

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

March 21, 2014

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, March 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 Mark Hunker

Absent: Commissioner Lorraine Zellers

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

APPROVAL OF AGENDA

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

CORRESPONDENCE

There was none.

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 February 2014. There were seven criminal, 141 traffic and no civil charges made during the month. Six traffic crashes were investigated. On April 26, 2014 from 10:00 a.m. to 2:00 p.m., the Police Department will participate in the National Take Back Initiative. This initiative allows people to get rid of unused prescription drugs in a safe, convenient and responsible manner. The Police Department will take back unused prescription drugs year-round. The Dispatch Center handled 123 police incidents, 139 ambulance incidents, 33 fire incidents, 164 traffic stops and 9-1-1 calls totaling 389 were received.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

There was nothing to report.

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for February 2014. During the month, 83 permits were issued for a value of work totaling \$1,871,137.69. Fees collected totaled \$47,236.41 for the month. Ninety-one permit processing fees were received in the amount of \$1,820.00. The Board of Adjustment heard no cases in February. No restaurant applications were received in February. Three notices of violation were issued for freestanding signs. One notice of violation was issued for a contractor working without a building permit. Two notices of violation were issued for obstructions on a sidewalk. Two notices of violation were issued for flags too low. There were 57 building inspections, 12 plumbing inspections, four rental inspections, five meetings regarding trees, 18 meetings regarding new projects and five

meetings regarding City business.

REPORT OF PLANNING COMMISSION

Planning Commission Vice Chair David Mellen presented the report of the Planning Commission. The Regular Meeting was held on March 14, 2014. A Preliminary Review was held for the property located at 50 Park Avenue. The Planning Commission unanimously approved moving this application to Public Hearing subject to receipt of corrected survey. A continuation of the Preliminary Review of a Minor Subdivision was held for the property located at 114 and 118 St. Lawrence Street and 113 Lake Drive. The Planning Commission unanimously approved moving this application to Public Hearing. The Planning Commission reviewed and discussed the updated site plan review application form and instructions prepared by the City Solicitor's firm. After several minor changes were made, the Planning Commission adopted the site plan review application form and instructions. The Planning Commission advised the Mayor and Commissioners that it continues to be confronted with signed and sealed surveys that have errors. The Building Inspector also reported that signed and sealed surveys with errors have been submitted to the Building & Licensing Department. Such erroneous surveys have been prepared by multiple firms doing business in the City. The Planning Commission conducted a Workshop Meeting on March 15, 2014 related to the Board of Commissioners trees assignment which was focuses on the review of a draft amended comprehensive tree ordinance based on public input, interviews and recommendations received by the Planning Commission and research conducted by the Commission.

OLD BUSINESS

There was none.

NEW BUSINESS

Mayor Cooper called to consider award of contract for the Fire Hydrant & Isolation Valve Inspection and Maintenance Project for which bids were received and opened on March 12, 2014.

Mr. Bob Palmer, City Engineer, explained the process used regarding the City's solicitation for proposals for the Fire Hydrant & Isolation Valve Inspection and Maintenance Project. He requested approval of the award recommendation. At the last meeting, he was given approval to separate the project into multiple phases, the first being the inspection and maintenance of the hydrants and valves, flow testing and doing the GPS work to locate all of the assets. Budgets were provided to the Commissioners in the estimated amount of more than \$100,000.00 for that phase of work. In looking at how the solicitations were offered before, the conclusion was that contractor qualifications were important for this project. Several qualifications were added such as project management requirements, geographic information system requirements, contractors' requirements. In the solicitation which was sent out, the vendors were advised that the City would be looking at more than just the price they would charge to do the work. The contractors' qualifications were given weight in the evaluation. On March 5, 2014, a pre-proposal meeting was held. It was clear through this process that this was a qualifications based effort. Price was not the only determining factor. Three proposals were opened on March 12, 2014. The vendors were White Marsh Environmental Services, Utility Services and WACHS Water Services. WACHS Water Services was the vendor that performed the hydrant inspection and maintenance work in 2007. Qualifications were kept purposely separate from the price sheets that each vendor submitted. The review committee consisting of Mayor Cooper, City Manager Sharon Lynn, Mr. Howard Blizzard of the Water Department and Mr. Palmer, met on March 17, 2014. Independently, the committee members looked at four areas of capability – the company's profile and experience, understandability of the project, description of managing the data to be collected in the field, and the capability of doing the work in the allotted 45 day period. WACHS Water Services was the front runner. White March Environmental Services was ranked second, and Utility Services was ranked third. All three of the vendors were qualified. Mr. Palmer said that the committee's recommendation is to award the project to WACHS Water Services in the amount of \$93,950.00 which is an estimated price. Using the vendor's pricing, the City is still under the previously established budget.

Commissioner Bill Sargent made a motion, seconded Commissioner Mills, to issue the Fire Hydrant & Isolation Valve Inspection and Maintenance Project to WACHS Water Services in the amount of \$93,950.00. (Sharp – aye. Gossett – aye, based on the recommendation of the consultant. Sargent – aye, for the same reasons that clearly by the scoring, WACHS Water Services turned out to be the superior company. Cooper – aye. Mills – aye, based on the explanation by Mr. Palmer of the evaluation process and criteria, and the evaluation criteria in the letter from Beacon Engineering & Consulting to the City, dated March 18, 2014, which identified WACHS Water Services as the most qualified vendor receiving the highest overall score. Hunker – aye.) Motion carried unanimously.

Mayor Cooper called to consider adoption of the City Budget for fiscal year April 1, 2014 through March 31, 2015.

City Manager Sharon Lynn presented a balanced budget of revenues and expenses in the total amount of \$17,277,851.00 with minor changes based on input from the Mayor and Commissioners. On the revenue side, the fire hydrant painting has been decreased from \$350,000.00 to \$175,000.00. With regard to the outfall project, the amount encumbered from the current budget reflects a reduction of \$76,000.00 from \$550,000.00. On the expense side, there are several minor additions. It is important that staff has funds for training. Administrative training has been increased to \$3,000.00. Police maintenance is a correction to \$13,170.00. The street department salaries increase to \$365,797.00 which reflects an accurate number of employees. There is a decrease in the street department salaries which reflects a reduced number of part-time employees who were made full-time employees in November and February 2014. The refuse department salaries reflect an accurate number of employees in the amount of \$316,776.00. The part-time salaries reflect a decrease regarding the reduced amount of employees to \$89,669.00. The building and grounds department reflects an additional full-time person from a part-time person. There is an increase to \$89,536.00 and decreasing the part-time salaries to the accurate number of part-time employees working a maximum of 30 hours per week. The police dispatch salaries reflect an accurate number of full-time dispatchers in the amount of \$329,453.00. The salaries for part-time employees are zero because the complement of full-time dispatchers has been reached. With the water department salaries, there is an indication of one additional full-time employee for a total of \$344,384.00. Corresponding to that, one additional full-time employee is an increase in the medical insurance for the water department in the amount of \$74,438.00. Wastewater department salaries reflect an accurate number of employees in the amount of \$542,517.00. There is a deletion of a part-time employee expense since that individual was made into a full-time employee. Wastewater department training was increased to \$2,000.00. In the capital improvements, there is a removal of the flatbed dump truck in the amount of \$95,000.00. With regard to replacement of the water mains, the water superintendent agreed that since the fire hydrant project this year, the recurring expense in the amount of \$50,000.00 would not be needed this year. The fire hydrant and valve maintenance was adjusted to \$225,000.00.

Commissioner Sargent made a motion, seconded Commissioner Mills, to approve the budget as explained by the City Manager.

Commissioner Mills recused himself from the discussion regarding the budget possibly containing funds for community policing and it does contain funds that they might be used for Neighborhood Watch. He reiterated that importance of a capital improvement program and not putting weight on transfer taxes. There are other projects which the City should be spending money on such as the tree program to expand the canopy, replacing street trees and investing in the canal bank at the museum where it is overgrown. Part of the capital improvement program is the replacement of a refuse truck to be replaced which is the truck which goes on the Boardwalk. Under the fire hydrant program, there is \$225,000.00 for the hydrant painting program. These monies will take care of refurbishing and painting of all the fire hydrants inside and outside of the City. Commissioner Mills did not approve of doing this project in a one year program vs. two years.

Mayor Cooper said that under the fire hydrants, there is not enough money under the budget which had been set up to do it all. The total was in the amount of \$308,000.00, but there is \$30,000.00 under budget at this point which can go toward painting. He would like for this entire project to be done in one year. It is his intention to find enough revenue and savings to accomplish that project this year.

Commissioner Patrick Gossett said that investment in the employees and their development is as important as looking at trucks, etc.

(Sharp – aye. Gossett – aye. Sargent – aye. Cooper – aye. Mills – aye, but recused himself for the previously mentioned line item 10-108-5065. Hunker – aye.) Motion carried.

Mayor Cooper called to consider adoption of a resolution approving the establishment of an IRC 457(b) Deferred Compensation Plan for the City's full-time employees.

Mayor Cooper noted that the City Manager's contract calls for the establishment of this type of plan and for the City to deposit funds in it on a regular basis. The City Manager contacted Mass Mutual that has the current thrift plan for the City's employees, and it is willing to set up this plan for the City. Mass Mutual is requesting that the Commissioners adopt a resolution at which time a representative will develop with the City the plan document which sets the parameters. Mayor Cooper drafted a resolution which will satisfy Mass Mutual to get this plan started.

City Solicitor Mandalas read the resolution. Mass Mutual shall be the plan administrator. The Mayor is appointed as trustee of the plan or shall otherwise be appointed to sign plan documents on behalf of the City. The City Manager is appointed to serve as the contact person for the plan and the individual authorized to instruct the plan administrator with respect to the establishment and maintenance of participant accounts.

Commissioner Sargent made a motion, seconded by Commissioner Mills, to adopt the Resolution creating a IRC 457(b) plan for the City employees. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Hunker - aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

City Manager Sharon Lynn reported that the public works department along with the assistance from the water and wastewater departments did a good job this week for the snow removal. The Schoolvue project was delayed a bit due to weather, but materials are being delivered now and traffic control preparations are underway. Lifeguard tryouts begin this weekend.

Ms. Lynn recommended the approval of the Street Aid expenditures:

03/05/2014	545	Delmarva Power	\$9,278.55 (Street Lights)
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Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve the Street Aid expenditures as presented. Motion carried unanimously.

COMMITTEE REPORT

Commissioner Sargent, Chair of Streets and Transportation Committee discussed and sought Commissioners' comments on various possible topics suggested for the Committee's consideration. He mentioned the following issues:

1. Discuss problems with snow removal from downtown sidewalks, particularly the sidewalks on the south side of Rehoboth Avenue and Wilmington Avenue. For approximately 30 years, there has been light enforcement. Options would be to not do more than what the City has now, add an explicit ordinance and toughen enforcement requiring the owners or the operators of businesses to clear their sidewalks of snow, make it a City responsibility which would require more resources or go to an outside contractor.

Mayor Cooper thought that if an ordinance is created that makes them responsible, enforcement would need to be done. If it would be the City's responsibility, then the Committee should investigate the liability issues, etc.

Commissioner Mills empathized with the business owners who are here in the winter to shovel their sidewalks only to not be able to get patrons to their stores because no one else has shoveled it. It would be good to have this conversation with the Committee and formalize all options. He was comfortable with the Committee looking at different options, the pros and cons of the different options, giving the Commissioners options including whether or not to codify this subject so it is clear who has responsibility and who does not. It should be the same for the residential community.

Commissioner Gossett said that it is important to enforce snow removal as equally as the summer time in cleaning the sidewalks, should the Commissioners decide to codify this option. It is the responsibility of the businesses to sweep their sidewalks and keep them free of debris. This would be a continuance of that ordinance throughout the year.

2. Discuss adding appropriate bike racks at entrances to shopping lanes such as Penny Lane. The suggestion is that wherever possible to put in short bike racks on the City sidewalks so as not to hinder crowds.

Mayor Cooper commented that when the streetscape was designed and at the request of the fire company, generally in front of those areas will be located a fire hydrant and/or fire lane. On behalf of the fire company, he would think that there would be an objection to placing anything which would hinder access from the street to that area.

Commissioner Mills said that Commissioner Sargent or his Committee members could work on with the City Manager and not need to come back to the Commissioners. He suggested not concentrating on possibly placing bike racks solely outside of the mall areas.

3. Discuss possible changes to scooter permit program. The Committee members are aware that the \$40.00 fee has been set in the budget, but there are some members who would like to look at the possibility of

treating residents differently from others.

Commissioner Mills said that the City Manager has issued a press release for the fees and the program, and the parking guide will be published shortly so this item should be deferred until after the summer season is over so this season can be used as further analysis. The conversation could be resumed in September or October, but complete the analysis by January 2015.

Mayor Cooper said that the scooter program worked well. The plan which was adopted was not the plan Mayor Cooper would have designed, but he voted for it in the end because it was a good compromise.

City Solicitor Mandalas noted that currently there is federal litigation relating to the scooter permit program. That litigation is being held in obedience to see what the Committee does with some of the things relating to the program. The Committee should not feel pressured to make changes to the ordinance because some of the litigation could go away based upon those changes. The program did address the public safety concern that the Commissioners were trying to address when they adopted the ordinance.

Commissioner Gossett said that he would like the discussions to be based on facts, residents vs. non-residents, permits, etc. If there would changes to the program, a target date of January 1, 2015 would be good with proper communication and marketing to resources and outlets of the Chamber and Main Street.

4. Discuss proposal to require flashing lights on bicycles which adds a lot to safety. Police Chief Banks had suggested that if flashing lights would be used, the Committee should only make it a recommendation in the text the Committee is preparing. There are members of the Committee who would like to try to get the State law changed.

Mayor Cooper thought that this issue was resolved some time ago in that anything the Commissioners put out would strongly advise people that a red flashing light to the rear is highly recommended, and the ordinance should not be changed. People coming in from other states would potentially be violating the law because their state does not require a flashing light.

Commissioner Sargent said that no one doubts on the Committee that the Commissioners would pass an ordinance for the City. The question being raised was whether or not the Committee members should be making an effort to change the State law because this would be something that is safer.

5. Discuss proposal to discourage bike riders from using Columbia Avenue. Text is available on the maps that discourages bicycle use on the main thoroughfares which are Columbia, Rehoboth and Bayard Avenues. Bike riding on Columbia Avenue is a problem because the street is narrow, and the surreys, especially, are slow moving.

Commissioner Hunker commented that there is not much which can be done legally to discourage bike riders from using those streets. He suggested using stronger language on the maps and educating people. Using signage would be overwhelming.

Commissioner Gossett suggested having discussions with the merchants who rent the surreys and educate them to educate the people who rent the surreys.

Commissioner Mills said that people need to be educated. The Planning Commission has advocated complete streets, and the State has a program for complete streets. If the complete streets program is followed to address this issue, then Columbia and Henlopen Avenues would probably be turned into one-way streets with a barrier and the other lane used for pedestrian, jogging and bicycles. He was not advocating for a change like this to occur.

6. Discuss proposed Breakwater trail head on Rehoboth Avenue. Representatives from the State have planned to extend the bike lane to 10 feet wide on the north side of Rehoboth Avenue before the crosswalk at Royal Farms. This was also done on the bridge and the entryway to the bridge.

Commissioner Mills did not think that committees should interact directly with the State on that. Suggestions from the Committee could be made to the Commissioners, and they could talk about or have a representative talk to the State. He would rather see the State promote correct bicycling.

Mayor Cooper said that he would like to see this broadened because the State is making plans for the City without consulting with the City. He has heard that there will be a loop for the trail. At least part of that loop has to come through the City. The State should have approached the City to discuss expectations on both sides. The State is including the City in something without potentially providing any of the related

facilities that need to go with it. Residents on north side of the City need to be involved in discussions or at least know what the State is planning.

Commissioner Hunker said that the right level is to see if the Commissioners can interject themselves at the table for discussion.

Mr. Walter Brittingham, 123 Henlopen Avenue, said that the Mayor, City Manager and Commissioner Sargent had attended the meeting held by Century Engineering with regard to the trails. Mr. Brittingham had asked for a letter to be written regarding this issue. He and other people had sent something in. The State is working on this loop. It will put a lot of pressure on the City. The Commissioners still have an opportunity to put their concerns in writing. The people should know what was said to Century Engineering because that has never been divulged.

Mayor Cooper said that he will draft a letter to send to both the Secretary of Department of Transportation and DNREC.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Gossett commented that as of March 14, 2014, field inspections for the city-wide reassessment were 90% complete. On March 20, 2014, the City mailed a letter to 3,225 property owners to give them an update of what the next steps are.

Commissioner Mills commented that the Commissioners are now receiving a support document packet for their meetings. He reminded everyone that the Household Hazardous Waste Program will take place in April 2014.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

An item to include on the April agenda for a Special Meeting is discussion with the City Manager regarding negotiations with the Union that represents the police officers. This item may be discussed in executive session.

CITIZEN COMMENT

Mr. Walter Brittingham commented that more people are adding stones to the edge of the roadway on Henlopen and Columbia Avenues. The stone buildup is destroying the flow of water to the drainage system where it exists; and in places where it does not exist, there are pockets of water along the edge of the roadway. There needs to be a policy that at the edge of the roadway there should be no rise so the water will go off onto the shoulders and percolate beyond the roadway.

A Special Meeting will be held on April 7, 2014 at 8:00 a.m. The next Workshop Meeting will be held on April 7, 2014 at 9:00 a.m.

There being no further business, Mayor Cooper adjourned the meeting at 8:37 p.m.

Respectfully submitted,

(Ann M. Womack, Assistant Secretary)