

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

September 9, 2015

The Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:00 a.m. by Mayor Samuel R. Cooper on Wednesday, September 9, 2015 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 Patrick Gossett
 Commissioner Bill Sargent
 Mayor Samuel R. Cooper (left the meeting at 11:05 a.m.)
 Commissioner Stan Mills
 Commissioner Lorraine Zellers
 Commissioner Kathy McGuiness

Absent: Commissioner Toni Sharp

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

CORRESPONDENCE

There was no general correspondence.

OLD BUSINESS

Discuss proposed revisions to the City Code related to bringing the City’s personnel code and procedures into conformance with current standards.

Copies of the proposed personnel ordinance were distributed to the Commissioners prior to the meeting. (Copy attached.)

Revisions are being made to the personnel ordinance, many of them being mandatory revisions based on federal regulations that the City needs to comply with, and others are cleanup of old language. Commissioner Patrick Gossett, Mayor Cooper, City Manager Sharon Lynn and Attorney Jim McMackin worked on the proposed ordinance last week to fine tune this ordinance.

The biggest changes made between Version 2 and Version 1 were policy items. Donated leave policy has been removed from the proposed ordinance. Many of the policy changes were put in the proposed ordinance as discussion topics, and some had been requests from employees who attend the Personnel (Employee) Committee meetings. After some consideration, these changes were either kept in the proposed ordinance or were deleted.

Section 46-10(D) points to disciplinary suspension. The employee’s manager would make the recommendation, and the City Manager would conclude that an employee should be terminated. There is an appeal process for the employee, should there be a termination, to the Mayor, Commissioner in charge of Personnel Committee, or if the Mayor and Commissioner in charge of Personnel Committee have personal knowledge of the facts, an impartial decision maker. In the proposed ordinance, a suspension of up to 10 days could be determined by a single person without an appeal process. This item will be sent back to Attorney McMackin for his review and whether or not he has a valid reason not to have the full Commission hear an appeal.

Section 46-18(E), the accumulation of sick leave, was intended to be removed from the proposed ordinance. Section 46-18(F), payment for accumulated sick leave, was intended to remain in the proposed ordinance, but it needs to be clarified. In several cases in the proposed ordinance, a regular employee is mentioned but it is not defined. There are four categories of employees: 1. Temporary. 2. Probationary. 3. Part-time. 4. Full-time. The intent in the ordinance is that a regular employee is full-time or part-time. The term “regular” has been substituted with the terms “full-time” and “part-time”. Employees are currently paid up to 45 sick days upon resignation in good standing, retirement or termination. New employees have to be employed at least 15 years to be eligible for that. Sick time should not be paid if an employee is fired. The

language in the proposed ordinance should be clarified as to whether or not an employee receives sick leave and/or vacation time when that employee is terminated.

In Section 46-19(B), after an employee completes one year of service, each January 1 thereafter the employee will be credited with vacation hours earned. With regard to Section 46-25, the cost of health insurance, the chart will be removed from the proposed ordinance, but the Commissioners will need to decide what the formula will be and if it should remain in the proposed ordinance. It was suggested that in looking at the comparative percentages, this would be done administratively.

Policy items will be removed from the proposed ordinance and will be discussed at the next Workshop Meeting. The City Manager identified a few of the policy issues: 1. Personal time. 2. Sick bank. 3. Bereavement. 4. Holiday time.

NEW BUSINESS

Discuss the request of James P. Becker, attorney representing Coastal Properties LLC, for the City to rezone a parcel of land, owned by them, having frontage on Christian Street, Bayard Avenue and Philadelphia Street to C-3, which parcel is currently zoned a mix of R-1, C-1 and C-3 and is occupied by The Bellmoor Inn.

Attorney James Becker noted that by rezoning the parcel, it would be re-designated as C-3, Tier 1. The entire parcel is operated as a hotel with traditional hotel rooms as well as apartments. This use is permitted under a C-1 and C-3 zoning, but is treated as a pre-existing nonconforming use by the City for the R-1 portion of the property. The City would be bringing the zoning into conformance with the current usage and would eliminate a multi-zoned parcel within the City, which creates confusion. The purpose of this request is to allow Coastal Properties LLC to renovate two structures which currently exist on the R-1 portion of the property. R-1 does not allow multiple buildings on that parcel. It would be less likely that a variance would be granted to the FAR for the R-1 portion.

The Code sets up certain zoning districts, and the tiers are in separate districts. The Commissioners would grant a district and not limit it to a certain tier. Certain uses within the zoning classification carry different requirements, with the setbacks being one of the primary ones.

Correspondence:

1. Email received September 7, 2015 from John Dewey, 105 Scarborough Avenue – in opposition to the possible rezoning of The Bellmoor Inn property.
2. Email received September 8, 2015 from Gary L. Wirt, address unknown – in opposition to the possible rezoning of The Bellmoor Inn property.

Concerns were voiced that if the zoning would be granted, anything such as a restaurant, etc. could be built. The Zoning Map would need to be changed. Current flooding in that area would need to be addressed if this project would go forward, such as with stormwater retention onsite.

After a lengthy discussion by the Commissioners, Attorney Becker announced that his client was withdrawing the request for rezoning, and they would seek a variance through the Board of Adjustment.

Review and discuss a proposed revised City bicycle map as prepared by members of the Streets and Transportation Committee.

Mr. Jim Ellison of Streets & Transportation Committee has spearheaded the effort to revise the City bicycle map. The Committee is looking for a conceptual approval to proceed further with revising the map. The original map was modeled on the Parking & Walking Guide and was very expensive to reproduce. He has worked with DNREC and DelDOT to make the State's map more in synch with what the Committee believes are the streets that bicyclists should avoid. It is anticipated that DNREC will possibly allocate funding to allow the installation of a large scaled map as trail signs to help bicyclists negotiate between the ends of the two trails and the gateways into the City.

Comments from the Commissioners were favorable for the City to have its own bicycle map. Suggestions for enhancement of the map were that restrooms should be emphasized as seasonal and year-round and that freestanding signs should be placed at Grove Park and the northern gateway to the City. The City Seal should be placed on the front of the map along with the City website address.

Mr. Jay Lagree, Prospect Street, pointed out that there is no known safe way for bicyclists to get from the south side of the City to the Junction Breakwater Trail. Because the crosswalks cannot be seen at the

Circle, it is a dangerous way to get from the south side of the City to the north side. DeIDOT should be involved in this.

Mr. Walter Brittingham, 123 Henlopen Avenue, thought that this is a very nice map. The map should be put on the internet, and it should have a publication date on it.

Discuss the requirements contained in the City Code related to the size of restaurants.

This item was postponed to the October Workshop Meeting. A support document will be forwarded to the Commissioners prior to that meeting.

Discuss the status of brewery-pubs as related to the City's applicable zoning and licensing requirements.

This item was postponed to the October Workshop Meeting. A support document will be forwarded to the Commissioners prior to that meeting.

CITY MANAGER'S REPORT

The bids for the trailers with regard to the City Hall Project are due to be received on September 15, 2015 and will be evaluated. Recommendations will be made to the Commissioners the first week of October 2015. Parking meter revenue is on course to meet and possibly exceed the budgeted amount. New playground equipment has been purchased with grant funding that the City received from the State's Economic Development Fund and will be installed at Grove Park in the next two weeks. Letters of insufficiency were mailed on September 8, 2015 to each of the 43 circulators of the petitions that were filed on August 21, 2015.

COMMITTEE REPORTS

There were no reports.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

New lights were installed at Stockley Park.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

Items to be included on the agenda for the next Workshop Meeting are: 1. Personnel ordinance and policy issues. 2. Size of restaurants. 3. Brewery-pubs. 4. Trash.

Before leaving the meeting at 11:05 a.m., Mayor Cooper passed the gavel to Commissioner Bill Sargent.

CITIZEN COMMENT

Mr. Walter Brittingham, 123 Henlopen Avenue, noted that the new street lights were put up in the middle of the trees. The trees need to be trimmed. The City should have a tree trimming program.

The next Regular Meeting will be held on September 18, 2015 at 7:00 p.m.

There being no further business, Acting Mayor Bill Sargent adjourned the meeting at 11:06 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)