



## **The Town of Fenwick Island**

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### **REGULAR MEETING OF THE TOWN COUNCIL**

**Friday, July 22, 2022**

#### **MEETING HELD VIA TELECONFERENCE**

#### **MINUTES**

##### **In Attendance**

**Town Council Members:** Mayor Carmean, Vice Mayor Napolitano, Treasurer Rymer, Secretary Magdeburger, Council Member Benn, Council Member Bortner, Council Member Breger

**Staff in Attendance:** Town Manager Schuchman, Police Chief Devlin, Finance Manager Gary, Public Works Manager Locke, Town Administrator Menominee, Police Clerk Ellinger, Beach Patrol Captain Rykaczewski

**Others in Attendance:** Along with the Town Council and Staff, there were an additional 28 in-person participants and 21 participants that called in to the meeting.

#### **1. President's Report - Mayor Carmean**

Mayor Carmean expressed condolences to the family of Jan Phalen.

The Town election is coming up on August 6th. You are able to request an absentee ballot until August 5th at noon.

Mayor Carmean announced this would be her last regular Town Council meeting as she thanked the community and the Town Staff.

#### **2. Approval of Minutes from June 24, 2022 Regular Town Council Meeting**

MOTION to approve the minutes from the June 24, 2022 meeting with added amendments from Treasurer Rymer.

*Moved by:* Paul Breger

*Seconded by:* Janice Bortner

**MOTION passed unanimously.**

#### **3. For Discussion and Possible Action:**

3.1. **Community Reinvestment Fund Award**

Treasurer Rymer reported in April of 2022 the Town reported all necessary documentation was filed to request the funds. The Town was granted \$350,000 award for dredging activities. Rep. Ron Gray was a huge help in attaining this award for the Town.

3.2. **Approval of Comprehensive Plan Contract with Univ. of Delaware**

Commissioner Kyle reported the contract with the Univ. of Delaware will help with things such as mapping and planning aspects. She also said the Comprehensive Plan Contract with the University of Delaware is reasonably priced. The contract is for \$15,000 and there may be a need to hire additional help with document preparation which may be in the \$5,000-\$8,000 range.

MOTION to approve the Comprehensive Plan Contract with Univ. of Delaware.

*Moved by:* Natalie Magdeburger

*Seconded by:* Richard Benn

**MOTION passed unanimously.**

3.3. **Approval of Fenwick Island Employee Manual**

The employee manual was last updated in 2011 with a small amendment in 2020. Treasurer Rymer said further corrections needed to be made in "exempt" vs. "non-exempt" employees.

MOTION to approve the Fenwick Island Employee Manual with the added amendment.

*Moved by:* Natalie Magdeburger

*Seconded by:* Bill Rymer

**MOTION passed unanimously.**

3.4. **Voter Roll Strike List**

The Voter Roll Strike List was presented to Council. Adolph Rohl was added to the list.

MOTION to approve the Voter Roll Strike List as corrected.

*Moved by:* Natalie Magdeburger

*Seconded by:* Jacque Napolitano

**MOTION passed unanimously.**

3.5. **AED's**

The automated external defibrillators (AED) in the Town are out of date and need to be replaced. There would be 1 for Town Hall, 2 for the Beach Patrol and 7 for FIPD. The total cost is \$17,976 for 11. Chief Devlin said he would look into how long it would take the AED's to ship as there may be a supply chain problem.

MOTION to approve the AED purchase for the Town.

*Moved by:* Bill Rymer

*Seconded by:* Natalie Magdeburger

**MOTION passed unanimously.**

3.6. **Residential Advocacy Committee Recommendation**

- Village to Village Survey

Council Member Bortner reported the Village to Village Program was presented at the last Residential Advocacy Committee Meeting. She said the Village to Village Program has been successful in other communities such as Bethany Beach, Lewes and Ocean View. Lynn Andrews reported that there is a \$500 yearly fee for the services which includes vetted volunteers to take you to appointments and provide other useful/needed services.

MOTION to mail a Village to Village interest survey in the September FIN.

*Moved by:* Janice Bortner

*Seconded by:* Vicki Carmean

**MOTION passed unanimously.**

3.7. **C&O Committee Recommendations/Readings**

- Proposed Second Reading: Chapter 127 Article II: Handling & Disposition of Solid Waste

Secretary Magdeburger presented the second reading of Chapter 127 Article II.

- Proposed Second Reading: Chapter 160-2B: Amendment of Definition of Mechanical Equipment

Secretary Magdeburger presented the second reading of Chapter 160-2B: Amendment of Definition of Mechanical Equipment.

- Proposed Second Reading: Chapter 160-5 (C) and 160-5 (G): Relating to Mechanical Equipment and Pools, Hot Tubs and Spas in a Commercial Zone

Secretary Magdeburger stated that she would not be seeking a motion for a second reading of Chapter 160-5 (C) and 160-5 (G): Relating to Mechanical Equipment and Pools, Hot Tubs and Spas in a Commercial Zone at this time. Secretary Magdeburger recommended that the Council refer the matter back to the C&O Committee so that the C&O Committee could consider the public comments that were raised about Chapter 160-5 (C) and 160-5 (G) during the Public Hearing before moving forward with any second reading. The issues that should be further addressed would be the decibel levels for the mechanical equipment and the placement/screening of the transformers. Council agreed to have the C&O Committee consider the issues further given the comments at the Public Hearing.

- Proposed Second Reading: Chapter 160-10: Off-Street Parking Regulations

Secretary Magdeburger stated that she would not be seeking a motion for a second reading of Chapter 160-10: Off-Street Parking Regulations at this time. Secretary Magdeburger recommended that the Council refer the matter back to the C&O Committee so that the C&O Committee could consider the public comments that were raised about Chapter 160-10: Off-Street Parking Regulations during the Public Hearing before moving forward with any second reading. The issues that should be further addressed would be ratios for restaurants, stores and motels, the delivery requirements and whether properties would be grandfathered to rebuild in the event of a

natural disaster. Council agreed to have the C&O Committee consider the issues further given the comments at the Public Hearing.

- Proposed Second Reading of the Hotel Moratorium  
Secretary Magdeburger reported the first reading was in June and the next reading would be at the August Town Council meeting.

MOTION to approve the second reading of Chapter 127 Article II: Handling & Disposition of Solid Waste.

*Moved by:* Natalie Magdeburger

*Seconded by:* Richard Benn

**MOTION passed unanimously.**

Council Member Benn voted yes.

Council Member Bortner voted yes and acknowledged it was a big topic in the community.

Council Member Breger voted yes and said it adds to the beautification of the Town.

Mayor Carmean voted yes for the reasons set forth by other members of Council.

Vice Mayor Napolitano voted yes and said she heard from residents that it is wanted.

Treasurer Rymer voted yes for the reasons set forth by other Council members.

Secretary Magdeburger voted yes and said she heard from residents that there are two issues in Town: trash and parking and this would help alleviate one of those issues for new builds or substantial renovations.

MOTION to approve the second reading of Chapter 160-2B: Amendment of Definition of Mechanical Equipment

*Moved by:* Natalie Magdeburger

*Seconded by:* Janice Bortner

**MOTION passed unanimously.**

Council Member Benn voted yes and said that the items added to the definition needed to be included.

Council Member Bortner voted yes for the reasons set forth by Councilmember Benn.

Council Member Breger voted yes for the reasons set forth by Councilmember Benn.

Mayor Carmean voted yes for the same reasons.

Vice Mayor Napolitano voted yes for the same reasons.

Treasurer Rymer voted yes for the same reasons

Secretary Magdeburger voted yes for the same reasons and to provide clarity of what is a mechanical.

MOTION to approve the referral of Chapter 160-5 (C) and 160-5 (G): Relating to Mechanical Equipment and Pools, Hot Tubs and Spas in a Commercial Zone to C&O for further study...

*Moved by:* Natalie Magdeburger

*Seconded by:* Richard Benn

**MOTION passed unanimously.**

MOTION to approve the referral of Chapter 160-10: Off-Street Parking Regulations back to Charter & Ordinance.

*Moved by:* Natalie Magdeburger

*Seconded by:* Bill Rymer

**MOTION passed unanimously.**

#### **4. Treasurer's Report - Treasurer Rymer**

Treasurer Rymer reported the cash balance for June was slightly more than \$4 million. Building permits collected were \$28,734 with a YTD of \$576,000 and real estate transfer tax YTD collected was \$280,000.

MOTION to accept the Treasurer's Report.

*Moved by:* Natalie Magdeburger

*Seconded by:* Richard Benn

**MOTION passed unanimously.**

#### **5. Town Manager's Report - Town Manager Schuchman**

Town Manager Schuchman reported there were 8 building permits issued which collected about \$29,000.

21 business licenses were issued in the Town.

Town Staff attended a Hurricane Webinar. She reminded residents and property owners to have their emergency kit ready for the upcoming hurricane season.

## **6. Department Reports**

### **6.1. Building Report- Town Manager Schuchman**

### **6.2. Public Works Report- Public Works Manager Locke**

Mike Locke reported the stenciling of Bunting Avenue for bikers and walkers would be a priority by the following week.

### **6.3. FIPD- Chief Devlin**

Chief Devlin reported there were 115 traffic citations for the month of June.

Chief Devlin encouraged everyone to sign up for Code Red which is improving Town communications to notify residents of emergency situations or weather conditions.

Cpl. Kerin completed her third course for FBI-LEEDA.

Chief Devlin also reported the Oyster Bay crosswalk had been vandalized and he had notified the State Highway that repairs needed to be made.

### **6.4. FIBP- Captain Ryk**

Captain Ryk reported 18 lifeguards completed training in late June/early July for certification.

Captain Ryk also reported all 32 lifeguards had completed physical training.

Captain Ryk thanked Vice Mayor Napolitano, the Beach Committee, Council and Town Staff for the success of the Town Bonfire.

## **7. Committee Reports- Audit, Beach, Budget & Finance, Business Development, C&O, Commercial Planning & Building Review, Dredging,**

## **Emergency Mgmt, Environmental, Infrastructure, Planning Commission, Residential Advocacy, Sidewalk/Pedestrian Safety**

Beach- Vice Mayor Napolitano reported 500 people attended the Town Bonfire and ended up raising \$12,000 for the beach patrol which will go towards the USLA Competition. The next project slated for the Committee will be moving forward with more dune end trash enclosures.

Budget & Finance- Council Member Breger reported the secondary banking relationship with Taylor Bank is moving forward.

C&O- Secretary Magdeburger stated the Committee has more work to do and will be setting a meeting date for August.

Dredging-Treasurer Rymer provided an update on the significant activities of the Dredging Committee since that Committee was formed and their first meeting was September 30, 2021. In that first meeting, the Committee discussed the need to find a new disposal site for the dredge materials since the local developer no longer needed the materials. The Committee was also informed that a more robust sediment analysis was needed along with an archaeological survey of the proposed boat channels. These studies were completed with satisfactory outcomes. The Committee identified three new disposal sites and is researching each option. Two of those sites (Seal Island and the Kayak launch area north of Town) are owned by the State of Delaware. The Committee continues to review these options along with the applicable cost estimates to identify the most viable option. Current goal is to receive final permits and obtain adequate funding to proceed with the project in Fall 2023.

Emergency Mgmt- Mayor Carmean reported Town Manager Schuchman will be heading up the committee. The Emergency Mgmt Plan Manual has been updated along with a preparation of response and recovery checklist.

Environmental- Council Member Breger reported the committee continues efforts to convince BOEM to move offshore wind lease areas 30 miles offshore.

Infrastructure- Council Member Benn reported the resiliency study is underway. 40 backflow preventers have been put in so far, but some are located on private property which the Town cannot address. The Street Maintenance proposal which provides a 10 year maintenance plan and budget has been passed and is currently funded at 85%. He also reported the street restriping was done before Memorial Day.



Planning Commission- Commissioner Kyle reported that the Planning Commission is holding Listening Sessions in an effort to engage community involvement before the drafting of the new 10 year Comprehensive Plan.

Residential Advocacy- Council Member Bortner reported the parking enforcement officer has been very successful and have had a great response from the new homeowner welcome packets. The beautification projects are a work in progress. The next meeting is August 8th at 10am.

Sidewalks- Mayor Carmean has been in touch with Century Engineering. They are working on a contract to utilize in soliciting bids for the project. If all goes well, the goal would be to start the sidewalk project in the off-season. .

## **8. Old Business**

NONE.

## **9. New Business**

Mayor Carmean reported that lights will be placed on existing Delmarva Power light poles. In 3-5 years the Town will be able to help choose what lights go in for the Capital Improvement Plan.

## **10. Upcoming Events and Meetings:**

## **11. Public Participation**

- *Council welcomes community input but in order to work within FOIA policies and Zoom technology, public wanting to comment on issues should do the following. **1)** Raise hand to be recognized by the Chair (Town Hall participants first and then virtual attendees); **2)** Provide name and address; **3)** Direct comments to items covered by the agenda; **4)** Limit comments to 5 minutes*
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Lynn Andrews- thanked Mayor Carmean for her service and dedication to the Town.

Amy Kyle- thanked Mayor Carmean for her service and the incredible productivity from the Council in the year that she had been Mayor.

Julie Lee- thanked Mayor Carmean for her service and for always being fair and honest.

Natalie Magdeburger—thanked Mayor Carmean for her service and presented her with a brick that the Carmean family had purchased for placement in the Fenwick Island Park in honor of her service to the town.

**12. 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).*

**13. Adjournment**

MOTION to adjourn.

*Moved by:* Natalie Magdeburger

*Seconded by:* Richard Benn

**MOTION passed unanimously and meeting adjourned at 4:58pm.**