



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, September 22, 2023

MEETING HELD VIA TELECONFERENCE

MINUTES

In Attendance

Town Council Members:

Mayor Magdeburger, Treasurer Rymer, Secretary Napolitano, Council Member Benn, Council Member Bishop, Council Member Bortner, Council Member Zanelotti

Staff in Attendance:

Town Manager Schuchman, Police Chief Morrissey, Building Official Locke, Finance Manager Gary, Administrative Assistant Ellinger, Town Administrator Menominee, Beach Patrol Captain Rykaczewski

Others in Attendance:

Along with the Town Council and Staff, there were an additional 15 Zoom and 12 in-person participants.

1. President's Report - Mayor Magdeburger

Mayor Magdeburger reported residents should look for updates on the impending storm on Facebook and CodeRED. She also said she had a productive meeting with DelDOT and convinced them to move Fenwick Island up in the cycle and they in-fact did. Mayor Magdeburger reported work should start in the Fall of 2026. Council Member Zanelotti will be coordinating a sidewalk event sale for October 7th. Mayor Magdeburger also informed the public about Speak Up!, an organization which partners with 30 MS/HS in the greater Philadelphia region advocating for youth to have tough conversations with adults in their life.

2. Approval of Minutes from August 25, 2023 Regular Town Council Meeting

MOTION to approve the minutes from August 25, 2023 Town Council meeting.

Moved by: Richard Benn

Seconded by: Bill Rymer

MOTION passed unanimously.

3. For Discussion and Possible Action:

- 3.1 Revised Quote for Replacement of Ramp & Steps at Town Hall
Town Manager Schuchman reported the Town Hall ramp needs to be moved so it is safe and parallel to the building. She said that Council originally approved \$15,000 for the project. Council Member Rymer stated the increase seemed reasonable based off the original quote and changes. Mayor Magdeburger said the new ramp will be much safer and a better aesthetic.

MOTION to approve the revised quote for the replacement of Town Hall ramp and steps.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

MOTION passed unanimously.

3.2 **Median Beautification**

Lisa Ryan presented a median beautification plan to the Council and residents. She reported she had sought monetary support from the community at large. Lisa also reported work would start in October and everyone who donated would get recognition. The old plants would be moved to Town Hall and the park if they are salvageable. Lisa did ask the Town to install sod where needed and water all new plantings. She asked Council for \$15,000.

Chief Morrissey agreed that coming into Town, currently, it is an extension of the highway. He also advised to take safety into consideration for volunteers working in medians. Council Member Rymer asked if RSC Landscaping had worked on a median and asked if DelDOT would approve a 6-foot-tall Crape Myrtle. Council Member Napolitano asked for the estimate for the maintenance schedule from RSC for Council

to look at. Mayor Magdeburger stated she felt good the Town was coming together to complete a task. Building Official Locke did say that the timing was not the best for Public Works.

MOTION to approve the pursuit of project- funded up to \$20,000 and pursue DelDOT for approval.

Moved by: Natalie Magdeburger

Seconded by: Jacque Napolitano

MOTION passed 6-1 with Council Member Benn abstaining.

3.3 **Budgets for Committees**

Council Member Bortner reported she would like to withdraw this item.

3.4 **Chair of Committees being Council Members**

Council Member Bortner reported she would like to withdraw this item.

3.5 Requirement that all residents fill out a Declaration of Property Status form & give their email before pickup of parking passes

Council Member Bortner reported she thought it would be a good idea for residents and property owners to pick up their parking passes. Council Member Bishop agreed. Mayor Magdeburger said she likes the convenience of having them mailed. Council Member Bortner said she would discuss it with her committee further. She also withdrew the requirement that residents fill out the Declaration of Property Status form.

3.6 Open Saturdays in-season to answer questions & give out parking passes

Council Member Bortner said it was a good way to communicate with people coming into Town and reach out to the community.

3.7 **2023-2024 Town Committees/Boards/Commission**

MOTION to approve the Audit Committee appointments.

Moved by: Bill Rymer
Seconded by: Richard Benn

MOTION passed unanimously.

MOTION to approve the Beach Committee appointments.

Moved by: Jacque Napolitano
Seconded by: Bill Rymer

MOTION passed unanimously.

MOTION to approve the Budget & Finance Committee appointments.

Moved by: Bill Rymer
Seconded by: Richard Benn

MOTION approved unanimously.

MOTION to approve the Business Committee appointments.

Moved by: Richard Benn
Seconded by: Bill Rymer

MOTION approved unanimously.

MOTION to approve the Charter & Ordinance Committee appointments.

Moved by: Bill Rymer
Seconded by: Richard Benn

MOTION passed unanimously.

MOTION to approve the Commercial Planning & Building Review Committee appointments.

Moved by: Richard Benn
Seconded by: Bill Rymer

MOTION passed unanimously.

MOTION to approve the Dredging Committee appointments.

Moved by: Bill Rymer
Seconded by: Richard Benn

MOTION passed unanimously.

MOTION to approve the Emergency Management appointments.

Moved by: Bill Rymer
Seconded by: Richard Benn

MOTION passed unanimously.

MOTION to approve the Environmental Committee appointments.

Moved by: Richard Benn
Seconded by: Bill Rymer

MOTION passed unanimously.

MOTION to approve the Residential Concerns Committee appointments.

Moved by: Richard Benn
Seconded by: Janice Bortner

MOTION passed unanimously.

MOTION to approve the Pedestrian Safety Committee appointments.

Moved by: Richard Benn
Seconded by: Ed Bishop

MOTION passed unanimously.

MOTION to approve the Information Technology appointments.

Moved by: Ed Bishop
Seconded by: Kurt Zanelotti

MOTION passed unanimously.

MOTION to approve the Infrastructure Committee appointments.

Moved by: Richard Benn

Seconded by: Bill Rymer

MOTION passed unanimously.

Council Member Benn stated that if any member had two unexcused absences, then they would be taken off the Committee.

MOTION to approve the Board of Adjustment appointments.

Moved by: Bill Rymer

Seconded by: Richard Benn

MOTION passed unanimously.

MOTION to approve the Board of Election appointments.

Moved by: Bill Rymer

Seconded by: Richard Benn

MOTION passed unanimously.

Mayor Magdeburger reported Lynn Andrews would be listed as Emeritus status.

MOTION to approve the Planning Commission appointments.

Moved by: Jacque Napolitano

Seconded by: Kurt Zanelotti

MOTION passed unanimously.

Mayor Magdeburger reported Winnie Lewis would be listed as Emeritus status.

4. Treasurer's Report - Treasurer Rymer

Treasurer Rymer reported the Town is officially into fiscal 2024. Typically, the Town generates cash in the first few months since property tax and other annual billings begin in August. The revenues for those categories were in line with expectations. Overall expenses for the first month were also in line with the budget.

We had a very strong start to the year related to RTT. In August, the Town reported \$148,000 in RTT revenues as compared to the annual budget of \$225,000. Clearly, the real estate market remains very strong. This first month suggests that we will beat the RTT budget.

As of August 31, the Town's overall cash balance was \$5.08 million which is \$360,000 higher than the balance last month.

Overall, we had a good first month of fiscal year 2024.

MOTION to accept the Treasurer's Report.

Moved by: Richard Benn

Seconded by: Ed Bishop

MOTION passed unanimously.

5. Committee Reports- Audit, Beach & Recreation, Budget & Finance, Commercial Planning & Building Review, Business Concerns, C&O, Dredging, Emergency Mgmt., Environmental, Information Technology, Infrastructure, Planning Commission, Residential Concerns, Pedestrian Safety

Beach- Secretary Napolitano reported the Fenwick Flicks was a big success and will be brought back again next year. Fenwick Freeze will be on January 1, 2024 at 10:30am along with hot chocolate and a small bonfire. The next committee meeting date was changed to October 6th.

Business- Council Member Zanelotti reported the next meeting would be held Tuesday, October 3rd at 10am.

C&O- Mayor Magdeburger reported the next meeting would be held September 28th at 1pm.

Dredging- Treasurer Rymer reported good progress was made these past few weeks. Next steps are about to start to address the one preliminary comment from the Army Corps about excessive land disturbance. It is very important for those efforts to go smoothly so that the property is acceptable as a dredge material disposal site for our project.

Treasurer Rymer also had a good conversation with the DNREC representatives. They confirmed that the Public Notification period for

that last permit application will open around October 1. Notifications to the Town's email list when that period officially opens up so that our residents and homeowners can express their support for the project. Clearly there is a lot of "hurry up and wait" as part of this process working with the multiple regulatory agencies.

We continue to remain focused on obtaining final permits to allow the project to be completed in Spring 2024.

Emergency Mgmt- The Town was monitoring the storm moving north. Will put out any CodeRed updates if needed.

Environmental- Susan Brennan reported the next meeting would be held next week on September 27th at 9am.

Infrastructure- Council Member Benn reported there was a great turnout at the Resiliency Info and Discussion held on August 31st. He thanked the subcommittee members and residents for coming out.

Planning Commission- Susan Brennan reported the Planning Commission reconvened this month.

The meeting held on 9/7 included discussion of the PLUS Review comments received at the end of August.

The meeting held on 9/21 included a presentation on the Rt 54 Bridge replacement project with representatives from both AECOM and DelDOT. There were approximately 15 attendees and included a robust question and answer session.

The meeting included awareness regarding the lighting of the bridge, from the standpoint of The Dark Sky initiative and from a navigational perspective. Susan reported it is an exciting project, and she looks forward to supporting DelDOT with this critical improvement.

Additionally, yesterday the commission held their first Implementation meeting with members of Council and the Town Manager. There was good discussion on how this new endeavor will roll out and how the planning commission can support the Committees through Council and Town Hall. A copy of the Implementation Tasks has been left in each member's mailbox. She asked that they review the Committee Priority and make their recommendations to the commission next week.

Residential Concerns- Council Member Bortner reported Carol Anderson, a retired landscape architect led a group discussion at the last committee meeting. There was a list of projects that could be accomplished in 2-5 years. She has also created a research library. The next committee meeting will be held October 2nd at 10am.

Pedestrian Safety- Council Member Bishop reported a meeting was captured with DelDOT. The Committee would continue to meet on the second Tuesday of each month at 1pm.

6. **Old Business**

Council Member Benn said the Council had previously discussed a policy on loaning out Town equipment.

MOTION to approve non-motorized Town equipment to be signed out by Council or Committee members under officially sponsored Committee work, subject to availability determined by the Public Works Manager.

Moved by: Richard Benn

Seconded by: Natalie Magdeburger

MOTION passed unanimously.

7. **New Business**

NONE.

8. **Upcoming Events and Meetings:**

- 8.1 **Environmental- September 27 @ 9am**
- 8.2 **TC Executive Session- September 27 @ 1pm**
- 8.3 **Planning Commission- September 28 @ 9am**
- 8.4 **C&O- September 28 @ 1pm**
- 8.5 **Residential Concerns- October 2 @ 10am**
- 8.6 **Beach Committee- October 5 @ 10:15am**
- 8.7 **Planning Commission- October 5 @ 1pm**

- 8.8 **Infrastructure- October 10 @ 10am**
- 8.9 **Environmental- October 11 @ 9am**
- 8.10 **Planning Commission- October 12 @ 9am**
- 8.11 **Planning Commission- October 19 @ 9am**
- 8.12 **Planning Commission- October 26 @ 9am**

9. 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*

Fred Bargar, 5 E. Georgetown Street- Mr. Bargar reported a pickleball court had been installed adjacent to his house. He said there are no decibel readings under Town Ordinances. Mr. Bargar encouraged the Council to investigate the noise ordinance related to pickleball courts.

10. 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).

11. Adjournment

MOTION to adjourn at 6:31pm.

Moved by: Richard Benn

Seconded by: Kurt Zanelotti

MOTION passed unanimously.