



The Town of Fenwick Island

800 Coastal Highway, Fenwick Island, DE 19944-4409

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

www.fenwickisland.delaware.gov

C&O Committee
January 11, 2024
Meeting Minutes
Meeting Held Via Hybrid Method

PRESENT: Natalie Magdeburger, Ann Riley, Roy Williams, on zoom: Ben Waide, Jacque Napolitano, John Nason, Dave Reifschneider.

ALSO PRESENT: Pat Schuchman, Town Manager

Flag Salute and call to order at 1:01 p.m.

- 1) MOTION MADE to approve the Minutes from November 30, 2023, meeting by Roy Williams and seconded Ann Riley. UNANIMOUS.
- 2) Follow up with previous areas of discussion and possible action:

i) Ordinance to Adopt 2023 Comprehensive Plan

MOTION MADE by Natalie Magdeburger and seconded Ann Riley. UNANIMOUS.

- ii) Electronic signage ordinance re: coordination of Dark Skies provisions into proposed language
 - (1) The Committee heard from Rick Utting, an expert in lighting with Dark Skies parameters/guidance.
 - (a) Rick Utting is familiar and affiliated with IES –Illuminating Electrical Society/works with ANSI
 - (b) Rick Utting provided information regarding Standards of Lighting
 - (i) Outdoor lighting can have affect on vision if not done correctly.
 - (ii) Visual safety considerations
 1. Vision adapts
 2. Glare can adversely affect visual safety
 3. Veiling luminance can impact to ensure visual safety.
 - (iii) On premise signage—guided by ISA.
 - (iv) Electronic Messaging Centers (EMC)—guidance available from Dark Skies on how to do correctly to protect visual safety.
 1. Very common to see EMC no larger than 50% of the illuminated sign.
 2. EMC is large TV computer screen.



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3. IES standards—recommended practice #39 has guidance on how bright the standards should be.
 - a. Lighting zone is a tool that a city can use to determine the land use conditions. Commercial corridors permit more lighting than residential neighborhood. Measurements done in:
 - i. Nits or
 - ii. Candela per meter square.
 - b. Lighting zone different for residential and commercial.
 - c. Lz2 would likely be an appropriate lighting zone for Fenwick’s commercial corridor.
 - i. Lz0=agriculture/rural
 - ii. Lz1=residential
 - iii. Lz2=low density commercial; industrial
 - iv. Lz3=higher density city centers (arenas)
 - v.Lz4=for tourism by light. Ex. Times square, strip in LV.
 - d. Ecological concerns re: wasted/misused light =can contribute to
 - i. Lighting at night, if not controlled, may be harmful to people, plant and animals.
 - ii. If blue light enters our eyes at night it will not produce melatonin. Can lead to heart disease, cancer, and diabetes.
 - iii. Outdoor lighting is typically a lower amount of lighting than indoor blue light.
 - e. Outdoor Sign Ordinance
 - i. Usually contains prohibitions cannot do.
 - ii. Permitting requirements discussed (how to obtain permission).
 - iii. Content of the message limitations
 - iv. Location of signage
 - v.Illumination method
 - vi. Motion of signage
 - vii. Setback, frontage and size
 - f. Density of EMC—limit at least one every 300 yards but can limit it more
 - g. Brightness—dim at night. .3 foot candles brighter than ambient conditions.



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- h. Color scheme –put prohibitions on the color scheme. Can do lots of colors. Ability to prohibit certain things. Florida doesn't allow any lighting to exceed 5600 nanometers. Less color, less bright. Measured when white screen. More than eliminating the blues and violets. Black screen with soft white lettering.
 - i. Curfew—benefits of curfew—lighting curfew. Observation that density of traffic tapers down by 10 pm ==dim lights or turn them off when not in use. Coordinate with hours of business.
 - j. Static message—no scrolling, pulsating, etc.
 - k. No graphics, dancing movement
 - l. Hold times—implies to advertising folks
 - i. Advertising people like 4-8 seconds range
 - ii. 1-2 minute range= acceptable. The longer the hold, the less flashing, less distraction. Most cities go with 30 seconds and it is not a “big” issue.
- (v) If done correctly will reduce overall lighting in a town. Prohibit use of ground base uplighting for signs. Prohibit use of ground base uplighting for signs.
- (vi) EMC—do a better job of controlling light pollution than manually lit, spot lighted signs.
- (vii) Size matters. 4x8 =more light than 24x48 EMC
- (viii) Try to follow the current IES guidelines for luminance brightness.
- (ix) Try and reduce white and blue. Recommend black background; EMC no more brightness than that.
- (x) In the #39 standard. Max =40 nits. For existing sign, can determine what number it is today.
40 is the maximum. Illuminance meter. Aim it and pull the trigger at the current sign.
- (xi) Luminance meter—do not want to go out and buy them. Find someone in the area that has one for hire take a luminance measure. Once the sign is set, the installer certifies and can require certification once a year. No need to buy a luminance meter.



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(xii) If allow a EMC at one property will need to. Cap how much light and how many of them. How many and how far apart. Can put in a threshold per stretch of road.

(xiii) Hold times are usually from 30 seconds to 2 minutes.

OVERALL: Can draft a fair and safe ordinance that could reduce the overall light in town and use EMC.

COMMITTEE MEMBER QUESTIONS:

Dave Reifschneider asked how Fenwick would go about seeing what our ambient light is now versus what we could reduce it to if used EMC. Rick Utting stated that an assessment could be done relatively inexpensively to just measure and see if it was about 40 or not. If above 40 then an ordinance could actually reduce lighting.

John Nason asked whether Mr. Utting could assist a town as small as Fenwick. Rick Utting replied that where he works at Clanton and Associates, Kate or Debbie at Clanton and Associates, could assist and they can always ask him a question. Ballpark cost to come out and do full work up is \$10,000 but could also help draft an ordinance for about \$4-6,000.

PUBLIC PARTICIPATION QUESTIONS OF EXPERT:

Rose Mary Hoy—seen ordinance of no more than one sign more than 300 feet is that what he recommends? He said a maximum of that but could require greater distance between signs. Rose Mary also asked whether the town or business would have to buy luminance meter and measure every day? Rick, said no. He has never seen that as a requirement in an ordinance and sign manufacturers stand by and certify their settings. Would set, certify and the town could require re-certification yearly if necessary. Buying a luminance meter would not be necessary and is not done as a matter of course.

George Stone—raised question about pedestrian safety considerations and distractions because EMCs are islands of light. Rick answered that the driver bears the responsibility and if provided and he does not know of any literature/study which correlates the use of EMCs and increase in pedestrian safety concerns. People are not recognizing hazards for themselves. Rule of thumb—Wear two contrasting colors because you do not know the background for the driver. Burden is on the vehicle driver than pedestrian. Luminance re: pedestrian safety---he does not know of any literature that coordinates pedestrian safety. Dark Sky—don't use unnecessary light. Want people to be able to orient and navigate.



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Natalie Magdeburger stated that the comments received from residents/business owners/St. Mathews by the Sea, including Ms. Hoy's PowerPoint presentation were provided to all members of the committee prior to the meeting.

COMMITTEE DISCUSSION:

Natalie Magdeburger stated that no one wanted Fenwick to be like Ocean City or any other venue that had distracting, blinking, colorful lights. She is concerned with our antiquated ordinance, it could get struck and we would have nothing to protect us from becoming just like Ocean City. These types of issues have many layers—legal, scientific, what we want and what we can have. Given the testimony of Mr. Utting, she believes we could craft an ordinance that would protect us from being like Ocean City and potentially reduce the overall lighting effects in town. She is particularly excited about the idea of turning the lights off (i.e. curfew) at 10 pm. Given the risk of having our ordinance overturned and the opportunity to do something about it now and using Dark Skies' guidelines is something we should work to try and achieve. We could be the first in the State to make it work and provide a way to start to educate people about the importance and accept it.

Ann Riley agreed. She said she thought moving forward with a new EMC ordinance would bring us into the 21st century, provide the Church and business what they need but do so while ensuring Fenwick remained a community that is not like Ocean City. No one wants blinking, flashing lights and moving forward with an ordinance that uses Dark Skies recommendations is a smart way to keep Fenwick from having distracting lights in the future.

John Nason said it was a "no brainer" to try and modernize our ordinance to protect Fenwick from having flashing lights in the future. He was very impressed with the testimony of Rick Utting and believes we can accomplish the task of allowing EMC without introducing more lights into town. We may be able to reduce the overall use of lighting.

Ben Waide agreed. He thought it a good idea to try and put parameters on an ordinance that allows the use of EMCs but protects Fenwick from flashing lights.

Roy Williams commented that the residential desire to keep Fenwick less illuminated than other towns is important and everyone on the committee agreed and further agreed that we need to consider the concern that residents did not want an increase in commercial lighting.



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***Allowed public participation before the vote. The contents are listed below in the public participation portion of these minutes but were solicited before the vote.

MOTION BY JOHN NASON to seek money from Town Council to help for outside assistance to assist creating a draft ordinance in using Dark Sky principals up to 6K. Seconded by Ann Riley. UNANIMOUS.

3) Old Business

- a) Noise Ordinance status—pending Town Solicitor work and would be discussed at a future meeting.
- b) Modification to Section 61-3(F) re: removal of all construction related equipment prior to the issuance of an Occupancy Permit status—pending Town Solicitor work and would be discussed at a future meeting.
- c) Changes in code from misdemeanor to civil fines status—pending Town Solicitor work and would be discussed at future meeting.
- d) Change in code to raise base elevation for resiliency—took the issue to Infrastructure Committee and asked for their technical assistance. Infrastructure is not prepared yet to answer the question, pending engineering review. They will form a working group from Infrastructure and asked that we also do the same and allow the two committees to work together.

MOTION to create a working group of ANN Riley to work with working group of Infrastructure to consider use of base elevation by Natalie Magdeburger and seconded by John Nason. UNANIMOUS.

4) New Business/Referrals from Town Council

- a) Ordinance to adopt 2023 Comprehensive Plan –COMPLETED IN THIS MEETING.

5) Public Participation:

Kathy Hessler—question about how commercial property will feel about turning it off.

Scott Mumford—reassure that business would turn off the signs at a curfew. Would cost the businesses more money. Businesses do not want Fenwick to be lit up. But doing manual signs is time-consuming for staff and this would help a great deal.

Mitchell Houser—St. Mathews by the Sea—they want to use their sign and they have one part-time employee. They have to manually pull the sign out to use. Change the letters



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and with bad weather, manually put the sign back in. Plus, their sign cannot show all the things the church does like polling and other community meetings. Natalie also advised that the Church has been very supportive of the town over the years, including the use of Church facilities for use.

Rose Mary Hoy—encouraged by what she has heard. She believes the committee is on the right path and inquired whether the town would re-write its entire lighting ordinance. Natalie explained that has not come out of any committee nor has it been presented to Council. Right now, just focusing on EMC. Reinforce Roy's point. Need to inform. Want to point out sign ordinance is different than light ordinance. Dark Skies is getting ready to launch ordinances. Geroge Stone.

6) Adjournment

Motion to adjourn at 3 p.m. UNANIMOUS.