

expand anti-smoking initiatives in Rehoboth Beach to areas such as the beach, Boardwalk and/or other areas.

Commissioner Mills provided clarification that the City and other municipalities promote smoke-free initiatives such as tobacco-free areas or smoke-free zones. A common thread in the smoke-free initiatives is litter. Reducing litter from smoking reduces economic costs. Some of the costs are associated with manpower and resources to pick up litter. Other costs incurred are when a cigarette starts a fire that destroys a forest, field or people's homes. The costs of "lost revenue" are incurred when tourists will not spend their vacation dollars to visit a beach or park that is full of litter and trash. Reducing litter also reduces environmental costs. Toxic chemicals in the cigarette filters leak out, threatening the quality of the water and creatures that live in it. Fish, birds, whales and other marine creatures that mistake them as food, swallow harmful plastic and toxic chemicals. Ingestion of plastic cigarette filters is a threat to wildlife. By having tobacco-free areas or smoke-free zones, health risks are reduced. More than 450,000 people in the United States will die this year from a tobacco related disease. According to the Centers for Disease Control and Prevention, secondhand smoke kills more than 50,000 people in the U.S. Tobacco also causes serious diseases in children, including severe asthma attacks and lower respiratory tract infections. Eleven major health problems are caused in nonsmokers by environmental tobacco smoke (secondhand smoke) including respiratory disease, lung and nasal sinus cancer and heart disease. In January 2013, Commissioner Bill Sargent spoke publicly that he noticed the State of Delaware had enacted and expanded new smoke-free initiatives or tobacco-free zones in the state parks. Commissioner Mills expected that the outcome today was to gain consensus or learn the feelings of the Mayor and Commissioners, and then to seek which direction to go. This presentation will be placed in the Smoke-Free Initiatives section of Ongoing Business and Studies of the Board of Commissioners on the City website after this meeting. At the time of the original discussions of smoke-free initiatives in 2011, a total ban was done in New York City's parks, beach and plazas. Bethany Beach and Lewes had implemented smoke-free initiatives. Commissioner Mills read the philosophy in the resolution adopted in 2011. The outcome of discussions of smoke-free initiatives in the City was to implement total bans in Grove Park, the Tot Lot at Lake Gerar, Cranberry Park, Silver Lake Park, Central Park and Deer Park. Smoking is not allowed on the school grounds. Prior to 2011, the following are Delaware jurisdictions with smoke-free initiatives on the beach and boardwalk areas – Bethany Beach, Lewes, Delaware State Parks, Fenwick Island and Dewey Beach. There are 21 states with smoke-free beaches of which the majority of those beaches are located on the East Coast. Commissioner Mills provided photographs of signage and a designated smoking area in Bethany Beach and signage in Fenwick Island, Dewey Beach and Lewes. An explanation was provided of why the smoke-free areas in Delaware State Parks were expanded on July 1, 2012. Photographs were also provided of signage and designated smoking areas in New Jersey municipalities such as Ocean City, Seaside Heights, Belmar and Avon-by-the-Sea. Photographs were presented of signage and cigarette disposal containers in Rehoboth. Aerial photographs were provided of the Delaware State Park and adjacent coastal communities which exhibit smoking bans on the beach.

Questions which were raised by the Commissioners are:

1. In the State Parks, the sign said that smoking is only prohibited when guards are on duty so is smoking allowed at other times?
2. How would a smoking ban on the beach be enforced?
3. Who would enforce the smoking ban on the beach?
4. Have people been cited and how would that impact the City?
5. Where would designated smoking areas be located?
6. How prevalent are people who smoke on the beach?
7. Are people who smoke concentrated on the beach, and doesn't the smoke dissipate?
8. If a ban is installed on the beach and the Boardwalk, where will the people who smoke go?
9. What happens to the people who smoke if they are banned from the beach?
10. With regard to the Boardwalk, would the smoking ban include the restrooms, pavilions and Bandstand area?
11. Would enforcement be the responsibility of the lifeguards or police officers?
12. Would there be civil citations?
13. Would E-cigarettes be banned?
14. Would bus stops be included in the smoking ban?
15. Would beach concessions be impacted by a smoking ban?
16. All the arguments made for the beach and Boardwalk seems to apply to streets too, so why would the streets be excluded?

Commissioner Lorraine Zellers thought that more information is needed with regard to this issue.

Commissioner Patrick Gossett said that the Commissioners need to consider unintended consequences of where the people who smoke will go if they are banned from certain areas. If the Commissioners would create legislation, they will need to look at this holistically in the sense of how the people who smoke will be treated and how to manage that.

Mr. Steve Curson, 210 Philadelphia Street, read a letter he had sent to Commissioner Mills on December 17, 2013 with regard to some action that has been taken. A petition has been signed by several hundred people urging that a tobacco smoking ban be placed on the beach and Boardwalk. Currently, there is an online petition with approximately 500 signatures on it. Mr. Curson has received support from many businesses, realtors and organizations in the City. Support has been received from the staff and board members of Main Street, Surfrider Foundation, American Lung Association and people from Jack Lingo's office and PruGallo's office to name a few. Mr. Curson urged the Mayor and Commissioners to take this cause up and make Rehoboth Beach the cleanest and healthiest beach it can be. The residents and visitors who support this town with vacation dollars deserve the best beach resort that can be offered. Mr. Curson read several email supporting a smoking ban on the beach and Boardwalk. He has received minimal negative responses about the issue.

Commissioner Bill Sargent has noticed the number of cigarette butts in the sand along approximately 8,000 feet of the Boardwalk. In one foot, there were four cigarette butts, and he estimated that there might be 30,000 cigarette butts which would be directly visible. Commissioner Sargent suggested that smoking receptacles would be located at the benches on the Boardwalk.

Commissioner Zellers said that this is litter which is not needed or wanted.

Commissioner Marker Hunker said that no matter what is done, the City should make sure there are enough receptacles located on the Boardwalk. Mayor Cooper noted that the receptacles would be problematic because people stuff other things in them and then they become useless.

Commissioner Mills and Mr. Mel Craig have been looking into different kinds of receptacles. The beach, the easterly buffer zone on the Boardwalk and the westerly buffer zone have become a 2.5 linear mile ashtray.

Mr. Howard Menaker, 16 Dover Street, asked if there is currently a law against littering; and if so, how is it enforced. Commissioner Mills said that he was sure there is a law, but an unrealistic amount of police officers would be needed to enforce a smoking ban.

Ms. Carol Everhart of Rehoboth Beach/Dewey Beach Chamber of Commerce commented that it did not oppose the smoking ban in the parks. A designated area for smoking would have less of an impact on visitation than a total ban. She would expect that if there is a ban on something, then another area would be provided. Ms. Everhart could not find an area that a smoking ban had a devastating impact. The City does not want to lose visitation so it should offer a friendly area.

Commissioner Mills said studies have shown that smoking bans do not hurt tourism. He spoke with representatives in Bethany Beach and Dewey Beach, and they did not believe there was a negative impact on tourism. Belmar, Seaside Park and Seaside Heights in New Jersey have suffered no loss in tourism or enforcement issues. Enforcement in Bethany beach is done mainly by self-enforcement. If someone does not comply, then the police and code enforcement officers can issue citations. Enforcement in other municipalities is also done by self-enforcement.

Ms. Deb Brown, CEO of American Lung Association (ALA) in the Mid-Atlantic, said that ALA supports measures to require total smoke-free environments to protect public health. This policy position reflects what the U.S. Surgeon General stated in June 2006 that there really is no safe level of exposure to secondhand smoke. In 2002, Delaware was the second state to go smoke-free and have a comprehensive clean indoor air law. People who enjoy smoke-free air indoors are now expecting to enjoy the same benefits in the outdoor areas where they gather. Secondhand smoke is one of the reasons why communities and states are adopting beach laws. The ALA in Delaware via a grant from the Delaware Division of Public Health offers \$10,000.00 mini-grants for municipalities. All of the beach areas, previously mentioned, have applied for and received that grant. Money is still available until the end of June 2014. The City has taken the first step to protect residents and visitors by making the six parks and tot lots smoke-free, so the ALA in Delaware is asking the Commissioners to favorably support, at some point in time, taking the next step to make the beach areas smoke-free as well.

Commissioner Mills said that he sees the beach and Boardwalk as extensions of the park system, and it

would be beneficial to designate smoke-free areas so that those who choose to not breathe in smoke have areas where they can have a good probably of not having to breathe in smoke. Four out of five people in the surrounding states are non-smokers. Significant weight should be given to those people who choose to go on the beach. Consideration needs to be made for where the people who smoke will go. Regardless of where the ban is, every street end could be a potential smoking area. Commissioner Mills found it appetizing to designate areas on the beach for smoking.

Commissioner Zellers suggested that the Bandstand should be an area that would be conducive to a smoke-free zone because that is an area where many people congregate, and they are there for a few hours for shows, etc. Commissioner Gossett thought that consideration should also be given to the pavilions.

Commissioner Hunker said that he would be careful about calling the Boardwalk part of the park system because of the commerce and people stepping outside to smoke a cigarette.

Mayor Cooper said that one thing that has to be weighed out is how much less are people going to smoke or where will it be moved to.

Commissioner Mills said that in following the guidelines of the Governor and the State and besides the six parks, the Commissioners may want to consider adding the park area outside of the museum and canal overlook as an extension of Grove Park, Deauville Beach, the remainder of Lake Gerar, Bandstand, beach and Boardwalk area, when applying for a grant.

Mayor Cooper voiced concern about what the reasoning is for pursuing this matter and if the issues being raised are really being addressed.

Commissioner Mills said that the original proposal and resolution is the foundation the Commissioners can work from. There is a fire risk, although it is minimal. Secondhand smoke is a problem. Smoke-free initiatives will enhance tourism. Tourists come from jurisdictions that smoke-free policies in place. Four of five people are non-smokers. Litter is a problem. There is also an irritant factor because nobody should be forced to breathe in the air where it is irritating them. The enforcement program should be followed from other jurisdictions.

Commissioner Gossett suggested that the Commissioners talk with staff members who will be a part of this, such as the Director of Public Works, Chief of Police and Beach Patrol Captain, if legislation is introduced and put it in place. Data is needed from these people to make an educated decision on this matter. It is the responsibility of the Commissioners to provide them the tools and the capacity to do the job properly.

Commissioner Mills said that Captain Kent Buckson of the Beach Patrol is amenable to whatever, and he should talk with the Commissioners regarding this matter.

Commissioner Zellers said that she would not want the lifeguards to do the enforcement. Their focus should be on the people in the water and not the smokers around them. The Commissioners would need to talk to the code enforcement officers as well.

Mr. Ed O'Connor of Surfrider Foundation, noted that the foundation's primary mission is the protection and enjoyment of oceanways and beaches. Smoking should not be allowed on the beach. Cigarette butts are made of plastic, and they never fully biodegrade. Filters are designed to capture and filter out nicotine. They are found being found in birds, fish, etc. They are fire hazards, not necessarily on the Boardwalk; but they are a problem with brush fires. Creating a designated smoking area would concentrate the area of the people who smoke so cigarette butts will not be spread out all over the beach. There will still be a cigarette butt issue. When considering legislation, the Commissioners may be displacing the problem, but the beach is a natural resource and the Boardwalk is a public resource. Accommodating people who smoke in designated smoking areas might be part of that dynamic, but there are challenges with that type of concentration and displacement. Most enforcement has been with civil penalties not enforced by lifeguards. The smoking ban is enacted year-round in the guarded areas of the beach at the State Parks. The smoking ban is enacted primarily for the summer use. Signage is provided to show that the beaches are guarded and not guarded.

Commissioner Mills said that he will look into the times when the smoking is applicable in State Parks, whether the ban on the beach should be year-round vs. seasonal, talking with other jurisdictions regarding enforcement, if banning smoking on the beach and Boardwalk and whether to allow restricted smoking in designated areas and proposing areas.

Mayor Cooper hoped that the Commissioners would look at something that is somewhat scientific in the sense of a designated area every so many feet, etc.

Commissioner Mills said that there needs to be consensus in moving forward with this issue. More research would be done, and the questions would be fine tuned for the February Workshop Meeting. He also wanted to give the public to read about this issue and provide feedback.

Commissioner Sharp said that there is a beach litter problem which needs to be addressed. She did not have a problem in moving forward to solve the beach litter problem and the beach destination issue.

Commissioner Sargent thought that Commissioner Mills should provide a model ordinance to present to the Commissioners to react to. They could review that ordinance and amend it. There is a lot of interest in the community and with the Commissioners to do something about this issue. It would make sense to something for this summer.

Commissioner Zellers said that this is an initiative which the Commissioners should look into further. The Bandstand and certain other areas should be included. The Commissioners need to look at a way to advertise this and give the community time to weigh-in.

Mayor Cooper said that he would like to see this initiative as simple as possible. He thought the signage in Bethany Beach are offensive and are overbearing.

CITY MANAGER'S REPORT

City Manager Sharon Lynn deferred the City Manager's Report to the next meeting.

COMMITTEE REPORTS

Commissioner Mills of Communications Committee to introduce committee recommended guidelines for implementing an online program to make documents which support Commissioner meeting agenda topics accessible to the public and view a same support document packet.

Commissioner Mills distributed the recommended guidelines to the Commissioners for their review. At a prior meeting, there was consensus of the Commissioners to move forward with this program. The program will make documents which support commissioner meeting agenda topics accessible to the public via the City website. The Communications Committee has developed the recommended guidelines for implementing and utilizing this program. The Committee also partnered with Ms. Ann Womack, City Secretary, and Mr. Max Hamby, IT Director with regard to this program. This is a voluntary program and will only apply to the Board of Commissioners meetings. All the documents will need to be supplied in an electronic format as a pdf. The documents will need to be received by the City Secretary by 4:30 p.m. seven days prior to the meeting or eight days prior if the seventh day is a holiday. Documents that are sent in after the timeframe will not be placed in the packet. The City Secretary will post the packets on the website at least two days prior to the meeting. This program will be evaluated after a 90 day trial period by the Communications Committee, IT Director and City Secretary. The evaluation report will consider time commitments for administering the program. The expectation at the end of the 90 day trial period will be to see if there are any problems that need to be corrected or if additional guidelines need to be implemented. Commissioner Mills said that the test period needs to extend beyond the 90 days to better track usage on the City website.

Mayor Cooper asked if the information will be forwarded to the Commissioners at the same time it is sent to the Ms. Womack or at least emailed to the Commissioners at the same time it goes on the website. Commissioner Mills thought that a support document could be sent to Ms. Womack for the support document packet at the same time the document is emailed to the Commissioners. This could be incorporated into the guidelines.

Mayor Cooper did not think the program should be used for extensive presentations. Commissioner Mills noted some of the support document categories are current and proposed ordinances, resolution or other similar actions, reports, exhibits or other materials made part of presentations, presentations and digital copies of posters, plans or renderings. There was an exception under the purview of the City Manager to include restaurant applications, appeals, etc. There is no difference between putting in five documents that are singles pages and five documents than 50 pages.

Commissioner Mills said that this will be a test period for the Communications Committee to review; and at that point, a report can be forwarded to the Commissioners.

Commissioner Zellers said that if something is brought forward, she may not necessarily want to have it out there for everyone to comment on it before she has a chance to explain her viewpoint. The Committee had agreed that including the document in the packet is at the discretion of the presenter.

City Manager Sharon Lynn said that her interpretation of this program is that the benefit of this is for the public to be able to see the backup material for whatever the agenda item is.

Commissioner Mills provided a sample packet for the Commissioners to review. He noted that Ms. Womack had shadowed a representative at Sussex County to learn the process of developing support packets to be placed on the City website. The packet will be easy to access on the City website. The sample packet consists of a cover page with a disclaimer, the agenda and support documents. The Committee would like to start this program for the next Regular Meeting.

Commissioner Gossett thought that with regard to the evaluation being done after a 90 day period, the Commissioners would be the ones who would evaluate the program. He did not understand how the Communications Committee has the knowledge or ability to evaluate the program if it is not being used by the Committee. Commissioner Mills will meet with Commissioner Gossett to exchange ideas.

Commissioner Sargent of Streets and Transportation Committee reported on recent committee activities.

Commissioner Sargent has come up with a broad range of 38 potential items to address in the future. The Committee has reviewed the items. For January 2014, the Committee has decided to address:

1. Possible changes to the scooter permit program and the adequacy of scooter parking in the downtown and beach areas – Lorraine Zellers.
2. Adequacy of bicycle parking in the downtown and beach areas – Cindy Lovett.
3. Dates and times that bicycles are permitted on the Boardwalk and policies regarding skateboards – Kathy Osterholm.
4. What additional information would be needed for the bike map and the possibility of combining the bike map with the parking map – Jim Ellison.
5. Address a bicycle active program for the Breakwater Trail and Gordon's Pond Trail – Bill Sargent and Mayor Cooper.
6. Widening Surf Avenue and putting in a white line to divide the bike and car lanes, sharrows and discussing where the parking at Park Avenue should be allowed or prohibited - Committee.

Mayor Cooper said that with regard to bicycles on the Boardwalk, the Commissioners had discussed this issue less than two years ago. Nothing has changed in order to revisit this issue. Commissioner Sargent said that the Committee suggested that this topic should be addressed.

Commissioner Zellers noted that at the Committee's next meeting, it will be prioritizing the issues and whether they will be addressed or not.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There were none.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

There were none.

CITIZEN COMMENT

There were none.

The next Regular Meeting will be held on January 17, 2014 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 11:32 a.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)