



# The Town of Fenwick Island

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## REGULAR MEETING OF THE TOWN COUNCIL AUGUST 28, 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 25 participants that called in to the meeting.

Mayor Langan began the meeting at 3:30 PM.

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

Mayor Langan announced that Lt. John Devlin will be appointed Chief of Police. His swearing in ceremony will take place on September 1, 2020 at 11:00 AM at the Cannon Street Park.

The coronavirus numbers continue to go down in the State. There were only 40 hospitalizations this past week.

There will be an Association of Coastal Towns (ACT) Meeting next week. ACT has hired Lincoln Willis as a lobbyist. He will be working on several issues, with one being beach replenishment for the coastal towns.

Mayor Langan noted that he has seen an excessive number of dogs on the beach this summer. Acting Chief Devlin commented that only certified therapy dogs are allowed on the beach and he will assist the Beach Patrol Captain on enforcing the no dogs on the beach rule.

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

##### Modifications and Extension to Coronavirus (COVID-19) Policy

Town Manager Tieman noted that the policy has been extended until December 31, 2020. The policy follows the Federal guidelines.

Mayor Langan questioned if not wearing a face mask in Town buildings is enforceable. Town Manager Tieman replied yes.

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

##### Replacement of Air Conditioning Unit in Lifeguard Room

Town Manager Tieman noted that the motherboard in the current air conditioning unit stopped working and is unrepairable. The unit was last repaired in 2016. She amended the request for an additional \$2,500 for wiring, which will bring the total cost for replacement to \$12,280.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to approve the funding to replace the air conditioning unit.

Mayor Langan asked if there is room to accommodate the new air conditioning system. Council Member Weistling responded that there is since one unit will be on the roof and the other unit behind the building. Town Manager Tieman added that the units are more upright and flatter than the existing unit. Vice Mayor Mais commented that although the air conditioning is only used 3 months out of the year, he is aware that there have been issues from the beginning with mold and mildew in the lifeguard room. Council Member Carmean asked if the new unit will come with a warranty. Council Member Weistling replied that maintenance is covered 100% the first year. Town Manager Tieman added that the outdoor coil and parts have a 10-year warranty and there is a 12-year warranty on the compressor.

The MOTION passed unanimously.

#### Extension of Waste Industries Contract

Town Manager Tieman noted that the contract will be extended another three years. The cost will increase around 3% annually.

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

#### Commending Mary Ellen Langan for Sea Level Rise Initiative

Council Member Houser expressed his appreciation of the article written by Mary Ellen Langan that was posted in the New Journal in regards to sea level rise. Council Member Carmean agreed, stating that it was a well-written article.

A MOTION was made by Council Member Houser, seconded by Treasurer Bunting, to issue a commendation to Mary Ellen Langan. The MOTION passed unanimously.

#### Approval of Minutes

A MOTION was made by Treasurer Bunting, seconded by Vice Mayor Mais, to accept the minutes from the July 24, 2020 Public Hearing. The MOTION passed unanimously.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Carmean, to accept the minutes from the July 24, 2020 Regular Council Meeting. The MOTION passed unanimously.

A MOTION was made by Council Member Houser, seconded by Vice Mayor Mais, to accept the minutes from the August 10, 2020 Council Organizational Meeting. The MOTION passed unanimously.

#### Treasurer's Report

Treasurer Bunting presented the report for period ending July 31, 2020. He noted that in July the Town received an additional \$100,695 in RTT.

Town Manager Tieman commented that the unaudited amount the Town ended the fiscal year is \$5,465 short from what was budgeted. Council Member Carmean questioned if the shortage was due to parking fees. Town Manager Tieman replied no, that the Police have been very active in the issuance of permits and tickets this summer.

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

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

Town Manager Tieman submitted her report. She highlighted that the Town received \$36,676 in Municipal Street Aid from the State and the premium for Workers Compensation will be decreasing by 8.6%.

### **Department Reports**

All reports were submitted.

Acting Chief Devlin added that he has contacted the State in regards to installing a "no u-turn" sign at Bayard Street.

Town Manager Tieman reported on behalf of the Beach Patrol Captain and announced the winners of the lifeguard awards: James Shiels won the Lifeguard of the Year and Jackson Woodward won Rookie of the Year.

### **Committee Reports**

#### **Pedestrian Safety Committee**

Council Member Carmean noted that the Committee met on August 13<sup>th</sup> to discuss the projected construction cost concerns and review plans for the individual meetings with commercial property owners, which were conducted on August 24<sup>th</sup> and 25<sup>th</sup> with personnel from Century Engineering. She thanked both Nadia Butler and Linda Martin for their assistance on both days. She also thanked the property owners for their cooperation during the meetings. Two questions arose during the meetings with the property owners: (1) what will the Town use for ground cover in the two-foot easement area, and (2) who will maintain this easement area. Council Member Carmean requested suggestions from the Town Council and public for both questions. In addition, commitment letters will be sent to the property owners by the end of September.

Acting Chief Devlin has been working to inform motorists and pedestrians about the crossovers with the flashing lights. She thanked Acting Chief Devlin on also taking the initiative in contacting DelDOT on the installation of the "no u-turn" sign at Bayard Street.

#### **Ad Hoc Commercial District Planning Committee**

Vice Mayor Mais noted that he has contacted Jeff Schoellkopf as a follow-up to the last Ad Hoc Commercial District Planning Committee Meeting held in January. He is waiting to receive the final draft from Jeff of the Commercial District Design Guidelines.

#### **Dredging Committee**

Secretary Merritt noted that the survey has been completed on the bay and around 18,000 cubic yards will need to be dredged. Anchor QEA will soon be providing a final cost estimate for the project.

#### **Charter & Ordinance**

Council Member Weistling noted that the Committee met earlier this month on possible changes to the ordinance on POD's and storage containers in the commercial and residential areas. A sample draft will be distributed to the Committee for review. The next meeting will be held at the end of September or the beginning of October. Once this ordinance is completed, the Committee will address an ordinance for dumpsters and office trailers.

#### **Business Development**

Town Manager Tieman reported on behalf of Tim Collins of the Business Development Committee. He noted that the Business Development Committee would like to be included in the design phase of the Commercial District Design Guidelines if anything is initiated in regards to updating lights.

### Technology Committee

Mayor Langan noted that the Town's website had over 46,000 unique visitors over the last year with over 10,000 users in July alone.

### **Old Business**

None.

### **New Business**

Council Member Weistling extended his congratulations to John Devlin on being selected as the new Police Chief. He also announced the two recent deaths of long-time residents in Town: Peter Roenke and Buzz Henifin.

### **Upcoming Events and Meetings**

Mayor Langan confirmed the next Council Meeting will be held September 25, 2020 at 3:30 PM. He added the swearing in ceremony for John Devlin that will take place on September 1, 2020 at 11:00 AM.

### **Public Participation**

#### Nadia Butler, 7 W. Essex Street

Ms. Butler commented that public input should have been included at the recent Building Committee Meeting on the approval of the outdoor dining at Our Harvest.

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

Mr. Williams noted that he is concerned how the Building Committee came up with the measurements for the outdoor dining at Our Harvest.

#### Gail Warburton, 10 W. Farmington Street

Ms. Warburton commented that the Our Harvest application did not consider the loss of parking spaces and questioned if the parking lot would still be compliant with parking spaces.

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

Ms. Napolitano congratulated Lt. Devlin on being named the new Chief of Police. She added that she is concerned about how the Town was unaware of the non-certification of the previous Police Chief. She added that she agrees with Ms. Butler that there should have been public participation at the Building Committee Meeting in regards to the Our Harvest application.

#### Richard Robinson, 1211 Schulz Road

Mr. Robinson expressed his condolences on the recent loss of Buzz Henifin. He agreed and is also concerned about the lack of public participation at meetings, in particular at the recent Building Committee Meeting.

#### Tim Bergin, 1 W. Essex Street

Mr. Bergin noted that he is concerned about the approved outdoor seating at Our Harvest. He would like to inform residents of the approved application but was told by the Town Clerk that he must file a FOIA request to get the addresses of his neighbors.

#### Mark Tingle, 1605 Coastal Highway

Mr. Tingle commented that the Council Member that is engaged in the lawsuit against the Town should be removed from Town Council.

### **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 4:32 PM.