

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

April 21, 2014

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach was called to order at 9:00 a.m. by Mayor Samuel R. Cooper on Monday, April 21, 2014 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

Absent: Commissioner Mark Hunker

Also in attendance was: City Solicitor Glenn Mandalas
 City Manager Sharon Lynn

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the Agenda with the deletion of the Minutes in their entirety. Motion carried unanimously.

CORRESPONDENCE

Letter dated February 24, 2014 from Nicholas S. Caggiano regarding illumination of the Verrazzano Monument located at Olive Avenue and the Boardwalk.

Mayor Cooper noted that the area where the Verrazzano Monument is located is environmental challenging with the salt spray, etc. and there is a potential for vandalism.

City Solicitor Mandalas read a response letter received from Mr. Caggiano at the meeting. The Delaware Commission on Italian Heritage and Culture had the monument honoring Giovanni de Verrazzano erected in October 2008. The Commission is seeking to have it illuminated. Mr. Russ McCabe, former Director of Archives for the State of Delaware has stated to Mr. Caggiano that this is the most visited monument in the State. Mr. Jim Febelcorne, electrician, has given Mr. Caggiano an estimated cost of \$700.00 to \$1,000.00 for the project. Mr. Febelcorne would install an electric cord from a light pole to the monument area. Two LED lights would be used, and a disconnect switch would be installed. Mr. Caggiano has written to Senator Lopez requesting funding through the Suburban Street Fund. If the Commission is unable to get funding for the project, Mr. Caggiano is willing to personally accept the cost.

Although the Commissioners thought that this was a very generous offer, there were concerns. Commissioner Mills said that the Boardwalk is illuminated by the lights on the Boardwalk and the lights in the commercial area. There are no lights on the rules signs, plaques, memorials and other monuments. Commissioner Bill Sargent thought that this may create a problem in the future with regard to other requests. Commissioner Toni Sharp said that she would like to take some time to talk to constituents about this idea and come back with a better understanding. Commissioner Patrick Gossett said that he would like to take more time to think about this idea. He suggested that City Manager Sharon Lynn research using solar lighting so as not to incur additional expenses for electricity, etc. Commissioner Zellers said that she would also like think about this idea and get input from people. She was worried that this may create a precedent. Mayor Cooper said that the Boardwalk is the most used recreational facility in the State of Delaware.

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 March 2014. There were 17 criminal, 143 traffic and no civil charges made during the month. Seven traffic crashes were investigated. Seasonal training will be concluded this weekend. It is anticipated that summer officers will be working on May 17, 2014. Prescription Take Back will occur on April 26, 2014 from 10:00 a.m. to 2:00 p.m. The Dispatch Center handled 109 police incidents, 146 ambulance incidents, 50 fire incidents, 158 traffic stops, assisted other agencies three times during the month, and 9-1-1 calls totaling 278 were received.

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for March 2014. During the month, 92 permits were issued for a value of work totaling \$2,543,557.66. Fees collected totaled \$79,697.29 for the month. Ninety permit processing fees were received in the amount of \$1,800.00. The Board of Adjustment heard no cases in March. No restaurant applications were received in March. Two notices of violation were issued for contractors working without building permits. One notice of violation was issued for a flag too low. There were 69 building inspections, 16 plumbing inspections, three rental inspections, six meetings regarding trees, 36 meetings regarding new projects and nine meetings regarding City business.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

Mr. Walter Brittingham of Rehoboth Beach Volunteer Fire Company reported that to cover demand, there will be two ambulance crews available to be on the street instantaneously. The weekends in April and May are becoming busier, and there is more construction going on which necessitates having the two crews.

REPORT OF PLANNING COMMISSION

City Solicitor Mandalas read the Planning Commission report. The Regular Meeting was held on April 11, 2014. A Public Hearing was held for the property located at 50 Park Avenue. The Planning Commission moved to conditionally approve the application subject to the removal of structures as proposed by the applicant. A Public Hearing was held for the property located at 114 and 118 St. Lawrence Street and 113 Lake Drive. The Planning Commission moved to conditionally approve the application subject to the following conditions: 1. Removal of all structures as proposed by the applicant. 2. Preparing and executing a utility easement acceptable to the City Solicitor. The Planning Commission reviewed, discussed and agreed to several additional changes to the draft proposed amended tree ordinance that it has been working on in response to the Board of Commissioner's charge. Once these are incorporated, the Planning Commission will post the draft on the City website in order to seek any additional public input before it finalizes the draft proposal.

OLD BUSINESS

Mayor Cooper called for the update on the status of the city-wide reassessment.

Commissioner Gossett noted that all the physical inspections of 3,225 properties have been completed. This is the first time a complete reassessment of the entire City since 1968. Currently, the assessor is taking the date from the fieldwork and comparing it to recent real estate transaction activity to develop a fair market value for the properties. Commissioner Gossett, City Manager Lynn and Mayor Cooper will be meeting with the assessors following this meeting to finalize the next steps which will take place for the rest of the assessment. The valuation letter will be sent out to all property owners on a date to be determined. In the letter will be the old assessed value and current tax payment, new assessed value and estimated tax payment based on assessments as of July 1, 2014, description of the review process, a web link to look at the information which has been collected by the assessor and information about an informal review. Two processes will be in place – an informal review and a formal review. Dates for the informal reviews will be determined and will be held in City Hall. A unique email address will be set up for anyone who has questions or concerns for the assessor. A special hotline will be set up which will be a direct number into City Hall to schedule appointments. A link will be provided on the City website of the information put together by the assessor and frequently asked questions. The formal hearing process will consist of filling out an application, and the formal appeal will be heard by the Board of Commissioners as the Board of Appeals. Commissioner Gossett said that the intention is for this to be in place for the tax year starting July 1, 2014. For the informal appeals, the discussions can be made by telephone or email.

Mayor Cooper called for the status report on the implementation of newly expanded smoke-free initiative to

take effect on May 15, 2014 including report on signage and education programs.

Commissioner Mills noted that the newly expanded smoking ban goes into effect May 15, 2014. The new expanded areas go beyond the six parks to the rest of the parks, Boardwalk, beach except for designated areas and the Bandstand plaza area. Commissioner Mills worked with Mayor Cooper and City Manager Lynn at the design, size and placement of language on the signs. More than 170 signs will be placed in the appropriate areas for this program. One of the conditions brokered with the American Lung Association was to not put the grant funding identification information on each sign, but instead to create a website to put that information on it along with press releases. There is a total of 13 different sign designs specific to each location. Installation of the signs will be done by the Mr. Mike Peterman of the Sign Department. All the sign posts have been purchased and installed except for the 20 designated smoking areas to be located on the beach. Currently, the City is waiting for the coastal construction permit from DNREC to be approved and received. Not every sign location will have an ash urn or cigarette disposable unit. Education is the key to voluntary compliance. Commissioner Mills has met with local realtors to offer posters to them to educate prospective tenants. He will be meeting with the Chamber of Commerce and Main Street in the near future to offer them the same posters. A webpage and handout will be developed to illustrate the smoke-free areas. Press releases will be pending distribution at appropriate times. Smoke-free initiative language has been incorporated in the 2014 Parking/Walking Guide. Similar language will be incorporated in the Main Street official guide.

City Manager Lynn said that the pamphlets will be provided in City Hall for distribution and for pick up. She will be meeting with businesses and educating them as well as working with the Chamber and Main Street to get the word out to the businesses.

Police Chief Banks has been educating the full-time and seasonal officers regarding enforcement. He will provide information in his monthly report to the Board of Commissioners. It is anticipated that there will be voluntary compliance. Ms. Lynn noted that the Commissioners will be able to monitor this program through actual monthly statistics, and a report will be provided to the Commissioners at the end of the season in Fall 2014.

Mr. Dick Byrne, 125 Canal Street, was pleased to see this initiative take place. He requested that signage be placed on the land adjacent to the Canal.

Mr. Howard Menaker, 16 Dover Street, asked that during the Police Chief's report, it should be noted where the violations are happening. After reviewing the information at the end of the summer, it should be thought about where to take down some of those signs. One hundred seventy signs is a lot of visual clutter.

NEW BUSINESS

Mayor Cooper called to consider adoption of a resolution setting a public hearing on a proposed ordinance amending Chapter 270, Section 270-26, of the City Code that would further define the width of a lot when determining if and how much to increase the side yard setbacks for any lot with greater than 52.5 feet of street frontage and a lot area of 5,250 square feet in the R-1 District and for R-1 uses in the R-2 District.

Mayor Cooper noted that since enacting the ordinance, there was an unwanted consequence when the street line cut the side property lines at an angle. A section will be added to the Code that if the side lot lines are parallel, then the width is the perpendicular distance between the two side lot lines. The public hearing will be held on May 16, 2014.

City Solicitor Mandalas read the resolution to set the date for the public hearing. (Copy attached.)

Commissioner Sargent made a motion, seconded by Commissioner Zellers, to adopt the Resolution before the Commissioners. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mill – aye, Zellers - aye.) Motion carried unanimously.

Mayor Cooper called to consider authorizing the execution of a 4-year collective bargaining agreement with the Teamsters Union on behalf of the City's full-time, uniformed police officers.

City Manager Lynn said that there have been ongoing negotiations since last year. Since her participating starting in January 2014, she has attended approximately six meetings with the union members including Police Chief Banks and Mr. David Williams, Esq. The negotiations have been fair. The Executive Summary provides the outcome of those negotiations. The contract is for four years. Some cleanup was done in the contract language itself mainly based on the officers moving from eight hour shifts to twelve hour working days. The salary schedule for four years starting April 1, 2014 provides for a 3% increase the first year, 2.5% the second

year, 2.5% the third year and 3% the fourth year. City Manager Lynn acknowledged that members of the union have approved the contract on April 19, 2014.

Mayor Cooper – members of union approved the agreement. Sections of the existing contract to be modified.

Commissioner Sargent made a motion, seconded by Commissioner Mills, that the Commissioners authorize Mayor Cooper and City Manager Lynn to authorize the execution of a four-year collective bargaining agreement with the Teamsters Union on behalf of the City's full-time uniform police officers incorporating the changes as laid out in the Executive Summary. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider authorizing the execution of a lease with Verizon Wireless for space on, within and outside of the City's Lincoln Street Elevated Water Storage Tank for the establishment of a cell site.

Mayor Cooper noted that the City was approached by a consultant for Verizon with the desire to locate a cell phone site on its Lincoln Street tank. A 16-page lease agreement was distributed to the Commissioners prior to the meeting. The term of the agreement is for five years with (4) five year extensions. The initial rental fee is \$2,100.00 per month, increasing by 3% each year with a \$8,500.00 signing bonus which will be paid to the City as soon as the contract goes into effect. A generator will be mounted at a space that has been identified by the City's Water Department. The radio equipment will go in the second floor of the elevated storage tank. The antenna will be mounted on top of the structure.

Commissioner Sargent made a motion, seconded by Commissioner Mills, that the Commissioners authorize Mayor Cooper and City Manager Lynn to execute a lease agreement with Verizon Wireless for space on, within and outside of the City's Lincoln Street Elevated Water Storage Tank for the establishment of a cell site. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers - aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

City Manager Sharon Lynn reported that the City has applied for a 2014 Homeland Security Grant with the assistance of Police Chief Banks in the amount of \$128,000.00 to fund some projects municipal water and wastewater control. The Household Hazardous Waste Program was successful on April 8, 2014. The program had 136 participants of which 62 were from Rehoboth Beach. The water main replacement for the Schoolvue project is underway at New Castle Street and Bay Road. Hopefully the project can continue as scheduled. It is anticipated that patch paving will occur at Lake and Surf Avenues in the next two weeks.

City Manager Lynn recommended the approval of the Street Aid expenditures:

03/31/2014	546	Delmarva Power	\$8,371.46 (Street Lights)
04/09/2014	547	Delmarva Power	\$ 887.45 (Street Lights)

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

COMMITTEE REPORT

There was nothing to report.

CITY SOLICITOR'S REPORT

City Solicitor Mandalas reported that he, City Manager Lynn and insurance defense counsel will be in attendance at the mediation which has been scheduled today at 2:30 p.m. with regard to the scooter litigation. City Solicitor Mandalas will report back to the Commissioners with the results of that meeting.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There were none.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

Items to be included on the Agenda for the May Workshop Meeting are lighting of the Verrazzano Monument, introductory discussion on the potential to partner in a statewide networking of charging stations for electric vehicles and a continuation of the merger topic.

Items to be included on the Agenda for the May Regular Meeting are a Permit of Compliance Hearing and a Public Hearing with regard to side yard setbacks.

CITIZEN COMMENT

Mr. Walter Brittingham, 123 Henlopen Avenue, voiced concern with the parking signs for the Farmers Market that were put up and have stayed up across from Grove Park on Grove Street, Henlopen and Columbia Avenues. Contractors park their construction vehicles under those signs all week long, and the Police Department does nothing about it. No one is ticketed, towed or removed.

The next Workshop Meeting will be held on May 5, 2014 at 9:00 a.m.

There being no further business, Mayor Cooper adjourned the meeting at 10:12 a.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)