



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL

Friday, March 22, 2024

MEETING HELD VIA TELECONFERENCE

MINUTES

In Attendance

Town Council Members:

Mayor Magdeburger, Treasurer Rymer, Secretary Napolitano, Council Member Bishop, Council Member Bortner (via Zoom)

Excused Absence: Council Member Benn, Council Member Zanelotti

Staff in Attendance:

Police Chief Morrissey, Town Manager Schuchman, Building Official Locke, Finance Manager Gary, Town Clerk Ellinger, Administrative Assistant Dabbondanza.

Others in Attendance:

Along with the Town Council and Staff, there were an additional 2 on Zoom and 12 in-person participants.

MOTION to proceed as discussed in Executive Session.

Moved by: Bill Rymer

Seconded by: Ed Bishop

MOTION passed unanimously.

1. President's Report - Mayor Magdeburger

Mayor Magdeburger stated there is currently a discussion within the Delaware legislature about creating a tax on residential rentals of 8%. This tax rate would be compatible with the tax assessed on hotels and the hotel lobby appears to be in support. The State would control where the funds would go. The Association of Coastal Towns (ACT) is uniformly against this bill and will object. In the alternative, if the bill passes ACT will push to make sure more money comes back to the municipalities.

ACT lobbied against DNREC's proposal to have municipalities pay for beach replenishment and the Mayors went to Dover to petition the legislators directly.

ACT made an update to the Economic Development Report that was originally done in 2012. The report now shows coastal towns are responsible for putting approximately 22 billion dollars into the state budget, being the number one economic driver in the state. ACT used this new report to speak with legislators as to why beach replenishment should be a State function and not a municipality expense.

Mayor Magdeburger said the town is working with DelDOT to get a light at Bayard St. She said that crosswalk is extremely dangerous and crosswalk signs are needed

throughout town. A speed data collector has been used in the off season helping to highlight areas of concern with speeding. The town now has a speed sign trailer that will be moved throughout town. All the new equipment, overtime for officers and the new bicycle patrol unit have all been funded by grants done by Chief Morrissey.

Another bill of concern making its way through Delaware legislature will require zoning changes to permit building supplemental housing. The bill's purpose is to provide for affordable housing. The town's current zoning ordinances prohibit having a second house on a lot. ACT is uniformly against this bill as well and it is not likely to make it out of committee; however, if it does and would be passed, any change in the law would likely be challenged legally, as it would attempt to overrule "home rule" that has existed in the State for decades. Under "home rule" principals, municipalities are permitted to zone as they see fit as long as the zoning is not based upon race, gender, religion or sexual orientation. ACT and the Town will follow the bill and update the status as appropriate.

There is a bill pending in Dover that will take away the right for artificial entities to vote in municipal elections. The town is also opposed to this bill and will monitor any progression. Mayor Magdeburger has spoken to Representative Gray and Senator Hocker regarding our opposition as many of our voters hold their properties in trust and would disenfranchise them from voting.

Mayor Magdeburger presented Corporal Majewski with a crystal placard for his 20 years of service with the town and welcomed his parents, who were in attendance. Cpl. Majewski provided statements to the public and stated that he loved Fenwick Island and has been proud to serve.

The Mayor announced that Town Manager, Pat Schuchman's last day prior to retiring will be April 5th and there will be an open house for anyone to stop in and visit her from 1-3 pm that day in Town Hall.

Representative Ron Gray presented Pat Schuchman with a tribute from the House of Representatives in recognition of her 27 years of service with the town.

2. Approval of Minutes from February 23, 2024, Regular Town Council Meeting

MOTION to approve the minutes from the February 23 Town Council meeting as amended.

Moved by: Bill Rymer

Seconded by: Ed Bishop

MOTION passed unanimously.

3. For Discussion and Possible Action:

3.1 Action Form – Laptop to replace Pat Schuchman's laptop and onboarding by Wagamon's Technology

MOTION to approve the expense of purchasing a laptop for new Town Manager while Pat Schuchman continues to use her current laptop for consulting role.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

MOTION passed unanimously.

3.2 **Approval of Lori Dabbondanza as signatory for Taylor Bank and Bank of Ocean City**

MOTION to approve Lori Dabbondanza as signatory for Tylor Bank and Bank of Ocean City.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

MOTION passed unanimously.

3.3 **Chief Morrissey – Hiring of Parking Enforcement Officer for the summer season**

Chief Morrissey requested to hire one Parking Enforcement Officer for the summer season to start the weekend before Memorial Day and to conclude Labor Day weekend. The Parking Enforcement Officer's hours will provide coverage for peak times throughout the summer season.

MOTION to approve hiring a single Parking Enforcement Officer

Moved by: Natalie Magdeburger

Seconded by: Jacque Napolitano

MOTION passes unanimously.

3.4 **Chief Morrissey – Pedestrian Safety Update**

Chief Morrissey thanked Representative Gray and Senator Hocker for providing funding for the pedestrian safety speed sign. This sign can be moved, as needed, throughout town. Currently, the sign will be at the north entrance of town and will flash when speeds exceed the limit. There is also a message informing the drivers to stop for pedestrians in the crosswalk. He conducted a survey of the crosswalk signage and submitted a report to the Mayor with recommendations to increase signage in certain areas which has been approved. Two of the senior officers have been assigned to day shift. These officers have expertise in highway safety and will monitor the crosswalks and speed. There will also be bicycle patrol officers during the summer season. Chief Morrissey has altered police schedules to ensure that officers are on duty at peak times and not undertaking shift changes at times when they are most needed.

3.5 **Residential Concerns – Motion seeking Approval of the 4' Benches with a commemorative plaque donated to the Town at four locations: Dagsboro St., Georgetown St., James St., and Lewes St.**

Council Member Bortner reports the cost for each bench will be about \$1,200 including shipping and the commemorative plaque. The Residential Concerns Committee feels the benches would benefit

elderly citizens and families. The benches will be donated to the town and installed by Public Works.

MOTION to allow installation of four commemorative benches on Bunting Ave. located on Dagsboro St., Georgetown St., James St., and Lewes St.

Moved by: Janice Bortner

Seconded by: Bill Rymer

MOTION not passed by a 3/2 vote.

Discussion:

- Treasurer Rymer feels the benches will be beneficial.
- Council Member Bishop feels the placement of the benches in the parking lots is not a safe due to the fact that cars are in the parking lot and there is danger inherent as cars are backing out and in the area. Council Member Bishop is concerned about town liability and safety of those who would use the benches.
- Council Member Napolitano said the benches would create safety issues with traffic patterns there. There is already a lot on the beach ends, and it could be a liability and create danger for those using the benches.
- Mayor Magdeburger is concerned the town will be sending the message saying it's safe to sit here. Mayor Magdeburger stated that in her view, benches should be in parks and not parking lots. There is just too much risk of conflict between a person sitting and vehicles which are typically loaded with people and beach equipment. Mayor Magdeburger does not think it is safe.

Roll Call:

Treasurer Rymer – Votes in favor

Council Member Bishop – Votes against

Council Member Napolitano – Votes against

Council Member Bortner – Votes in favor

Mayor Magdeburger – Votes against

4. Treasurer's Report

Treasurer Rymer reported the overall cash balance decreased by approximately \$120,000 during the month of February and was slightly below \$5.3 million at month's end. This decrease was expected. Overall revenues and expenses remain in line with the annual budget. There were no RTT revenues for the month but year-to-date RTT revenues of \$307,000 remain ahead of the annual budget of \$225,000.

MOTION to accept the Treasurer's Report.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

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

Audit- No report.

Beach- Secretary Napolitano said the next committee meeting is April 5 at 9:30 a.m. The Town Bonfire will be on July 6. There are three Fenwick Flicks movie nights occurring this year on June 21, July 19, and August 16.

Budget & Finance- Treasurer Rymer said the committee held their first meeting on March 18 to discuss year-to-date results and overall financial position. They also discussed the upcoming budgeting process and timetable. The next meeting will be in mid-May to review an initial draft of the FY2025 budget.

Building Review- No report.

Business- Mayor Magdeburger said the committee is discussing a bicycle event after Labor Day.

C&O- Mayor Magdeburger reported there was no meeting last month. She said the committee is looking into the noise ordinance, changing criminal penalties to civil penalties and an electronic sign ordinance but is waiting on assistance from outside consultants/legal to further address before scheduling the next meeting.

Dredging- Treasurer Rymer said the public RFP/bid process began in early March. Last week, the committee held a mandatory pre-bid meeting to discuss the project, answer any current questions and then performed a site visit of the dewatering location. 9 contractors were present, which was a very strong turnout and will hopefully ensure a competitive bidding process. The committee is now providing additional answers to any follow-up questions. It can't be guaranteed that all 9 firms will bid but it was an excellent response for the first meeting. They currently expect bids by mid-April. Lastly, the committee has agreed on all outstanding terms with the property owner related to the land access agreement. They are awaiting final signatures and expect additional discussions once a contractor is selected and detailed design and engineering plans for the dewatering location are completed.

Emergency Mgmt.- No Report

Environmental- Committee Chair Colleen Wilson reports they are continuing to monitor the offshore wind situation. She asked for citizens to fill out the survey and make comments on the Offshore Wind link on the town's website. There will be a hearing on Monday, March 24 at 5:30 at Warwick Community College to approve using the West Ocean City harbor to bring in ships for the project.

Colleen reports the Pollinator Garden is ready for soil next week.

Earth Day will be celebrated on April 20 with the Beach to Bay Clean-up beginning at 9 a.m.

The next meeting will be April 10.

Information Technology- Committee Chair Lisa Lange reports the next meeting is March 27. The website host announced the updates are complete. Staff training and public testing will be the next steps and the website should be live in early summer.

Infrastructure- Mayor Magdeburger reported the RFI's (request for information) are back from the engineering companies that are being considered. 50-60 valves have been installed throughout town over the past few years to help with flooding and are on a maintenance schedule with Public Works. She said that the Resiliency Study commissioned predicted that by 2030 there are parts of Fenwick that will flood with normal high tides. The next step is preparing for the future rise. An engineer's analysis is needed to address the big picture issue. It is important to make sure that any solutions will be effective and not cause additional problems. For instance, if the bulkheads are to be extended, we could trap water and need pumps. If so, how is it best to plan for those issues. Therefore, engineers that specialize in resiliency mitigation are being sought out to study our town as a whole and make recommendations. Further, they will be asked to prioritize the recommendations. The committee has partnered with the University of Delaware grant writing team. A grant request was submitted in February to fund the engineering study. Council member Bishop said the grant we applied for was \$405,000. The town would have to put up 25% which has been approved by the council. This would only cover the planning phase and depending upon recommendations and prioritization, the Town would begin to make plans, change the code as appropriate and seek additional grant funding. The good news is that the University of Delaware grant writing team confirmed that Fenwick is at the forefront of this and they believed our grant request was very strong. The grant would be awarded in the fall of 2024.

Planning Commission- Mayor Magdeburger stated the 10-year Comprehensive Plan was approved at the last council meeting. It has been submitted to Sussex County and will be sent to the Governor for signature form there. She hopes it is approved by the next Town Council Meeting; however, it will be dependent upon Sussex County and the Governor's approval.

Building Official Locke reported that notice was sent out to residents on W. Dagsboro Rd. and N Schulz Rd. about paving the roads starting next week. If the weather cooperates, the job should last approximately 3-4 days.

Residential Concerns- Council Member Bortner said the Green Infrastructure Working Group will be handing out a fact sheet at Earth Day. They are discussing a tree inventory in town and looking for a location to plant a tree to commemorate Arbor Day.

The Dark Skies Working Group has focused on the lighting on S. Schulz Rd. They are planning an educational workshop.

A Welcome Packet Working Group has been formed to help update the packets and make information more accessible.

The committee is discussing drafting A Request for Consideration form for resident to report concerns to specific committees.

The committee has discussed the hometown hero banners which will be at Town Hall. The next meeting is Monday, April 8 at 10 a.m.

Pedestrian Safety- Council Member Bishop said the median beautification project went to council in the fall and was approved. It was originally going to be run by a citizen with donations and the Town was going to pay \$20,000 toward the \$60,000 estimate of the project. However, the Town will be responsible and it is better to maintain the median project as a Town project. DelDOT owns the medians and had to approve the plan. The Town is responsible for the maintenance. The grass has been killed, removal of debris is approved for funding, next step is to take responsibility for the planting. The town is accepting donations and willing to recognize those who donate. The additional cost to fund the project (beyond the \$20,000 that the Town authorized in September) will be \$36,000 with a total project cost being \$57,808 (less than the estimate received in September). The landscape work can begin in April and would take under three weeks.

MOTION to amend the original motion from last year and approve an additional \$36,000 to complete the project.

Moved by: Natalie Magdeburger

Seconded by: Ed Bishop

MOTION passes with 4 in favor and 1 (Bortner)

abstained.

Discussion:

Treasurer Rymer asked if this should be an action form item. Since this is an amendment to a previously approved project, a new Action form was not necessary as it was just amending the cost and the cost is actually less than was originally approved. Council Member Bortner said she would like to see why the amount is so much more than the original amount. Council Member Bortner was told that the price is actually \$3,000 less than what was originally projected and the only difference is that the Town will be paying for all of the cost as opposed to just \$20,000. Council Member Bishop said Public Works will water the median with a watering truck. Building Official Locke said it was a safety issue in the past having the watering truck on the road and would like to be clear about what Public Works responsibility will be. Public Works will work with Police Chief Morrissey to coordinate safe watering. Council Member Bishop further said we are awaiting the maintenance contract. Mayor Magdeburger said the beautification will help with slowing down traffic. Treasurer Rymer said we can budget maintenance in the future budgets.

6. Old Business

None

7. New Business

None

8. Upcoming Events and Meetings:

- 8.1 Technology Committee – March 27 @ 10:0 a.m.
- 8.2 Business Committee – April 2 @ 9:00 a.m.
- 8.3 Beach Committee – April 5 @ 9:30 am
- 8.4 Residential Concerns Committee – April 8 @ 10:00 am
- 8.5 Infrastructure Committee – April 9 @ 10:00 a.m.
- 8.6 Pedestrian Safety Committee – April 9 @ 2:00 p.m.
- 8.7 Environmental Committee – April 10 @ 9:00 a.m.
- 8.8 Planning Commission – April 25 @ 9:00 a.m.
- 8.9 Town Council Executive Session – April 26 @ 1:00 p.m.
- 8.10 Town Council Meeting – April 26 @ 3:00 p.m.

9. Public Participation

Resident Mark Tingle thanked the Police Dept. for their response to a trespassing incident. He then thanked Pat Schuchman for her work over the past 27 years to the town.

Resident Scott Mumford congratulated Officer Majewski for his 20 years of service to the town. He also thanked Pat Schuchman for her service to the town.

10. President's Report # 2

Mayor Magdeburger thanked Pat Schuchman for her 27 years of service to the Town and said after over 274 Town Council meetings, this would be Pat's last meeting to attend. Public Works staff member, Bryan Reed, presented Pat with a memorial brick for the town park in her name, which stated: "Patricia Schuchman—Fenwick is forever indebted to her for her 27 years of service". Pat Schuchman expressed her thanks to the Town and Town Council for having confidence in her to lead the town.

11. Adjournment

MOTION to adjourn the meeting.

Moved by: Bill Rymer

Seconded by: Natalie Magdeburger

MOTION passed unanimously.