



## **The Town of Fenwick Island**

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

**Friday, July 26, 2024**

### **MEETING HELD VIA TELECONFERENCE**

### **MINUTES**

#### **In Attendance**

Town Council Members:

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

Staff in Attendance:

Police Chief Morrissey, Town Manager Dabbondanza, Finance Manager Gary, Town Clerk Ellinger, Administrative Assistant Grab, Beach Patrol Captain Rykaczewski

Others in Attendance:

Along with the Town Council and Staff, there were an additional 4 on Zoom and 9 in-person participants.

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

Mayor Magdeburger applauded the Residential Concerns Committee on a successful Dark Sky and Green Infrastructure Symposium. She thanked Surf Bagel and High Tide Coffee & Bowls for their donations and Center for Inland Bays, Sussex County Conservatory and Roots for their participation.

Mayor Magdeburger reported on new wind turbines in Nantucket. The same are planned for our shores. One of the turbines broke, possibly due to design flaws or manufacturing defects. The debris material from the blades (fiberglass/Styrofoam), which is non-recyclable, is causing beach closures. It has been indicated they will be renegotiating a community benefits packet. The Federal Government Safety Board immediately suspended any further construction. There will be a rally in Georgetown circle on July 30 at 2 pm.

This is Council member Ed Bishop's last meeting as he will be moving to North Carolina. Mayor Magdeburger thanked him and Lisa Lange for all they have done for the town including the website update, review of a document mgmt. system, and work on the 2024 Comprehensive Plan.

#### **2. Approval of Minutes from June 28, 2024, Regular Town Council Meeting**

A MOTION to approve the minutes from the June 28<sup>th</sup> Town Council meeting with modifications.

*Moved by:* Natalie Magdeburger

*Seconded by:* Bill Rymer

MOTION passed unanimously.

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

**3 a. Approval of 2024 Comprehensive Plan Annual Report DRAFT letter**

Planning Commission Chair, Susan Brennan, discussed the Municipal Comprehensive Land Use Plan Report. We had the ability to do a soft submission this year, however we decided to submit a full report. She said as of March we have already touched on 46% of the tasks outlined in the plan.

A MOTION to accept and authorize the filing of the report on behalf of the council.

*Moved by:* Natalie Magdeburger

*Seconded by:* Bill Rymer

MOTION passed unanimously.

**3 b. Wagamon's Annual Contract and Master Services Agreement Review**

Mayor Magdeburger said the Wagamon's contract and service agreement is being reviewed by the Town Solicitor. It is comparable to what we had last year.

A MOTION to accept the contract pending the approval from Town Solicitor.

*Moved by:* Natalie Magdeburger

*Seconded by:* Bill Rymer

MOTION passed unanimously.

**3 c. Discussion of bicycle racks in commercial district – potential referral to Business Committee**

Mayor Magdeburger would like to refer this to the Business Concerns Committee. Our Public Works Dept. can construct bike racks with spare lumber and will be confirmed with Mike Locke.

A MOTION to refer commercial district bicycle racks to the Business Concerns Committee.

*Moved by:* Natalie Magdeburger

*Seconded by:* Bill Rymer

MOTION passed unanimously.

**3 d. Referral to C&O per Comprehensive Plan – prohibition of bicycles on sidewalks**

Motion to refer the prohibition of bicycles on sidewalks to the Charter & Ordinance Committee.

*Moved by:* Natalie Magdeburger

*Seconded by:* Bill Rymer

MOTION passed unanimously.

3 e. **Data management system follow-up**

Town Manager Dabbondanza said she will be working on options to digitize property records. Records will be stored on SharePoint.

4. **Treasurer's Report**

Treasurer Rymer reported that during the month of June, the town's overall cash balance decreased \$170,000 to \$4.75 million. This decrease was anticipated since we now have a full patrol of lifeguards. Overall revenues are now 108% of the FY2024 Budget which is \$180,000 more than the budget. Overall expenses remain in line with expectations and slightly below the budget. Year-to-date RTT revenues total \$590,000 as compared to the annual budget of \$225,000. We expect RTT revenues to exceed \$650,000 for the full year. This \$425,000 excess over budget plus the improvements at the bottom line in the operating budget means that the town expects to exceed overall forecasts by more than \$600,000. The town remains in a very strong financial position as we head into Fiscal 2025.

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** - None

**Beach** - Council member Napolitano reported the Fenwick Flicks – “The Little Mermaid” was on July 19, and everyone enjoyed it. Thank you to the lifeguards and Public Works. Next flicks will be on Aug. 16 around 8 pm. The film will be “Finding Nemo”.

The bonfire was a success and almost \$8000 was raised. Thank you to Public Works and our business community for donations and support. Thank you to the town staff for all their support. Thank you to the Beach Committee Members.

Total revenue - \$13,790

Total Expenditure - \$5,962.62

Net profit - \$7,827.38

This will help to cover four of our guards going to the USLA National Lifeguard Championships competition.

Next meeting will be on September 6<sup>th</sup> at 9:30 am.

**Budget & Finance** - Treasurer Rymer said it appears that the state passed a new 4.5% tax on all residential rental revenues. This tax is projected to begin January 1. When combined with the Fenwick Island short-term rental tax of 8%, residential rental revenues will be taxed at a combined rate of 12.5%. The state continues to impose an

8% accommodation tax on hotels. When combined with the Fenwick Island tax of 3.5%, hotel room revenues are taxed at a combined rate of 11.5%. The Finance Committee will meet in the Fall to discuss equalizing these rates and likely “meet in the middle” which would mean slightly decreasing the residential/short-term rate while slightly increasing the hotel accommodation tax rate. The goal would be to have a minimal impact on Fenwick’s accommodation tax revenues.

### **Building Review- No Report**

**Business** - Council member Zanelotti said there was no meeting in June, and they took a break for summer. Next meeting is on Tuesday, Aug. 6 at 9 am and they will discuss bicycle racks.

**C&O** - Mayor Magdeburger said the noise ordinance was discussed at the last meeting. The next meeting in August will include a vote to finalize and set parameters for officers to enforce. She said most of our citations in the code are currently misdemeanor crimes. A civil penalty would be easier and more cost effective to enforce. Electronic signs and bicycles on sidewalks will also be discussed at the next meeting.

**Dredging** - Treasurer Rymer said with the leadership of Representative Ron Gray and Senator Hocker, the state provided an additional \$50,000 in funds from the 2025 State Bond Bill to support the dredging project. These funds will be used to purchase and install navigation aids once the channels are dredged. In total, the town has received \$1,050,000 from the state for this project. Combined with the \$800,000 from Sussex County, the town will receive a total of \$1.85 million of external funding. We have now agreed to all the wording in the Land Access Agreement with the property owner where the dredge material will be placed. We expect to sign that agreement in the next 7-10 days. We are awaiting comments from the dredging firm on the official dredge construction contract. We expect that agreement to move along quickly. The first phase of the project will be construction of the dewatering location. Timing is susceptible to bad weather and major storms but hopefully start the upland construction within a month.

**Emergency Mgmt.** - Chief Morrissey said we have identified emergency evacuation routes. Officers were assigned to sectors throughout town for evacuation management. Communication equipment has been identified.

**Environmental** - Colleen discussed the wind turbine blade in Nantucket that was mentioned earlier. She also said there have been whale deaths related to turbines. US Wind is planning to build a very large station off our coast and mentioned the rally in Georgetown scheduled for July 30<sup>th</sup> at 1:00.

The pollinator garden is thriving, and many private donations were received. Signage is in place. The grand opening will be Aug 31 at 4 pm. The next meeting is Aug. 14 at 9 am.

**Information Technology** - Mayor Magdeburger noted there was a special meeting

with the committee and Council at which point five action items were identified that need to be addressed before the data management plan is finalized.

**Infrastructure** - Council member Benn reported that the Resiliency Working Group has been working with the state and Straughn Engineering to update and host our GIS data. Susan Brennan added that on Aug. 30<sup>th</sup> the Resiliency Symposium will be held beginning around 3 pm. This will be a follow up and update to the symposium that was held last year.

**Planning Commission** - Chair Susan Brennan reported the committee questionnaires were completed in June. The commission reviewed the questionnaires and shared the reports with the Council. She thanked Lisa Lange for all her work with the commission.

**Residential Concerns** - Council Member Bortner said the symposium went very well. The community was very engaged, and everyone learned a lot about Dark Skies and Green Infrastructure. These topics were brought to us as a concern and turned into an initiative. We need to look at our ordinance related to these topics. The next meeting is August 5<sup>th</sup> at 10 am.

**Pedestrian Safety** - Council Member Bishop reported the July meeting was canceled due to lack of quorum.

## 6. Department Highlights

Town Manager - Staff is preparing for the Aug. 3<sup>rd</sup> election. The bonfire event was amazing and thanked the Beach Committee and town businesses for their support.

Reassessment letters were sent out last week to property owners who made improvements to their property. Annual tax letters will go out August 1.

Chief Morrissey - On July 15<sup>th</sup>, Motorola Systems came in to address camcorder and mobile video recorder issues. Hard seats and safety bars are being installed in vehicles with grant funding. The Sussex County check was received for \$40,000. State grant allotments are \$24,613. SALLE paid \$4,069 and from EDDY fund \$3,775 for additional patrols in summer. The Office of Highway Safety granted the department \$4,100 for additional DUI patrols and three flashlights to alert officers of presence of alcohol along with four updated breath testers. The reimbursement check was received for \$9,181.00 from the CJC grant.

Natalie acknowledged Chief Morrissey for all the positive changes since he started, and everyone is pleased with these changes.

Officer Story stopped a woman this morning coming into town at 77 mph. Bike patrol is being conducted with violent crime overtime. Seven additional patrols are planned in the coming weeks.

On August 1, officers will volunteer at the softball tournament in Georgetown and Millsboro, and he is proud of that.

OCPD is interested in the Hummer vehicle. If it is returned to the military, it will be at the town's expense, if OC takes it there will be no expense for the town.

Officer Cameron Clift was elevated to Patrolman First Class.

Council Member Benn asked about the falloff in parking tickets from last year. Chief Morrissey explained the parking officers from last year weren't giving much direction and this year's officer started in July. This year's parking enforcement is more compassionate, and we are getting the real violators rather than mindless ticket writing. Mayor Magdeburger added that Saturday construction was allowed last year along with more hours worked by last year's officers.

Beach Capt. Ryk - the bonfire was a great event and he thanked town staff and Police Dept. We are sending four lifeguards to the national competition in Texas from Aug. 6-10. The Jr. Lifeguard Competition event was in Sea Colony. Two of our advanced guards received a medal.

Council Member Napolitano said next Thursday the Beach Committee will be delivering donuts to lifeguards.

Mayor Magdeburger added that we do transport over the dunes and can be set up with the lifeguards.

#### **7. Old Business**

Town Manager Dabbondanza noted that we are awaiting quotes for plumbing and electrician for the water bottle refill station.

#### **8. New Business**

Council Member Bortner said there is information in the town hall pertaining to the symposium held yesterday.

Mayor Magdeburger encouraged everyone to vote either in person or via absentee ballot. The election is on August 3 from 1-5 pm.

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

- |             |                                  |              |
|-------------|----------------------------------|--------------|
| • August 2  | Board of Elections Meeting       | 1:00 pm      |
| • August 3  | Town Council Election Day        | 1:00-5:00 pm |
| • August 5  | Board of Elections Meeting       | 9:00 am      |
| • August 5  | Residential Concerns Committee   | 10:00 am     |
| • August 6  | Business Concerns Committee      | 9:00 am      |
| • August 8  | Planning Commission              | 9:00 am      |
| • August 12 | Emergency Mgmt. Committee        | 10:00 am     |
| • August 13 | Infrastructure Committee         | 10:00 am     |
| • August 13 | Pedestrian Safety Committee      | 1:00 pm      |
| • August 14 | Environmental Committee          | 9:00 am      |
| • August 15 | Planning Commission              | 9:00 am      |
| • August 16 | Fenwick Flicks – “Finding Nemo”  | 8:00 pm      |
| • August 17 | Fenwick Flicks Rain date         | 8:00 pm      |
| • August 20 | Information Technology Committee | 10:00 am     |
| • August 23 | Town Council Executive Session   | 1:00 pm      |
| • August 23 | Town Council Regular Meeting     | 3:00 pm      |

#### **10. Public Participation**

Rosemary Hoy thanked all who participated in the Dark Sky's & Green Infrastructure Symposium.

**11. Adjournment**

A **MOTION** to adjourn the meeting at 4:26 pm

*Moved by:* Ed Bishop

*Seconded by:* Bill Rymer

MOTION passed unanimously.