

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

April 20, 2012

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach was called to order at 7:04 p.m. by Mayor Samuel R. Cooper on Friday, April 20, 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
 Mayor Samuel R. Cooper
 Commissioner Stan Mills
 Commissioner Lorraine Zellers
 Commissioner Mark Hunker

Absent: Commissioner Pat Coluzzi

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

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Bill Sargent, to approve the Agenda with the deletion of the report from Commissioner Mills on his attendance at the American Shore & Beach Preservation Association Conference and on meeting with congressional representatives. Motion carried unanimously.

CORRESPONDENCE

1. Letter dated April 19, 2012 from Martha L. Cochran, 1004 Scarborough Avenue Extended, was in support of the Comprehensive Development Plan's (CDP) existing requirements for protection of Silver Lake. She also supports the process charging the Planning Commission to develop ordinances for further protection of Silver Lake. However, the moratorium proposal is counter to the petition filed with the Board of Commissioners on March 2, 2012, signed by more than 125 Rehoboth supporters. That petition stated concerns about inconsistencies and erroneous representations made in connection with the building permit for Lot 6 and asked for action to stop construction on Lot 6, resolve the errors and inconsistencies in an open and transparent manner, and fully address Lot 6 in accordance with the regulations and restrictions for the benefit of citizens. The City should await the findings and recommendations of the Planning Commission concerning Silver Lake buffers unless there is a showing of imminent harm requiring the act of a moratorium. The proposed moratorium is unfair because it applies to all property owners surrounding Silver Lake within the City's jurisdiction except the owners of Lot 6. It represents selective enforcement of the City's requirements for a buffer zone around Silver Lake. It imposes limitations on property owners who have done nothing wrong and pose no threat to Silver Lake, but may suffer a diminution in property value as a result of a moratorium on building. It seeks to impose a setback of 15 feet, except for Lot 6, whose owners may continue to build subject to a six-foot setback. The Board of Commissioners should support the efforts of the Planning Commission to develop ordinances and should not act to impose a moratorium unless there is a showing of imminent harm from the actions or threatened actions of property owners who would be affected by the moratorium. The Board should respond to the March 2, 2012 citizens' petition and should consider, through hearings and inquiry, the performance of City officials in applying appropriate standards of review and approval to the surveys and other documents supporting the building permit for Lot 6 and in applying the requirements of the CDP. The City should work with property owners surrounding Silver Lake in ways that would encourage its protection. The City should make a commitment to work with homeowners and not slap a moratorium on property owners who present no threat to Silver Lake.
2. Email dated April 19, 2012 from Toni Sharp, 1002 Scarborough Avenue Extended, was in opposition to imposing a moratorium to restrict construction around Silver Lake. The Board of Commissioners should support the efforts of the Planning Commission to develop ordinances and should not act to impose a moratorium unless there is a showing of imminent harm from the actions or threatened actions of property

owners who would be affected by a moratorium. For the City to decide not to enforce the law with respect to Lot 6 but impose a moratorium on construction by every other property on and around Silver Lake is selective enforcement and treats property owners in a discriminatory way.

3. Letter dated April 19, 2012 from Eugene M. Lawson, Jr., Esq. of The Lawson Firm LLC, 402 Rehoboth Avenue, referred to his representation of organizations and individuals who have serious concerns with the construction taking place on Lot 6, Silver Lake Shores. His clients and many citizens who depended on them want the Board of Commissioners to pursue the truth in this matter. The concerned citizens and organizations believe it is proper to put this matter before elected officials who are obligated to protect public resources and who are further obligated to oversee City officials who work for the taxpayers and to assure they neither shirk their responsibilities nor assert authority they do not lawfully have. His clients want to emphasize that there has been no review on the merits of the substantive claims in this case. The Commissioners can ignore the irregularities in the process employed by the Building Inspector regarding Lot 6 and the oversight by the City Manager, or it can conduct an inquiry to examine the actions of City officials.

APPROVAL OF MINUTES

Minutes of the March 5, 2012 Workshop Meeting, March 16, 2012 Regular Meeting and April 9, 2012 Workshop Meeting were distributed prior to the meeting.

Commissioner Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the March 5, 2012 Mayor and Commissioners Workshop Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Mark Hunker, to approve the March 16, 2012 Mayor and Commissioners Regular Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to approve the April 9, 2012 Mayor and Commissioner Workshop Meeting minutes as written. (Gossett – abstained, Sargent – 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 March 2012. There were 34 criminal, 199 traffic and two civil charges made during the month. Seven traffic crashes were investigated. Twenty-three seasonal officers have started their training on April 13, 2012 and should be working on the streets by May 18, 2012. Police Chief Banks requested that citizens turn in their unused or expired medications for safe disposal on April 28, 2012 at the Police Department from 10:00 a.m. to 2:00 p.m. The Dispatch Center handled 264 police incidents, 197 ambulance incidents, 51 fire incidents, 228 traffic stops, assisted other agencies seven times during the month, and 9-1-1 calls totaling 298 were received. Twenty police alarm incidents were responded to.

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 March 2012. During the month 72 permits were issued for a value of work totaling \$456,778.35. Fees collected totaled \$14,481.38 for the month. Ninety permit processing fees were received in the amount of \$1,800.00. One restaurant application was received in March. Nine stop work orders were issued for contractors working without licenses. Four stop work orders were issued for contractors working without permits. Three stop work orders were issued for no barriers around a dumpster. Two notices of violation were issued for signs on City property. Four notices of violation were issued for putting trash out too early. Two notices of violation were issued for an obstruction on a sidewalk. Two notices of violation were issued for flags flying too low. Two notices of violation were issued for patio speakers. One notice of violation was issued for a damaged sidewalk. The Board of Adjustment heard two cases in March. Seventeen restaurant inspections were performed in March.

PERMIT OF COMPLIANCE HEARING

Mayor Cooper opened the Permit of Compliance hearing requested by Salt Air Ventures LLC to operate a new restaurant to be known as “Salt Air”, pursuant to the City of Rehoboth Beach Municipal Code, Chapter 215.

The restaurant is located at 50 Wilmington 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 March 28, 2012. Notice of today's Public Hearing was published in the Cape Gazette on April 3, 2012, Coast Press on April 4, 2012 and Delaware State News on April 5, 2012. 2. Building Inspector's Report dated April 11, 2012. 3. Application for a Restaurant Permit of Compliance, notarized on March 16, 2012 and received on March 16, 2012. 4. Menu received on March 16, 2012. 5. Wine List received on March 16, 2012. 6. Floor Plan dated March 16, 2012 and received on March 16, 2012. 7. City Property 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 15% alcohol and 85% food. The Application is for a 3,469.6 square foot restaurant. In summary, this is an Application to change ownership of a restaurant that was granted a permit of compliance in February 2011. The new owners have chosen not to transfer the liquor license from the previous owner. The floor plan will remain the same as the previous restaurant. There is no patio included with this application. The restaurant has been inspected, and the floor plan is accurate.

Mr. Vincent Robertson, Esq. of Griffin & Hackett, PA represented Salt Air Ventures LLC who was in attendance at the meeting. This restaurant will not be a detriment to the peace, order and quiet of the neighborhood, and will not have an adverse impact on adjacent properties in the neighborhood. There were no false statements made to the City. Everything has been done with the Delaware Alcoholic Beverage Control Commission, and it is ready to issue a license pending this hearing.

There was no correspondence and no public comment.

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 a Certificate of Compliance to Salt Air Ventures LLC for the restaurant located at 50 Wilmington Avenue. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

REPORT OF THE PLANNING COMMISSION

Mr. Francis Markert presented the report of the Planning Commission. The Regular Meeting was held on April

13, 2012 with the meeting start time moved to 6:00 p.m. to allow additional time for public input and discussion relative to the City's lakes. The Planning Commission conducted the Preliminary Review of a partitioning application for a property located at 200 Hickman Street. The Planning Commission voted to move the application to Public Hearing at its May 11, 2012 Regular Meeting. Relative to the Board of Commissioners March 16, 2012 resolution regarding the City's lakes, there was an informative presentation and discussion by Jennifer Volk, Environmental Scientist of DNREC regarding environmental buffers and about the City's lakes and their watershed. Lake Comegys was included since it feeds into Silver Lake. The remainder of the meeting was devoted to receiving public input concerning the City's lakes. In accord with the Board's resolution, the Planning Commission's first progress report provides more specific information. The Planning Commission held a workshop meeting on May 12, 2012 at 10:00 a.m. to continue its work relative to the Board's resolution. The Planning Commission was informed that a new partitioning application has been submitted for a property located at 21 Queen Street. The Preliminary Review of this application will be scheduled for the May 11, 2012 Regular Meeting.

OLD BUSINESS

There was none.

NEW BUSINESS

Mayor Cooper called for the presentation by representatives of Envirotech on the "Town Hall Rainwater Reclamation Garden" planned for City Hall including concepts, purpose, design and plantings.

Commissioner Zellers noted that the rain garden in front of City Hall was an offshoot from the Beach Bloom discussion. A presentation had been made by Sally Boswell from the Center for Inland Bays, and she had discussed the Inland Bays initiative of installing 1,000 rain gardens for the Inland Bays, mainly as a way for citizens in municipalities to mitigate the effects of stormwater run-off by capturing and filtering it before running onto the streets, into the storm drains and eventually into the lakes and bays. It is important that the City be part of the initiative. The Board of Commissioners have agreed to set aside funding for it. The City has contracted with Envirotech to establish a demonstration rain garden in front of City Hall.

Mr. Todd Fritchman of Envirotech Environmental Consulting, Inc. gave his presentation and noted that the purpose of the "Town Hall Rainwater Reclamation and Native Plant Project" is to create a rainwater reclamation area and native plant bed designed to reduce nutrient and sediment run-off, improve water quality and create habitat with native vegetation. The design is based on commonly utilized Green Technology Best Management Practices for low impact and conservation design. The techniques utilize a rain barrel with a spigot bottom connect to a PVC irrigation pipe and a drip irrigation system installed to provide water to 125 linear feet of nine inch Filtrexx GrowExx Soxx arranged in a +/-115 square foot Rainwater Reclamation Garden in the lawn area in front of the existing landscaping beds. The labor and equipment for the excavating, soil removal and backfilling will be provided by the City, under the review of Envirotech. The Soxx are to be filled with a compost growing and rain garden engineered material, and planted with native and perennial shrubs and herbaceous materials. Maintenance and propagation of the native vegetation with an integrated vegetation management program is highly recommended. An aerial photograph was provided of the site location in front of City Hall. Various photographs were provided of the proposed site location including the downspout for the rain barrel and soil testing to verify compatibility and appropriate design specifications. Copies of cut sheets were provided of Filtrexx rain gardens. Plantings to be used in the Garden are Beach Plum, Black Chokeberry, Butterfly Mildweed, Common Boneset, Sweet-scented Joe Pye Weed, New York Aster, Swamp Azalea, Orange Coneflower and Switchgrass. Plant fact sheets and guides were provided. Related City and Envirotech projects are the Lake Gerar Project which consisted of the installation of native grass and wildflower buffer with diffuser aeration system, the Lake Gerar Atlantic White Cedar Bog Project which consisted of the installation of native shrubs and Atlantic White Cedars with education signage and the Silver Lake Shoreline Stabilization Project which consisted of constructing wetland utilizing bio-engineering, clean fill and native plants to stabilize the eroded coastline that was threatening the roadway at the northeast corner of Silver Lake. Native vegetation was installed at the constructed wetland stabilization project. Another project was the Stockley Street Park Erosion Control and Embankment Stabilization Project which consisted of establishing a "No-Mow Zone" with native shrubs and grasses, eradicating Japanese honeysuckle and phragmites, and stabilizing eroded embankments with coir-logs and native vegetation. Various photographs were provided of each of the projects.

Commissioner Zellers noted that it is anticipated that excavation will start and be completed on May 9, 2012. The Garden will be planted in time for Mother's Day. Signage will be provided from the Center for Inland Bays. Another option for a rain garden is at Grove Park. The Center for Inland Bays and EPA may have options for funding of that rain garden.

Mayor Cooper called to consider adoption of a resolution setting a public hearing on a proposed ordinance that would impose a moratorium to restrict construction around the City's lakes.

Commissioner Zellers recused herself from this discussion.

City Solicitor Mandalas read the proposed Resolution and Ordinance. (Copy attached.) The Resolution proposes that a Public Hearing be held on the subject of imposing a moratorium on permits or other approvals for land improvements within fifteen (15) feet of the ordinary high water mark of fresh water bodies within the municipal limits of the City. The proposed Ordinance establishes a moratorium, effective immediately, on all new construction projects within fifteen (15) feet of the ordinary high water mark, as defined within the Ordinance, of any fresh water body or portion of a fresh water body within the municipal limits of the City. The purpose of this moratorium is to maintain the status quo while permitting a reasonable and appropriate amount of time for the Planning Commission and City Commissioners to further evaluate the matter, including the environmental impact of such construction and whether a permanent buffer is in the best interests of the City, and to take any actions deemed necessary and appropriate, including the preparation of a buffer ordinance and conducting any required public hearing or hearings upon such proposed ordinance and taking action, if any, upon such ordinance. City Solicitor Mandalas noted that from the time the Board of Commissioners adopt the Resolution and there will be a Public Hearing pending, the building official will not be able to accept any applications for land improvements within fifteen (15) feet of the ordinary high water mark of any fresh water body within the municipal limits of the City.

Mayor Cooper said that a letter was received from Mr. Vincent Robertson, Esq. on behalf of Ms. Melissa Thoroughgood to himself and Chairman Preston Littleton of the Planning Commission. He read a portion of the letter. As a result of the long drawn-out, thoughtful process for a subdivision before the Planning Commission, much attention was given to the effects of the subdivision upon Silver Lake taking into account that Ms. Thoroughgood's deed description confirmed ownership to a point in the middle of Silver Lake. The end result was an imposition of a 10 foot no-mow zone buffer starting at the edge of Silver Lake on the lot nearest to the lake in the Thoroughgood Woods subdivision. Because the subdivision, specifically a 10 foot buffer is the result of such extensive and recent review by the City, it is inappropriate and entirely inequitable to impose a moratorium upon the construction of any improvement to the lot of Thoroughgood Woods nearest Silver Lake.

City Solicitor Mandalas noted that Ms. Thoroughgood was in attendance at the April 13, 2012 Planning Commission meeting. She was there to comment because the Planning Commission is now considering the referral by the City Commissioners regarding the buffer. The Planning Commission specifically gave her direction that the Board of Commissioners would be the ultimate decision maker of the moratorium.

Commissioner Hunker has asked about the ability of this body to take up the Lot 6 Silver Lane case. Most of the correspondence he has received reflects on why this body is not doing anything. He agreed with most of the people who have written letters on the merits and how this case has evolved. There was a mistake or something which could have or should have been done earlier. Silver Lake was supposed to be protected in 2010 and 2004, and the City still has not done anything. City Solicitor Mandalas said that this body does not have any authority granted to it under the Code other than its legislative authority to change the legislation.

Commissioner Sargent said that because the Commissioners cannot respond the way the homeowners want them to regarding Lot 6, it has no bearing on why the Commissioners should not take action to protect any further action.

Mayor Cooper said that the moratorium will apply to 6 Silver Lane for any future permit that is applied for. The letter from Attorney Robertson seemed to be saying that there is no urgency to this matter. There reason there is a moratorium is that once plans are submitted to the Building Inspector, the City Solicitor will say the owners have vested rights to have their permit processed under the law at that time.

Commissioner Mills said that prior to the introduction of the concept of a moratorium he had been focusing on changing the setback such that any setback abutting the lake would be the same as a rear yard setback which is 10 feet. He was still in favor of doing that. Since the proposed moratorium has been set in motion and there have been letters received in opposition to it, there are many citizens who have not had their opportunity to speak pro/con on this matter so the Commissioners need to proceed with at least taking a vote on the Resolution this evening. He would feel more comfortable if this matter is moved to a public hearing, to look at all the input at that time.

Commissioner Gossett felt it proper in moving forward with the Public Hearing for the moratorium. He had attended the Planning Commission meeting on April 13, 2012. In regard to setbacks, they are only one portion of the issue of the health of the lake. There is a bigger issue than just the aesthetics or setbacks of the

lake. Bringing those issues forward with regard to the health of the lake, stormwater management and rain gardens, there are other issues which need to be dealt with. This was his major reason for referring it back to the Planning Commission for its recommendations. The Public Hearing for the moratorium needs to move forward.

Commissioner Sargent made a motion, seconded by Commissioner Mills, to adopt the Resolution setting the Public Hearing for May 18, 2012 with regard to the moratorium ordinance which has been presented. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – recused, Hunker – aye.) Motion carried.

Mayor Cooper called to consider adoption of a resolution authorizing and directing the Mayor to seek an amendment to the City Charter, Section 40(q), to change the authorized indebtedness of the City from a percentage of the assessed value of real property to a fixed amount.

Mayor Cooper said that currently the City's Charter has a provision in Section 40(q) that limits the total outstanding loans to 25% of the assessed valuation of the City. The assessed value is approximately \$74,000,000.00 which would allow for a borrowing limit of approximately \$18,000,000.00. Currently the City owes approximately \$8,000,000.00. In anticipation of the improvements to the wastewater treatment plant and the outfall project, the City will not fit within that cap. Mayor Cooper recommended that a fixed amount of \$50,000,000.00 should replace the percentage of the assessed value. The State legislature would vote to change the amount.

City Solicitor Mandalas said that the Resolution would give Mayor Cooper authorization to take this proposed bill to the General Assembly to see if it will pass it and change the Charter.

Commissioner Hunker made a motion, seconded by Commissioner Mills to adopt the Resolution authorizing the Mayor to seek an amendment to the City Charter with reference to borrowing. (Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mayor Cooper called for the report on status of the Beach Bloom Project.

Commissioner Zellers reported that the Bloom Group has been working with the City and finalized its projects on April 9, 2012. Initially, three projects were identified: 1. Lake Gerar. 2. Rehoboth side of Canal Bridge. 3. Bandstand area around the Boardwalk. Considering the costs, the Group decided to concentrate its efforts on the bridges. The Group has decided to install lamppost baskets at Lake Gerar. This is a test area. A plan is in place for watering the plantings, and the baskets have been ordered. With regard to the Rehoboth side of Canal Bridge, the Group rejected the idea of planters because of costs and permissions that would be required from DelDOT as far as placing things on the rails. Barrels were also rejected with regard to this bridge. The Farmers' Market has an initiative to beautify the area at the entrance to Grove Park with an in-ground planting design using native plants. A plan is in place for watering those plantings. With regard to the Bandstand and Boardwalk, the fountain area needs beautifying. No one in the Group was receptive to using barrels because they would detract from the classic lines of the Bandstand. The Group will not be doing anything in that area until a later date. Currently the Group is deciding on the planting selections, and it is anticipated that the project will begin at Lake Gerar in early May 2012. Volunteers are needed who have an interest in seeing Rehoboth bloom. A Press Release will be sent out with contact information.

Mayor Cooper called for the update on SB234, known as the Universal Recycling Bill, and the City's efforts to expand its recycling program to multi-family complexes.

Commissioner Mills said that SB234 was approved in June 2010 and establishes universal recycling in Delaware. The Bill's intent is to increase diversion rates from the landfill thereby extending the life of the landfill, be environmentally conscious and recycle materials into new products that otherwise would be discarded and taking up space in the landfill. The Bill has several components, one of which outlines a multi-year schedule for implementing recycling programs. By September 15, 2011, single-family homes and restaurants were to be provided recycling services. An important note is that the State law mandate was for trash collection vendors to provide recycling services to their customers. Recycling by users is not mandated and is not policed, but is highly encouraged. The City provides trash collection for all residential properties by ordinance. The City was required to provide recycling services to all single-family residential properties by September 15, 2011. The City has been considered a leader in recycling through DSWA, etc., because it is one of the earliest municipalities to offer recycling services. With the receipt of grant monies through DNREC, the City was able to expand the single-family recycling program from approximately 1,700 volunteer recyclers to approximately 2,200 residents or tenants. Grant monies in the amount of \$40,187.00 from DNREC were used to purchase containers, refrigerator magnets and provide educational mailings. Additional monies for purchasing and installing decals and delivering containers were provided by the City. By September 15, 2011

full service restaurants were the second entity to be provided with recycling services. Currently, the City does not provide trash collection to any restaurants that fall under the mandate to receive recycling services. The restaurants receive recycling services from their trash vendors. By January 1, 2013, State law mandates that all multi-family complexes are to be provided recycling services by their chosen trash vendors. For the City's multi-family customers, it is currently reaching out to the complex owners or managers to advise them of the State law and the desire to expand recycling to their complexes. Containers are being offered in different sizes and types with the same educational decals and refrigerator magnets as in the single-family program. The City decided to provide complexes with recycling containers. A second grant in the amount of \$18,000.00 from DNREC will be used to purchase containers, decals, refrigerator magnets with the City contributing installation of decals, delivery of containers and mailing of educational information. It is expected that all the multi-family complexes will be onboard with recycling in September 2012 or sooner. By January 2014, commercial recycling kicks in per State law; however, State law does not define commercial recycling or what is to be recycled. The subcommittee of Delaware Recycling Public Advisory Council is analyzing this topic and is developing a report to be issued to the General Assembly by November 2012 with recommendations on implementing recycling in the commercial sector. Commissioner Mills sits on the council and subcommittee, and will keep the Commissioners informed.

CITY MANAGER'S REPORT

(See attached report.)

City Manager Ferrese reported that the City received from the State Energy Office a Greenhouse Gas Reduction Grant in the amount of \$15,000.00 to purchase twenty (20) 80 watt LED lights to replace the 175 watt lights that are in and around Grove Park and behind and on the side of the Museum. The twenty (20) LED light fixtures have been ordered, and it is expected that delivery will be made around Memorial Day Weekend. The City electrician will do the installation. The ADA Ramping Project will be completed by early May 2012, if not sooner. It is intended that the ADA Ramping Project will continue this Fall 2012. Mr. Ferrese hopes to receive State funding towards this project. The City has budgeted \$54,000.00 towards this project. The Delaware Avenue Upgrade Project will be completed by early May 2012, if not sooner. On May 9, 2012, the City will assist Envirotech in regard to installing the Rain Garden in front of City Hall. The agreement has been signed in regard to the Lake Avenue Upgrade Project.

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

03/31/12	515	Delmarva Power	\$ 7,993.91 (Street Lights)
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Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the Street Aid expenditures as presented. Motion carried unanimously.

COMMITTEE REPORT

Commissioner Zellers, Chair of Animal Issues Committee, reported that a meeting was held on March 16, 2012. Ms. Marcia Maldeis provided a comprehensive report on the trap/neuter/release program of feral cats in the City. Since its inception in 2009, 52 feral cats have been trapped/neutered/released, and 28 kittens have been trapped/neutered/adopted. The total cost for the project has been \$1,643.00. The City has provided funds for 13 cats. Delaware Humane has done 13 cats with other organizations contributing also. The last feral kittens known about were trapped in September 2011. The overall situation with the ferals has improved, but it does not mean the City does not have feral cats and the associated problems with them. Help is needed, and there is a current wanted list for two ferals that have become trap savvy in the area of Baltimore Avenue. Residents seeing a cat in the City without a clipped left ear should notify the City which will contact the Animal Issues Committee. Delaware Humane is hosting Wags, Whiskers and Wine on June 8, 2012 at Nassau Valley Vineyards. Delaware Humane is also hosting Yappy Hours at various places. Georgetown SPCA will be hosting an event on October 6, 2012.

CITY SOLICITOR'S REPORT

City Solicitor Mandalas reported that with regard to 2 St. Lawrence Street, there is language in the document which needs to be verified, and he anticipates a meeting will be held in the near future. A trial was held in Alderman Court last week with regard to a restaurant owner who changed the floor plan and failed to get a building permit for some work which had been done. The ruling was in favor of the City. This particular restaurant does not have a Permit of Compliance because it is grandfathered.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Gossett announced that on April 1 & 2, 2012, he and Ms. Anmarie Westerfield of Main Street

attended the National Main Street Conference in Baltimore, MD. There were opportunities for looking at things that other communities are doing such as lighting, banners, streetscape issues, etc.

Discuss items to include on future agendas.

There were none.

CITIZEN COMMENT

Mr. Walter Brittingham, 123 Henlopen Avenue, requested an update regarding the parking meter system.

Mayor Cooper said that there is one outstanding issue as it relates to 30-minute and Reino meters. The Parkmobile system is geared towards zones, and everything within a zone has to be homogenous. The thought is to make each Reino meter a separate zone. With regard to enforcement, T2 is an excellent firm as indicated by Mr. Dave Henderson, IT Director.

The Workshop Meeting will be held on May 18, 2012 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 8:56 p.m.

Respectfully submitted,

(Ann M. Womack, CMC, Assistant Secretary)