

MINUTES of the REGULAR
TOWN COUNCIL MEETING
32 WEST AVENUE
September 9, 2025 @ 3:00PM

1. CALL TO ORDER

Mayor Reddington called the meeting to order at 3:00 p.m. with the **Pledge of Allegiance**.

Present: Council Members Jay Tyminski, Steve Cobb, Don Walsh, & Colleen Twardzik, Town Manager Carol Houck, Finance Director Dawn Parks, Police Chief Ken McLaughlin, Planning, Zoning & Development Director Ken Cimino, Public Works Facility Manager Matthew Martin, Town Solicitor Veronica Faust, and Town Clerk Donna Schwartz. Jim Lober was also present to discuss fast-food ordinances.

Mayor Reddington began the meeting by making corrections to the agenda numbering. He asked for a change to the agenda by moving items 6, 8, and 9 to the top of the meeting agenda due to the large crowd. *A motion was made by Council Member Cobb, seconded by Council Member Tyminski to adjust the agenda. The motion carried unanimously 5/0.*

2. AUDIT PRESENTATION

The auditors were present to report on their findings of the FY25 Audit. Alyssa Revell and Ashley Stern representing PKS Certified Public Accounting Firm told Council that they have given the town an Unmodified score, the highest rating one can give. They said they found no material weaknesses, overall, the town was under budget on expenditures by \$592,046. They were pleased to share that the town has fully funded pensions. Ms. Revell explained in slight detail the upcoming new accounting pronouncements of GASB 102, 103 and 104, which will be in effect in coming years.

Mayor Reddington questioned whether two months of income covering expenditures were sufficient and what amount is considered the ceiling. Ms. Stern replied that no more than six months was considered the maximum, she said the town is carrying five months of funds. Council Member Cobb questioned whether sick time was a liability.

3. PUBLIC HEARINGS

A. Second Reading of an Ordinance Governing the Disposition of Seized, Forfeited, or Unclaimed Property.

Mrs. Faust explained the need for the ordinance regarding disposal procedures of property. There were no comments from the Council or the public.

A motion was made by Council Member Twardzik, seconded by Council Member Walsh, to approve the ordinance governing the disposition of seized, forfeited, or unclaimed property. The motion carried unanimously 5/0.

B. Second Reading of an Ordinance Amending Chapter 213, Article 1 and Repealing Chapter 213, Articles II & III of the Town of Ocean View Code relating

to the Town of Ocean View Water System and Associated Fees and Charges and Private Wells.

Mrs. Faust explained the need for the amendments to Chapter 213 now that the water sale has been completed. There were no questions from the Council nor the Audience.

A motion was made by Council Member Cobb, seconded by Council Member Twardzik to repeal Chapter 213. The motion carried unanimously 5/0.

- C. First Reading of an Ordinance amending Sections 140-26, 140-128, and 140-152, of the Ocean View Land Use and Development Code by defining various Permitted Types of Fast-Food Restaurants, adding them to the Table of Permitted Uses as Special Exceptions in Certain Zoning Districts, adding Development Standards for each, and amending Section 140-121 to add Surgical Centers for renumbering purposes only.**

Ms. Faust explained the need for the ordinance to Council, Mr. Lober details some of the highlights of the ordinance, saying in particular that a fast-food restaurant must have its own dumpster, which the Planning and Zoning Commission voted on before recommending to Council.

- D. First Reading of an Ordinance amending Section 140-59-E(1) of the Ocean View Land Use and Development Code by adding Fast-Food Restaurants. Fast-Food Restaurants with Drive Through, Fast-Food Restaurants with Drive-in, as uses to the required Off-Street Parking Spaces Chart, revising the number of Off-Street Parking Spaces Chart required for Restaurants and Establishing the number of Off-Street Parking Spaces required for the aforementioned types of Fast-Food Restaurants.** Ms. Faust explained the need for the ordinance to Council, Mr. Lober briefly explained the need for the ordinance.

- E. First Reading of an Ordinance amending Section 140-65 of the Ocean View Land Use and Development Code by adding additional types of pf signs associated with Fast-Food Restaurant with Drive-in to the signs permitted in GB-1 and GB-2 zones.** Ms. Faust explained the need for the ordinance to Council, Mr. Lober briefly explained the need for the ordinance.

4. ADOPTION of Agenda

A motion was made by Council Member Cobb, seconded by Council Member Tyminski, to adopt the agenda as changed. The motion passed unanimously 5/0.

5. APPROVAL of the Town Council Minutes

- A. *A motion was made by Council Member Tyminski, seconded by Council Member Walsh, to approve the minutes of the Regular Meeting held on July 8, 2025. The motion passed unanimously 5/0.***

6. COMMUNICATIONS AND PRESENTATIONS

- A.** Mayor Reddington read the Dunes Pink Classic Proclamation.
- B.** Town Press Release to ACLU regarding Ordinance 405.
- C.** Letter of thank you from Ron Galey.

7. REPORTS

- A. Financial (Dawn Parks)**
Report received and filed.
- B. Public Safety (Chief McLaughlin)**
Report received and filed.
- C. Planning, Zoning and Development (Ken Cimino)**
Report received and filed.
- D. Town Manager (Carol Houck)**
Report received and filed.
- E. Public Works**
Report received and filed.
- F. MVFC Report (Mayor Reddington)**
Report received and filed.

8. CITIZEN'S PRIVILEGE ON AGENDA ITEMS

Mr. Chase Sargent, Fairway Village, questioned Council how they arrived at the number of "10" people for getting a permit.

Mr. David Posner, Cedar Neck, stated that more input was needed on the ordinance.

Mr. Richard Manfredi, Stingray Harbor, spoke to Council about the fast-food restaurant ordinances and thanked Mr. Cimino and staff on their work.

Ms. Cheryl Siskin, Indivisible Southern Delaware, asked for assurances that Council that they would not enforce the ordinance before repeal.

Ms. Susan Nolan, Bay Forest, asked Council what brought the ordinance on. She said it is against the first amendment.

Ms. Dorothy Moreland, unknown address, stated that the timing of the ordinance was all wrong.

Mr. Joe McGowen, Woodland Park, asked Council if notices were posted for the ordinance that was passed.

Mr. Dan Lily, Bay Forest, thanked Council for bringing it back for review.

Ms. Margaret Reyes, Fairway Village, question which Council Members voted to approve of the ordinance. She stated that there should always be crowds like this at their meetings.

9. NEW BUSINESS

A. Introduction of Ordinance(s)

- 1. An Ordinance to amend the Zoning District Designation for the Lands of SMC Enterprises, LLC, from Single Family Residential District for a certain parcel of land containing 24,916 square feet, more or less, identified as Sussex County Tax Map Parcel 134-12.00-386.00, 32451 Windmill Drive.**

Introduced by Council Member Walsh.

10. CITIZEN'S PRIVILEGE –

Ms. Paula Keiser, Fairway Village, question what fast food restaurant is looking for a home in Ocean View.

Ms. Linda Rondeau asked if Dunkin Donuts was coming to Ocean View.

Ms. Theresa Mulligan, Dagsboro, questioned the time of the meetings.

Mrs. Kitty Rehrig, Wade Winn Street, thanked Dawn for the excellent audit report.

11. EXECUTIVE SESSION -

A motion was made by Council Member Walsh, seconded by Council Member Tyminski to enter Executive Session at 4:30pm. The motion carried unanimously 5/0.

No Action was taken, no votes made.

A motion was made by Council Member Walsh, seconded by Council Member Twardzik, to return to open session at 5:17pm. The motion carried unanimously 5/0.

12. ADJOURNMENT

A motion was made by Council Member Tyminski, seconded by Council Member Twardzik, to adjourn the meeting at 5:20pm. The motion was carried unanimously 5/0.

Respectfully submitted,

Donna M. Schwartz, MMC, Town Clerk