

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for June 2013. During the month, 78 permits were issued for a value of work totaling \$1,113,450.25. Fees collected totaled \$26,256.32 for the month. Fifty permit processing fees were received in the amount of \$1,000.00. No restaurant applications were received in June. Three notices of violation were issued for overgrowth. Two notices of violation were issued for obstructions on sidewalks. Three notices of violation were issued for contractors not having building permits. Four notices of violation were issued for exceeding maximum noise levels. The Board of Adjustment heard two cases in June.

REPORT OF PLANNING COMMISSION

Planning Commission Secretary Francis Markert presented the report of the Planning Commission. The Regular Meeting was held on July 12, 2013. With regard to the tree study, the Planning Commission has, with one exception, completed the interviews with the City officials. The Planning Commission will schedule a special meeting on August 9, 2013 in the afternoon to seek input from tree companies, builders/contractors, etc. A survey to the public is currently being drafted that will be distributed using the City's computer systems and available in printed form. The Planning Commission remains on schedule to begin its deliberation of the tree code in August 2013. With regard to side lot setbacks for properties with greater than 50 foot frontage, the Planning Commission reviewed the Resolution passed by the Board of Commissioners on June 21, 2013. It also received a report that the Chair had requested from the Building Inspector that analyzed the effect on such Code requirements as natural area, FAR, net buildable area should be some proportional increase in side lot setbacks for large frontage properties. An action plan is currently being drafted to carry out the tasks identified in the Board's latest resolution. The Planning Commission conducted a Public Hearing of a Partitioning Application for the property located at 111 Rodney Street. Mr. David Mellen recused himself from the Public Hearing stating that while he did not have any real conflict of interest, he wanted to avoid any appearance of conflict since he lives on the same block of Rodney Street. There was a disagreement between the two neighbors as to the reference points of the measurements of their lots. This area in South Rehoboth was surveyed long ago with the expectations that everyone would have 50 foot lots. Sealed surveys had been submitted attesting to that fact from both the Applicants and the adjacent neighbors; but they were measured from different reference points. The difference between the reference points was not the same. The Planning Commission agreed and voted to approve the Partitioning Application primarily because the evidence supported it. The Planning Commission is aware of this potential discrepancy, and it believes that this is one of many situations that exist in the City. The Planning Commission will need remediation with regard to changing the ordinance or whatever.

Planning Commission Chairman Preston Littleton, Jr. said that when this block of Rodney Street was initially platted in Rehoboth Heights, it contained twenty-five 25 foot lots plus two 100 foot lots equaling 825 feet in length on Rodney Street between King Charles and Bayard Avenues. Both the Applicants and the adjacent neighbor who was protesting the Application had legitimate sealed surveys. In this particular case, as it is elsewhere, it is dependent where the measurements were taken from. If the block is 825 feet long as it was originally platted, there would not have been an issue. In 1936, the City placed monuments/markers at Bayard and King Charles Avenues. The distance between those markers is 824.83 feet. Depending on where the measurement is taken from, the difference will be picked up. The Planning Commission does not set property boundaries, and those property line disputes between neighbors end up in the courts. With regard to the Planning Commission's recommendation to the Board of Commissioners, the issues/problems identified in the above-discussed application are not unique and occur elsewhere in the City. Even with modern technology, there is still a small +/- measurement error. The Planning Commission is confronted with Code requirements that state exactly 50 foot frontage with no allowances for or acknowledgement of measurement error. The Planning Commission recommends that the Board of Commissioners take action to allow acceptance of minor property line measurement discrepancies for those properties that otherwise conform to their original recorded platting. The Planning Commission also recommends that the Board of Commissioners take action to allow for minor +/- measurement errors for other properties that come before the Planning Commission for subdivision or site plan review. The rationale for this is that not only does this create problems for the Planning Commission but also for the Building Inspector. Using the above cited partitioning as an example, the Building Inspector is now faced with accepting the signed surveys of both of the adjacent properties. If each of the property owners chooses to build to their respective six foot setback line, their houses would be less than 12 feet apart. Property line disputes between neighbors end up in the courts and not only entail legal fees, but can also involve the City if it is alleged that the City has incorrectly placed boundary markers. Relative to lots within an

originally platted subdivision, once an issue is discovered with one property, its effect can ricochet down the block to involve many other properties. Both the Applicants' attorney and City Solicitor said that in some sense these things set poor precedence, and the last lot sold bears the penalty. City Solicitor Mandalas indicated that such issues are addressed by other municipalities, and he would be able to provide additional information that might assist the Board with the determination of what might be considered as minor +/- deviations. Chairman Littleton would put a limit on the +/-, and minor would need to be defined. He would ask the surveyors to help with that definition. Depending on the size of the property, it might be a percentage such as .01.

Commissioner Patrick Gossett noted that there are tools to help manage this in administrative or diminutive variances which are in place in other municipalities that define the +/- or minor whether it is by percentage or whatever. This cannot be only the decision of the Chief Building Inspector at that point in time, there have to be guidelines. This probably will also affect and have an impact on Board of Adjustment decisions. The Commissioners need to be aware of both those issues and bring this forward to act upon it.

Commissioner Mills commented that when this topic would be scheduled for a workshop meeting, it would be beneficial to have a representative from the Planning Commission present.

OLD BUSINESS

Mayor Cooper called to consider authorizing the execution of an agreement with EDiS Company to provide schematic design level architecture, engineering and estimating services for the City Hall Complex planning project.

Mr. Rick DiSabatino of EDiS and Mr. Mike Wigley of Davis Bowen & Friedel (DBF) were in attendance at the meeting.

Mayor Cooper noted that at the Workshop Meeting, an alternative was reviewed which had been requested by Commissioner Sargent. It seemed to Mayor Cooper that there was consensus to get a proposal from Mr. DiSabatino and Mr. Wigley for the next step. The proposal was forwarded to the Commissioners shortly after they had met. The total price with regard to schematic design level architecture, engineering and estimating services for the City Hall complex is \$97,000.00.

Mr. Mike Wigley said that the Commissioners will see detailed drawings of what the floor plans, the outside of the building and the site will look like. As a starting point, the concept which was designed in November 2012 will be utilized. He will start out with block diagramming several alternatives early on and trying to get consensus on two different directions which may be able to be developed further into massing studies. Hopefully that during the concept stage, the Commissioners will agree there is one direction to pursue. At that stage, he will get into the schematic design, talking with department heads, fine tuning the floor plans, and exploring different materials, etc.

Mr. Rick DiSabatino said that once they get through the massing stages, he will be supplying two estimates for that work. Design alternatives might come into it. He acknowledged that costing will be a function of moving forward such as flooring material, etc. Every time a significant change is made, a cost estimate will be associated with that. Mr. Wigley said that for each of the design alternatives, there will be a cost estimate that goes along with each piece.

Commissioner Hunker said that there is a base cost, but if the Commissioners need to make a change, it will be re-priced. The basic schematic estimates are standard. The Commissioners should think about what they want in the new building such as size, location of offices, etc.

Mayor Cooper hoped that in the end there would be one, two or three viable alternatives.

Commissioner Sargent would like to be able to bear in mind the premium price for doing the one big building. If for some reason, it is clear that it would be more than a \$1,000,000.00 premium for not having two buildings, he would like to see it. He wanted to have the reference point of what the alternative would be and keep in mind what the comparison would be. Mayor Cooper said that the Commissioners will be evaluating numbers that are specific to a design that they will be honing in on, and Commissioner Sargent will be comparing numbers to something that is abstract and does not have that level of design and detail to it. Commissioner Coluzzi said that at the last meeting, there was consensus to move forward with Concept A. Commissioner Mills said that the Commissioners looked at the guiding principles, and a decision was made at the Workshop Meeting. He did not want to devote too much time to continuing with an analysis of something that the majority of the Commissioners have said they do not want to pursue. Commissioner Gossett said that this is not only a dollar decision. There are bulk, zoning, streetscape and commercial vs. residential issues

which a dollar figure cannot be placed on, but need to be equally considered along with the dollar figure.

Commissioner Mills asked what the proposal encompasses. He envisions the municipal complex campus with the following components: 1. Major building. 2. Two parking lots. 3. Parking and Main Street building. 4. Pathway to Baltimore Avenue. Mr. Wigley said that the overall site will be designed with every parking space being shown for the entire site. The Parking and Main Street building will be shown with the square footage. He acknowledged that the Commissioners should commit most of their time at the beginning to the front building and then a lesser amount of time later to the Parking and Main Street building.

Mr. Wigley acknowledged that at the end of the next step with the \$100,000.00 investment the Commissioners would be making, it is not correct that the Commissioners would have documents which would be ready for construction. For a full service design, the cost would be approximately 7%.

Commissioner Mills said that at the end of this process the Committee will have looked at different variations of the floor plan design and possibly have selected one or two of those variations. The Committee will have the 3-D rendering of those variations. Mr. Wigley noted that once the concept is honed in on, the next step is looking at the exterior which is included in this proposal. Commissioner Mills said that by the end of the project, the Commissioners will have a product worthy of having a Workshop Meeting or Public Hearing that will invite the public to see what the municipal complex will look like.

Mr. Wigley said that at the first meeting, he would like to establish a preliminary schedule. He estimated that this process would take approximately six months. At the first meeting, Mr. Wigley would be able to lay out specific goals that the Commissioners would need to obtain and answer in order to move forward in a timely manner. A list of questions or concepts could be provided to the Commissioners prior to that meeting. Mr. DiSabatino will provide the Commissioners with a schedule for moving forward.

Commissioner Hunker made a motion, seconded by Commissioner Sargent, to authorize the execution of the proposal from EDiS Company. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

NEW BUSINESS

Mayor Cooper called to confirm additional appointments to the City Hall Complex Master Plan Task Force.

Mayor Cooper said that currently there are three Commissioners on the Task Force. The other Commissioners have a great interest in this project. Maybe all of the Commissioners need to be rolled into the Task Force. Mayor Cooper's expectation would be that the Task Force does not vote on things, but there is consensus. Anything that would need to be voted on would come back to the Board of Commissioners. The Task Force would consist of Mayor Cooper as Chair, the six Commissioners, Jim Ellison, Jim Harty, Ken Simpler, Greg Ferrese, Keith Banks and Dawn Lynch.

Commissioner Coluzzi would like to stay on the Task Force as a non-Commissioner when her term is ended. She recommended Wayne Neale who is an architect to be a part of the Task Force and possibly take her place.

Commissioner Gossett suggested establishing meeting dates and time in order to keep the process moving forward.

This item was deferred to next month.

Mayor Cooper called to consider appointment of a person to fill the unexpired term of Patrick Richardson on the Board of Elections.

Mayor Cooper recommended that Ms. Jennifer Duncan be considered for appointment to the Board of Elections. Ms. Duncan had filled out an application for commission, board and committee appointments.

Commissioner Mills made a motion, seconded by Commissioner Coluzzi, to approve the appointment of Jennifer Duncan to the unexpired term on the Board of Elections. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

(Copy attached.)

City Manager Gregory Ferrese reported that the new refuse vehicle will be delivered by the end of next week.

Monies are in the budget for this purchase. Two (2) new marked Police cruisers have been delivered. The Police Department is currently waiting for the equipment to arrive, such as the cage, plastic back seats, etc. The vehicles are anticipated to be in service before Labor Day 2013. The Grove Park Restroom Upgrade Project is complete except for painting the interior which is scheduled for July 24 or July 31, 2013. All four of the restrooms have been upgraded to meet ADA standards, and they are more energy efficient. Sealed bids will be opened on July 30, 2013 for the purchase and installation of a generator at the State Road lift station. This purchase is in the budget. The fall 2013 projects are as follows: 1. Repair and paint fire hydrants at all locations. 2. Widening of 350 linear feet of Surf Avenue near Oak Avenue by five feet. 3. Replacement of inlets on Brooklyn Avenue at the Boardwalk. The City has sold 586 scooter permits to date. There have been greater than 74,000 hits on Parkmobile. Last year, there was a total of 115,000 hits. Parking meter revenue is behind approximately \$58,000.00. Mr. Ferrese budgeted \$11,000.00 less in the 2013/14 Budget. The parking meter collection for this week was very high. Transfer tax is coming in over Budget.

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

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| 07/10/13 | 535 | Delmarva Power | \$ 8,202.52 (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 REPORT

Commissioner Gossett, Chair of Personnel Committee, requested consideration of the recommendation from the Personnel Committee regarding the executive search firm to conduct the candidate selection for the position of City Manager, including the authorization to contract for such services. He read the memorandum dated July 16, 2013 sent to all the Commissioners. The Personnel Committee met on July 15, 2013 to review information submitted by several executive search firms and to bring forward a recommendation to the Commissioners. Submissions from five firms were reviewed who all specialize in placement for municipal governments. After reviewing the information submitted, the Personnel Committee recommends that the City retain The Novak Consulting Group. This recommendation is based on several factors: 1. Extensive experience in placing City Managers in cities of similar size to Rehoboth Beach. 2. Demonstrated understanding of the roles and responsibilities of the search firm vs. the roles and responsibilities of the Mayor and Commissioners. 3. Clear plan to solicit input from Mayor and Commissioners, City staff and members of the public to draft a unique and specific position profile. 4. Will provide salary and compensation survey for similar positions. 5. Assurance that they will work with the City to develop six to twelve month goals for the City Manager. 6. Will follow-up to ensure progress, productivity and satisfaction for the City and the employee. 7. Proximity of the proposed engagement partner/manager to Rehoboth Beach. 8. Reasonable fee for services provided. In the final contract, a standard two year professional service guarantee will be added at no professional cost. The cost for this service is \$18,900.00. All the applications will be supplied for review.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to authorize the City Manager to sign the contract as presented with The Novak Consulting Group. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

CITY SOLICITOR'S REPORT

City Solicitor Mandalas reported that the scooter litigation has gone into the briefing stages. Yesterday, the final brief was submitted; so now it is a matter for the court to make a decision on it or schedule to hear argument. The Stingray case can be finally briefed in approximately ten days.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There were none.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

There were none.

CITIZEN COMMENT

There was none.

The next Workshop Meeting will be held on August 5, 2013 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 8:26 p.m.

Respectfully submitted,

(Patricia Coluzzi, Secretary)