FENWICK ISLAND TOWN COUNCIL

December 10, 2010

The Town of Fenwick Island

800 Coastal Highway
Fenwick Island DE 19944-4409

WWW.fenwickisland.delaware.gov
PH 302.539.3011 FAX 302.539.1305

Regular Meeting of the Town Council
The Town of Fenwick Island
DECEMBER 10, 2010 @3:30 PM
AGENDA

1. Flag Salute and Call to Order
2. President's Report
3. Topics for Discussion and Possible Action
    a. Resolution #49-2010 Arbor Day 2011 – Council Member Carmean
    b. Resolution #50-2010 Budget Amendment – Ambulance Service Fee – Council Member Bunting
    c. Sidewalks
4. Approval of Minutes from October 22, 2010 Regular Council Meeting.
5. Treasurer's Report: Council Member Bunting
6. Town Manager's Report – Win Abbott
7. Department Reports: Building, Public Works and Police Department
8. Committee Reports: Beach, Environmental, Public Safety Building
9. Planning Commission: Winnie Lewis
10. Charter and Ordinance: Council Member Weistling
    a. Rescind Approved First Reading on Chapter 140 - Streets and Sidewalks
    b. New First Reading on Chapter 140 - Streets and Sidewalks
    c. Proposed Second Reading Chapter 135 – Signs
    d. Discussion on Proceeding with Developing a New Ordinance on Parks
11. Old Business
12. New Business – No Action to be Taken
13. Public participation
14. Upcoming Events and Meetings
    a. December 10 @ 7:00 PM – Christmas Tree Lighting
    b. December 14 @ 2:30 PM – Planning Commission
    c. December 23 & 24 – Town Hall Closed for Holiday
    d. December 31 – Town Hall Closed for Holiday
    e. January 1, 2011 – Fenwick Freeze
    f. January 4 @ 9:30 AM – Charter and Ordinance Committee
    g. January 17 – ML King Jr Holiday; Town Hall closed for regular business
    h. January 20 @2:30 PM – Environmental Committee
    i. January 28 @ 3:30 PM – Regular Council Meeting

15. Adjournment

This agenda is subject to change to include the deletion of items and the addition of items. Executive Session may be convened to discuss Personnel or Legal matters.

Posted: December 3, 2010; posted December 9. 2010 to include Resolution #50-2010 and additional meetings

The Town of Fenwick Island

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NOTICE

On **December 10, 2010** The Fenwick Island Town Council
Passed the Following Resolution #49-2010
Arbor Day 2011

Whereas, J. Sterling Mortin established the first Arbor Day on April 10, 1872 in his home state of Nebraska to urge Americans to stop misusing their natural resources and begin to practice conservation by planting trees; and

Whereas, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperatures, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal,

Whereas, the Town Council, of the Town of Fenwick Island, desires to urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Therefore, the Town Council, of the Town of Fenwick Island, on behalf of the citizens and property owners of the Town of Fenwick Island, in order to accomplish this goal, do hereby establish for this purpose, and do hereby proclaim **April 29, 2011** as Arbor Day in the Town of Fenwick Island, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Attest: _____
Agnes D. DiPietrantonio, Town Clerk

_____
Audrey Serio, President of Council

_____
Diane B. Tingle, Council Secretary

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the President and Council at a meeting on December 10, 2010 at which a quorum was present and voting throughout and the same is still in force and effect.

_____
Date

_____
Diane B. Tingle, Council Secretary

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NOTICE

On **December 10, 2010** The Fenwick Island Town Council
Passed the Following Resolution #50-2010
Budget Amendment – Ambulance Service Fee

Whereas the Town of Fenwick Island has entered into an agreement to provide its citizens with ambulance service through the Bethany Beach Volunteer Fire Company; and

Whereas the ability of this entity to serve our citizens is dependent upon the timely replacement of capital equipment; and

Whereas the principal partners, including the Town of Fenwick Island, have agreed to fund a Long Term Capital Fund for this purpose,

Whereas the Town of Fenwick Island Town Council does resolve to support this fund in accordance with the recommendation of the Board of Directors of the Ambulance Service Sponsors.

Therefore, may the 2010-11 Town of Fenwick Island Operating Account Budget be amended to reflect the change in premium rates for this service. The amended budget is attached.

Attest: _____
Agnes D. DiPietrantonio, Town Clerk

_____
Audrey Serio, President of Council

_____
Diane B. Tingle, Council Secretary

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the President and Council at a meeting on December 10, 2010 at which a quorum was present and voting throughout and the same is still in force and effect.

_____
Date

_____
Diane B. Tingle, Council Secretary

TOWN OF FENWICK ISLAND PROPOSED BUDGET
FISCAL YEAR AUG. 1, 2010 - JULY 31, 2011 (DEC. 2010 REVISION)

	2011 Proposed	2010 Budget
43000 · Taxes		
41020 · Property Taxes	625,000	625,000
42010 - Rental Receipt tax	260,000	275,000
42020 · Prior Year Rev in Excess of Exp	4,860	
43000 · Taxes - Other		
Total 43000 · Taxes	889,860	900,000
44550 · Charges for Services - Admin		
43010 · License Fees - OC	45,000	35,000
43020 · License Fees - RU	23,000	22,500
43030 · License Fees - RM	25,000	25,000
44010 · Garbage Collection Fees	200,900	178,160
44020 · Comcast Cable Fees	17,500	28,000
44030 · Ambulance Service Fee	27,120	27,120
45100 · Building Permit Fees	100,000	75,000
Total 44550 · Charges for Services - Admin	438,520	390,780
44800 · Fines & Forfeitures		
46100 · Penalties	2,500	3,000
46200 · Traffic Fines	35,000	35,000
46300 · Parking Violation Fees	18,000	20,000
Total 44800 · Fines & Forfeitures	55,500	58,000
45000 · Investments		
45030 · Interest-Investments		
47100 · Interest Income	8,000	9,000
45000 · Investments - Other		
46430 · Revenue - Admin		
45320 · Contractor Decals	300	0
45330 · Bonfire Permits	3,000	2,500
47120 · Town Hall Rental Fee	1,000	2,000
47150 · Photo/Audio Copy Fee	20	100
47200 · Parking Permits	17,000	25,000
47275 · Public Hearing Fee	275	0
		5,000
47800 · Sale of Equipment		0
48100 · Insurance Reimbursements	6,000	5,000
48200 · Income restrict purpose	0	0
46430 · Total Admin - Other	27,595	39600
46440 · Other Types of Revenue - Police		
47160 · Police Accident Report Fee	250	200

TOWN OF FENWICK ISLAND PROPOSED BUDGET
FISCAL YEAR AUG. 1, 2010 - JULY 31, 2011 (DEC. 2010 REVISION)

47161 · Salary OT Reimbursement	5,000	7,000
Total 46440 · Other Types of Revenue - Police	5,250	
47000 · Intergovernmental Rev Lifeguard		
47280 · State Beach Lifeguard Revenue	40,000	47,000
47290 · Lifeguard - County Grant	10,000	0
Total 47000 · Intergovernmental Rev Lifeguard	50,000	
47050 · Intergovernmental Rev Police		
47285 · County Police Grant	20,000	12,500
42795 - State Police Grant		
47900 · DEMA Homeland Security Grant	0	0
Total 47050 · Intergovernmental Rev Police	20,000	12,500
48150 · Junior Lifeguard	5,000	2,500
Total Income	1,499,725	1,466,580
61100 · POLICE DEPARTMENT		
61110 · Police Salaries	285,000	275,000
61140 · Police Life Insurance	1,400	1,400
61150 · Police Health Insurance	54,832	50,982
61160 · Police Payroll Taxes	25,690	24,700
61170 · Police Pension Expense	12,000	14,000
61180 · Police Workers Compensation	23,600	23,600
61210 · Police Supplies	1500	3,000
61220 · Police Office Supplies	3000	5,000
61310 · Police Office Equip Maintenance	1000	1,000
61320 · Police Printing & Advertising	1500	2,000
61330 · Police Uniforms	4000	4,000
61335 · Police Computers	4000	5,000
61340 · Police 61171 · Police - State Pension Payn	5000	4,000
61345 · Police 61170 · Police Pension Expense - C	13000	15,000
61380 · Police Training	3000	3,000
		0
Total 61100 · POLICE DEPARTMENT	438,522	431,682
Total Lifeguard Salaries	184,176	160,250
61530 LG Payroll Taxes	14,000	11,000
61540 · Lifeguard Workmans Comp	9,250	8,500
61610 · Lifeguard Supplies & Equipment	3,500	3,000
61620 · Lifeguard Uniforms	6000	4,000
61630 · Lifeguard Junior Guards	500	400

TOWN OF FENWICK ISLAND PROPOSED BUDGET
FISCAL YEAR AUG. 1, 2010 - JULY 31, 2011 (DEC. 2010 REVISION)

61640 · Lifegu 61515 · Lifeguard Salaries - State	700	500
61665 - Lifegu 61535 · Lifeguard Payroll Taxes Sta	500	500
61670 - LG US 61530 · Lifeguard Payroll Taxes - O	600	900
61675 - LG Gasoline	200	200
61680 - LG Physicals	700	
61710 - LG Other expenses	500	500
61735 · Lifeguard Supp & Equip - S	220,626	189,750
61745 · Lifeguard Equipment - State		
61800 · PUBLIC WORKS DEPARTMENT		
61810 · Public Works Salaries	124,677	150,000
61830 · Public Works Life Insurance	950	800
61840 · Public Works Health Insurance	19,550	32,822
61850 · Public Works Payroll Taxes	10,000	15,750
61870 · Public Works Pension Expense	12,000	13,900
61880 · Public Works Workmans Comp Ins	8,200	12,185
61905 · Public Works Training	1,000	1,500
61910 · Public Works Office Supplies	150	250
61920 · Public Works Shop Supplies	1,500	1,500
61930 · Public Works Shop Equipment	2,500	2,500
61940 · Public Works Safety Equipment	500	500
62010 · Public Works Printing & Advert	200	200
62015 · Public Works Uitilities	4,500	5,000
62020 · Public Works Bldg Maintenance	500	600
62025 · Public Works Uniforms	600	500
62030 · Public Works Gas & Oil	3,500	4,000
62035 · Public Works Repairs & Mainten	2,000	2,000
62075 · Public Works CDL Testing	700	500
62100 · Public Works Contract Services	150	0
Total 61800 · PUBLIC WORKS DEPARTMENT	193,177	244507
62200 · ADMINISTRATION		
62210 · Admin Salaries	163,000	157,500
62220 · Admin Life Insurance	600	600
62230 · Admin Health Insurance	38,600	45,344
62240 · Admin Payroll Taxes	12,400	15,900
62250 · Admin Pension Expense	13,260	8,500
62255 · Admin Workers Comp	1,050	12,700
62260 · Admin Financial Services	6,000	2,500
62310 · Admin Office Equip Maintenance	5,700	6,000
62320 · Admin Office Supplies	5,000	5,000
62330 · Admin Travel Reimbursement	750	1,500
62332 · Admin Vehicle Acquisition	4,800	3,225
62334 · Admin Vehicle Fuel/Maint	1,500	2,000

TOWN OF FENWICK ISLAND PROPOSED BUDGET
FISCAL YEAR AUG. 1, 2010 - JULY 31, 2011 (DEC. 2010 REVISION)

62340 · Admin Printing & Advertising	100	100
62350 · Admin Training	5,000	3,500
		0
Total 62200 · ADMINISTRATION	257,760	264,369
63205 · Gen Gov Insurance	61,000	60,000
63210 · Gen Gov Telephone	8,500	7,500
63220 · Gen Gov Website	1000	2,500
63225 · Gen Gov Legal	14,000	18,000
63230 · Gen Gov Audit	8,700	8,500
63235 · Gen Gov Postage	2,000	3,000
63240 · Gen Gov Printing & Advertising	1,700	1,500
63245 · Gen Gov Utilities	13,000	14,000
63250 · Gen Gov Appraisal	5,500	5,500
63255 · Gen Gov Emergency Mgmt	500	500
63260 · Gen Gov Sewer	500	500
63265 · Gen Gov Dues	750	500
63270 · Gen Gov Service Grants	0	3,000
63271 · Gen Gov Recycling		0
63272 · Gen Gov Building Maintenance	5,000	6,000
63273 · Gen Gov Cell Phones	2,500	5,000
63274 · Gen Gov Contract Services	4,000	3,800
63275 · Gen Gov County Fee Tax Billing	700	800
63280 · Gen Gov Contingencies	5,000	5,000
63281 · Gen Gov Employee Relations	3,200	3,000
63285 · Gen Gov Codification	5,000	5,000
63290 · Gen Gov Pension Administration	3,600	1,500
63300 · Gen Gov Government Liaison	2,500	2,000
63305 · Gen Gov Supplies Median Maint	13,500	0
63310 · Gen Gov Community Projects	1,500	1,000
63320 · Gen Gov Community Outreach	1,000	1,000
63325 · Gen Govt Ambulance Service	31,980	27,120
63330 · Gen Govt Trash Collection	191,310	167,552
62370 - Parking Permits	1,700	2,500
Total - 63200 General Government	389,640	356,272
All Income	1,499,725	
All Expenses	1,499,725	

DRAFT

Minutes of the October 22, 2010 Regular Council Meeting

Call to Order and Flag Salute at 3:30 pm by Mayor Serio.

Council in Attendance: Serio, Carmean, Bunting, Smallwood, Tingle and Weistling
Absent: Langan (Excused)

Audit Report – Tom Sombar, Sombar and Company
Mr. Tom Sombar presented the Annual Audit Report.

- Summary of Assets and Liabilities much improved over prior year
  - Revenues $1,899.910 increased over prior year by $316,723
  - Expenses $1,570,012 decreased over prior year by $131,000
- Assets
  - Cash and cash equivalents–down
  - Receivables–all collected to date
    - Gross Rental Tax–down
    - Property Tax–flat
    - Licenses and permits–increase
    - Parking permits–increase
    - Intergovernmental Grants - down
    - Trash fee–increase
    - Transfer Tax - down
  - Assets–up due to land acquisition and improvements
- Liabilities
  - General Expenses increased - distorted due to Capital Expenditures
    - Reflects increased cost of refuse disposal and recycling costs
  - Department Expenses decreased with the exception of Public Works Department
    - Increase results from salary issues and capital expenditures
- Recommendations
  - Apparent lack of segregation of duties regarding financial activities - retaining accountant services will provide oversight and safeguards
  - Recommended accounting procedures to identify and report non-spendable (restricted) funds
  - Transfer of funds should require another level of approval

President's Report

- Mayor Serio reported Commission and Committee assignments for 2010-2011 (attached). This list includes appointments to the Board of Elections, Board of Adjustments and the Planning Commission. It will be posted in Town Hall and on the Town website. Task forces are assigned to complete a job. When the task is completed the task force services will end. New task forces are Public Park- Cannon Street and the Sidewalk Project.

Motion to approve Commission and Committee assignments–Council Member Carmean
Second–Council Member Smallwood
Vote: All in Favor (6-0)
Motion passed

Topics for Discussion and Possible Action

a. **Appointment of Public Works Supervisor – Mayor Serio**
Motion to appoint Dan Heller as Public Works Supervisor–Council Member Bunting
Second–Council Member Carmean
Discussion–None
Vote: All in Favor (6-0)
Motion passed.

b. Site Selection for Proposed Public Safety Building – Council Member Weistling
Motion to consider choosing a site for a new public safety building excluding Town Hall as one of those choices–Council Member Carmean
Second–Council Member Bunting
DISCUSSION
Council Member Weistling advised that Council approved Site 1 at the previous meeting but agreed, at that time, to explore another option that would allow for a second storey to be added to the current Town Hall building. After meeting with representatives from French and Ryan, it was determined that this third option was not viable because it would require structural changes to the present building to bring it up to code and to raise the building to meet FEMA requirements. French and Ryan added that it would be better to tear down the present building rather than attempt retrofit. Council Member Tingle added that Site 1 was previously chosen and approved as the building site. Council Member Bunting noted that the police department will be separated from Town Hall for security and safety reasons by using Site 1.
Vote to accept Site 1 as location of possible new public works building: All in favor (6-0)
Motion passed

c. Resolution #48-2010 – Dedicated Funding for Road Improvements – Mayor Serio
Motion to adopt–Council Member Tingle
Second–Council Member Smallwood
DISCUSSION
Mayor Serio read the resolution into the record (copy attached). These funds will be placed in a segregated account on Mr. Sombar's recommendation.
Vote: All in Favor (6-0)
Motion passed.

d. Funding for Sidewalk Study Professional Services – Mayor Serio
Motion to accept contract from Landmark Engineering and to fund $9000 for the Sidewalk Study–Council Member Carmean
Second–Council Member Weistling
DISCUSSION
Mayor Serio advised that Council discussed (Special Council Meeting 10/22/2010) the contract proposal received from Landmark Engineering to complete a study that is required in order to submit applications for grants. Council has reviewed the proposal from Landmark Engineering and suggested that Delaware Department of Transportation (DelDOT) officials be brought into the discussion and that a firm schedule be included. Proposal cost $9000; schedule: within 3 weeks of receipt of signed contract Landmark Engineering will present plan for review and will complete right of way assessment and cost of project estimate within an additional 4 weeks assuming a timely review and acceptance of the plan and scheduling of any meetings. Council Member Bunting advised that the budget will require revision in light of the expenditure; Council Member Carmean suggested the cost might be offset by grant funds. Sidewalks will improve the appearance and safety of the town. Council Member Weistling asked if this is for SR1 only; Town Manager Abbott noted that this is for both sides of SR1.
Vote: All in Favor (6-0)
Motion passed.

e. Approval for Fenwick Freeze – Council Member Weistling
Motion to approve the Annual Fenwick Freeze for 2011 to be held on January 1, 2011–Council Member Weistling
Second–Council Member Carmean
DISCUSSION
Council Member Weistling noted that Council should approve the activity so that the Beach Committee can order t-shirts and other supplies.
Vote: All in Favor (6-0)
Motion passed.

Approval of Minutes:
Motion to Approve the Minutes of September 24, 2010 Meeting - Council Member Bunting
Second: Council Member Carmean
Discussion - None
Vote: All in favor (6-0)
Minutes Approved

Treasurer's Report:
Council Member Bunting noted that the financial report is included in the council meeting packet.
Motion to Accept the Treasurer's Report - Council Member Tingle
Second - Council Member Carmean
DISCUSSION
Mayor Serio added that the Budget Committee met on 10/22/2010 and that meeting on a quarterly basis allows the group to address items in a timely manner. Council Member Weistling noted that Realty Transfer Tax appears to be up by $27, 000 over last year. Council Member Carmean complimented Council Member Bunting and Town Manager Abbott for their efforts to allow the Town to pay its bills online. Council Member Bunting added that building permit activities will be better computerized in the future.
Vote: All in favor (6-0)
Treasurer's Report accepted.

Town Manager Report:
- Town Manager Abbott advised that Town Hall will be closed on December 31, 2010. Fenwick Freeze registration will take place in Town Hall on December 29 and 30.
- Regarding the increase in photocopying reported in the Budget Report, this may be a result of books required for the Street Paving RFP.
- The Town has received a Municipal Street Aid grant from the State of Delaware; Senator Bunting will provide a grant of $15,000 for Street Re-paving.
- Regarding street name changes, Mr. Abbott has followed up with all government agencies concerned to be certain that changes are in place.
- LifeLine Screening will take place in Town hall on December 9, 2010. There is a fee for this activity; flyers are available in the vestibule.
- The Memorial Tree Lighting Ceremony will take place on December 10, 2010.

Department Reports:
- Beach Patrol–None
- Building Official–Pat Schuchman noted that her report is included in the council packet. She added that all CRS reports were submitted in October and that the Town has retained its Class A rating (10% discount).
- Public Works: Mr. Abbott noted that the report is included in the council packet. New garbage containers for the beach ends are on order.
- Fenwick Island Police Department: Report in the Council packet.

Committee Reports:
- Beach Committee–No report.
- Environmental Committee–Council Member Carmean advised that there will be a meeting in November.
- Public Safety Building–Council Member Weistling advised that the Town is still waiting for a cost estimate from French & Ryan.

Planning Commission: Report is in the Council packet.

Charter & Ordinance:

- Proposed First Reading of Chapter 135 Signs–Council Member Weistling

Motion to accept–Council Member Weistling
Second - Council Member Tingle
Council Member Weistling advised that the proposed change deletes existing Chapter 135 section on Signs in its entirety and replaces it with the new section (included at the end of these minutes).
DISCUSSION–Council Member Weistling noted that this change adds a definitions section and gives the Code Enforcement Officer more authority to enforce the removal of dangerous signs. Council Member Smallwood asked if the ordinance requires that signs be removed within 7 days of the sale of a property or if it should be removed within 7 days of settlement. He also questioned the presence of "blade banners," Council Member Weistling advised that they are addressed in this ordinance.
Vote to accept the Proposed First Reading of Chapter 135 Signs with noted change:"...any sign shall be removed within 7 days of settlement of property." - All in Favor
First Reading passed - (6-0)

- Proposed First Reading of Chapter 140 Streets and Sidewalks–Council Member Weistling

Motion to accept–Council Member Weistling
Second–Council Member Bunting
Council Member Weistling advised that the proposed change replaces the current Chapter 140 Streets and Sidewalks in its entirety with the proposed change (included at the end of these minutes).
DISCUSSION–Council Member Weistling noted that wording has been changed and new street names included. Council Member Carmean asked that the street name changes be included in the town newsletter and on the web site. Mayor Serio asked if a Sidewalk Ordinance will need to be created; Building Official Schuchman advised that a section in the ordinance has been reserved for this purpose. She also noted that it may be necessary to revise Article One only; Council Member Weistling agreed to revisit it at the next C&O meeting.
Vote to accept the Proposed First Reading of Chapter 140 Streets and Sidewalks: All in Favor
First Reading passed - (6-0)

Old Business:

- Council Member Carmean advised that she and Council Member Smallwood have been working with Chief Boyden regarding the off-duty employment of Fenwick Island Police officers. A report will be ready soon.

New Business – No Action to be Taken: Mayor Serio

- Council Member Carmean asked if the cost of the new garbage cans for the beach ends is included in the budget. Mayor Serio advised that this was discussed in the Budget Committee meeting; Council Member Weistling added that the 30-gallon (small) at $1,000 was ordered.

Public Participation:

- John Belian (1 W Houston St)–reported that the Fishing Tournament was a success overall. Each participant was awarded a prize through the generosity of local merchants.
- Lynn Andrews (1215 Schulz Rd)–Asked about the trash collection schedule. Town Manager Abbott has verified the winter pick up schedule with the trash hauler.
- Mike Quinn (5 W Houston)–asked if those who are delinquent on taxes are charged a fee (yes); if the $215,000 showing in the Realty Transfer section is the proceeds of the State of Delaware grant (yes). Mr. Quinn noted that the Financial Report as printed does not show totals. Regarding the Police Department report, Mr. Quinn asked if the time assisting other agencies is in hours or days (hours).
- Council Member Smallwood thanked Lynn Andrews and all participants for assisting with the Coastal Cleanup.
- Council Member Smallwood announced that Lori Martin is sponsoring another Turkey Trot (8:00 AM) on Thanksgiving Day on Lewes Street. A donation of canned goods for Meals on Wheels is requested. Proceeds from sale of T-shirts will go to Lab Assistance.

Upcoming Events and Meetings:
Mayor Serio announced all meetings and events.

Motion to Adjourn: Council Member Weistling
Second: Council Member Bunting
All in favor to adjourn (6-0)
Mayor Serio adjourned the meeting at 5:15PM.

Respectfully submitted,

Agnes DiPietrantonio, Town Clerk
Transcribed from Tape and notes provided by Pat Schuchman and Lynn Massey
For Diane Tingle, Secretary

TOWN COMMISSIONS 2010 - 2011

BOARD OF ADJUSTMENTS
Tim Collins (2012)
Marcia Frederick (2011)
Craig Lambertson (2012)
Lizbeth Lear (2011)
Marlene Quinn (2012)

BOARD OF ELECTIONS
Lynn Andrews (2012)
Dick Bowman (2012)
Mary Wright (2011)

PLANNING COMMISSION
Susan Klein (2012)
Winnie Lewis (2011)
Richard Mais (2011)
Marlene Quinn (2012)
Todd Smallwood (2011)
Jack Smith (2011)
Lois Twilley (2012)

Town Committees 2010-2011

AUDIT
Gardner Bunting – Chair
Vickie Rymer
Audrey Serio

BUDGET
Gardner Bunting – Chair
Vicki Carmean
Gene Langan
John Lewis
Vickie Rymer
Audrey Serio
Todd Smallwood
Diane Tingle
Bill Weistling

BUILDING
John Belian
Jesse Sheppard
Reid Tingle
Bill Weistling

CHARTER AND ORDINANCE
Bill Weistling – Chair
Gene Langan – Vice Chair
Vicki Carmean
Buzz Henifin
Winnie Lewis
Mike Quinn
Diane Tingle

ENVIRONMENTAL
John Belian
Vicki Carmean
John Fenton
Harry Haon
Buzz Henifin
Susan Klein
Mary Ellen Langan
Richard Street
Lois Twilley

BEACH
John Belian
Tim Ferry
Vivian Jennings
Gene Langan
Lizbeth Lear
Rebecca McWilliams
Lori Martin Smallwood

EMERGENCY MANAGEMENT
Audrey Serio – Chair
Dick Bowman
Chief William Boyden
Gardner Bunting
Gene Langan
Richard Mais

TASK FORCE COMMITTEES
(appointed until task completed)

PUBLIC PARK – CANNON ST
Audrey Serio – Chair
Linda Bunting
Vicki Carmean
Buzz Henifin
Lois Twilley
David Walker

PUBLIC WORKS BUILDING (existing)
Audrey Serio – Chair
Gene Langan – Point Person
Todd Smallwood (Financial)
Patricia Schuchman (Advisory)
Bill Weistling (Point Person)

NOTICE

On October 22, 2010 The Fenwick Island Town Council
Passed the Following Resolution #48-2010
Dedicated Funding for Road Improvements

Whereas, *Title 22, Chapter 16 of the Delaware Code specifies that Realty Transfer Tax receipts be held in a segregated fund and expended solely for capital and operating costs of public safety, economic development, public works, capital and infrastructure projects and debt reduction*; and

Whereas, *most public roads in The Town of Fenwick Island are maintained by The Town and these roads constitute the largest infrastructure asset of the municipality*; and

Whereas, *prudent financial management would necessitate planning for the maintenance of this infrastructure;*

Therefore, *the Town Council, of the Town of Fenwick Island, on behalf of the citizens and property owners of The Town of Fenwick Island, in order to accomplish this goal, declare that, hereafter, no less than ten (10) percent of Realty Transfer Tax Fund deposits be allocated to a separate account for the specific purpose of road maintenance and improvement.*

Attest: _____
Agnes D. DiPietrantonio, Town Clerk

_____
Audrey Serio, President of Council

_____
Diane B. Tingle, Council Secretary

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the President and Council at a meeting on October 22, 2010, at which a quorum was present and voting throughout and the same is still in force and effect.

_____
Date

_____
Diane B. Tingle, Council Secretary

APPROVED First Reading – October 22, 2010

Proposed Second Reading – December 10, 2010

(EXISTING – Change in Entirety)

CHAPTER 135 - SIGNS

§ 135-1. Intent.

This chapter is intended to promote the health, safety and general welfare of the residents of, visitors to, and owners and occupants of land and buildings within the Town; to restrict and eliminate signs tending to depreciate the value of property; and to eliminate actual or potential hazards to pedestrians and motor vehicle operators within the Town.

§ 135-2. Definitions

The following terms, wherever used herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

Blade Banner - A flag, pennant or similar instrument intended to be hung on a pole no higher than 17 feet nor wider than 3 feet, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind.

Building Official - In the absence of said official, shall be synonymous with the Town Manager or any other person designated to perform the duties of Building Official.

Erect - To build, construct, attach, hang, place, suspend or affix.

Flag - A piece of cloth, plastic or fabric of any kind of distinctive size, color and design used as a symbol, standard, signal, decoration, advertisement, or emblem.

Portable sign - Any permanent or temporary sign, whose design and/or construction is intended to be moveable.

Sign - Includes every sign and any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person, artificial entity, business, or group when the same is placed out-of-doors in view of the general public.

Vehicle sign - A sign or advertising device, but not a bumper sticker, which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisement of products and services or directing people to a business, service or other activity.

§ 135-3. General provisions, restrictions and prohibitions.

Except as otherwise specifically provided in this chapter, the following provisions apply in all zones:

A. The area of a sign shall include the entire face of the sign, including the border and trim, and shall include the space between letters, figures and designs. All sides of a sign which are visible from any one vantage point shall be measured in determining the area of a sign, except that only one side of a sign shall be measured if the two sides are back-to-back or separated by an angle of 45° or less. In the latter case, if the two sides are not equal size, the larger side shall be measured. All signs must be built to withstand *35 pounds of wind pressure per square foot and a wind velocity of 110 mph.*

B. *The Building Official may cause any sign or advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.*

C. Portable and movable signs; A-shape signs.

(1) Portable or movable signs which are not firmly attached to a structure are prohibited, excepting that permanently located freestanding signs and those signs as set forth in § 135-3 C (2) are exempt from the above prohibition.

POSTED: October 25, 2010

(2) After September 15 and before June 1, in lieu of (and not in addition to) the flags permitted in *§§ 135-5A(3)(b) and 135-5C(4)(b)*, A-shape signs with maximum dimensions of 3 feet high and 2 feet wide or a flag indicating either "open" or a product or nationality having dimensions of not greater than four feet by six feet shall be permitted, to be located not closer than 10 feet to either the front or side property line, one per business establishment, to be removed at sundown and not replaced until 7:00 a.m. A-shape signs shall be removed in high winds where they could create a hazard.

D. No sign shall be permitted which by reason of its shape, color or working may be confused with an official traffic sign, signal or device, or which may mislead or confuse pedestrians or vehicle operators, or obscure from view any traffic or street sign or signal or which may obstruct the view in any direction at the intersection of a street with another street or with a driveway.

E. *Two signs per vehicle, not to exceed 12 square feet total, are permitted.*

F. A sign in the shape or form of any person, animal, vegetable, product or portion of any of the foregoing is prohibited, except with the approval of the Town Council.

G. A sign which advertises a building, product, business, service, event, or institution which is not located on the same lot as the sign is prohibited.

H. A sign that flashes, blinks, or has intermittent or varying intensity of illumination is prohibited whether deliberate or as a consequence of a defect in the sign or the illumination source, if visible from the travel portion of the highway, except for a sign indicating the time or date or temperature changes, or a combination.

I. The light from any light source intended to illuminate a sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.

J. No sign shall obstruct any door, fire escape, stairway or any opening intended to provide ingress or egress to or from any building or structure.

K. No sign which is not attached to a building shall exceed 20 feet in height above the finished grade below it.

L. The lowest point of any sign which extends over an area intended for pedestrian use shall not be less than 8 feet above the finished grade below it. The lowest point of any sign which extends over an area intended for vehicular use shall be not less than 14 feet above the finished grade below it.

M. Signs larger than 30 square feet in area shall be set back a minimum of 25 feet from the Route 1 state right-of-way line or property line on other streets or roads. Signs of 30 square feet and under shall set back a minimum of 20 feet from the Route 1 state right-of-way line or property line on other streets or roads except as otherwise specifically provided in this chapter.

N. In the case of signs placed in the interior of a building and observable from the outside through a frontage window:

(1) Unlighted signs, meaning signs without electrification, are permitted.

(2) Unless the sign is allowed under *§ 135-4A* or B, lighted open signs and informational signs showing services rendered or products sold shall not exceed the lesser of 20% of the total area of the window or door in which they are placed or 12 *square* feet.

O. Unless the sign is specifically permitted under this chapter, in the Commercial Zone it shall be unlawful for any person or entity to cause or permit the repair, erection, alteration, relocation or conversion of, or to permit to exist, any sign within the Town. This prohibition shall apply to both the owner of the land or buildings and any lessee (tenant) or other occupant.

P. Handicap parking signs. Any handicap parking spaces or zones designated by any person or artificial entity for use by persons with disabilities shall have erect signage.

§ 135-4. Signs permitted in all zones.

Subject to the other conditions of this chapter, the following signs shall be permitted in any zone:

A. Construction signs. One sign shall be permitted for all building contractors, one for all professional firms and one for all lending institutions involved in the construction, enlargement, reconstruction or repair of a structure. Each such sign shall not exceed six square feet in area, with not more than a total of 3 such signs permitted on one site. If freestanding, the height of each such sign shall not exceed 8 feet. Signs

2

shall be set back a minimum of 5 feet from the Route 1 state right-of-way line and a minimum of 5 feet from the property line on all other streets or roads. Each such sign shall be removed within 14 days of the ***end*** of the intended use of the project.

B. Real estate signs. One temporary real estate sign not exceeding 6 square feet in area and located on the property to which it relates shall be allowed for each lot. Signs shall be set back a minimum of 5 feet from the Route 1 state right-of-way line and a minimum of 5 feet from the property line on all other streets or roads. Any such sign shall be removed within 7 days of settlement of the property.

C. Banners. Banners advertising a public entertainment or event, if specifically approved by the Town Council and in locations designated by the Town Council, may be displayed 14 days prior to and during and 7 days after the public entertainment or event, or as otherwise approved by the Town Council.

D. Permanent identification signs. Signs of a permanent nature, setting forth the name of a church, community center or other like projects, shall be permitted if erected in accordance with the minimum yard requirements of the zone in which the sign is located. Setback requirements shall be in accordance with ***§ 135-3M*** of this chapter. Any such signs shall not exceed 30 square feet in area. Such signs shall be deemed to include community bulletin boards.

E. Civic, religious and quasi-public signs. Name, directional and information signs and emblems of service clubs, places of worship, civic organizations and quasi-public uses shall be permitted on private property if set back in accordance with the minimum sign setback requirements of the zone in which the sign is located. Each such sign shall not exceed 3 square feet in area. If freestanding, the height of such sign shall not exceed 8 feet. In the event that there is a need for more than one sign at one location, all such signs must be consolidated and confined within a single frame.

F. Public signs. Signs of noncommercial nature and in the public interest, such as directional signs, regulatory signs, warning signs and information signs, may be erected by or on the order of a duly appointed federal, state, county or Town public officer in the performance of his duty.

G. Temporary signs. Temporary signs announcing any public, charitable, civic, educational or religious event or function may be located on the lot on which the event or function is to take place and set back no less than 10 feet from the property line nor exceed 30 square feet in area. Such a sign shall be erected no more than 10 days prior to the event or function and must be removed within 5 days after the event or function. If freestanding, the height of such sign shall not exceed 8 feet.

H. Election campaign signs. Signs relating to primary or general elections, including referenda questions, shall be permitted up to a total area of 9 square feet for each lot in a Residential Zone and 30 square feet in a Commercial Zone. These signs shall be confined within private property and shall not be less than 25 feet from the nearest curb intersection of any street or road. Sign setback requirements shall be in accordance with ***§ 135-3M*** of this chapter. If freestanding, the height of such signs shall not exceed 8 feet. Such a sign may be displayed no sooner than 30 days before an election and must be removed within 2 days after the election to which it relates.

§ 135-5. Commercial and industrial signs

The following shall apply in Commercial Zones:

A. For a single commercial business, which is not a part of a subdivided building, the following shall apply (all signs described herein shall be subject to the restrictions provided in ***§ 135-8***):

(1) With property less than 100 feet of frontage on Route 1, ***2 signs, or 2 blade banners, or one of each are permitted***. One sign, attached to the building and not exceeding one square foot for each front foot of building, is permitted. ***A freestanding sign or blade banner is also permitted, but shall not exceed 30 square feet***, and shall not reduce the number of required parking spaces.

(2) With property of 100 feet of frontage or more on Route 1, there shall be allowed one blade banner or one freestanding sign no larger than 120 square feet and one sign attached to the building not to exceed one square foot in area for each front foot of building.

(3) One United States flag and one State of Delaware flag, and one flag indicating either "open", a product, or a nationality, with each flag having dimensions not in excess of 4 feet by 6 feet are permitted if on a pole(s) attached to the front of the building or on a flag pole set back at least 25 feet from the front property line and 10 feet from any side property line; anything contained in this chapter notwithstanding, a flag may protrude no more than 6 feet from the wall to which it is attached and, if attached to a building, may not be higher than the roof of the building.

B. In the case of a subdivided building, the total number of signs shall not exceed 2 signs for each single commercial occupant, the total square footage of all such signs shall not exceed one square foot in area for each lineal front foot of building used for a single commercial purpose. Each allowed sign must be on or attached to the building.

C. In addition to the sign allowed in Subsection B above, the following signs shall be permitted:

(1) One multiple-use identification sign, stating the name of the subdivided building and some or all of its tenants. The area of such sign shall be determined independently from the sign area allowed under Subsection A of this section and shall not exceed 30 square feet per tenant or exceed 250 square feet per subdivided building.

(2) One additional sign shall be permitted below a canopy or overhang, not to exceed 2 square feet in size.

(3) In the case of gasoline service provided by a retail store, one additional conventional freestanding gasoline sign.

(4) Subdivided buildings; protrusion.

(a) For an entire subdivided building, one United States flag and one State of Delaware flag are permitted on a pole(s) attached to the front of a building or on a flagpole set back at least 25 feet from the front property line and 10 feet from any side property line.

(b) For a subdivided building, each holder of a business license is permitted to have one flag indicating either "open" or a product or a nationality, with dimensions not in excess of 4 feet by 6 feet, if on a pole attached to the front of the business (building). ***Blade banners are prohibited***.

(c) Anything contained in this chapter notwithstanding, if attached to a building, a flag(s) may protrude no more than 6 feet from the wall to which it is attached and may not be higher than the roof of the building.

D. No sign on or attached to a building shall extend beyond that portion of the building which it identifies, nor shall it extend above the height of the wall of the building on which it is placed, nor shall it extend beyond the width of the wall of the building on which it is placed, nor shall it protrude more than 6 inches from the wall of the building on which it is placed, except that the sign permitted under Subsection C(2) above may extend out to the limit of an overhang or canopy.

E. In the case where the size of the building is disproportionately small compared to the size of the facility as a whole, a sign not to exceed 25 square feet shall be permitted on the building, to be placed in accordance with the provisions of this chapter, and one freestanding sign shall be permitted no greater than 30 square feet and shall be set back a minimum of 10 feet from the Route 1 right-of-way line or property line or other streets or roads, except as otherwise specifically provided in this chapter, and shall be subject to the restrictions as set forth in ***§ 135-1***.

F. In the case of a full-service auto repair garage-gasoline station having an overhead canopy covering at least 2 rows of gasoline pumps, the following shall be permitted:

(1) One freestanding sign consisting of multiple signs not to exceed 4 square feet for each multiple sign advertising current gasoline prices, subject to height, size and setback requirements set out above.

(2) Lettering and logo showing the company, not exceeding letter heights of 2 ½ feet, lettering length of 16 feet and logo height of 33 inches, on either side of the canopy.

(3) A sign not exceeding 16 square feet on the building indicating the service center.

(4) Advertisement of oil and gas on each pump, said advertisement not to exceed 3 square feet on each pump, is permitted.

§ 135-6. Nonconforming signs

A. Any permanent sign lawfully in existence on the effective date of this chapter shall be allowed to remain; however, ***if an existing sign is destroyed or falls into disrepair, then reconstruction of said sign of the same size and in the same location shall be permitted if rebuilt within one year of said destruction or disrepair. In the event such a sign is not rebuilt and replaced within the one-year time limit, then any reconstruction must be in accordance with this chapter.*** The condition of the sign in question shall be determined and approved by the Building Official at the time the sign permit application is filed as set forth in ***§ 135-7*** herein. The condition of such sign may also be evaluated at the time it is destroyed or falls into disrepair. All applications for a permit to replace a nonconforming sign shall not be considered as a reconstruction of a nonconforming sign and, therefore, the replacement sign must be in accordance with this chapter.

B. Portable or movable signs that are in violation of *§ 135-3C* shall be removed not later than 30 days after the effective date of this chapter.

§ 135-7. Permits.

A. No sign shall be erected or moved or altered as to size, shape, design or context without first filing an application and obtaining a signed permit of approval by the Building Official, except as provided in *§ 135-8* of this chapter. Where space on the sign is provided to indicate sales or specials, the written and/or graphic content in this area may be changed without prior approval.

B. The exact location, size, type of illumination, structural content, support system, color and design must be clearly and fully set forth in Section II of the Sign Permit Application except as provided in *§ 135-8* of this chapter.

C. A fee as set by resolution by the Town Council from time to time must accompany each sign permit application for a multiple use identification sign as set forth in *§ 135-5C(1)* of this chapter, and for each sign described in § 135-4A or B of this chapter. All other sign permits will be charged a fee as set by resolution of the Town Council from time to time, except as provided in *§ 135-8* of this chapter.

D. All requests for a permit hereunder must be signed by *the owner of the property and/or business owner of that property where the sign is to be located*.

E. An application for a sign permit may be obtained from the *Town Manager or Building Official's* office.

§ 135-8. Exceptions; sign application; permit and fee.

A. Signs which are permitted in accordance with *§ 135-4A*, B and F of this chapter shall not require the submission of an application or a permit or a fee to be paid, provided that they shall be in accordance with all other requirements of this chapter.

B. Signs which are permitted in accordance with *§ 135-4C* of this chapter shall require the submission of an application which must be approved by Town Council. No fee will be required.

C. Signs which are permitted in accordance with *§ 135-4D* and E of this chapter shall require the submission of a sign application and a sign permit. No fee will be required.

D. Signs which are permitted in accordance with *§ 135-4G* and H of this chapter shall not require the submission of an application or a permit, and no fee is required, provided that they shall be in accordance with all other requirements of this chapter, and further provided that the Building Official be advised prior to erection as to location, size and content.

E. Signs which are required in accordance with *§ 135-3B* of this chapter shall not require the submission of an application or a permit, and no fee is required, provided that they shall be in accordance with Title 9, Section 310, of the Delaware Code.

§ 135-9. Maintenance of signs.

If the Building Official shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he/she shall give written notice to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 10 days after such notice, such sign or other advertising structure may be removed or be made to comply by order of the Building Official at the expense of the permittee or owner of the property upon which it is located. The Building Official shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed.

§ 135-10. Penalties.

Violators of any provision of this chapter shall, upon conviction, *be subject to a fine of $200*. Each day that the violation continues to exist after written notification by the Town of the violation and the expiration of the time for compliance of at least 10 days set forth in the notice shall be a separate offense, subject to the same penalty for each day the violation continues.

§ 135-11. Appeals.

Appeals to the interpretation of this chapter will be made to the Town Council. The decision of the Town Council shall be final.

APPROVED First Reading – October 22, 2010

Proposed Second Reading – December 10, 2010

(Existing – Replace in Entirety)

Chapter 140, STREETS AND SIDEWALKS

GENERAL REFERENCES

ARTICLE I, Street Names

§ 140-1. Street names and signs.

A. In order to facilitate the prompt location of specific addresses by emergency vehicles, the names of Town streets intersecting with *Coastal Highway may include an east or west designation where applicable* as follows:

Streets Running Easterly from Coastal Highway	Streets Running Westerly from Coastal Highway
East Atlantic Street	West Delaware Avenue
East Bayard Street	West Maryland Avenue
East Cannon Street	Oyster Bay Drive
East Dagsboro Street	West South Carolina Street
East Essex Street	West Atlantic Street
East Farmington Street	West Bayard Street
East Georgetown Street	West Cannon Street
East Houston Street	West Dagsboro Street
East Indian Street	West Essex Street
East James Street	West Farmington Street
Lewes Street	West Georgetown Street
King Street	West Houston Street
	West Indian Street
	West James Street
	High Tide Lane
	Windward Way
	Ebb Tide Cove

B. Signage for these streets shall use the abbreviations "E." and "W.", *where applicable*.

POSTED: October 25, 2010

TOWN OF FENWICK ISLAND
MONTHLY RECONCILIATION OF ACCOUNTS
NOVEMBER 30, 2010

Company	Account	Beginning Balance	Ending Balance
Town of Fenwick Island		992,951.19	1,046,979.68
	General Fund Checking	60,833.66	78,526.84
	General Fund Savings	631,262.69	631,828.37
	WSFS Bank	240,550.54	300,871.19
	WSFS Bank CDARS program	60,000.00	
	Payroll Fund	104.30	35,553.28
	Petty Cash	200.00	200.00
Municipal Street Aid		25,485.92	24,337.58
	Checking	25,485.92	24,337.58
	Savings		
Law Enforcement Grants		3,564.92	3564.93
	SALLE (State Aid to Local)	3.28	3.28
	EDIE (Drug Enforcement)	3,405.29	3,405.29
	SLEAF	30.00	30
	Criminal Justice Block Grant	126.35	126.36
Special Reserve Accounts			
Parks & Recreation		2,648.96	2,658.96
Beach Replenishment		35,387.05	35,393.16
Dedicated Streets Fund			16,367.57
Realty Transfer Funds (all accounts)		1,625,528.69	1,627,211.78
General Reserve Accounts		317,098.83	317,307.53
	Bank of Delmarva Reserve	117,098.83	117,307.53
	Delmarva CDARS Reserve	200,000.00	
	Bank of Ocean City CDARS Reserve		200,000.00
General Non-Reserve Accounts		1,308,429.86	1,309,904.25
	Bank of Ocean City Non-Reserve	242,928.80	244,696.30
	Bank of Ocean City CDARS	975,456.15	975,456.15
	PNC Realty Transfer	90,044.91	89,751.80

TOWN OF FENWICK ISLAND
2010-2011 REALTY TRANSFER TAX FUND

MONTH	STARTING BALANCE	TAXES COLLECTED	INTEREST	TRANSFERS IN	TRANSFERS OUT	ENDING BALANCE
August '10	1,351,950	35,475	1330	215,000	0	1,603,755
September '10	1,603,755	0	2030	0	0	1,605,785
October '10	1,605,785	17,820	1,924	0	0	1,625,529
November '10	1,625,529	16,050	1,998	0	16,365	1,627,212
December '10						
January '11						
February '11						
March '11						
April '11						
May '11						
June '11						
July '11						
TOTALS		69,345	7,282			

Detail: Transfers out - to Dedicated streets fund

12:40 PM
12/02/10
Accrual Basis

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August through November 2010

	TOTAL				
$ Over	Nov 10	Aug - Nov 10	Budget	$ Over Budget	% of Budget
Income					
43000 · Taxes					
41020 · Property Taxes	1,696.32	618,314.91	625,000.00	-6,685.09	98.93%
42010 · Rental Receipt Tax	95,430.32	146,442.82	260,000.00	-113,557.18	56.32%
Total 43000 · Taxes	97,126.64	764,757.73	885,000.00	-120,242.27	86.41%
44550 · Charges for Services - Admin					
43010 · License Fees - OC	1,450.00	4,160.00	45,000.00	-40,840.00	9.24%
43020 · License Fees - RU	750.00	1,200.00	23,000.00	-21,800.00	5.22%
43030 · License Fees - RM	0.00	0.00	25,000.00	-25,000.00	0.0%
44010 · Garbage Collection Fees	598.00	200,726.08	200,900.00	-173.92	99.91%
44020 · Comcast Cable Fees	6,668.79	6,668.79	17,500.00	-10,831.21	38.11%
44030 · Ambulance Service Fee	66.00	26,070.00	27,120.00	-1,050.00	96.13%
45100 · Building Permit Fees	12,277.00	46,274.58	100,000.00	-53,725.42	46.28%
Total 44550 · Charges for Services - Admi	21,809.79	285,099.45	438,520.00	-153,420.55	65.01%
44800 · Fines & Forfeitures					
46100 · Penalties	62.90	242.22	2,500.00	-2,257.78	9.69%
46200 · Traffic Fines	1,790.00	7,498.59	35,000.00	-27,501.41	21.43%
46300 · Parking Violation Fees	0.00	6,202.00	18,000.00	-11,798.00	34.46%
Total 44800 · Fines & Forfeitures	1,852.90	13,942.81	55,500.00	-41,557.19	25.12%
45000 · Investments					
47100 · Interest Income	404.37	1,355.00	8,000.00	-6,645.00	16.94%
Total 45000 · Investments	404.37	1,355.00	8,000.00	-6,645.00	16.94%
46430 · Revenue - Admin					
45320 · Contractor Decals	20.00	50.00	300.00	-250.00	16.67%
45330 · Bonfire Permits	325.00	-1,635.00	3,000.00	-4,635.00	-54.5%
46400 · Other Types of Income	0.00	100.00			
47120 · Town Hall Rental Fee	620.00	680.00	1,000.00	-320.00	68.0%
47150 · Photo/Audio Copy Fee	0.00	136.50	20.00	116.50	682.5%
47200 · Parking Permits	0.00	4,085.00	17,000.00	-12,915.00	24.03%
47250 · Subdivision Application Fee	0.00	275.00			
47275 · Public Hearing Fee	0.00	0.00	275.00	-275.00	0.0%
47800 · Sale of Equipment	20.00	60.00			
48100 · Insurance Reimbursements	0.00	0.00	6,000.00	-6,000.00	0.0%
48200 · Income restrict purpose	100.00	2,100.00			
Total 46430 · Revenue - Admin	1,085.00	5,851.50	27,595.00	-21,743.50	21.21%

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August through November 2010

	TOTAL				
$ Over	Nov 10	Aug - Nov 10	Budget	$ Over Budget	% of Budget
46440 · Other Types of Revenue - Police					
47160 · Police Accident Report Fee	0.00	50.00	250.00	-200.00	20.0%
47161 · Salary OT Reimbursement	0.00	0.00	5,000.00	-5,000.00	0.0%
Total 46440 · Other Types of Revenue - Pc	0.00	50.00	5,250.00	-5,200.00	0.95%
47000 · Intergovernmental Rev Lifeguard					
47280 · State Beach Lifeguard Reveni	0.00	11,000.00	40,000.00	-29,000.00	27.5%
47290 · Lifeguard - County Grant	0.00	0.00	10,000.00	-10,000.00	0.0%
Total 47000 · Intergovernmental Rev Lifeg	0.00	11,000.00	50,000.00	-39,000.00	22.0%
47050 · Intergovernmental Rev Police					
47285 · County Police Grant	20,000.00	20,000.00	20,000.00	0.00	100.0%
47050 · Intergovernmental Rev Police	0.00	6,920.03			
Total 47050 · Intergovernmental Rev Polic	20,000.00	26,920.03	20,000.00	6,920.03	134.6%
48150 · Junior Lifeguard	0.00	-87.45	5,000.00	-5,087.45	-1.75%
Total Income	142,278.70	1,108,889.07	1,494,865.00	-385,975.93	74.18%
Expense					
61100 · POLICE DEPARTMENT					
61110 · Police Salaries	22,826.12	86,447.07	285,000.00	-198,552.93	30.33%
61140 · Police Life Insurance	107.50	419.25	1,400.00	-980.75	29.95%
61150 · Police Health Insurance	7,828.40	16,178.32	54,832.00	-38,653.68	29.51%
61160 · Police Payroll Taxes	1,790.45	7,133.52	25,690.00	-18,556.48	27.77%
61170 · Police Pension Expense	2,494.20	9,976.80	12,000.00	-2,023.20	83.14%
61180 · Police Workers Compensatio	0.00	3,031.52	23,600.00	-20,568.48	12.85%
61210 · Police Supplies	1,271.15	1,660.27	1,500.00	160.27	110.69%
61220 · Police Office Supplies	153.07	984.01	3,000.00	-2,015.99	32.8%
61310 · Police Office Equip Maintenai	182.71	548.13	1,000.00	-451.87	54.81%
61320 · Police Printing & Advertising	0.00	0.00	1,500.00	-1,500.00	0.0%
61330 · Police Uniforms	492.16	1,849.66	4,000.00	-2,150.34	46.24%
61335 · Police Computers	2,269.68	2,750.16	4,000.00	-1,249.84	68.75%
61340 · Police Vehicle Maintenance	63.90	736.55	5,000.00	-4,263.45	14.73%
61345 · Police Gas & Oil	950.47	3,239.90	13,000.00	-9,760.10	24.92%
61350 · Police Radio & Comm Equip	15,930.47	15,930.47			
61380 · Police Training	125.00	125.00	3,000.00	-2,875.00	4.17%
Total 61100 · POLICE DEPARTMENT	56,485.28	151,010.63	438,522.00	-287,511.37	34.44%
61500 · LIFEGUARDS					
61510 · Lifeguard Salaries					

12:40 PM
12/02/10
Accrual Basis

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August through November 2010

	TOTAL				
$ Over	Nov 10	Aug - Nov 10	Budget	$ Over Budget	% of Budget
61515 · Lifeguard Salaries - Stat	0.00	26,254.80	66,303.00	-40,048.20	39.6%
61510 · Lifeguard Salaries - Othe	1,582.40	42,458.48	117,873.00	-75,414.52	36.02%
Total 61510 · Lifeguard Salaries	1,582.40	68,713.28	184,176.00	-115,462.72	37.31%
61530 · Lifeguard Payroll Taxes					
61535 · Lifeguard Payroll Taxes	0.00	2,325.21	5,040.00	-2,714.79	46.14%
61530 · Lifeguard Payroll Taxes -	124.08	3,725.21	8,960.00	-5,234.79	41.58%
Total 61530 · Lifeguard Payroll Taxes	124.08	6,050.42	14,000.00	-7,949.58	43.22%
61540 · Lifeguard Workmans Comp	0.00	1,375.36	9,250.00	-7,874.64	14.87%
61610 · Lifeguard Supplies & Equipm	0.00	48.94	3,500.00	-3,451.06	1.4%
61620 · Lifeguard Uniforms	0.00	968.00	6,000.00	-5,032.00	16.13%
61630 · Lifeguard Junior Guards	0.00	0.00	500.00	-500.00	0.0%
61640 · Lifeguard Chair & Sign Maint	0.00	0.00	700.00	-700.00	0.0%
61665 · Lifeguard Training	0.00	0.00	500.00	-500.00	0.0%
61670 · Lifeguard USLA Certification	0.00	0.00	600.00	-600.00	0.0%
61675 · Lifeguard Gasoline	0.00	92.00	200.00	-108.00	46.0%
61680 · LG Physicals	0.00	0.00	700.00	-700.00	0.0%
61710 · Lifeguard Other Expenses	0.00	213.50	500.00	-286.50	42.7%
Total 61500 · LIFEGUARDS	1,706.48	77,461.50	220,626.00	-143,164.50	35.11%
61800 · PUBLIC WORKS DEPARTMENT					
61810 · Public Works Salaries	8,784.00	34,176.00	124,677.00	-90,501.00	27.41%
61830 · Public Works Life Insurance	55.00	283.63	950.00	-666.37	29.86%
61840 · Public Works Health Insuranc	3,123.08	6,386.25	19,550.00	-13,163.75	32.67%
61850 · Public Works Payroll Taxes	689.01	2,852.80	10,000.00	-7,147.20	28.53%
61870 · Public Works Pension Expen	779.68	2,648.88	12,000.00	-9,351.12	22.07%
61880 · Public Works Workmans Con	0.00	1,248.52	8,200.00	-6,951.48	15.23%
61905 · Public Works Training	0.00	0.00	1,000.00	-1,000.00	0.0%
61910 · Public Works Office Supplies	0.00	0.00	150.00	-150.00	0.0%
61920 · Public Works Shop Supplies	303.21	458.93	1,500.00	-1,041.07	30.6%
61930 · Public Works Shop Equipmer	329.00	329.00	2,500.00	-2,171.00	13.16%
61940 · Public Works Safety Equipme	56.25	56.25	500.00	-443.75	11.25%
62010 · Public Works Printing & Adve	30.50	30.50	200.00	-169.50	15.25%
62015 · Public Works Utilities	729.34	951.81	4,500.00	-3,548.19	21.15%
62020 · Public Works Bldg Maintenar	166.49	213.48	500.00	-286.52	42.7%
62025 · Public Works Uniforms	0.00	0.00	600.00	-600.00	0.0%
62030 · Public Works Gas & Oil	237.56	647.09	3,500.00	-2,852.91	18.49%
62035 · Public Works Repairs & Main	248.22	429.44	2,000.00	-1,570.56	21.47%
62075 · Public Works CDL Testing	225.00	225.00	700.00	-475.00	32.14%
62100 · Public Works Contract Servic	110.00	110.00	150.00	-40.00	73.33%

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August through November 2010

	TOTAL				
$ Over	Nov 10	Aug - Nov 10	Budget	$ Over Budget	% of Budget
Total 61800 · PUBLIC WORKS DEPARTME	15,866.34	51,047.58	193,177.00	-142,129.42	26.43%
62200 · ADMINISTRATION					
62210 · Admin Salaries	12,207.41	49,228.16	163,000.00	-113,771.84	30.2%
62220 · Admin Life Insurance	85.00	264.75	600.00	-335.25	44.13%
62230 · Admin Health Insurance	7,443.98	15,169.67	38,600.00	-23,430.33	39.3%
62240 · Admin Payroll Taxes	957.53	4,082.70	12,400.00	-8,317.30	32.93%
62250 · Admin Pension Expense	1,024.82	3,600.06	13,260.00	-9,659.94	27.15%
62255 · Admin Workers Comp	0.00	174.60	1,050.00	-875.40	16.63%
62260 · Admin Financial Services	440.37	2,665.36	6,000.00	-3,334.64	44.42%
62310 · Admin Office Equip Maintena	491.03	1,857.10	5,700.00	-3,842.90	32.58%
62320 · Admin Office Supplies	124.72	748.91	5,000.00	-4,251.09	14.98%
62330 · Admin Travel Reimbursement	187.56	195.56	750.00	-554.44	26.08%
62332 · Admin Vehicle Acquisition	346.04	1,189.16	4,800.00	-3,610.84	24.77%
62334 · Admin Vehicle Fuel/Maint	23.48	634.22	1,500.00	-865.78	42.28%
62340 · Admin Printing & Advertising	326.00	326.00	100.00	226.00	326.0%
62350 · Admin Training	1,539.00	3,257.14	5,000.00	-1,742.86	65.14%
62360 · Admin Other Expenses	61.00	61.00			
Total 62200 · ADMINISTRATION	25,257.94	83,454.39	257,760.00	-174,305.61	32.38%
63200 · GENERAL GOVERNMENT					
63205 · Gen Gov Insurance	16,328.00	17,188.00	61,000.00	-43,812.00	28.18%
63210 · Gen Gov Telephone	658.70	2,461.40	8,500.00	-6,038.60	28.96%
63220 · Gen Gov Website	40.48	147.88	1,000.00	-852.12	14.79%
63225 · Gen Gov Legal	0.00	1,412.75	14,000.00	-12,587.25	10.09%
63230 · Gen Gov Audit	0.00	8,232.00	8,700.00	-468.00	94.62%
63235 · Gen Gov Postage	139.99	989.12	2,000.00	-1,010.88	49.46%
63240 · Gen Gov Printing & Advertisi	117.40	1,541.70	1,700.00	-158.30	90.69%
63245 · Gen Gov Utilities	1,667.46	4,008.79	13,000.00	-8,991.21	30.84%
63250 · Gen Gov Appraisal	0.00	0.00	5,500.00	-5,500.00	0.0%
63255 · Gen Gov Emergency Mgmt	0.00	0.00	500.00	-500.00	0.0%
63260 · Gen Gov Sewer	123.00	246.00	500.00	-254.00	49.2%
63265 · Gen Gov Dues	15.00	15.00	750.00	-735.00	2.0%
63271 · Gen Gov Recycling	2,214.88	10,914.99			
63272 · Gen Gov Building Maintenan	69.05	926.46	5,000.00	-4,073.54	18.53%
63273 · Gen Gov Cell Phones	0.00	1,360.57	2,500.00	-1,139.43	54.42%
63274 · Gen Gov Contract Services	191.50	1,059.50	4,000.00	-2,940.50	26.49%
63275 · Gen Gov County Fee Tax Billi	0.00	0.00	700.00	-700.00	0.0%
63280 · Gen Gov Contingencies	416.10	1,986.20	5,000.00	-3,013.80	39.72%
63281 · Gen Gov Employee Relations	136.47	2,135.20	3,200.00	-1,064.80	66.73%
63285 · Gen Gov Codification	0.00	0.00	5,000.00	-5,000.00	0.0%

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August through November 2010

			TOTAL		
	$ Over Nov 10	Aug - Nov 10	Budget	$ Over Budget	% of Budget
63290 · Gen Gov Pension Administrat	0.00	643.75	3,600.00	-2,956.25	17.88%
63300 · Gen Gov Government Liaisor	191.00	536.92	2,500.00	-1,963.08	21.48%
63305 · Gen Gov Supplies Median Ma	1,119.93	4,479.72	13,500.00	-9,020.28	33.18%
63310 · Gen Gov Community Projects	-435.64	-438.92	1,500.00	-1,938.92	-29.26%
63320 · Gen Gov Community Outreac	0.00	248.00	1,000.00	-752.00	24.8%
63325 · Gen Govt Ambulance Service	0.00	6,075.00	27,120.00	-21,045.00	22.4%
63330 · Gen Govt Trash Collection	11,643.72	54,029.94	191,310.00	-137,280.06	28.24%
63370 · Gen Gov Parking Permits	0.00	0.00	1,700.00	-1,700.00	0.0%
Total 63200 · GENERAL GOVERNMENT	34,637.04	120,199.97	384,780.00	-264,580.03	31.24%
66000 · Payroll Expenses	35.00	182.10			
66900 · Reconciliation Discrepancies	0.00	1,553.05			
Total Expense	133,988.08	484,909.22	1,494,865.00	-1,009,955.78	32.44%
	8,290.62	623,979.85	0.00	623,979.85	100.0%
Other Income					
45030 · Interest-Investments	0.00	589.53			
Total Other Income	0.00	589.53			
Other Expense					
61410 · Police Capital Expenditures	558.70	558.70			
63350 · Municipal Streets Expense	0.00	6,925.32			
63360 · Municipal Streets Lighting Exp	0.00	2,298.66			
63410 · Gen Gov Capital Expenses	0.00	227,025.00			
80000 · Ask My Accountant	0.00	92.86			
Total Other Expense	558.70	236,900.54			
	-558.70	-236,311.01			
Net Income	7,731.92	387,668.84	0.00	387,668.84	100.0%

TOWN OF FENWICK ISLAND
BUILDING REPORT
OCTOBER 2010

PERMIT #	PROPERTY DESCRIPTION	PROJECT DESCRIPTION	E.C.C.	TOTAL
3918	CMI Solar Electric G. Godfrey 911 McWilliams St. Lot 410 1-34 23.16 38.00	Install 5.45 kW Photovoltaic Ssytem using 16 GE-PVp-210m 210W moducles & 1 SMA America SB6000US inverter	$32,656.00	$100.00
3920	W. McCabe T. McCormick 50 Oyster Bay Drive Lot 167 1-34 23.20 27.04	Replace deckboards on three existing decks	$15,250.00	$457.50
3921	S. DeLeon I. Slody 41 Ebb Tide Cove Lot 534 1-34 23.12 34.00	1st & 2nd floor addition; 2nd floor deck	$53,500.00	$1,605.00
3922	Astrum Solar J. Abernathy 23 W. Essex St. Lot 230/231 1-34 23.12 56.00	Install 75 Sunpower 225 Black Solar Modules	$40,000.00	$100.00
3923	Fix It Jimmy LLC G. Hecker 3 W. James St. Lot 98 1-34 23.12 159.00	Replace deckboards on existing exterior decks	$5,459.00	$164.00
3924	Jas. Allison Builders T. Bergin 1 W. Essex St. Lot 219 1-34 23.12 66.00	Replace siding & windows; re-shingle roof	$33,000.00	$990.00
3925	DNR Construction N. Templeman 1309 Bunting Ave. Lot 5 1-34 23.12 204.00	Repair rotted boot vents and replace shingles	$2,000.00	$60.00
3926	B & G Heating R. Detwiler 11 W. Bayard St. Lot 356 1-34 23.16 78.00	Install 2 ½ ton Bryant heat pump	$5,900.00	$177.00
3927	R. Kempski 12 High Tide Ln. Lot 28 1-34 23.20 49.02	Install 2-ton heat pump	$6,500.00	$195.00

3928	R. Lewis 3 E. Georgetown St. Lot 10 1-34 23.12 212.01	Replace 3 windows & exterior door	$9,500.00	$285.00
3929	Zonko Builders Streett Family 1100 Schulz Road Lot 446 1-34 23.16 2.00	Construct addition consisting of 1,340 sf living space & 500 sf open deck	$175,000.00	$5,250.00
3930	D. Foster 1311 Bunting Ave. Lot 6 1-34 23.12 203.00	Re-shingle roof	$5,200.00	$156.00
	TOTAL		**$383,965.00**	**$9,539.50**

PLBLIC WORKS DEPARTMENT REPORT

October 14, to November 17, 2010

- Drainage work, stone in shoulder, repair signs and post work.
- Trim brush in right of ways.
- Town inspection of roads and sign.
- Park inspection.
- Getting rid of old trash cans and replacing with new and better cans.
- Replaced starter in pick up.
- Remove shuffleboard and basketball courts.
- Install shelves for police.
- Water valve inspection.
- Built racks for pipes and sign post.
- Getting yard ready for new building.
- Repair bricks in park, removing roots under bricks.
- Repairing bike rack.
- Reinstalling metal rack in back yard.
- P. W. fence repair in yard.
- Repair drywall damage in town hall.
- Replacing street blades with new names.
- Put up holiday lights on Rt. 1.
- Repairs on ATV.
- Sweeping roads after high water on roads.
- Rolling shoulders on new black top roads.

FENWICK ISLAND POLICE DEPARTMENT

MEMORANDUM

TO: PRESIDENT
COUNCIL MEMBERS
CITIZENS

FROM: Chief William Boyden

DATE: Dec. 3, 2010

SUBJECT: MONTHLY REPORT

Here is the OCTOBER monthly report for your review and approval:

	2010	2009
Traffic Arrests/Citations	45	125
Total Number of Complaints	29	45
DUI Arrests	0	0
Criminal Arrests	0	0
Parking Tickets	1	4
Time Assisting DE State Police	7	N/A
Time assisting other agencies	6	N/A

Planning Commission Report to Council
16 November 2010

TO: Fenwick Island Town Council
FROM: Winnie Lewis, Chair, Planning Commission

The Planning Commission met on November 8, 2010. Winnie Lewis was chosen as Chair for the term 2010-2011. Marlene Quinn has replaced Phil Craig on the Commission; all other members remain. At the request of the Charter and Ordinance Committee, members developed the following definition of "park:" an area of land preserved in its natural state as public property and set aside for public use having facilities for rest and recreation that is owned and maintained by the Town of Fenwick Island. This recommendation has been forwarded to C&O for their consideration. Next meeting: December 14, 2010 @2:30 PM.

Respectfully Submitted,

Winnie Lewis
WL/adip

Approved First Reading – October 22, 2010
Proposed Amended First Reading – December 10, 2010

(Existing – Replace in Entirety)

Chapter 140, STREETS AND SIDEWALKS

GENERAL REFERENCES

ARTICLE I, Street Names

§ 140-1. Street names and signs.

A. In order to facilitate the prompt location of specific addresses by emergency vehicles, the names of Town streets are as follows:

Streets Located Easterly from Coastal Highway	Streets Located Westerly from Coastal Highway
East Atlantic Street	West Delaware Avenue
East Bayard Street	West Maryland Avenue
East Cannon Street	Oyster Bay Drive
East Dagsboro Street	West South Carolina Street
East Essex Street	West Atlantic Street
East Farmington Street	West Bayard Street
East Georgetown Street	West Bayard Street Extended
East Houston Street	West Cannon Street
East Indian Street	West Dagsboro Street
East James Street	West Essex Street
East Lewes Street	West Farmington Street
East King Street	West Georgetown Street
	West Houston Street
	West Indian Street
	West James Street
	High Tide Lane
	Windward Way
	Ebb Tide Cove
	Schulz Road
	Bay Street
	Bora Bora Street
	Mermaid Street
	Glenn Avenue
	Island Street

B. Signage for these streets shall use the abbreviations "E." and "W.", ***where applicable***.

APPROVED First Reading – October 22, 2010

Proposed Second Reading – December 10, 2010

(EXISTING – Change in Entirety)

CHAPTER 135 - SIGNS

§ 135-1. Intent.

This chapter is intended to promote the health, safety and general welfare of the residents of, visitors to, and owners and occupants of land and buildings within the Town; to restrict and eliminate signs tending to depreciate the value of property; and to eliminate actual or potential hazards to pedestrians and motor vehicle operators within the Town.

135-2. Definitions

The following terms, wherever used herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

Blade Banner - A flag, pennant or similar instrument intended to be hung on a pole no higher than 17 feet nor wider than 3 feet, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind.

Building Official - In the absence of said official, shall be synonymous with the Town Manager or any other person designated to perform the duties of Building Official.

Erect - To build, construct, attach, hang, place, suspend or affix.

Flag - A piece of cloth, plastic or fabric of any kind of distinctive size, color and design used as a symbol, standard, signal, decoration, advertisement, or emblem.

Portable sign - Any permanent or temporary sign, whose design and/or construction is intended to be moveable.

Sign - Includes every sign and any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person, artificial entity, business, or group when the same is placed out-of-doors in view of the general public.

Vehicle sign - A sign or advertising device, but not a bumper sticker, which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisement of products and services or directing people to a business, service or other activity.

§ 135-3. General provisions, restrictions and prohibitions.

Except as otherwise specifically provided in this chapter, the following provisions apply in all zones:

A. The area of a sign shall include the entire face of the sign, including the border and trim, and shall include the space between letters, figures and designs. All sides of a sign which are visible from any one vantage point shall be measured in determining the area of a sign, except that only one side of a sign shall be measured if the two sides are back-to-back or separated by an angle of 45° or less. In the latter case, if the two sides are not equal size, the larger side shall be measured. All signs must be built to withstand ***35 pounds of wind pressure per square foot and a wind velocity of 110 mph***.

B. ***The Building Official may cause any sign or advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.***

C. Portable and movable signs; A-shape signs.

(1) Portable or movable signs which are not firmly attached to a structure are prohibited, excepting that permanently located freestanding signs and those signs as set forth in § 135-3 C (2) are exempt from the above prohibition.

POSTED: October 25, 2010

(2) After September 15 and before June 1, in lieu of (and not in addition to) the flags permitted in ***§§ 135-5A(3)(b) and 135-5C(4)(b)***, A-shape signs with maximum dimensions of 3 feet high and 2 feet wide or a flag indicating either "open" or a product or nationality having dimensions of not greater than four feet by six feet shall be permitted, to be located not closer than 10 feet to either the front or side property line, one per business establishment, to be removed at sundown and not replaced until 7:00 a.m. A-shape signs shall be removed in high winds where they could create a hazard.

D. No sign shall be permitted which by reason of its shape, color or working may be confused with an official traffic sign, signal or device, or which may mislead or confuse pedestrians or vehicle operators, or obscure from view any traffic or street sign or signal or which may obstruct the view in any direction at the intersection of a street with another street or with a driveway.

E. ***Two signs per vehicle, not to exceed 12 square feet total, are permitted.***

F. A sign in the shape or form of any person, animal, vegetable, product or portion of any of the foregoing is prohibited, except with the approval of the Town Council.

G. A sign which advertises a building, product, business, service, event, or institution which is not located on the same lot as the sign is prohibited.

H. A sign that flashes, blinks, or has intermittent or varying intensity of illumination is prohibited whether deliberate or as a consequence of a defect in the sign or the illumination source, if visible from the travel portion of the highway, except for a sign indicating the time or date or temperature changes, or a combination.

I. The light from any light source intended to illuminate a sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.

J. No sign shall obstruct any door, fire escape, stairway or any opening intended to provide ingress or egress to or from any building or structure.

K. No sign which is not attached to a building shall exceed 20 feet in height above the finished grade below it.

L. The lowest point of any sign which extends over an area intended for pedestrian use shall not be less than 8 feet above the finished grade below it. The lowest point of any sign which extends over an area intended for vehicular use shall be not less than 14 feet above the finished grade below it.

M. Signs larger than 30 square feet in area shall be set back a minimum of 25 feet from the Route 1 state right-of-way line or property line on other streets or roads. Signs of 30 square feet and under shall set back a minimum of 10 feet from the Route 1 state right-of-way line or property line on other streets or roads except as otherwise specifically provided in this chapter.

N. In the case of signs placed in the interior of a building and observable from the outside through a frontage window;

(1) Unlighted signs, meaning signs without electrification, are permitted.

(2) Unless the sign is allowed under ***§ 135-4A*** or B, lighted open signs and informational signs showing services rendered or products sold shall not exceed the lesser of 20% of the total area of the window or door in which they are placed or 12 ***square*** feet.

O. Unless the sign is specifically permitted under this chapter, in the Commercial Zone it shall be unlawful for any person or entity to cause or permit the repair, erection, alteration, relocation or conversion of, or to permit to exist, any sign within the Town. This prohibition shall apply to both the owner of the land or buildings and any lessee (tenant) or other occupant.

P. Handicap parking signs. Any handicap parking spaces or zones designated by any person or artificial entity for use by persons with disabilities shall have erect signage.

§ 135-4. Signs permitted in all zones.

Subject to the other conditions of this chapter, the following signs shall be permitted in any zone:

A. Construction signs. One sign shall be permitted for all building contractors, one for all professional firms and one for all lending institutions involved in the construction, enlargement, reconstruction or repair of a structure. Each such sign shall not exceed six square feet in area, with not more than a total of 3 such signs permitted on one site. If freestanding, the height of each such sign shall not exceed 8 feet. Signs

shall be set back a minimum of 5 feet from the Route 1 state right-of-way line and a minimum of 5 feet from the property line on all other streets or roads. Each such sign shall be removed within 14 days of the ***end*** of the intended use of the project.

B. Real estate signs. One temporary real estate sign not exceeding 6 square feet in area and located on the property to which it relates shall be allowed for each lot. Signs shall be set back a minimum of 5 feet from the Route 1 state right-of-way line and a minimum of 5 feet from the property line on all other streets or roads. Any such sign shall be removed within 7 days of settlement of the property.

C. Banners. Banners advertising a public entertainment or event, if specifically approved by the Town Council and in locations designated by the Town Council, may be displayed 14 days prior to and during and 7 days after the public entertainment or event, or as otherwise approved by the Town Council.

D. Permanent identification signs. Signs of a permanent nature, setting forth the name of a church, community center or other like projects, shall be permitted if erected in accordance with the minimum yard requirements of the zone in which the sign is located. Setback requirements shall be in accordance with ***§ 135-3M*** of this chapter. Any such signs shall not exceed 30 square feet in area. Such signs shall be deemed to include community bulletin boards.

E. Civic, religious and quasi-public signs. Name, directional and information signs and emblems of service clubs, places of worship, civic organizations and quasi-public uses shall be permitted on private property if set back in accordance with the minimum sign setback requirements of the zone in which the sign is located. Each such sign shall not exceed 3 square feet in area. If freestanding, the height of such sign shall not exceed 8 feet. In the event that there is a need for more than one sign at one location, all such signs must be consolidated and confined within a single frame.

F. Public signs. Signs of noncommercial nature and in the public interest, such as directional signs, regulatory signs, warning signs and information signs, may be erected by or on the order of a duly appointed federal, state, county or Town public officer in the performance of his duty.

G. Temporary signs. Temporary signs announcing any public, charitable, civic, educational or religious event or function may be located on the lot on which the event or function is to take place and set back no less than 10 feet from the property line nor exceed 30 square feet in area. Such a sign shall be erected no more than 10 days prior to the event or function and must be removed within 5 days after the event or function. If freestanding, the height of such sign shall not exceed 8 feet.

H. Election campaign signs. Signs relating to primary or general elections, including referenda questions, shall be permitted up to a total area of 9 square feet for each lot in a Residential Zone and 30 square feet in a Commercial Zone. These signs shall be confined within private property and shall not be less than 25 feet from the nearest curb intersection of any street or road. Sign setback requirements shall be in accordance with ***§ 135-3M*** of this chapter. If freestanding, the height of such signs shall not exceed 8 feet. Such a sign may be displayed no sooner than 30 days before an election and must be removed within 2 days after the election to which it relates.

§ 135-5. Commercial and industrial signs

The following shall apply in Commercial Zones:

A. For a single commercial business, which is not a part of a subdivided building, the following shall apply (all signs described herein shall be subject to the restrictions provided in ***§ 135-4***):

(1) With property less than 100 feet of frontage on Route 1, ***2 signs, or 2 blade banners, or one of each are permitted***. One sign, attached to the building and not exceeding one square foot for each front foot of building, is permitted. ***A freestanding sign or blade banner is also permitted, but shall not exceed 30 square feet***, and shall not reduce the number of required parking spaces.

(2) With property of 100 feet of frontage or more on Route 1, there shall be allowed one blade banner or one freestanding sign no larger than 120 square feet and one sign attached to the building not to exceed one square foot in area for each front foot of building.

(3) One United States flag and one State of Delaware flag, and one flag indicating either "open", a product, or a nationality, with each flag having dimensions not in excess of 4 feet by 6 feet are permitted if on a pole(s) attached to the front of the building or on a flag pole set back at least 25 feet from the front property line and 10 feet from any side property line; anything contained in this chapter notwithstanding, a flag may protrude no more than 6 feet from the wall to which it is attached and, if attached to a building, may not be higher than the roof of the building.

B. In the case of a subdivided building, the total number of signs shall not exceed 3 signs for each single commercial occupant, the total square footage of all such signs shall not exceed one square foot in area for each lineal front foot of building used for a single commercial purpose. Each allowed sign must be on or attached to the building.

C. In addition to the sign allowed in Subsection B above, the following signs shall be permitted:

(1) One multiple-use identification sign, stating the name of the subdivided building and some or all of its tenants. The area of such sign shall be determined independently from the sign area allowed under Subsection A of this section and shall not exceed 30 square feet per tenant or exceed 250 square feet per subdivided building.

(2) One additional sign shall be permitted below a canopy or overhang, not to exceed 2 square feet in size.

(3) In the case of gasoline service provided by a retail store, one additional conventional freestanding gasoline sign.

(4) Subdivided buildings; protrusion.

(a) For an entire subdivided building, one United States flag and one State of Delaware flag are permitted on a pole(s) attached to the front of a building or on a flagpole set back at least 25 feet from the front property line and 10 feet from any side property line.

(b) For a subdivided building, each holder of a business license is permitted to have one flag indicating either "open" or a product or a nationality, with dimensions not in excess of 4 feet by 6 feet, if on a pole attached to the front of the business (building). ***Blade banners are prohibited***.

(c) Anything contained in this chapter notwithstanding, if attached to a building, a flag(s) may protrude no more than 6 feet from the wall to which it is attached and may not be higher than the roof of the building.

D. No sign on or attached to a building shall extend beyond that portion of the building which it identifies, nor shall it extend above the height of the wall of the building on which it is placed, nor shall it extend beyond the width of the wall of the building on which it is placed, nor shall it protrude more than 6 inches from the wall of the building on which it is placed, except that the sign permitted under Subsection C(2) above may extend out to the limit of an overhang or canopy.

E. In the case where the size of the building is disproportionately small compared to the size of the facility as a whole, a sign not to exceed 25 square feet shall be permitted on the building, to be placed in accordance with the provisions of this chapter, and one freestanding sign shall be permitted no greater than 30 square feet and shall be set back a minimum of 10 feet from the Route 1 right-of-way line or property line or other streets or roads, except as otherwise specifically provided in this chapter, and shall be subject to the restrictions as set forth in ***§ 135-3***.

F. In the case of a full-service auto repair garage-gasoline station having an overhead canopy covering at least 2 rows of gasoline pumps, the following shall be permitted:

(1) One freestanding sign consisting of multiple signs not to exceed 4 square feet for each multiple sign advertising current gasoline prices, subject to height, size and setback requirements set out above.

(2) Lettering and logo showing the company, not exceeding letter heights of 2 ½ feet, lettering length of 16 feet and logo height of 33 inches, on either side of the canopy.

(3) A sign not exceeding 16 square feet on the building indicating the service center.

(4) Advertisement of oil and gas on each pump, said advertisement not to exceed 3 square feet on each pump, is permitted.

§ 135-6. Nonconforming signs

A. Any permanent sign lawfully in existence on the effective date of this chapter shall be allowed to remain; however, ***if an existing sign is destroyed or falls into disrepair, then reconstruction of said sign of the same size and in the same location shall be permitted if rebuilt within one year of said destruction or disrepair. In the event such a sign is not rebuilt and replaced within the one-year time limit, then any reconstruction must be in accordance with this chapter.*** The condition of the sign in question shall be determined and approved by the Building Official at the time the sign permit application is filed as set forth in ***§ 135-7*** herein. The condition of such sign may also be evaluated at the time it is destroyed or falls into disrepair. All applications for a permit to replace a nonconforming sign shall not be considered as a reconstruction of a nonconforming sign and, therefore, the replacement sign must be in accordance with this chapter.

B. Portable or movable signs that are in violation of ***§ 135-3C*** shall be removed not later than 30 days after the effective date of this chapter.

§ 135-7. Permits.

A. No sign shall be erected or moved or altered as to size, shape, design or context without first filing an application and obtaining a signed permit of approval by the Building Official, except as provided in ***§ 135-8*** of this chapter. Where space on the sign is provided to indicate sales or specials, the written and/or graphic content in this area may be changed without prior approval.

B. The exact location, size, type of illumination, structural content, support system, color and design must be clearly and fully set forth in Section II of the Sign Permit Application except as provided in ***§ 135-8*** of this chapter.

C. A fee as set by resolution by the Town Council from time to time must accompany each sign permit application for a multiple use identification sign as set forth in ***§ 135-5C(1)*** of this chapter, and for each sign described in § 135-4A or B of this chapter. All other sign permits will be charged a fee as set by resolution of the Town Council from time to time, except as provided in ***§ 135-8*** of this chapter.

D. All requests for a permit hereunder must be signed by ***the owner of the property and/or business owner of that property where the sign is to be located***.

E. An application for a sign permit may be obtained from the ***Town Manager or Building Official's*** office.

§ 135-8. Exceptions; sign application; permit and fee.

A. Signs which are permitted in accordance with ***§ 135-4A***, B and F of this chapter shall not require the submission of an application or a permit or a fee to be paid, provided that they shall be in accordance with all other requirements of this chapter.

B. Signs which are permitted in accordance with ***§ 135-4C*** of this chapter shall require the submission of an application which must be approved by Town Council. No fee will be required.

C. Signs which are permitted in accordance with ***§ 135-4D*** and E of this chapter shall require the submission of a sign application and a sign permit. No fee will be required.

D. Signs which are permitted in accordance with ***§ 135-4G*** and H of this chapter shall not require the submission of an application or a permit, and no fee is required, provided that they shall be in accordance with all other requirements of this chapter, and further provided that the Building Official be advised prior to erection as to location, size and content.

E. Signs which are required in accordance with ***§ 135-3P*** of this chapter shall not require the submission of an application or a permit, and no fee is required, provided that they shall be in accordance with Title 9, Section 310, of the Delaware Code.

§ 135-9. Maintenance of signs.

If the Building Official shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he/she shall give written notice to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 10 days after such notice, such sign or other advertising structure may be removed or be made to comply by order of the Building Official at the expense of the permittee or owner of the property upon which it is located. The Building Official shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed.

§ 135-10. Penalties.

Violators of any provision of this chapter shall, upon conviction , ***be subject to a fine of $200***. Each day that the violation continues to exist after written notification by the Town of the violation and the expiration of the time for compliance of at least 10 days set forth in the notice shall be a separate offense, subject to the same penalty for each day the violation continues.

§ 135-11. Appeals.

Appeals to the interpretation of this chapter will be made to the Town Council. The decision of the Town Council shall be final.

BETHANY BEACH

FIRE COMPANY

MEMORIAL CHRISTMAS TREE LIGHTING CEREMONY

IN THE FENWICK ISLAND TOWN PARK. DECEMBER 10,2010 AT 7:00 PM ED

The Town of Fenwick Island has partnered with the Bethany Beach Volunteer Fire Company to bring holiday cheer to our community. You will have an opportunity to honor a loved one while supporting the fire company through the sponsorship of a memorial decorative bulb for only $5 each. A night of family fun and memories!

-- PLEASE PLAN TO ATTEND --

Donors, please visit the Fenwick Town Hall
800 coastal Highway, Fenwick Island, DE 19944
for a donor form, to indicate the name
of the loved one and bulb color choice.

BETHANY BEACH FIRE COMPANY • WWW.BETHANYBEACHFIRE.COM • PHONE: 1-302-539-7700