

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

October 21, 2011

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, October 21, 2011 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

City Solicitor Glenn Mandalas gave the invocation that was followed by the Pledge of Allegiance.

ROLL CALL

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

Absent: Commissioner Kathy McGuiness
 Commissioner Mark Hunker

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

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Bill Sargent, to approve the Agenda as amended with the deletion of the October 11, 2011 Workshop Meeting Minutes and Consider appointments to City committees, commissions and board. Motion carried unanimously.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

Minutes of the September 16, 2011 Regular Meeting were distributed prior to the meeting. Minutes of the October 11, 2011 Workshop Meeting were not available for this meeting.

Commissioner Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the September 16, 2011 Mayor and Commissioners Regular Meeting minutes as written. Motion carried unanimously.

REPORT OF THE POLICE DEPARTMENT

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of September 2011. There were 45 criminal, 251 traffic and 10 civil charges made during the month. Eighteen traffic crashes were investigated. The Drug Enforcement Administration in conjunction with state and local law enforcement agencies will be collecting unused and expired prescription medications to insure that they are safely disposed of and to prevent abuse and contamination of the environment. On October 29, 2011 from 10:00 a.m. to 2:00 p.m., prescription medications can be brought to the Police Department for disposal. There is no cost for this service. The Dispatch Center handled 347 police incidents, 225 ambulance incidents, 48 fire incidents, 293 traffic stops, assisted other agencies 11 times during the month, and 9-1-1 calls totaling 483 were received. Thirty alarm incidents were responded to.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

There was nothing to report.

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Assistant Building Inspector Stephen Kordek presented the report of the Building & Licensing Department for September 2011. During the month, 74 permits were issued for a value of work totaling \$1,001,831.59. Fees collected totaled \$35,789.50 for the month. Sixty-eight permit processing fees were received in the amount of \$1,360.00. No restaurant applications were received in September. Four stop work orders were issued for contractors working without permits. Four stop work orders were issued for contractors working without licenses. Two notices of violation were issued for putting trash out too early. One notice of violation was issued for a blinking sign. One notice of violation was issued for obstruction of a sidewalk. Two notices of violation were issued for tall grass. Two notices of violation were issued for sidewalks in disrepair. One sign was confiscated from City property. The Board of Adjustment heard two cases in September.

REPORT OF THE PLANNING COMMISSION

There was nothing to report.

OLD BUSINESS

Mayor Cooper called for the presentation by and discussion with Delaware Greenways, Inc. regarding progress on developing the Pedestrian and Bicycle Plan for the City including the recently submitted "Technical Memorandum No. 1; Existing Pedestrian and Bicycle Situation".

Mr. Mark Chura, Executive Director and Mr. Jeff Green of Delaware Greenways, Inc. were in attendance. Sussex County Councilwoman Joan Deaver was also in attendance.

Mr. Chura commented that Delaware Greenways, Inc. is delighted to have the opportunity with the City and the residents on the issue of developing the Pedestrian and Bicycle Plan. There are a lot of folks who use the network of roads and sidewalks for the bikes and walking, but there are things that can be improved. This has been heard from the stakeholders and others so Delaware Greenways, Inc. is anxious to share this information with the Commissioners in moving forward. This is a good time to be doing the bicycle and pedestrian study. This administration is making a major commitment to bike use throughout the state. It's goal is to make this a real bike-friendly state, and it is backing that up with money behind it to improve the bicycle/pedestrian network in the state. A lot of that investment will be focused here on the Gordon's Pond Trail going out of the City over to Cape Henlopen, the Junction Breakwater Trail coming into the City and connect to Lewes and onto Georgetown and how to get people onto Route 1 from the City to Lewes. In years to come if this comes to fruition, this would be a regional bike destination. Delaware Greenways, Inc. is recommending to the Board of Commissioners very specific implementable recommendations that can then be forwarded for incorporation in the State's Capital Improvement Plan.

Mr. Green gave his presentation. Delaware Greenways, Inc. has talked with the Streets & Transportation Committee and has received many comments, some of which have been incorporated in the presentation. The topics Mr. Green presented were: 1. Organizing principles of the Pedestrian and Bicycle Plan. 2. Project schedule and work tasks. 3. Crash analysis. 4. Classification of streets. The Streets & Transportation Committee is leading the effort. There are 24 stakeholders which are organization/agency representatives and neighborhood representatives. The schedule consists of nine months, and the funding dictates that this project will end in May 2012. By February 2012, it is anticipated that the first draft plan will be available and will be brought back to the Board of Commissioners for adoption. The first meeting with the Streets & Transportation Committee has been held, and the first Technical Memorandum has been submitted. In November 2011, a public workshop meeting will be held for goals, objectives, the vision, prioritizing the problems which should be solved, etc. The organizing principles are to: 1. Measurably increase the number of pedestrian and bicycle trips while reducing the number of auto trips within the City. 2. Shift the balance among the modes of transportation within the public right-of-way for a walking and biking city. 3. Fix broken and weak links that impede walking and biking. 4. Improve non-motorized connections to points beyond the City. 5. Consider the role of transit and parking policies in reducing auto usage. 6. Emphasize education over enforcement. 7. Bring bicycle shops, restaurants, even organizers and hotels into the discussion. 8. Identify a high value, low risk action to demonstrate early success. Between January 2009 and August 31, 2011 there were 561 total crashes of all kinds. Sixty-nine crashes were pedestrian, bicycle and moped crashes. Thirty-five of those crashes involved an injury. Fourteen were pedestrian crashes. Thirty-eight were bicycle crashes. Sixteen were moped/scooter crashes. Forty-eight or 70% of all pedestrian/bike/moped/scooter crashes occurred in the downtown area and along Rehoboth Avenue. The common thread among them is that many of the crashes were people doing something careless. One real issue is that some parking spaces are blind when backing out or in, and it is hoped that this issue will be addressed in moving forward with the study. There are conflicts where two paths cross such as with a pedestrian in a crosswalk and a vehicle, a bicycle and a pedestrian, or sight lines where people cannot see. Something needs to be done before the high part of the season in July. Many street

level, conversational-style interviews were done where 50 individuals were spoken to at random, of which 44% consisted of visitors, 30% seasonal residents and 26% full-time residents. Most of the interviews were done at the Farmers' Market on September 6, 2011. Cyclists noted that angled parking on Rehoboth Avenue is an issue; the circle is a problem to navigate; DART service between the Park and Ride lot and downtown could be better for bicyclists – more bike racks and more service; more bike racks are needed in the City; near unanimity, cyclists like bike lanes; Bayard Avenue is tight for cyclists to ride; and better access to the Junction Breakwater and Gordon's Pond Trails is wanted. There is a need to find a route from the City to the Junction Breakwater Trail, and there needs to be a defined route from one trail to the other within the City because many people want to use them both. Pedestrians noted that in the circle even with crosswalks clearly marked, vehicles do not yield; education is needed to promote pedestrian safety; the City does a good job with seeing sidewalks are repaired fast; and street without sidewalks seem alright to walk on. The first challenge is reconciling crash patterns with street level interviews. A qualitative analysis for cycling was done where each City street was reviewed for pedestrian and bicycle generators, the amount of traffic and congestion, the function of each street through the eyes of a cyclist, the level of usage by cyclists and the comfort level for cyclists, and a neighborhood to neighborhood connectivity review. Pedestrian and bicycle generators are businesses, institutions or residences that attract a significant number of bicycle trips. Average annual daily traffic for State owned roadways was provided. The roadways listed were Rehoboth Avenue, Surf Avenue, Lake Avenue Olive Avenue, First Street, Second Street, Bayard Avenue, State Road, Stockley Street and Scarborough Avenue Extended. People were asked which roadways have more traffic and/or congestion than other roadways. A Motorized Traffic Conditions Map was presented. Rehoboth Avenue was easy to classify, while other streets were not so easy. The Bicycle Classification by Function Map reflected how bicyclists use the streets as a bicycle arterial to enter/exit the City; as a bicycle connector between neighborhoods; and as local bicycle streets for local trips. King Charles Avenue is a bicycle arterial. A Bicycle Classification by Usage Map was presented to show how many bicycles use each street, and a Bicycle Classification by Street Design Map was presented to show which streets are bike friendly. A Bicycle Connectivity Map was presented to show what the impediments are to go from one part of the City to another, if a bicyclist can easily overcome the impediments, and crossing an uncomfortable street is considered a "bad" link to be looked at. In regard to pedestrian issues, it was noted that connectivity is related to the presence of sidewalks, and where there are none, whether it is still safe to walk; and at intersections and at mid-block locations, if it is comfortable to cross the street. A Pedestrian Pathways Map was presented which showed that sidewalks are present throughout much of the City except for the north side, and many intersections have striped crosswalks. Pedestrian access issues were noted on Columbia Avenue, Second Street, Oak Avenue, Pennsylvania Avenue, Gerar Street, Third Street, Fourth Street and School Lane. An aerial photograph showed missing crosswalks to Lake Gerar Park. Pedestrian access issues were noted in areas with sidewalks on First Street, Second Street, Rehoboth Avenue circle and King Charles Avenue. In the downtown area, many streets have sidewalks that are too narrow. Other municipalities are defining sidewalks in three components: 1. Shy away zone. Pedestrians shy away from the first one to two feet away from a building. 2. Clear sidewalk path. 3. Buffer. The City does not have standards for those three components. Mr. Green suggested coming up with recommendations in moving forward so the businesses have good sidewalk area. The City does not really have any wayfinding signage. With wayfinding signage, it may be a way to get vehicles off of Rehoboth Avenue, get pedestrians to key destinations and get bicyclists from one trail to the other. As the recommendation period begins in 2012, Delaware Greenways will come up with the outline of a program to start the process rolling. In regard to enforcement and education, finding the correct balance is a key to keeping the visitors coming. On November 19, 2011, a public meeting will be held in the Conference Suite in the Convention Center at 10:00 a.m.

Mr. Frank Cooper, 1006 Scarborough Avenue Extended, commented that the big connector in Schoolvue is the pedestrian footbridge from the school to a park on Stockley Street. It is the bicycle link, but a very poor one because it is congested with people during the summer. People traverse across private property to get to the bridge. There is no legal way to ride a bike from Schoolvue into the City without going out on Route 1 and down State Road. He suggested that this issue be addressed.

Commissioner Pat Coluzzi noted that the next deliverables are Technical Memorandum No. 2 - Gaps, Opportunities and Constraints, Technical Memorandum No. 3 – Proposed Infrastructure Improvements and Technical Memorandum No. 4 – Proposed Management and Policy Actions. The Public Meeting will be held on November 19, 2011, and other meetings with the Streets & Transportation Committee will be held.

Ms. Joyce Lussier, 99 Henlopen Avenue, thought that it is important for the City to take the lead as a resort town that promotes health, etc. for its own residents and visitors. As a resident, it would be very helpful to be encouraged to use bicycles and mopeds, to know where to park, etc.

Mayor Cooper called to discuss implementation strategies for the City's 2010 Comprehensive Development Plan.

Mayor Cooper reported that all the Commissioners and a few City staff met approximately one month ago regarding emergency planning. Contact has been made with a person who is well versed in emergency planning and who may be able to help with the plan.

Commissioner Coluzzi noted that Commissioner Mark Hunker had started to put together an idea for a process on how the Commissioners would move forward on some of the items in regard to the CDP.

Commissioner Mills noted that Chairman Preston Littleton of the Planning Commission will be available for the November 18, 2011 Regular Meeting to discuss action items and how to move forward.

NEW BUSINESS

Mayor Cooper called to consider approval of Stearns & Wheler GHD's proposed Task Order No. 2 regarding engineering services necessary to finalize the Environmental Impact Statement and to prepare permit applications for the City's proposed wastewater ocean outfall.

Mayor Cooper noted that Mr. Rip Copithorn of Stearns & Wheler GHD was in attendance at the October 11, 2011 Workshop Meeting and provided an update on where the City is at in this process and what remains to be done. Task Order No. 2 has a value of \$200,000.00 to finalize the Environmental Impact Statement (EIS) and to prepare permit applications for subaqueous lands, etc. The City is preparing a draft EIS which is anticipated to be done in early December to go to the State for its comments. It is anticipated that in mid to late January 2012, the City will hold a public hearing, and the public is invited to attend. At that point, the City will be obligated to respond to any comments that are received. The record will be open for 45 days after the public hearing. After the 45 days, the City will be required to respond to each question with whatever detail is necessary. The draft plan, along with the questions and comments to the responses will go to the Secretary of DNREC. If the Secretary agrees to the plan, he will issue a letter of record of decision. When the final EIS is submitted to the Secretary, the City will have the permit applications ready to be forwarded to DNREC as preliminary for it to look at.

Commissioner Mills made a motion, seconded by Commissioner Sargent to authorize the City Manager to execute Task Order No. 2 with GHD, entitled Final Permitting, in the estimated amount of \$200,000.00. (Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers - aye.) Motion carried unanimously.

Mayor Cooper called for confirmation of appointments to the Planning Commission, Parks and Shade Tree Commission and Board of Adjustment.

Mayor Cooper read the list of appointments.

Planning Commission: Preston A. Littleton, Jr. (3 years), Patrick Gossett (3 years), Harvey Shulman (3 years), Robert Anderson (1 year) for unexpired term of Tim Spies.

Board of Adjustment: Myrna Kelley (3 years), Clif Hilderley (3 years).

Parks & Shade Tree Commission: Marcia Maldeis (3 years), Ned Kesmodel (3 years).

Mayor Cooper and Commissioner Coluzzi are working on filling the vacancy on the Parks & Shade Tree Commission due to a death. A commitment has not been received to date. This appointment will be confirmed at a later date.

Commissioner Sargent made a motion, seconded by Commissioner Zellers to confirm the appointments as read. (Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers - aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

(See attached report.)

City Manager Gregory Ferrese reported that in regard to the City's ADA Ramping Project, a mandatory pre-bid meeting is scheduled for 9:00 a.m. on October 26, 2011. Sealed bids will be opened on November 8, 2011 at 1:31 p.m. The Rehoboth Beach Homeowners' Association will have an appreciation breakfast for City employees on October 26, 2011 at 8:00 a.m. in the Convention Center. The City Hall Complex Master Plan Task Force will be meeting on November 3, 2011 at 10:00 a.m. The City auction will be held on November 5, 2011 at 10:00 a.m. behind the Fire Station. Ninety-two weddings have been performed on the beach since April 2011. In regard to Parking Meter revenue, the City budgeted \$2,500,000.00 and \$2,582,656.00 has been collected. In regard to the

Transfer Tax, the City budgeted \$950,000.00, and \$304,000.00 has been collected through September 2011. The City has to average \$106,000.00 per month for the remaining budget months to reach budget. All other revenue sources are expected to reach and possibly exceed budget. The City is holding its line on expenditures. The Audit Committee is scheduled to meet on November 21, 2011 at 10:00 a.m. to review the City's audit ending March 31, 2011. Numerous projects are being worked on in the City such as the Convention Center roof, with completion in mid-November 2011 and was funded mostly from an energy grant; new lighting for the Municipal Building, Police Department, Public Works Department and Senior Citizens' Center, funded from an energy grant; new windows for the Municipal Building, Police Department and Public Works Department. Both the lighting and windows projects have not begun to date. A project will begin to install three new generators and replace three (3) underground storage tanks at the Lake Gerar, Newbold Square and North Shores Pump Stations. The replacement tanks will be above-ground. The ADA Ramping Project is approximately \$160,000.00 and mostly funded through State funds. The City will be receiving a State grant in the amount of \$80,000.00 to upgrade the Delaware Avenue restrooms. At the same time the Delaware Avenue restrooms are being upgraded, the City may upgrade the Grove Park restrooms with monies it has budgeted. A Press Release will be issued next week that the City will have once a week trash pickup starting December 5, 2011 through mid-April 2012. Memorandums have been issued to all Department Heads to begin the budget process. Letters will be sent out on October 24, 2011, asking the Rehoboth Beach Museum, Anna Hazzard Museum, Rehoboth Beach Historical Society, Main Street, Inc., Fire Company and Rehoboth Beach Public Library if they have any needs for the upcoming budget. The budget sessions will be scheduled for January and February 2012. The locations have been staked for the new lights to be installed on Scarborough Avenue. The lights should be installed in the near future.

Mr. Ferrese recommended the approval of the Street Aid expenditures:

07/14/11	505	Delmarva Power	\$ 712.66 (Street Lights)
09/21/11	506	Rumsey Electric	\$ 192.72 (Street Light Bulbs)

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

COMMITTEE REPORT

There was nothing to report.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Mills commented that at the last meeting, proposed amendments to certain ordinances which have date/time of day provisions were introduced. Those handouts have been placed on the City website under Ongoing Business. The spreadsheet with the proposals has been amended to include the month of June, etc. and will be placed on the website this week. The supporting document for the spreadsheet has also been amended to include the current animal prohibition dates and will be placed on the website this week. The annual sunrise chart is currently on the website. Police Chief Banks has indicated that he will be in attendance at the November 7, 2011 Workshop Meeting.

Discuss items to include on future agendas.

Items to include on the Agenda for the November 7, 2011 Workshop Meeting are: Presentation on Building Permit fees and a report on the parking meters.

Commissioner Mills would like to have an update on the deficiencies and the use of credit cards for the system; recommendations if the use of credit cards is expanded; lifecycle analysis of the existing rhino meters; whether meters can address complaints specific to when credit card meters are or are not working; capability of handling an expanded credit card system; test drive any new systems for the summer season; and if changes are made, tell people what the changes are in advance; and if there are any additional needs for the Parking Department. Commissioner Mills would like to see a ten-year plan on the lifecycles of the meters. A five-year capital improvement program specific to that item might be beneficial. Ms. Linda Kauffman, a parking professional, has offered to do free consulting for the City.

CITIZEN COMMENT

There was none.

The Workshop Meeting will be held on November 7, 2011 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 8:09 p.m.

Respectfully submitted,

(Patricia Coluzzi, Secretary)