

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

November 20, 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, November 20, 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 Paul Kuhns
 Commissioner Toni Sharp
 Commissioner Patrick Gossett
 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 Toni Sharp, 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 and Workshop Meeting held on November 9, 2015. Motion carried unanimously.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

Minutes of the October 16, 2015 Regular Meeting and October 16, 2015 Executive Session 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 and November 9, 2015 Workshop Meeting were not available for approval.

Commissioner Mills made a motion, seconded by Commissioner Paul Kuhns, to approve the October 16, 2015 Minutes of the Mayor & Commissioners Regular Meeting. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Kuhns, to approve the October 16, 2015 Minutes of the Mayor & Commissioners Executive Session Meeting. Motion carried unanimously.

REPORT OF POLICE DEPARTMENT

Police Chief Keith Banks presented the report of the Police Department for the month of October 2015. There were 44 criminal, 209 traffic and one civil charges made during the month. Twelve traffic crashes were investigated. Delaware State Police will be holding a Neighborhood Watch Meeting for residents in the surrounding area at the Rehoboth Beach Library on November 30, 2015 from 5:00 p.m. to 7:00 p.m. The Dispatch Center handled 216 police incidents, 206 ambulance incidents, 168 traffic stops, assisted other agencies three times during the month and 9-1-1 calls totaling 182 were received.

REPORT OF REHOBOTH BEACH VOLUNTEER COMPANY

Mr. John Meng of the Fire Company reported that there were 65 crew calls for the month of October 2015. October was National Fire Prevention Month. Students from Rehoboth Elementary were given tours and rides on Engine No. 1. The City was thanked for allowing the Fire Company to use the Parking Department and Main Street buildings for training two times. The Fire Company has bought a 2007 Ranger from the Milton Fire Department, and it will be housed at Station No. 2. The Christmas Parade will be held on December 1, 2015 at 6:30 p.m.

REPORT OF PLANNING COMMISSION

Planning Commission Chairman David Mellen presented the report of the Planning Commission. The Regular

Meeting was held on November 13, 2015. Following a report from the Building Inspector that all conditions had been met related to providing proper screening between the C-3 commercially zoned property and the adjacent R-1 property, the Planning Commission voted its final approval for the Minor Subdivision for the properties located at 1028 and 1030 Scarborough Avenue Extended. The Minor Subdivision had been conditionally approved at the October meeting. The City Solicitor will notify the applicant of the Commission's action. A Preliminary Review was held on the matter of the Partitioning request for the property located at 300 Bayard Avenue. The application was found to be substantially complete, and a vote was taken to move the application to a full Public Hearing at the December 11, 2015 meeting. The final version of the State mandated five-year review of the Comprehensive Development Plan (CDP) has been filed with the State Office of Planning Coordination, and copies of the Review and supporting documents have been forwarded to the Mayor, Commissioners and City Manager. The Building Inspector provided a status update on the Baymart project application and requested that it be placed on the December Planning Commission agenda to initiate the Site Plan Review process. As of November 19, 2015, an item came up related to compliance of zoning requirements, and the Building Inspector requested that the Application should be withdrawn from the Planning Commission's meeting. Project documentation was distributed to the Planning Commission members. A preliminary review will begin at the December 11, 2015 meeting. The Planning Commission took action to modify Item No. 2 of its Bylaws to provide more flexibility in the defined Regular Meeting time. The Planning Commission prefers to hold its meetings in the afternoon, rather than in the evening. The designated day will remain as the second Friday of the month. It is expected that the meeting time will start at 3:00 p.m. and until 6:00 p.m., if needed. There are no new Partitioning requests that have been submitted. The Planning Commission will hold its next meeting on December 11, 2015 at 3:00 p.m.

REPORT OF BUILDING & LICENSING DEPARTMENT

Chief Building Inspector Damalier Molina presented the report of the Building & Licensing Department for October 2015. During the month, 86 permits were issued for a value of work totaling \$5,604,864.09. Fees collected totaled \$97,094.00 for the month. Processing fees were received in the amount of \$1,720.00. The Board of Adjustment heard one case in October. No restaurant applications were received in October. Twenty-six notices of violation were issued during the month. There were 54 building inspections, 13 plumbing inspections, no building re-inspections, five meetings regarding trees and 48 meetings regarding new projects. He and the Assistant Building Inspector have been meeting to develop an application procedural process that will address the combination of the FAR, pools and any other matters related to land coverage.

OLD BUSINESS

Mayor Cooper called to consider adoption of an ordinance to amend Chapter 46 of the City Code related to bringing the City's personnel code and procedures into conformance with current standards.

City Manager Lynn noted that pertinent areas of the personnel code will conform to up-to-date State and Federal regulations which includes the harassment policy, FMLA and computer usage policy. Minor verbage tweaks have been made regarding what constitutes regular employees, the work week, full-time and part-time employees.

Changes to the proposed ordinance are:

1. §46-1(A). Strike the period after "Personnel Ordinance,".
2. Section 2. §46-2(a) and §46-2(b) should be §46-2(A) and §46-2(B).
3. §46-19(B). Strike October and insert January.
4. §46-19(C). Add to the end of §46-19(C) the words " , as letting the employee take leave in excess of that accrued is considered a benefit to the employee when it is advanced."

Commissioner Gossett made a motion, seconded by Commissioner Mills, to adopt the Ordinance to amend Chapter 46 of the Municipal Code related to City personnel policies with amendments previously mentioned. (Kuhns – aye, Sharp – aye, Gossett – aye, Cooper – aye, Mills – aye, Zellers – aye, McGuinness – aye.) Motion carried unanimously.

Mayor Cooper called to provide an update and discuss the status of the City Hall Project with a representative of the EDiS Company, the City's construction representative.

Mr. Rick DiSabatino of EDiS Company reported that with regard to Bid Package No. 1, the trailers are in fabrication, and installation is scheduled for December 11, 2015. The first trailer will arrive onsite on November 23, 2015. He will organize with the technology team for the installation and completion by December 11, 2015. With regard to Bid Package No. 2 and demolition, the letter of intent has been issued, and the final contract award is underway with USDA. The Sussex Conservation District permit should be received

no later than November 23, 2015. The demolition process will begin on November 23, 2015 for the Parking Department and Main Street buildings. The Sussex pre-construction meeting will be scheduled prior to demolition of the buildings. With regard to Bid Package No. 3 and the Parking Meter building, the letter of intent has been issued, and the final contract award is underway with USDA. Building permits have been issued by the City of Rehoboth and Sussex County. Project signs are being fabricated in accordance with USDA requirements. Temporary fencing is being installed along with signage. Demolition will begin next week. With regard to Bid Package No. 4 and City Hall, it has been advertised and will continue to be advertised for the next two consecutive Mondays. The pre-bid meeting will be held on November 24, 2015. Bids are scheduled to be received on December 10, 2015 at 2:00 p.m. The asbestos abatement in City Hall and Police Department will be performed in late December 2015. There is no information at this time regarding Bid Package No. 5 for security and ancillary.

City Hall administrative offices will be closed on December 10, 11, 14 & 15 in preparation for the move on December 11 & 12.

NEW BUSINESS

Mayor called for an update on audio/video programming for the Commissioners' Room and other areas in the new City Hall.

Commissioner Mills gave his presentation. He provided an update on the use of audio/visual technologies in the new municipal building including the use of video cameras to broadcast selected meetings. The objectives were to provide an update on the use of A/V technologies in the new municipal building focusing on the Commissioners Room and to present a draft video policy. Photographs in the presentation were from Ocean City MD council chambers and its audio/visual system. A draft policy done in consultation with the City Manager and City Secretary was provided for video records of public meetings, online availability and retention. At the March 2015 meeting, the City Manager had reported that the City will be moving forward with this program, and there were no objections at that time. Mayor Cooper and Commissioner Mills opposed the idea of live-streaming videos.

City Secretary Ann Womack said that it is not known at this time if there are drawbacks and staffing issues. City Manager Sharon Lynn, Commissioner Mills and Ms. Womack have been investigating different applications regarding meeting and records management. The agenda and minutes management program would integrate with the video system.

There was consensus from the Commissioners for the City Manager to move forward with this program.

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, 2015.

Mayor Cooper had forwarded a memorandum from the Audit Committee to the Commissioners, recommending the approval of the audit.

Commissioner Mills made a motion, seconded by Commissioner McGuinness, to accept the audit as present by the auditing firm of Barbacane, Thornton & Co. for the last fiscal year. (Kuhns – aye, Sharp – aye, Gossett – aye, Cooper – aye, Mills – aye, Zellers – aye, McGuinness - aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

City Manager Sharon Lynn reported that the modular trailers will start to arrive on November 23, 2015. The Ocean Outfall monitoring and preliminary work will be continuing on November 23 & 24, 2015. Crews will be out on State Road and Henlopen Avenue doing further testing. City Manager Lynn, Mayor Cooper and the Wastewater Supervisor will be looking at the report regarding the alignment of the wastewater plant to the ocean when it becomes available.

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

10/22/2015	569	Delmarva Power	\$8,564.94 (Street Lights)
11/18/2015	570	Delmarva Power	\$8,951.91 (Street Lights)

Commissioner Mills made a motion, seconded by Commissioner McGuinness, to approve the Street Aid expenditures as presented. Motion carried unanimously.

COMMITTEE REPORT

There were none.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There were none.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

Items to be included on a future agenda: 1. Zoning. 2. Off-street parking. 3. Incentives. 4. Trees. 5. Seismic testing. 6. Elections. 7. Refuse.

CITIZEN COMMENT

There was none.

The next Workshop Meeting will be held on December 7, 2015 at 9:00 a.m.

There being no further business, Mayor Cooper adjourned the meeting at 8:10 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)