

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

June 21, 2013

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 7:03 p.m. by Mayor Samuel R. Cooper on Friday, June 21, 2013 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
 Commissioner Stan Mills
 Commissioner Mark Hunker

Absent: Commissioner Pat Coluzzi
 Commissioner Lorraine Zellers

Also in attendance were: City Manager Gregory Ferrese
 City Solicitor Glenn Mandalas

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Bill Sargent, to approve the Agenda with the deletion of the minutes for the March 4, 2013 Workshop Meeting, June 10, 2013 Special Meeting and June 10, 2013 Workshop Meeting. Motion carried unanimously.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

Minutes of the February 4, 2013 Workshop Meeting, March 15, 2013 Regular Meeting and May 17, 2013 Regular Meeting were distributed prior to the meeting. Minutes of the March 4, 2013 Workshop Meeting, June 10, 2013 Special Meeting and June 10, 2013 Workshop Meeting were not available for approval.

Commissioner Mills made a motion, seconded by Commissioner Mark Hunker, to approve the February 4, 2013 Mayor and Commissioners Workshop Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to approve the March 15, 2013 Mayor and Commissioners Regular Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to approve the May 17, 2013 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 May 2013. There were 37 criminal, 202 traffic and 19 civil charges made during the month. Fifteen traffic crashes were investigated. The Dispatch Center handled 448 police incidents, 216 ambulance incidents, 48 fire incidents, 271 traffic stops, assisted other agencies 13 times during the month, and 9-1-1 calls totaling 487 were received.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

There was nothing to report.

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for May

2013. During the month, 104 permits were issued for a value of work totaling \$1,256,015.00. Fees collected totaled \$31,138.33 for the month. One hundred thirteen permit processing fees were received in the amount of \$2,260.00. One restaurant application was received in May. Three notices of violation were issued for damaged sidewalks. Twelve notices of violation were issued for overgrowth. One notice of violation was issued for an obstruction on a sidewalk. One notice of violation was issued for a contractor not having a building permit. One notice of violation was issued for a contractor not adhering to the hours of construction. Two notices of violation were issued for exceeding maximum noise levels. One notice of violation was issued for a blinking sign. Thirteen notices of violation were issued for not having addressing on buildings. The Board of Adjustment heard no cases in May. FEMA has sent out the preliminary flood plain maps, and they are available on its website. Currently, administrative clarifications are being done such corrections of street names, etc. After the next 30 days, FEMA will be advertising an open house for the residents which will probably be held at the University of Delaware in Lewes or Georgetown. Ms. Sullivan will be sending out letters to all property owners who will have property located in the floodplain and who will no longer have property located in the floodplain.

Mayor Cooper requested that the letter be looked at before it is sent out to the people who will have property located in the floodplain.

REPORT OF PLANNING COMMISSION

Planning Commission Secretary Francis Markert presented the report of the Planning Commission. The Regular Meeting was held on June 14, 2013. The Planning Commission conducted a Preliminary Review of a Partitioning Application for the property located at 111 Rodney Street. Following discussion, the Planning Commission voted to move the partitioning request to Public Hearing. The Planning Commission received updated status reports from Planning Commission members related to their assigned interview schedule. Reports will be prepared for distribution to the Planning Commission on the interviews of the Parks & Shade Tree Commission and Board of Adjustment. The Planning Commission agreed to complete the interview assignments and provide documents to Ms. Ann Womack, City Secretary, by August 1, 2013 for distribution to the Commission. It is expected that the Planning Commission will be in a position by its August meeting to then set a work schedule to fully address the Board of Commissioner's Tree Study resolution. Mr. John Gauger, with help from Ms. Womack, reported that a survey of local Delaware communities showed that no communities have Code regulations which would require residential construction sites to notify adjacent property owners of their construction plans prior to posting of actual permits.

OLD BUSINESS

There was none.

NEW BUSINESS

Mayor Cooper called to consider authorizing the execution of a ten-year lease with the State of Delaware for 21.56 acres of state owned land known as Deauville Beach.

Mayor Cooper noted that the subject area is the area north of Lake Avenue, east of Surf Avenue and west of the Atlantic Ocean and would go north to the City boundary line. The City first leased this property from the State in 1975. There has not been a valid lease on this property since April 30, 2000, but the City has operated as though it had a lease and observed the terms of the previous lease. There is a \$2,500.00 one-time payment on the execution of the lease.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve authorizing execution of the ten-year lease on Deauville Beach with the State. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Hunker – aye.) Motion carried unanimously.

Mayor Cooper called to set the City real estate tax rate for the tax year beginning July 1, 013 and ending June 30, 2014.

City Manager Gregory Ferrese noted that the 2013/14 Budget does not include a tax increase. He recommended that the Real Estate Tax Rate remain the same at \$1.78 per hundred dollars of assessed value.

Commissioner Mills made a motion, seconded by Commissioner Patrick Gossett, to set the City Real Estate Tax Rate for the upcoming tax year at \$1.78 per hundred dollars of assessed value. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Hunker – aye.) Motion carried unanimously.

Mayor Cooper called to consider having the Planning Commission study and develop a recommendation to the Mayor and Commissioners for possible actions related to side yard setbacks on residential lots with frontages greater

than 50 feet.

Commissioner Gossett presented a draft resolution regarding this issue. This resolution tasks the Planning Commission to research and bring forward to the Commissioners recommended Code changes or updates to the Code resulting in basically looking at imposing structures and massive sizes that impact negatively on the proximity of neighbors. This deals with lots that have frontage greater than 50 feet. Currently, the same standards of a minimum six foot setback are applied to any size lot within the City. A number of structures have been built in the City on lots greater than 50 feet which become massive and have a negative impact on the streetscape. This resolution is primarily structured to lots with greater than 50 foot frontage. There are many lots within the City that are irregular shaped and are non-conforming as they exist. The Planning Commission is aware of other lots and will present suggestions for solutions. The primary recommendation will be to address the lots with greater than 50 foot frontages. The Planning Commission will present to the Commissioners other situations that need to be addressed.

Commissioner Mills said that there is a lot in Country Club Estates with a 10 foot wide rear yard and a 91 foot wide frontage. There are lots with 50.02 feet to 100 feet frontage. A 50.02 foot wide lot should not have the same standards of a 100 foot wide lot. There are landlocked lots wider than 50 feet, they do not have frontage on a street. There are lots with the rear yard abutting the adjacent property's side yard. It would be nice to have a count of the number of properties in 10 foot increments from 50 feet to 60 feet and how many are 60 feet to 70 feet, etc. The Planning Commission should also provide an analysis of the cause and effect of possible and potential impacts on other zoning restrictions such as FAR, etc. if setbacks are changed.

Commissioner Hunker made a motion, seconded by Commissioner Sargent, to adopt the Resolution regarding side yard setbacks that is before the Commissioners. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Hunker – aye.) Motion carried unanimously.

City Manager's Report

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

06/12/13	534	Delmarva Power	\$ 8,587.99 (Street Lights)
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Commissioner Sargent made a motion, seconded by Commissioner Mills, to approve the Street Aid expenditures as presented. Motion carried unanimously.

(See attached report.)

Mr. Ferrese reported that he will receive the complete report by July 8, 2013 in regard to the Geotechnical Feasibility Study for the Water Taxi Terminus Dock and Pedestrian Access Ramp Project. Plans have been submitted to Mr. Ferrese regarding the widening of Surf Avenue near Oak Avenue for a bicycle lane. Surf Avenue will be widened on the eastern side by five feet the length of 350 linear feet. This project will be advertised in July 2013 and will begin by mid-September 2013 or sooner. The bump-out on Scarborough Avenue Extended began this week and will be completed by June 24, 2013. The City has sold 478 scooter permits to date. The fireworks will take place at dusk on July 4, 2013. The City Newsletter was mailed out, and the courtesy notices have been delivered. Parking meter revenue is down, and it is anticipated that the loss will be made up throughout the rest of the summer. Transfer tax is coming in really well. The transfer tax in May was greater than \$230,000.00.

COMMITTEE REPORT

Commissioner Mills, Chair of Communications Committee requested consideration of the recommendation of the Committee to amend the policy on "Recording & Audio Records of Public Meetings" by extending online availability of audio recordings for all commissions, committees and boards to six months. The Audio Policy adopted December 15, 2008 identifies the intent to audio record all meetings when practicable and put them on the City website with a specified period of retention. The period of retention for the Board of Commissioners, Planning Commission and Board of Adjustment is six months. At the time the policy was adopted, the retention for the committees was one month. The Committee found that for the committees which meet less regularly, people were not able to access the recordings. Prior to this meeting, a resolution was forwarded to the Commissioners for their consideration. This resolution would repeal and replace the original ordinance.

Commissioner Gossett noted that this resolution refers to the online audio recordings. The minutes of the meetings and actual recordings are available beyond that period from the City Secretary.

Commissioner Mills made a motion, seconded by Commissioner Gossett to repeal the former policy on audio recordings and adopt the resolution before the Commissioners this evening. (Gossett – aye,

Sargent – aye, Cooper – aye, Mills – aye, Hunker – aye.) Motion carried unanimously.

Commissioner Gossett, Chair of Personnel Committee, called to discuss the process for hiring a new city manager including a draft timeline and position description.

Commissioner Gossett noted that City Manager Gregory Ferrese will be retiring at the end of the year. In trying to prepare for that, the Personnel Committee (Patrick Gossett as Chair, Mark Hunker, Sam Cooper and Lorraine Zellers) met on June 10, 2013 to develop a timeline for the hiring process based on the retirement date of December 5, 2013, discussed the process for recruitment and received input on a draft position description. Input came back from individual Committee members and was distributed to the Committee for review and approval. Any input from the Commissioners will be forwarded to Commissioner Gossett to update the job description. A discussion was held about hiring a search firm. Based on that discussion, the Committee did not make a determination but it was determined that Chair Gossett would do outreach to search firms that specialize in municipal searches. Expressions of interest have been received from six firms. At the next Committee meeting, those expressions of interest will be reviewed and make a decision about how the search will be handled. This will have an impact on the schedule. The schedule and position description were forwarded to the Commissioners for their review. The engagement professional from the search firm would meet with the Commissioners first to find out what the criteria is, etc. The applicant interviews would be done by the Commissioners.

Commissioner Mills said that a sufficient pool of applicants is needed. He would like reading what the applicants' proposals are, what their job scope is and what they intend to provide for the City.

Mayor Cooper said that time is important to check out the applicants, and the Commissioners need to maintain control of the process.

Mr. Walter Brittingham, 123 Henlopen Avenue thought that this process should have started earlier.

CITY SOLICITOR'S REPORT

City Solicitor Mandalas said that the Charter amendment for Alderman was approved by the Senate on June 20, 2013. It has passed the House and the Senate. If the Governor signs the amendment sooner than ten days, it will become law or otherwise it will automatically become law in ten days. The name of Renee Bennett can move forward with the Governor. City Solicitor Mandalas has not received any indication whether or not the Governor will grant her appointment. Assuming the Governor dates the appointment, Ms. Bennett will have a Senate Confirmation Hearing on June 26, 2013. If Ms. Bennett is confirmed, she will be sworn in by the Mayor and will become the Alderman.

City Solicitor Mandalas said that the Supreme Court affirmed the Superior Court's decision in the Mayor Hansen from Dewey Beach Public Integrity Commission (PIC) determination. There was a question about whether Mayor Hansen had a conflict of interest because she voted to approve some legislation that arguably was relevant to rental units that she has. The Supreme Court's affirmation of the Superior Court's decision has in some ways reigned in the PIC. Hopefully in going forward, it will be recognized that in smaller communities most elected officials have some connection to most issues that are voted on.

NEW BUSINESS

Mayor Cooper called for the submission of Nominating Petitions for Commissioners' approval as to qualifications for candidates for the annual Municipal Election scheduled for August 10, 2013.

City Manager Ferrese recommended the following submissions for approval as to qualifications of Nominating Petitions for Commissioner.

Mr. Stanley A. Mills, Jr. is seeking the office of Commissioner of the City of Rehoboth Beach. His Nominating Petition for Resident Commissioner was submitted on May 31, 2013 at 9:47 a.m., and he has 12 certified signatures of registered voters in the City of Rehoboth Beach on his Petition.

Commissioner Sargent made a motion, seconded by Commissioner Gossett, to accept the Nominating Petition of Mr. Stanley A. Mills, Jr. for the office of Commissioner in the municipal election on August 10, 2013. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Hunker – aye.) Motion carried unanimously.

Ms. Mary A. Sharp is seeking the office of Commissioner of the City of Rehoboth Beach. Her Nominating Petition for Resident Commissioner was submitted on May 10, 2013 at 10:28 a.m., and she has 19 certified signatures of registered voters in the City of Rehoboth Beach on her Petition.

Commissioner Sargent made a motion, seconded by Commissioner Mills, to accept the Nominating Petition of Ms. Mary A. Sharp for the office of Commissioner in the municipal election on August 10, 2013. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Hunker - aye.) Motion carried unanimously.

Mayor Cooper noted that another person needs to be appointed to the Board of Elections. The Board will meet and declare the two candidates as Commissioners because there is not effective opposition. This meeting will be held closer to the election date. A certificate for Commissioner will be issued at that meeting.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Mayor Cooper noted that the stormwater outfall at Laurel Street was finished 10 days ago. Currently the contractor is at Delaware Avenue. The coffer dam has been installed. This outfall is expected to be complete shortly after the 4th of July.

Mayor Cooper attended a Clean Water Advisory Council meeting on June 19, 2013, and it has approved the City's request for funding for greater than \$10,000,000.00 for upgrades to the wastewater treatment plant. The interest rate was set at 3.15%, and the loan will be for 20 years. The City is not prepared to move forward with this project until the outfall moves forward. The Secretary of DNREC will have in his hand the record of decision before the end of June 2013.

Commissioner Hunker said that the navigator's garden will be dedicated on June 23, 2013 at 3:00 p.m. CNN has reported that the City was listed in Travel & Leisure as one of the ten best little beaches. The Washington Post also recognized the City.

Mayor Cooper said that he and Commissioners Gossett and Sargent attended the Art League's celebration today. Mayor Cooper was grateful that his grandfather was recognized for moving the building in 1938.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

There were none.

CITIZEN COMMENT

Ms. Toni Sharp, Scarborough Avenue Extended, said that Coastal Living magazine has selected the City's boardwalk as one of four boardwalks in its July issue.

Mr. Walter Brittingham, 123 Henlopen Avenue, would like to see the prints before construction is started on the addition to the east side of Surf Avenue. People are double parking on Surf Avenue north of Park Avenue. Line painting needs to be done to designate the edge of the road and the walking/biking area. There has been lack of action for cleaning the storm drain at the corner of the Henlopen Hotel. On the west side of Surf Avenue, the sand blows across to the west side of the roadway as a result of the sand filling the east side of the sea wall. The sand cannot be dumped back onto the beach. He asked that the west side be paved eight to twelve feet with some type of raised hot mix curb. The fire company was told that there was going to be a closing westbound on Lake Avenue, and people would be send towards the post office.

City Manager Ferrese noted that there will be a ceremony at Verrazzano monument at 2:00 p.m. The procession will be walking on the sidewalks to the garden, not on the street. He was under the impression that no streets would be closed.

Mr. Brittingham said that on June 20, 2013, the Fire Marshal reported to the Fire Company that the fireworks have been approved in Dewey Beach. As a result of traffic congestion, the Fire Department automatically will have units in Dewey Beach. A fire truck and ambulance will be added at the south end of Dewey Beach to accommodate this event. Dewey Beach will set off its fireworks at the same time Rehoboth will be setting its fireworks off.

The next Workshop Meeting will be held on July 8, 2013 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 8:17 p.m.

Respectfully submitted,

(Ann M. Womack, Assistant Secretary)