



AGENDA ITEM REQUEST FORM

Item No. 2K

TOWN MANAGER

Department Submitting Request

Connie Hoffmann

Dept Head's Signature

REG COMMISSION
Meeting Dates 7:00PM

DEADLINE TO
Town Clerk

ROUNDTABLE
Meeting Dates 7:00PM

DEADLINE TO
Town Clerk

- Oct 12, 2010
- Nov 9, 2010*
- Dec 14, 2010
- Jan 11, 2011
- Feb 8, 2011
- Mar 8, 2011

- Oct 1 (5:00 pm)
- Oct 29 (5:00 pm)
- Dec 3 (5:00 pm)
- Dec 31 (5:00 pm)
- Jan 28 (5:00 pm)
- Feb 25 (5:00 pm)

- Oct 26, 2010
- Nov 23, 2010*
- Dec 28, 2010*
- Jan 25, 2011
- Feb 22, 2011
- Mar 22, 2011

- Oct 15 (5:00 pm)
- Nov 12 (5:00 pm)
- Dec 17 (5:00 pm)
- Jan 14 (5:00 pm)
- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

*Subject to Change

- Presentation
- Reports
- Consent
- Ordinance
- Resolution
- Quasi Judicial
- Old Business
- New Business

SUBJECT TITLE: Alley-Oop, Inc Proposal

EXPLANATION: Alley-Oop, Inc., a new Lauderdale-By-The-Sea business, has submitted a proposal to provide skimboarding lessons and camps on the Lauderdale-By-The-Sea beach. They are proposing a free Saturday clinics for all ages and daily lessons and weekly camps for a fee. Alley-Oop is proposing a 90/10 fee sharing arrangement. This would be something new for the Town and requires direction from the Town Commission.

RECOMMENDATION:

EXHIBITS: Report to Town Manager on Alley-Oop proposal

FISCAL IMPACT AND APPROPRIATION OF FUNDS:

- Amount \$ _____
- Acct # _____
- Transfer of funds required
- From Acct # _____

Reviewed by Town Attorney
 Yes No

Town Manager Initials CH

To: Connie Hoffmann, Town Manager
From: Kathleen S. Margoles
Date: October 15, 2010
Re: Alley-Oop, Inc. Proposal to the Town

ISSUE

The Town has received a proposal from Alley Oop Skim, Inc. to provide skimboarding camps and lessons on the Lauderdale-By-The-Sea beach.

BACKGROUND

Alley-Oop, Inc is a company with over ten years experience offering skimboarding lessons. They are currently providing skimboarding lessons and camps in Dewey Beach, DE and on the Delaware State Park system beaches.

The Alley-Oop owners, Jason Wilson and Corey Mahoney, are opening a retail store in Lauderdale-By-The-Sea at 220 East Commercial Blvd., and also moving into the Town. They contacted Jeff Bowman regarding lessons within designated areas on the LBTS beach (Attachment A). I then contacted them and they provided a more detailed proposal (Attachment B). The Mayor and Commission have also received letters of recommendation from the former Mayor of Dewey Beach, and the Executive Director of Southern Delaware Tourism in support of Alley-Oop (Attachment C).

Commercial Operations on the Beach

The Town has not typically contracted with any vendors on the beach and two sections of the Code of Ordinances are relevant to the possibility of permitting Alley-Oop to provide skimboarding lessons and camps on the beach.

Chapter 14.3- Parks and Recreational Facilities defines a park as any land, water area, or trail corridor and all facilities thereon, under the jurisdiction, control or ownership of the Town.

Section 14.3.3(b) Regulation of public use states:

Permits.

(1) Town permits shall be required for the exclusive or special use of all or portions of park areas, buildings or trails or for the use of park areas and facilities when they are otherwise closed to the public.

(2) Permits shall be required for an entertainment, tournament, exhibition or any other special use which can reasonably be expected to have 25 or more persons involved or potentially have a detrimental effect on park property or other park users. Security, insurance and/or security bonds may be required and paid by permit holder prior to usage.

It shall be unlawful for a person to violate any provision of a permit.

(c) Use fee; failure to pay use fee. It shall be unlawful for any person to use, without payment, any facility or area for which a permit is required and user fee charged, unless the payment is waived by permit.

Chapter 5- Beaches and Waterways regulates activities on the beach. There is no specific language about issuing permits to give lessons on the beach, although there is a prohibition in Sec. 5-22 against soliciting, which is defined as “seeking to obtain orders for” among other things “services ...for any kind of consideration whatsoever.”

Section 5.6 addresses the use of surfboard which, one could argue, have some similarity to surfboards.

“It shall be unlawful for any person or persons to use or operate surfboards, boats, or watercraft or to surf or boat within the Town in the proximity of bathers so as to cause a hazard to bathers' safety, or to other persons using the beaches.”

Later in Section 5-103 the term “watercraft” specifically excludes “any surfboard, skinboard, or windsurfer.”

Alley-Oop Proposal

Alley-Oop has submitted the following proposal.

- Free Saturday Clinics- one hour clinic each Saturday, open to persons of all ages
- Lessons- one hour private or group lessons for all ages
Cost-\$75/hr
Proposed Date and Time- Daily, 9am-5pm
Typical Attendance- 1-6 people
Beach Space Needed- Approximately 10 yards
- Mini Session Camps- three hour clinics for three days
Cost-\$200/session
Ages- 5-16
Proposed Date and Time- 3 days a week, 9am-12pm

Typical Attendance- 8-12 youth
Beach Space Needed- Approximately 30 yards

Mr. Wilson, one of the owners, has requested a 90/10 fee sharing arrangement for the initial LBTS agreement (with the Town retaining 10% of the revenue). Depending on the popularity of the lessons and camps, the Town's 10% share of the revenue could range from an estimated \$8,000 to \$24,000 annually.

Obviously, the actual terms of any agreement with them would be negotiated if the concept is approved by Town Commission.

As you know, the Town has been moving toward fee-based agreement with other recreation providers and is requiring that participants in the tennis and karate programs register and pay for most programs at Jarvis Hall. An issue that would need to be addressed with a skimboarding program is the likelihood that many participants would be "walkup" clients and that forcing them to register for the program at Jarvis Hall, could negatively affect participation.

RECOMMENDATION

This proposal provides a way for the Town to augment recreational opportunities for residents and visitors and could be very popular, but it does involve some commercialization of the beach. Clearly, a section of the beach would need to be identified where the program would take place to minimize conflicts with other beachgoers (presumably away from the pier).

Letters we have received and references checked indicate that, in their previous endeavors, the owners have been very civic minded and well integrated into the business community.

Before proceeding any further in discussions with Alley Oop, the Town Commission's interest in permitting commercial recreational activities on the beach should be determined.

Alley-Oop Skim Inc.
2000 Coastal Hwy Unit 106
Dewey Beach, DE 19971

Jeff Bowman
Kimberly Williams
Development Services
Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

Please accept this letter of request for our company, Alley-Oop Skim Inc., to conduct skimboarding lessons to children and young adults within designated areas along the Lauderdale By The Sea shoreline.

We are currently planning to open our South Florida retail location at 220 East Commercial Boulevard, which will serve as the teaching headquarters for the in-class portion of the lesson.

It is our mission to serve our community providing open access to all levels of skimboarding enthusiasts, encouraging involvement and ensuring safe practice and accountability.

We employ the highest level of professional instructors who nurture the growth and abilities of our clients.

We conduct our business under honest, ethical, professional, diligent values, resulting in outstanding customer satisfaction.

It is our endeavor to contribute to the economic vitality essential to the town's growth.

We operate in accordance with local, state and federal laws, ensuring a safe protective environment, for our clients as well as the fragile shore and sea life.

We offer two types of teaching clinics:

1) Standard Lesson; consists of a combined one- hour instruction and practical application.

2) Extended Lesson; consists of a combined three hours of instruction and practical application.

These lessons will be conducted during non- peak hours, preventing shoreline congestion.

In consideration of beach-goers, our lessons will be conducted at the far north or south ends of the beach, preserving the traditional atmosphere, which Lauderdale By The Sea patrons enjoy and have come to expect.

Please find enclosed our First Aid certification, Insurance and Liability policy, Business Plan and 2010 merchandise catalog.

If you have any questions, comments or concerns, please do not hesitate to contact me.

Sincerely,

Jason Wilson

Corey Mahoney

**ALLEY-OOP SKIM INC.
2000 COASTAL HWY. UNIT 106
DEWEY BEACH, DE 19971
302.227.7087
WWW.ALLEYOOPSKIM.COM**

**Town of Lauderdale-By-The-Sea
Skimboarding Camp & Lesson Proposal**



Alley-Oop

At Alley-Oop it is our mission to promote the sport of skimboarding and maintain a destination where skimboarders can progress and find the equipment needed to do so. Since 2000 we have been providing great programs teaching step-by-step, everything from the basics to the advanced levels of skimboarding. Going into our eleventh season Alley-Oop has grown into one of the most recognized names in the sport. With an extensive offering of services we feel that anyone interested in skimboarding can find what they need with us.

Town of Lauderdale-By-The-Sea

Our goal with opening a new location in Lauderdale By The Sea is to become a home for south Florida's current skimboarders, and to offer an outlet where new youth can enter the sport, similar to how we have done with our current location in Dewey Beach, DE. While progressing our business and the sport of skimboarding we also take pride in community participation, being involved with our town, and positively influencing the areas youth.

In Dewey Beach we currently offer free skim lessons every Saturday of the summer to help the town have more activities for children and young adults to participate in. Alley-Oop is also very active in the local community by attending town-marketing meetings, sponsoring town events, and creating new events that benefit the town such as beach clean-ups, skimboarding contests, and Easter egg hunts. We plan to take on the same role with our business in Lauderdale By-The-Sea and to help the town in whatever way possible.

To enter the market in south Florida and introduce our service we will be opening a retail location at 220 East Commercial Boulevard, which will serve as the headquarters for sign-ups and the in-class portion of our lessons. We would like to offer free Saturday clinics, mini-session camps and lessons on the beach throughout the year in Lauderdale-By-The Sea.

Program Details

All of our programs offer demonstration, instruction, and practical application of skimboarding. Riders are first taught verbally in the shop and on the beach. Next demonstration and practice are given on the sand before hitting the water for application and hands on instruction. Over the past 10 years we have developed a successful system that applies multiple styles of teaching to reach different types of learners. Our services are conducted during non-peak hours to help prevent shoreline congestion.

In consideration of beach-goers, our lessons could be conducted at the far north or south ends of the beach where there are less people, helping to preserve the

traditional atmosphere, which Lauderdale By The Sea patrons enjoy and have come to expect.

Saturday Clinics: Our Saturday Clinics are aimed at getting new people involved with the sport of skimboarding and to offer a free service for the town that promotes healthy recreation for all ages. The one-hour clinics help Alley-Oop to introduce our service, our employees, and to preview how we teach at our camps and lessons. Sign-ups are taken the day of the clinic at our shop or on the beach.

Cost: Free

Ages: All

Proposed Time: 10am-11am

Proposed Dates: Every other Saturday throughout the year

Typical Attendance: 10-20 people

Beach Space Needed: Approximately 30 yards

Set up: Tent, banner, and skimboards

Staff on-site: 5-6

Lessons: For our skim lessons we offer hour long private and group instruction. These lessons attract skimboarders of all skill levels. The private and group lessons are Alley-Oop's most effective form of skim instruction that we offer. Our instructors can focus on each participants learning style and cater their teaching to the individual riders skill level.

Cost: \$75 per hour

Ages: All

Proposed Time: 9am & 5pm

Proposed Dates: Daily

Typical Attendance: 1-6 people

Beach Space Needed: Approximately 10 yards

Set up: None

Staff on-site: 1-2

Mini-Session Camps: The mini session camps are three-hour clinics for three days focusing on the basic beginning steps of skimboarding. These camps offer group teaching in a camp type environment. The mini-sessions are Alley-Oop's most popular offering of our service bundle. Each camper receives a camp t-shirt and discounts at our retail location with sign-up.

Cost: \$200 per session

Ages: 5-16

Proposed Time: 9am -12pm

Proposed Dates: Tuesdays, Wednesdays, and Thursdays

1. December 21-23, 2010

2. December 28-30, 2010
3. March 15-17, 2011
4. April 19-21, 2011
5. April 26-28, 2011
6. May 31- June 2, 2011
7. June 7-9, 2011
8. June 14-15, 2011
9. June 21-23, 2011
10. June 28-30, 2011

Typical Attendance: 8-12 kids

Beach Space Needed: Approximately 30 yards

Set up: Tent, banner, water cooler, and skimboards

Staff on-site: 3-6

Considerations

At Alley-Oop we employ the highest level of professional instructors who nurture the growth and abilities of our clients. We conduct our business under honest, ethical, professional, and diligent values, resulting in outstanding customer satisfaction.

It is our endeavor to contribute to the economic vitality essential to the town's growth. We always operate in accordance with local, state and federal laws, ensuring a safe protective environment for our clients as well as the fragile shore and sea life.

With this proposal we have attached some pictures of our service, letters of recommendation, proof of insurance, and CPR/basic aid cards of both owners.

We look forward to building a strong relationship with the Town of Lauderdale-By-The-Sea. If you have any questions, comments, or concerns please contact us at 302-227-7087 or alleyoopskim@hotmail.com.

ACORD

PRODUCER
FOR SERVICE CALL:
Frazier Insurance Agency, Inc.
 P.O. Box 1250
 Midlothian, VA. 23113
 PH (804) 754-7810 FX (804) 754-7813
 E-Mail JFrazier@FrazierInsurance.com

INSURED **Sports & Recreation Providers Assn. Risk Management, Inc.**

Alley-Oop Skim, Inc.
 2000 Coastal Highway, Unit 106
 Dewey Beach, DE 19971

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY A	Riverport Insurance Company
COMPANY B	
COMPANY C	
COMPANY D	

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CD LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	WRD180030	11-16-09	11-16-10 12:01 AM	GENERAL AGGREGATE \$ 2,000,000.00
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG \$ 1,000,000.00
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$ 1,000,000.00
	OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 1,000,000.00
	<input checked="" type="checkbox"/> INCLUDES ATHLETIC PARTICIPANTS				PIPE DAMAGE (Any one fire) \$ 300,000.00
					MED/EXP (Any one person) \$ 5,000.00
					COMBINED SINGLE LIMIT \$
	AUTOMOBILE LIABILITY				BODILY INJURY (Per person) \$
	ANY AUTO				BODILY INJURY (Per accident) \$
	ALL OWNED AUTOS				PROPERTY DAMAGE \$
	SCHEDULED AUTOS				
	HIREN AUTOS				
	NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY-EA ACCIDENT \$
	ANY AUTO				OTHER THAN AUTO ONLY:
					EACH ACCIDENT \$
					AGGREGATE \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	UMBRELLA FORM				AGGREGATE \$
	OTHER THAN UMBRELLA FORM				\$
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY				INC STATUS-TORY LIMITS OTH-ER
	THE PROPRIETOR PARTNER/EXECUTIVE OFFICERS ARE <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EL EACH ACCIDENT \$
					EL DISEASE - POLICY LIMIT \$
					EL DISEASE - EA EMPLOYEE \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS
 POLICY DEDUCTIBLE: \$0.00 PER EACH BODILY INJURY OR PROPERTY DAMAGE CLAIM.

Alley-Oop Skim, Inc.
 2000 Coastal Highway, Unit 106
 Dewey Beach, DE 19971

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
John W. Frazier



Richard N. Solloway, Mayor
Dewey Beach, Delaware 19971
105 Rodney Avenue
(302) 227-6363
(302) 228-2186 (cell)
Solloway@aol.com

To: The Town of Lauderdale-By-The-Sea
Mayor Minnet
Vice-Mayor Dodd
Commissioner Clotney
Commissioner Sasser
Commissioner Vincent

Friday, September 3, 2010

As the Mayor of the Town of Dewey Beach, Delaware I am pleased to have the opportunity of providing Jason Wilson, Corey Mahoney and the entire Alley-Oop Skim Organization with a letter of recommendation.

I recently attended our nationally recognized 29th annual East Coast Skimboarding Championship here on the beach in Dewey and was pleased to see dozens of competitors taking part in this family oriented event. This event was the direct labor of the Alley-Oop Skim Team and the Town of Dewey Beach was proud to be the host community to such a wonderful family event. There were hundreds of people in attendance. Competitors and their families traveled from many parts of the country to participate in the event. A family from New York who had a son in the competition approached me and said, "You're fortunate to have such a dedicated, professional team living right here in the community. They help put skim on the map". At that moment, I realized it is easy to overlook this fact when it becomes part of my day to day life like it has, but it was nice to reflect on the fact that Jason, Corey and the Alley-Oop Skim Team are world recognized not just for their skimboarding prowess but also for their passion and tireless efforts on behalf of the sport they hold in the highest regard.

This type of success does not come without considerable effort and sacrifice. This is what I have witnessed from Jason, Corey and the entire Alley-Oop Skim Team over many years here in Dewey Beach. 2010 was the 29th year and I'm sure there were many lean years in the early going that the Wilson, Mahoney and Vavala families endured to evolve this event and their sport into one of the

highest quality products our community experiences during our busy summer season. Our community is very proud of their perseverance and dedication to their business and our community.

I have found Jason, Corey and Alley-Oop's integrity, professionalism and ethics to be of the highest quality. Their business is looked to by the community to be a leader and voice for all businesses here in Dewey Beach. I can assure you that Jason, Corey and the Alley-Oop Skim Team will make many fine contributions to the Lauderdale-By-The-Sea Community.

Alley Oop has a long history of community involvement and is always willing to assist with any and all town events. We are a relatively small coastal community here in Delaware and having such a quality group of people bring the passion and professionalism to our community has been a key ingredient to our community's success.

If I can provide any further references, please do not hesitate to contact me.

Sincerely,

Richard N. Solloway, Mayor

SOUTHERN DELAWARE TOURISM
THE CONVENTION AND VISITORS BUREAU FOR SUSSEX COUNTY, DELAWARE

Mayor Rose Ann Minnet
Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

September 2, 2010

Dear Mayor Minnet,

Please let this letter serve as support and testimony to the positive community impact generated by the principals and staff at Alley Oop Skim, Inc. I was very excited to hear of Alley Oop Skim's recent plans to expand its business to Lauderdale-By-The-Sea.

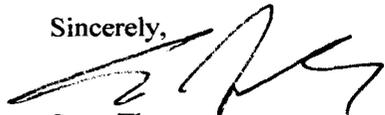
As the official Convention and Visitors Bureau for Sussex County, Delaware, Southern Delaware Tourism is extremely fortunate to have Alley Oop Skim as a tourism partner and unique service provider for visitors to our area. In particular, it is the Alley Oop skimboarding kids' camps that are really a unique offering to those visiting Dewey Beach, Delaware and the surrounding beaches where Alley Oop camps operate.

Alley-Oop Skim Camp was the first camp to teach the sport of skimboarding on the entire East Coast. Over the last 10 years, Alley-Oop has been serving children from our community and those visiting with their families from all over the country. Over 230 children came through Alley-Oop Skim Camp during the summer of 2009. Many of these children were returning campers visiting from Delaware's neighboring states. They came to learn the sport of skimboarding and left with memories that will bring them back to the Delaware beaches for years to come.

Parents travelling to our area with their families love this camp as it enables them to take a break to do something on their own while their children learn a new sport in a fun, outdoor safe environment. In addition to child development, Alley-Oop and its dedicated counselors really help define the personality and culture of Dewey Beach, the East Coast Skimboarding Capital.

As a supporter of Alley Oop Skim and the social and economic benefits that their operation brings to Delaware's beaches, I encourage you and the town of Lauderdale-By-The-Sea to consider starting Alley Oop Skim Camps on South Florida's beaches as well.

Sincerely,



Scott Thomas
Executive Director
Southern Delaware Tourism

cc: Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotney, Commissioner Scot Sasser, Commissioner Chris Vincent, Jason Wilson, Alley Oop Skim Inc.

P.O. Box 240
103 West Pine Street
Georgetown, DE 19947

302-856-1818
(toll free) 800-357-1818
(fax) 302-856-5713

www.visitsoutherndelaware.com