

City Solicitor Mandalas said that if this matter has not been resolved by December 31, 2011, then the ordinance could be extended by a few weeks after another public hearing is held.

Public Comment:

1. Mr. Walter Brittingham, 123 Henlopen Avenue – in opposition to.
2. Ms. Susan Wood, owner of Cultured Pearl – in support of.
3. Mr. Richard Kirchhoff, 34 Sixth Street – in support of.
4. Ms. Sheila Savaliski, co-owner of Seafood Shack – in support of.
5. Mr. Tom McGlone, 318 Laurel Street, suggested that the Commissioners deadline themselves so they are not pressing themselves up to December 31, 2011.
6. Ms. Carol Everhart, Rehoboth Beach/Dewey Beach Chamber of Commerce – in support of.

Mayor Cooper closed the public hearing.

Commissioner Coluzzi made a motion, seconded by Commissioner Sargent, to adopt the Ordinance before the Commissioners that was a matter of the Public Hearing this evening.

Commissioner McGuiness said that the ordinance will still be enforced if someone calls in and complains.

Commissioner Barbour said that this is a way of putting everything on hold more or less so the Commissioners can examine the issue of noise and patios more comprehensively and come up with a longer term standard. This would basically be a place holder.

Commissioner McGuiness asked if the Commissioners would be involved in further discussions and drafting without Commissioner Mills' involvement. Commissioner Barbour said that it would be up to Commissioner Mills to make that decision; but in reading the opinion, he would say not. The Commissioners as a body, have to deal with the controversy that has occurred, and they have to be secure in their own minds that they are proceeding appropriately in moving forward.

Mayor Cooper said that at the meeting held two month ago in January 2011, it was his intent and what he expressed that the Commissioners would enforce the noise ordinance which is on the books. Commissioner Barbour said that the Commissioners are also going to come with a longer term strategy with the noise ordinance.

Commissioner Sargent would have liked to have had the right long term noise ordinance. He is willing to go along with the ordinance change the Commissioners are discussing now. The framework in which Commissioner Sargent is approaching this subject is that if the businesses are willing to live by controlling noise, then he is willing to let the hours off. Commissioner Zellers agreed. This is a great compromise, and she likes that people can dine later into the evening hours.

(Sargent – aye. Extending the patio hours and opening the outdoors to people who are eating and entertaining in the evening is a marvelous idea. He would have liked to have voted for this change knowing the City has an effective noise ordinance, but he is willing to say for this year to take what we have and see if the restaurant community, patrons, and everyone can respect the fact that there is a noise problem but there is an opportunity to enjoy the outdoors a great deal more. Coluzzi – aye, because it is in the best interest of the community and for the businesses and people who live in the City. McGuiness – aye, because it is in the best interest of the community, and the businesses are in favor of it. Cooper – aye. He believed the Commissioners need to take this summer to see if it can work and if the patios can stay open later without causing problems for the City and the residents. He is willing to see if it will work and evaluate it further in the future. Barbour – aye because it is in the best interest of the community. Mills – recused. Zellers – aye, because this is a good compromise. There has been lots of discussion about this issue, and it opened the door for everyone to talk and present their opinions. This is a good step going forward, and everyone is coming from an equal playing field. This would be good for the community. She did not want to see the community disrupted by going forward with more discussion. She would like for the Commissioners to move forward with this, and hopefully everyone will work together to see it come about.) 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 2011. There were 31 criminal, 125 traffic and two civil charges made during the month. Six traffic crashes were investigated.

All 24 seasonal officers have been hired. Training will begin April 9, 2011 and will continue on weekends to May 1, 2011. The Mayor and Commissioners are welcome to speak with the new hires between 8:00 a.m. to 8:30 a.m. on April 9, 2011. The Dispatch Center handled 158 police incidents, 146 ambulance incidents, 33 fire incidents, 111 traffic stops, assisted other agencies eight times during the month, and 9-1-1 calls totaling 256 were received.

Mr. Ron Paterson, 320 Munson Drive asked if any aggressive driving citations are issued. Police Chief Banks said that none were issued in February 2011.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

There was nothing to report.

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for February 2011. During the month, 90 permits were issued for a value of work totaling \$2,677,980.00. Fees collected totaled \$61,946.18 for the month. Seventy-one permit processing fees were received in the amount of \$1,420.00. Two restaurant applications were received in February. Two stop work orders were issued for contractors working without permits. Two signs were confiscated from City property. The Board of Adjustment heard no cases in February. Ms. Sullivan provided an update of the solar panel system at 306 Rehoboth Avenue. The installation was completed in December 2010, but the meter was not installed until January 14, 2011. She provided monthly kilowatt hour comparisons from December 2009/2010, January 2009/2010/2011 and February 2009/2010/2011.

PERMIT OF COMPLIANCE HEARINGS

Mayor Cooper opened the Permit of Compliance hearing requested by Lauren Cox.Ristenbatt of Café Sole Inc., to substantially modify the floor plan of the restaurant known as "Café Sole" and modify the patio at its existing location pursuant to the City of Rehoboth Beach Municipal Code, Chapter 215 – Restaurants and Section 270-19 – Use Restriction, Patios. The restaurant is located at 44 Baltimore Avenue.

Commissioner Barbour requested Commissioner Mills recuse himself from these discussions because he believed they fall off from the parameters of the Public Integrity Commission's opinion. City Solicitor Mandalas said that a decision for recusal is left to the individual member.

City Solicitor Glenn Mandalas noted the purpose of both hearings, 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 February 23, 2011. Notice of today's Public Hearing was published in the Cape Gazette on March 1, 2011, Coast Press on March 2, 2011 and Delaware State News on March 3, 2011. 2. Building Inspector's Report dated February 23, 2011. 3. Application for a restaurant Permit of Compliance, signed on February 15, 2011. 4. Existing Conditions Plan A-101 dated January 18, 2011. 5. Floor Plan A-102 dated January 18, 2011. 6. Menu received February 15, 2011. 7. Tax Record. 8. 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 1,935 square foot restaurant with a 462 square foot patio. The bar area is 345.75 square feet with a ratio of bar to permanent seated dining of .47. In summary, this is an Application to remodel an existing restaurant that has a patio. Although the bar area exceeds the 25% maximum per Section 215-1 Restaurant (B), the bar area shall be no more than 25% of the square footage of the permanent seated dining area, but not to exceed a maximum of 1,000 square feet, exception that any restaurant regardless of its permanent seated dining area may have a bar area of 350 square feet.

Ms. Lauren Cox-Ristenbatt, owner of Café Sole, has been in business for 13 years and has been looking to making a change to stay vibrant in the community. The patio will close down at 10:00 p.m. They have always followed the patio ordinance.

Commissioners Barbour and McGuiness objected that it is inappropriate that Commissioner Mills did not recuse himself from these proceedings. City Solicitor Mandalas said that in regard to the rest of the City Commissioners, since the decision for recusal is left up to the individual member, the rest of the City Commissioners cannot control that decision so it will not have any bearing on them individually.

There was no correspondence.

Public Comment:

1. Ms Sheila Savaliski, co-owner of Seafood Shack – in support of.
2. Ms. Joyce Lussier, 99 Hendlopen Avenue – in support of.
3. Ms. Jenny Barger of Rehoboth Beach Main Street – in support of.
4. Ms. Bitsy Cochran, 27 Baltimore Avenue – 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 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 Café Sole Inc. (Sargent – aye, Coluzzi – aye, McGuiness - aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper opened the Permit of Compliance hearing requested by Jeffrey McCracken and Mark Hunker of JAM Holdings LLC, to relocate a restaurant with a patio known as "JAM Bistro", to serve food and alcohol pursuant to the City of Rehoboth Beach Municipal Code, Chapter 215 – Restaurants and Section 270-19 – Use Restriction, Patios. The restaurant will be located at 21 Baltimore Avenue. Mayor Cooper noted that the same procedure would be followed for this hearing.

City Solicitor Mandalas identified the exhibits: 1. Notice of Public Hearing signed by the City Manager and posted by the City Secretary on February 23, 2011. Notice of today's Public Hearing was published in the Cape Gazette on March 1, 2011, Coast Press on March 2, 2011 and Delaware State News on March 3, 2011. 2. Building Inspector's Report dated March 7, 2011. 3. Application for a restaurant Permit of Compliance, received on February 18, 2011. 4. Survey – Sussex County Tax Map 3-34-14.13-356.00 received on February 18, 2011. 5. Floor Plan of The Camel's Hump Restaurant (2 pages) dated June 30, 1999 and received on February 18, 2011. 6. Recent computer generated Floor Plan received February 18, 2011. 7. Restaurant Plan A-1 received March 4, 2011. 8. Menu. 9. Tax Record. 10. 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 2,723 square foot restaurant with a 638 square foot patio. The bar area is 172.5 square feet with a ratio of bar to permanent seated dining of .21. In summary, this is an Application to remodel an existing restaurant with a patio (Camel's Hump) which was approved by the Board of Adjustment Case No. 0210-02 on March 22, 2010. JAM Bistro currently operates at 20 Baltimore Avenue and has applied so they can move into the space across the street. JAM Bistro's current location is 4,641 square feet of gross floor area with 2,170 square feet of permanent seated dining, 329.5 square feet of bar area, 2,141.5 square feet of service area and 204 square feet of patio. There are 84 seats in the dining area, 16 seats in the bar area and 16 seats on the patio.

Mr. Mark Hunker co-owner of JAM Bistro was glad to continue in business and move the restaurant above ground. The owners are renovating the interior of the building, not the exterior or patio area.

There was no correspondence.

Public Comment:

1. Ms. Bitsy Cochran, 27 Baltimore Avenue – in support of.
2. Ms. Jenny Barger 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.
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 JAM Bistro. (Sargent – aye, Coluzzi – aye, McGuinness - aye, She found it inappropriate for Commissioner Mills not to recuse himself. Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

REPORT OF THE PLANNING COMMISSION

Mr. Timothy Spies presented the report of the Planning Commission. The Regular Meeting was held on March 11, 2011. A Public Hearing was conducted on a partitioning application requesting the partitioning of a property located at 807 King Charles Avenue. The Planning Commission voted to conditionally approve this application. The Planning Commission determined that the Applicants have met both the conditions cited in the Planning Commission's Resolution of January 14, 2011 granting Condition Approval and those sections of the City Code regarding final approval requirements. The Planning Commission voted to grant Final Approval of Oak Grove Major Subdivision Application. In the course of the Planning Commission's consideration of this major subdivision, the City's first major subdivision in the past 20 years, various issues relative to the City's Municipal Code became apparent which relate to the need to better ensure the protection of the City as well as to increase efficiency. At such time as City resources will allow, the Commission again recommends that this section of the Code be reviewed and updated. At its November 12, 2010 meeting, the Planning Commission concurred with the applicant's request to table this the partitioning application for a property located at 2 St. Lawrence Street to allow the applicant time to see if some solution could be worked out with the City relative to the disputed ownership of some of the land currently claimed by the applicant. The applicant subsequently requested that the application be placed on the Commission's March 11, 2011 agenda. The Planning Commission voted to un-table this application and to continue the Public Hearing. In addition to information that had been timely submitted in advance of the March 11, 2011 meeting, new information and analysis was presented at the meeting relative to the disputed ownership of some of the land currently claimed by the applicant. The Planning Commission voted to table the application in order to provide time for both the Planning Commission and the applicant to further study this issue.

OLD BUSINESS

There was none.

NEW BUSINESS

Mayor Cooper called to consider a proposed ordinance that would increase from 72 hours to 7 days the time before which an unpaid parking ticket increases in amount and would remove from the Code the requirement that all vehicles must be parked head-in at angled and perpendicular parking spaces.

Mayor Cooper explained that both parking meter tickets and parking permit violations would increase from 72 hours to 7 days before which the fine increases from \$30.00 to \$45.00. He had initiated this at least in part through some letters he had gotten that felt the three days was not adequate. The provision in the Code for parking head-in at angled and perpendicular spaces would be removed. Commissioner Mills agreed with abandoning the head-in parking.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to adopt the Ordinance before the Commissioners amending Chapter 92 relating to parking. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to discuss and possibly act on placing two vehicle speed monitoring signs and other signage related to speed on Columbia Avenue.

Commissioner Barbour disclosed that he lives on Columbia Avenue and has complained about traffic on Columbia Avenue since 1992. Commissioner Barbour brought the issue of traffic on Columbia Avenue to the attention of the Streets and Transportation Committee of which he and Commissioner Coluzzi are co-chairs. Various traffic calming devices had been discussed. Commissioner Barbour has spoken with the State, City Manager Gregory Ferrese, etc. about what the City's authority is, responsibility is and what the various options are. Commissioner Barbour's proposal to the Streets and Transportation Committee was revised to suggest using solar powered blinking signs that register the speed a vehicle is moving at along with software to monitor traffic at all times. This was originally suggested by another member of the Committee. At the March 7, 2011 Workshop Meeting, the consensus of the Commissioners was to put one of the solar powered speeding indicating signs at both ends of Columbia Avenue, going east and west, and place yellow signs on both sides of the street at the western end of Columbia Avenue for entering a residential area. Data can be collected which may be useful for other streets in the City, particularly the residential streets. The matter is to authorize the City Manager to explore this recommendation, and the proposed cost would be under \$10,000.00.

Commissioner McGuinness suggested that the yellow signs could be placed on existing sign posts.

Police Chief Banks said that if the City decides to pursue putting up the solar powered blinking signs on more streets than just Columbia Avenue and upgrade to aesthetically pleasing signs, Representative Pete Schwartzkopf is willing to help with funding. Currently, the Office of Highway Safety is unable to help with regard to funding, but may be able to at a future date.

Commissioner Sargent made a motion, seconded by Commissioner Coluzzi, to authorize the City Manager to spend up to \$10,000.00 on two speed monitoring signs on Columbia Avenue and to look at other funding sources.

Ms. Margaret Egan, 57 Columbia Avenue, said that almost anything which will calm traffic on Columbia Avenue would do great things for the community and perhaps save some lives.

Ms. Joyce Lussier, 99 Henlopen Avenue, said that Columbia Avenue is dangerous, and the area will be helped quite a bit the sooner the signs can be put up.

Mr. Walter Brittingham, 123 Henlopen Avenue, said that those signs will not slow people down. If the Commissioners decide to use the money for signs, have them put in at the right place. If the money is used for optical devices, the speed can be shot and read; and they are tools by which an arrest citation can be issued.

Police Chief Banks noted that the City currently uses an optical device. Between 2006-2010, there were 570 vehicle stops for speeding. The average for vehicle stops for speeding for a twelve month period is 110; and speeds ranged from 38-46 mph. In 2009, DelDOT completed a review of the intersection at Second Street and Columbia Avenue, and whether a four-way stop sign was needed. The study concluded that there was only once accident there; and traffic was not heavy enough to put up the four-way stop signs.

Commissioner McGuinness said that a meeting was held this morning with Representative Pete Schwartzkopf, and he offered to pay for the signs.

Mr. Rick Eisenman, 418 Rehoboth Avenue, said that the signs are effective.

Ms. Bitsy Cochran, 27 Baltimore Avenue said that Columbia Avenue is a dangerous road for walking or biking, and maybe there should be sidewalks and zebra striping at the crosswalks.

Mr. Ron Paterson, 320 Munson Street, said that speed signs work sometimes. Speed cameras work that take a picture and a ticket is issued. In the future, the Commissioners may want to consider speed cameras if the traffic needs to be slowed.

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

Mayor Cooper called to consider award of the contract for the Municipal Building Boiler Project for which bids were received and opened on March 8, 2011.

City Manager Ferrese noted that five sealed bids were opened on March 8, 2011. Per the recommendation dated March 14, 2011 from Mr. Don Hocking, Allen & Shariff Engineering, it was recommended that the low bid be awarded to Sens Mechanical in the amount of \$51,000.00. The City budgeted \$85,000.00 for this project.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to award the bid for the boiler replacement in the Municipal Building to Sens Mechanical in the amount of \$51,000.00. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to consider award of the contract for the planting of approximately 150 trees, under a State grant, for which bids were received and opened on March 9, 2011.

Mr. Ferrese noted that on March 9, 2011, the City received sealed bids for the replacement and new installation of approximately 150 trees. Per the recommendation from Mr. Bryan Hall, Office of State Planning Coordination, it was recommended that the low bid be awarded to Chester River Landscaping in the amount of \$183.59 per tree. The City has the potential to plant 163 trees. The State Grant, in the amount of \$28,333.00 will cover the total costs of this project.

Mr. Bryan Hall said that prior to the opening of the bids, notification was received from Mr. Kyle Hoyd, Director of Urban Community Forestry Program with the Delaware Forestry Service, that the federal government has outlined in all current and/or pending grants that States may receive and distribute, that Ash trees will no longer be included in planting activities. Next week, the development of the assessment process will begin of where trees will be planted. Mr. Hall and Mr. Hoyd will meet with Ms. Sullivan and Mr. Walter Onizuk to brief them on findings of potential locations. Based on that meeting, a pre-construction meeting would be held the week of March 28, 2011. It is intended for the bulk of the planting to begin April 1, 2011 with the possibility of certain locations planted in Fall 2011.

Commissioner Sargent made a motion, seconded by Commissioner Coluzzi, to award the bid for trees to Chester River Landscaping in the amount of \$183.59 per tree.

Mr. Rick Eisenman hoped that the land behind his residence at the VFW would be considered for the planting of trees. He was working on a site plan to present to Mr. Ferrese and Ms. Sullivan regarding tree planting and landscaping.

Ms. Bitsy Cochran asked if there were specifications for the trees. Mr. Hall said that a complete bid packet was prepared. The trees are to be 2-2½ caliper and 6-10 in height depending on the species. A one year guarantee was required along with a one year requirement for supplying gator bags and watering materials as well as watering the trees.

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

Mayor Cooper called to consider award of the contract for the Delaware Avenue Restroom Re-decking Project for which bids were received and opened on March 10, 2011.

Mr. Ferrese noted that five sealed bids were opened on March 10, 2011 for the re-decking at the Delaware

Avenue restroom. The City's Project Manager, Mr. Mike Maiocco, deemed that one of the five bids to be unresponsive due bidder reducing the bid quantities that were in the specifications. Based on the recommendation from the City's Project Manager, it is recommended that the bid from Joshi Construction in the amount of \$28,558.33 be awarded. The City had budgeted \$70,000.00 wards this project.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to award the bid for the Delaware Avenue Restroom Re-decking Project to Joshi Construction in the amount of \$28,558.33. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called for the report by Commissioner Mills on his attendance at the American Shore & Beach Preservation Association Conference and on meeting with our congressional representatives.

Commissioner Mills had attended the 2011 American Shore & Beach Preservation Association (ASBPA) Conference in Washington, D.C. Mr. Tony Pratt of DNREC had recommended that the City join this organization and be more active in advocating for regular beach nourishment. Mr. Pratt is a board member of ASBPA. The ASBPA's primary interest was in combating erosions and restoring eroded beaches with a focus nationwide, not on individual beaches. Recently the work has been expanded to a broad range of activities and interest related to the overall planning and management of shores and beaches which includes beach nourishment. Commissioner Mills has been an individual member for three years and has attended three conferences. The Town of Bethany Beach is a municipal member that has a council representative who regularly attends the conference. Councilman Joe Healey of Bethany Beach and Commissioner Mills attended the conference workshops; and in between workshops to visit congressional representatives with a focus on beach replenishment. Federally funded projects go through a two-step process: 1. Project has to be authorized. 2. Project has to be funded. In 2005, the Army Corps of Engineers entered into a 50-year contract with DNREC for beach nourishment in Rehoboth and other Delaware beach municipalities as those projects received authorization from Federal congressional representatives. With funding appropriated, 2005 became year one of beach nourishment adding dunes the entire length of the beach and adding depth to the beach in Rehoboth. Periodic re-nourishments are to take place in three year cycles if needed and with the caveat that provided the funding is available, the funding is on an annual cycle. Partial funds were appropriated in previous years that allowed Bethany Beach and Dewey Beach to receive re-nourishments, limited amount of funding did not allow for Rehoboth to receive nourishment. Rehoboth has lived with its shoreline created in the summer of 2005. In November 2009, Nor-Ida caused significant erosion to not only Delaware's beaches but also on beaches along the Gulf and East Coasts. Ongoing beach nourishments in Bethany Beach, South Bethany, Fenwick and pending beach nourishment to occur after summer 2011 in Rehoboth and Dewey Beaches are a result of emergency funds appropriated specifically to remediate storm damage from Nor-Ida which is not related to the three-year cycle of re-nourishments. State and federal representatives know the value and benefits of maintaining a stable dune system and wide beaches, both for protective and economic benefits. Senator Carper has taken the lead and partnered with other senators including Senator Kaufman approximately one year ago in advocating for emergency appropriations for storm damage remediation for beaches along the Gulf and East coasts, which included Delaware's beaches. The current federal budget deficit makes future maintenance of the beach by the ACOE unlikely for at least two to three years. The most significant change highlighted at the conference this year was the loss of earmarks. The fiscal year 2011 and likely 2012 will be a Continuing Resolution with a lump sum provided to ACOE. ACOE will determine how to spend the money on coastal flood damage mitigation. Commissioner Mills, Mr. Healey, Congressman Carney and his senior legislative aide, and senior legislative aides for Senators Coons and Carper have found the need to develop new strategies to ensure monies are appropriated for beach nourishments nationwide. Commissioner Mills provided a few facts from the 2011 ASBPA Lobby Card, and he compiled an illustrative photo array of beach nourishment history for the Rehoboth Beach shoreline.

CITY MANAGER'S REPORT

(See attached report.)

City Manager Gregory Ferrese reported that the City has the following projects which are now being implemented: 1. Stormceptor Project which is funded by the State. 2. Municipal Building Boiler Project which is funded by the City. 3. Improvements to the Baltimore Avenue restroom and Beach Patrol with State funding in the amount of \$62,400.00. 4. New Trees with State funding in the amount of \$28,333.00. 5. New Decking around the Delaware Avenue restroom which is funded by the City. The State has advised Mr. Ferrese that the City has received full funding in the amount of \$40,187.00 in regard to the Recycling Program. The City will be able to purchase 510 sixty-five gallon carts through the grant, and funding is available for informational mailings,

refrigerator magnets, container decals and the purchase of 95 ninety-five gallon carts. The City has not received the State contract to date. Mayor Cooper, Commissioner Mills and Mr. Ferrese will be meeting on March 22, 2011 to finalize the City's Yard Waste Program. The City will be mailing out the Newsletter by mid-April or sooner. Mr. Ferrese wants to publish the City's Yard Waste Program and Recycling Program in the Newsletter. Commissioner Coluzzi and Mr. Ferrese attended the Competitive Kick-Off Energy Grant Seminar in Bridgeville, DE on March 2, 2011 which highlighted the requirements to implement the Grant. Plans and specifications are presently being prepared for the activities approved under the Grant.

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

03/09/11	690	Daft McCune Walker	\$ 540.00 (Sidewalk Ramps)
03/16/11	501	Delmarva Power	\$8,001.09 (Street Lighting)

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

COMMITTEE REPORTS

There were none.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner McGuinness suggested that the time of the Regular Meeting on April 15, 2011 be changed because of events scheduled for the delegation that will be arriving from Greve, Italy. The consensus of the Commissioners was to schedule the April 15, 2011 meeting at 9:00 a.m.

Mayor Cooper, Commissioners Sargent and Mills and Mr. Ferrese attended a meeting today with Mr. Rip Copithorn of GHD and DNREC regarding an update of the ocean outfall. The data collection and computer modeling is moving along resulting in good progress.

Discuss items to include on future agendas.

Topic to be included on a future agenda is what needs to be done regarding two (2) people's lives who have been seriously impacted by the patio and noise matters.

CITIZEN COMMENTS

There were none.

The Workshop Meeting will be held on April 4, 2011 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 9:17 p.m.

Respectfully submitted,

(Kathy McGuinness, Secretary)