The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL
SEPTEMBER 25, 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, Police Chief Devlin, Building Official Schuchman, Town Clerk Martin
Others in Attendance:
Along with the Town Council and Staff, there were an additional 49 participants that called in to the meeting.

Mayor Langan began the meeting at 3:30 PM.

President's Report

Mayor Langan announced that the coronavirus numbers continue to go down in the State, with most of the cases affecting the college towns.

Mayor Langan commended the Beach Patrol and the Police Department for an outstanding job on keeping the Town safe this summer.

Mayor Langan reminded everyone that it is time to sign up for committees. The committee application is available on the Town's website.

For Discussion and Possible Action

Resolution #105-2020 – Prohibiting U-Turns at Bayard Street
Town Manager Tieman read the resolution that will be sent to the State for the installation of a No U-Turn sign at Route 1 and Bayard Street.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Houser, to approve Resolution #105-2020.

Vice Mayor Mais commented that he is voting against the Resolution, noting that he is more in favor of moving the crosswalk location at Bayard Street to the north as originally planned. He added that the Resolution should be postponed until a study of this location can be done to see if it is in fact a serious problem.

Council Member Carmean noted that she is in favor of the sign installation. Since she has been Chair of the Pedestrian Safety Committee she has observed that at least 4 out of 5 cars make u-turns at this intersection.

Chief Devlin commented that most u-turns at this intersection are from patrons from Royal Farms. He added that this intersection is a hazard and that the State suggested that u-turns could be made at the Dagsboro Street intersection where there is a traffic light.

Council Member Weistling noted that he is in favor of the sign installation since going up two blocks to the traffic light is a safer option for u-turns.

Council Member Houser also noted his support siting that he has been approached by owners on Bayard Street and patrons at Sea Shell City that are concerned about the hazards at this intersection. Mayor Langan and Treasurer Bunting also agreed, with Treasurer Bunting adding that maybe the State should be contacted again to see if they would be willing to move the crosswalk to the other side of Bayard Street.

The MOTION passed 6-1, with Vice Mayor Mais opposed.

Update to Personnel Manual

Town Manager Tieman noted that the update to the Personnel Manual will now include clarification on the Pension Plan for the Police Department by allowing them to be part of only one Pension Plan, either the Police Pension or the Town Pension.

A MOTION was made by Council Member Houser, seconded by Council Member Carmean, to approve the update to the Personnel Manual.

Council Member Weistling questioned the difference between the Pension Plans. Town Manager Tieman replied that the Police Pension is a defined plan while the Town Pension is a contribution plan that fluctuates year-to-year.

The MOTION passed unanimously.

Our Harvest Update

Town Manager Tieman noted that since the Building Committee's approval of the Our Harvest deck application, only 3 people have contacted the Building Official in regards to the project.

Building Official Schuchman presented the history of the project, citing the plans for the project along with the Town Ordinances, which this project meets.

Council Member Weistling commented that the Building Official reviewed the plans then the Building Committee reviewed and approved the project. The purposed of the Building Committee is to review and approve plans, with the meeting not being a public participation meeting. The plans were also reviewed by CSi (Code Solutions International) and the Town Solicitor and both agreed that the project meets all the Town Ordinances. This project only consists of a 24-seat area for one restaurant. Council Member Weistling recently asked Chief Devlin if there have been any complaints over the summer with the approved COVID-19 outdoor seating and he noted that there were no complaints.

Council Member Houser supported all the comments made by Council Member Weistling, adding that with the difficult times the businesses have had with the pandemic, the outdoor seating has been a great help to the businesses.

Council Member Carmean commented that she appreciates the presentation made today since it answered a lot of questions that she had. She added that the Building Committee should include public participation and that this project should have been discussed at the August Council Meeting to avoid any misconceptions.

Council Member Weistling commented that any questions in regards to the project should have been referred to the Building Official. Secretary Merritt added that himself along with Council Member Weistling took it on their own to send a letter to property owners to stop the fear-mongering that residents are inappropriately stating about this project.

Mayor Langan noted that the Town Council does not approve building permits and will never approve building permits.

Public Comments
Town Manager Tieman read the clarification on the Public Participation section of the Town Council Meeting.

Council Member Carmean noted that there is a lot of confusing verbiage presented in the packet in regards of public participation. However, she can see why the Town Council does not want to get into conversation about topics not addressed under Discussion and Possible Action section of the agenda.

Mayor Langan commented that he would like the Town Council to consider a Resolution giving the Mayor the authority to set the agenda and set the time of Public Participation, which is referred to in Chapter 16 of the Town Charter.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Houser, to draft a Resolution to give authority to the Mayor. The MOTION passed 6-1, with Council Member Carmean opposed.

~~Mayor Langan then addressed what he claimed were inappropriate emails and memos sent by Council Member Carmean. Council Member Carmean replied "Are you trying to suppress my freedom of speech? You are not going to stop me from reaching out and working with people in the community."~~

Mayor Langan addressed an issue of misleading and inappropriate emails and memos sent by Council Member Carmean. Council Member Carmean replied that Mayor Langan is in control of the parliamentary procedure and asked if her freedom of speech was being suppressed. She then asked Mayor Langan to be more specific in his address as to what he is referring to because it was not listed on the agenda. Council Member Carmean added that she was not going to be stopped as far as reaching out and working with people in the community. She was not happy with people giving her direction when they are employees of the Town. She has always been open to suggestions, but not directions, scolding or angry comments. Mayor Langan responded that she can always have a difference of opinion, which is good to have, but she cannot be working against the Town as she does. Council Member Houser added that there was absolutely nothing wrong with disseminating information but there is something wrong with disseminating false and inaccurate information, which is what has occurred, repeatedly.

Executive Session
A MOTION was made by Secretary Merritt, seconded by Treasurer Bunting, to adjourn to Executive Session. The MOTION passed unanimously.

The Town Council adjourned to Executive Session at 4:18 PM to discuss a personnel matter.
The Town Council returned to the Regular Council Meeting at 4:33 PM.

Continuation of For Discussion and Possible Action
Dredging Contracts
Town Manager Tieman read the request of $20,000 for the engineering design and bid, the memorandum of understanding with Freeman, and the permitting consultant fee. The $20,000 will be taken from the special reserve account for dredging.

Secretary Merritt commented that he hopes that this will be the last money spent on consultant fees since the project is now reaching the permitting phase.

A MOTION was made by Vice Mayor Mais, seconded by Treasurer Bunting, to approve the $20,000 from the special reserve account. The MOTION passed unanimously.

Delaware Sea Grant Opportunity
Town Manager Tieman read the request for matching funds for the Delaware Sea Grant opportunity for the drainage project on Farmington and Indian Streets. This project will alleviate rainwater flooding on both streets on the bayside by redirecting water to the canal. $30,000 will be taken from the Realty Transfer Tax Reserve for this grant opportunity.

A MOTION was made by Vice Mayor Mais, seconded by Council Member Houser, to approve the $30,000 from the Realty Transfer Tax Reserve.

Town Manager Tieman commented that in the future an engineering study should be conducted of the entire bayside. Mayor Langan agreed, noting that a study of flooding is necessary since the State back bay study is still on hold in legal with the State.

Council Member Carmean asked if this amount was budgeted. Town Manager Tieman replied that it was not included in the budget due to COVID-19, but the $30,000 matching grant would be well-spent. The Town has received a lot of transfer tax and if the Town wins the grant, this is an opportunity to get half of the project paid for.

The MOTION passed unanimously.

Approval of Minutes
A MOTION was made by Council Member Houser, seconded by Treasurer Bunting, to accept the minutes from the August 28, 2020 Regular Council Meeting. The MOTION passed unanimously.

Treasurer's Report
Treasurer Bunting presented the report for period ending August 31, 2020. He noted that in August the Town received $136,874 in RTT which puts the account at 68.44% of what was budgeted for the entire year.

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 noted that Town Clerk Martin has resigned from her position effective October 2, 2020. She added her thanks to all the Town employees for their assistance during the summer season, especially with COVID-19.

Department Reports
Building Official Schuchman submitted her report.

Chief Devlin submitted his report. He added that the Police have stepped up with the assisting the Beach Patrol over the last month with enforcing the no animals on the beach. The Police will be working this weekend on enforcement of the H2Oi car rally. Chief Devlin also thanked everyone who attended his swearing in ceremony on September 1st.

Committee Reports
Ad Hoc Commercial District Planning Committee
Vice Mayor Mais noted that he is waiting on the final draft of the guidelines from Jeff Schoellkopf.

Pedestrian Safety Committee
Council Member Carmean noted that commitment letters will be sent to property owners so that Century Engineering can finalize the project plans for the sidewalk installation. She added that Town Manager Tieman is exploring grant and other funding options for the project.

She thanked Chief Devlin for overseeing the repairs to the flashing pedestrian light. At this time, both systems are operational. Suggestion have come from several sources to see if another flashing pedestrian light could be set up near the two hotels at the north end of town next year.

Council Member Carmean added that the installation of the No U-Turn sign at Coastal Highway and Bayard Street will greatly improve the traffic safety in that area. She again thanked Chief Devlin for his persistence in getting the sign installed.

Dredging Committee
Secretary Merritt commented that since the project is nearing the permitting phase that the Dredging Committee should now be disbanded. He thanked the entire Committee for the great job on the dredging project.

Charter & Ordinance
Council Member Weistling noted that the Committee will meet sometime in October.

Technology Committee
Mayor Langan noted that the Town's website had over 6,200 unique visitors in August.

Old Business
Council Member Weistling noted that a separate sign should be considered by next summer for the prohibition of animals on the beach.

New Business
None.

Upcoming Events and Meetings
Mayor Langan confirmed the next Council Meeting will be held October 23, 2020 at 3:30 PM.

Public Participation
Mary Ellen Langan, 5 E. King Street
Ms. Langan thanked the Town Council on the commendation she received last month in regards to back bay flooding. She added that the resident who accused Town Manager Tieman of negligence last month owes her an apology since it was not her responsibility but the State to obtain the records of the Police Department.

Roy Williams, 9 E. Essex Street
Mr. Williams noted that he still is having problems hearing the Council Meeting, in particular with the presentation made about Our Harvest.

Melanie Pauley, 5 E. James Street
Ms. Pauley congratulated Chief Devlin and added her thanks to Town Clerk Martin for her service. She added that when the Council adjourned to Executive Session earlier in the meeting it should have been properly announced. Also, personal attacks should not be done in a public forum. She would also like the time for public speaking to be extended since 2 minutes is not long enough.

Janice Bortner, 1303 Schulz Road
Ms. Bortner commented that she is disappointed by the bullying and retribution made by Town Council members.

Pete Frederick, 1605 Bunting Avenue
Mr. Frederick commented that in regards to Our Harvest, no partial can be subdivided without the approval of Town Council. He added that in regards to the new hotel, Town Code states that the hotel should have 72 parking spaces but only has 61. He too is offended by the comments made by some members of the Town Council.

Patti Breger, 1707 Bay Street
Ms. Breger agreed with all the comments made by Mr. Frederick. She added that in regards to both the Our Harvest project and the new hotel, the Town Council needs to look at the ordinances and listen to the property owners wishes.

Wayne Carmean, 38 Ebb Tide Cove
Mr. Carmean noted that he is opposed to any outdoor bars and would like the ordinances to be enforced. He added that the Town should investigate purchasing equipment to test sound levels.

Pat Madden, 906 Schulz Road
Ms. Madden noted that she is opposed to any outdoor bar.

Gail Warburton, 10 W. Farmington Street
Ms. Warburton commented that residents deserve the same voice as business owners. She would like the Town Council to represent the residents.

Liane DesRoches, 1201 Bunting Avenue
Ms. DesRoches thanked Town Clerk Martin for her help over the years. She added that she is also have problems with the meeting audio. She does appreciate the clarification on the Our Harvest project that was presented today and on the website.

Jacque Napolitano, 2 E. James Street
Ms. Napolitano commented that there is a lack of transparency with the Town Council. She added that she has been bullied by not just from some of the members of the Town Council but also the owner and contractor of the new hotel.

Natalie Magdeburger, 32 Ebb Tide Cove
Ms. Magdeburger noted that the Town Council are stewards of the community. Signs have been placed throughout Town imploring the Town Council to do their job and enforce the ordinances by prohibiting the outdoor bar at the new hotel.

Steve Magdeburger, 32 Ebb Tide Cove
Mr. Magdeburger added his opposition to the outdoor bar. He noted that the Town Council is not listening to their constituents and should be enforcing the ordinances.

Richard Klein, 1305 Bunting Avenue
Mr. Klein noted that too many accommodations have been given to the new hotel during the building process and now they have been given a commendation on the number of parking spaces.

Kathy Westwater, 4 E. Indian Street

Ms. Westwater is opposed to the outdoor bar at the hotel since it is not in character with the surrounding community.

Courtney Hobbs-Burnes, 1411 Bunting Avenue
Ms. Hobbs-Burnes is opposed to the outdoor bar at the new hotel and the deck at Our Harvest. The Town Council is not taking into account the opposition from their constituents.

Amy Kyle, 1205 Bunting Avenue
Ms. Kyle noted that she is sad to see Town Clerk Martin leave. She congratulation Chief Devlin on his recent swearing in. She added her disappointment that the representatives of the Town Council are not looking out for the people who live here.

Kelly Hobbs-Perry, 1403 Bunting Avenue
Ms. Hobbs-Perry questioned how the Police will enforce the music at the new hotel. She added that she too is opposed to the outdoor bar stating that she would like the 1-mile length of town to not allow any outdoor drinking.

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 5:53 PM.