

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

March 16, 2012

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 7:02 p.m. by Mayor Samuel R. Cooper on Friday, March 16, 2012 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

City Solicitor Glenn Mandalas gave the invocation that was followed by the Pledge of Allegiance.

ROLL CALL

Present:	Commissioner	Patrick Gossett
	Commissioner	Bill Sargent
	Commissioner	Pat Coluzzi
	Mayor	Samuel R. Cooper
	Commissioner	Stan Mills
	Commissioner	Lorraine Zellers
	Commissioner	Mark Hunker

Also in attendance were: City Manager Gregory Ferrese
City Solicitor Glenn Mandalas

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the Agenda with the deletion of the March 5, 2012 Mayor and Commissioners Workshop Meeting minutes. Motion carried unanimously.

CORRESPONDENCE

1. Letter dated March 15, 2012 from the Residents of Scarborough Avenue Extended – Russell Zint, Bonnie Hardy, Paul Hardy, Toni Sharp, Marcia Schieck, Rich Hanewinckel, Jon Worthington, Bryan Houlette, Libby Stiff, Bea Wagner, Jeff Weizer, John Bisch, Carl (Buddy) Pierce, Mark Gingras, Lee Roy Candilaria, Frank Cooper, thanking the City and in particular City Manager Greg Ferrese for the assistance they received on their beautification project at the end of their street adjoining Silver Lake.
2. Email dated March 15, 2012 from Tom McGlone, 318 Laurel Street, referring to an email from Joanne Hess and Save Our City. In the body of the email was an item related to an increase in the infrastructure improvement sewer service surcharge to 50%. Mr. McGlone voiced concern that he had not seen any future cost impact to his sewer bill outlined and ask if he could be told what the future estimated cost impact of the outfall project will be to the average homeowner in the City and when it would occur. His concern was that this information should be disseminated to all City property owners prior to any work being started.

APPROVAL OF MINUTES

Minutes of the January 20, 2012 Executive Session and February 17, 2012 Regular Meeting were distributed prior to the meeting.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the January 20, 2012 Mayor and Commissioners Executive Session minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the February 17, 2012 Mayor and Commissioners Regular Meeting minutes as written. (Gossett – abstained, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried.

REPORT OF THE POLICE DEPARTMENT

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of February 2012. There were one criminal, 159 traffic and one civil charges made during the month. Five traffic crashes were investigated. The hiring process of the seasonal officers has been completed with 24 officers being hired. Training of the officers

begin April 13, 2012 and will continue the following three weekends. Police Chief Banks invited the Mayor and any Commissioners to speak with the seasonal officers on April 14, 2012 between 8:00 a.m. to 9:00 a.m. The Dispatch Center handled 221 police incidents, 189 ambulance incidents, 51 fire incidents, 155 traffic stops, assisted other agencies two times during the month, and 9-1-1 calls totaling 281 were received. Mayor Cooper announced that Police Chief Banks' son had an induction as an Eagle Scout on March 11, 2012.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

Mr. Walter Brittingham of the Fire Company noted that the Commissioners will be receiving a letter next week regarding the "silent policeman" that will possibly be placed in the middle of the roadway.

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for February 2012. During the month 59 permits were issued for a value of work totaling \$2,163,561.59. Fees collected totaled \$53,696.34 for the month. Sixty-four permit processing fees were received in the amount of \$1,280.00. One restaurant application was received in February. Three stop work orders were issued for contractors working without licenses. Two stop work orders were issued for contractors working without permits. One stop work order was issued for construction material in a park. One stop work order was issued for no tree protection. Six notices of violation were issued for signs on City property. Two notices of violation were issued for putting trash out too early. One notice of violation was issued for a freestanding sign. One notice of violation was issued for a temporary banner. The Board of Adjustment heard no cases in February. In addition, the Building & Licensing Department has begun the restaurant floor plan inspections; and four inspections have been done to date. Two inspections are scheduled for next week. All the restaurants which were inspected have been compliant with the approved plans from the Permit of Compliance hearings. There has been excellent cooperation with regard to the 9-1-1 addressing. Two hundred fifty-three letters were sent out to property owners, and 149 have fixed their addresses. Sidewalk repairs are being done throughout the City.

PERMIT OF COMPLIANCE HEARING

Mayor Cooper opened the Permit of Compliance hearing requested by Susan Wood of The Cultured Pearl Inc. to modify the floor plan of an existing restaurant with patio "The Cultured Pearl", pursuant to the City of Rehoboth Beach Municipal Code, Chapter 215-11 – Modifications of Floor Plan and 270-19(A) – Use Restrictions; Patios. The restaurant is located at 301 Rehoboth Avenue. Mayor Cooper noted the Public Hearing procedures for this hearing.

City Solicitor Mandalas noted the purpose of the 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 the 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 posted by the City Secretary on February 22, 2012. Notice of today's Public Hearing was published in the Cape Gazette on February 28, 2012, Coast Press on February 29, 2012 and Delaware State News on March 1, 2012. 2. Application for a Restaurant Permit of Compliance, notarized on February 17, 2012 and received on February 17, 2012. 3. Building Inspector's Report dated March 9, 2012. 4. Property and Placement Survey dated February 11, 1984 and received on February 17, 2012. 5. Menu received February 17, 2012. 6. Dessert Menu received February 17, 2012. 7. Photographs of the chairs for the proposed sushi bar. 8. Second Floor Architectural Drawing dated November 1, 2006 and received February 17, 2012. 9. First Floor Architectural Drawing dated November 1, 2006 and received March 8, 2012. 10. Second Floor Architectural Drawing dated November 1, 2006, revised February 17, 2012 and received February 17, 2012. 11. Depiction of the properties that were notified for this

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 18% alcohol and 82% food. The Application is for a 6,948 square foot restaurant with a 729 square foot patio. In summary, this is an Application to make modifications to an existing restaurant. The Board of Adjustment approved a variance on December 15, 2006 to allow a restaurant to exceed the 5,000 square foot limitation by 1,948 square feet. The Mayor and Commissioners approved the original Permit of Compliance on December 18, 2006. The modifications include swapping the sushi bar and the bar area and adding a stage and dance floor, changing the hallway to accommodate bus areas and customer access, and removing some pond areas. No additional square footage is proposed, and there will be no changes to the patio. Also included with the report were the Minutes of the Mayor and Commissioners Regular Meeting held in December 2006.

Ms. Susan Wood was in attendance at the meeting. This application is a culmination of a wish list of things she hopes to accomplish sometime within the next year. Ms. Wood was unsure if all of the changes will be made this year. A see-through fireplace between the patio and the inside of the restaurant is proposed, but she was unsure if the Fire Marshal will allow it. Ms. Wood is proposing to have live music in the restaurant with a stage and dance area. The sushi bar will be switched with the regular bar. She was unsure if a water wall will separate the bar from the dining room. The stage area would possibly look like a pearl. The cooking hood will remain over the proposed bar area. The first thing to be done will be to take the waterfall out and create handicap access from the elevator into the dining room without sending handicap and wheelchair accessibility through the bus station area. The last thing to be done will be to change the sushi bar with the bar. The top part of the new windows near the fireplace will be operable. The idea is for the people who do not want to hear the music to be able to go outside. The tea room which is a meeting room will also be moved. Everything is expected to be done by Memorial Day Weekend 2012 except the windows to the outside and the fireplace.

Correspondence:

1. Letter dated March 13, 2012 from Mrs. Nancy Meadows, 506 New Castle Street – in support of .

Public Comment:

1. Ms. Ellen Marcus, 73 Sussex Street, asked if Ms. Wood is trying to hold onto the clientele that she has, if she is looking to expand the population of people being served. The reasoning for her question had to do with traffic and parking.

Ms. Wood responded that her restaurant would not be getting bigger, and no more seats would be added. More people would be spread out over different hours. She did not think that parking would increase.

2. Mr. Walter Brittingham, 123 Henlopen Avenue – in support of.

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

Commissioner Sargent found the following to be true:

1. The proper Application and supporting documents have 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 considering the impact of traffic, parking and noise.
9. The Applicant has made no false statements to the City employees or Commissioners.

Commissioner Sargent made a motion, seconded by Commissioner Mills, to approve the Permit of Compliance request of The Cultured Pearl Inc. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

REPORT OF THE PLANNING COMMISSION

Mr. David Mellen presented the report of the Planning Commission. The Regular Meeting was held on March 9, 2012. The Planning Commission welcomed newly appointed member, Lynn Wilson. There were no new subdivision applications before the Planning Commission, and the meeting was devoted to receiving reports and continuing ongoing work. The Planning Commission received an update on the status of the 2 St. Lawrence Street appeal. Mr. Francis Markert updated the members on the status of the analysis of subdivision review costs that he had been carrying out at the request of the Planning Commission. Chairman Preston Littleton and Mr. Markert will schedule a meeting with Mayor Cooper and City Manager Gregory Ferrese to discuss this further. Work continued on drafting two Code amendments to address issues related to major subdivision bonding requirements and the codification of current Code merger provisions. The Planning Commission reviewed the new application/exhibit logging system developed by Mr. Mellen and Ms. Ann Womack, City Secretary that has been recently implemented.

OLD BUSINESS

There was none.

NEW BUSINESS

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

City Manager Gregory Ferrese distributed a copy of the recommended 2012/2013 Budget for the Commissioners' review and consideration. The revenue is anticipated to be \$15,686,247.00, and the expenditures including a Capital Improvement Program in the amount of \$1,357,300.00 is anticipated to be \$15,686,257.00. The 2012/2013 Budget includes the increase of the wastewater surcharge an additional fifteen (15) percent. The monies for the wastewater surcharge are allocated towards the permitting and the plans and specifications for the ocean outfall project which is required to be completed by 2014. The Budget reflects an average wage increase of 3% for all full-time and part-time employees starting April 1, 2012. The Budget reflects an increase of 8% in the hospitalization rates with the City employees to contribute 2%. Notification from the State was received on March 15, 2012 that the hospitalization rates will not increase from July 1, 2012 through June 30, 2013. The Treasurer and Assessor's Account was increased due to the fact that a professional assessor will be hired to assess all building improvements. Also allocated was \$140,000.00 in the contingency account. This money is only to be used in emergency situations. The Budget also reflects hiring a part-time employee in the IT Department at 24 hours per week. Monies have been allocated in the Budget for website maintenance, GIS updates to mapping and hurricane software. The Budget also includes hiring one full-time employee in the Building & Licensing Department. In the Police Department, the Budget includes one new marked police vehicle. In regard to recycling, the City pays for it and presently there are 1,600 customers. The rate is \$1.10 per pickup. This summer the City is implementing the cell phone Parkmobile system. It is anticipated that the collection fee will be \$80,000.00. The estimated cost of the cell phone transaction fee is \$105,000.00. The Budget reflects the cost in amount of \$102,000.00 to implement the T2 hardware and software system. In regard to capital outlay, \$5,000.00 is allocated for signs in the Parking Meter Department. Monies are allocated for the museum in the amount of \$10,000.00. The City also pays for the museum's electric bill. In Capital Improvements, there is a list in the amount of \$1,357,300.00. Mr. Ferrese recommended that the 2012/2013 Budget be adopted.

Commissioner Hunker noted that there are projects with regard to beautification, replacement of the banners and Rehoboth in Bloom. There is concern regarding the re-assessment. Communication is key; and before the money is spent it is important that the community knows about it is and what the affect will be. For the City, the re-assessment will be revenue neutral, but for the property owners it will not be revenue neutral. A process is needed for appeals. Currently, the Commissioners would hear appeals with guidance from whatever firm is hired. There should be a Request for Proposal (RFP) process. Spending these kind of dollars and affecting every property owner should not be done in a budget process. It should be done in an open public hearing and should be discussed and then decided upon. Doing the people's business is not a line item, it should actually be a discussion.

Commissioner Zeller noted that one project will be a demonstration rain garden in front of City Hall. The Center for the Inland Bays has a 1,000 rain garden initiative to process and filter stormwater. Hopefully there will be an education piece to it with a sign that has information on how the rain garden is done. Rehoboth in Bloom will touch on the urban forest plan and the parks. People will be needed to help with plantings, watering, etc.

Mayor Cooper suggested that the re-assessment matter should be placed on a future agenda for discussion.

Commissioner Bill Sargent made a motion, seconded by Commissioner Mills to adopt the budget for the upcoming fiscal year as presented by the City Manager. (Gossett – aye. Sargent – aye. Coluzzi – aye. Cooper – aye. Mills – aye, but he recused himself from line item 10-108-5065 for the reasons stated in a previous Budget meeting. Zellers – aye. Hunker – aye.) Motion carried.

Mayor Cooper called to discuss the potential for additional protections and requirements for construction in and around the City's lakes.

Mayor Cooper said that this matter came as a direct result of a petition which was presented and read at the March 5, 2012 Workshop Meeting. The Commissioners had at that meeting agreed to discuss at the next meeting what the potential for additional protections and requirements for construction in and around the City's lakes.

Commissioner Pat Coluzzi thought that the Commissioners need to make a decision to move forward with a plan to protect the City's lakes. One thing she would like to see happen is a moratorium of any type of building around the lakes until the Planning Commission has gotten back to the Commissioners, and they have decided on how to move forward with this matter.

Commissioner Gossett read a resolution he had drafted with regard to the City's lakes. The purpose of the resolution is to develop ordinances and regulations which will protect the environmental health, beauty and enjoyment of the City's lakes for all citizens. Because the City's Comprehensive Development Plans (CDP) of 2004 and 2010 specifically call for ordinances which would create a buffer zone around Silver Lake and other measures to ensure the health of the City's lakes, the City Commissioners resolve that the Planning Commission develop proposed ordinances to provide for such a buffer zone, setbacks or other measures to protect the City's lakes. The Planning Commission will be expected to consider and make recommendations concerning the most effective means of protecting the City's unique lakes with particular focus on Silver Lake. The Planning Commission will establish a method of obtaining appropriate involvement from the citizens of the City and the general public during the process of researching and drafting the ordinances and regulations. The interests of property owners to appropriately use their property should be balanced with the interests of other citizens to enjoy the beauty of the lakes. The Planning Commission is charged to conduct research, examine and recommend to the City Commissioners one or more ordinances and/or regulations to protect the City's lakes, including but not limited to regulating residential development around them. In its research, the Planning Commission shall review the effectiveness of existing and established buffer zones and other protective measures from the region and around the country to determine what ordinances and regulations, policies or powers create effective protection of lakes and how much elements may be best incorporated into the ordinances and regulations of the City. The Planning Commission is encouraged to contact administrators or Commissioners from other communities and to use additional resources as needed to gain knowledge of the inherent impacts and benefits of such ordinances and regulations. Such ordinances may incorporate determination of the environmental and aesthetic impact of structures and their relationship to the character of the surrounding area; amendment to Site Plan Review as provided for in Section 236-30 of the Code which would provide for such review for any structures built on property bordering lakes or the buffer zones around them; regulations setting out a buffer zone or setback around Silver Lake prohibiting or restricting construction or setting standards or guidelines for location of and exterior features of structures; the effect of structures and buffer zones around the lakes on the health, safety and general welfare of the City. The Planning Commission shall make recommendations regarding, and shall demonstrate the significant benefits of any proposed ordinances or regulations include the proper powers of City Commissioners or other regulatory bodies to effectively implement any new ordinances or regulations; the resources required for effective enforcement of any recommended ordinances or regulations, as well as effective communication to and education of the citizens of Rehoboth Beach regarding such ordinances and regulations; further steps to be taken in concert with DNREC and other State agencies, Sussex County and Dewey Beach to protect the health and enjoyment of Silver Lake. The Planning Commission shall make a written report of their findings and recommendations to the City Commissioners within 90 days of the passage of this resolution. Monthly reports on progress of the Planning Commission shall be made to the City Commissioners by the Planning Commission Chairman or his designee at each regular meeting of the Mayor and Commissioners.

Commissioner Patrick Gossett made a motion, seconded by Commissioner Coluzzi, to adopt the resolution as presented.

Mr. Brittingham, 123 Henlopen Avenue, said that the Commissioners do not have the authority to regulate people on the other side of Silver Lake who do not live in the City to review their building plans. There is no way for people to know about the building permits that are issued.

Mayor Cooper said that this would be exclusive to the construction within the City.

Commissioner Gossett said that this is something which needs to be addressed.

Commissioner Mills noted that he has not had adequate time study this resolution and re-read the CDP. He will be voting against the resolution strictly for the process. Commissioner Mills disfavored having a first reading on a proposed ordinance, amendment or resolution added to a first introduction to the public and a vote all in one session on important issues. He supported additional study and measures for the health of all the City's water bodies. The process has not allowed him more opportunity to talk about this before the finalized resolution was made.

Commissioner Sargent suggested that the resolution be shortened, but the intent of the resolution is appropriate. Commissioner Coluzzi agreed. The proper way to move forward is for the Planning Commission to do the research and make recommendations. Commissioner Zellers agreed with remanding it to the Planning Commission to do the research, make recommendations and then return to the Commissioners for their review and final decision.

Commissioner Sargent said that there is another serious problem with runoff silting into the lakes. He hoped the resolution is broad enough for the Planning Commission to address this issue too.

Commissioner Hunker said that the resolution is well written, and now is the time to get this done. He asked what the next step is for anyone who may want to challenge the matter which is currently before the Board of Adjustment. City Solicitor Mandalas reminded the Commissioners to stay focused on the resolution.

Ms. Sally Forman, President of Save Our Lakes Alliance, said that there is a piece of property where the boundary of the shoreline is in question. It will forever be in question if the problem is not addressed. The Commissioners have not shown leadership on this issue. The CDP has been out there as a working plan that maybe should have rung in someone's ear when the proposal for this particular property was presented because it has no semblance to what the Commissioners' intention is for the CDP.

Ms. Marty Cochran, one of the appellants to Lot 6 Silver Lane, said that if the Commissioners agree to discuss the issue with Lot 6 and act on it, the appellants will withdraw their appeal. They are appealing this because the City has not taken ownership of this problem. The minute there was a problem with the wall rising up in the water, the appellants called the Building Inspector's office, Mr. Ferrese and Mayor Cooper in September 2011. The appellants thought Mayor Cooper was going to take action. They hired a lawyer and presented evidence of a deed showing that the property owner was claiming more property than a deed conveying the property to an earlier owner. Surveys were provided that did not show where the lot lines were and were inconsistent with each other and the deed. An environmental consulting firm was hired to show that the ordinary high water mark touched the building. Through their attorney, they filed with the Board of Adjustment, and the hearing was January 30, 2012. The City Solicitor took the position that they had not shown sufficient good cause to have the hearing on the merits. On March 19, 2012, the appellants will be back before the Board of Adjustment on an appeal for a rehearing. If the Commissioners will take ownership of Lot 6 and address the integrity of the documents that were filed with the Commission and the process that was involved ignoring the CDP, the appellants will drop the appeal. City Solicitor Mandalas said at the last Workshop Meeting that the suggestion, representation or thought that any of the Commissioners, City Manager and the building official have turned a blind eye to this property or not agonized over this property is simply false. He has advised them that as this is pending before the Board of Adjustment, anything they say or do at this point could influence that process which creates appealable matters for one or the other parties. It is not proper for them to get involved with the Board of Adjustment's process. On the issue of taking ownership of Lot 6, they cannot take ownership of Lot 6. The question is where the property line is. There is nothing this body can do to establish a property line for Lot 6. If that is the issue, the appellant would need to go to a court to find out what the property line is. There is nothing that was done to force the Board of Adjustment appeal. The focus at this point would be on the work the Commissioners are doing now to address the large issue of protecting the lakes. Ms. Cochran asked where in the City Code the Building Inspector has the authority to tell a property owner to put rocks at the lake on the low tide water line. It was stated in the Building Inspector's report that this is what she did. From that point on the water line was defined by the rocks that she directed to be put at a particular place that has no bearing on anything in the Code. City Solicitor Mandalas said that this question gets to the details and the merits of the case which is pending before the Board of Adjustment. If the Board of Adjustment hears the appeal, this is one of the questions which will need to be answered.

Mr. Mellen commented that it takes a lot of time to hold public hearings and gather information. While the Planning Commission will expeditiously approach the study of this problem and report back to the Commissioners, it is almost naïve to think that it can be settled with a full comprehensive report within 90 days.

(Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – no, Zellers – aye, Hunker – aye.) Motion carried.

City Solicitor Mandalas explained the appeal process to the Commissioners and what course of action could be taken after the Board of Adjustment's Meeting on March 19, 2012.

Commissioner Coluzzi thought it would be wise to institute a moratorium on any building around the lakes within the confines of the City since it is not known how long this process will take.

City Solicitor Mandalas noted that a moratorium has two threshold requirements: 1. Proper purpose. The purpose would need to be defined within the moratorium ordinance and why the ordinance would be imposed. 2. Limited duration. The amount of time to consider the Planning Commission's recommendation would need to be included in the moratorium ordinance itself along with justification.

City Solicitor Mandalas and Commissioner Coluzzi will work on drafting the language for the proposed ordinance and present it at the next Workshop Meeting for discussion.

Ms. Sharp asked if the Commissioners' hands were tied before the Lot 6 matter went to the Board of Adjustment. City Solicitor Mandalas noted that there was nothing the Commissioners could have done. It is not in their purview to direct the Building & Licensing office.

Mayor Cooper called to consider award of contract for a new Beach Cleaner for which bids were received and opened on March 6, 2012.

Mayor Cooper said that at the Chamber of Commerce dinner in late January 2012, he was privileged to present an award to Mr. Mel Craig from the Chamber, recognizing him for his efforts in keeping the City clean, safe and friendly.

Mr. Mel Craig was in attendance at the meeting.

City Manager Ferrese noted that monies have been allocated in the 2012/2013 budget for a new beach cleaner. Sealed bids were opened on March 6, 2012. The bid results were for Cherrington with a base bid in the amount of \$47,400.00 and trade-in of \$3,400.00 for the 2005 beach cleaner, and H. Barber & Sons with a base bid in the amount of \$52,743.00 and trade-in of \$3,000.00 for the 2005 beach cleaner. It is recommended by the City's mechanic, Mr. Bill Schuyler and the Public Works Director, Mr. Mel Craig, that the higher bid from H. Barber & Sons in the amount of \$49,743.00 be accepted for the following reasons: 1. The budget capacity on the Barber beach cleaner is 3 cubic yards, and the Cherrington is 2 cubic yards. The larger bucket reduces the number of trips. 2. The tines on the Barber beach cleaner are stainless steel. The Barber beach cleaner operates by using a convey belt with tines attached. The debris picked up by the tines is dropped into a hopper at the rear of the machine. The way this machine operates provides for a more efficient and quieter process to clean the beach. 3. The Cherrington beach cleaner operates by lifting sand onto an oscillating screen where it is sifted to separate debris and then transferred using loading paddles to the hopper. This design picks up a lot of sand; and if the sand is damp or wet, it will stick to the machine and more sand will wind up in the hopper. 4. The Public Works Director contacted four beach communities for references, and the Cherrington references were all below average. The references are in Mr. Ferrese's office for review. 5. Monies are in the budget.

Mr. Craig explained the difference between the two operations.

Mayor Cooper met with Mr. Craig and Mr. Bill Schuyler to discuss this issue. The reasons are valid to reject the low bidder.

Commissioner Coluzzi made a motion, seconded by Commissioner Mark Hunker to accept the bid of H. Barber & Sons for the beach cleaner in the amount of \$49,743.00 with the 2005 beach cleaner trade-in. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mayor Cooper called to consider award of contract for a new Tractor for which bids were received and opened on March 8, 2012.

City Manager Ferrese noted that monies have been allocated in the 2012/2013 budget for a new tractor. Sealed bids were opened on March 8, 2012. It is recommended by the City's mechanic, Mr. Bill Schuyler, and the Public Works Director, Mr. Mel Craig, that the low bid with trade in from Atlantic Tractor be accepted. The base bid is in the amount of \$61,644.67 with a trade-in of \$23,000.00 for the 2000 tractor.

Commissioner Hunker made a motion, seconded by Commissioner Mills to accept the bid of Atlantic Tractor for the new tractor in the amount of \$38,644.67 with the 2000 tractor trade-in. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mayor Cooper called to consider adoption of an ordinance to amend Section 220-27 of the Municipal Code of the City of Rehoboth Beach relating to sewer charges.

Mayor Cooper noted that the surcharge would increase from 35% to 50% with the sewer bills going out starting May 1, 2012. Usage will be at the higher rate starting April 1, 2012.

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

CITY MANAGER'S REPORT

(See attached report.)

City Manager Ferrese reiterated that the 2012/2013 Budget reflects an increase of 8% in hospitalization costs. Mr. Ferrese was notified on March 15, 2012 that the hospitalization rates will not increase. This will result in a savings of approximately \$56,000.00. Mr. Ferrese was notified on March 15, 2012 that the City passed the State's workplace safety inspection. By passing the inspection, the City will realize a savings of 1% in Workman's Compensation rates. Shade Construction was the low bidder on the Delaware Avenue Upgrade Project. Commissioner Coluzzi and Mr. Ferrese had a meeting with Shade Construction at the Grove Park restrooms, and they asked for a quote to upgrade that restroom. A quote is anticipated within the next 10 days. All other projects are on schedule. The City is gearing up for Easter Weekend.

Commissioner Coluzzi said that one of the grants for the greenhouse gas reduction fits in with what had been mentioned by the Girl Scouts at a previous meeting. The lighting can be replaced in Grove Park with LED lights.

Mr. Ferrese mentioned that a meeting has been scheduled for April 4, 2012 at 9:30 a.m. to discuss the LED lighting with the vendor who had done the lighting on Rehoboth Avenue during Streetscape. If the light fixtures can be purchased through the \$15,000.00 State grant, the City's electrician would be able to install them in Grove Park.

Commissioner Coluzzi noted that volunteers from the Farmers' Market are making a \$2,000.00 donation to get starting with some plantings at Grove Park.

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

03/08/12	514	Delmarva Power	\$ 8,079.15 (Street Lights)
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Commissioner Mills made a motion, seconded by Commissioner Gossett, to approve the Street Aid expenditures as presented. Motion carried unanimously.

COMMITTEE REPORT

Commissioner Mills, Chair of Communications Committee, reported that the Committee tries to look at ways to optimize communication methods between the citizens and the City. One of the main portals of communications is the City website. At this point, the Committee is starting to look at a facelift for the City website. The Commissioners and public are invited to submit any desired features they might like to see on it, or critiques or comments. One of the citizens in the City would like to see more communication between the City and the citizens. The Communications Committee should be authoring the communications. Commissioner Mills had communicated to this person that this is not the purview of the Communications Committee. This would be the job of the City's management.

CITY SOLICITOR'S REPORT

City Solicitor Mandalas reported he is hopeful that sometime during this month, he will be able to deliver something with regard to 2 St. Lawrence Street to the Commissioners for their review.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Zellers announced that the Animal Issues Committee held a meeting today at 1:00 p.m. She will give a full report at the next Regular Meeting. Delaware Humane will be hosting Wags, Whiskers & Wine on June 8, 2012 at Nassau Valley Vineyards and also will be doing Yappy Hours. Delaware Humane is looking for sponsors for these events. The SPCA will be hosting Bark On The Boards in October 2012. Because of their efforts, they continue to provide spay/neuter slot for the feral cats. Any animal issues should be directed to the Animal Issues Committee.

Discuss items to include on future agendas.

An item to include on the agenda for the April Regular Meeting will be an update and possible demonstration of Parkmobile.

Ms. Carol Everhart of Chamber of Commerce commented that two information sessions have been scheduled for April and May 2012 with representatives from Parkmobile.

CITIZEN COMMENT

There was none.

The Workshop Meeting will be held on April 9, 2012 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 9:24 p.m.

Respectfully submitted,

(Patricia Coluzzi, Secretary)