



one alarm incidents were responded to.

Mrs. Nancy Meadows, 506 Newcastle Street thanked Police Chief Banks and Detective Sullivan for helping to resolve her issue with identity theft.

#### **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 May 2011. During the month, 81 permits were issued for a value of work totaling \$2,506,961.42. Fees collected totaled \$49,606.50 for the month. Seventy-two permit processing fees were received in the amount of \$1,440.00. No restaurant applications were received in May. Five stop work orders were issued for contractors working without licenses. Seven notices of violation were issued for signs on City property. Nine notices of violation were issued for tall grass. Two notices of violation were issued for sidewalks in disrepair. Twenty-two notices of violation were issued for flags being too low. Eighteen notices of violation were issued for obstructing the City sidewalk. Seventeen notices of violation were issued for blinking signs. Three notices of violation were issued for defacing the sidewalk. Two notices of violation were issued for temporary banners. Three notices of violation were issued for putting trash out too early. Two notices of violation were issued for music on a patio. Two notices of violation were issued for external speakers. One notice of violation was issued for excessive window coverings. Fourteen notices of violation were issued for noise. No signs were confiscated from City property. The Board of Adjustment heard one case in May.

#### **REPORT OF THE PLANNING COMMISSION**

Vice Chair David Mellen presented the report of the Planning Commission. The Regular Meeting was held on June 10, 2011. A Public Hearing was conducted on an application requesting the partitioning of a property located at 80 Kent Street. The Planning Commission approved the amended application as submitted. The applicant is re-orienting the lots to face Fifth Street. A Preliminary Review was conducted on an application requesting the partitioning of a property located at 2 Oak Avenue. In addition to the sealed survey presented by the applicant showing exactly 100 foot frontage for the subject property and various frontage dimensions of less than 50 or 100 feet for other properties on Oak Avenue, the Planning Commission was presented with a number of other sealed surveys showing different dimensions. Title(s) showing metes and bounds were not included with the application. The Planning Commission urged the applicant, through his representative, to do further research and submit any documentation to address the discrepancies among the various surveys or any additional discovered surveys/legal descriptions. Subject to the timely submission of any additional information, the Planning Commission voted to move the application to Public Hearing. A new partitioning application for a property located at 36 Columbia Avenue has been submitted and will be placed on the July 8, 2011 agenda for Preliminary Review.

#### **OLD BUSINESS**

There was none.

#### **NEW BUSINESS**

Mayor Cooper called to discuss a Tree Initiative for the City of Rehoboth Beach with the goal of maintaining and increasing the tree canopy on a neighborhood and city-wide basis.

Commissioner Sargent said that the objective is to leave a legacy that people will appreciate thirty to fifty years from now and hopefully sooner. In Commissioner Sargent's presentation from a previous meeting was an estimate of 20,000 trees in the City. To be able to develop a budget, a more accurate estimate is needed. It is expected that sometime next week several people from the State will be in the City and will identify a procedure where they will count the trees on various lots with known dimensions and use that for estimating the tree count more accurately. Additionally, there has been nice feedback from people, and there has been active interest in the possibility of private funding along with State and City funding.

Commissioner Mills' understanding was to come up with a budget to complete the survey because the survey does not represent 100% of the City. The survey will be useful when approaching budget time. The other thing was to try to establish a goal or objective for the tree canopy to be expanded by a certain percentage. Commissioner Mills was not sure if this would be adopted as a formal or informal policy.

Commissioner Sargent thought that the survey would be done by working with various neighborhoods because of unique problems such as the first block near the ocean because of the wind and salt, etc. Every section of the City has its own unique problems. The City will be receiving help from the state arborists to determine a good strategy for planting trees. He hoped that community groups would be active in proposing more of a tree canopy in the different neighborhoods. Putting all of the results together would imply what has changed the current 32% to an increased percentage. American Forestry, one of the foremost environmental associations, has set 40% as a nice tree canopy coverage for each municipality east of the Mississippi.

Commissioner Zellers said that many cities are doing similar initiatives which involves the community such as dedication programs for honoring someone etc. When deciding how much canopy there should be in the city there could be incentives for private citizens to buy into this program such as plantings, maintenance, etc. They incentives would give all the benefits of better property values, prettier homes and streets, cooler temperatures in the summer **and** warmer temperatures in the winter, etc. This program would also tie in with the Comprehensive Development Plan (CDP).

Ms. Libby Stiff, 1007 Scarborough Avenue Extended, said that the school district has not done anything with the trees behind the homes on that street. The trees are being killed by ivy, and no maintenance is being done regarding those trees. The City Arborist has made recommendations for the different types of trees that can be planted on that street.

Commissioner Barbour said that before getting into a forestry program for the entire City, the Commissioners need to address a forestry program for the public lands such as Central Park, etc. and cleaning up those areas currently in the City.

Ms. Marcia Maldeis, 38 Maryland Avenue, voiced concern with planting more trees in Gerard Park where children play frisbee and whiffle ball. Commissioner Sargent said that Gerard Park will not become a forest like Central Park. There will still be plenty of open space.

Mayor Cooper called to discuss prioritizing and the possible setting of timelines for recommendations contained in the recently approved Comprehensive Development Plan (CDP).

Commissioner Coluzzi had forwarded to the Board of Commissioners a spreadsheet of 20 action items taken from the Executive Summary in the CDP. Initially, she thought each item should be prioritized but has since made a suggestion that each Commissioner and the Mayor select five of the 20 action items that they think are most important. Each list of five items would then be discussed. The CDP with its recommendations should be followed as a planning document.

Commissioner Barbour thought that it is the responsibility of the Commissioners as an elected body to take the document that the Planning Commission prepared and prioritize it. This should not be an exercise in pet projects. The Commissioners as a group need to establish priorities and move forward from there.

Commissioner Coluzzi suggested:

1. Emergency Operations Plan needs to be completed because it is a high priority for the City. She suggested establishing a schedule to accomplish its completion.
2. Thorough enforcement of vacation rental housing regulations, health and safety inspections and licensure should be done which could possibly require hiring another employee. The City is not receiving the monies it should be receiving in terms of rentals, and there are also safety issues that need to be looked at. She suggested establishing a plan regarding this matter.
3. Plant and maintain curb-side trees on all sidewalked streets within the City, and ensure connectivity and walkability of all sidewalks. The City Manager's idea of requiring that a sidewalk be put in where there is none when someone is making modifications above a certain threshold has been implemented. Commissioner Coluzzi thought that even though this is a start, it is important to have walkability of the streets.
4. Establish a canal park along the entire western boundary of the City and work with federal and state agencies to ensure the maintenance, bank stability and navigability of the Lewis-Rehoboth Canal. An escrow account in the amount of \$20,000 has been set aside by the Lovett family for funding of a portion of the canal park. There is a timeframe associated with the \$20,000. Explore the public-private joint venture for a water taxi connection with Lewes. The Lewis-Rehoboth Canal improvement Association has received a grant to do a feasibility study for that purpose. Commissioner Coluzzi would like to see the Board work with the Association to make it a reality, if feasible.
6. Adopt a Complete Streets Policy to ensure that as opportunities to revamp streets occur, such streets are designed and operated to enable safe access for all users and connected in a citywide integrated network. A plan will be prepared defining citywide alignments for a connected bikeway system and will develop clear and well defined publicly supported policies for traffic management based on the following principles: access for people should not be inhibited, get cars off the street and promote walking, biking and shuttle services. The City has received a grant to put together a

pedestrian/bicycle master plan, and hopefully this will be something the City would want to implement.

Commissioner Mills did not want to emphasize and concentrate solely on the action items identified within the Executive Summary of the CDP because there are other items within the CDP itself that deserve attention. There are different objectives and weights to give to these items such as the environmentalists' concerns vs. the working conditions for the employees, etc. Action items that have been completed/ongoing are: 1. Adoption of the Emergency Operations Plan (EOP). 2. Continue to refurbish the Boardwalk. 3. Adopt the official zoning map. 4. Act on rezoning the school property. 5. Select and fund a wastewater discharge alternative. Action items that are ongoing/to be completed: 1. Install uniform wayfinding signage for the oceanfront and the facilities supporting use of the oceanfront. 2. Plant and maintain curbside trees on all sidewalked streets within the City, and prepare a community forest plan designed to increase public support and public involvement, increase afforestation efforts, reduce undesirable and invasive species, and secure the long-term management of its urban forest. 3. The City will refine and communicate its capital needs through preparation of a Capital Improvement Plan. 4. Begin Silver Lake recovery – dredging. 5. Explore the creation, possibly as a public-private joint venture of a water taxi connection with Lewes. The balance of action items within the Executive Summary of the CDP which are administrative: 1. Prepare a citywide storm water management plan. 2. Continue regular beach replenishment. 3. Thorough enforcement of the vacation rental housing regulations, health and safety inspections, and licensure. 4. Develop the appendices to the EOP that spell out specific responses to public emergencies should be completed, Updated, widely publicized and made readily available. 5. Investigate a City policy of requiring that all municipal facilities, City funded projects and City infrastructure projects be constructed, renovated, operated, maintained and deconstructed using Green Building and Low Impact Development practices. 6. Begin Silver Lake recovery using buffer planting (ongoing?). 7. Work with federal and state agencies to ensure the maintenance, bank stability, and navigability of the Lewis-Rehoboth Canal. 8. Assure the walkability of all sidewalks such as trimming trees and shrubbery for adequate clearance and maintaining good condition of sidewalks, etc. Action items which are non-administrative: 1. Establish a Canal Park along the entire western boundary of the City. 2. Prepare a long-range development, renovation and maintenance plan for Rehoboth's parks and recreation spaces. 3. Assure the connectivity of all sidewalks (ongoing?). 4. Adopt a Complete Streets policy to ensure that as opportunities to revamp streets occur, such streets are designed and operated to enable safe access for all users and connected in a citywide integrated network. A plan will be prepared defining citywide alignments for connected bikeway system. Develop clear, well defined, publicly supported policies for traffic management based on the following principles: access for people should not be inhibited, get cars off the street and promote walking, biking and shuttle services. 5. Institute an architectural review procedure as a limited time pilot program within the normal permitting process. Acceptance of the recommendations of architectural review will be voluntary during this period. 6. With Main Street and the Chamber of Commerce, encourage and assist interested property owners in the creative development of properties on Rehoboth Avenue and its connecting streets. Study how to physically upgrade the first two blocks of Baltimore and Wilmington Avenues and First Street to improve their commercial viability, safety, ambience and access by pedestrians. 7. Examine establishing a mixed-use zone allowing a blend of residential and non-residential uses as a means of encouraging the development and redevelopment of selected commercial areas along major commercial streets. Begin Silver Lake recovery: establish regulatory buffer zones. Review all development regulations. 8. Continue the renovation/replacement of the City's municipal offices.

Discussion ensued as to the process of moving forward with prioritizing the various action items Commissioner Barbour said that as the Commissioners go through the process, they can determine which items can be referred to Mr. Ferrese or if items need further study, etc.

Commissioner Coluzzi suggested that all the Commissioners should email their top five action items to her. Commissioner Barbour will help her to prepare the list. He suggested that this subject should be placed on the agenda for the next Workshop Meeting to work through the list and process.

Mayor Cooper called to consider creating a committee to establish draft recommendations for acceptable noise levels within various areas of the City, based on a review of actual noise levels for the months of June, July, August and September 2011.

Commissioner Mills recused himself from this discussion.

Commissioner Barbour distributed a copy of the proposed Noise and Patio Advisory Committee profile, work plan and desire outcomes. One of the central elements from the meetings with Commissioners Barbour and Coluzzi, business owners and residents regarding the noise ordinance was for the City to put together a group of citizens who would go out with the police (at that time) and now with Mr. Bobby Edmonds, Code

Enforcement Officer and walk around the City during the hours between 10:00 p.m. and 12:00 a.m. to get a sense of what the noise levels are like now and reduce them to something that is quantitative like decibel readings. The citizens would have input in the process and make recommendations to the Commissioners. This would basically be data collection. Commissioner Barbour drafted the purpose, profile, duration, general work plan and desired outcomes of the proposed Noise and Patio Advisory Committee. He has spoken with citizens and has recruited volunteers for this committee. The Committee would consist of six to nine individuals including City employees. Commissioners McGuinness and Barbour would be the Co-Chairs of the Committee. The Committee would get together itself and would develop its own specific work plan and timelines. The general outline would be four to six nights between mid-July and mid-September that the Committee would go out in the City. The desired outcome would be subject to the approval by the Committee. Commissioner Barbour had hope to get the Committee out in the City by July 15, 2011. The Committee could work with Mr. Edmonds in terms of what has been done so far and get recommendations from him.

Mayor Cooper was opposed to the proposed Committee. Solving problems as a group is the Commissioners job, and the Commissioners should act as a group because that is what they were elected to do. Commissioner Barbour has not shared who the people on the proposed Committee would be. This issue is too important to turn it over to people yet unknown. Mayor Cooper said that what he agreed to in January 2011 was to enforce the existing noise ordinance at that time and see what would happen this summer. He would have expected a report from staff sometime before the end of summer. Mayor Cooper said that the Commissioners should develop the recommendations for the City, not the Committee.

Commissioner Barbour said that the Committee would develop the recommendations to give to the Commissioners, and then the Commissioners will determine them. The Committee would go out to do the work to come up with the data for the Commissioners to make reasonable policies. A group of citizens would go out and hear what the noise level is like in the neighborhoods, and make recommendations to the Commissioners as to what is reasonable for the City.

Commissioner Sargent had a fundamental problem with measuring noise at 11:00 p.m. During the hours designated as nighttime in residentially and commercially zone districts, noise levels shall not be plainly audible within any dwelling unit. He viewed that as the objective of the noise ordinance. The limits need to be set based on what is right for the people. Commissioner Sargent thought that this would lead to confuse the current enforcement of the ordinance.

Mayor Cooper said that the objective of the noise ordinance is for people to be able to enjoy the peace and quiet on their own property and keep the streets of Rehoboth under some control as it relates to noise. There are a lot of model codes that define the standard adequately.

Commissioner Zellers thought that the information gathering is probably a good idea to an extent, but it needs to be a more independent sort of thing done by an impartial group. She was not sure that the stakeholders should be involved because they are already at odds. Commissioner Zellers voiced concern with what kind of experience the proposed Committee would have with analyzing the data, noise, etc. If Mr. Edmonds is taking noise samples and keeping records, this information can be provided to the Commissioners at the end of the summer. Mr. Edmonds is impartial, and that information could be utilized.

Commissioner Coluzzi was looking to hopefully have some of the business people talk to the residents and try to work things out. It would be worth trying to see how it would work by putting some of the stakeholders together as a group for a meeting of the minds. Commissioner Sargent liked her idea of enhancing communication.

Commissioner McGuinness said that she would be willing to walk around to review existing weekend evening noise levels. Mr. Jeff Clayton and Mr. Joe Hill would also be willing to volunteer. Commissioner McGuinness suggested that different people could randomly go out with Mr. Edmonds to witness the noise levels. Discussion ensued.

Ms. Bitsy Cochran, 27 Baltimore Avenue, thought that the Mayor was to appoint committees and then the Commissioners were to approve them. Mayor Cooper said that Committees need to be approved by the Commissioners. She asked if the group is to instruct Mr. Edmonds what to do when they are out walking around with him. Commissioner Barbour said that Mr. Edmonds would be there as a resource. Ms. Cochran noted that due to time constraints she would not be available to be on the Committee. She thought that businesses would be pitted against businesses and restaurants against restaurants if a group of people would go out and make these kinds of decisions. The City has a code enforcement officer, a building inspector and elected Commissioners. She had hoped that the data would be gathered by Mr. Edmonds, and ultimately he

would present his findings to the building inspector on a timely basis and then be presented to the Commissioners in a report. Ms. Cochran thought it would be wonderful for the Commissioners to walk around at night to witness the noise levels in various areas of the City. She said that she would not be part of a Committee that makes its own rules. She would be on a Committee that the Mayor and Commissioners set forth guidelines and how the guidelines are to be met. Ms. Cochran mentioned that there are decibel meters which can be installed in the ceilings of restaurants. Currently, Key West has these types of decibel meters that collect data, and she suggested that the Commissioners look into this idea. Ms. Cochran said that it is up to the Commissioners to pass the rules, and then it is up to the businesses to obey them.

Commissioner Barbour said that it would be a useful exercise to have a conversation with the restaurant owners about decibel meters installed in the ceilings of restaurants.

Ms. Libby Stiff, 1007 Scarborough Avenue Extended, said that this is not a community-wide program, it is a neighborhood-wide program which is the business district. She thought it would be a good idea to send the code enforcement officer out with the decibel meter and have a couple of citizens go with him just to observe.

Mr. Mark Hunker, owner of JAM Bistro and Eden, said that he is a business owner, and no one wants to talk to him about this particular problem. The Commissioners should be talking to him and asking his opinion. Mr. Hunker may be able to approach other businesses that are making more noise or serving too late. He did not understand why the Commissioners would make a rule and impose it on 150 businesses but not want to hear what any of the businesses have to say. The Commissioners hired Mr. Edmonds to enforce something without saying what codes he is looking to enforce. Mr. Hunker suggested talking to the business community to inform it of the areas the Commissioners are trying to make safer and better for the community, and ask the business community for its help. He asked if Mr. Edmonds could invite business owners for an hour and talk to them about concerns.

Mayor Cooper said that the police have been to a number of the establishments and have tried to work with them but they have been snubbed.

Commissioner McGuiness thought that it might be more comfortable to not have nine people walking around with the code enforcement officer at the same time. It may be better to do this in shifts with less people in a group. Each Commissioner should walk around, and they should also suggest somebody from a business or residential community, or both.

Commissioner Zellers said that she would be more in favor of a satellite group or groups going out in the City and then reporting to the Committee as a group to discuss the results.

Mayor Cooper said that all the Commissioners should take the opportunity to go out and walk around on various nights.

Commissioner McGuiness thought that Mr. Edmonds could give the commissioners a mid-summer update on his findings instead of waiting until September.

Commissioner Barbour suggested that Mr. Edmonds be present at the Commissioners meetings to make his reports and talk with the Commissioners. He would like to hear from Mr. Edmonds directly on what his interactions have been.

Commissioner Barbour made a motion, seconded by Commissioner Coluzzi to create the Noise and Patio Advisory Committee as outlined. (Sargent – no. Bringing the business owners and the Commissioners together to foster better communications is a wonderful idea, and he supported that totally. He was uncomfortable with the idea to get data gathering. Coluzzi – aye. McGuiness – aye. Cooper – no. He felt the same way as Commissioner Sargent. Input is good, but the way it is being proposed is not. Barbour – aye. Zellers – no. She could not support it as a Committee. She liked the idea of fact finding and being able to go out on a more informal basis with someone from the community, a business owner and Mr. Edmonds. She would rather report it more informally and observe.) Motion failed.

The consensus of the Commissioners was for each one to walk around the City on a Friday or Saturday night with Mr. Edmonds. Arrangements will be made through Mr. Ferrese or Police Chief Banks.

Mayor Cooper called to consider an ordinance amending Section 83-4 of the City Code, which prohibits the consumption or the possession of an open container of alcohol in public, to make the penalty a civil offense.

City Solicitor Mandalas said that this ordinance converts the consumption or the possession of an open container of alcohol in public law to a civil offense. The default fine is \$25.00.

Commissioner Coluzzi made a motion, seconded by Commissioner McGuiness to adopt the Ordinance amending Section 83-4 by making the penalty a civil offense. (Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to set the City Real Estate Tax Rate for the tax year beginning July 1, 2011 and ending June 30, 2012.

Mr. Ferrese recommended that the Real Estate Tax Rate increase from \$1.55 per hundred dollars to \$1.78 per hundred dollars of assessed value. The increase is approximately 15% of which 5% of the increase will be set aside for the municipal building improvement project.

Commissioner Coluzzi made a motion, seconded by Commissioner Zellers, to set the City Real Estate Tax Rate at \$1.78 per hundred dollars of assessed value for the upcoming year.

Commissioner Sargent was unhappy with this change. He had indicated in the budget sessions that he would be willing to go along with the increase if the money would be earmarked for the improvement of the municipal facilities. The 10% which is allocated to the general fund is not needed. He had hoped that the entire 15% would be dedicated to the improvement of the municipal facilities.

Ms. Bitsy Cochran, 27 Baltimore Avenue, requested that Commissioner Barbour recuse himself from the vote because she was uncomfortable with a Commissioner who is going to vote on setting the tax rate when there are unpaid tax bills to the City.

Commissioner Mills felt that at the time of the budget sessions, needed capital improvements were identified, and they all are sufficient to warrant the tax increase.

Mayor Cooper said that he will not vote to spend money on something just because the City has the money. If the money is not spent, the City can always use a surplus to guard against future uncertainties.

Commissioner Zellers said that the budget is reasonable. She did not want to just raise taxes for the sake of doing that. Commissioner Zellers concern has been for the City to not rely too heavily on the transfer tax. There are some needed capital improvements that should remain in the budget. The increase in the real estate tax is reasonable and is not onerous for the homeowners.

Commissioner Coluzzi did not think that the increase in the real estate tax is onerous at all. If the citizens of the city are interested in what is in the CDP and would like to see the action items happen, it will cost money.

Mrs. Nancy Meadows asked City Solicitor Mandalas if it is appropriate for a Commissioner to vote who is in arrears regarding a tax situation. City Solicitor Mandalas said that he could not render advice to anyone as a citizen as to how he would advise any member of the Board. Recusal sits with the member of the Board, and that member decides whether there is a conflict of some sort or not.

Ms. Libby Stiff, 1007 Scarborough Avenue Extended, was not sure that the Commissioners were correct in saying that the tax increase will not hurt anyone in the City. The action items in the CDP will cost money. She asked if the Commissioners have considered looking at a commercial real estate rental tax, collecting all of the rental taxes, looking at what little bit the businesses pay to have a business in the city, looking at other sources of income, and looking at the broad spectrum to make sure everyone pays their fair share.

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

Mayor Cooper called to consider award of contract for the Convention Center Re-roofing and Window Replacement Project for which bids were received and opened on May 17, 2011.

City Manager Gregory Ferrese noted that sealed bids were opened on May 17, 2011 for the replacement of

the roof for the Convention Center and the replacement of windows for the municipal building and Police Department. Mr. Ferrese recommended that the low bid from Willow Construction LLC be awarded in the amount of \$369,900.00. The State has allocated \$240,000.00 towards this project, and the City has allocated in its budget, \$100,000.00.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to award the contract for the Convention Center Re-roofing and Window Replacement Project to Willow Construction LLC in the amount of \$369,900.00. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – absent, Mills – aye, Zellers – aye.) Motion carried.

Mayor Cooper called to confirm the appointment to the vacant position on the City's Board of Elections.

Mayor Cooper nominated Mr. Patrick Richardson, Dover Street, to fill the vacant position on the City's Board of Elections due to Mr. Ned Kesmodel's resignation. The term of the position will be held through October 2012.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to confirm Mr. Patrick Richardson to replace the unexpired term on the Board of Elections. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour - absent, Mills – aye, Zellers – aye.) Motion carried.

Mayor Cooper called for the submission of Nominating Petitions for Commissioners' approval as to qualifications of candidates for the annual Municipal Election scheduled on August 13, 2011.

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

Mr. Samuel R. Cooper is seeking the office of Mayor of the City of Rehoboth Beach. His Nominating Petition was submitted on June 1, 2011 at 10:54 a.m., and he has 20 certified signatures of registered voters in the City of Rehoboth Beach on his Petition.

Commissioner Cooper acknowledged that he is a resident of the city of Rehoboth beach Sargent made a motion, seconded by Commissioner Mills, to accept the Nominating Petition of Mr. Samuel R. Cooper to run for office of Mayor in the municipal election on August 13, 2011.

Mayor Cooper acknowledged that he is a resident of the City.

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

Mr. Thomas E. McGlone is seeking the office of Mayor of the City of Rehoboth Beach. His Nominating Petition was submitted on March 18, 2011 at 1:59 p.m., and he has 18 certified signatures of registered voters in the City of Rehoboth Beach on his Petition.

Commissioner Sargent made a motion, seconded by Commissioner Coluzzi, to accept the Nominating Petition of Mr. Thomas E. McGlone to run for office of Mayor in the municipal election on August 13, 2011.

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

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

Mr. Dennis J. Barbour is seeking the office of Non-Resident Commissioner of the City of Rehoboth Beach. His Nominating Petition was submitted on June 4, 2011 at 11:12 a.m., and he has 17 certified signatures of registered voters in the City of Rehoboth Beach on his Petition.

Commissioner Sargent made a motion, seconded by Commissioner Coluzzi, to accept the Nominating Petition of Mr. Dennis J. Barbour to run for office of Non-Resident Commissioner in the municipal election on August 13, 2011.

Commissioner Barbour acknowledged that he has filed as a non-resident of the City. Commissioner Barbour noted that he does not have a Delaware driver's license, but his car is registered in the State of Delaware. At one time, he did have a Delaware driver's license. Three years ago, Commissioner Barbour ran as a Non-Resident Commissioner, and nothing has changed since then. Although Commissioner Barbour is a resident of Washington, DC, he voted here in the national

election in November 2010.

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

Mr. Mark E. Hunker is seeking the office of Non-Resident Commissioner of the City of Rehoboth Beach. His Nominating Petition was submitted on May 28, 2011 at 11:35 a.m., and he has 21 certified signatures of registered voters in the City of Rehoboth Beach on his Petition.

Commissioner Sargent made a motion, seconded by Commissioner Coluzzi, to accept the Nominating Petition of Mr. Mark E. Hunker to run for office of Non-Resident Commissioner in the municipal election on August 13, 2011.

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

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

Mr. Richard W. Kirchhoff is seeking the office of Resident Commissioner of the City of Rehoboth Beach. His Nominating Petition was submitted on June 4, 2011 at 11:39 a.m., and he has 17 certified signatures of registered voters in the City of Rehoboth Beach on his Petition.

Commissioner Sargent made a motion, seconded by Commissioner Zellers, to accept the Nominating Petition of Mr. Richard W. Kirchhoff to run for office of Resident Commissioner in the municipal election on August 13, 2011.

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

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

Ms. Lorraine A. Zellers is seeking the office of Non-Resident Commissioner of the City of Rehoboth Beach. Her Nominating Petition was submitted on May 30, 2011 at 3:18 p.m., and she has 21 certified signatures of registered voters in the City of Rehoboth Beach on her Petition.

Commissioner Zellers acknowledged that she is a non-resident of the City.

Commissioner Sargent made a motion, seconded by Commissioner Coluzzi, to accept the Nominating Petition of Ms. Lorraine Zellers to run for office of Non-Resident Commissioner in the municipal election on August 13, 2011. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – abstain.) Motion carried.

Commissioner Barbour said that since he heard the statement that there is going to be a filing made with the Elections Commission about his status, he wanted City Solicitor Mandalas to give an exposition of what the standards are and what the showing has to be for residents and non-residents. City Solicitor Mandalas said that typically residency is often times tied to where a person pays their taxes and with what address is used in the tax filings. Sometimes a driver's license has relevancy. In this particular case or anyone's case, it is a multi-faceted analysis. Rather than giving a definitive explanation here and now, if Commissioner Barbour or any of the Commissioners would like for him to look investigate this further, he will.

Commissioner Barbour clarified that he votes in Delaware, has his car registered in Delaware, owns property in Delaware and pays taxes in Delaware. Commissioner Barbour has a driver's license from Washington, DC, and he spends a great majority of his time in the District of Columbia. Commissioner Barbour does not consider himself to be a domiciliary of the City of Rehoboth Beach. Commissioner Barbour thought that it would be unethical for him to declare himself as such since he does not live in the City most of the time. Commissioner Barbour has declared himself as a non-resident because he thinks it is the right thing to do. If there is anybody that has an issue with that, he would be perfectly happy to do whatever needs to be done legally to run as a resident. Commissioner Barbour can run as a resident or a non-resident because he qualifies under either standard. If this hangs on intent, it is clear that Commissioner Barbour's intent is to be a non-resident. If it is on specific factors and if the driver's license is a factor, then that takes away from the other factors which are taxes, etc. Commissioner Barbour has voted in the national election here in Delaware. Even in the way this election could turn out, it would not impact the outcome of the election depending upon who would win. Commissioner Barbour did not feel

that ethically it is appropriate for him to declare himself as a resident of this City when most of his time is spent in Washington DC.

Mayor Cooper thought that the tax authorities in Washington DC may want to know that Commissioner Barbour considers himself a Washington DC resident. This issue could impact next year's election because there is one non-resident and one resident up for election.

City Solicitor Mandalas said that in listening to Commissioner Barbour, he thought the location of which is primarily domiciled would be a factor giving great weight in this analysis. The intent of the Charter is to have a certain number of residents who are in the city primarily day to day. Given that likely intent of the Charter, the actual place where Commissioner Barbour spends most of his time would probably be a factor which would carry a great amount of weight.

Mr. Ron Paterson wondered if the above board procedure to be given the right to vote had taken place in the Voter Registrar's Office when Commissioner Barbour had indicated to the personnel in that office that he was indeed a resident of Delaware in the national election. Mr. Paterson voiced concern that an individual who admittedly has said he is a nonresident has a vote equal to his own vote. Commissioner Barbour has not been honest with the folks in Georgetown. Commissioner Barbour said that he is being honest with the citizens of the city of Rehoboth beach, and he is being honest about his situation and intent.

### **CITY MANAGER'S REPORT**

(See attached report.)

City Manager Gregory Ferrese reported that in regard to the City submitting a Letter of Intent to the State requesting grant monies to upgrade the Delaware Avenue Restrooms, he intends to amend the request to also include the Grove Park restrooms. In regard to the Energy Grant, sealed bids will be opened on July 19, 2011 pertaining to Energy Conservation at the Senior Citizens' Center and Public Works facility along with lighting in the Municipal Building and Police Department. On July 12, 2011 at 9:30 a.m., an employee from the State Energy Office and federal representatives will be at City Hall to review the work accomplished through the Energy Grants received to date. Mr. Ferrese felt comfortable that the City has met all State and Federal requirements pertaining to these grants. WSFS Bank is providing lunch for all City employees on June 28, 2011. To date, 67 weddings have been scheduled on the beach, 1,204 residents are participating in the City's Recycling Program and 416 yard waste containers have been delivered. Currently, there are 729 participants in the Park and Ride program. An employee within the City can park their car at the Park and Ride lot and ride the bus into the City. The cost to the City is approximately \$45,000.00-\$50,000.00 per year for this program. Police Chief Banks will provide a report to the Commissioners in regard to the muggings of the foreign students who ride their bicycles into the City.

Commissioner Coluzzi requested that discussion of bus passes for foreign students should be placed on the next Workshop agenda. She also suggested that cleaning up the crosswalks should be placed on the next Workshop agenda.

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

06/15/11	504	Delmarva Power	\$7,775.13 (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.

### **COMMITTEE REPORT**

There was nothing to report.

### **CITY SOLICITOR'S REPORT**

There was nothing to report.

### **COMMISSIONER ANNOUNCEMENTS/COMMENTS**

There were none.

### **Discuss items to include on future agendas.**

Commissioner Barbour said that he would like to call for an Executive Session at the next Workshop Meeting to discuss a personnel matter with regard to the Police Department.

Commissioner McGuinness said that there would possibly be discussion of a lease agreement at the next Workshop Meeting.

**CITIZEN COMMENT**

There were none.

The Workshop Meeting will be held on July 5, 2011 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 9:30 p.m.

**Respectfully submitted,**

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**(Kathy McGuinness, Secretary)**