



# The Town of Fenwick Island

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## REGULAR MEETING OF THE TOWN COUNCIL

JUNE 26, 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 29 participants that called in for the meeting.

Mayor Langan began the meeting at 3:30 PM.

#### **President's Report**

Mayor Langan noted that per DNREC Secretary Shawn Garvin, DNREC will be sending a response in the next few weeks in regards to the windfarm project. He also noted that beach replenishment will be funded again by the State this upcoming year.

As for the coronavirus, the confirmed cases have risen to over 9,000, although the hospitalizations are going down. The Governor has delayed phase 3 of the reopening plans.

The beach transport service will restart soon. The start date has been delayed due to COVID-19.

#### **For Discussion and Possible Action**

##### Resolution #102-2020 – FY 2020/2021 Fee Schedule

Town Manager Tieman noted that the fees are the same as the current fiscal year.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Carmean, to approve Resolution #102-2020. The MOTION passed unanimously.

##### Resolution #103-2020 – FY 2020/2021 Operating & Capital Improvement Budget

Town Manager Tieman read the resolution. She noted that no fees increased and a position was deferred for this year and next year. The budget also shows that costs are controlled.

Council Member Carmean noted that she could not vote in favor of the budget due to the struggling economy, the amount of RTT that will be used, and the Town's cash flow problems.

Vice Mayor Mais disagreed, noting that he is in favor of the budget since the Town has a cash reserve and does not see the Town taking a huge hit due to the pandemic.

A MOTION was made by Council Member Houser, seconded by Secretary Merritt, to approve Resolution #103-2020. The MOTION passed 6-1, with Council Member Carmean voting no.

#### Moratorium on Motels/Hotels

Council Member Weistling noted that the Charter & Ordinance Committee met and all agreed to reestablish the moratorium for 2 years.

Vice Mayor Mais noted that what was presented in the packet was incorrect since it states 15 months while Council Member Weistling just stated the moratorium has been extended to 2 years. Council Member Weistling confirmed that the Charter & Ordinance agreed to 2 years.

A MOTION was made by Council Member Carmean, seconded by Council Member Houser, to approve the first reading of the moratorium on motels/hotels, with the revision from 15 months to 24 months. The MOTION passed unanimously.

#### Additional Cost for Dredging for Bathymetric Survey

Secretary Merritt commented that once the survey is completed then the Town can determine the dredging costs. Council Member Weistling added that the survey will not exceed \$6,000.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to approve the cost for the bathymetric survey. The MOTION passed unanimously.

#### Town Hall Sound System Upgrade

Town Manager Tieman presented the estimate from Shore Audio, which includes wireless microphones.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to approve the sound system upgrade. The MOTION passed unanimously.

Council Member Carmean commented that she hopes the upgraded system will work since she has heard that people are struggling to hear the Zoom teleconferences. Vice Mayor Mais added he feels it should work; however, another problem is the acoustics in the room.

#### Burning Ban

Town Manager Tieman noted that she recently received documentation in regards to the "Ozone Season" and it was questioned if bonfires were still legal to have. It has been confirmed with DNREC that bonfires are allowed and are exempt from the burning ban.

#### Schulz Road Dock and Pier Plans

Town Manager Tieman noted that there have been concerns about the proposed pier at 1306 Schulz Road. DNREC spoke to the owner who agreed to minimize the project. DNREC has posted the revised project, which is also available on the Town's website. Public comments in regards to the project can be submitted by July 14, 2020 to DNREC and if the Council prefers, a public hearing can be arranged.

Council Member Carmean commented that the Town should contact DNREC and request a public hearing in regards to the project. She added that where the pier is going is difficult to maneuver around and the pier would be a safety hazard.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Houser, to request a public hearing. The MOTION passed unanimously.

#### Resolution #104-2020 – Farmers Market COVID-19 Special Event

Town Manager Tieman noted that there is a restriction in the code and Resolution #104-2020 will allow vendors to set up produce stands only. This resolution will help farmers and will provide formal guidelines to be followed.

A MOTION was made by Vice Mayor Mais, seconded by Treasurer Bunting, to approve Resolution #104-2020. The MOTION passed unanimously.

Council Member Weistling questioned if the farmers market vendors would also be required to obtain a business license. Town Manager Tieman replied no, that they would only need to obtain a Special Events Permit.

#### **Approval of Minutes**

A MOTION was made by Council Member Houser, seconded by Vice Mayor Mais, to accept the minutes from the May 22, 2020 Regular Council Meeting.

Treasurer Bunting noted that under Public Participation, the word transponder should be changed to transformer.

The MOTION to accept the minutes of the May 22, 2020 Regular Council Meeting as revised passed unanimously.

#### **Treasurer's Report**

Treasurer Bunting presented the report for period ending May 31, 2020. He noted that even with the shortfalls from COVID-19, the Town should still end the fiscal year on a positive.

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

#### **Town Manager's Report**

Town Manager Tieman submitted her report. She added that the transport service over the dunes will begin on July 1, 2020. A plexiglass shield will be installed in the 4 x 4, those being transported must wear a mask, the vehicle will be disinfected with a bleach solution, and only one vehicle will be used since the other vehicle will be kept for emergencies only.

Council Member Carmean requested that Town Manager Tieman amend any future reports to not show history of projects.

#### **Department Reports**

All reports were submitted.

#### **Committee Reports**

Mayor Langan noted that the Technology Committee will be looking at the new agenda system that was approved in the upcoming budget. In addition, the Town's website has had 32,000 unique visitors over the last year.

Council Member Carmean noted that the Steering Committee has met to discuss future steps for the sidewalk project because of a cost estimate questions raised by a report from Century Engineering. The Town will be pursuing further grant funding once the State budget is approved. She hopes to schedule a Pedestrian Safety Committee Meeting in July and then approach the business property owners with a final plan. In addition, the blinking pedestrian lights have been installed at Oyster Bay Drive and Bayard Street, and she would like for a picture of the lights to be posted on the Town's website. Acting Chief Devlin noted that he will also post on the Fenwick Island Police Department Facebook page with the procedures that vehicles must stop when the light is blinking and pedestrians are in the crosswalk. He added that with the grant the Police Department recently received, the officers will be able to educate people on the crosswalk procedures. Treasurer Bunting suggested

that additional blinking lights be installed. Acting Chief Devlin noted that he will check the police statistics for any areas that have issues with crossings. Council Member Weistling commented that he would like a "no u-turn" sign to be installed north bound on Bayard Street to help with pedestrian crossing. Council Member Carmean replied that it is up to DelDOT to install the sign.

### **Old Business**

None.

### **New Business**

Secretary Merritt commented that he has seen an increase of dogs on the beach this year, with people stating that they are service dogs. He added that the Beach Patrol are trying to enforce the Code but owners are refusing to obey. Acting Chief Devlin noted that service dogs need to perform a job and paperwork is required showing that they are a service dog, unlike emotional support animals, which are not allowed on the beach. He added that he will work with Beach Patrol Captain Rykaczewski in enforcing the no pets on the beach.

### **Upcoming Events and Meetings**

Mayor Langan noted that the Town Council Meeting will be held on July 24, 2020 at 3:30 PM.

Council Member Weistling commented that a Public Hearing is needed prior to the second reading on the moratorium on motels/hotels. Mayor Langan suggested then confirmed with the entire Town Council to schedule the Public Hearing for July 24, 2020 at 3:00 PM, prior to the Town Council Meeting.

### **Public Participation**

#### Brandon Bortner, 1300 N. Schulz Road

Mr. Bortner noted his concerns for the windfarm substation to be housed at the Fenwick Island State Park. To request a windfarm opposition sign, please email [freefenwicksign@gmail.com](mailto:freefenwicksign@gmail.com) with your name and address. Also, he commented that the Town needs to take a stronger stance against the windfarm project.

#### Mike Quinn, 5 W. Houston Street

Mr. Quinn asked the Town Council to request the Charter & Ordinance Committee draft an ordinance on POD size and definitions.

#### Jackie Napolitano, 2 E. James Street

Ms. Napolitano is concerned about the upcoming budget and the possible tax increases next year. She also noted that she is opposed to Public Participation revised time from three minutes to two minutes. She agrees with Mr. Bortner that the Town needs to be united against the windfarm project.

#### Paul Breger, 1707 Bay Street

Mr. Breger requested a committee be formed to have the enforcement of north end speeding coming into and out of town.

#### Roy Williams, 9 E. Essex Street

Mr. Williams agreed with Mr. Quinn that the POD situation is a real problem. He also agreed with Ms. Napolitano on concerns for the upcoming fiscal year budget.

### **Adjournment**

A MOTION was made by Council Member Houser, seconded by Vice Mayor Mais, to adjourn the meeting. The MOTION passed unanimously and the meeting adjourned at 4:33 PM.