

No restaurant applications were received in May. One stop work order was issued for a contractor working without a license. One stop work order was issued for a contractor working without a building permit. One notice of violation was issued for putting trash out too early. Two notices of violation were issued for freestanding signs. One notice of violation was issued for defacing a sidewalk. One notice of violation was issued for a flag too low. Two notices of violation were issued for temporary banners. Six notices of violation were issued for tall grass. One notice of violation was issued for a damaged sidewalk. One notice of violation was issued for installing a gravel sidewalk on City property. Four civil citations were issued for disturbing the peace. Seventy-two property owners have still not posted their 9-1-1 addresses on their buildings. A follow-up letter was sent to these property owners. The Board of Adjustment heard no cases in May.

Ms. Bitsy Cochran, 27 Baltimore Avenue, asked if an annual inspection of the grease traps and seating compliance in the restaurants is being done this year. Ms. Sullivan responded that she has been working on the restaurant seating compliance, and nine of the 62 restaurants serving alcohol still need to be inspected. Inspections of grease traps have not been done to date.

REPORT OF THE PLANNING COMMISSION

(See attached report.)

Vice Chair David Mellen presented the report of the Planning Commission. The Regular Meeting was held on June 8, 2012. A Public Hearing was conducted on an application requesting the partitioning of a property located at 21 Queen Street. The Planning Commission unanimously approved the application as amended. The Planning Commission devoted the majority of its meeting to reviewing additional research/resource materials and analyses assembled since its May 12, 2012 Workshop Meeting. It has now reached tentative agreement on several specific recommendations and suggestions as well as identifying issues needing further investigation. While still seeking additional input, the Commission has reached the point that can begin to draft its report. In accordance with the Board's resolution, the Planning Commission's third progress report is attached that provides more specific information. On June 4, 2012, the Planning Commission forwarded two draft ordinances to the Board for its approval. The first is to better protect the City regarding the requisite bonding for major subdivisions. The second is an amendment to the definition of lots in regard to merged lots and their partitioning. Approximately four members of the Planning Commission will be meeting with representatives of DNREC in Dover, DE regarding the City's lakes. The date of the meeting has not been determined to date.

OLD BUSINESS

There was none.

NEW BUSINESS

Mayor Cooper called for consideration of a proposed ordinance to amend Chapter 102 of the City Code that would remove Lot F, Surf Avenue, owned by the Village Improvement Association (VIA), from Section 605.1 of the City Building Code which removes the requirement that buildings erected on this lot be of fire proof materials (Type 1 construction).

City Solicitor Mandalas read the proposed ordinance.

Mayor Cooper noted that the VIA has wanted to expand its building, and plans were drawn. Only recently, the VIA became aware that its building is located in the area, set out in the Code, that is required to have fireproof materials along the Boardwalk. This provision in the Code has been in existence approximately 40 years. It was adopted to address concerns with zero setbacks of buildings and that fires would hopefully be contained in one building and not spread. Lot F was conveyed to the VIA by the City, and the City controls the land around it. To redesign the VIA's building with fireproof materials would add approximately \$65,000.00 to the \$200,000.00 project. Mayor Cooper did not think that the requirement is warranted so he worked with City Solicitor Mandalas to remove Lot F of Surf Avenue from the current provision in the Code that requires the building be of fireproof materials.

Commissioner Mills had expected that there might be a support document with an analysis to accompany the proposed ordinance. It is mentioned within the Code that certain other areas in the City can be Type 1 or Type 2. He was not sure if any of this had been considered. Commissioner Mills had also expected a confirmation from the Rehoboth Beach Volunteer Fire Company that it agrees with this since in Line 8 of the proposed ordinance it is stated that this action was taken on the advice of the Rehoboth Beach Volunteer Fire Company. He would value the Fire Company's opinion regarding this issue. Mayor Cooper noted that no one has approached the Fire Company.

Commissioner Zellers was concerned whether the Fire Company and Fire Marshal have weighed in on this matter. Mayor Cooper noted that the Fire Marshal has nothing to do with this. The Building Code adopted by the City is the International Building Code, and it has provisions in it that the closer a building is built to the property line, the bigger the restrictions. The Building Code has safeguards built into it for buildings that are close to the property line. The requirement for Type 1 materials is an additional requirement.

Ms. Sullivan said that the Fire Marshal has signed off on the original design, and it meets the State of Delaware Fire Code.

Mayor Cooper noted that what the Fire Company wanted was for the exterior walls to be of masonry in order to create a fire break so the fire could be contained within one building. Originally in the Southern Standard Building Code, there was a provision to declare certain areas of a municipality as fire districts. When the International Building Code was adopted, it did not have a provision in the same sense as declaring a fire district. The provision in the current City Code does not meet all the intent as when it was adopted. Mayor Cooper noted that he, Ms. Sullivan and City Manager Gregory Ferrese had met with the VIA. The building will never become a hotel/motel; and before that would happen, it would revert back to the City. This is about the separation from other buildings.

Commissioner Coluzzi was satisfied that the Fire Marshal has signed off on the design. Commissioner Mark Hunker concurred.

Commissioner Sargent said that the savings are significant, and he was comfortable with what has been proposed. He would feel more comfortable with particular hotels if the sides were constructed as Type 1.

Commissioner Gossett agreed that this is a unique situation because of the isolation of the building with asphalt or Boardwalk surrounding the three sides and one side is another building. The fact that the State Fire Marshal has signed off on it gives the Commissioners solace. He was certain that constraints have been made in the kitchen design with regard to fire safety, etc. This is a great solution to this situation which has presented itself.

Commissioner Hunker made a motion, seconded by Commissioner Sargent to adopt the ordinance before the Commissioners to amend Chapter 102 of the Code.

Commissioner Mills voiced concern that adequate notice and a proper awareness has not been given to the general public so they can react to it and provide feedback. Commissioner Mills will not be voting on this matter because the process is not correct. A policy can be developed; and the Commissioners can define what an emergency is and whether this is an emergency condition.

Commissioner Hunker felt educated enough on this matter.

Mr. Walter Brittingham, 123 Henlopen Avenue, thought that this would be a mistake to build the building without Type 1 construction. The building could be built to the full lot. Mayor Cooper said that there is no prohibition from it building. The Code calls for Type 1 construction along the Boardwalk and Type 1 or 2 from Second Street to the Boardwalk on Baltimore, Wilmington and Rehoboth Avenues, but has no provisions from Second Street to the Canal.

Ms. Sullivan said that the Building Code has a provision in it that anything on the property line or within three feet of the property line there is a requirement for the amount of openings allowed in that area. If other things are done in that area, they have to be fire rated. The State Fire Marshal will still have to sign off on everything, and the State Fire Code still has to meet the Building Code. Type 1 construction is above and beyond those requirements. It is only the addition to the building which is in question. The existing building will not have to be brought up to code if it is not touched.

(Gossett – aye. Sargent – aye. Coluzzi – aye. Cooper – aye. Mills – abstained. One of the reasons he is not voting is that sufficient notice was not created to give adequate awareness to the public so that it could react and provide feedback. Zellers – aye. She had concerns about safety. With the Fire Marshal signing off on it, this had made her feel more comfortable about it. She felt that this is a unique situation. Hunker – aye.) Motion carried.

Mayor Cooper called to set the City Real Estate Tax Rate for the tax year beginning July 1, 2012 and ending June 30, 2013.

Mr. Ferrese noted that the 2012/13 Budget does not include a tax increase. He recommended that the Real Estate Tax Rate remain the same at \$1.78 per hundred dollars of assessed value.

Commissioner Sargent made a motion, seconded by Commissioner Coluzzi, to set the City Real Estate Tax Rate at \$1.78 per hundred dollars of assessed value for the upcoming tax year. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

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

07/13/12	518	Delmarva Power	\$ 7,882.79 (Street Lights)
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Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve the Street Aid expenditures as presented. Motion carried unanimously.

(See attached report.)

City Manager Ferrese reported that the transfer tax collected from April 1 through May 31, 2012 was \$177,177.00. For the same period last year, it was \$124,118.00. From June 1, 2012 to today, the transfer tax collected was \$93,000.00. The Parking Meter revenue from May 25, 2012 through June 13, 2012 was \$353,885.00. For the same period last year, it was \$339,812.00. Mr. Ferrese has not received a response to a letter he had sent to Senator Bunting and Representative Schwartzkopf requesting Community Transportation funds for the continuation of the City's ADA Ramping Project. The request was for \$25,000.00 from Senator Bunting and \$50,000.00 from Representative Schwartzkopf. The City has received monies from the Tobacco Grant to purchase 14 smoker urns and nine signs. Ten of the urns will be placed on the Boardwalk. Twelve additional heavier urns were also ordered. The City has hired Mr. Max Hamby, a part-time IT professional who will work with IT Director Dave Henderson and Mr. Willie Merchant. Mr. Hamby was interviewed by Mayor Cooper, Commissioner Mills, Mr. Burt Dukes, Mr. Henderson and Mr. Ferrese. He will start June 25, 2012 and will average 24 to 32 hours per week. The City Hall Complex Master Plan Task Force will be meeting on June 19, 2012 at 9:00 a.m. in the Commissioners Room, and the City's architect, Mr. Mike Wigley, will give a presentation. Also noted was that the LED lights have not been delivered to Grove Park to date. An amendment to the grant in the amount of \$20,000.00 was received to replace the existing light fixtures with LED lighting in and around Grove Park. The fixtures will be purchased, and the City electrician will be installing them. All departments are gearing up for July 4, 2012.

Mr. Walter Brittingham, 123 Henlopen Avenue, asked if the City has a grant for work to be done in Central and Deer Parks. Ms. Sullivan said that the City has a grant to remove invasives from Central and Deer Parks. Everything including spraying has been done until this Fall 2012. The parks are not intended to be clear cut, and there is an area where people can walk through. There is no drawn plan. Cutting was done where the invasives were located in order to kill them off, and the tree stands would remain. Commissioner Gossett noted that as outlined in the Comprehensive Development Plan (CDP), both Central and Deer Parks are designed and directed to be passive parks as opposed to active parks. This project was a cleanup of invasives and to maintain the parks as passive parks.

COMMITTEE REPORT

Commissioner Mills, Chair of Communications Committee, reported on committee activity and consider adoption of a revised mission statement for the Communications Committee. A meeting was held today. He wanted to remind the Commissioners and Department Heads that the City website can be better utilized, and they can contact him with regard to this subject. A facelift is being done at this time, and there will be a lot of new enhancements. The Committee wants to formulize a revision to the mission statement for the Communications Committee. A report had been forwarded to the Commissioners prior to this meeting that outlines what had been presented at a previous meeting. The recommended revisions were to take out information that the Committee authored communications. The Committee works on evaluating methodologies and making recommendations. The recommended version of the mission statement was provided on page 3 of the report. Commissioner Mills would like the Commissioners to approve the recommended changes. The committees all work under the purview of the Board of Commissioners and do not work independently.

Commissioner Sargent said that the Committee in general responds to needs, and a mission statement can be confining. He would be happy with the Committee that when it needs to change the mission statement, to do it. Revising the mission statement should not need to have the approval of the Commissioners. Commissioner Coluzzi agreed. Commissioner Gossett also agreed. In looking ahead, this would be a good activity for each committee to do on an annual basis. He recommended that on an annual basis, each committee could provide a short report back to the Commissioners that they reviewed their mission statement and activity. An annual

review would be the time for changes to be made.

Mayor Cooper noted that all committees are advisory to the Commissioners and have no authority on their own to do something, other than those that are tasked in the Code such as the Board of Adjustment, Planning Commission, etc. Typically, if the Commissioners were to develop a new committee, they would develop the mission statement. Otherwise, the existing committee would revise the mission statement if needed and would bring it back to the Commissioners.

City Solicitor Mandalas said that the Board of Commissioners has created committees so it has the power to dissolve a committee. He thought Commissioner Mills was looking for some type of endorsement to go back to the Committee and say that the Board of Commissioners does not seem to have a problem with revising the mission statement.

Commissioner Mills will report to the Communications Committee that the consensus of the Commissioners is that the revision to the mission statement is fine.

NEW BUSINESS

Mayor Cooper called for the submission of Nominating Petitions for Commissioners' approval as to qualifications for candidates for the annual Municipal Election scheduled for August 11, 2012.

City Manager Gregory Ferrese recommended the following submissions for approval as to qualifications of Nominating Petitions for Mayor and Commissioners.

Mr. James Patrick Gossett is seeking the office of Commissioner of the City of Rehoboth Beach. His Nominating Petition was submitted on May 27, 2012 at 2:51 p.m., and he has 25 certified signatures of registered voters in the City of Rehoboth Beach on his Petition.

Mr. Gossett acknowledged that he is a non-resident of the City.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to accept the Nominating Petition of Mr. James Patrick Gossett to run for office of Commissioner in the municipal election on August 11, 2012. (Gossett – abstained, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried.

Mr. Willis Sargent is seeking the office of Commissioner of the City of Rehoboth Beach. His Nominating Petition was submitted on May 21, 2012 at 9:23 a.m., and he has 12 certified signatures of registered voters in the City of Rehoboth Beach on his Petition.

Mr. Sargent acknowledged that he is a resident of the City.

Commissioner Coluzzi made a motion, seconded by Commissioner Mills, to accept the Nominating Petition of Mr. Willis Sargent to run for office of Commissioner in the municipal election on August 11, 2012. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

Ms. Mary A Sharp is seeking the office of Commissioner of the City of Rehoboth Beach. Her Nominating Petition was submitted on June 1, 2012 at 12:16 p.m., and she has 12 certified signatures of registered voters in the City of Rehoboth Beach on her Petition.

Ms. Sharp acknowledged that she is a resident of the City.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to accept the Nominating Petition of Ms. Mary A. Sharp to run for office of Commissioner in the municipal election on August 11, 2012. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Mills gave an update on the Beach Nourishment Project. The beach has been extended, and the dunes have been rebuilt. Great Lakes Dredge's sub-contractor was responsible for rebuilding all the dune crossings within the project area including two handicapped dune crossings at Maryland Avenue and Laurel Street. Part of the

rebuilding of the dune crossings was that special material and compacting sand was put in for a harder surface. New fence posts and sand fencing along the dune crossings were recently installed. It is anticipated that they will demobilize and pull out by June 22, 2012. The handicapped dune crossings will be started on June 18, 2012. After the two crossings have been rebuilt, the Mobi Mats will be installed to give the disabled the opportunity to get to the beach. The outfall extensions are being worked on at Rehoboth and Delaware Avenues and Laurel Street.

Discuss items to include on future agendas.

Items to be discussed at a future Workshop Meeting is the tree ordinance, performance guaranty bonding and the code relative to merging lots.

Commissioner Gossett proposed to gather sound and current data on what is going on with the tree ordinance and its effectiveness, hold a meeting with those in the City charged with its enforcement and then come back at a public meeting and move forward with changes to the ordinance..

CITIZEN COMMENT

Mr. Walter Brittingham, 123 Henlopen Avenue, noted that with the oceanfront parking between Pennsylvania and Oak Avenues, people park their vehicles up against the grass on the west side, on the City side of the sidewalk. In most cases, the vehicles are parked over the roadway. From the edge of the roadway, the shoulder should be made level for 12 feet. Foliage is also growing over property lines. Lights on Henlopen Avenue are engulfed in the crowns of the trees. The City should request Delmarva Power to come and trim to the limits it is allowed to expose around the lights. At Felton Street, the stop sign cannot be seen due to overgrowth. There is also overgrowth at the southwest corner of Surf and Columbia Avenues which forces people out to make a turn. He suggested the Commissioners ride around to see what is happening at night and with the parking on the weekends and weekdays.

Ms. Toni Sharp asked if more tweaking will be done to the brochure for the Bicycle Map which was presented the June 4, 2012 Workshop Meeting.

Commissioner Coluzzi noted that the Streets & Transportation Committee has reviewed the map portion of the brochure along with rules of the road and additional small maps and diagrams, etc. She received the reverse side of the brochure today and forwarded it the Committee for additional review. It is anticipated that the brochures will be ready by July 4, 2012.

The Workshop Meeting will be held on July 2, 2012 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 8:20 p.m.

Respectfully submitted,

(Pat Coluzzi, Secretary)