

**MAYOR AND COMMISSIONERS MEETING
CITY OF REHOBOTH BEACH**

October 16, 2015

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach was called to order at 7:02 p.m. by Mayor Samuel R. Cooper on Friday, October 16, 2015 in the Commissioners Room, 229 Rehoboth Avenue, Rehoboth Beach, DE.

City Solicitor Glenn Mandalas gave the invocation followed by the Pledge of Allegiance.

ROLL CALL

Present: Commissioner Toni Sharp
 Commissioner Patrick Gossett
 Mayor Samuel R. Cooper
 Commissioner Stan Mills
 Commissioner Kathy McGuiness

Absent: Commissioner Paul Kuhns
 Commissioner Lorraine Zellers

Also in attendance: City Manager Sharon Lynn
 City Solicitor Glenn Mandalas

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Kathy McGuiness, to approve the Agenda with the deletion of the minutes of the Workshop Meeting held on April 6, 2015, Special Workshop Meeting held on April 13, 2015, Workshop Meeting held on May 4, 2015, Special Workshop Meeting held on May 15, 2015, Special Workshop Meeting held on May 29, 2015, September 9, 2015 Workshop Meeting and October 5, 2015 Workshop Meeting. Motion carried unanimously.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

Minutes of the February 20, 2015 Special Workshop Meeting, March 20, 2015 Special Workshop Meeting and September 18, 2015 Regular Meeting were distributed prior to the meeting. Minutes of the April 6, 2015 Workshop Meeting, April 13, 2015 Special Workshop Meeting, May 4, 2015 Workshop Meeting, May 15, 2015 Special Workshop Meeting, May 29, 2015 Special Workshop Meeting, September 9, 2015 Workshop Meeting and October 5, 2015 Workshop Meeting were not available for approval.

Commissioner Mills made a motion, seconded by Commissioner Patrick Gossett, to approve the February 20, 2015 Minutes of the Mayor & Commissioners Special Workshop Meeting. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Toni Sharp, to approve the March 20, 2015 Minutes of the Mayor & Commissioners Special Workshop Meeting. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Sharp, to approve the September 18, 2015 Minutes of the Mayor & Commissioners Regular Meeting. Motion carried unanimously.

REPORT OF POLICE DEPARTMENT

Police Chief Keith Banks presented the report of the Police Department for the month of September 2015. There were 45 criminal, 255 traffic and 32 civil charges made during the month. Nineteen traffic crashes were investigated. Next weekend will be the last for the summer officers to be working for the season. Seven summer officers will be working at Sea Witch. As of October 2, 2015, the Police Department launched its Facebook page which will be used in correlation with the Department's webpage and Neighborhood Watch to communicate numerous police related events to the public. Information that will be posted will include, but not limited to, weather and road closure events, information that is requested and press releases. Last month, a Combat Violent Crimes grant was received in the amount of \$18,240.00. The monies will be used to purchase and install a video recording system on the Boardwalk. The grant will need to be finished by September 30, 2016. The Dispatch Center handled 394 police incidents, 263 ambulance incidents, 269 traffic stops, assisted other agencies eight times

during the month and 9-1-1 calls totaling 562 were received. On September 21, 2015, the 9-1-1 Communications Center was moved to the Emergency Operations Center (EOC) in Georgetown, DE.

REPORT OF REHOBOTH BEACH VOLUNTEER COMPANY

Mr. John Meng of the Fire Company reported that there were 39 crew calls, 10 alarms and assisted other fire departments five times for the month of September 2015.

REPORT OF BUILDING & LICENSING DEPARTMENT

Chief Building Inspector Damalier Molina presented the report of the Building & Licensing Department for September 2015. During the month, 82 permits were issued for a value of work totaling \$2,508,224.00. Fees collected totaled \$68,982.20 for the month. Processing fees were received in the amount of \$1,640.00. The Board of Adjustment heard no cases in September. No restaurant applications were received in September. Sixty-four notices of violation were issued during the month. There were 44 building inspections, nine plumbing inspections, two building re-inspections, three meetings regarding trees and 30 meetings regarding new projects.

REPORT OF PLANNING COMMISSION

Planning Commission Secretary Francis Markert presented the report of the Planning Commission. The Regular Meeting was held on October 9, 2015. A Public Hearing was held on the matter of the Minor Subdivision request for the properties located at 1028 and 1030 Scarborough Avenue Extended. The Planning Commission unanimously conditionally approved the application, subject to the planting of a buffer along the property line separating the residentially zoned property and the commercially zoned portion. The Applicant was given six months to comply for favorable planting. The Planning Commission voted to approve the draft report as revised at the meeting. Chairman Mellen plans to discuss with the Mayor whether the report is issued by the Planning Commission or submitted to the Board of Commissioners for its review and comment. During the presentation of an analysis prepared by Mr. Brian Patterson concerning non-conforming property issues, the Planning Commission discussed recurring issues involving non-conforming use and other situations that impact the partitioning of properties. The discussion will continue with the intention of establishing guidelines or recommendations for future Code changes. The Planning Commission had acknowledged the award received by Ms. Ann Womack, City Secretary, for the extreme dedication to her job.

OLD BUSINESS

There was none.

NEW BUSINESS

Mayor called to consider award of contract for removal of asbestos containing materials from the existing City Hall, Main Street and Tech Services buildings for which bids were received and opened on October 14, 2015.

Mr. Rick DiSabatino of EDiS Company noted that the bids had been received for the asbestos abatement work. The low bid was with County Environmental in the amount of \$7,750.00. Monies budgeted for the project were approximately \$20,000.00. The recommended contractor by Monty W. Krough Sr., Asbestos, Mold & IAQ Program Manager of BrightFields Inc. is County Environmental.

Mayor Cooper noted the intent is that as soon as City staff has been relocated to the modular trailers to remove the flooring in City Hall. Work will be completed before demolition is completed in the Tech Services building.

Commissioner Mills made a motion, seconded by Commissioner Sharp, to authorize the signing of the contract with County Environmental in the amount of \$7,750.00 for the asbestos removal in the three buildings. (Sharp – aye, Gossett – aye, Cooper – aye, Mills – aye, McGuiness - aye.) Motion carried unanimously.

Mayor Cooper called to consider award of contract for construction of the new building that will house the Parking Department and Rehoboth Beach Main Street for which bids were received and opened on October 8, 2015 and to consider award of contract for site work related to the City Hall Project for which bids will be received and opened on October 13, 2015.

Mr. DiSabatino noted that the bids were received for the construction of the Parking Department building on October 8, 2015. The low bid for BP-03 was with Delmarva Veteran Builders LLC in the amount of \$887,900.00. Monies estimated for the project were approximately \$1,223,000.00. The recommended contractor by Mr. DiSabatino was Delmarva Veteran Builders LLC in the amount of \$887,900.00.

Mayor Cooper noted that Alternate 1 is not being authorized for a pre-engineered vault. BP-02 was opened on October 13, 2015.

Mr. DiSabatino noted that the bids were received for the demolition, sitework and utilities on October 13, 2015. The low bid for BP-02 was with Corrado Construction Company in the amount of \$1,995,551.00. Monies estimated for the project were approximately \$1,500,000.00. The bids were reviewed today, and the recommended contractor by Mr. DiSabatino was Corrado Construction Company in the amount of \$1,995,551.00.

Commissioner Mills made a motion, seconded by Commissioner McGuiness, to approve the award of the contract for the Parking Department and Main Street building to Delmarva Veteran Builders LLC in the amount of \$887,900.00. (Sharp – aye, Gossett – aye, Cooper – aye, Mills – aye, McGuiness - aye.) Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner McGuiness, to approve the award of the contract for demolition, sitework and utilities to Corrado Construction Company in the amount not to exceed \$1,995,551.00 contingent upon further review by the City Manager and EDiS Company. (Sharp – aye, Gossett – aye, Cooper – aye, Mills – aye, McGuiness - aye.) Motion carried unanimously.

City Manager Sharon Lynn noted that the modular trailers are being shipped from the Midwest. Modifications to the trailers are done onsite and will revolve around the site work. The plan is to move the Administrative offices to the trailers by December 11, 2015.

Mayor Cooper called for confirmation of appointments to the Planning Commission, Parks & Shade Tree Commission and Board of Adjustment.

Mayor Cooper read the list of appointments for three year terms.

Planning Commission: Jan Konesey, Brian Patterson, Mike Strange.
Parks & Shade Tree Commission: Jane Wyatt, Anne Hubbard.
Board of Adjustment: Tom Evans.

Commissioner Mills made a motion, seconded by to Commissioner Sharp, to approve the appointments to the Planning Commission, Parks & Shade Tree Commission and Board of Adjustment.

Commissioner Mills preferred that the positions would be advertised and invite people in to apply.

(Sharp – aye, Gossett – aye, Cooper – aye, Mills – aye, McGuiness – aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

City Manager Sharon Lynn reported that the closing for the \$18,000,000.00 City Hall Municipal Complex construction loan through PNC Bank will occur on October 20, 2015. The bond counsel and City Solicitor will be present as well as Mayor Cooper and City Manager Lynn. On October 10, 2015, the Delaware Solid Waste Authority (DSWA) held its computer recycling and shredding event. A box truckload of shredding was removed. The recycling bins will be picked up on November 4, 2015 by DSWA. These bins will not be relocated. The last event for the Convention Center will be held on November 7, 2015. The next Board of Commissioners Workshop Meeting will be held at the Fire Company on November 9, 2015. A special election will be held on November 7, 2015 at the Fire Company. An auction with regard to office furniture will be held in late November or December. The artwork will be temporarily stored at the Rehoboth Beach Museum for the duration of construction.

There were no Street Aid expenditures.

COMMITTEE REPORT

There were none.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Mills commented that he has been working with Mr. Max Hamby, IT Director and Ms. Womack with regard to reformatting and updating Ongoing Business on the City website.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

Items to be included on the agenda for the November 9, 2015 Workshop Meeting: 1. Election and voting process. 2. Vacation rental ordinance discussion. 3. Restaurant size. 4. Brew pubs. 5. Trash. 6. Video system for City Hall.

Items to be include on a future agenda: 1. Budget discussion including a staffing assessment.

CITIZEN COMMENT

Mr. Walter Brittingham, 123 Henlopen Avenue, asked if there has been a formal written critique of the recent storm. There were problems at the power plant caused by system reliability at Delmarva Power. There are no generators at the sewer plant. The entire electrical system went down on Rehoboth Avenue. There should be a generator at 306 Rehoboth Avenue.

City Manager Lynn noted that the storm had been discussed internally at a recent staff meeting.

Mayor Cooper said that a generator is included the ocean outfall project. When the wastewater treatment plant was designed and constructed, it was the accepted practice to get two feeds from the power company from two different transformers. This was substituted for emergency power. It was more cost efficient to do this at that time. The two feeds still exist. DNREC has pushed the City to provide generation onsite as the appropriate way for emergency power. This is included in the project.

REVIEW with City Solicitor the legal strategy being pursued in the several items of pending litigation in which the City is involved.

This item included an Executive Session where the Commissioners discussed with an attorney-at-law the legal strategy involved in pending litigation as permitted by *29 DelC. §10004(b)(4)*.

Commissioner Mills made a motion, seconded by Commissioner Sharp, to move to Executive Session at 7:57 p.m. to discuss pending legal issues with the City Solicitor. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Gossett, to reconvene to the public forum at 9:13 p.m. Motion carried unanimously.

The next Workshop Meeting will be held on November 9, 2014 at 9:00 a.m.

There being no further business, Mayor Cooper adjourned the meeting at 9:14 p.m.

Respectfully submitted,

(Ann M. Womack, Assistant Secretary)