

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

November 16, 2012

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 16, 2012 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 Lorraine Zellers
 Commissioner Mark Hunker

Absent: Commissioner Pat Coluzzi

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

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Patrick Gossett, to approve the Agenda with the deletion of the minutes for the September 10, 2012 Joint Workshop Meeting with Planning Commission, October 19, 2012 Regular Meeting, November 5, 2012 Special Meeting and November 5, 2012 Workshop Meeting. Motion carried unanimously.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

No Minutes were available for approval.

REPORT OF THE POLICE DEPARTMENT

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of October 2012. There were 37 criminal, 166 traffic and one civil charges made during the month. Eleven traffic crashes were investigated. The Dispatch Center handled 296 police incidents, 182 ambulance incidents, 62 fire incidents, 156 traffic stops, assisted other agencies 12 times during the month, and 9-1-1 calls totaling 394 were received.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

Mr. Walter Brittingham of Rehoboth Beach Volunteer Fire Company announced that the Christmas Parade will be held on December 4, 2012 at 6:30 p.m.

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for October 2012. During the month, 84 permits were issued for a value of work totaling \$2,512,044.24. Fees collected totaled \$72,399.76 for the month. Ninety-eight permit processing fees were received in the amount of \$1,960.00. No restaurant applications were received in October. Two notices of violation were issued for contractors working without business licenses. One notice of violation was issued for speakers on a patio. Two notices of violation were issued for damaged sidewalks. One notice of violation was issued for an unauthorized patio. One notice of violation was issued for overgrowth. The Board of Adjustment heard no cases in October.

REPORT OF THE PLANNING COMMISSION

Secretary Francis Markert presented the report of the Planning Commission. The Regular Meeting was held on November 9, 2012. The Planning Commission welcomed newly appointed member Michael Strange and report the reappointment of Mrs. Jan Konesey and Mr. Brian Patterson. Dr. Preston Littleton was re-elected as Chairman of the Planning Commission, Mr. David Mellen as Vice Chair and Mr. Markert as Secretary. The written comments from the State following the PLUS review of the draft lakes report have not been received to date. When they are received, a decision will be made if the report should be modified or the comments appended. The Commission received two additional comments/suggestions from the public. The Commission agreed to make additions to the draft and its exhibits to better clarify and enhance several recommendations. The intent of the Commission is to finalize the lakes report and make it available for public distribution as soon as possible following receipt of the State's written comments. The Planning Commission reviewed and approved a draft ordinance to amend Section 236-30, 32 and 36 of the Code for structures constructed within 25 feet of the lake that was prepared at its request by Mr. Brian Patterson and reviewed by City Solicitor Mandalas. As soon as City Solicitor Mandalas has put the draft in its final form, it will be forward to the Board of Commissioners for action.

OLD BUSINESS

Mayor Cooper called for the update on the City-wide re-assessment project.

Mayor Cooper reported that the pre-bid meeting had been postponed to October 31, 2012 because of Hurricane Sandy. Three firms were represented at that meeting. Proposals are due into the City on November 20, 2012 at 2:00 p.m. at which time they will be opened. Copies will be provided to the Commissioners for their review. Mayor Cooper suggested that a meeting should be scheduled possibly on December 10, 2012 with the most favorable firm to have any questions answered. The first letter to the property owners has been printed and will be mailed on November 19, 2012.

NEW BUSINESS

Mayor Cooper called to consider adoption of a proposed rewrite of Chapter 159, to be retitled Flood Damage Reduction, of the City Code which change would bring this chapter into agreement with FEMA's current requirements for the National Flood Insurance Program.

Ms. Sullivan noted that since the last Workshop Meeting, she had contacted Mr. Greg Williams of DNREC with regard to when the original flood insurance rate map was drafted on March 30, 1973. The post-firm and pre-firm structures definitions have been reworked in the definitions on page 6 of the of the proposed rewrite of Chapter 159. Most of the floodplain areas are around the lakes in the City with some also being on Oak, and Pennsylvania Avenues. Everything in the proposed ordinance is per FEMA requirements. An enforcement, violations or penalties section is proposed to be added along with the floodplain administrator's duties being defined and application requirements. Elevation certificates are a requirement by FEMA so form would need to be filled out. FEMA and DNREC have both approved this proposed ordinance.

Commissioner Sargent made a motion, seconded by Commissioner Mills to adopt the ordinance as a rewrite of Chapter 159. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

Mayor Cooper called to consider appointments to City committees, commissions and boards.

Mayor Cooper read the list and recommended the following appointments. No Assessment Board. Will change the Charter and ordinance changes. Proposing with the re-assessments done by professionals. Will propose an appeals board. Karen Zacharian – ex officio member.

Assessment Board has been removed from the list. Charter and ordinance changes will be proposed in the future. Mayor Cooper will be proposing that with the re-assessment a professional will be hired to do all the assessments. An appeal board will be needed which will be determined at a later date.

Audit Committee – Donald Derrickson, Chairperson, Jay Lagree, Jim Horthy.

Board of Adjustment – Tom Evans (3), Clif Hilderley (2), Myrna Kelley (2), Frank Cooper (1), Doug Popham (1) – approved at the October 19, 2012 Regular Meeting.

Election Board – Al Morris, Chairperson (1), Lee Ardis (2), Patrick Richardson (3).

Election Officials – Wayne Steele, Inspector, Steve Elkins, Judge, Nancy Meadows, Judge, Donna Moore (ex officio member).

Parks & Shade Tree Commission – Priscilla Smith, Chairperson (1), Marcia Maldeis (2), Ned Kesmodel (2), Jane Wyatt (3), Anne Hubbard (3) – approved at the October 19, 2012 Regular Meeting.

Planning Commission – Preston Littleton (2), Harvey Shulman (2), Lyn Wilson (2), David Mellen (1), John Gauger (1), Bunky Markert (1), Jan Konesey (3), Michael Strange (3), Brian Patterson (3) – approved at the October 19, 2012 Regular Meeting.

Animal Issues Committee – Lorraine Zellers, Chairperson, Bob Harrison, Marcia Maldeis, Jan O'Donnell.

Bandstand/Convention Hall/Special Events Committee – Patrick Gossett, Chairperson, Pat Coluzzi, Carol Everhart, Dennis Santangini, Spencer Derrickson, Annmarie Westerfield, Donna White, Chuck Snyder (ex officio member), Corey Groll (ex officio member), Karen Zacharian (ex officio member).

Budget and Finance Committee – Board of Commissioners.

City Hall Complex Master Plan Task Force – Sam Cooper, Chairperson, Pat Coluzzi, Stan Mills, Jim Ellison, Jim Horty, Ken Simpler, Greg Ferrese, Keith Banks, Dawn Lynch.

Communications Committee – Stan Mills, Chairperson, Lorraine Zellers, Hoyte Decker, Janet Anderson, Toni Sharp.

Personnel Committee – Patrick Gossett, Chairperson, Mark Hunker, Lorraine Zellers.

Streets & Transportation Committee – Pat Coluzzi, Chairperson, Lorraine Zellers, Bill Sargent, Dennis Diehl, Jim Ellison, John Gauger, Cindy Lovett, Kathy Osterholm, 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, seconded by Commissioner Sargent, to approve the Committee list as presented with the addition of Karen Zacharian to the Bandstand/Convention Hall/Special Events Committee. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

City Manager Gregory Ferrese reported the Audit Committee will be meeting with the City's auditor on November 19, 2012 at 10:00 a.m. in the Commissioners Room to review the audit ending March 31, 2012. Sealed bids will be opened on November 20, 2012 at 2:00 p.m. for assessment services. The ADA Ramping Project is on schedule, and sealed bids will be opened in January 2013. In regard to the Lake Avenue Streetscape Project, 30% of the design plans have been submitted to DelDOT for review and comments. The City's Public Works Department has done a great job in decorating the City for Christmas. The lighting of the Christmas tree will be at the Bandstand on November 23, 2012 between 6:45 p.m. and 7:00 p.m.

There were no Street Aid Expenditures.

COMMITTEE REPORT

There were none.

CITY SOLICITOR'S REPORT

There was nothing to report.

DISCUSS and decide the request of an employee for the Commissioners to review a disciplinary suspension, in accordance with Section 46-10(D), that the employee received for failing to follow the City's procedure for clocking in and out of work five times during the current calendar year.

Mayor Cooper noted that the Commissioners have received a report from the City Manager which had been completed shortly after or concurrent with the appeal. The Commissioners have received a statement from the employee which would be appropriate to convene to executive session to review them.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to enter into Executive Session at 7:31 p.m. Motion carried unanimously.

Commissioner Sargent made a motion, seconded by Commissioner Hunker, to reconvene to the public forum at 7:53 p.m. Motion carried unanimously.

Commissioner Sargent made a motion, seconded Commissioner Hunker, that in the case of an employee who was suspended for a day on September 21, 2012 that the Commissioners uphold the suspension as given by the City Manager after reviewing all the information presented by the City Manager and the employee, and that there is substantial evidence to support the decision the City Manager made. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There were no announcements/comments.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

Items to be included are a series of presentations by the Communications Committee possibly at the December, January and February Workshop Meetings, and discussion of the Tree Ordinance on a future agenda.

CITIZEN COMMENT

There was none.

The Workshop Meeting will be held on December 10, 2012 at 9:00 a.m.

There being no further business, Mayor Cooper adjourned the meeting at 7:56 p.m.

Respectfully submitted,

(Ann M. Womack, Assistant Secretary)