

are welcome to stop by and talk to the officers. The Dispatch Center handled 145 police incidents, 150 ambulance incidents, 43 fire incidents, 183 traffic stops, assisted other agencies eight times during the month, and 9-1-1 calls totaling 263 were received.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

No representatives were in attendance at the meeting to present a 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 January 2011. During the month, 60 permits were issued for a value of work totaling \$1,613,364.91. Fees collected totaled \$40,144.26 for the month. Fifty-six permit processing fees were received in the amount of \$1,120.00. One restaurant application was received in January. Two stop work orders were issued for contractors working without licenses. Two signs were confiscated from City property. One notice of violation was issued for an overflowing dumpster. One notice of violation was issued for a sidewalk in disrepair. The Board of Adjustment heard no cases in January.

PERMIT OF COMPLIANCE HEARING

Mayor Cooper opened the Permit of Compliance hearing requested by Jonathan Spivak of Coastal Cuisine, Inc., to operate a new restaurant known as "Salt Air Restaurant", to serve food and alcohol pursuant to the City of Rehoboth Beach Municipal Code, Chapter 215 – Restaurants. The restaurant will be located at 50 Wilmington Avenue Unit F.

City Solicitor Glenn Mandalas noted the purpose of this hearing, and he read from Section 215-5 of the Code that in reaching their decision, the Commissioners shall consider the following factors including but not limited to:

1. Whether the Applicant has demonstrated that the establishment's primary purpose will be that of a restaurant or dinner theater as defined in this chapter.
2. Whether the establishment meets all the City's applicable zoning and licensing provisions.
3. Whether the establishment would be a detriment to the peace, order and quiet of the neighborhood and the City.
4. Whether the establishment will have an adverse impact on neighboring properties or on the City of Rehoboth Beach considering the impact on traffic, parking and noise.
5. Whether the Applicant has made any false representation or statements to the City's employees or the Commissioners in order to induce or prevent action by the City, not only in regard to the pertinent pending Application under this statute, but also with regard to the issuance of a building permit or business license for the subject establishment.

City Solicitor Mandalas identified the exhibits: 1. Notice of Public Hearing signed by the City Manager and posted by the City Secretary on January 28, 2011. Notice of today's Public Hearing was published in the Cape Gazette on February 1, 2011, Coast Press on February 9, 2011 and Delaware State News on February 2, 2011. 2. Building Inspector's Report dated January 31, 2011. 3. Application for restaurant Permit of Compliance received on January 3, 2011. 4. Two drawings by Oak Construction received on January 3, 2011. 5. Menu. 6. Tax Record. 7. Depiction of the properties within 200 feet that were noticed for this Permit of Compliance Hearing.

Building Inspector Sullivan presented a complete report and her findings were based on the application and her knowledge of the Code. (See attached report.) The Applicant has stated that the approximate percentage of revenue between the sale of alcohol and food is 22% alcohol and 78% food. The Application is for a 3,469.6 square foot restaurant. The bar area is 207 square feet with a ratio of bar to permanent seated dining of .11. In summary, this is an Application to remodel an existing restaurant. There is no patio included with this application. Some of the storage areas have been turned into dining area. The tables in the bar area will remain the same, but the service area will be changed to a seated counter. Some of the tables have been moved around, and the number of permanent seated dining has changed. The overall space remains the same.

Mr. Nino Mantieri of Salt Air Restaurant was in attendance at the meeting. Mr. John Spivak, owner of the restaurant was unable to attend due to illness. The general philosophy behind the restaurant layout is approximately 1/3 for kitchen/service space and 2/3 for public space. Opening the service area to the counter seating area will double the kitchen and increase it to 18% of the total floor plan. They also have a strong

philosophy of connecting with the customers and guests and the ability to interact across to the kitchen, and bringing the kitchen into the dining room to share food and nurture the guests. The kitchen is the heart of any gathering, and they want that to be the feeling of the space. The set hours for dinner are up to 10:00 p.m., and no reservations are accepted. They may push for extended hours at a later date.

There was no correspondence.

Public Comment:

1. Mr. Drexel Davison of Rehoboth Beach Main Street – 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 based on the application and menu submitted.
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 considering the impact of traffic, parking and noise.
9. The Applicant has made no false statements to the City employees or Commissioners.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to issue the Certificate of Compliance to Salt Air Restaurant at 50 Wilmington Avenue Unit F. (Sargent – aye, Coluzzi – aye, McGuinness - aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

REPORT OF THE PLANNING COMMISSION

There was nothing to report.

OLD BUSINESS

Mayor Cooper called to consider adoption of a resolution setting a public hearing on a proposed ordinance that would temporarily suspend the application of Section 270-19(A)(1)(f) of the City Code; allowing expanded hours of use of patios associated with restaurants until January 1, 2012, such time being a test or demonstration period.

Commissioner Mills recused himself based on the circumstances relating to this agenda item and the concerns that have been expressed.

City Solicitor Mandalas said that the proposed Resolution will set a Public Hearing for March 18, 2011 at 7:00 p.m. in the Commissioners Room. The proposed ordinance will temporarily suspend Section 270-19(A)(1)(f) until January 1, 2012 which reads that food service shall be allowed from 7:00 a.m. to 10:00 p.m., and alcoholic liquor service and consumption shall be allowed only from 11:00 a.m. to 10:00 p.m. Patrons must leave the patio by 11:00 p.m. The enforcement of that would be temporarily suspended if the proposed ordinance is adopted.

Commissioner Coluzzi made a motion, seconded by Commissioner Sargent, to adopt the Resolution with reference to suspending the hours of patios. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – recused, Zellers – aye.) Motion carried.

Mayor Cooper called to discuss payment and appeal instructions on City parking tickets.

Commissioner Coluzzi said that at the last meeting, Mayor Cooper had presented sections from the State Code in regard to this subject. She had initially change “summons” to “ticket”, but she agreed that it should be kept as a “summons” based on what is in the City Code. Her reason for making changes to the parking tickets was for putting on the face of the ticket the telephone number to call to pay the ticket by credit card and clearer language regarding the idea that the ticket can be contested by calling. The issue is the number of days for notice, etc.

Mayor Cooper suggested that no substantial changes are made in the fines, etc., and that Commissioner Coluzzi, City Manager Gregory Ferrese and he work on this matter. The consensus of the Commissioners was

to allow them to work on this matter.

NEW BUSINESS

Mayor Cooper called to consider award of contract for Country Club Estates Stormceptor Project for which bids were received and opened on January 27, 2011.

Mr. Ferrese noted that this project is fully funded by the State, and monies have been received from Senator Bunting and Representative Pete Schwartzkopf. The City received 11 sealed bids, and the low bid was received from Bunting & Murray Construction in the amount of \$75,152.70. It is recommended by Mr. Ferrese and the City Engineer that low bid be awarded to Bunting & Murray Construction. The two stormceptors will be located in Country Club Estates, and they will serve Silver Lake.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to award the bid to Bunting & Murray Construction for the two stormceptors in the amount of \$75,152.70. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider approval of a new five-year Beach Concession Agreement with Catts & Lynam.

Mr. Ferrese noted that the contract expired December 31, 2010. Catts & Lynam has provided services to the City in regards to rentals of umbrellas on the beach for approximately 60 years. Mr. Catts and Mr. Lynam are locals and provide an excellent service. Mr. Ferrese met with Mr. Catts & Mr. Lynam and reached an agreement contingent on approval by the Commissioners. The previous agreement was for four years, and they have agreed to a five-year contract. For the 2011 season, they would pay the City \$146,000.00; for 2012, \$150,000.00; for 2013, \$154,000.00; for 2014, \$158,000.00 and for 2015, \$162,000.00. Mr. Ferrese recommended approval of the new agreement.

Commissioner Mills made a motion, seconded by Commissioner McGuinness, to approve the new five-year Beach Concession Agreement with Catts & Lynam. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider an ordinance to amend Section 46-16(I) of the Municipal Code of the City of Rehoboth Beach related to increasing the amount of the longevity bonus for full-time City employees.

Mr. Ferrese provided a brief history of how the longevity bonus was established. An employee receives a longevity bonus of \$650.00 after the fifth year, \$900.00 the tenth year, \$1,150.00 the fifteenth year, \$1,650.00 the twentieth year, and \$2,150.00 the twenty-fifth year and any five years thereafter. When the City negotiated with the Teamsters which represents the Police Department, the increase was one of their requests. The Mayor and Commissioners approved that request for the \$50.00 incremental increase. In the past, the Mayor and Commissioners have stated that every attempt possible will be made for the other employees to get as much as the Police Department gets. This bonus is based on longevity, not on performance.

Mayor Cooper said that this ordinance exists today, and what the proposed ordinance does is to increase each increment by \$50.00.

Commissioner Dennis Barbour was not opposed to the longevity bonus but he thought that generally longevity bonuses encourage people to hang around when a little turnover might be a healthier thing. When people are around for a certain period of time, the City should provide continuing education for what they do. He would rather see the money spent on education purposes to refresh their skills rather than longevity. Commissioner Kathy McGuinness thought that it is a good idea in addition to the longevity bonus.

Commissioner Mills made a motion, seconded by Commissioner McGuinness, to adopt the ordinance increasing the City's longevity bonus by \$50.00 increments.

Mr. Rick Eisenman, 418 Rehoboth Avenue, asked if the City is using software to track productivity or manhours. Mr. Ferrese said that the City does not use software to track productivity, but it does track manhours.

Mr. Michael Scruggs, 316 Laurel Street, asked what programs are in place to monitor or at least measure performance of individuals. Mr. Ferrese noted that the department heads do annual evaluations which are presented to him.

(Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.)

Motion carried unanimously.

Mayor Cooper called to consider an ordinance to amend Section 46-25(A) related to the amount of the employee's contribution to their health insurance coverage.

Mayor Cooper said that at the last Workshop Meeting, a proposed ordinance was presented in regard to this subject. He had redrafted the proposed ordinance into what is currently before the Commissioners. Effectively, each July 1st the City participates in the State group health insurance program which is the same program that covers the State employees. What was negotiated with the Police Department was that the City would cover the first 4% of any increase on July 1st for the annual increase. From 4% to 12%, the increase would be split, and over 12% the City would pick up the entire increase. If health insurance increase less than 4%, there is no increase in the employees' co-pay; if it goes up between 4% and 12%, the employees pay half of whatever the increase is less 4%; and if it goes up over 12%, the employees will pay 4% of the cost of the coverage as an additional co-pay. Mayor Cooper put a table in the proposed ordinance which shows in addition to that currently the employee pays \$20.00 per bi-weekly pay period, an employee and child pays \$30.00 per pay period, employee and spouse pays \$30.00 per pay period, and family coverage is \$40.00 per pay period. Any adjustment would be added to those amounts, and it would be cumulative. It was also added that the health insurance coverage would be through the State of Delaware. The State offers three forms of coverage which are Aetna HMO, Blue Care HMO and Blue Cross Comprehensive PPO. Section 46-27 of the City Code deals with dental care. Mayor Cooper felt that it was appropriate to mention dental care in the health care section as long as there is a separate distinct dental care section in the Code.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to adopt the ordinance amending Sections 46-25(A) and 46-27 in the City Code. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider an ordinance to amend Section 220-27 of the Municipal Code of the City of Rehoboth Beach relating to sewer charges; specifically increasing the infrastructure improvement sewer service surcharge to 35% of the total of each sewer bill.

Mayor Cooper said that there has been a 20% surcharge on wastewater for the planning and ultimate construction of the ocean outfall. It is proposed to be increased to 35% this year. One of the elements is to provide money for the engineering which the City is incurring, and the other element is to gradually increase the rates knowing that there could be an approximate 100% increase before this project is complete.

Commissioner Coluzzi made a motion, seconded by Commissioner Mills, to adopt the ordinance amending Section 220-27 relating to sewer charges. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mr. Walter Brittingham, 123 Henlopen Avenue said that it is not the surcharge for what is to be done which is being paid out of this bucket or for services presently associated with the project. Mayor Cooper said that the funds being collected from this surcharge are being segregated, and currently they are being used to pay for the engineering to date. Those funds will stay segregated and go towards the project. The City bills the larger meters above one inch on a monthly basis, and the one inch meters are billed quarterly. For the quarterly customers, the increase will start on April 1, 2011, but they will not get their bill until July. The April consumption for the monthly customers will be billed May 1, 2011 with the new rate increase.

Mayor Cooper called to consider an ordinance to amend Section 92-73(A) of the Municipal Code of the City of Rehoboth Beach related to parking meter fees, specifically raising those parking meters that are currently \$1.25 per hour to \$1.50 per hour.

Mayor Cooper said that the proposed ordinance changes the section where the meters are \$1.25 to \$1.50 per hour will be the standard rate throughout the City except for the 30-minute meters. The proposed ordinance says that Chapter 92, Section 92-73 of the Municipal Code of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting from Subsection A the term "One-dollar-twenty-five-cents-per-hour" from the first sentence as such term appears there in and inserting in lieu thereof the term "One-dollar-fifty-cents-per-hour" and deleting the term "twelve-minute" from the second sentence as such term appears therein and inserting in lieu thereof the term "ten-minute". The meters affected by the proposed ordinance are located in the second blocks of Delaware and Wilmington Avenues, Baltimore Avenue, First Street, Christian Street, municipal parking lot, Lake Avenue, Martin's Lawn, King Charles Avenue, Second Street, and all the streets from Baltimore Avenue to Hickman Street in the second block.

Commissioner McGuinness said that people will be paying the same no matter where they park. She

thought people should pay more for parking close to the ocean. Commissioner McGuinness was interested in introducing another ordinance to increase the rates for the meters in the prime spots.

Commissioner Coluzzi said that Mr. Ferrese came up with this idea, not the Commissioners. The meters on Rehoboth Avenue accept credit cards and the rates should be increased.

Commissioner Mills said that by bringing all the meters under the same rate, the philosophy of paying more for the premium spaces is gotten away from.

Ms. Carol Everhart of Rehoboth Beach/Dewey Beach Chamber of Commerce said that there is something to be said for consistency because whatever the price is, it is less confusing to visitors. Quarters are as big an issue as the parking price. The Chamber will do a campaign to encourage the businesses to provide more quarters. There are not enough change machines.

Commissioner Coluzzi said that the parking meter system needs to be changed. She would like to go with the pay and display system. All of the meters on Rehoboth Avenue can be gotten rid of and have fewer pay and display stations where credit cards can be used or cash. The situation with the current parking meters is that the replacement parts are not available. A new parking meter system needs to be placed in the Budget for next year.

Mayor Cooper said that there would be major problems with pay and display as it relates to Rehoboth Avenue, and he would like to have a discussion at a later date on this matter.

Mr. Walter Brittingham said that most of the people in this room today will not go downtown and put money in the meters. He suggested that the season needs to be extended, and the price should be less for parking in a metered space.

Mr. Rick Eisenman suggested that parking cards should be used such as the ones used in Miami Beach. Mayor Cooper said that the City cannot absorb the cost of the card.

Mr. Michael Scruggs asked what the expected benefit would be for the increase in the fare, and if there have been any alternative studies performed in regard to extending the season a month. Mr. Ferrese estimated that the additional quarter will bring in \$65,000.00. Commissioner Coluzzi said that the parking study is available on the City website. Mayor Cooper said that nobody has tried to quantify what the revenue would be.

Commissioner Barbour liked the pay and display system, but there are other options too. He suggested that the Streets and Transportation Committee discuss this subject and come back to the Commissioners in time so that they can come up with a recommendation next year.

Commissioner Zellers said that there has been a lot of pushback from business owners; and every time the meter rates are increased there is pushback from tourists as well.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to adopt the ordinance amending Chapter 92 referencing parking meter fees.

Commissioner McGuinness would like to see the Commissioners bring another ordinance forward for the meters that are \$1.50 to be raised to \$1.75.

(Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zeller – aye.)
Motion carried unanimously.

Mayor Cooper called to consider adoption of the City budget for fiscal year April 1, 2011 through March 31, 2012.

Mr. Ferrese presented the Budget for 2011/2012. The revenue is anticipated to be \$14,701,032.00, and the expenditures including a Capital Improvement Program in the amount of \$1,760,671.00 is anticipated to be \$14,701,032.00. The 2011/2012 Budget includes the following increases: 1. Increase Property Taxes from \$1.55 per hundred to \$1.70 per hundred. The increase is approximately 10%. 2. Increase 628 parking meters from \$1.25 per hour to \$1.50 per hour. 3. Increase wastewater surcharge an additional 15%. Mr. Ferrese recommended that the 2011/2012 Budget be adopted. In regard to property taxes, if they are increased approximately 10% it would generate additional revenue in the amount of \$112,500.00. In regard to the parking meter revenue, the Budget includes 628 parking meters being increased to \$1.50 per hour, and the revenue is estimated at \$65,000.00. In regard to expenditures, the Budget reflects an average wage increase of 3% for all full-time and part-time employees. The Budget reflects an 8% increase in hospitalization rates with the City

employees to contribute 2% towards the 8%. Mayor Coor and Mr. Burt Dukes were instrumental in refinancing the \$6,000,000.00 loan to get it from 4.3% fixed rate down to 3.5% fixed rate which reflects a savings of the principal and interest on that loan. The City budgeted for emergency contingency in the amount of \$104,600.00. In regard to the Alderman, the Budget reflects the bi-weekly pay in the amount of \$1,200.00. The City budgeted a part-time employee to work 40 hours per week from May 1st through September 30th during the late night shift in regard to enforcing the sign ordinance, noise ordinance, merchandise on the sidewalks after 5:00 p.m., construction after hours, etc. The Budget includes a total compliment of 18 in the Police Department including the Police Chief. The Budget also includes replacing four full-time employees due to vacancies in the Streets & Refuse Department. The Budget includes the recycling program with 1,172 customers. It also includes an increase at the landfill of \$82.00 per ton starting July 1, 2011. The Budget also includes tree pruning and landscaping. This Budget also reflects an increase in the account due to data received in the tree inventory report. The Budget includes a donation of \$7,000.00 towards the Sister Cities Program. The Budget reflects the wastewater outfall cost towards the total cost of the outfall pertaining to permitting at this time. The City has a large Capital Improvement Program at approximately \$1,800,000.00 with \$500,000.00 being a grant received for a new roof and windows for the municipal building, minor improvements to the Senior Citizens' Center, solar panels and minor improvements to the Public Works garage. The Program also includes \$200,000.00 to upgrade the Baltimore Avenue restrooms.

Commissioner McGuiness suggested that the Property Tax should be increased to higher than 10% in order to earmark funds for the municipal complex.

Commissioner Sargent asked if the Commissioners could agree to amend the Budget to reflect that the Property Tax increase will go into a fund which is strictly to be used for the municipal complex. To put in the Property Tax without earmarking it towards this is wrong. A Property Tax increase is put in when there is a real purpose for it.

Commissioner Coluzzi suggested that 5% in addition to the 10% reflected in the Budget could be set aside for the municipal complex and police station.

Commissioner Barbour said that he sees these types of increases going to pick up the slack on increases with personnel and also the things that he has wanted to see the City do but they were not budgeted such as cleaning up Central Park, sidewalks, etc.

Mayor Cooper said that he is not averse to raising taxes if the needs are identified, but this government can and will spend every dollar it can get its hands on.

Commissioner Zellers said that this is a fair Budget, and the Property Tax is minimal. She likes the fact that the City does not depend so heavily on the Transfer Taxes because they are too variable. In regard to the 10% Property Tax increase, the Commissioners know what it will be used for.

After a lengthy discussion, the Commissioners agreed that the additional 5% Property Tax increase would be put aside for plans to renovate the municipal complex/police station. This 5% would be in addition to the 10% Property Tax increase reflected in the Budget.

Commissioner McGuiness made a motion, seconded by Commissioner Barbour, to adopt the City budget for fiscal year April 1, 2011 through March 31, 2012 adding an additional 5% increase in taxes to be set aside for capital improvements and the municipal complex.

Commissioner Mills said that Commissioner McGuiness is indicating an increase of the Property Tax from 10% to 15% with 5% being earmarked for this year.

Commissioner Barbour said that the VIA has requested a donation of \$25,000.00, and he would like to discuss this matter.

Commissioner McGuiness withdrew the motion and Commissioner Barbour withdrew the second.

Commissioner Barbour asked if the Budget has the flexibility for the Commissioners to visit the VIA issue. If the Budget is approved and it constrains the Commissioners from donating \$25,000.00 for the VIA, then he would like to discuss it before the Budget is adopted. Commissioner Coluzzi said that there is a contingency line item that can be used for that purpose.

Commissioner Barbour made a motion, seconded by Commissioner Zellers to adopt the budget presented by the City Manager.

Commissioner McGuiness made a motion, seconded by Commissioner Coluzzi, to amend the motion to put an additional 5% in the Budget to the line item for the Property Taxes to be earmarked for the municipal building.

Discussion ensued regarding earmarking funds, plans and costs for the municipal complex.

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

Commissioner Barbour made a motion, seconded by Commissioner Coluzzi to amend the existing motion to include a donation of \$25,000.00 for the VIA's building program.

Commissioner Zellers said that the VIA has made wonderful contributions to the community, but it is a private member organization; and she is uncomfortable putting \$25,000.00 of the City's money into a building fund that most people will not be able to use. She will be voting no for those reasons. Mayor Cooper agreed. The City should not be collecting taxpayers' money to give to an organization that has a closed membership. Commissioners Sargent and McGuiness agreed.

Commissioner Mills said that at the last Budget meeting, there was a substantial conversation about this subject; and the consensus except for Commissioner Barbour was to not donate to VIA. He will be voting no based on the reasons talked about at the last Budget meeting which are essentially what Mayor Cooper and Commissioner Zellers spoke about.

Commissioner Barbour noted the reason why he supports this is because it is consistent with what the City does such as the library and other places where the City gives inkind staff support. The museum charges an admission fee so it is essentially a private organizational thing. He felt that the Commissioners had some precedent for donating to VIA.

Commissioner Coluzzi said that in the beginning the VIA has made substantial contributions to the citizens in the City, but now it has gotten somewhat away from that. This has been a concern of hers.

(Sargent – no, Coluzzi – no, McGuiness – no, Cooper – no, Barbour – aye, Mills – no, Zellers – no.) Motion was defeated.

The motion reverted back to the original motion to adopt the budget with one amendment to put an additional 5% in the Budget to the line item for the Property Taxes to be earmarked for the municipal building. (Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to discuss possible anti-smoking initiatives.

Commissioner Mills reported that he had made a presentation at the last Workshop Meeting, and the presentation and supporting documents have been put on the City website. There is a correction he made to the report online, and that is relative to Bethany Beach having a smoking restriction for 1.5 years. What he had put in the report is that it was voted on to amend the original restrictions to include year round prohibition of smoking on the boardwalk. Commissioner Mills corrected it on the plan. Bethany Beach is yet to vote on extending the hours for a smoking restriction from summertime only to year round. He mentioned that there are grant opportunities from the American Lung Association, and the deadline is coming up soon. Possible options were discussed for smoking restrictions. Commissioner Mills' intention was to allow more time for public input and put this topic on a future agenda. Need public input. Need public outreach.

Commissioner Zellers said that public input is needed for looking at any type of widespread ban. There would be support from most people for banning smoking at the tot lots, playgrounds, etc. In regard to the beach, there should be public outreach.

Commissioner Barbour said that there are a number of suggestions in the adopted Comprehensive Development Plan (CDP) that the City should be doing. The Commissioners should be focusing on those matters. He would to see this done as a voluntary thing to declare Rehoboth Beach as a smoke free zone in the entire City; but not to legislate it and make it punitive. Once this would be legislated, there would be enforcement issues and who would enforce it. There would also be an issue with setting aside public places for smoking.

Commissioner Coluzzi said that it would be easy to move forward with the parks and tot lots to ban

smoking from those areas. As far as the beach, Boardwalk and other areas of the City, she would like to lean towards a smoke free zone; and in a suggestive way, try to get people to move towards that goal. Commissioner Coluzzi would like to see how it works for other municipalities.

Commissioner Mills said that the City of Lewes implemented parks only; and Bethany Beach implemented parks, tot lots, beach with designated areas and the boardwalk. The beach and the boardwalk are summertime hours only restrictions, and the parks and tot lots are year round. Bethany Beach is re-examining the boardwalk to see about extending it to year round.

Mayor Cooper said that the tot lots can be justified. He did not know how smoking can be taken off of the Boardwalk and beach if smoking is not taken off the streets. Mayor Cooper said there is tyranny of the majority over the minority, and he asked if it is a big enough problem to do something about it.

Commissioner Mills said that representatives from the American Lung Association contacted the Commissioners by email regarding grant opportunities for anti-smoking initiatives. A presentation was also made at the SCAT meeting.

Commissioner McGuiness suggested that discussion of areas for establishing smoking restrictions should be a future agenda item.

Mr. Rick Eisenman voiced concern with people who smoke whom congregate around restaurants, and it is the obligation of restaurant owners. Commissioner Barbour said that people cannot smoke in restaurants so they have to go out on the street.

This subject will be placed on a future agenda.

CITY MANAGER'S REPORT

(See attached report.)

City Manager Gregory Ferrese reported that sealed bids will be opened on March 9, 2011 at 1:31 p.m. in regard to the grant from the Delaware Forest Service in the amount of \$28,331.00. A pre-bid meeting is scheduled for February 23, 2011 at 9:00 a.m. regarding the new decking around the Delaware Avenue restroom. Sealed bids will be opened on March 10, 2011 at 2:00 p.m. A pre-bid meeting is scheduled for February 24, 2011 at 10:00 a.m. regarding a new boiler in the Municipal Building. Sealed bids will be opened on February 24, 2011 at 1:31 p.m. In regard to the City's Energy Competitive Grant in the amount of \$500,000.00, the City engineer and architect are preparing the plans and specifications. It is anticipated that this project should be bid by early May 2011 or sooner. On March 2, 2011 at Bridgeville Public Library, Mr. Ferrese and Commissioner Coluzzi will be attending a kickoff event for Sussex County in regard to projects funded by the Federal Energy Efficiency and Conservation Block Grants.

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

01/12/11	685	Delmarva Power	\$7,165.43 (Street Lights)
01/26/11	686	Delmarva Power	\$1,473.51 (Street Lights)
02/09/11	687	Delmarva Power	\$7,165.43 (Street Lights)
02/09/11	688	Daft McCune Walker, Inc.	\$ 765.00 (Sidewalk Ramp)
02/09/11	689	Delmarva Power	\$1,076.31 (Street Lights)

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

COMMITTEE REPORTS

There was nothing to report.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Mayor Cooper reported that refinancing of the general obligation bonds has been done. The interest rate was decreased to 3.42% from 4.28% in regard to the \$4,500,000.00 loan. The interest decreased to 2.98% from 4.28% for the water tower loan with less than two years left on the loan.

Commissioner Mills reported that beach nourishment may start in April 2011. Mr. Tony Pratt had conveyed

that DNREC is committed to doing its best to make sure no work is done between Memorial Day and Labor Day. Within the next month, DNREC and Army Corps of Engineers will measure the areas to determine how much sand is needed. Mayor Cooper said that this will not be a full re-nourishment. This was money appropriated from the storm in November 2009 to restore the beach to the condition it was before the storm. Commissioner Mills commented that DNREC is not holding beach grass planting in Rehoboth or Dewey Beach this year.

Discuss items to include on future agendas.

Topic to be included on a future agenda is the approval for the Sussex Street proposal.

CITIZEN COMMENTS

There were none.

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

There being no further business, Mayor Cooper declared the meeting adjourned at 9:35 p.m.

Respectfully submitted,

(Kathy McGuinness, Secretary)