



The Town of Fenwick Island

800 Coastal Highway, Fenwick Island, DE 19944-4409

302-539-3011 ~ 302-539-1305 fax

www.fenwickisland.delaware.gov

REGULAR MEETING OF THE TOWN COUNCIL

Friday, August 27, 2021

MEETING HELD VIA TELECONFERENCE

MINUTES

In Attendance

Town Council Members:

Mayor Carmean, Vice Mayor Napolitano, Treasurer Breger, Secretary Magdeburger, Council Member Bortner

Staff in Attendance:

Police Chief Devlin, Building Official Schuchman, Finance Manager Gary, Town Clerk Menominee, Beach Patrol Captain Rykaczewski

Others in Attendance:

Along with the Town Council and Staff, there were an additional 79 participants that called in to the meeting or were in-person.

MOTION to proceed as discussed in the Executive Session.

Moved by: Natalie Magdeburger

Seconded by: Jacque Napolitano

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1. President's Report - Mayor Carmean

Mayor Carmean announced that the final decision from the ABCC Board permits Our Harvest to serve food and alcohol from the dining room on their patio ending at 11pm and there will be no sound system. She also reported that there has been a federal lawsuit filed in Massachusetts against plans to construct 200 offshore wind turbines. The lawsuit was filed to protect the North Atlantic great whales and the ecosystem. She reported that while Fenwick Island is not a part of the lawsuit, we will be watching the outcome. Mayor Carmean stated that Fenwick Island has received \$36,452.94 from State funds and this money will go towards street maintenance along with some money set aside from RTT. She also announced that Fenwick Island received \$350,000 for dredging and \$250,000 for sidewalks. Mayor Carmean announced that on September 9,

2021 the Chamber of Commerce is sponsoring an update regarding the Orsted offshore skipjack farm along the Delaware coast.

2. Approval of Minutes from July 23, 2021

MOTION to approve the minutes from the July 23, 2021 meeting.

Moved by: Natalie Magdeburger

Seconded by: Jacque Napolitano

MOTION passed unanimously.

3. For Discussion and Possible Action:

3.1. Public Discussion

- Public Input Before Council Voting
- Removal of Public Participation Regulations

MOTION to remove all regulations on public participation and to change the order to allow public input before the Council vote.

Moved by: Natalie Magdeburger

Seconded by: Janice Bortner

MOTION passed unanimously.

3.2. Resolution: Code of Conduct for Council and Town Meetings
Mayor Carmean read Resolution #111-2021- Code of Conduct for Council and Town Meetings.

MOTION to accept the Code of Conduct for Town Council members and Town Meetings.

Moved by: Natalie Magdeburger

Seconded by: Janice Bortner

MOTION passed unanimously.

3.3. Appointment of New Council Members to Fill Vacancies;
Letters of Interest

Mayor Carmean stated there are two vacancies for Town Council. Mayor Carmean requested that letters of interest be submitted by September 15th to Mayor Carmean. The vacant spots will serve the remainder of the unexpired terms (August, 2022) and the new members will be sworn in at the September Town Council meeting.

3.4. Committees, Current and Future

- Suspension of 2020-2021 Committee Activities & Meetings
- New Applications: Deadline September 15th
- Fill Current Key Vacancies/New Appointments for 2021-2022

Mayor Carmean explained that the resignations have left numerous openings on many of the Town's committees. Mayor Carmean also stated that a couple committees need to be active immediately, namely, the Charter & Ordinance, Dredging and the Audit committees. There will be rolling acceptances for qualified candidates for each of these committees. She also stated there would be a September 15th deadline for 2020-2021 Committee applications.

MOTION to suspend all current committee activities until the 2021-2022 Committees/Boards are selected.

Moved by: Natalie Magdeburger

Seconded by: Jacque Napolitano

MOTION passed unanimously.

3.5. Restoration of the "Quiet Resort" to Town Seal
Council Member Bortner motioned to propose adding the "Quiet Resort" to the Town Seal.

Jonathan Welsh questioned why the seal was changed? Council Member Napolitano replied that it was changed 2-3 years ago around the time the latest seal was produced.

MOTION to restore the "Quiet Resort" to the Town Seal.

Moved by: Jacque Napolitano

Seconded by: Natalie Magdeburger

MOTION passed unanimously.

3.6. Hiring a Town Solicitor & Town Manager

Mayor Carmean stated that the Town Council would begin the hiring process for the Town Manager and Town Solicitor.

A public member asked if there as an acting Town Manager? Mayor Carmean responded saying no, but there has been a transition with the new Council and the employees and that the employees were working very hard to manage the day to day affairs of the Town. In addition, members of Town Council had been coming into Town Hall in small groups to assist in the day to day activities.

3.7. Charter & Ordinance First Reading: Chapter 160-5B-1

Secretary Magdeburger read the first reading of Chapter 160-5B-1.

Ray Fager asked for clarification on the language, is it going to be used for the Commercial district and residential?

Secretary Magdeburger stated that it already exists on the residential side of the code, but the Town should include the mechanical equipment for Commercial properties within the 32' height limit.

Charlie Hastings asked what difference would it make to maintain height ordinances in both residential and commercial districts.

Tom Brennan said that someone's view could be taken away if the commercial district was higher than the residential district.

Lynn Andrews questioned whether the proposed ordinance would eliminate the additional height allowed for a shaft for an elevator. Secretary Magdeburger advised that the proposed ordinance would not impact the portion of the

ordinances that allows elevator shafts from extending beyond the 32 foot height limit.

Mike Quinn asked where the measurement would be taken from to make the assessment of height.

Secretary Magdeburger responded that the proposed ordinance did not change the ordinances that detail where height measurements are taken.

MOTION to accept the first reading of Chapter 160-5B-1 to Charter & Ordinance.

Moved by: Jacque Napolitano

Seconded by: Janice Bortner

MOTION passed unanimously.

MOTION to approve the first reading of Chapter 160-5B-1.

Secretary read the first reading of Chapter 160-5B-1.

Town Council requested that Chapter 160-5B-1 be sent to Charter & Ordinance Committee where further discussion and public hearings can be conducted.

Moved by: Jacque Napolitano

Seconded by: Vicki Carmean

MOTION passed unanimously.

3.8. Fenwick Shores' Appeal Regarding Outdoor Bars and Paging System.

Mayor Carmean announced that the ABCC appeal was denied for Fenwick Shores outdoor bar.

3.9. Learning Curve for Council Members: Arranged Meetings w/ Employees to Understand Positions and Responsibilities.

Mayor Carmean advised that new Council Members had been meeting with employees to learn what the employees duties and responsibilities were. Mayor Carmean advised the public that the Town employees were working very hard to help

bring new Town Council members up to speed. Town Council members applauded the efforts of Town employees as did members of the public participating.

4. Treasurer's Report - Treasurer Breger

Treasurer Breger stated that the beginning cash balance for July was \$3.38 million and ended with a cash balance of \$3.33 million, which reflects shortfall of \$30,000. Treasurer Breger said that the backfill comes from RTT. He also reported that the RTT for July \$75,540, with the FY2021 RTT totaling \$1.09 million. Parking ticket receipts for July were \$8,150.

John Nason asked whether the liquid assets/funds for the town have been deposited in one or more institutions and whether the funds were FDIC insured?

Treasurer Breger responded that they will be redistributed into separate institutions so they fall into the FDIC guidelines.

MOTION to accept the Treasurer's Report.

Moved by: Natalie Magdeburger

Seconded by: Janice Bortner

MOTION passed unanimously.

5. Department Reports

5.1. Beach

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Beach Patrol Captain Rykaczewski reported that the summer was concluding and that staffing was changing to every other block. He also reported that FIBP sent a team to Nationals and they placed 2nd in the 100-yard soft sand sprint relay and 2nd place in the male 1 mile beach run.

5.2. Building Official- Pat Schuchman

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Building Official Schuchman reported that the Town was going to see a lot more construction in Fenwick Island in the coming year with many residential projects already starting.

- 5.3. Public Works- Mike Locke: Street Drainage Valve Replacement # - #

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- 5.4. Police Department- Chief Devlin # - #

[Image 008.pdf](#) 

6. Committee Reports

- 6.1. Dredging

Mayor Carmean reported that the Dredging Committee met with the engineer consultant and that several new members have tremendous background in overseeing dredging projects. There were additional studies that were requested that were not completed and the Dredging Committee would be moving forward with securing the necessary tests to continue with the project.

- 6.2. Pedestrian Safety

Sidewalks will start at the church and head north. The Infrastructure Committee will be overseeing this project.

7. Old Business

NONE.

8. New Business

NONE

9. Upcoming Events and Meetings:

- 9.1. September 6th- Town Hall Closed- Labor Day

- 9.2. September 24th- 3:30pm- Town Council Meeting

10. Public Participation

Charlie Hastings, 1310 Bora Bora Street- Mr. Hastings reaffirmed how important it is to continue the bay dredging project and maintaining a relationship with the Freeman company. He resigned from the Audit, Budget and Dredging committee. Secretary Magdeburger responded and stated that multiple points of view and voices are sought by this Council and reassured Mr. Hastings that his view and his experience would be respected if he chose to remain on the committee. An audience member asked Mr. Hastings to remain on the committee.

Bill Rymer, 8 E. Georgetown Street- Mr. Rymer asked for a brief affirmation that Council wants multiple voices and a depth of experience when it comes to the committees based on the platform that the Council ran on.

Mike Quinn, 5 W. Houston- Mr. Quinn urged everyone who resigned to reconsider their resignation. Mr. Quinn explained that he had been outvoted on almost every issue that was brought to the Charter & Ordinance Committee in the years that he served; however, he continued to serve and continued to express his point of view. Mr. Quinn stated that there are a lot of people in Town with a depth of experience that the Town needs on the committees and that they should feel welcome to share that experience for the good of the Town.

11. Executive Session

For preliminary discussion on site acquisitions for any publicly funded capital improvements; strategy sessions, including those involving legal advice or opinion for an attorney-at-law, with respect to collective bargaining or pending or potential litigation; discussion of the content of documents, excluded from the definition of "public record"; and personnel matters in which the names, competency and abilities of individual employees are discussed. Pursuant to 29 Del.C. § 10004(B)(2), (4), (6), & (9).

12. Adjournment

MOTION to adjourn.

Moved by: Jacque Napolitano

Seconded by: Paul Breger

MOTION passed unanimously.