

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

**March 7, 2011**

The Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:07 a.m. by Mayor Samuel R. Cooper on Monday, March 7, 2011 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

The Invocation and Pledge of Allegiance took place at the Special Meeting prior to this meeting.

**ROLL CALL**

Present:     Commissioner   Bill Sargent  
              Commissioner   Pat Coluzzi  
              Mayor            Samuel R. Cooper  
              Commissioner   Dennis Barbour  
              Commissioner   Stan Mills  
              Commissioner   Lorraine Zellers

Absent:     Commissioner   Kathy McGuiness

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

**CORRESPONDENCE**

There was none.

**OLD BUSINESS**

Mayor Cooper called to discuss the possibility of establishing smoke-free zones within various public spaces.

Commissioner Mills gave a presentation in regard to possibly establishing smoke-free zones within various public spaces. Concerns identified earlier in the smoking/anti-smoking debate were: 1. Economic costs associated with manpower and resources to pick up litter; costs incurred when a cigarette but starts a fire; and costs of lost revenue incurred when tourists will not spend their vacation dollars to visit a beach or park that is full of litter and trash. 2. Environmental costs where toxins in the cigarette filters leach out, threatening the quality of the water and ingestion of plastic filters being a threat to fish and wildlife. 3. Litter. 4. Health regarding firsthand smoking and secondhand smoke. Commissioner Mills said that he sees a goal of minimizing economic impact, litter and secondhand smoke impacts adults and children. Users of the beaches and parks would likely prefer a smoke-free environment. The only way to give users places to go where they can be away from smoke is to designate non-smoking areas, as on the beaches of other municipalities currently using smoking restrictions. If it is known where smoking is taking place, a person or family could choose to locate in a non-smoking area nearby or at the farthest reaches from the designated smoking areas. All users have the right to enjoy the outdoor spaces. By designating smoke-free as well as smoking areas can satisfy most if not all people. Commissioner Mills reviewed some of the municipalities which had been looked at: New York City; Belmar, NJ; Avon By The Sea, NJ; Ocean City, MD; City of Lewes, DE, Bethany Beach, DE. Examples of the grant requests are: 1. No smoking within 25 feet of an entrance or exit. 2. Smoke-free playgrounds, ballparks, etc. 3. Smoke-free parks. 4. Smoke-free beaches. 5. Smoke-free campuses. 6. No candy cigarettes to be sold in the community. In the path forward, no consensus has really been reached on this subject. There are many unanswered questions on impacts to tourism. Commissioner Mills suggested tabling the discussion of implementing smoking restrictions on the beach and Boardwalk, and resume it after summer to allow for additional studies. He is seeking to establish specific public parks and/or children's playgrounds as smoke-free zones. The areas suited for this are: 1. Tot lot at Lake Gerar – Lake Avenue – Henlopen Hotel. 2. Tot lot/park at Silver Lake – Stockley Street – Country Club Estates. 3. Park/swings at western tip of Lake Gerar. 4. Park/tot lot/recreation area at Grove Park. Commissioner Mills would like to draft an ordinance for discussion at the April 4, 2011 Workshop Meeting based on the models after other municipalities which impose conditions before fines can be levied, such as having appropriate signage in place alongside disposal urns, and setting a fine structure.

Commissioner Sargent would be comfortable with putting up signs that could possibly say "Please Don't Smoke Particularly If Children Are Present" at the beach and tot lots to see if there would be compliance. He is uncomfortable at this point, with banning smoking. Commissioner Sargent would like to have effectively no

smoking in the City.

Commissioner Coluzzi supported the initiative to ban smoking in parks and tot lots. The City could potentially get money from the grant for disposal urns on the beach even if there is not a ban established on the beach. She was comfortable with getting smoking disposal urns for the Boardwalk along with signage as a reminder to people to be courteous to others regarding smoking. Commissioner Mills said that the disposal urns are located on the Boardwalk at every entry to the dune crossings, but over time they rust and fall apart. More substantial urns would be needed.

Commissioner Barbour said that if the Commissioners take this subject on, a lot of time and energy should not be expended on it because there are things in the Comprehensive Development Plan (CDP) that need to be addressed. It is worth a try to do the voluntary approach; and if that fails, a more stringent approach could be taken.

Mayor Cooper asked how the streets would be excluded if smoking would not be allowed on the beach and Boardwalk. He would not be opposed to a sign saying "If You Smoke, Please Respect Others" or something to that effect.

Commissioner Zellers had issues with banning smoking on the beach and Boardwalk because it would be difficult. An educational outreach needs to be provided to people. There are areas such as the tot lots and playgrounds where smoking can be banned. Anything restriction or ban should be tabled regarding the Boardwalk and the beach. She suggested instituting substantial urns to encourage people to get rid of butts in various places.

Commissioner Mills will draft an ordinance and have this topic placed on the April agenda for the Workshop Meeting.

## **NEW BUSINESS**

Mayor Cooper called discuss a draft ordinance that would increase from 72 hours to 7 days the time before which an unpaid parking ticket increases in amount and would remove from the Code the requirement that all vehicles must be parked head-in angled and perpendicular parking spaces.

Mayor Cooper explained the proposed ordinance. Section 92-29 refers to angled parking which requires that vehicles must be parked head-in only. It also refers to the requirement that when parallel parking, a vehicle must be parked within 12 inches of the curb and in the direction of traffic. This Section would be deleted in its entirety. Section 92-39(A) refers to parallel parking and the requirement that vehicles be parked with the right side to the curb and in the direction of travel which would be impossible on a one-way street. This Subsection would be replaced with "[E]very motor vehicle stopped or parked upon a street within the corporate limits of the City where parallel parking is permitted shall park parallel to and within 12 inches of the curb or edge of the roadway in the direction of the flow of traffic of the adjacent travel lane". In Section 92-80, the phrase "72 hours" would be replaced with "7 days". This would increase the amount of time before parking tickets increase in cost for both meters and permit areas. In Subsection (B) of Section 92-265, the phrase "72 hours" would be replaced with "7 days".

Mayor Cooper does not want to encourage people backing in because it creates a nuisance.

Commissioner Mills was in favor of moving forward with this ordinance.

Mr. Walter Brittingham, 123 Henlopen Avenue asked that parking in the wrong direction is selectively enforced on the streets. If no signs are put up, the laws will not be enforced. There are fewer accidents when a vehicle is backed into a space and the driver can see what traffic he/she will be pulling into. There should be four parking spots in the City which would allow people to back their vehicles into.

Commissioner Sargent voiced concern with allowing people to back their vehicles into angled spaces because it would be very dangerous on Rehoboth Avenue.

Mr. Ferrese said that not more than 200 of the 22,000 parking tickets were issued this past summer for vehicles backing into angled or perpendicular parking spaces. Mayor Cooper had spoken with the department head of the Parking Meter Department in regard to any objections to eliminating the head-in parking signs, and the department head had no objections.

Ms. Carol Everhart of Rehoboth Beach/Dewey Beach Chamber of Commerce said many complaints have been received that visitors, business and renters are being pushed out onto Rehoboth Avenue to unload their

vehicles when they are parking head-in. It is also a safety issue when backing into an angled space on Rehoboth Avenue.

This item will be placed on the agenda for the March 18, 2011 Regular Meeting.

Mayor Cooper called to discuss possible traffic calming initiatives for Columbia Avenue.

Commissioner Barbour said the two issues are the temporary bump-out at Sussex Street and Columbia Avenue, and speeding measures on Columbia Avenue. He lives on Columbia Avenue and has spoken with residents who live there in regard to speeding, which has been increasing over time. The avenue is a mile long with four speed limit signs going in each direction and only one stop sign at First Street. A lot of trucks use Columbia Avenue as a major artery. The Streets and Transportation Committee met two weeks ago, and Commissioner Barbour recommended that the temporary bump-out at the corner of Columbia and Sussex should be made permanent because the people in the area are in favor of it, and it has slowed down traffic. The permanent bump-out should not be put in until after the house at the corner is completed.

Mayor Cooper said that Mr. Ferrese has been trying to set up a meeting with the City Engineer to make the temporary bump-out permanent. The permanent bump-out should not be put in until after the house at the corner is completed.

Commissioner Mills had no objection with improving the corner at Sussex Street and Columbia Avenue.

Commissioner Barbour noted that Columbia Avenue is one of the narrower roads in the City, and the shoulders vary in width and frequently there is a drop-off in the cement. In addition to the truck traffic, there are runners, surreys, bicycles and traffic. This is a major public safety issue. Commissioner Barbour suggested to the Streets and Transportation Committee and it in turn is making a recommendation to the Commissioners to adopt the approach of posting yellow signs noting that it is a residential district below the speed limit signs and installing solar powered speed indicating signs. The speed indicating signs have an evaluation mechanism built in to them to monitor traffic. Potentially it would be great to have these signs on Bayard Avenue and other streets in the City. Commissioner Barbour has talked with the State; and under the agreement the City has with the State, the City is responsible for traffic control devices on State roads which Columbia Avenue is a State road. The estimate for a solar powered speed indicating sign is \$3,800.00 each, and they should be placed at the point where vehicles pick up speed.

Commissioner Sargent thought it would be a good idea to put two of the solar powered speed indicating signs on Columbia Avenue, one in each direction midway on Columbia Avenue, and then see what is happening along there. Perhaps in Fall 2011, the Commissioners can decide if there are other measures to be taken. The tree that is hiding the speed limit sign at the entrance to Sussex Street on Columbia Avenue should be trimmed, and the sign should be replaced with a better sign so there is no doubt of what the speed limit is when entering Columbia Avenue.

Commissioner Barbour advocated putting the yellow signs up or putting up four of the solar powered speed indicating signs with two in each direction.

Mayor Cooper thought the solar powered speed indicating signs are a good idea. People know what the speed limit is, and the issue is how to grab their attention and get them to comply.

Commissioner Zellers was in favor of enhancements to improve safety, and she asked if the State's input is needed in regard to where the solar powered speed indicating signs would need to be located. Mayor Cooper said that he would get a letter from the State indicating that it will not have any objections. Commissioner Barbour said that the City is responsible in this regard.

Commissioner Barbour said that the Streets and Transportation Committee has talked about doing something long term with Columbia Avenue because there are many pedestrians, bicyclists and surreys using it; and it would be great to have pedestrian lanes on the either side of Columbia Avenue.

Commissioner Coluzzi said that the manufacturer of the signs would know where the signs should be placed. She would like to move forward in purchasing two yellow residential signs and two solar powered speed indicating signs.

Mr. Walter Brittingham mentioned that the issue is with people operating vehicles on Columbia Avenue, not the roadway itself. People know that 25 mph is the State law for residential areas. Things use to work better when the City Manager ran the City, and this discussion would not be taking place. The mobile speed indicating trailer does everything the solar powered speed indicating signs would do., and it can be used as a

diagnostic tool.

Mr. Tim Spies, 53 Columbia Avenue, said he would be glad to have a sign put up in front of his house.

Commissioner Barbour offered to have a sign put up in front of his house.

Commissioner Coluzzi said there is consensus to purchase two solar powered speed indicating signs and get data from those signs, and purchase residential district and children playing signs.

Mayor Cooper called to discuss placing sign(s) on the Boardwalk recognizing it as an American Recovery Reinvestment Act project.

Commissioner Barbour requested that this item be deferred because he wanted to get additional information from other cities, etc.

### **CITY MANAGER'S REPORT**

City Manager Gregory Ferrese reported that a pre-construction meeting will be held this afternoon at 1:30 p.m. in regard to the Stormceptor Project. A pre-construction meeting has been scheduled for March 8, 2011 at 10:00 a.m. in regard to improvements to the Baltimore Avenue comfort station and Beach Patrol facility. Sealed bids will be opened on March 8, 2011 at 1:30 p.m. in regard to the new boiler for the Municipal Building. Sealed bids will be opened on March 9, 2011 at 1:30 p.m. in regard to the purchase and installation of approximately 150 trees. The project has been funded through a State grant. The priorities for planting the trees will be the parks and the islands on Rehoboth, Bayard and Scarborough Avenues. Sealed bids will be opened on March 10, 2011 at 2:00 p.m. in regard to new decking around the Delaware Avenue restrooms. Representative Pete Schwartzkopf has advised Mr. Ferrese that he will be allocating \$25,000.00 from State Community Transportation Funds towards the City's ADA Ramping Program. Mr. Ferrese is hoping Senator Bunting will do the same. The City's architect and engineer are preparing plans and specifications in regard to the Energy Efficiency Grant. The City has received \$500,000.00. On April 18, 2011 the City will go to twice a week refuse pickup. A recycling grant has been received in the amount of \$40,000.00 for 400 carts and marketing.

Mr. Brittingham said that trees should not be planted between the curbs and sidewalks where doors cannot be opened on vehicles parked against the curb.

Mayor Cooper was not in favor of planting any trees between the curb and the sidewalk until there is a well-defined plan of how it is going to be done.

Mr. Brittingham said that DelDOT has been in the City for the past four weeks surveying the roundabout as a result of an ADA complaint that the ramps as part of Streetscape do not comply with the angles, etc. Mayor Cooper said that it not only involves the curb ramps. The Federal Highway Administration went to the State, and that it was to administer the funds and was its responsibility. He was informally told that the corrections would be made.

### **COMMITTEE REPORTS**

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.**

There were no items to be included on future agendas.

There being no further business, Mayor Cooper adjourned the meeting at 10:33 a.m.

Respectfully submitted,

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(Ann M. Womack, Assistant Secretary)