

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

**September 21, 2012**

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 7:01 p.m. by Mayor Samuel R. Cooper on Friday, September 21, 2012 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

Alderman Judith Catterton administered the Oaths of Office to Mr. J. Patrick Gossett (Commissioner) and Mr. Willis Sargent (Commissioner). (Copies attached.)

City Solicitor Glenn Mandalas gave the invocation followed by the Pledge of Allegiance.

**ROLL CALL**

Present:	Commissioner	Patrick Gossett
	Commissioner	Bill Sargent
	Commissioner	Pat Coluzzi
	Mayor	Samuel R. Cooper
	Commissioner	Stan Mills
	Commissioner	Lorraine Zellers
	Commissioner	Mark Hunker

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

**APPROVAL OF AGENDA**

Commissioner Bill Sargent made a motion, seconded by Commissioner Stan Mills, to approve the Agenda as written. Motion carried unanimously.

**ELECTION OF OFFICERS**

Mayor Cooper submitted the following list of officers for approval by the Commissioners:

Vice Mayor – Bill Sargent  
Secretary – Pat Coluzzi  
Assistant Secretary – Ann Womack  
Treasurer – Priscilla Smith  
Assistant Treasurer – Paula Simpson

Commissioner Mills made a motion, seconded by Commissioner Patrick Gossett, to approve the Officers as read. Motion carried unanimously.

**ADOPT RESOLUTION relating to the opening of bank accounts.**

Mayor Cooper called to adopt the Resolution relating to the opening of bank accounts.

City Solicitor Mandalas read the Resolution. (Copy attached.)

Commissioner Pat Coluzzi made a motion, seconded by Commissioner Mills, to adopt the Resolution relating to the opening of bank accounts. Motion carried unanimously.

**CORRESPONDENCE**

There was none.

**APPROVAL OF MINUTES**

Minutes of the July 9, 2012 Workshop Meeting, August 6, 2012 Workshop Meeting and August 17, 2012 Regular Meeting were distributed prior to the meeting.

Commissioner Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the July 9, 2012 Mayor and Commissioners Workshop Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the August 6, 2012

Mayor and Commissioners Regular Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Mark Hunker, to approve the August 17, 2012 Mayor and Commissioner Regular Meeting minutes as written. Motion carried unanimously.

## **REPORT OF THE POLICE DEPARTMENT**

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of August 2012. There were 87 criminal, 289 traffic and 68 civil charges made during the month. He urged the public to make it a habit to lock their vehicles at all times. Twenty-seven traffic crashes were investigated. The Police Department is participating in the national drug take back day which is scheduled for September 29, 2012 from 10:00 a.m. to 2:00 p.m. This event gives the public an opportunity to safely dispose of expired, unused or unwanted medications. Prescription and over-the-counter pills, liquid and cream medications, and pet medications will be accepted. The Dispatch Center handled 716 police incidents, 332 ambulance incidents, 85 fire incidents, 347 traffic stops, assisted other agencies 13 times during the month, and 9-1-1 calls totaling 705 were received. Thirty-two alarm incidents were responded to with only two being valid alarms.

Mr. Walter Brittingham, 123 Henlopen Avenue, asked how signs placed in the City become legal. He has not heard the Commissioners talk about authorizing any signs. Mr. Brittingham had a complaint against the Police Department about the Farmers' Market and the signs at the Burton property; and no tickets are being issued. He questioned whether those signs are legal. Signs should have the force of law and should not be thrown out on a technicality. This issue needs to be examined.

Mayor Cooper said that there are different classifications of signs; and clearly some are covered by an ordinance. The Commissioners adopted an ordinance several years ago with regard to the No Parking signs on Grove Street. Not every sign has an ordinance. The zone would be created as a no parking zone. It would be up to the City Manager, Police Department and Public Works Department to sign it appropriately.

## **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 August 2012. During the month, 70 permits were issued for a value of work totaling \$2,351,044.04. Fees collected totaled \$66,051.18 for the month. Sixty-four permit processing fees were received in the amount of \$1,280.00. No restaurant applications were received in August. One stop work order was issued for a contractor working without a permit. One notice of violation was issued for putting trash out too early. Four notices of violation were issued for freestanding signs. Three notices of violation were issued for flags being too low. One notice of violation was issued for a temporary banner. One notice of violation was issued for a blinking sign. One notice of violation was issued for disturbing the peace. Twenty-six notices of violation were issued for sidewalks in disrepair. The Board of Adjustment heard no cases in August. Notification has been received from Mr. Greg Williams of DNREC that he and FEMA have reviewed the draft floodplain ordinance submitted and with a few minor changes have given approval for adoption.

## **REPORT OF THE PLANNING COMMISSION**

City Solicitor Mandalas presented the report of the Planning Commission. The Regular Meeting was held on September 14, 2012. The Planning Commission voted to approve the partitioning application for 12 Rodney Street as submitted.

## **OLD BUSINESS**

There was none.

## **NEW BUSINESS**

Mayor Cooper called to consider adoption of a resolution authorizing the issuance of up to \$450,000 general obligation bonds pursuant to Section 40(s) of the City Charter to finance certain improvements to the City's sanitary sewer system in the Schoolvue area.

Mayor Cooper noted that earlier in the year, the Commissioners authorized the City Manager to apply for this loan through the Clean Water Advisory Council from the State Revolving Loan Fund. Adopting this resolution in accordance with Section 40(s) of the Charter would authorize the borrowing of the funds. With the borrowing of the \$450,000.00, there would be a total outstanding of \$3,811,280.00. The interest rate would be 3%, and the term would be 10 years.

Commissioner Mills preferred that proposed resolutions such as this and the RFP listed in the next agenda item be introduced at Workshop Meetings so the Commissioners would have time to discuss them; and if there would be any changes, then look at them at the next meeting. Mayor Cooper said that this particular resolution was prepared by the City's bond council to meet the requirements of the Code. It is not a project or borrowing that is new to everyone, and is a matter which had been presented at the first of 2012.

Commissioner Hunker made a motion, seconded by Commissioner Sargent, to adopt the Resolution regarding the bond issue. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

Mayor Cooper called to consider approving the issuance of a Request for Proposals for a firm to perform a City-wide re-evaluation for property tax assessment purposes.

Mayor Cooper noted that earlier in the year, the idea of a City-wide re-evaluation for property tax assessment purposes was introduced. He met with a firm that does assessments in late December 2011 to discuss how the City could update the assessments on an ongoing basis and found out that the cost to re-assess seemed to be much less than what was proposed previously. The City's last total assessment was done in 1968. In looking at things, Mayor Cooper found substantial evidence that the City has not been following the guidelines which were set up in 1968. The assessment system not only suffers from 44 years of change in the sense that the land has appreciated faster than the buildings. There are gross inconsistencies in the way the City has maintained it. Property Tax Associates/Delaware Valuations, Inc. (PTA/DELVAL) gave a presentation to the Commissioners in March 2012; and in April, Mayor Cooper had made a presentation with regard to 95 out of 96 real estate transactions made in the prior 16 months. Comparisons were made to show that the value has gone from the buildings to the land and has shifted in the City from the west to the east. There was a feeling from the Commissioners that they wanted to go out for an RFP for a firm. Mayor Cooper put together the RFP from a number of sources. Mayor Cooper would like to see the Commissioners move forward to request the advertising of the RFP. Included in the RFP is a mandatory pre-proposal meeting where the firms that want to offer a proposal would have to appear at a meeting. The date of the meeting is flexible and can be changed. The City's system is antiquated, and the firms that bid on this need to see what the City has and where it needs to go. All the methodology of the property appraisals is currently on paper cards in the Administrative Office. Mayor Cooper has spoken with the City Manager and Mr. David Henderson, IT Director, about scanning the cards and put them in an electronic file. This would be a way to transmit the cards to the ultimate firm that does the re-assessment. By December 1, 2014, anyone who does assessments for the City has to be certified by the State.

Commissioner Hunker said that he is not opposed to a City-wide re-assessment. He was assured that during the last budget sessions, this was just placed in the budget and then the Commissioners would discuss the communication plan. This assessment will touch every single person who owns a piece of property in the City, and every single bill will change. He requested that a letter be sent out to the public stating what will happen before the RFP goes out. Commissioner Hunker also requested that a town hall meeting be held with an open forum so people can understand what the re-assessment is and why it will happen. He suggested not having an appeal process in place before an RFP goes out. It is up to the Commissioners, not the person who bids the work to determine the appeals process.

Mayor Cooper said that once the City has a firm, it would help to get the word out as to its methodology. Commissioner Hunker said that this is about what the Commissioners as representatives of the City are going to do.

Commissioner Coluzzi recommended that as a solution a letter could be put together to send out to all the property owners. The letter should state that the Commissioners are putting an RFP out to do a re-assessment. The Commissioners should schedule a public meeting to answer questions; and the Commissioners should be talking amongst themselves and possibly a pre-proposal meeting about what the appeal process will be.

Commissioner Mills distributed comments relative to discussions on conducting a City-wide

re-assessment as compiled from minutes of the January 9, February 6, March 5 and May 7, 2012 Board of Commissioners meetings. Comments were relative to background information about property taxation, rationale for conducting a City-wide re-assessment, process of conducting a City-wide re-assessment, questions/comments posed and communications with property owners. He found that no one disagrees with the need for a good communication program. In developing a communication program, the Commissioners could rely on the powerpoint presentation made by Mayor Cooper and could listen to audios. Letters to the editor and correspondence from people who have questions could be addressed. The Commissioners should elicit help from the selected assessing company. On page 2 of the RFP, it states that it is the intent of the City to provide extensive public information including public meetings and mailings. The selected appraiser will be required to work with the City to prepare informational materials and attend public meetings. The Commissioners could possibly do something preliminarily, but the winning assessing company would be needed to work with the Commissioners on this information. It would be good to have that company in on the appeal process.

City Solicitor Mandalas noted that typically with an appeal, the Board of Commissioners would be the appellate body that would sit to hear appeals. Mayor Cooper said that when there is a full re-assessment, there is an opportunity for anyone who feels their re-assessment is wrong to meet with the people who did it in an informal setting to discuss a possible adjustment. After that would be the formal appeal process.

Commissioner Hunker suggested putting out a draft RFP, having a meeting and soliciting the information that is wanted. Then the RFP can be perfected, and a final RFP could be put out. The important piece would be to tell people by a letter and a meeting of what will be done. This process cannot be so urgent that two months of communicating would not be able to help it.

Commissioner Coluzzi recommended sending out a letter as soon as possible to the property owners in addition to a draft RFP with a pre-proposal meeting.

Commissioner Sargent said that there is a strong compelling need to do this as quickly as possible because the current system is sufficiently unfair. Communications have been rather extensive with the community, and the City has made good educational efforts; but more preparation work is needed. Commissioner Hunker said that a 60 or 90 day hold should be written into the RFP while the communication and town hall meeting is done and how the appeals process will be done. He could not understand the urgency on the matter.

Commissioner Patrick Gossett agreed that a communication plan is necessary. A heads-up letter could be written in the next 10-15 days informing the property owners that the re-assessment is coming. His concern was with the vehicle which would be used, not the communications plan itself. The letter should be as detailed as possible, but the Commissioners do not have those details at this point in time. This would be a parallel process involving a communications plan, RFP and the appeal process. Commissioner Hunker said that the proposed RFP does not allow for a parallel process. A pre-proposal meeting would be held, and there would be submission of the proposals. The proposals would be opened on November 16, 2012, and the contract would start on December 3, 2012. There is no mention of a letter, discussion with the firm to be hired of what the appeal process would be or timing. Commissioner Gossett said that under Section 1.3 of the proposed RFP, a schedule of events is listed. He suggested adding a review step of the proposals received to possibly be done at a Workshop Meeting. Then based on those discussions, the Commissioners would move forward to a proposal approval/disapproval process.

Commissioner Coluzzi said the Commissioners have stated that that they are not looking to raise taxes, and this re-assessment would be revenue neutral; and that should be stated in a letter to the property owners. Commissioner Zellers agreed that this is an important piece. Commissioner Hunker said that revenue neutral is not to the citizen, it is to the City. Commissioner Gossett agreed. The initial communication piece could address that. There are five distinct neighborhoods in the City that issues could be addressed to. The communications statement has to be explained in a way that initially there is a formula and re-assessment, tax rate, etc., and how it would affect the property owner. The appeal process also needs to be a part of it and mentioned in the letter.

Commissioner Hunker did not believe the RFP should go out today. This is not the way this kind of thing should happen because there is not enough in the RFP. In Section 4 on page 1 of the RFP, the appraisers shall make speakers available at meetings with civic groups or other interested parties as directed by the City for the purposes of disseminating general information pertaining to the assessment process. This one paragraph does not protect the process or the citizenry or the appeal piece. If there is a consensus about the communications of the letter and explaining the re-assessment and appeal process to people

before it is done, then he would amend the RFP and move forward. Commissioner Hunker would like to work on the RFP at a Workshop Meeting or send suggestions to Mayor Cooper. Commissioner Sargent suggested that the language in the RFP could be changed tonight. All the Commissioners have agreed on the principle that they truly want to communicate well with the community.

Commissioner Hunker thought that the process is rushed in the RFP and there is no guarantee. He did not believe that there will be a full communications process with corresponding letters, and an open town hall meeting.

Suggested changes to the RFP are:

1. "It is the intent of the City to provide extensive public information including public meetings and mailings" should be changed to "[T]he City will provide extensive public information including public meetings and mailings."
2. The communications will come from the City, not the appraiser.
3. No fieldwork will begin until after a second letter is sent out and a town meeting is held.

Commissioner Mills was not sold on the primary letter, but he agreed that when a letter goes out after the company is on board, there should be a timeline after the people receive the letter and before anybody goes on their property. This would give people time to ask questions. A public information session could possibly be conducted during that period. Then after two or three weeks, fieldwork could begin. He was not sure that this needs to deal with the contract start date because the start date could mean the company is starting to learn the City's system or help to prepare the information.

4. Under Section 1.4, add \*The City will set the date to start assessing properties.

Mayor Cooper noted that in the first sentence "It is the intent of the City to provide to extensive public information including public meetings and mailings, this refers to the City's intent. "The selected appraiser will be required to work with the City to prepare informational materials and attend public meetings" means that the assessing company has to do it.

5. Have a review before issuing the contract and adjust the schedule to at least December to award it.
6. Have a purpose statement in the communications plan to explain in an equitable manner to everyone concerned.
7. Change the population from 3,250 to 3,250.
8. Give the City Manager the authority to publish the RFP with the appropriate dates, given the principles which have been discussed.
9. Provide an amount for attending extra meetings, i.e. the appraiser will attend eight meetings, four public meetings before the Board of Commissioners and four in front of local organizations.

Mayor Cooper said that the proposal coming back from the assessment company is open. This is where the review meeting would be good. This would be a negotiated process once a proposal is received.

10. "It is the City's recommendation that the length of time to preserve data be aligned with State of Delaware policies" should be changed to "[I]t is the City's recommendation that the length of time to preserve data be minimally aligned with State of Delaware policies."
11. Page 5. "It is the City's recommendation that the length of time to preserve data be aligned with the State of Delaware policies" should be changed to "[I]t is the City's recommendation that the length of time to preserve data be minimally aligned with the State of Delaware policies."
12. Section 3.1. "Appraisers shall be responsible at their own expense to create a backup and preservation program for all assessment related parcel level data, comparables and valuations" should be changed to "[A]ppraisers shall be responsible at their own expense to create a backup and preservation program for all assessment related parcel level data, comparables and valuations in a format which is usable by the City."
13. Section 3.1. Delete "Respondents shall provide a description of no more than one page on any sustainability programs."
14. Section 3.1. "Data on electronic media should be stored in a cool, dry place whenever possible" should be changed to "[D]ata on electronic media should be stored in a cool, dry place with duplicate copies stored offsite."
15. Page 5. Specify where the photographs will be accessed, and set standards for photographs.
16. Provide as an optional service to put the assessment data online so the assessments can be

- researched.
17. Page 7. Possibly adjust the March 1 date for the annual posting of the assessments after the appraiser provides an updated listing.
  18. With regard to a maintenance assessment such as an addition to a house, a letter needs to be sent out stating the old and new assessments along with a time period for appeal.
  19. Page 7. (5) "...can easily locate the assessed value for his property" should be changed to "...can easily locate the assessed value of their property."
  20. Section 4.1 "...the City of Rehoboth" should be changed to "...the City of Rehoboth Beach."
  21. Page 8. (C) "The appraiser shall notify the City within five days" should be changed to "[T]he appraiser shall notify the City in writing within five days."
  22. Somewhere in the proposal, the staffing levels should be outlined.
  23. Under 8.1, item 3. Staffing levels, quality hours and mix should be added.

Commissioner Mills suggested clarifying whether there would be one or two mailings. He is comfortable with one very descriptive letter. Commissioner Sargent suggested waiting until November to decide this. Commissioner Hunker said that a preliminary letter would be good, and there should be possible discussion among two Commissioners regarding this matter.

Commissioner Sargent made a motion, seconded by Commissioner Mills, that the City Manager issue the RFP with the adjustments made in tonight's discussion and allow him to make any adjustment on dates if necessary to advertise properly.

Mayor Cooper acknowledged the Commissioners have agreed upon that after the submission of proposals, a Workshop Meeting will be held to discuss the proposals before a decision is made. He thought that the winning bidder could be brought in for an interview.

(Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mayor Cooper called to discuss possible placement of an additional in-road pedestrian crossing sign (silent policeman).

Commissioner Coluzzi reported that two silent policemen have been placed on King Charles Avenue and Surf and Oak Avenues. The recommendation from the Streets & Transportation Committee was to put a silent policeman at Park and Surf Avenues because of traffic and pedestrians crossing at that location.

Commissioner Sargent said that because there is currently less traffic, placing the silent policeman at Park and Surf Avenues could be the first thing to be done in Spring 2013. The devices will be removed for the winter and placed at the appropriate locations in Spring 2013.

Commissioner Coluzzi said that four recommendations have been made by the Streets & Transportation Committee on placement of silent policemen: 1. Surf and Lake Avenues. 2. Bayard Avenue at Philadelphia Street and Delaware Avenue. 4. First Street and Olive or Virginia Avenues. 5. King Charles Avenue and Norfolk Street.

Commissioner Zellers suggested marketing the devices in a way that people will have an idea of where they will be. With regard to the device on King Charles Avenue, it is located at the church and people have been slowing down, and it has made a difference with safety.

Commissioner Coluzzi noted that the Streets & Transportation Committee is working on a long-term plan for the next season.

Mayor Cooper called for the presentation by landscape architect from RPZ Designs for sister city garden.

Commissioner Coluzzi noted that Mr. Ray Zobrowski of RPZ Designs and board members from the Sister City organization were in attendance at the meeting. Mr. Zobrowski designed the Rehoboth Beach garden in Greve in Chianti, Italy as part of the sister city program. The idea is to also have an Italian garden in the City of Rehoboth.

Mr. Ray Zobrowski, also a member of the sister city association said that there are a lot of elements which can be found throughout the City of Rehoboth Beach that were incorporated into the garden in Greve in Chianti, Italy. Because of that, he was asked to design the sister city garden in Rehoboth Beach. Commissioner Coluzzi has met with the Mayor to discuss the design and have him provide input. The recommendations from that meeting have been incorporated into the design. A rendering of the sister city garden for the City was provided.

The site of the garden would be located in Cranberry Park at Olive Avenue and Third Street, with the main entrance located off of Olive Avenue. The overall theme of the park is about explorers, Vespucci and Verrazzano; and the focal point would be a navigational compass. Mr. Zobrowski described the elements which would reflect a formal Italian garden and would be set around the navigational compass with decorative low seat walls, sustainable and native plant material and fruitless olive trees in large terra cotta urns. The compass would be countersunk into the ground approximately 24 inches to create a sense of separation from the sidewalk at Olive Avenue into the compass area. A bench, bicycle rack and educational kiosk would be placed at both entrances. This garden could function in other ways such as hosting small concerts, small art exhibits, etc. A decorative concrete paver path would also connect to Third Street, and a combination decorative concrete paver path with gravel would lead to Lake Gerar. Mr. Zobrowski also proposed a pergola to transition from the outside world into the park itself. Along the path to Lake Gerar, he proposed a bench, kiosk, trash receptacle and seating with tables in three pergolas. A lot of the existing vegetation would remain. The grove of red cedars would help to screen the utilities that are present. Native vegetation will reinforce the existing buffer between residences and the garden. Children's play elements would be incorporated near the lake in a sandy area. Different types of lighting and uplighting could be incorporated in the park.

Commissioner Coluzzi said that the compass is the main focal point, and the garden would be named the Garden of the Navigators. She will be looking into whether it is feasible to have a fountain located in Lake Gerar.

Ms. Toni Sharp, 1002 Scarborough Avenue Extended, asked how the play area would work at the lake's edge. Mr. Zobrowski said that there is a buffer area at the lake edge. In the area where the play area would be, there would be sand to the lake's edge.

Mr. Howard Menaker, 16 Dover Street, said that planting something other than cypress which is iconic in Italy, would only remind someone of cypress. Mr. Zobrowski noted that Italian cypress will not grow this far north.

Mr. Walter Brittingham, 123 Henlopen Avenue, asked where this concept historically started. Commissioner Coluzzi said that in 2008, a monument to Verrazzano was placed at Olive Avenue and the Boardwalk. It was placed there by the Commission for Italian Heritage and Culture. The sister city program grew out of having a celebration with wine and cheese, etc. in the streets, which is not allowed in the City. An agreement was signed in Greve in Chianti, Italy in 2010 to be sister cities. A delegation then came to the City after that. While the mayor from Greve in Chianti was here, he proposed the idea of having a garden in each city. Mr. Brittingham asked who has and will be paying for this. Commissioner Coluzzi said that the Rehoboth Beach Sister City Association is a non-profit organization, and it gets funding from grants, individual donations and the City. Mr. Brittingham noted that several people in the community have been questioning whether monuments and memorials will be placed throughout the City for other heritages. Commissioner Coluzzi noted that the proposed park will be used for multi-purposes. The whole idea of having it as the Garden of the Navigators is to have educational kiosks for people to read about compasses, navigation, etc. The whole idea of the Verrazzano monument was to pay tribute to the explorer who explored the Delaware Coast. The monument was approved by the Board of Commissioners in 2008.

Ms. Bitsy Cochran, 27 Baltimore Avenue, voiced concern that if the park is going to be beautified, then the lake needs to be dredged because the bottom of the lake is a disgrace. She suggested that two outfalls be placed in the lake, and that end of the lake needs to be cleaned up.

Commissioner Coluzzi would like to hear that the Commissioners think it is a nice plan. She would like to get started on cleaning up the park. Mr. Zobrowski noted that some trees need to be limbed up and increase visibility into the park. Currently, there are pockets of hedges obstructing views into the park. He would like to see this cleaned up including ivy growing on trees. Commissioner Coluzzi said that she would like to plant trees now so they are ready for the park to be in place by June 2013 when the Italian delegation will be here. She noted that currently there is no memorandum of understanding between the City and the sister city organization about the development, maintenance, etc. so there is an understanding of what the Commissioners commitment is.

Mrs. Nancy Meadows, 506 New Castle Street, asked how much of the natural habitat around the lake would be disturbed. Mr. Zobrowski said that it is not the intent to disturb the natural habitat, particularly around the lake. There is a buffer zone, and it is State law that the buffer zone must be maintained. They will be working with the City very closely to not violate the buffer zone.

Mr. Howard Menaker asked if the sister city organization has all the funding for this project. If there is not,

a funding plan should be put in place before trees are limbed and removing things. Commissioner Coluzzi said that the organization does not have all the funding in place. The organization has a phased program, and it has enough money to do aspects of the project. The money will be in place for all of the planting and the pathways done in pea gravel. The organization has the money to do the park without the pergolas, children's play area; but enough to do the paths and the plantings.

Ms. Marcia Maldeis, 38 Maryland Avenue, asked if the plantings would be something that deer would like. Mr. Zobrowski said that deer will eat anything. Deer-proof plants cannot be planted. Ms. Maldeis noted that she is against using pea gravel because children have been known to throw it at ducks, etc.

Commissioner Mills struggled with the concept because it consumes the entire park. He would have liked to see a mariners' garden behind the Verrazzano monument at the end of Olive Avenue instead. He also voiced concern that the City has room to improve on maintaining a lot of its gardens. More thought may need to be given to putting more money in the budget and who will maintain these things.

Ms. Bitsy Cochran asked if there is a budget for this project. Commissioner Coluzzi said that the organization does have a phased budget for this project. The organization has asked the City to contribute \$7,000.00 which is currently in the budget.

Commissioner Zellers thought that this is a lovely design, and it would enhance the park. The Bloom Committee has discussed maintenance in other areas. Commissioner Coluzzi said that the Streets & Transportation Committee is taking up the idea of trying to improve the street-ends at the Boardwalk because a lot of them have not been maintained.

Commissioner Coluzzi will work with Greg on a plan and memorandum of understanding. City Manager Gregory Ferrese said that the organization will need more than \$7,000.00. Commissioner Coluzzi noted that the organization has some funding in the bank. It is intended that this project will be bid out and have contractors do the wall, lighting, etc. The plans, specifications and bidding will not go through the City. Mayor Cooper said that the memorandum of understanding will spell out what will be done.

Mr. Walter Brittingham referred to a memorandum of understanding for the bicycle parking stations and the situation which occurred. It needs to go through the City Manager and from there to everyone.

Mayor Cooper thought that some trees may need to be limbed up. He did not see that there would be too much objection to planting new trees. The existing swingset should be taken down by the City.

Commissioner Coluzzi will provide a PDF on the City website of the project.

## **CITY MANAGER'S REPORT**

(See attached report.)

City Manager Gregory Ferrese reported that the Parking Meter revenue for the 2012 season was \$2,725,000.00 which is \$125,000.00 over budget. Of that amount, \$427,000.00 was generated from the Parkmobile System. The City had 108,000 Parkmobile transactions. It is anticipated that the transfer tax for September will be approximately \$110,000.00; thus it is anticipated that this account will exceed the budget estimate of \$925,000.00 by \$100,000.00. All other revenue accounts except parking meter fines will be within the budget projections. In regard to the City's Competitive Energy Grant (\$500,000.00), the City leveraged \$105,000.00. Mr. Ferrese was informed by the State Energy Office that it is closing out the energy grants and several municipalities were not able to use all their funding. It is going to redistribute this funding to those municipalities that went above and beyond the grant program; thus, the City will receive a reimbursement check in the amount of \$38,296.00 from the State Energy Department. Mr. Ferrese has submitted the necessary paperwork to the Energy Department, and the City will receive the reimbursement check in October 2012. Starting October 5, 2012, recycling will be the first, third and fifth Fridays of each month.

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

09/12/12	523	Delmarva Power	\$ 8,681.43 (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 were none.



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

There was nothing to report.

### **COMMISSIONER ANNOUNCEMENTS/COMMENTS**

There were none.

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

There were no items for future agendas.

### **CITIZEN COMMENT**

Ms. Joyce Lussier, 99 Henlopen Avenue, asked if construction on Henlopen Avenue would begin in October 2012 for the ocean outfall.

Mr. Ferrese noted that construction would not begin this year. Mayor Cooper reported that the draft EIS (Environmental Impact Statement) was done. A public hearing was held in April 2012, and the hearing officer issued his report in July 2012. For the final EIS, the City is obligated to answer all the comments and questions that were raised in the public hearing and the public comment period thereafter. The City's proposed response has gone to DNREC, and it is looking at them to see if it is comfortable that the answers are adequate. Once DNREC notifies the City that the answers are adequate, the final EIS will be put together with those comments and presented to DNREC and to the Secretary for the record of decision. The City then has to design the project, get permits, etc. At the very earliest, construction would begin in fall of 2013.

Mr. Walter Brittingham said that in regard to mailings being expensive for the re-assessment, he thought that public notices could be done instead. With regard to silent policemen, nothing has been mentioned that Surf Avenue needs to be widened. Silent policemen in the middle of the street have a traffic calming effect but the idea is to let pedestrians get across the street safely at the crosswalks. Surf Avenue needs to be widened by approximately six feet, and that work should be started now. It needs an assessment, and the work needs to be done by early Spring 2013.

Commissioner Sargent noted that there has been discussion about this issue at the Streets & Transportation Committee meetings.

The Workshop Meeting in the month of October 2012 was cancelled.

There being no further business, Mayor Cooper declared the meeting adjourned at 9:40 p.m.

**Respectfully submitted,**

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**(Patricia Coluzzi, Secretary)**