# MAYOR AND COMMISSIONERS MEETING CITY OF REHOBOTH BEACH

# March 10, 2014

The Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 10:18 a.m. by Mayor Samuel R. Cooper on Monday, March 10, 2014 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

The Invocation followed by the Pledge of Allegiance was provided at the Special Meeting prior to the Workshop Meeting.

# **ROLL CALL**

Present: Commissioner Toni Sharp

Commissioner Patrick Gossett
Commissioner Bill Sargent
Mayor Samuel R. Cooper

Commissioner Stan Mills Commissioner Lorraine Zellers

Absent: Commissioner Mark Hunker

Also in attendance was: City Manager Sharon Lynn

City Solicitor Glenn Mandalas

#### CORRESPONDENCE

There was none.

### **OLD BUSINESS**

There was none.

### **NEW BUSINESS**

Mayor Cooper called to discuss the steps and documentation necessary to establish an IRC 457(b) Deferred Compensation Plan for the City's full-time employees.

Mayor Cooper said that as part of the City Manager's contract, the City agreed to establish a 457(b) Plan and to make a contribution on a timely basis to the Plan on behalf of the City Manager. The current thrift plan for the City's employees is through Massachusetts Mutual (Mass Mutual). City Manager Sharon Lynn contacted Mass Mutual who will establish the 457(b) Plan for the City. No fees will be paid on behalf of the City. The fees will come from the management of the individual accounts. Documentation had been distributed to the Commissioners prior to the meeting. The Plan document would go into details as to who is eligible, whether or not loans could be made, whether hardship deductions would be allowed, etc. The Commissioners will need to pass a resolution authorizing the signing of the documents and submission to Mass Mutual to begin the process. It is anticipated that the Plan would be ready in April 2014 for the Commissioners to consider the document itself. Mayor Cooper noted that several plan documents can be found online, and he suggested that the Commissioners look at what is in those documents. Mayor Cooper and Commissioner Patrick Gossett or the Personnel Committee will work on developing the Plan. A 457(b) is an eligible, but nonqualified plan in the sense that it does not qualify for ERISA. This Plan could be made eligible for only certain employees, and he thought the Commissioners should consider this. The benefit of this Plan would be that it is tax deferent. The administrative fees would come out of the accounts that are maintained on behalf of the people who are part of it, not the City. At the next Regular Meeting, it is hoped there will be a resolution for the Commissioners to adopt and authorize the signing of the documents with Mass Mutual with the idea that the Plan document will be approved by the Commissioners in April 2014.

Mayor Cooper called to discuss amending an ordinance related to side yard setbacks for residential lots greater than 50 feet in width which was adopted by the Commissioners on January 17, 2014 by further defining the width of a lot.

Mayor Cooper distributed a proposed ordinance to amend the ordinance adopted on January 17, 2014. There are not many lots that would be affected. There is a problem with a standard lot where the street cuts it at an angle as opposed to perpendicular. The street length becomes something greater than 50 feet. Mayor

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Cooper has identified lots along Silver Lake on Lake Drive. The proposed ordinance would create two situations for the width of the lot: 1. The perpendicular distance between the two side lot lines when these lots are parallel. 2. When the two side lot lines are not parallel, the length of the street line between the points where these lot lines intersect the street line at the front of the lot. One scenario would be if a lot is 50 feet wide and the length of the curved street line is 75 feet, 24 feet would be needed for side yard setback. Mayor Cooper will provide a sketch of what is being proposed.

#### CITY MANAGER'S REPORT

City Manager Sharon Lynn reported that the restrooms have been painted and finished, and opened on March 7, 2014. The City has contracted with Karen Falk of Night Owl Marketing for the content management piece of website which will hopefully move the launch of the new website forward to within a few months. Snow removal last week was excellent for the City. The Public Works Department did a great job. Applications are being reviewed for seasonal employment, and the process is beginning for hiring people. The Schoolvue Sanitary Sewer Replacement Project notice to proceed was signed, and the contractor will begin mobilization and construction this week. It is anticipated that surveying and staking out the utilities will start March 11, 2014. On March 12, 2014, it is anticipated that the barriers will be set up. A schedule will be posted as soon as information is available from the contractor.

### **COMMITTEE REPORTS**

Mayor Cooper, Chair of the Budget and Finance Committee, called to discuss the draft budget for fiscal year 2014/2015 as presented by the City Manager.

City Manager Lynn said other that the concerns she and Mayor Cooper spoke about which it is anticipated that they will be addressed this week, the budget is as presented to the Commissioners at the Regular Meeting on February 21, 2014. The area where Mayor Cooper has concerns about how the parking revenue is recorded will be worked out this week.

Commissioner Stan Mills hoped that money can be found for the trees and canal-side improvements. He has spoken with City Manager Lynn about having additional funds available for the smoking intiatives. He has preferred to put less weight on the transfer tax because it is a variable. There should be no line item for the transfer taxes, or the amount in the budget should be kept low so that any overage goes into the capital improvement projects.

Mayor Cooper voiced concerns with the parking meter revenue. The draft budget reflects cell phone transaction fees (T2 fees) and how they are accounted for in that the \$.50 fee charged would be kept separate but the parking revenue from T2 would go into the parking meter revenue. As it has come down, all of the money collected from T2 apparently goes into 10004201. On page 1 of the draft budget, \$2,825,000.00 is reflected in revenue and that exceeds the 2013 actual. This past year was impacted by weather, and he expected that it would have been less to the point where there is \$100,000.00 more in revenue than 2013. Mayor Cooper requested an explanation regarding this optimism. On page 2, with the outfall project, \$76,000.00 was added for North Shores because if the project goes forward and \$1,900,000.00 is spent that is anticipated, North Shores' share of that would be approximately \$76,000.00. The \$76,000.00 was added to the revenue so now the revenue is shown as \$1,976,000.00 in that account, but expenditures are still shown as \$1,900,000.00. The amount encumbered from the existing budget comes from the 50% surcharge. If this money is not going to be spent on the outfall, it should stay in that account. On page 18, with regard to the maintenance contract in the police department, the amount should be \$13,170.00 instead of \$131,700.00 for cameras. Mayor Cooper viewed the Street Department and Refuse Department as combined. He requested an explanation with regard to the salaries this year estimated to be \$302,000.00, overtime estimated to be \$15,000.00 and part-time salaries to be \$83,000.00. There is a \$41,000.00 increase in full-time salaries for the Refuse Department and a \$57,000.00 increase in full-time salaries in the Street Department. This results in a \$140,000.00 increase in salaries in two years. An explanation is needed as to why the salaries have increased when no significant duties have been added.

City Manager Lynn said that there is a salary increase, and medical insurance has increased. In November 2013, there were four or five additions to full-time personnel. The prior City Manager made that changeover from part-time to full-time so that accounts for some of the increase in salaries in the Street Department. Those employees were working and being charged to part-time seasonal so they were made full-time. This year is where there would be a decrease in any part-time seasonal work. There were changes in staff numbers incorporated into the budget last October or November.

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\$70,000.00, line 5122 reflects fees as \$65,500.00 and collections fees for Parkmobile are reflected as \$95,000.00. He felt that there is duplication somewhere. It was anticipated there would be 200,000 transactions through Parkmobile this year. Cell phone transaction fees and Parkmobile fees are the descriptor.

Commissioner Lorraine Zellers said that in line 5101, collection fees include credit card terminal lease of \$65.25 monthly, payment processor used by WSFS Bank charges for credit cards used to pay charges at the Parking Department, and the collection agency for collecting fines on delinquent accounts. In line 5122, cell phone transaction fees includes the fees billed to the City by Parkmobile of which are \$.35 for most transactions, a monthly invoice disclosing the number of transactions multiplied by \$.35 or \$.25 for some. It also includes Verizon's monthly charge of \$385.00 for the communication link, users of Parkmobile pay-by-cell application pay \$.50 with Parkmobile retaining \$.35 and the \$.15. In line 5140, collection fees of Parkmobile include the credit card fees from WSFS, authorized net payment gateway and first data payment processor. A monthly statement is received from WSFS showing the details of the amounts to be debited on the bank statement. In line 5141, T2 collection fees include the bank credit card fees that T2 provides for the payment collection of parking fines. The City receives a separate monthly statement from WSFS disclosing the amount debited.

Mayor Cooper said that \$150,000.00 was encumbered for the fire hydrant project. This amount had been increased to \$175,000.00. The problem with recognizing it as revenue is if it is to be spent, then the monies will need to be recognized as an expense as well. The only expense for the fire hydrant project is \$100,000.00 which was taken to mean that it is new money in the Water Department. At this point, there is a \$175,000.00 discrepancy. The \$175,000.00 would need to be changed to \$275,000.00.

City Manager Lynn, Mayor Cooper and Mr. Burt Dukes will discuss these issues via teleconference on March 11, 2014 after 9:00 a.m.

# CITY SOLICITOR'S REPORT

There was nothing to report.

### COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Bill Sargent commented that with regard to the Streets & Transportation Committee, he will be sending out a letter to the Commissioners requesting feeback from them on five or six items of interest that the Committee members have brought up for possible discussion.

# DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

An item to be included on the agenda for the next Workshop Meeting is defining the width of a lot with regard to an ordinance related to side yard setbacks.

# CITIZEN COMMENT

Mr. Gene Lawson, Esq., 12 Hickman Street, said that at the February meeting, a Charter change regarding assessments was proposed because what is being done is not what the Charter states. He asked if any thought has been given to looking at the rest of the Charter.

Mayor Cooper said that no thought has been given to looking at the rest of the Charter with regard to changes. Years ago, attorneys at the State legislature recommended that the City submit a new Charter because Charters are not codified. There would be a lot of provisions which would need to be reviewed.

The next Regular Meeting will be held on March 21, 2014 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 11:00 a.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)