houser, seconded by Treasurer Bunting, to approve the members of the Board of Elections. The MOTION passed unanimously.

Voter Roll List
Town Manager Tieman presented the list of individuals to be removed from voter registration.

A MOTION was made by Treasurer Bunting, seconded by Vice Mayor Mais, to approve the removal of the listed voters. The MOTION passed unanimously.

Approval of Minutes
A MOTION was made by Council Member Houser, seconded by Vice Mayor Mais, to accept the minutes from the March 27, 2020 Regular Council Meeting.

Council Member Carmean questioned if the COVID-19 policy listed in the minutes in regards to time off for employees infected also applies to the lifeguards. Town Manager Tieman confirmed that it would also be for the lifeguards.

The MOTION to accept the March 27, 2020 Regular Council Meeting minutes passed unanimously.

A MOTION was made by Council Member Houser, seconded by Vice Mayor Mais, to accept the minutes from the May 2, 2020 Special Council Meeting. The MOTION passed unanimously.

Treasurer's Report
Treasurer Bunting presented the report for period ending April 30, 2020. He noted that the RTT has not been received for May although there were real estate sales. He expects a major hit to RTT from the aftermath of COVID-19.

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

Town Manager's Report
Town Manager Tieman submitted her report. She added that the "Summer Safely" campaign is in effect, which reminds everyone to maintain 6 feet, to wash or sanitize your hands frequently, and recommends the use of face masks.

The Beach Patrol Captain is taking extra precautions with his staff and with the aid of the Police Department will be promoting the campaign.

Department Reports
All reports were submitted.

Vice Mayor Mais questioned about the Beach Patrol Report and the usage of the side-by-side this summer. Town Manager Tieman replied that although the side-by-side will not be used for Memorial Day weekend due to social distancing, the usage will be revaluated as the season goes along and further restrictions are lifted.

Committee Reports
Council Member Carmean gave an update to addition to what was provided in the packet for the Pedestrian Safety Committee. A meeting will be scheduled with owners in the next few weeks for the expected Fall 2020 sidewalk installation. The flashing pedestrian crossing signs will be installed at Bayard Street and Oyster Bay Drive. The "Arrive Alive" campaign, sponsored by DelDOT, is still planned to begin this summer.

As for the Dredging Committee, Council Member Weistling commented that Secretary Merritt recently applied for a grant with the National Fish & Wildlife Association for the dredging material to restore Seal Island. Although the Town did not win the grant, it could help the Town reapply for any future dredging projects.

Old Business
None.

New Business
None.

Upcoming Events and Meetings
Mayor Langan confirmed all events and meetings, adding the Charter & Ordinance Committee Meeting for June 5, 2020 at 9:30 AM.

Public Participation
Jackie Napolitano, 2 E. James Street
Ms. Napolitano noted that the current form of government is not representing the residents of the Town and instead is catering to businesses in Town. Recently she contacted Town staff in regards to a transponder in the 5' vegetative buffer setback and the Town dismissed her concern. The Town never helps their residents and business owners are giving extreme considerations.

Patricia Westwater, 4 E. Indian Street
Ms. Westwater has owned property for 40 years and during that time Fenwick Island has always been considered a "Quiet Resort". If the hotel is approved to have the outdoor bar with music and a paging system with external speakers, Fenwick Island will become the same as Dewey Beach and Ocean City. She feels the Town needs to enforce ordinances 160-5 and 107-2 and oppose the liquor license. The liquor license should be for inside the hotel only and the outdoor music request should be dropped.

Holly Hobbs, 1403 Bunting Avenue
Ms. Hobbs owns two properties in Town and feels that that Town should remain "quiet". The addition of the outdoor bar with music will take away the quiet that everyone loves. Fenwick Island is one of the "Quiet Resorts" and it should be kept that way.

Gail Warburton, 10 W. Farmington Street
Ms. Warburton questioned what the Town plans to do to enforce the social distancing and mask wearing along with the cleaning in businesses in Town.

Ms. Warburton added that she would like to see Lt. Devlin promoted to Police Chief.

Jody Hayden, 4 E. James Street
Ms. Hayden noted that at the last Town Council Meeting, it was mentioned that the reason for not opposing the outdoor bar was because the Town approved the hotel with amenities. She would like to know where the Town draws the line on amenities.

Ms. Hayden added that she has reviewed the Comprehensive Plan and would like to know who the Flood Plain Coordinator is for the Town and if they are inspecting the hotel for compliance on flooding, drainage problems, pervious materials, grading, and maintaining the vegetative buffer for drainage.

Amy Kyle, 1205 Bunting Avenue
Ms. Kyle thanked the Town for the actions taken so far during the pandemic.

She added that better technology is needed to hear individuals if the meetings are to continue via teleconference.

Ms. Kyle is concerned about all the accommodations that have been granted to the new hotel and is opposed to the outdoor bar due to the ordinances that are in place.

Janet Dudley-Eshbach, 1711 Coastal Highway
Ms. Dudley-Eshbach noted that she would like the Town to do something about the speeding in Town, especially with the area between Fenwick Island and South Bethany.

She agreed with Ms. Kyle and feels that the Town needs to obtain better technology if the meetings are to continue via teleconference due to COVID-19.

As for the new hotel, she commented that the Town Council needs to start advocating for the homeowners.

Pete Frederick, 1605 Bunting Avenue
Mr. Frederick commented that he is frustrated with the Town. Per the letter sent to the liquor board, it states that the Town and Town Manager think the pool bar is acceptable. He questioned where in the ordinances does it say the hotel can have a bar. Also, he would like to know if the Town Council approves the liquor license. He commented that the Town Council are representatives of the Town.

Andrew Bellwoar, 4 E. Indian Street
Mr. Bellwoar commented that the Town sent the letter to the liquor board noting no objections to the liquor license at the new hotel. The letter was signed by the Town Manager. He questioned if the Town Council approved of the liquor license and if so what meeting was the liquor license voted on since he would like a copy of the minutes. He added that no open air bar should be allowed so close to residential properties and feels that the Town Council should send a letter to the liquor board noting the opposition to the current plans.

Sharon Robinson, 1211 N. Schulz Road
Ms. Robinson is opposed to the outdoor pool bar with exterior speakers. She feels a public meeting should have been held in regards to the pool bar. She noted that Mr. Buas, the owner of the new hotel, is already advertising for the pool bar even though he has not yet obtained the liquor license.

Rich Robinson, 1211 N. Schulz Road
Mr. Robinson would like the Town Council to reaffirm again their opposition to the windfarm project. He added that he is upset that Town employees removed signs throughout town that were in opposition of the windfarm.

Melanie Pauley, 5 E. James Street
Ms. Pauley noted that she hopes the variance for the pool bar does not go through, especially since it goes against the noise ordinance of the Town. The outdoor bar will be in the heart of the town, with music going on until 1:00 AM. Although she is not opposed to an indoor bar with music, she feels the outdoor bar would turn Fenwick Island into a party town.

Natalie Magdeburger, 32 Ebb Tide Cove
Ms. Magdeburger noted that ordinances are only effective if they are enforced and the Town Council are the guardians of the Town's ordinances. Fenwick Island is known as one of the "Quiet Resort". The Town has continually bent over backwards for this hotel and if the outdoor bar is approved, the bar will be in violation of three of the Town's ordinances.

Melvin Wright, 1213 N. Schulz Road
Mr. Wright agreed with everyone that spoke today and feels that the Town Council should enforce the ordinances. With the addition of the pool bar, the hotel will be in violation of the noise ordinance. He added that with outdoor music, the hotel will become another Harpoon Hanna's at nighttime, with the noise traveling throughout the town. Also, if the hotel does not enforce the usage of the pool bar for guests only, outside people will come in to use the bar.

As for the windfarm, Mr. Wright feels that something is not right with the project since Delaware is getting the obstructive view while Maryland is getting the tax credits.

Janice Bortner, 1300 N. Schulz Road
Ms. Bortner questioned if the Town Council plans to write a new resolution in opposition to the Ørsted project. She added that Town Council should contact DNREC and Ørsted and hold them accountable for the lack of communication on the project. Town Council should also work with the Mayor of Ocean City since he is also opposed to the project. Ms. Bortner is opposed to the generators for the windfarm to be placed on wetlands. She added that the Town should hold a forum on the windfarm project and could advertise on the website and send flyers to residents about the forum.

Mark Tingle, 1605 Coastal Highway
Mr. Tingle noted that he is in favor of the pool bar. Those complaining about the bar do not know about the layout, in particular with no alcoholic service around the pool. The tables around the bar only seat 6 people and will be on the highway side of the hotel. He commented that people are overreacting to nothing.

As for the windfarm project, Mr. Tingle commented that the Town Council cannot do anything about the project. He added that even the Governor has no bearing on if the project will go through.

Marianne Buas, 1501 Coastal Highway
Ms. Buas noted that there are a lot of misconceptions about the pool bar. The new hotel is a family hotel and there will be not parties. She added that the bar area is small.

Spiro Buas, 1501 Coastal Highway
Mr. Buas offered for anyone to call him to discuss the pool bar. The new hotel is an upscale brand hotel and the brand would not allow what everyone thinks is going to happen with an outdoor bar. He added that there are a lot of misconceptions and he would like for everyone to give the hotel a chance.

Adjournment
A MOTION was made by Council Member Carmean, seconded by Council Member Houser, to adjourn the meeting. The MOTION passed unanimously and the meeting adjourned at 5:01 PM.