

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

October 18, 2013

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach was called to order at 7:08 p.m. by Mayor Samuel R. Cooper on Friday, October 18, 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 Toni Sharp
 Commissioner Patrick Gossett
 Commissioner Bill Sargent
 Mayor Samuel R. Cooper
 Commissioner Stan Mills
 Commissioner Lorraine Zellers
 Commissioner Mark Hunker

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

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Bill Sargent, to approve the Agenda as written. Motion carried unanimously.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

Minutes of the September 9, 2013 Workshop Meeting, September 20, 2013 Regular Meeting and October 7, 2013 Workshop Meeting were distributed prior to the meeting.

Commissioner Mills made a motion, seconded by Commissioner Mark Hunker, to approve the September 9, 2013 Mayor and Commissioners Workshop Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to approve the September 20, 2013 Mayor and Commissioners Regular Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to approve the October 7, 2013 Mayor and Commissioners Workshop 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 September 2013. There were 28 criminal, 187 traffic and 13 civil charges made during the month. Seventeen traffic crashes were investigated. Five seasonal officers will be working for the next two weekends. Participation in the National Prescription Drug Take Back Day will occur on October 26, 2013 from 10:00 a.m. to 2:00 p.m. at the Police Department. The Dispatch Center handled 376 police incidents, 222 ambulance incidents, 42 fire incidents, 218 traffic stops, assisted other agencies 11 times during the month, and 9-1-1 calls totaling 478 were received.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

Mr. Walter Brittingham of the Rehoboth Beach Volunteer Fire Company reported that construction has started on Station 2. EDiS Company is the construction manager. The Fire Company had requested that bids be solicited from local contractors. There are no known problems operationally.

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Chief Building Inspector Terri Sullivan presented a newly revised report of the Building & Licensing Department for September 2013. The revised report was based on questions which had been asked at the meeting the previous month. During the month, 73 permits were issued for a value of work totaling \$3,866,304.92. Fees collected totaled \$92,594.66 for the month. Eighty permit processing fees were received in the amount of \$1,600.00. No restaurant applications were received in September. Six notices of violation were issued for a blinking sign, a temporary banner, a freestanding sign, trash out too early, a flag too low and an obstruction on a sidewalk. The Board of Adjustment heard two cases in September. There were 40 building inspections, 11 plumbing inspections, three rental inspections, seven meetings regarding trees, 39 meetings regarding new projects and five meetings regarding City business.

Commissioner Patrick Gossett suggested that there should be a three month trial period with regard to time management in the report. This may give the Commissioners a clearer picture of what is going on, and the information may be useful to them. After the trial period is ended, the Commissioners can decide if this information is really needed. Mayor Cooper had objections to this.

REPORT OF PLANNING COMMISSION

Planning Commission Secretary Francis Markert presented the report of the Planning Commission. The Regular Meeting was held on October 11, 2013. The Planning Commission devoted the majority of its meeting to assimilating the input it has received to date plus its own research as it related to changes it may recommend regarding the current tree ordinance. The Planning Commission was informed because of current Code language, decisions of the Building Inspector based on the long-standing practice of the City regarding subdivision of properties that have been merged, continue to be appealed to the Board of Adjustment. In June 2012, the Planning Commission forwarded to the Board of Commissioners a code amendment relating to lot merger for zoning purposes. Because the problem continues, the Planning Commission urged its enactment by the Board of Commissioners. In its Lakes Report, the Planning Commission discussed the effect of soil runoff from building sites on the Lakes' health and presented recommendations to address this. Subsequently, the Commission has received complaints from the public about contractors invading/using their neighboring properties during home construction. The Commission was informed that the Building Inspector does not currently have code authority to require silt containment fencing on all or part of the City's typical 50 foot x 100 foot lots and/or to require a crush rock construction entrance to the site. Such authority exists for lots larger than 50 feet x 100 feet. The Commission recommended that the Building Inspector have such authority as it would not only help reduce dirt/silt runoff but would also clearly demarcate the property's boundary from the abutting neighbor's property. Should the Board of Commissioners concur, the City Solicitor could prepare the requisite ordinance. A Minor Subdivision Application has been submitted for a property located at 114 St. Lawrence Street. The Planning Commission will conduct the Preliminary Review at its November 8, 2013 meeting.

Commissioner Mills noted that he and Commissioner Lorraine Zellers have done independent research with regard to containment of dirt/debris on building sites. Commissioner Mills anticipated bringing the results of their research before the Commissioners at the Workshop Meeting on December 9, 2013.

OLD BUSINESS

There was none.

NEW BUSINESS

Mayor Cooper called for confirmation of appointments to the Planning Commission, Parks and Shade Tree Commission and Board of Adjustment.

Mayor Cooper read the list of appointments for three year terms.

Planning Commission: Paull Hubbard, Francis (Bunky) Markert, David Mellen.

Parks & Shade Tree Commission: Priscilla Smith, Chairperson.

Board of Adjustment: Doug Popham. Vacancy to possibly be appointed at the November 15, 2013 Regular Meeting.

Commissioner Sargent made a motion, seconded by Commissioner Hunker, to confirm the appointments as presented. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

Mayor Cooper called to consider appointments to the Board of Election and other City committees, commissions and boards.

Mayor Cooper read the list and recommended the following appointments.

Audit Committee – Donald Derrickson, Chairperson; Jay Lagree; Jim Harty.
Election Board – Al Morris, Chairperson (3); Jennifer Duncan (2); Lee Ardis (1).
Election Officials – Wayne Steele, Inspector; Steve Elkins, Judge; Nancy Meadows, Judge; Donna Moore (ex officio member).
Animal Issues Committee – Lorraine Zellers, Chairperson; Richard Byrne; Bob Harrison; Marcia Maldeis; Jan O'Donnell; Libby Stiff.
Bandstand/Convention Hall/Special Events Committee – Patrick Gossett, Chairperson; Carol Everhart; Dennis Santangini; Spencer Derrickson; Annmarie Westerfield; Donna White; Chuck Snyder (ex officio member); Corey Groll (ex officio member).
Budget and Finance Committee – Board of Commissioners.
City Hall Complex Master Plan Task Force – Sam Cooper, Chairperson; Commissioners; Jim Ellison; Jim Harty; Wayne Neale; Ken Simpler; City Manager; Chief of Police; PD Communications Supervisor.
Communications Committee – Stan Mills, Chairperson; Janet Anderson; Jim Harty III; Toni Sharp; Lorraine Zellers.
Personnel Committee – Patrick Gossett, Chairperson; Mark Hunker; Lorraine Zellers.
Streets & Transportation Committee – Bill Sargent, Chairperson; Dennis Diehl; Jim Ellison; John Gauger; Cindy Lovett; Kathy Osterholm; Toni Sharp; Lorraine Zellers; June Embert (ex officio member); Mel Craig (ex officio member).
Commission Liaison to Chamber of Commerce – Sam Cooper.
Rehoboth Beach Historical Society Board – Patrick Gossett.
Commission Liaison to Main Street – Mark Hunker.
Cape Henlopen Senior Center Board – Sam Cooper.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to adopt the Committee list with the exception of the Animal Issues Committee. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

Commissioner Sargent made a motion, seconded by Commissioner Lorraine Zellers, to adopt the Animal Issues Committee as presented. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper- aye, Mills – recused, Zellers – aye, Hunker - aye.) Motion carried.

CITY MANAGER'S REPORT

(See attached report.)

City Manager Gregory Ferrese reported that to date, the City has collected \$1,041,082.00 in transfer tax. The City budgeted \$1,080,000.00 so he anticipates exceeding the budget by \$250,000.00. Contract negotiations with the Teamsters will begin in November 2013. The present contract expires March 31, 2014. In regard to the Schoolvue Sanitary Sewer Replacement Project, sealed bids were opened on October 9, 2013, and the low bid is in the amount of \$794,424.25 which is higher than anticipated. Mr. Jason Loar, City Engineer, will provide the Mayor and Commissioners a recommendation in the next three weeks. The Surf Avenue/Brooklyn Avenue Project will begin October 21, 2013. The Brooklyn Avenue inlets will be done first. The project will take about one month to complete. The advertisement for the painting of the fire hydrants will be done in two phases and will begin within the next two weeks. The first phase of the project will be inspections and maintenance. It is anticipated that the painting will take place April 2014. Mr. Ferrese thanked the Rehoboth Beach Homeowners' Association for providing breakfast to all City employees on October 23, 2013.

Mr. Ferrese recommended the approval of the Street Aid expenditures:

| | | | |
|------------|-----|----------------|----------------------------|
| 10/09/2013 | 538 | Delmarva Power | \$8,323.20 (Street Lights) |
|------------|-----|----------------|----------------------------|

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

COMMITTEE REPORT

There were none.

CITY SOLICITOR'S REPORT

City Solicitor Mandalas reported that there has been ongoing litigation in federal district court with regard to the scooter ordinance which was adopted prior to this past summer season. A motion to dismiss was filed, and arguments were heard in federal court approximately one month ago. The City received a decision yesterday where the entire complaint was dismissed. The appeal period runs until November 18, 2013 so there is a possibility of appeal on this matter. At this point, the only order in the case says that the City has won on all counts.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Gossett announced that a letter was sent out on October 15, 2013 to property owners with regard to the citywide reassessment. The letter outlines the process that will be in place about how the assessments will be done along with a contact number if there are any questions. The field inspectors will be out in the City beginning October 21, 2013. He will meet with the field inspectors in approximately three weeks to see how the process is proceeding and to get a target date of the conclusion of the field work. An update will be provided as to when the next aspect of the reassessment letters will be sent out.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

There were none.

CITIZEN COMMENT

Ms. Jennifer Sugrue Burton, property manager and co-owner of Church Street Associates LLC, owns the Shops at Baltimore Commons at 33 Baltimore Avenue and the Shops at the Mews located between 40 Baltimore and 127 Rehoboth Avenues. She requested that the Commissioners walk down not only Baltimore Avenue, but also Wilmington Avenue at night and be mindful of the lack of lighting, the numerous dark areas, the overgrown trees, the damaged sidewalks and the lack of decorations during the holidays. A beautiful streetscape project has been completed on Rehoboth Avenue, but the side streets have been clearly neglected. Church Street Associates has lit up two complexes from sundown to 3:00 a.m. every night year-round for over 30 years, but there are many areas along these side streets that are completely dark and uninviting. Ms. Burton would like the Commissioners to consider diverting some maintenance, increased lighting, decorations and/or a beautification project in the near future to the first two blocks of Baltimore and Wilmington Avenues.

Commissioner Sargent noted that the Streets & Transportation Committee would be glad to look into the situation and recommend improvements that need to be made.

Commissioner Gossett has had meetings with business owners along Baltimore Avenue and has had conversations with Delmarva Power and its lighting consultant. Information has been received of recommended lighting plans with the addition of lights along the first two blocks of Baltimore and Wilmington Avenues. In regard to holiday lighting along the poles, a representative of Delmarva Power said that this would require installation of a 220V line for the poles, and pricing will be provided at a future date. On January 1, 2014, Delmarva Power will be beginning to use LED lighting which is more cost effective and provides brighter lighting. As soon as Commissioner Gossett receives the pricing, he will share it with Ms. Burton and other business owners along Baltimore and Wilmington Avenues.

Mr. Walter Brittingham, 123 Henlopen Avenue has received the letter about the reassessment. He asked what had occurred in the Executive Session this afternoon with regard to hiring a City Manager.

Mayor Cooper noted that the Commissioners met with the consultant and reviewed a number of applications. The plan is that the Commissioners will be interviewing three or four candidates. It is the Commissioners' intent that on November 8, 2013, the candidates will be brought into and given a short tour of the City, meet with the department heads and attend a reception. Interviews will take place on November 9, 2013.

REVIEW WITH CITY SOLICITOR the legal strategy being pursued in the several items of pending litigation the City is involved in. This item may include an Executive Session where the Commissioners will discuss with an attorney-at-law the legal strategy involved in pending litigation as permitted by *29 DelC. Section 10004(b)(4)*.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to adjourn to Executive Session at 7:46 p.m. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to reconvene to the public session at 8:27 p.m.

The next Workshop Meeting will be held on November 4, 2013 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 8:28 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)