

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

**February 21, 2014**

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach was called to order at 7:00 p.m. by Mayor Samuel R. Cooper on Friday, February 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
	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 Mark Hunker, to approve the Agenda with the deletion of the Minutes in their entirety and changing the sequence of A & B under Old Business. Motion carried unanimously.

**CORRESPONDENCE**

There was none.

**APPROVAL OF MINUTES**

No Minutes were available for approval.

**REPORT OF THE BUILDING AND LICENSING DEPARTMENT**

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for January 2014. During the month, 72 permits were issued for a value of work totaling \$3,248,132.41. Fees collected totaled \$93,774.53 for the month. Seventy-one permit processing fees were received in the amount of \$1,420.00. The Board of Adjustment heard two cases in January. One restaurant application was received in January. Two notices of violation were issued for contractors working without business licenses. One notice of violation was issued for a contractor working without a building permit. There were 47 building inspections, 17 plumbing inspections, three rental inspections, two meetings regarding trees, 24 meetings regarding new projects and 11 meetings regarding City business. Ms. Sullivan met with DEMA with regard to flood plain rates increasing for flood insurance. The floodplain maps have been published, and DEMA will be holding meetings with Sussex County in March 2014.

**REPORT OF THE POLICE DEPARTMENT**

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of January 2014. There were four criminal, 140 traffic and no civil charges made during the month. Four traffic crashes were investigated. Police Chief Banks has hired 19 of 24 seasonal officers for this year. Seven of the 19 will be returning officers. April 4, 2014 is the first day of training, and on April 5, 2014, the Commissioners are invited to meet the seasonal officers. He will forward correspondence to the Commissioners prior to that date. On February 24, 2014, a new officer will be starting at the Delaware State Police Academy. He had been a seasonal officer with the City for the last three years. The Dispatch Center handled 112 police incidents, 146 ambulance incidents, 66 fire incidents, 141 traffic stops, assisted other agencies two times during the month, and 9-1-1 calls totaling 379 were received.

Mr. Walter Brittingham, 123 Henlopen Avenue, thought that a new paint scheme for the police cars should be brought before the Commissioners.

#### **REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY**

There was nothing to report.

#### **REPORT OF PLANNING COMMISSION**

There was nothing to report.

#### **OLD BUSINESS**

Mayor Cooper called to discuss expanding smoke-free areas in Rehoboth Beach beyond the current six park tot lot areas to new areas such as the beach, Boardwalk, Bandstand, additional park areas and other areas including the option of designating limited areas where smoking would be permitted.

Commissioner Mills noted that at two prior meetings, a petition was presented to the Commissioners to look at expanding smoke-free areas in the City. The common threads in smoke-free initiatives are the rationale to reduce litter, reduce health effects of toxins leaching, reduce the impact of secondhand smoke, etc. The ban applies to all the parks and all the proposed areas. The City will be trying to balance out the smoker/non-smoker total bans in certain areas and providing designated areas on the beach. Education is the key to voluntary compliance. Enforcement is very important. This initiative will enhance tourism, not hurt it. Other jurisdictions have banned anything with tobacco products in it. Since the last meeting, Commissioner Mills has met with City Manager Sharon Lynn, Rehoboth Beach Patrol Captain Kent Buckson, Sign Department Supervisor Mike Peterman, Public Works Director Mel Craig, Mayor Cooper, Rehoboth Beach/Dewey Beach Chamber of Commerce Executive Director Carol Everhart, Rehoboth Beach Main Street Executive Director Krys Johnson, local rental managers and businesses with regard to this initiative. The first item to be addressed was designated smoking areas and how they relate to when the beach is closed. The beach is closed from 1:00 a.m. to daybreak during the period between May 1<sup>st</sup> and September 30<sup>th</sup>. This would be a non-issue. People who smoke will not be on the beach at those times. The second item to be addressed was review definitions of boardwalk and beach with regard to this initiative. Grotto Pizza is supportive of the proposed new legislation to expand the smoke-free areas. Owners of a retail store on the Boardwalk and Grotto Pizza did not feel that there would be a negative impact on employee and patron smoking with regard to landlocked businesses on the Boardwalk. All businesses on the Boardwalk either have a side entrance or rear access to an alley where employees can smoke. Commissioner Mills did not think the proposed smoke-free initiative on the Boardwalk would be a serious impact to the businesses. The cost to implement the expansion of the initiative for this year would be approximately \$4,000.00 to \$7,000.00 more than what has been budgeted. The third item to be addressed was how to handle the designated smoking permitted areas in the off-season. The consensus of the Commissioners was to go with a year-round smoking ban on the beach except for year-round designated smoking areas. In the off-season, smaller ash receptacles could be mounted directly to the posts. With regard to the common threads, education is the key to voluntary compliance through literature, a map of smoke-free areas, media outlets, City website, Chamber of Commerce, Main Street, realtors, training and signage. No smoking rules could be applied to the front and back of the rules signs at the entrances to the beach. Currently, smoking is prohibited in Grove Park, Cranberry Park on Olive Avenue at Third Street, park and children's playground on Stockley Street in Country Club Estates, children's playground on Lake Avenue at Lakeview Street, Central Park situated between Columbia and Park Avenues and Third Street and Deer Park located at the intersection of Kent and Dover Streets. The proposed smoking prohibition would include: 1. Grove Park - all of the area situated between Rehoboth and Columbia Avenues, Grove Street and the Lewes-Rehoboth Canal excluding the parking lot. 2. Lake Gerar – all of the public park lands surrounding the lake. 3. Central Park. 4. Entirety of the park lands located in Country Club Estates along Stockley Street. 5. Deer Park. 6. Entirety of the easternmost median island on Rehoboth Avenue inclusive of the Bandstand, sitting areas, restroom, bus stop and associated areas. 6. Boardwalk. 7. Every street which has for its eastern termination the Boardwalk, the area that lies east of the easternmost line of pavement to include all sidewalks, whether of wood or concrete, and any structures situated in this area and maintained by the City. This item will be addressed with the City Solicitor for clarity. 8. Beach defined as the area of the City east of Ocean Drive, Surf Avenue and the Boardwalk extending 100 yards east of the high water line of the Atlantic Ocean, excluding the parking lot in the area known as Deauville Beach. Surfside Park and the triangular median area between Maryland and Olive Avenues and Second Street will not be addressed at this time. Smoking shall be permitted on the Beach in designated and marked locations as determined by the City Manager, subject to the following: 1. Each area where smoking is permitted shall be abutting and located on the east side of the easternmost dune fence or if there be no fence at the toe of the main dune. 2. Each area where smoking is permitted shall be in the shape of a

half-circle having a twelve-foot radius, the center of such half-circle being at a point in the above-referenced dune fence or toe of dune. 3. Each area where smoking is permitted shall be marked by appropriate signage and shall be provided with a cigarette/cigar butt disposal container. 4. No area where smoking is permitted shall be located any nearer than 50 feet from any entranceway or path to the beach or Atlantic Ocean. 5. From May 1<sup>st</sup> to September 30<sup>th</sup> of each year, there shall be no more than 20 areas where smoking is permitted. 6. From October 1<sup>st</sup> of each year to April 30<sup>th</sup> of the following year, there shall be no more than four areas where smoking is permitted. The proposed ordinance would delete “[N]o person shall be cited for violating this chapter unless signs, readily visible to the public, are posted where smoking is prohibited, indicating when smoking is prohibited and indicating that violations are subject to penalties”. The following sentence would be added. “No person shall be cited for violating this chapter unless signs, readily visible to the public are posted to indicate those areas where smoking is prohibited.” The proposed ordinance would become effective on May 15, 2014. If any provision of the proposed ordinance would be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability would not affect any other provision of this ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this ordinance would be declared to be severable. Enforcement would not be amended with what is in the current Code. With regard to enforcement, a violation is a civil offense with a \$25.00 fine. Enforcement should not be heavy-handed, and voluntary compliance is sought. The next step in the process would be look at refining the ordinance and select a date to consider adopting the proposed amendment.

Mr. Howard Menaker, 16 Dover Street, said that if the Commissioners are trying make it clear to visitors where smoking is/is not allowed, it would be clear that smoking is not allowed in all City parks. People would understand this by making a simple declarative statement.

Mr. Ed O’Connor, address unknown, said that a sign could be put up on Rehoboth Avenue that smoking is banned in all public parks.

City Manager Sharon Lynn has had many discussions with Commissioner Mills and staff so planning has taken place. In anticipation of the next Workshop Meeting, some sample signage could be presented.

Commissioner Sargent suggested that banning smoking should be considered in the entire Bandstand plaza area east of the west edge of the median and including all the public outdoor space east including the sidewalks, parking spaces, streets and bandstand median in its entirety. Specific signage would also need to be considered. After discussion, there was consensus of the Commissioners to ban smoking in this entire area.

Mayor Cooper called to consider authorizing the Mayor to request the State Legislature enact a proposed charter change that would revise and rewrite the following sections of the City Charter to modernize them and bring them in line with practice:

- 22 Board of Assessment
- 23 Assessment of Taxes
- 24 Levy of Annual Taxes
- 25 Collection of Annual Taxes
- 26 Scrap Assessment for Sewers
- 27 Remedies, Powers and Methods for the Collection of Taxes, Assessments and Other Charges Due the City by the City Manager
- 30 Collection of Charges Due the City of Rehoboth Beach

City Solicitor Mandalas drafted a new Charter change which was distributed to the Commissioners prior to the meeting.

Mayor Cooper said that in a lot of ways the City has not been following the Charter as it relates to assessment of taxes. With the reassessment and a change there, it is past time to change the Charter. The proposed changes to the Charter are:

- 22 Delete Board of Assessment in its entirety, and add Tax Assessor.
  - a. The commissioner shall appoint a qualified person or firm to serve as Tax Assessor. Such person or firm shall serve until a new person or firm has been duly appointed by the Commissioners.
  - b. No person or firm shall be appointed as the Tax Assessor who is not fully qualified under the regulations and Code of the State of Delaware to perform real estate tax assessment.
  - c. It shall be the Tax Assessor’s duty to make a fair and impartial assessment of property subject to taxation situated within the City and to perform such other duties in reference thereto as shall be prescribed, from time to time, by the Commissioners.

23 Assessment of Taxes.

- b. Delete this section in its entirety and add that the Tax Assessor shall in a timely manner send by first-class mail a written notice to any property owner whose assessment is changed indicating the new valuation placed thereon.
  - d. Add that the annual assessment list should be changed to read that it shall be arranged so that the assessment of land, the improvement there and any improvements located on lands under lease as defined herein appear in separate columns or spaces. All assessments of value made by the Tax Assessor shall be made accordingly.
  - e. Add that the real property should be changed to read that any real property owned in whole or in part by a Tax Assessor or a member of a Tax Assessor's immediate family, if an individual, shall be assessed by the Commissioners. Any real property owned in whole or in part by an owner or employee of the Tax Assessor or a member of their immediate family, if a firm shall be assessed by the Commissioners.
  - f. Add that receiving the annual assessment list should be changed to read that immediately upon receiving the annual assessment list from the Tax Assessor, the Commissioners shall cause a full and complete alphabetically arranged copy of the same, containing the amount assessed to each taxable to be posted in City hall, and there it shall remain for a period of at least ten days for the information of and examination by all concerned. Appended there to and also in five or more public places in said City shall be posted notices advising all concerned that any property owner or leaseholder who desires to appeal their assessment shall file an appeal, in writing, with the City Manager stating the reason or reasons therefor not later than a certain day mentioned therein which date shall not be earlier than ten days after the date of posting the true and correct copy of the annual assessment list.
  - g. Change to read that at the first regular meeting of the Commissioners following the expiration of the time set for filing an appeal, the Commissioners will fix a time and date when the Commissioners will sit as a Board of Appeals to hear appeals timely filed in writing taken from the said annual assessment as determined by the Tax Assessor. Any person taking an appeal before the Commissioners sitting as a Board of Appeals may appear in person or may be represented by any third party who has written authorization to so appear.
  - h. Change to read that no Commissioner shall sit as a member of the Board of Appeals upon his own appeal, but the appeal by any Commissioner shall be heard and determined by the other members of the Board of Appeals in the same manner as hereinbefore provided.
  - I. Change to read that the Tax Assessor shall be present on the day fixed for hear appeals.
- 23A. Supplemental Assessment. This section should be added in its entirety.
- a. Add to read that in addition to the annual assessment provided for herein, the City Manager may, at the City Manager's option, direct the Tax Assessor to prepare a quarterly supplemental list for the purpose of adding property not included on the last assessment or increasing the assessed value of property which was included on the last assessment. The supplemental list may be used to correct errors on the prior assessment rolls and to remove or modify any exemption from taxation applicable to property in the City.
  - b. Add to read that such supplemental list shall be prepared quarterly in each tax year. The first such supplemental list shall be certified on July 1 of each year, the second on October 1 of each year, the third on January 1 of each year and the fourth on April 1 of each year.
  - c. Add to read that on the date of certification of a supplemental list, the property owners listed thereon shall be liable to pay taxes equal to the assessed value of the property multiplied by the tax rates for the then current tax year applicable to the property, reduced by 25% where the property is listed on the second supplemental assessment roll; by 50% where the property is listed on the third supplemental assessment roll; and by 75% where the property is listed on the fourth supplemental assessment roll; and the amount of such tax shall be and remain a lien on such property from the time of its certifications. In the collection of said taxes, before the first day of the second month after certification, there shall be no penalty. On all taxes paid after the first day of the second month after certification, a penalty at the rate of one and one-half percent (1½%) shall be added until the same shall have been paid. All taxes unpaid after the first day of the second month after certification shall be considered delinquent. In effecting collection of any delinquent tax, the Commissioners may impose a collection charge not to exceed eighteen percent (18%) of the amount of the tax and any penalty imposed thereon.
  - d. Add to read that appeals shall be made to the Board of Appeals as provided in Section 23(f) through (i). In no case shall the supplemental assessment procedure be employed to impose taxes retroactively.

24. Levy of Annual Taxes.
  - b.4. Change to read that the several rates to be changed for furnishing water service, sewer service, electric service, gas service, garbage and refuse collection; and/or.
25. Collection of Annual Taxes.
  - b. Change to read that all taxes so laid or imposed by the Commissioners in such annual tax list, shall be and constitute a lien upon all the real estate together with improvements located thereon and a lien upon any improvements located on land under lease, as defined herein, of the taxable against or upon whom such taxes are laid or imposed, of which such taxable was seized or possessed, at any time after such taxes shall have been levied and imposed, that is situated in the City. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so levied. Such lien shall have preference and priority to all other such liens on real estate or upon improvements located on land under lease, as prescribed herein create or suffered by said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes; provided that the lien for such City taxes shall remain a lien for a period of ten years from the date upon which the Commissioners shall deliver unto the City Manager the tax list therefor. If such real estate, or improvements located on land under lease as defined herein, remains the property of such person or persons who owned it at the time the tax was laid, then the lien shall not be extinguished until the tax is collected.
  - c. Change to read that all taxes, when and as collected by the City Manager shall be paid to or deposited to the credit of the City in a banking institution approved by the Commissioners, and all taxes shall be due and payable at and from the time of the delivery of the tax list to the City Manager.
  - d. Change to read that all taxes shall be payable at the City Office of the City during regular business hours of that office.
  - e. Change to read that in the collection of said taxes, the City Manager shall neither deduct not abate any amount from the tax assessment. On all taxes remaining unpaid on and after the first day of September next following the mailing of the original tax statement, there shall be added a penalty of one and one-half percent (1½%) per month for each month or part thereof such taxes shall remain unpaid, said penalty to be effective on the first day of Septembers, and said penalty shall be collected in the same manner as the original amount of the tax. The Commissioners shall have the power to make just allowances for delinquencies in the collection of taxes. All taxes unpaid on and after the first day of September shall be considered delinquent. In effecting collection of any delinquent tax, the Commissioners may impose a collection charge not to exceed eighteen percent (18%) of the amount of the tax, and any interest or penalty imposed therein.
  - f. Delete this section in its entirety.
  - g. Delete this section in its entirety.
26. Scrap Assessment for Sewers. Remove this section in its entirety.
26. Collection of Delinquent Taxes.
  - a. Change to read that before exercising any of the power hereinafter given for the collection of taxes, written notice of the amount due shall be sent to the taxable as his last known address.
  - b. Change to read that the City Manager, when any tax has become delinquent, may, in the name of the City institute suit before any Justice of the Peace or Court of the State of Delaware, in and for Sussex County, for the recovery of the unpaid tax, in an action of debt, and upon judgment obtained, may issue Writs of Execution as in case of other judgments recovered before a Justice of the Peace or other Court, as the case may be provided however that, as to any personal property of the taxable in Sussex County levied upon by the Sheriff within sixty days after the writ of execution was delivered into his hands, the lien of judgment shall have priority over all other liens against such personal property created or suffered by the taxable, except such liens thereon which may have been created in respect to County Taxes, although such other liens be of date prior to the time of the attachment of the said tax liens to the personal property so levied upon.
  - c. Delete this section in its entirety.
  - d. Delete this section in its entirety.
  - e. Delete this section in its entirety.
  - f. Change to read that should the City Manager so elect, and without the necessity of first employing any or all of the other remedies herein provided the City Manager is authorized and empowered to sell the lands and tenements of the delinquent taxpayer, or the lands and tenements alienated by a delinquent taxpayer subsequent to the levy of the tax by the following procedure:.
  - g. Change to read that the City Manager shall present in the name of the City to the Superior court of

the State of Delaware and for Sussex County a petition in which shall be stated:

1. Delete assessee, license, or charges.
  2. Delete assessment, license, or other charge.
  3. Delete assessment, license, or other charge.
  7. Change to read that a statement that a bill of said tax has been mailed to the taxable at their last known post office address with return receipt requested by certified mail and postage prepaid, together with a notice that the City Manager would proceed to sell the lands and tenements of the taxable for payment of the tax assessment; and the date of such mailing.
  8. Change to read that it has been found impractical to attempt to collect the said tax, by any other remedy hereinbefore provided. The petition shall be signed by the City Manager and shall be verified before a Notary Public.
- h. Change this section to d. Change to read that at least ten (10) days prior to the filing of any such petition, the City Manager shall deposit in the mail, in a sealed and stamped envelope and addressed to the taxable at his last known address requiring a registered receipt returnable, an itemized statement of the tax due, together with all penalties, collection charges, and costs then due thereon, together with a notice to the delinquent taxpayer that he or she shall proceed to sell the lands and tenements of the taxable for the payment of the tax. The City Manager shall exhibit the return registry receipt to the Court by filing the same with the petition; provided, however, that the taxpayer cannot be found, or if delivery is refused, it shall be sufficient for the City Manager to file with said petition the evidence that such statement has been mailed in accordance with this subsection and has been returned.
- i. Delete this section in its entirety.
- j. Change this section to e.
- k. Change this section to f.
- l. Change this section to g. Change to read that each sale of lands and tenements shall be returned to the Superior Court, aforesaid, at the next Motion Day thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. No sale shall be approved by the Court if the owner be ready at the Court to pay the taxes, penalty, collection fees, and costs. If it set aside the sale, the Court may order another sale and so on until the tax is collected. If the sale be approved, the City Manager making the sale shall make a deed to the purchaser which shall convey the right, title, and interest of the delinquent taxpayer or his alienee; provided, however that no deed shall be delivered to the purchaser until the expiration of one year from the date of the sale within which time the taxpayer or his alienee, heirs, executors, administrators, or assigns, shall have the power to redeem the lands on payment to the purchase, his personal representatives or assigns, the costs, the amount of the purchase price, plus twenty percent of the expense of having the deed prepared. All taxes assessed after the sale and before the delivery of the deed shall be paid by the purchase at said sale who shall be reimbursed by the delinquent taxpayer in the event of redemption to which shall be added twenty percent thereon. In the event the purchase refuses to accept the same, or in the event he or she, their heirs or assigns, cannot be located within the State of Delaware, it shall be lawful for the owner, their heirs, executors, administrator, and assigns, to pay the redemption money to the City Manager and upon obtaining from him or her a receipt therefore, such receipt shall be considered for all intents and purposes a valid and lawful exercise of the power to redeem the land so sold. In the event the lands have not been redeemed within the redemption year, the City Manager shall deliver to the purchaser, their heirs, executors, administrator, or assigns, a deed which shall convey the title of the taxable or assessee. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.
- m. Delete this section in its entirety.
- n. Change this section to h. Change to read that after satisfying the tax and the cost and expenses of sale from the proceeds of the sale, the amount remaining shall be paid to the owner of the land. Should the owner of the land refuse to accept said residue, or the owner is unknown or cannot be found the amount remaining shall be deposited in some bank either to the credit of the owner or in a manner by which the fund may be identified.
- o. Change this section to i. Change to read that in the sale of land for the payment of delinquent taxes, the following costs shall be allowed to be deducted from the proceeds of the Sale, or chargeable against the owner, as the case may be, in the amount customarily charged.
1. Change to read to the Prothonotary for filing and recording the petition.
  3. Change to read to the City Manager for (1) preparing the Certificate, (2) making the sale of lands, (3) preparing and filing a return, (4) posting sale bills. In addition, the costs of printing

handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee, if any, shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, but shall be paid by the purchase of the property of the delinquent taxpayer. The total of any Delaware transfer tax shall be paid by the purchaser of said lands at the tax sale.

- p. Delete this section in its entirety.
  - q. Change this section to j.
  - r. Change this section to k. Change to read that if any person is assess for several parcels of land and tenements in the same assessment, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements.
  - l. Add this section to read that in the event of death, resignation or removal from office of the City Manager before the proceedings for the sale of lands shall have been completed, their successor in office shall succeed to all of their powers, rights and duties in respect to said sale. In the event of death of the purchase of said sale prior to their receiving a deed for the property purchased thereat, the person having right under them by consent, devise, assignment or otherwise, may refer to the Superior Court of the State of Delaware, in and for Sussex County, a petition representing the facts and praying for an order authorizing and requiring the City Manager to execute and acknowledge a deed conveying to the petitioner the premises so sold, and thereupon the court may make such order touching the conveyance of the premises as shall be according to justice and equity.
  - m. Add this section to read that the City Manager shall have the same right to require the aid or assistance of any person or persons in the performance of their duty of sale which the Sheriff of Sussex County now has by law or may hereafter have.
  - n. Add this section to read that in addition to all other remedies, methods and authorities for the collection of taxes, the Commissioners may use the monition method for the collection of such taxes as established for Sussex County and authority is thereby established for them to do so.
30. Collection of Charges Due The City.
- a. Change this section to read that in the collection of changes due the City including but not limited to rents, gross receipts taxes, water rentals, sewer service charges, electric bills, gas bills, license fees, tapping fees, front foot assessments, changes growing out of abatement of nuisances, laying out and repairing paving, graveling, curbing or any of them, shall become a first lien against all real estate of the delinquent property owners situated within the City and such charges shall have preference and priority for a period of ten years from the date the charge became due and owing to all other liens on real estate created or suffered by the taxable and property owner, although such other lien or liens be of a date prior to the time for the attaching of such liens for such charges.
  - b. Change this section to read that the authorities, remedies and powers available to the City Manager for the collection of such charges shall be the same as those set forth in this Charter for the collection of delinquent taxes.
  - c. Delete this section in its entirety.
  - d. Delete this section in its entirety.

Commissioner Sargent made a motion, seconded by Commissioner Mills, that the Commissioners authorize the Mayor to take what action is needed to get this Charter amendment before the State legislature and ask them to act on it. ( Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

## **NEW BUSINESS**

There was none.

## **CITY MANAGER'S REPORT**

City Manager Sharon Lynn reported that Rehoboth Beach Main Street Executive Director Krys Johnson was in attendance at the meeting. Fifty-seven part-time applications have been submitted for the Parking Meter Department, and interviews have begun. Ms. Lynn met with a representative of Allen & Shariff Engineering to discuss projects for the City. The Schoolvue Project public meeting was held on February 11, 2014 with Mayor Cooper and Ms. Lynn in attendance along with the construction project manager and engineers. The anticipated start date for the project is mid-March 2014. Ms. Lynn had attending a parking demonstration with Mr. Mike Peterman of the Parking Department. She also attended a board meeting of the Village Improvement Association. Ms. Lynn met with Mr. Corey Groll and received an introduction of Bandstand related activities. She met with Senator Carper and his staff to discuss potential federal grant initiatives. Ms. Lynn, department heads and staff met with Mr. Mike Wigley to discuss the circulation issues relating to work spaces for the proposed City Hall and Police

Department project. Ms. Lynn, Mayor Cooper and Commissioners Sargent and Sharp attended the ribbon cutting of the temporary home of the Art League on Rehoboth Avenue. The Public Works Department took possession of the new leaf collector which had been budgeted from the current year operations. The old leaf collector has been sent back to the manufacturer for refurbishing. Rehoboth Avenue restrooms at the Bandstand will be closed from February 24 through 27, 2014 for painting. Mayor Cooper, Wastewater Superintendent Bob Stenger and Ms. Lynn met with Mr. Rip Copithorn of GHD to discuss the outfall project. IT Director Max Hamby and Ms. Lynn teleconferenced with the project manager of Inclind for the continuing website project. Inclind has completed testing and is almost finished with development of the site. The City's job now is to have a copywriter/ content manager onboard. Two interested individuals were interviewed for the project who will be presented to the Communications Committee Meeting next week. Police negotiations will be continuing on February 24, 2014 with the Teamsters Union. Mayor Cooper, Public Works Director and Ms. Lynn met with Mr. Bob Palmer to discuss the City's responsibility for obtaining MPDES permitting authorized by the Federal Clean Water Act. The intent is to have a plan in place for stormwater discharge. Ms. Lynn recently met with Ms. Sally Forman and Mr. Tom Childers of SOLA3. Ms. Lynn presented the Commissioners with copies of the proposed balanced budget. On the revenue side, there was a suggested increase to the transfer tax in the amount of \$75,000.00, making the total \$1,400,000.00. To date, transfer tax collected is approximately \$1,713,000.00 which represents a 57% increase over the budgeted amount. Two months are remaining for the current fiscal year. The fire hydrant painting project encumbered monies were increased from \$150,000.00 to \$175,000.00. The outfall project – North Shores had \$0.00 in the last version, and now the amount is \$76,000.00. The figures for North Shore and Henlopen Acres were recommended by Mr. Burt Dukes. The total revenue projection was \$17,353,851.00. On the expense side, changes were made due to the increase in the transfer tax revenue. There was an increase to the assessors by \$650.00. Under cell phones under administration, there is an increase in the amount of \$1,330.00 due to the fact that the Ms. Lynn's cell phone contract is still in effect until she can release that contract and switch over to Verizon. In the contingency, a \$40,000.00 increase for a potential IT person including content management for the website had been discussed. That number has been decreased to \$20,000.00 in hopes of hiring a part-time person. Ms. Lynn acknowledged that when the recommendation was made for a potential IT person, it was not to just maintain the website but also a possible consideration of whether the City Secretary needs any individual help. Under the Police Department, the maintenance contract was increased \$1,170.00 due to the one-year maintenance contract for six cameras to be mounted in the police cars. The total amount was \$13,700.00, not \$131,700.00 which was reflected in the budget in error. Under the Streets Department, there was a split between medical insurance in the Street Department and the Refuse Department due to three part-time employees recently being made full-time employees to cover the medical insurance. Under the 911 Dispatch Center, the maintenance contract increased \$3,000.00 for a Code Red Emergency Management System which actually is a reverse 911 system to notify people who sign up via email, and telephone for emergency purposes. The total amount was \$17,353,851.00. There have not been any significant increases with capital improvements. Under the Water Department, the fire hydrant and valve maintenance is budgeted for \$100,000.00. Discussion is still needed for whether or not the amount will be split into two parts. The total available amount would be \$275,000.00.

Commissioner Mills was entertaining the idea of a two-year program for the fire hydrant and valve maintenance rather than one year. He would like to ensure that monies are available in the contingency to implement the smoking ban. He would like to put money in the contingency on an annual basis regarding trees such as increasing the tree canopy and street trees and finish the tree plan. Commissioner Mills would also like to see funds set aside to restore the canal bank where the museum is located. .

Mayor Cooper recommended the approval of Street Aid expenditures:

02/05/14	543	Delmarva Power	\$ 9,309.42 (Street Lights)
02/05/14	544	Dover Electric	\$ 330.47 (Light Bulbs for 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 there has been court activity within approximately two weeks ago with regard to the Henlopen Avenue case. This is a property maintenance case. Construction has been initiated. The other case is the Kuhn vs. Hiler case concerning a water and sewer pipe. The Judge has said that he is ready to issue an opinion but he has encouraged the parties to come together through mediation one more time. A confidential

memorandum will be provided to the Commissioners with regard to this case.

#### **COMMISSIONER ANNOUNCEMENTS/COMMENTS**

Commissioner Mills announced that this coming week, he will be attending the American Shore & Beach Preservation Conference in Washington, DC. He will be visiting with congressional representatives as part of the conference. Commissioner Mills will present a report to the Commissioners at a later date.

Mayor Cooper as the Vice President of the Delaware League of Local Governments met with Governor Markell on February 19, 2014 to talk about League business. Approximately five years ago, the League wanted to create an insurance pool for workman's compensation insurance, but there was not enough interest in it at that time. The interested communities had joined together and pooled a group policy. Currently, there are approximately 14 government agencies in this pool. The Directors, with Mayor Cooper being one of them, are ready to go with a self-funded model. The idea would be that communities would pay into a pool and buy excess insurance to guard against the huge risk, hire a claims administrator and essentially be their own insurance company. The profits would stay with the association or become dividends for the members. There is a chance to save a considerable amount of money and see substantial reductions in the workman's compensation rate.

#### **DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.**

An item to be included on the agenda for a Special Meeting on March 10, 2014 is to consider adoption of the proposed ordinance regarding smoke-free initiatives.

An item to be included on the agenda for the Workshop Meeting on March 10, 2014 is to discuss the budget.

An item to be included on a future agenda is the merger topic.

#### **CITIZEN COMMENT**

There was none.

The next Workshop Meeting will be held on March 10, 2014 at 9:00 a.m.

There being no further business, Mayor Cooper adjourned the meeting at 9:23 p.m.

**Respectfully submitted,**

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**(Lorraine Zellers, Secretary)**