

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

**March 19, 2010**

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 7:04 p.m. by Mayor Samuel R. Cooper on Friday, March 19, 2010 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	Bill Sargent
	Commissioner	Pat Coluzzi
	Commissioner	Kathy McGuiness
	Mayor	Samuel R. Cooper
	Commissioner	Dennis Barbour
	Commissioner	Stan Mills
	Commissioner	Lorraine Zellers

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 with the deletion of the March 5, 2010 minutes. Motion carried unanimously.

**CORRESPONDENCE**

Letter dated March 18, 2010, from Mr. William Klemkowski, Jr. and Ms. Carol Everhart of the Rehoboth Beach/Dewey Beach Chamber of Commerce in regard to extension of the parking meter season.

**APPROVAL OF MINUTES**

Minutes of the February 19, 2010 Regular Meeting were distributed prior to the meeting.

Commissioner Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the February 19, 2010 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 February 2010. There were 16 criminal, 132 traffic and two civil charges made during the month. One traffic crash was investigated. The Dispatch Center handled 112 police incidents, 140 ambulance incidents, 99 fire incidents, 125 traffic stops, assisted other agencies six times during the month, and 9-1-1 calls totaling 261 were received. Nine false alarm incidents were responded to. Twenty-two seasonal officers have been hired for the summer season. Training will begin on April 17, 2010 at 9:00 a.m. Police Chief Banks extended an invitation to Mayor Cooper and the Commissioners to help the seasonal officers. The Polar Bear Plunge this past weekend and was a success.

**REPORT OF THE FIRE COMPANY**

Mr. Chuck Snyder presented the report of the Rehoboth Beach Volunteer Fire Company. There were 99 fire and 140 EMS calls for the month of February 2010. The fire calls, being mostly nuisance calls, were attributed to the storm last month. Mr. Snyder thanked the Public Works Department for helping the Fire Company during the storm. At the March 18, 2010 County Fire Department Meeting, it was announced that FEMA will probably make a declaration for the Fire Company on the fire side. Emergency Services may also receive a declaration. The Fire Company would like to do a test early one evening in the middle of next week for the new siren that has a loudspeaker on it. Police officers, firefighters and ambulance personnel will be strategically located throughout the City to listen to the loudspeaker and report back. The Fire Company has a concern regarding the Brooklyn Avenue access at the Boardwalk and the turning radius for fire equipment. Mr. Snyder will be meeting

with Commissioner Mills and Mr. Mel Craig, Public Works Director, at the access with No. 4 Truck. A contract has been signed for a new pumper to be delivered in June 2010. One of the older pieces was put out to bid and has left the fire station. The truck will hopefully be donated to some firemen in Alabama who are very interested in it. The Fire Company will be able to help some brother firefighters with an older truck that it has gotten rid of. Mr. Snyder reminded everyone that since daylight saving time began on March 13, 2010, the batteries in smoke detectors should be changed out. The Fire Company has free smoke detectors and batteries for anyone who needs them.

## **REPORT OF THE BUILDING AND LICENSING DEPARTMENT**

(See attached report.)

Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for February 2010. During the month, 31 building permits were issued for a value of work totaling \$2,121,526.90. Fees collected totaled \$62,315.40 for the month. Forty-seven permit processing fees were received in the amount of \$940.00. One restaurant application was received in February. One stop work order was issued for no permit and no license. Two stop work orders were issued for no license. No signs were removed from City property. One notice of violation was issued for structural collapse. One notice of violation was issued for suspected structural damage. The Board of Adjustment heard no cases in February.

## **PERMIT OF COMPLIANCE HEARING**

Mayor Cooper opened the Permit of Compliance hearing requested by Richard Steele of RB – Azafran, Inc., to operate a new restaurant with dining on a patio to be known as “Café Azafran”, to serve food and alcohol pursuant to the City of Rehoboth Beach Municipal Code, Chapter 215 – Restaurants and Section 270-19 – Use Restrictions. The restaurant will be located at 18 Baltimore Avenue. Mayor Cooper noted the Permit of Compliance hearing procedures.

Building Inspector Sullivan presented a complete report of her findings based on the application and her knowledge of the Code. (See attached report.) The Applicants have stated that the approximate percentage of revenue between the sale of alcohol and food is 12% alcohol and 70% food. The Application is for a 1,536.75 square foot restaurant with a total of 525 square feet for the patio. In summary, this is an Application from the owner of a new restaurant to be located at 18 Baltimore Avenue. While the ratio of bar to permanent seated dining area is over 25%, the bar area is less than 375 square feet allowed per Code. The Building & Licensing office found this Application to be in compliance with Sections 215-1 through 215-15 of the Municipal Code.

Mr. Richard Steele gave his presentation. He noted that the approximate percentage of revenue for the sale of coffee would be 18%. Mr. Steele and his family have been in a local restaurant business for more than 20 years. Café Azafran is located in Lewes, DE. Mr. Steele would like to expand his business into the City. All three meal periods are served and prepared onsite. There is a basement to the building that is used for utilities only. The apartment will not be used as part of the restaurant and will not be rented out in the future.

Commissioner Mills identified the exhibits: 1. Building & Licensing Report. 2. Notice of Public Hearing. 3. Application. 4. Menu. 5. Floor Plan dated February 16, 2010 which is not being considered. 6. Floor Plan dated March 1, 2010 which is being considered. Ms. Ann Womack, City Secretary, confirmed that the property owners within 200 feet had been notified.

Commissioner Mills said that this is a situation where a commercial retail establishment is being converted to a restaurant. He asked if an upgrade will be done to put floor drains in so grease will not be washed out onto the sidewalks and flow into the storm drains. Ms. Sullivan said that the owner is in the process of doing a complete renovation. Commissioner Mills noted that there is a second floor residential dwelling unit on the west side and a guest house on the other side. One concern for the owner would be to recognize the neighbors and adhere to the noise codes. He read Section 270-19 – Patio Use Restrictions of the Code.

No correspondence was received.

Public Comment:

1. Ms. Jenny Barger of Rehoboth Beach Main Street – in support of. The Board was also in support of Purple Parrot.
2. Ms. Marcia Maldeis, 38 Maryland Avenue – in support of.
3. Mr. Matt Lewinski, address unknown – in support of.

Mayor Cooper closed the public portion of the hearing and called for discussion among the Commissioners.

Commissioner Mills found the following to be true.

1. The proper Application has been filed.
2. The proper fee has been paid.
3. The proper notifications have been made.
4. All parties wishing to be heard have been heard.
5. The primary purpose is that of a restaurant.
6. The Application meets the City's applicable zoning and licensing provisions.
7. The restaurant would not be a detriment to the peace, order and quiet of the neighborhood and the City.
8. The restaurant will not have an adverse impact on neighboring properties or on the City of Rehoboth Beach concerning the impact of traffic, parking and noise.
9. The Applicant has made no false statements to the City employees or Commissioners. The Applicant recognizes the special patio noise requirements.

Commissioner Mills made a motion, seconded by Commissioner Kathy McGuinness, to grant the Permit of Compliance to Café Azafran located at 18 Baltimore Avenue. (Sargent – aye, Coluzzi – aye, McGuinness - aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

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

Chairman Preston Littleton presented the report of the Planning Commission. On March 12, 2010, the Planning Commission conducted its Regular Meeting. The Planning Commission moved that Major Subdivision Application No. 0708-05 (the Oak Grove property) will proceed to Public Hearing to be conducted during its Regular Meeting on April 9, 2010, conditional on the applicant filing all addendums or amendment to the application by March 19, 2010.

### **OLD BUSINESS**

Mayor Cooper called to discuss the proposed revision to the City tree ordinance, Chapter 253 of the City Code.

Commissioner Mills found the topic of mitigation confusing in the tree ordinance, and the Commissioners may need to look at this topic in terms of formatting or organization.

Commissioner Barbour explained that Subsection 5.4 sets forth the requirements for mitigation where it is triggered. Offsite mitigation is essentially used in lieu of planting a tree on a lot which has too many trees or a contribution can be made to the tree fund. Commissioner Barbour will reformat to bring offsite mitigation under the mitigation section.

Commissioner Zellers asked if mitigation is only required for trees that are at least 24 inches in caliper. In other areas of the ordinance, a protection plan is needed for different types of trees whether they are six or more inches in caliper. Commissioner Barbour said that trees of at least 24 inches in caliper are mitigated essentially. All the trees can be cut down within the footprint of a house, and those trees do not need to be replaced unless a tree is 24 inches in caliper. If the tree is 24 inches in caliper, mitigation needs to take place. In the event that a tree is taken down without a permit, a tree of six inches caliper or greater shall be subject to mitigation. In the event that it is not appropriate to plant many trees in a certain space, trees can be planted offsite or a fee in the amount of \$350.00 can be paid.

Mayor Cooper said that it did not seem fair that someone would need to pay because he/she cannot plant trees required by the Code. If a nice tree is taken out, he would rather see that a tree is planted of similar variety and has space to grow than many little trees.

Commissioner Barbour said that if a 24 inch tree is taken out, a three inch tree is planted. In terms of canopy being taken away from the City and what is being replaced, that is part of the problem. Mayor Cooper agreed, but not all of the trees will be taken down at one time so hopefully over a period of time, the canopy would be restored. He is more worried about the species of the tree than to plant crepe myrtles. Commissioner Barbour noted that there are two issues: 1. Twenty-four inches is too large. Someone should have to mitigate for a smaller tree. 2. Whether or not someone should have to buy all those trees, inch for inch. Mayor Cooper said that a 24 inch caliper tree should have a higher standard for it to be removed. There should be a good reason for a tree of that size to be taken out. Planting one tree back in its place is sufficient.

Commissioner Zellers thought that a standard requiring the tree to be a specimen, should be applied to a bigger tree. Ms. Sullivan said that a specimen tree could be called out as a trigger for mitigation.

Commissioner Pat Coluzzi was concerned that if eight trees are planted in an area on a 50'x100' plot, none of the trees will grow because of crowding. Commissioner Barbour said that the fund would be triggered if it is not appropriate for the trees to be put in because of overcrowding.

Commissioner Mills asked if the goal is for the owners to reforest their own properties first, and if the Commissioners want the owners to be the vehicle to reforest the entire City. Commissioner Barbour said that if owners cannot plant all the trees on their lots because it is inappropriate, then the money would be contributed to the tree fund. That fund is used to buy trees which are put on City property. The purpose of the tree fund should be expanded to give trees to people to plant on their property. Mayor Cooper said that everyone should contribute to the fund.

Commissioner Sargent said that the Commissioners have set a standard for the requirement of three trees on a lot. If people have this standard for their lot and a tree needs to be cut down, the City should let them meet the standard and then say that citywide there are different objectives to extend the use of trees. Commissioner Sargent agreed with Mayor Cooper that it would not be good effective policy to put the burden on someone to put trees elsewhere in the City if that person had taken down a big tree. Mayor Cooper said that the burden needs to be spread evenly across groups of people in the City, i.e. residential areas. He was concerned with mitigation being required for the loss of any protected tree of at least 24 inches in caliper.

City Solicitor Mandalas said that where the loss is due to disease or storm, the mitigation should be one inch caliper for replacement to every two inches caliper in tree loss. Commissioner McGuinness thought that this should be changed.

Commissioner Mills said that some people will look at this as a random tree tax which penalizes those who need to take down trees.

Commissioner McGuinness thought that the numbers could be changed for replacement of trees.

Commissioner Sargent said that there are two issues: 1. What a property owner should do to maintain his property. 2. What the Commissioners want for the community. In the latter case, it calls for a City program where the Commissioners want to extend the use of trees. Asking one homeowner who cuts down a large tree to participate in that process does not make sense. It would require a citywide program. For the individual, let him make his lot as attractive as possible within the guidelines.

Mayor Cooper asked how it is fair for one owner who owns a bare lot and builds a house on it, to only have to plant (3) three-inch trees vs. another owner who has to cut down five 24-inch trees because they are in the footprint where the house will be built, to only have to plant (3) three-inch trees. He had received reports that lots were being clear-cut, and there was no effort to save the trees. The tree ordinance should be about a shared responsibility for the trees. Commissioner Sargent thought that there should be a citywide policy. He would have no problem asking the taxpayers to be part of a program where the use of trees is extended to the City. Discussion ensued.

Commissioner Barbour said that since the tree ordinance was adopted, 1,229 trees have been taken down to presumably build houses or put additions on; and only 278 trees have been replaced. There is a loss of canopy equivalent to 1,000 trees. Ms. Sullivan said many trees are planted throughout the City that there is no record of. The lists show the information taken from the permits.

Commissioner Barbour suggested that the mitigation should be tied to the type of the tree. i.e. The mitigation would be less if a preferred tree such as an oak tree is replaced if an oak tree is taken out. Mayor Cooper agreed.

City Solicitor Mandalas noted that in the original Ordinance, the minimum density of three trees is needed. If there are nine trees on a lot and three are taken down, the three initial trees cannot be used to mitigate the three trees being taken down. The three trees still remaining can be used to mitigate the three trees taken down. In that case, no trees would need to be replaced, presuming the caliper is the same, etc. The change to the proposed Ordinance is that the three trees used for minimum density would not count.

Commissioner Barbour suggested that the City should still have the mitigation fund, but it should also have a way to supplement that fund. The \$29,000.00 in the mitigation fund should be spent in terms of encouraging people who do not have trees, to get a tree. Commissioner Sargent agreed.

Commissioner Barbour will meet with Ms. Sullivan and Mr. Onizuk to determine a new mitigation scale to encourage the planting of trees which are wanted. Commissioner Barbour will also look at the tree fund to come up with a way to use the monies to encourage people to plant trees.

Commissioner McGuinness asked in regard to the type of tree, if neighborhoods are being looked at, ie. The Pines, etc. Commissioner Barbour said that he is hoping to get funding to do the first phase of the inventory so the information would be available to do that. This issue will be discussed at the April Workshop Meeting.

Ms. Marcia Maldeis, 38 Maryland Avenue asked if the City is going to use the monies from the tree fund to replace any City trees such as street trees or trees cut down in the park areas. Commissioner Barbour said that the major reason for having the fund was to replace City trees.

Mayor Cooper thought that if the City is going to offer money to people to plant trees which they do not need to under the Code, then a resource should be provided to help them pick the type of tree, etc. Ms. Sullivan noted that Building & Licensing has a list of arborists who are licensed in the City. Mayor Cooper said that there should be some sort of bidding process. Commissioner Barbour will put together a Request for Proposal (RFP).

This item will be placed on the agenda for the April Workshop Meeting.

## **NEW BUSINESS**

Mayor Cooper called to accept the recommendations of the Audit Committee approving the audit as prepared by the auditing firm Barbacane, Thornton & Co., for the City's fiscal year ended March 31, 2009.

City Manager Gregory Ferrese said that the Audit Committee met with Pam Baker, Auditor from Barbacane, Thornton & Company; and it is the recommendation of the Audit Committee that the audit ending March 31, 2009 be accepted.

Commissioner Mills made a motion, seconded by Commissioner Coluzzi, to accept the audit report for the year ending March 31, 2009. Motion carried unanimously.

Mayor Cooper called to award the contract for the Phase II outside amenities at the Rehoboth Beach Museum.

Mr. Ferrese said that on February 25, 2010, sealed bids were opened for the Rehoboth Beach Museum Amenities Phase II Project. Base Bids including an Alternate were received from Clean Cut Interlocking Pavers, John L. Briggs & Co., Darrah's Landscape, and George & Lynch. Mr. Bruce Horne, City Engineer for this project, reviewed all the bids and recommended that the Base Bid and Alternate No. 1 (Seat Wall Lights) be awarded to the low bidder, Clean Cut Interlocking Pavers in the amount of \$164,320.90. Funding for this project will be provided by the Transportation Enhancement Program in the amount of \$120,000.00, State of Delaware Parks & Recreation in the amount of \$28,000.00, and the City of Rehoboth Beach in the amount of \$28,000.00. Some of the remaining \$12,000.00 will be allocated to inspection services. As soon as the bid is awarded, Mr. Horne will contact the low bidder, and the City will set up a pre-construction meeting. Mr. Ferrese recommended that the contract be awarded to the low bidder, Clean Cut Interlocking Pavers.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to award the bid for the Amenities at the Museum to Clean Cut Interlocking Pavers as outlined by the City Manager. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to award the contract for the replacement of the Convention Center air-conditioning units.

Mr. Ferrese said that on March 9, 2010 the sealed bids were opened for the air-conditioning unit in the Convention Center. Bids were received from: 1. Wilfre Co. - \$91,483.00, base bid; \$3,962.00, Alternate 1; \$6,460.00, Alternate 2. 2. Atlantic Refrigeration - \$100,295.00, base bid; \$3,745.00, Alternate 1; \$3,233.00, Alternate 2. After the bids were opened, Atlantic Refrigeration stated that their bid included Alternate 1 and Alternate 2, which made their base bid \$93,317.00. The City engineer on this project, Mr. Don Hocking, discussed Alternates 1 & 2 with Mr. Sam Allen, City Electrician; and Mr. Allen felt that he could handle both those alternates. Mr. Hocking recommended that the low bid be awarded to Wilfre Co. in the amount of \$91,483.00. Alternates 1 & 2 will be performed by Mr. Allen. The City allocated \$105,000.00 for this project in the 2010/2011 Budget. Mr. Hocking advised Mr. Ferrese per the Wilfre Co. letter dated March 18, 2010, that it will take approximately six weeks for the arrival of the equipment. Wilfre Co. can either start the project in early June 2010 or hold the price and start the project November 1, 2010. If the project is started November 1, 2010, the equipment would be ordered and delivered to the City, and the City would pay for and store the equipment. Mr. Ferrese recommended that the low bid from Wilfre Co. be awarded in the amount of \$91,483.00.

Commissioner Mills made a motion, seconded by Commissioner Coluzzi, to award the bid for the

air-conditioning units in the Convention Center to Wilfre Co. in the amount of \$91,483.00 without the Alternates.

Commissioner Coluzzi suggested that this system should be installed in the May or June timeframe because it would be much more efficient and probably would not cost more if the project can be done sooner.

Mr. Ferrese said that the City will pay for some equipment, but the City Engineer feels that the costs will be below \$6,000.00 if the City Electrician performs the work for Alternates 1 & 2.

(Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.)  
Motion carried unanimously.

Mayor Cooper called to consider the Ordinance to amend Chapter 92 of the Municipal Code of the City of Rehoboth Beach by amending Section 92-263, increasing the fees for seasonal parking permits.

Mr. Ferrese recommended that the seasonal transferrable permit be increased to \$200.00 and the seasonal non-transferrable permit be increased to \$175.00.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to adopt the Ordinance amending Section 92-263 of the City Code with reference to parking permits. (Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider the Ordinance to amend Chapter 92 of the Municipal Code of the City of Rehoboth Beach by amending Section 92-80, increasing the penalty to \$110 for violating Article IX of Chapter 92 when a parking meter ticket remains unpaid for 30 days and creating a new fine level of \$150 for tickets remaining unpaid for 60 days.

Mr. Ferrese said that this Ordinance refers to parking meter tickets that have been issued and not paid within 30 days. He recommended that the sum to be paid for a violation should be increased to \$110.00; and if not paid in 60 days, then it should be increased to \$150.00.

Commissioner Sargent suggested that in the future, when the sum to be paid for a violation is turned over to a collection agency, the amount should be much higher so there is a real inducement on the part of the person to pay ahead of time and for the collection agency to work hard so that the City gets more money than at 60 days. Mr. Ferrese, Mayor Cooper and Commissioner Mills were not comfortable with this idea.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to adopt the Ordinance amending Section 92-80 of the City Code. (Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider the Ordinance to amend Chapter 92 of the Municipal Code of the City of Rehoboth Beach by amending Section 92-265, increasing the penalty to \$110 for violating Article XXXVI of Chapter 92 when a parking permit ticket remains unpaid for 30 days and creating a new fine level of \$150 for tickets remaining unpaid for 60 days.

Mayor Cooper said this Ordinance does the same for permit violations as it does for parking meter violations.

Commissioner Barbour made a motion, seconded by Commissioner Mills, to adopt the Ordinance amending Section 92-265 of the City Code. (Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider the Ordinance to amend the Municipal Code of the City of Rehoboth Beach, increasing the civil penalty for violations of Section 198-21 of the Code, Disturbing the Peace, to \$100.

Mr. Ferrese and Police Chief Banks recommended that the civil assessment for disturbing the peace should be \$100.00.

Commissioner Barbour made a motion, seconded by Commissioner Coluzzi, to adopt the Ordinance amending Section 198-21 of the City Code setting the fee for the penalty for disturbing the peace as \$100.00. (Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider the Ordinance to amend Chapter 215 of the Municipal Code of the City of Rehoboth Beach by amending Section 215-13, increasing the application fee for a restaurant certificate of

compliance to \$1,000.

Commissioner Mills made a motion, seconded by Commissioner Barbour, to adopt the Ordinance amending Section 215-13 of the City Code, setting the fee for a Permit of Compliance application at \$1,000.00. (Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider the Ordinance to amend the Municipal Code of the City of Rehoboth Beach, setting the fees for plumbing permits.

Mayor Cooper read the Ordinance. This Ordinance will be added to Section 102-10 which sets the fees for the Building Inspection office.

Commissioner Barbour made a motion, seconded by Commissioner Mills, to adopt the Ordinance amending Section 102-10 of the City Code by adding plumbing fees in Section I.

Commissioner Sargent thought that the language should be clarified about when a plumbing permit should be obtained.

City Solicitor Mandalas recommended that the language should read “[A] plumbing permit shall be obtained for all new plumbing and modifications to a rough-in in the City of Rehoboth Beach. The plumbing permit fee shall be \$25.00 plus \$5.00 per fixture.”

Commissioner Sargent made a motion, seconded by Commissioner Coluzzi, to adopt the Ordinance by amending Section 102-10 with the amended language in Section 1 that Sub-section I would read “Schedule I. A plumbing permit shall be obtained for all new plumbing and modifications to a rough-in in the City of Rehoboth Beach. The plumbing permit fee shall be \$25.00 plus \$5.00 per fixture.” (Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider the Ordinance to amend Chapter 227 of the Municipal Code of the City of Rehoboth Beach by amending Section 227-24, increasing the fees for collection of garbage and refuse by approximately 15%.

Commissioner Barbour made a motion, seconded by Commissioner Sargent, to adopt the Ordinance amending Section 227-24 of the City Code setting new refuse collection rates which are approximately 15% higher than as previously held by the City.

Mr. Ferrese said that the disposal fee for the City is increasing from \$62.50 per ton to \$80.00 per ton. Commissioner McGuiness noted that not all of these fees are being passed on to the consumer. She thought that some of the fee amounts in the proposed Ordinance are not exactly fair to all the businesses as far as what the City charges some businesses vs. other businesses; and this should be discussed at a later time.

Commissioner Coluzzi thought that the carry-out window charges should be revisited at a future date. Mr. Ferrese will provide a list of the businesses with carry-out windows to the Commissioners.

Commissioner Sargent said that for the next budget cycle, the Commissioners should look for inequities, particularly with something like trash handling.

Commissioner McGuiness suggested talking with the workers in the Public Works Department this summer, to see how long they are spending at one place in regard to trash.

(Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider the Ordinance to amend Chapter 220 of the Municipal Code of the City of Rehoboth Beach by amending Section 220-2, increasing water rates by approximately 15% and increasing rates for requests for water turn-on and turnoff, and by amending Section 220-22, increasing the base volume charge from \$1.45 to \$1.67 per 1,000 gallons of metered water consumption.

Commissioner Barbour made a motion, seconded by Commissioner Sargent, to adopt the Ordinance amending Sections 220-2 and 220-22 of the City Code relating to water rates and the fees for turning water on and off both before and after hours. (Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider the Ordinance to amend Chapter 220 of the Municipal Code of the City of Rehoboth Beach by amending Section 220-27 relating to sewer charges, specifically increasing the infrastructure

improvement sewer service surcharge to 20% of the total of each sewer bill.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to adopt the Ordinance amending Sections 220-27 of the City Code relating to sewer surcharge. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to adopt the City Budget for fiscal year April 1, 2010 through March 31, 2011.

Mr. Ferrese distributed copies of the City Budget to the Commissioners for their review and consideration. The revenue is anticipated to be \$13,571,067.00, and the expenditures including a Capital Improvement Program in the amount of \$980,522.00 is anticipated to be \$13,571,067.00. The City has a balanced budget. Included in the 2010/2011 Budget are the increases that Mayor Cooper and the Commissioners adopted. This Budget does not include increasing the parking meter season which is for discussion at a future date. On the expenditure side, it is proposed in this Budget that there be a 2% average wage increase granted to full-time and permanent part-time employees starting October 1, 2010, contingent upon the City receiving the projected revenues. This Budget reflects the decrease in salaries and overtime by implementing revised work schedules, and this Budget does not include layoffs or furlough days. The Budget includes an average 9% increase in hospitalization rates and one marked police vehicle. This Budget does not reflect any monies for Municipal Street Aid. Governor Markel has proposed in his budget, \$4,000,000.00 to be distributed to all municipalities. The City could receive \$90,000.00 of Municipal Street Aid monies that is not in the Budget. These monies could be used for ADA ramping, street paving, purchasing vehicles and street lighting. The City budgeted general fund monies for street lighting. This Budget reflects the increase in tonnage rates by Delaware Solid Waste Authority (DSWA). DSWA will be raising the rates July 1, 2010 to \$80.00 per ton and July 1, 2011 to \$84.00 per ton. The Budget includes donating monies towards the payment of electric at the Museum and giving the library \$12,000.00 to pay towards its utility bills. The Budget includes allocating \$10,000.00 towards way-finding signs and \$10,000.00 towards Main Street advertising, promoting the City of Rehoboth Beach. Allocations for some of the major projects in the Capital Improvement Program are \$275,000.00 for the sewer line replacement at St. Lawrence Street and Lake Gerar; \$70,000.00 for the stormceptor at Country Club Estates; \$40,000.00 for solar panels at 306 Rehoboth Avenue; \$5,000.00 for banners; \$176,000.00 for Phase II amenities at the Museum; and equipment, air-conditioning unit, heater, and part of a roof for the Convention Center. The transfer tax for the month of March to date is \$75,000.00. Also in this Budget are monies allocated for the permitting process for the outfall pipe, Bandstand programs and Parks & Recreation. Mr. Ferrese recommended that the Budget be adopted.

Commissioner Sargent made a motion, seconded by Commissioner Mills, to approve the City Budget for the 2010/2011 fiscal year as presented by the City Manager. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mr. Paul Kuhns, 125 Stockley Street, had received a letter from the Rehoboth Beach/Dewey Beach Chamber of Commerce about the extended parking meter discussion. The Chamber of Commerce had requested that its letter be read at the meeting tonight. Mayor Cooper was aware of the letter and thought it was best to be dealt with this topic when it is placed on a future agenda.

Mayor Cooper called for discussion of changing Commissioners' meeting days/times for reasons including but not limited to scheduling conflict(s)

Commissioner Mills thought that representation and participation are needed at the Sussex County Association of Towns (SCAT) and Delaware League of Local Governments (DLLG) business meetings. The SCAT breakfast meetings are held on the first Friday following the first Wednesday of each month. Because the Commissioner's Workshop Meetings are held the same date and time as the SCAT breakfast meetings, there will not be any attendance from the Commissioners at seven out of the twelve meetings scheduled in 2010. Commissioner Mills asked if there are any solutions that would allow the Commissioners to participate in the Friday morning meetings.

Commissioner Barbour suggested that all of the Mayor and Commissioners Workshop Meetings should be moved to Friday nights to solve the problem. Last year citizens in particular non-residents, were vocally in favor of meetings being held on Fridays and not on Mondays.

Commissioner Mills thought that the Workshop Meeting could be changed from Fridays to Mondays.

Commissioner McGuinness was happy with the way the meetings are set up because it gives everyone an opportunity to attend; but if the Workshop Meetings are to be changed, she recommended that they be held on a different day.



Commissioner Sargent thought that if there are very topical things being discussed at the SCAT meetings and are important to the Commissioners, then one of the Commissioners should go to the SCAT meetings. He did not feel that all of the Commissioners have to attend every Workshop Meeting if there is something else which is important enough. Commissioner Sargent suggested that the Workshop Meetings could be scheduled on Fridays at 1:00 p.m.

Mayor Cooper thought that the meetings should be held at night, not only for the citizens to attend, but for the people who might want to run for office who are trying to hold down a job. He did not particularly like Friday nights because of the parking problem. The SCAT meetings are important and should be attended.

Commissioner Sargent would like to hear comments from everyone, members of the Commission and the public, about possibly rescheduling the Workshop Meetings to Fridays at 1:00 p.m. Commissioner Barbour agreed. Commissioner Sargent liked the idea of the first and third Friday combination for meetings with the Regular Meeting being held in the evening and the Workshop Meeting at 1:00 p.m.

Commissioner Coluzzi said that the problem with dealing with Friday night meetings is parking. It is an issue. The non-residents have to always be afforded the opportunity to attend the meetings. Unfortunately, attendance is always issue driven, and the public will be here no matter what day the meeting is if it is an issue which will affect them. It is important to have the voting meetings at night. Mayor Cooper noted that there are not as many people attending the meetings.

Mr. Tim Spies, 153 Columbia Avenue, said that Friday nights whether non-residents attend or not, give them the opportunity to attend. To change the morning meetings to the afternoon would likely give non-residents the better opportunity to attend. To have one meeting on Friday and one on Monday seems confusing.

Commissioner Zellers' preference was for the Workshop Meeting to be held on Fridays at 1:00 p.m. The opportunity would be there to attend SCAT meetings, and the Workshop Meetings could still be held on Fridays.

Mayor Cooper preferred meetings to be held either in the morning or at night.

This item will be placed on the April Regular Meeting agenda.

## **CITY MANAGER'S REPORT**

(See attached report.)

Mr. Ferrese reported he was informed by Ms. Cara Lampton, State Department of Energy, that \$35,000.00 has been committed to the City, and additional funding can be sought in the Competitive Grant Program which should open no later than April 30, 2010. Mr. Ferrese has contacted Ms. Lampton in regard to meeting in Rehoboth Beach to discuss the solar panel project at 306 Rehoboth Avenue. The Commissioners will be notified of the meeting date as soon as Ms. Lampton has notified Mr. Ferrese. Mr. Ferrese and Police Chief Banks had a good police negotiation session with the union on March 15, 2010, and another session is scheduled for March 25, 2010 in Dover, DE. Commissioner Mills and Mr. Ferrese will be working to finalize the City Newsletter on March 31, 2010, and they intend to mail out the Newsletter by mid-May or sooner. Plans and specifications will be prepared for a new partial roof and heater for the Convention Center. The sanitary sewer line project at St. Lawrence Street and Lake Gerar will begin in mid-April 2010. The banners have been ordered. The City is now gearing up for Easter weekend. In regard to the tree inventory grant, the sub-committee of the granting agency gave the City a favorable review. Representatives of the City who attended the meeting consisted of Mr. Ferrese, Commissioners Barbour and Coluzzi, Ms. Sullivan, Mr. Walter Onizuk, and Mr. Bryan Hall of the Office of State Planning.

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

03/03/10	673	Delmarva Power	\$ 6,537.21 (Street Lights)
03/10/10	674	Delmarva Power	\$ 1,040.32 (Street Lights)

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

## **COMMITTEE REPORTS**

Commissioner Mills, Boardwalk Committee, gave an update of Phase 2 of the Boardwalk Reconstruction Project to the Commissioners. The next meeting will be held on March 24, 2010 at 1:00 p.m. in the Commissioners Room; and items to be discussed are refuse program recommendations on the Boardwalk, signage preferences and a

maintenance program. The status report on the Boardwalk is that the end of Rehoboth Avenue will be open on March 20, 2010. Lights and punch list items still need to be done. Fencing will be put up near the Henlopen Hotel where the lumber is being stored. It is anticipated that the project area from Rehoboth Avenue to the north, will be walkable by Memorial Day 2010, and it is intended that sections will be opened as work is completed. The street ends are being addressed last. Baltimore Avenue has significant reconstruction at the street end. In the south area, all the lights are up and will be turned on when this area is opened. Test boards will probably be installed next week at the Laurel Avenue area. It is anticipated that the Boardwalk will be walkable from Rehoboth Avenue to the south terminus by Easter 2010. There are still some elements that need to be done in the Phase 1 area. A new pavilion has been installed at Laurel Avenue and two new pavilions at Brooklyn Avenue. Two new foot showers need to be installed in the Phase 1 area. In regard to the dune reconstruction, DNREC was building up the dunes last week. Beach grass planting, which is an annual DNREC project, will start at 9:00 a.m. on March 20, 2010.

### **CITY SOLICITOR'S REPORT**

City Solicitor Mandalas gave an update on the Educational/Residential Ordinance. Cape Henlopen School District is happy in a general way with the Ordinance as it has been prepared. City Solicitor Mandalas hopes to share with the Commissioners well before the next meeting if the final details have been worked out. He forwarded an email to the Commissioners saying that in the Silver Nine case, the Board of Adjustment was successful and won the litigation.

### **COMMISSIONER ANNOUNCEMENTS/COMMENTS**

Commissioner Sargent would like for the City to put zebra stripes from Pennsylvania, Oak, Columbia and Lake Avenues across the street on Surf Avenue. A number of people have spoken to him about this issue. Commissioner Sargent will work with Mr. Ferrese on a cost estimate and a diagram of where the crosswalks would be located.

Mayor Cooper announced that he, Commissioner Sargent and Mr. Ferrese attended the Clean Water Advisory Council (CWAC) meeting earlier this month. CWAC held a public hearing on the project priority list. The City was beat out in the points ranking by Kent County. This coming week, the Director of the Division of Water Resources has scheduled a meeting with all the permitting agencies and Mayor Cooper, Mr. Ferrese, and any Commissioners who are interested. Mr. Rip Copithorn of Stearns & Wheeler will be representing the City as well. Mayor Cooper has received a letter with the first two tasks priced out, and an agreement from Mr. Copithorn for the ocean outfall project. Copies will be provided to the Commissioners. This item will be placed on the Workshop Meeting agenda, and hopefully it will be approved at the Regular Meeting.

The next Mayor and Commissioners Workshop Meeting will be held on April 9, 2010 at 9:00 a.m.

The next Mayor and Commissioners Regular Meeting will be held on April 30, 2010 at 7:00 p.m.

### **Discuss items to include on future agendas.**

Topic to be included on a future Workshop Meeting agenda is possible changes in language to the Sign Ordinance.

### **CITIZEN COMMENTS**

There were none.

There being no further business, Mayor Cooper declared the meeting adjourned at 10:04 p.m.

Respectfully submitted,

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**(Kathy McGuinness, Secretary)**