

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

April 15, 2011

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:00 a.m. by Mayor Samuel R. Cooper on Friday, April 15, 2011 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 Bill Sargent
 Commissioner Pat Coluzzi
 Commissioner Kathy McGuiness
 Mayor Samuel R. Cooper
 Commissioner Dennis Barbour
 Commissioner Stan Mills
 Commissioner Lorraine Zellers

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

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Bill Sargent, to approve the Agenda as amended with the deletion of the March 18, 2011 Regular Meeting Minutes. Motion carried unanimously.

CORRESPONDENCE

Correspondence will be read when that order of business is taken up.

APPROVAL OF MINUTES

Minutes of the February 7, 2011 Workshop Meeting, February 18, 2011 Regular Meeting, March 7, 2011 Special Meeting and March 7, 2011 Workshop Meeting were distributed prior to the meeting. Minutes of the March 18, 2011 Regular Meeting were not available for this meeting.

Commissioner Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the February 7, 2011 Mayor and Commissioners Workshop Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the February 18, 2011 Mayor and Commissioners Regular Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the March 7, 2011 Mayor and Commissioners Special Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the March 7, 2011 Mayor and Commissioners Workshop Meeting minutes as written. Motion carried unanimously.

REPORT OF THE POLICE DEPARTMENT

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of March 2011. There were six criminal, 160 traffic and one civil charges made during the month. All 24 seasonal officers began training last weekend and will continue this weekend. On April 30, 2011 from 10:00 a.m. to 2:00 p.m., the Police Department is participating in the National Take Back Initiative Program where Delawareans are encouraged to drop off any unused prescription drugs to local law enforcement agencies. The DEA will pick up the prescription drugs and dispose of them. The Dispatch Center handled 159 police incidents, 154 ambulance incidents, 38 fire incidents, 189 traffic stops, assisted other agencies nine times during the month, and 9-1-1 calls totaling 264 were received. Nineteen alarm incidents were responded to.

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 March 2011. During the month, 96 permits were issued for a value of work totaling \$1,064,240.32. Fees collected totaled \$37,597.09 for the month. One hundred seven permit processing fees were received in the amount of \$2,140.00. No restaurant applications were received in March. Six stop work orders were issued for contractors working without permits. Six stop work orders were issued for contractors working without licenses. Four signs were confiscated from City property. The Board of Adjustment heard one case in March. Ms. Sullivan also reported that Chester River Landscaping planted 126 trees in the past two days. The trees are located in various areas in the City such as Grove Park, Museum, Gerar Park, Country Club Estates Park, Rehoboth Elementary School, Rehoboth, Bayard and Scarborough Avenues, Munson Street, etc. Today, Chester River Landscaping was in the City staking, mulching and watering the new trees. Rehoboth Elementary School will hold Arbor Day today where the kindergarten children will be planting trees at 9:30 a.m. and 10:30 a.m. The balance of the trees will be planted in Fall 2011. Ms. Sullivan introduced Mr. Bobby Edmonds, Code Enforcement Officer who was in attendance at the meeting. Mr. Kyle Hoyd, Director of Urban Community Forestry Program with the Delaware Forestry Service, is working on a possible grant for the cleanup of weeds and underbrush, etc. of Central Park with the possibility of new paths. Mr. Bryan Hall will be looking into the possibility of a grant in regard to Deer Park.

Mr. Bobby Edmonds will be responsible for quite a few things including noise. Commissioner Dennis Barbour suggested that Mr. Edmonds go around to the businesses and introduce himself before the summer season begins.

REPORT OF THE PLANNING COMMISSION

There was nothing to report.

OLD BUSINESS

Mayor Cooper called to consider a proposed ordinance that would establish smoking restrictions in certain public parks and children's playgrounds.

Commissioner Mills said that several presentations have been made in regard to anti-smoking initiatives. The presentations and supporting documents have been placed on the City website. Some jurisdictions have enacted total bans on smoking in areas. Other areas such as Belmar, NJ, Town of Bethany Beach and City of Lewes have enacted smoking bans or designated smoking areas with certain restrictions. Those programs have been successful and are largely self-enforced. Recently the Town of Milton, DE and Ocean City, MD have enacted smoking bans in their public parks. Commissioners Mills and Coluzzi, and Mayor Cooper have worked on the proposed ordinance since it was originally presented. The focus of the proposed ordinance highlights maintaining public health, welfare and safety in regard to smoke-free initiatives in public parks and children's playgrounds. Six parks have been identified for the smoking restrictions: Grove Park, Cranberry Park on Olive Avenue at Third Street, park and children's playground on Stockley Street in Country Club Estates, children's playground on Lake Avenue at Lakeview Street, Central Park situated between Columbia and Park Avenues and Third Street, and Deer Park located at the intersection of Kent and Dover Streets. The civil offenses in the proposed ordinance would be a warning for the first offense and after that, two fine structures. The proposed ordinance references Chapter 126. In Chapter 126, civil offenses are administered through fines only with a \$25.00 fee. The only additional penalty would be that if someone is adjudicated and loses, there is an additional court cost. In summary, the proposed ordinance if adopted will prohibit smoking outdoors in certain public parks and certain children's playgrounds on a year-round basis. This ordinance will become effective in 30 days from the date of approval. To be able to enforce the ordinance, signage and smoking urns must be in place.

Commissioner Mills made a motion, seconded by Commissioner Pat Coluzzi, to adopt the ordinance before the Commissioners creating Chapter 224 referencing outdoor smoking in public places.

Commissioner Kathy McGuiness noted that signs will need to be posted on existing posts or fences. Commissioner Coluzzi also noted that signage and smoking urns may be paid for with grant monies.

City Solicitor Mandalas recommended that Subsection 224-3(A) is not necessary and should be deleted in its entirety. Subsection 224-3(B) would then become Subsection 224-3(A).

Commissioner Mills withdrew the motion, and Commissioner Coluzzi withdrew the second.

Commissioner Mills made a motion, seconded by Commissioner Coluzzi, to adopt the ordinance creating new Chapter 224 referencing smoking in public places with the deletion of Subsection 224-3(A).

City Manager Gregory Ferrese questioned why only the children's playground on Lake Avenue at Lakeview Street is included in the proposed ordinance and not the entirety of Lake Gerar Park while the entirety of the park area at Silver Lake is included in the proposed ordinance. Commissioner Mills noted that Commissioner Zellers is comfortable with the entire park area and children's playground being included in the proposed ordinance. The playground near the Henlopen Hotel is completely fenced in. It was not intended to include the entirety of Gerar Park which encompasses both the eastern and western sides of Lake Gerar Bridge. The proposed ordinance is to designate the fenced in area of that particular park.

Commissioner Sargent thought that the proposed ordinance is a bit much for a rather small purpose, and he is concerned that the City services much of the state, not just its own purpose. He would like to ask the public not to smoke particularly around children which also includes the Boardwalk and the beach, but adopting this ordinance is overkill. Commissioner Sargent supported the intent, but he did not support the proposed ordinance.

Commissioner Zellers was surprised at how many other communities are looking at and adopting similar ordinances. The evidence is strong that smoking is detrimental to health and children need to be protected. Rehoboth is not ready for an all out ban with the beach and Boardwalk included. This is a good starting point in areas that the City can control for public safety for fires, children's health, etc. The proposed ordinance is reasonable, enforcement is appropriate and it provides a mechanism. Commissioner Zellers supported the proposed ordinance.

Commissioner Barbour said that the intent is good but the premise is inappropriate. Policy determinations should be based on clear policies such as public safety.

Commissioner Coluzzi supported the proposed ordinance because of the whereas clause that talks about public safety in regard to fires.

Mr. Tom McGlone, 318 Laurel Street, asked if the proposed ordinance is the first step toward enforcement on the Boardwalk and beach. Commissioner Zellers said it shows that the Commissioners want to look at smoking and its effects. Before thinking about addressing the Boardwalk and beach, a lot of public input and public education would be needed. The proposed ordinance is the way to go in regard to issues with fires in the parks and protecting children. Commissioner Coluzzi did not see this as a step forward to address the Boardwalk and beach. From her standpoint, the proposed ordinance addresses the parks and playgrounds. There is no reason why adults need to be smoking at children's playgrounds and no reason for people to be smoking in parks where there is mulch and trees. This has nothing to do with the beach and Boardwalk.

(Sargent – no. Coluzzi – aye. McGuinness – aye, for health and safety reasons. Cooper – aye. Barbour – no. Mills – aye. Zellers – aye.) Motion carried.

NEW BUSINESS

Mayor Cooper called to discuss the request of the Jolly Trolley for the City to limit the use of transit stops to fixed route operators only, including report of the City Solicitor on legal considerations.

City Solicitor Mandalas had forwarded a memorandum to the Commissioners based on this subject. The conclusions are that the Commissioners can impose certain regulations that would regulate the stops provided that the Commissioners are clear about their intention regarding a safety concern. If the Commissioners consider regulating stops purely for the benefit of Jolly Trolley and to the detriment of taxicab drivers or other transportation drivers, then they would have serious problems with restraint on trade. To the extent the Commissioners want to move forward, they need to plainly articulate the health and safety concerns the Commissioners have with what is occurring at the fixed stops. City Solicitor Mandalas acknowledged that any ordinance would have to be use neutral which would be any stopping in the zone as opposed to taxicabs. This would also include any citizen stopping at the fixed stops.

Police Chief Banks acknowledged that there is no enforcement with cars at bus stops. The officers try to move the cars on, and they try to work with everyone. An officer is located at the Boardwalk during key times to help people keep moving on. The officers have been making more of an effort to tell the taxicabs sitting in

the yellow zone at the Boardwalk to keep moving.

Commissioner Zellers thought that if a specific bus zone is regulated, then perhaps a taxi stand area could be regulated where as one taxi is leaving, another one can be entering the area.

Commissioner McGuinness said that there could be a State licensed mass transit fixed route stop, and all other vehicles could stop in another area.

City Solicitor Mandalas said that DeIDOT has standards to regulate bus stops. Those regulations should be tracked as closely as possible. In regard to exemptions from restraint on trade, it is helpful and important if there is a State demonstrated policy and that the municipality is adopting that State policy. DeIDOT regulations which can be tracked would be a demonstration that the City would be consistent with the State policy.

Mr. David Hastings, President of Transit U, Inc. in operating with Jolly Trolley has spoken with DeIDOT and has not been able to get any answers regarding stops primarily because it has never been a big issue in Delaware; and no one has ever developed a system such as theirs in a major tourist area.

Commissioner McGuinness suggested that there should be labeled areas, and she would support moving forward with this for pedestrian safety.

Commissioner Zellers said that Jolly Trolley provides a good service to the City, and it is an issue regarding public safety. She would be willing to work on moving forward.

Commissioner Coluzzi said that photographs were presented at the last meeting of taxicabs picking up people at fixed route stops and people crossing the street to get in the cabs on the traffic side of the cab, and this is a safety issue. She would like to see that the Jolly Trolley is preserved.

Mrs. Christine Hastings, Vice President of Public Relations of Transit U, Inc., said that currently the Jolly Trolley share stops with the DART mass transit fixed route system. Both parties work as a team coming in and out of each stop, and work efficiently.

Mr. Hastings said that the taxicabs are restricting the Jolly Trolley's ability to operate according to the mass transit fixed route.

Commissioner Barbour said the point that Mr. Hastings raised was if someone else is to come in and start to compete with Jolly Trolley. Commissioner Zellers said that zones would be set up, and they would have to go the same fixed route.

Mrs. Hastings noted that in regard to mass transit fixed route, if a company would want to come in and be similar to Jolly Trolley, that company would submit an application to DeIDOT. DeIDOT through its process of applying would open it up to the public for intervention, and there would be a public hearing. During that time period, if it is proven that that system is not needed because it would be duplication or hinderance to the existing established mass transit fixed route, that company would not be given a license. DART and Jolly Trolley may share stops, but they do not necessarily share the routes. That is where public safety and efficiency works well. The large vehicles coming into the City cannot be taking over a stop and impeding the traffic flow and the safety and efficiency of that stop. In regard to the stop itself, the systems that are licensed to be there need to work together. Mrs. Hastings gave a presentation on the protection of mass transit fixed route anchor system stops. A fixed route is a regular route that is run by a transportation provider that seats no less than 10 passengers, but normally utilizes much larger vehicles between two fixed termini, on a schedule with a mandated number of service hours per day. Fixed routes are frequently referred to as a mass transit anchor system in a community because an anchor system handles the majority of people in transit. Without the anchor system in place the other transportation entities would not be able to handle the volume effectively. Public hearings are generally required to institute a fixed route because they are designed to serve specific needs within a community. The public hearing determines hours, rates and route which can only be changed through an application process. A limousine can carry 15 passengers or less over regular or irregular routes between two termini, at least one of which has to be fixed. The fare and the trip are predetermined and scheduled ahead of time. A taxi always has to have a meter to compute fares and miles. They can carry up to six passengers over irregular routes between termini which are not fixed.

Commissioner Zellers said that a zone could be established for buses or a fixed route carrier to come in where passengers can be picked up, but taxicabs would not be allowed in that area. Commissioner McGuinness said that a fixed route is needed.

City Solicitor Mandalas disagreed that because the Jolly Trolley is licensed the Commissioners have a

special obligation to give the Hastings special treatment. The special treatment they have gotten is a fixed route system which the City has approved the stops. If the Commissioners recognize the safety issues that have developed at the stops they have to right to operate at, then the Commissioners have the authority to regulate that safety concern and put measures in place to address the safety concerns.

Commissioner Barbour said that the Commissioners should be dealing with the public safety issue which is within their authority to regulate.

Commissioner Sargent agreed that this is a safety concern. These are areas set aside; and because of the size of the vehicles, they need enough room to be able to get next to the curb and not blocking traffic. Mayor Cooper agreed; but at the same time, differentiations cannot be made between other types of vehicles. It would be a legitimate purpose that if under the purpose of public safety, it could be said that the vehicles are large and unwieldy; they do not mix well with other vehicles; they need to be separated, and they need to enter and exit stops with other vehicles being prohibited from using those areas.

City Solicitor Mandalas acknowledged that the stops have been approved by the State, and the locations are dedicated. Mayor Cooper hoped that enforcement would not be entirely different that what the police currently do which is moving people on unless there is someone who continually violates it.

City Solicitor Mandalas read provisions from ordinances in various municipalities regarding this matter.

Commissioner Zellers thought that a taxi stand and zone could be provided. Commissioner McGuiness suggested that a space could be provided behind the Convention Center. She asked if this would have to go hand-in-hand with this legislation, or if the Commissioners can work on it separately while moving forward with identifying the zones. Commissioner Coluzzi said that typically taxi stands are located near hotels.

Ms. Abbey Gates of Dewey Beach said that the Jolly Trolley wants regulations to protect its territory. They are a fixed mass transit route business. All the Hastings want is the protection of what they are licensed to have so that they are not harassed and are protected. This is a public safety issue. Ms. Gates suggested that if an ordinance is drafted, it should be publicly exposed and shared with Dewey Beach.

Mayor Cooper said that it is not the job of the Commissioners to pick winners and losers, and protect some businesses against others, etc.

Commissioner Sargent was convinced that the fixed route areas need protection, but he also liked the idea of allowing a private car to come in as long as it does not impede the areas. He asked if taxis would be stopped from coming in if the City had an ordinance. He would be uncomfortable saying that a private car can enter but a taxicab cannot.

Commissioner McGuiness said that the Commissioners are talking about a route which is currently established for buses and a vendor for a fixed route stop. There are health and safety concerns for a specific area. It would be fine if the Commissioners need to have other vehicles listed and provide another location for them to have a stop such as behind the Convention Center. This issue is about a State licensed mass transit fixed route vehicle and stops.

City Solicitor Mandalas acknowledged that in order to draft legislation, he would need direction on the issue of whether the Commissioners want to provide provisions for taxicabs or not. He will look at whether provisions are needed for taxicabs. If provisions are not needed, City Solicitor Mandalas will draft legislation just based on the fixed routes because that is a public safety area of concern that the Commissioners have.

Police Chief Banks said that he would like to make sure the Police Department gets some direction on procedures. Taxicabs become an issue at certain times. If it becomes an issue, an officer is sent out to try to move them on.

City Manager Gregory Ferrese said that vehicles block travel lanes all throughout the day. From 12:00 a.m. to 2:00 a.m., cabs block the travel lanes at the restaurants. He said that three cab-only spaces could be designated in the east lot beside the Convention Center.

Mr. Scott Thomas of Southern Delaware Tourism said that the State has already set up fixed route stops. At the municipal level, the individual businesses should be kept out of the matter because this is all about fixed route stops.

City Solicitor Mandalas said that he will determine if there is a necessity to provide for taxicabs whether it be a location or whether it be allowing them to stop at the fixed stops so long as they do not compete with the

fixed route carrier. Once that is concluded he will draft legislation that is sufficient with the results of the research. He will provide whereas clauses that identify the public safety concerns.

Mayor Cooper called to consider adoption of a resolution setting a public hearing on a proposed ordinance that would amend Section 270-4 of the City Code amending the definition of sidewalk within the zoning code to permit a walkway leading to a main entry to be up to five feet wide, an increase from the present three feet.

Mayor Cooper said that approximately three years ago, the Commissioners adopted an ordinance to place the definition of sidewalk in the Zoning Code. The current ordinance says that all sidewalks be considered a sidewalk on private property, not to include the street sidewalk, and should not be more than three feet wide. The proposed ordinance allows the sidewalk to have a maximum width of three feet; except that a sidewalk leading to a main entry shall not be more than five feet wide however within three feet of the main entry or steps leading to the main entry, the sidewalk may be as wide as the main entry or the steps leading to the main entry.

Commissioner Mills noted that the proposed ordinance is written more for front facing single-sided steps. He was not sure it would cover a double entry with stairs on each side adequately. The language Commissioner Mills had proposed was that within the three feet that it may be the minimum width necessary to accommodate the main entry or steps leading to the main entry. He was trying to accommodate any of the ones that would become non-conforming because of this.

Building Inspector Sullivan agreed with the three feet width flaring out to the steps and going to the five feet width from the main entry out.

Commissioner Coluzzi made a motion, seconded by Commissioner McGuiness, to adopt the resolution setting a public hearing for May 20, 2011 at 7:00 p.m. to amend Section 270-4, the definition of sidewalk. (Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called for discussion and possible vote on City action to expunge records of restaurant owners arrested for violations of patio ordinance in September 2010.

Commissioner Mills recused himself from this matter.

Commissioner Barbour said that three individuals who were arrested resulting from a patio violation that occurred in Fall 2010. With one person, the City decided not to proceed; but he still has a criminal arrest record. The other person pled guilty and not only has an arrest record but also a guilty plea on his record now. Commissioner Barbour's understanding was that a third person who was a cook was also arrested. Because of the unusual process the City went through before the arrests took place and because there was confusion as to the legality of the arrests because of the grandfathering rule, the individuals should not be left to suffer the consequences. At the last meeting, Commissioner Barbour had asked City Solicitor Mandalas to look into what the options are.

City Solicitor Mandalas had provided a memorandum to the Commissioners on the idea of mandatory vs. discretionary expungement. In the cases where there is a plea of no contest or where charges are withdrawn and the matter is resolved in favor of the defendant, then the patio violations fall into the category of mandatory expungement. In a case where there is a plea of guilty, expungement statutes are not set up to address a guilty plea; however, there is a process to deal with those types of situations where the defendant or the person who pled guilty can go back to the court and file a motion to withdraw the guilty plea. If the court finds that if it would correct manifest injustices then that judge can withdraw the guilty plea and enter a plea of no contest; and then the mandatory expungement process would be gone through. The motion to withdraw the guilty plea has to be filed within 30 days, and the 30 days has passed in this case. There is some flexibility in the court to go beyond the 30 days. There is a process for all three of these instances to be expunged, and it is just a policy matter whether the Commissioners want to be involved with it.

Commissioner Coluzzi said that these people were arrested unjustly, and she would like to correct that.

Mayor Cooper said that the City still does not know who the individuals are in all cases. Commissioner Barbour said that those records are confidential, and no one can get those records. Mayor Cooper said that nobody has come forward and asked if the expungement can be done for them. Commissioner Barbour said that in one case, that person had approached the City and asked, but there was no response.

Commissioner Sargent said that it would be appropriate for the two or three people involved in this for them to lay out a good rationale for the City to go along with it.

Commissioner Barbour said that it is a policy matter on the Commissioners' part to decide whether as a matter of principle, the City wants to take an affirmative role in getting this done. The three individuals would have to petition the court, and then the court would deal with the issues which were raised.

Commissioner Sargent said that the individuals have to initiate it. Mayor Cooper said that at this point the Commissioners should not take any position.

Commissioner Barbour said that as a matter of policy the Commissioners' role is to determine whether what the City did was such an injustice and to rise to the level to help these people get this removed. The expense and time involved for expungement is an unfairness for those people involved.

Commissioner Coluzzi made a motion, seconded by Commissioner McGuiness that the City will take all possible action to support the efforts of the individuals to have their arrest records expunged for an arrest related to violations of the City's patio ordinance in September 2010. Such efforts by the City will include letters of support and reimbursement for any reasonable legal fees associated with the expungement.

City Solicitor Mandalas said that this would be an acknowledgement that the City took extreme measures outside of its general police power, and the individuals may have some sort of constitutional claim against the City for taking those actions. He suggested that there be an agreement on their part to sign a waiver in exchange for help

Commissioner Coluzzi amended the motion, seconded by Commissioner McGuiness to include that there be an agreement on the individuals' part to sign a waiver to waive all claims related to this matter in going forward.

Commissioner Zellers did not think that the City's intent was to harm anyone. The City's intent was to enforce an ordinance which had not been followed. The process was flawed in going forward, and there were unintended circumstances. She agreed to the extent that the City can to help these individuals with their expungement. Mayor Cooper agreed. It was unfortunate the way this unfolded. This was about this specific incident in the way it was handled.

Commissioner McGuiness said that the Commissioners are extending an olive branch for these individuals to come forward.

City Solicitor Mandalas will not draft any waivers until these individuals come forward.

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

CITY MANAGER'S REPORT

(See attached report.)

City Manager Gregory Ferrese reported the City is in the process of advertising for sealed bids for the re-roofing of the Convention Center and replacement of windows in the Municipal Building. A mandatory pre-bid meeting is scheduled for May 3, 2011 at 10:00 a.m., and sealed bids will be opened on May 17, 2011 at 1:31 p.m. The project for the solar panels to be placed on the roof of the Public Works facility will be bid out in early June. Decking around the Delaware Avenue restroom will be completed no later than early next week so it can be opened by Easter weekend. Installation of the boiler for the Municipal Building will begin in May. The new air-conditioning unit for the Convention Center is now operational. The yard waste letters will be sent to all residents early next week detailing the City's Yard Waste Program. On May 16, 2011, the City will be providing yard waste containers for all City residents at a fee of \$35.00 for the first container and \$80.00 for each additional container. DNREC is repairing the sand fence on the beach side of the dunes and along all access walkways to the beach. City employees are installing two feet of sand fence on the ocean side of the wooden bumpers on the Boardwalk. It will prevent some of the sand from blowing onto the Boardwalk. City employees are also pressure washing sidewalks on both sides of Rehoboth Avenue at the Boardwalk. All of the departments have employees needed for the summer season. A part-time Code Enforcement Officer has been hired which had been budgeted.

Commissioner Sargent said that the crosswalks on Surf, Park, Oak, Pennsylvania and Lake Avenues have been painted with the standard two foot wide x six foot long piano keys in the crosswalks. They will have a good effect on traffic and pedestrians crossing the road.

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

04/14/11	502	Delmarva Power	\$7,865.70 (Street Lights)
----------	-----	----------------	----------------------------

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

COMMITTEE REPORTS

Commissioner Coluzzi reported that during the Streets and Transportation Committee Meeting held on March 28, 2011, the Committee discussed painting the concrete adjacent to the pavers at crosswalks located on Rehoboth Avenue. The white reflective paint will allow drivers to see the crosswalks on Rehoboth Avenue in its entirety more readily.

Commissioner Barbour noted that Mr. Dennis Diehl of the Committee had mapped out all the crosswalks in the City. In some cases, someone would have to walk an entire block before they can cross the street at a crosswalk. One of the rationales for painting the crosswalks is so that where it is pedestrian friendly, they are made as safe as possible.

Mayor Cooper said that he would search for another way besides painting.

Mr. Ferrese had talked to a representative from the company that did all the brick pavers, and the representative thinks there is a type of solution that can be purchased to brighten up the crosswalks. The representative will be getting back to Mr. Ferrese with an answer in the near future.

Mr. Rick Eisenman, 418 Rehoboth Avenue, mentioned that there are safety issues with the crosswalks and the circle. It is difficult to recognize that there is a crosswalk at the circle, and it is imperative that the crosswalks stand out.

Commissioner Coluzzi that an idea was presented at the Committee meeting of which she was in favor of to install speed bumps or rumble strips on the eastbound and westbound approaches to the roundabout on Rehoboth Avenue. The Fire Company has recommended that they not be used. Part of the issue with the circle is speed, and the signs are ignored. Perhaps once the signs are installed on Columbia Avenue, similar ones can be used at the circle. At a minimum, the crosswalks and yield diamonds should be painted white.

Commissioner Barbour said that the pedestrian crossing signs could be put out during the summer season.

Mayor Cooper suggested that the bricks should be taken up and replaced with glazed white bricks.

Commissioner Mills suggested that DelDOT be consulted to provide feedback.

Mr. Frances Markert, 520 New Castle Street, said that the material used on State highways adheres to surface of the road. It is not really paint and is designed to adhere. It does tend to get plowed up sometimes.

Commissioner Coluzzi said that the plantings will be changed at the circle. Some of the rosebushes will be removed, and a tree will be removed to be able to see around the circle better. The Committee will move forward with lightening the concrete. The idea of white signage that are not advisory was raised. She will approach Representative Pete Schwartzkopf and request funding to provide for this project.

Mayor Cooper said that the State needs to be approached about blinking signage at the circle. Mr. Ferrese suggested that the State should be at the next Streets and Transportation Committee meeting.

Mayor Cooper was fine with the pedestrian crossing signs in the street from 5:00 p.m. to 12:00 a.m. during the summer season.

Commissioner McGuinness said that by altering the planting configuration and lightening the pavers would make a huge difference.

Ms. Carol Everhart of Rehoboth Beach/Dewey Beach Chamber of Commerce said that there are pavers that absorb the sunlight and light up at night. Commissioner Coluzzi said that she will take that idea back to Committee. There was a split decision of the Committee members regarding what should be done with the wall at the circle. Sposato had presented plans with and without the wall, and associated costs. She would like to defer any discussion on this subject until Sposato is present at a Commissioners meeting to give a presentation.

Mayor Cooper was willing to put this subject off until another time. The geometrics of the circle was designed by traffic engineers.

Commissioner Coluzzi said that someone from the State will be present at the next Committee meeting to discuss the circle. Sposato will be in attendance at the next Workshop Meeting to present its proposals for the wall and circle.

Ms. Marcia Maldeis, Maryland Avenue, did not know what the visibility problem is within the circle. Commissioner Zellers said that the rosebushes are a hinderance from a pedestrian's standpoint.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Coluzzi announced that the Italian delegation has arrived in the City. The Commissioners invited for lunch at Dogfish Head at 12:30 p.m. today.

Mayor Cooper announced that in talking with Mr. Rip Copithorn of GHD, the scientific equipment for monitoring water will be redeployed in the ocean on April 18, 2011 through the end of June 2011 to collect data on waves, currents, salinity, etc.

Discuss items to include on future agendas.

Topic to be included on a future agenda is a personnel issue to be heard in executive session at a special meeting after or before a workshop meeting. Commissioner Barbour had emailed to the Commissioners outlining the details. The Commissioners shall communicate to Mayor Cooper if an executive session is warranted.

CITIZEN COMMENTS

There was none.

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

There being no further business, Mayor Cooper declared the meeting adjourned at 11:31 a.m.

Respectfully submitted,

(Kathy McGuinness, Secretary)