

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

December 19, 2014

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, December 19, 2014 in the Commissioners Room in City Hall, 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
 Commissioner Bill Sargent
 Mayor Samuel R. Cooper
 Commissioner Stan Mills
 Commissioner Lorraine Zellers
 Commissioner Kathy McGuiness

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

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the Agenda with the deletion of the August 4, 2014 Workshop Meeting, August 15, 2014 Regular Meeting, September 8, 2014 Workshop Meeting, October 6, 2014 Workshop Meeting Minutes and November 10, 2014 Workshop Meeting Minutes. Motion carried unanimously.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

Minutes of the October 31, 2014 Executive Session, November 10, 2014 Special Meeting, November 10, 2014 Executive Session, November 17, 2014 Special Meeting, November 17, 2014 Executive Session and November 21, 2014 Regular Meeting were distributed prior to the meeting. Minutes of the August 4, 2014 Workshop Meeting, August 15, 2014 Regular Meeting, September 8, 2014 Workshop Meeting, October 6, 2014 Workshop Meeting and November 10, 2014 Workshop Meeting were not available for approval.

Commissioner Stan Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the October 31, 2014 Mayor and Commissioners Executive Session minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the November 10, 2014 Mayor and Commissioners Special Meeting minutes as written. Motion carried unanimously.

Commissioner Patrick Gossett made a motion, seconded by Commissioner Zellers, to approve the November 10, 2014 Mayor and Commissioners Executive Session minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Gossett, to approve November 17, 2014 Mayor and Commissioners Special Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Gossett, to approve the November 17, 2014 Mayor and Commissioners Executive Session minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the November 21, 2014 Mayor and Commissioners Regular Meeting minutes as written. Motion carried unanimously.

REPORT OF THE POLICE DEPARTMENT

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of November 2014. There were 13 criminal, 173 traffic and one civil charges made during the month. Six traffic crashes were investigated. The Dispatch Center handled 149 police incidents, 163 ambulance incidents, 41 fire incidents, 181 traffic stops, assisted other agencies seven times during the month and 9-1-1 calls totaling seven 331 were received.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

Chief Harry Miller presented the report of the Fire Company. Chief Miller will be retiring after this year from the Fire Company. He thanked the Mayor and Commissioners, City Manager and the public for the working relationship that the Fire Company has with the City. Any special projects that the Fire Company has had to make its services easier to provide has been through 100% support from the City. In 2014, the City provided the funds in the amount of \$20,000.00 to buy an all-terrain vehicle which was turned into an emergency services vehicle for use during special events. The vehicle was equipped with emergency lights, winch and gear. In the future, the Fire Company plans to buy a trailer for the all-terrain vehicle. This vehicle will be staged in the City at Station No. 1.

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for November 2014. During the month, 63 permits were issued for a value of work totaling \$2,127,375.60. Fees collected totaled \$54,605.85 for the month. Fifty-four permit processing fees were received in the amount of \$1,080.00. The Board of Adjustment heard no cases in November. One restaurant application was received in November. One notice of violation was issued for a contractor working without a building permit. One notice of violation was issued for a contractor working without a license. One notice of violation was issued for abuse of trees. There were 31 building inspections, nine plumbing inspections, four rental inspections, no meetings regarding trees, 23 meetings regarding new projects and 13 meetings regarding City business.

PERMIT OF COMPLIANCE HEARING

Mayor Cooper opened the Permit of Compliance hearing requested by George Stakias of Goolee's Grille LLC, to operate a new restaurant to be known as "Goolee's Grille" pursuant to the City of Rehoboth Beach Municipal Code, Chapter 215 – Restaurants. The restaurant will be located at 9 First Street. Mayor Cooper noted the Public Hearing procedures for this hearing.

City Solicitor Mandalas noted the purpose for the hearing, and he read from Section 215-5 of the Code that in reaching their decision, the Commissioners shall consider the following factors including but not limited to:

1. Whether the Applicant has demonstrated that the establishment's primary purpose will be that of a restaurant or dinner theater as defined in this chapter.
2. Whether the establishment meets all the City's applicable zoning and licensing provisions.
3. Whether the establishment would be a detriment to the peace, order and quiet of the neighborhood and the City.
4. Whether the establishment will have an adverse impact on neighboring properties or on the City of Rehoboth Beach considering the impact on traffic, parking and noise.
5. Whether the Applicant has made any false representation or statements to the City's employees or the Commissioners in order to induce or prevent action by the City, not only in regard to the pertinent pending Application under the statute, but also with regard to the issuance of a building permit or business license for the subject establishment.

City Solicitor Mandalas identified the exhibits: 1. Notice of Public Hearing posted by the City Secretary on December 1, 2014. Notice of Public Hearing was published in the Cape Gazette on December 5, 2014, Coast Press on December 10, 2014 and Delaware State News on December 3, 2014. 2. Building Inspector's Report dated December 3, 2014. 3. Application for a Restaurant Permit of Compliance signed and notarized on November 4, 2014 and received on November 7, 2014. 4. Menu. 5. Existing Floor Plan received on November 7, 2014. 6. New Restaurant Floor Plan received on December 1, 2014. 7. New Restaurant Floor Plan received on December 2, 2014. 8. Property record. 9. Illustration of the properties within 200 feet that were notified for this hearing.

Building Inspector Sullivan presented a complete report, and her findings were based on the application and her knowledge of the Code. (See attached report.) The Applicant has stated that the approximate percentage of revenue between the sale of alcohol and food is 9.5% alcohol and 90% food. The Application is

for a 2,000 square foot restaurant. The proposed bar area will be 18 square feet with a proposed ratio of bar permanent seated dining of 2%. In summary, this was an Application for an existing restaurant at 9 First Street to add alcohol to their menu. There will be no bar area just a liquor storage cabinet in the back of the restaurant and an area to prepare the drinks in the kitchen.

Mr. George Stakias noted that this establishment will be mainly for serving breakfasts. He would like to offer a drink along with a breakfast. He will not have the type of traffic flow for liquor like a bar/restaurant that is open for dinner. Mr. Stakias is hoping to do approximately 10% in liquor sales in the future. Hours of operation will be seven days per week from 8:00 a.m. to 2:00 p.m. in the off season and 7:00 a.m. to 3:00 p.m. during the summer season.

There was no correspondence.

Public Comment:

1. Pat Norburgh, realtor in Rehoboth Beach – in support of.

Mayor Cooper closed the public portion of the hearing and called for discussion among the Commissioners.

Commissioner Bill Sargent made a motion, seconded by Commissioner Mills, to approve the Permit of Compliance to George Stakias for Goolee's Grille at 9 North First Street.

Commissioner Sargent found the following to be true:

1. The proper Application and supporting documents have been filed.
2. The proper fee has been paid.
3. The proper notifications have been made.
4. All parties wishing to be heard have been heard.
5. The primary purpose is that of a restaurant.
6. The Application meets the City's applicable zoning and licensing provisions.
7. The restaurant would not be a detriment to the peace, order and quiet of the neighborhood and the City.
8. The restaurant will not have an adverse impact on neighboring properties or on the City of Rehoboth Beach considering the impact of traffic, parking and noise.
9. The Applicant has made no false statements to the City employees or Commissioners.

(Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, McGuinness – aye.) Motion carried unanimously.

REPORT OF PLANNING COMMISSION

Planning Commission Vice Chair David Mellen presented the report of the Planning Commission. The Regular Meeting was held on December 12, 2014. Re-appointments to the Commission were Mr. Harvey Shulman and Ms. Lynn Wilson., and the new appointment was Ms. Joyce Lussier. There was a presentation and discussion with Ms. Dorothy Morris of Office of State Planning Coordination concerning State requirements and possible assistance in the five-year review and update of the Comprehensive Development Plan (CDP). There three routes to follow: 1. Amend the Plan which requires the PLUS review and re-certification. 2. Produce an attachment status summary which requires no review or re-certification. 3. Take no. action, and the State would follow with a letter of confirmation. Ms. Morris suggested that the State proposes coastal towns consider the impact from rising ocean levels in which there may be funding available under certain circumstances for this study. The Planning Commission is continuing its review of the Plan and will determine the path to follow and the process. The Planning Commission conducted a Preliminary Review for a property located at Lot Nos. 36 & 38 Surf Avenue, found that the submitted documents were substantially complete and voted to move the Application to Public Hearing at the January 9, 2015 meeting. The Planning Commission unanimously approved the slate of officers, Chair David Mellen, Vice Chair Michael Strange and Secretary Francis Markert, Jr. No new subdivision applications have been submitted to date. It is anticipated that there will not be a February meeting scheduled due to multiple travel plans.

OLD BUSINESS

Mayor Cooper called to consider adoption of an ordinance to amend Chapter 92 – Automobiles, Vehicles and Traffic, of the City Code relating to the establishment of parking spaces for the charging of electric vehicles and establishing regulations for same.

Commissioner Mills noted that the proposed ordinance defines an electric vehicle and designates parking spaces for charging electric vehicles and establishes regulations for same. The parking spaces would be three

hour zoned and will be metered only in the standard parking meter season. A red-line copy and clean copy of the proposed ordinance were provided to the Commissioners prior to the meeting.

Change to clean copy of proposed ordinance:

1. Line 65. Change "...H2 designated for electronic vehicle charging" to "...H2 designated for Electric Vehicle charging."

Commissioner Mills made a motion, seconded Kathy McGuinness, to adopt the ordinance amending Chapter 92 with the change as outline on Line 65. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, McGuinness – aye.) Motion carried unanimously.

NEW BUSINESS

Mayor Cooper called for the presentation and three-year review of the Streets & Transportation Ad Hoc Rehoboth in Bloom Committee, successes/challenges and future, including discussion and consideration of a city-wide beautification initiative.

Commissioner Zellers of Rehoboth in Bloom Ad Hoc Committee gave her presentation. This report was given to the Streets & Transportation Committee on November 24, 2014. It is being brought to the Commissioners with the endorsement of the Bloom Ad Hoc Committee and Streets & Transportation Committee. The Bloom Ad Hoc Committee was charged by the Streets & Transportation Committee to find out how and why the City of Lewes looks the way it does with beautiful plantings and landscape areas. The Rehoboth in Bloom concept was first presented to the Commissioners on December 9, 2011. At that time, funds were allocated for three projects. Ongoing projects have been done for the past three years working in partnership with the City Manager and the Bloom Ad Hoc Committee identifying areas for projects. For the most part, the work has been done by vendors, all within a budget of \$7,000.00 to \$10,000.00. There has been some success, but the "Wow" factor has never been reached. Photographs were provided of the Rain Garden, Veterans' Memorial and the Canal Bridge planting at the Museum. A continuing challenge is irrigation. City staff has other priorities in season so support has been inconsistent. Committee discussion focused on different proven models such as volunteer-run, City-run and vendor based. A volunteer program remains a challenge because of the large majority of part-time property owners. Vendors have limited commitment dependent on costs. A City-run initiative falls under the City Manager and Public Works. With regard to the Bethany Model, it started 11 years ago. A horticulturist was hired whose time and duties are dedicated to implementing the beautification initiative under the direction of the City Manager and Public Works and installing and maintaining all flowering projects. The consensus of the Bloom Ad Hoc Committee is that city beautification is important. It enhances a sense of well-being and builds community pride. The City falls short when compared to neighboring coastal communities. The City looks good, but there is potential to be so much better. Commissioner Zellers asked the Board of Commissioners to adopt and commit to a city-wide beautification initiative for the City. A cost benefit analysis would show that this would be a revenue neutral position. The Ad Hoc Committee has been reviewing the budget of which \$100,000.00 is allocated for contractors and vendors. In hiring a horticulturist, there would be no need for the Bloom Ad Hoc Committee. Commissioner Zellers was seeking a commitment from the Commissioners to move forward and work with the City Manager to help grow the program.

Commissioner Mills was willing to invest in the program, but he wants to see a plan and objective costs. An inventory would need to be done of all the plots in the City and then work on a plan to see what is realistic. He thought that there should be a design review at some point.

Commissioner Sargent said that the suggestion of hiring a horticulturist is key. He would like to see the Commissioners buy-in on this concept.

Commissioner McGuinness said that the Commissioners should not only encourage the concept, but take the next step to talk to a person or company about the areas that have been neglected and a vision. She was agreeable to move forward with this conversation. Commissioner Toni Sharp agreed. The Commissioners should be supportive, allow the next steps to happen, determine if there is a better model that would work well for the City and prioritize what can be done realistically.

Commissioner Gossett suggested that Commissioner Zellers should work with the City Manager with regard to funding and develop a plan to implement for a portion of it and then progressively designing and developing it over the next three to five years. The position could be for hiring someone that does maintenance, and the Sposato contract could be retooled to someone that is more professional such as a horticulturist.

Mr. Frank Cooper, 96 East Lake Drive, said that the Commissioners should agree to hire a specialist.

Mayor Cooper called for the report on American Shore & Beach Preservation Association (ASBPA) activities and status of beach nourishment project.

Commissioner Mills gave his presentation. The mission of ASBPA is devoted to the planning and management of beaches and shorelines. It offers advocacy, education and conducts conferences. Two conferences are held annually with one in February in Washington, DC which is geared towards strengthening relationships with federal agencies. This is a three-day conference. The second conference is held in October in varying locations. This conference is oriented more towards the science and management of beach and shoreline preservation. Commissioner Mills provided a brief history of the impact of Hurricane Sandy on the coastlines and hazards of navigation. The City has a 50 year contract with the federal government to provide for the Army Corps of Engineers to furnish the City with replenishment for the dunes and beach. This contract comes in three year cycles if needed and if the federal government appropriates the money. The City is fortunate to have the 50 year contract. Commissioner Mills provided photographs of the beach replenishment that has occurred in the past. It is important to know that State monies are drying up. Maintenance of wide beaches and high dunes pay off and protective measures work. The cost benefit to the State is determined to be very high.

Mayor Cooper called to consider accepting the recommendation of the Audit Committee approving the audit as prepared by the auditing firm Barbacane, Thornton & Co. for the City's fiscal year ended March 31, 2014.

Mayor Cooper noted that he had received a letter dated December 19, 2014 from the Audit Committee recommending the approval of the audit.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to accept the recommendation of the Audit Committee. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, McGuinness – aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

City Manager Sharon Lynn reported that the Rehoboth Avenue ADA repairs proposed by DelDOT will not begin until Spring 2015. The Fire Hydrant Painting Project is ongoing. Work on this project will begin again after January 1, 2015 and only when the temperature is above 45 degrees. She wished everyone a Merry Christmas and Happy New Year.

City Manager Lynn recommended the approval of the Street Aid expenditures:

12/10/2014	556	Delmarva Power	\$8,921.73 (Street Lights)
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Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve the Street Aid expenditures as presented. Motion carried unanimously.

COMMITTEE REPORTS

Commissioner Mills reported that the Communications Committee has developed a "Welcome Letter" program that has been turned over to the City Manager who will be implementing it. A "Welcome Letter" will be sent to new property owners and new businesses.

Commissioner Sharp has sent out 28 packages to new property owners which contain information about the City of Rehoboth Beach.

CITY SOLICITOR'S REPORT

City Solicitor Mandalas reported that he will forward an update on the pending litigation to the Commissioner early next week.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Sharp announced that everyone should take the opportunity to look at the holiday windows in the business district. The winners of that contest are Salt Air on Wilmington Avenue – Third Place, Mod Cottage on Rehoboth Avenue – Second Place and Wooden Indian on Baltimore Avenue – First Place.

Commissioner Mills commented that in the Comprehensive Development Plan (CDP) it mentions looking at an upgrade of street light revitalization of Wilmington and Baltimore Avenues. The Avenue Inn recently has been granted approval for its project and is leading the charge for revitalization. The Commissioners should be leading

the charge for designing the streetscape. He suggested that there should be a working committee or the City Manager should be charged with doing something like that.

DISCUSS ITEMS TO BE INCLUDED ON FUTURE AGENDAS.

There were none.

CITIZEN COMMENT

There was none.

The next Workshop Meeting will be held on January 5, 2015 at 9:00 a.m.

There being no further business, Mayor Cooper adjourned the meeting at 8:47 p.m.

Respectfully submitted,

(Lorraine Zellers Secretary)