

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

**October 19, 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, October 19, 2012 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

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

**ROLL CALL**

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

Absent:     Commissioner     Bill Sargent

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

**APPROVAL OF AGENDA**

Commissioner Stan Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the Agenda with the deletion of the minutes for the September 9, 2012 Joint Workshop Meeting with Planning Commission. Motion carried unanimously.

**CORRESPONDENCE**

There was none.

**APPROVAL OF MINUTES**

Minutes of the September 21, 2012 Regular Meeting were distributed prior to the meeting. Minutes of the September 9, 2012 Joint Workshop Meeting with Planning Commission were not available for approval.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the September 21, 2012 Mayor and Commissioners 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 September 2012. There were 63 criminal, 160 traffic and 19 civil charges made during the month. Twenty-two traffic crashes were investigated. The Dispatch Center handled 397 police incidents, 273 ambulance incidents, 56 fire incidents, 206 traffic stops, assisted other agencies six times during the month, and 9-1-1 calls totaling 487 were received.

**REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY**

There was no 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 September 2012. During the month, 54 permits were issued for a value of work totaling \$1,598,749.22. Fees collected totaled \$34,662.49 for the month. Sixty-six permit processing fees were received in the amount of \$1,320.00. No restaurant applications were received in September. Six notices of violation were issued for temporary banners. One notice of violation was issued for a sidewalk in disrepair. Five notices of violation were issued for tall grass. The Board of Adjustment heard one case in September. Twenty-six letters had been sent out to

property owners regarding sidewalk repairs, and all but eight sidewalks have been repaired. Ms. Sullivan noted that the City will be repairing the remaining eight sidewalks, and bids have been sent out.

Ms. Bitsy Cochran, 27 Baltimore Avenue, had received a notice with regard to Conch Island applying to have a liquor store. Ms. Sullivan noted that the owners of Conch Island had applied to the Alcohol Beverage Control Commission to have a liquor store. No plans have been received by the City. A permit of compliance hearing would be held for the modified restaurant, not the liquor store because of a change in the floor plan of the restaurant.

## **REPORT OF THE PLANNING COMMISSION**

Mr. Francis Markert, Secretary of the Planning Commission, reported that the Lakes Report is up for PLUS review with the State on October 24, 2012.

## **OLD BUSINESS**

Mayor Cooper called for an update on the Rehoboth Beach garden in Italy and the proposed garden plan in Cranberry Park.

Commissioner Pat Coluzzi gave a presentation regarding the proposed garden in Cranberry Park and a brief history of the Rehoboth Beach Sister Cities Association. The Rehoboth Beach Sister Cities Association was formed specifically to enhance the relationship with Greve, Italy subsequent to the installation of the Verrazzano monument on the Boardwalk in Rehoboth in 2008. Milestones met in 2010 were: 1. Board of Directors was created comprised of nine individuals with various backgrounds. 2. 501(c)(3) non-profit status was awarded. 3. Rehobothsistercities.org website was created. 4. Sister City Agreement was signed in Greve-in-Chianti, Italy. 5. A delegation traveled to Greve in Chianti, Italy and signed the Sister City Agreement. The Mission Statement of the Sister Cities Association and goals of the Sister City relationship are: 1. Support and encourage visits by citizens of both cities through local tourist agencies. 2. Establish affiliations between educational institutions. 3. Promote cultural exchanges in the arts by working with local art organizations. 4. Develop a mutual understanding of citizens of both cities by exchanging various information and material. 5. Encourage official visits between representatives from each community. The representatives can include, but are not limited to, civic, church, business, school and government officials. Photographs were provided of the visit to the Verrazzano Castle, ancestral home of Giovanni da Verrazzano, and participation in the Verrazzano Day ceremonies. Milestones met in 2011 were: 1. Hosted delegation from Greve, Italy in Rehoboth Beach on April 16-19, 2011 to reaffirm the Sister City relationship. 2. Created a summer program that hosted 10 students from Greve to include conversational English instruction and volunteer work. Photographs were provided of the visit by the Greve delegation ceremony at the Pavilion, presentation of the Key to the City and simulcast of proceedings in the Greve Piazza. Local Rehoboth Beach families hosted 10 students from Greve. Students attended daily classes to improve their English speaking skills and worked at the Rehoboth Beach Farmers' Market. Most host families plan to visit Greve in the next 12-24 months. A photograph was provided of the 10 students. Milestones met and to be met in 2012 are: 1. Dedication of Rehoboth Beach Garden in Greve-in-Chianti occurred on April 14-17, 2012. 2. Begin the process to assist Greve in creating an Art League. 3. Design Garden of the Navigators in Rehoboth Beach. 4. Get approval for the start of installation of the garden. Photographs were provided of the schedule of events for the 2012 Verrazzano weekend celebration, the reception at the US Consulate in Florence, Italy, the weekend celebration in Greve-in-Chianti and the Rehoboth Beach Garden and dedication. Plans for 2013 are: 1. Installation of Garden of the Navigators. 2. Dedication of Garden of the Navigators on June 21-22, 2013. 3. Continue planning for artist exchange. Renderings were provided of the Garden of the Navigators in Cranberry Park. Funding sources for the Garden of the Navigators are Delaware Commission on Italian Heritage and Culture, The DaVinci Society, UNICO National, The Coccia Foundation, area businesses, The Longwood Foundation and private donations. The main feature of the garden would be a compass, approximately 20 feet in diameter with a seating wall. Various plantings would be placed throughout the garden to suggest the types of plantings found in Greve-in-Chianti. There would be a pathway with a pergola with the idea of having a transition when walking into the garden from Third Street. The main entrance would be a pathway into the garden from Olive Avenue with an informational kiosk. A pathway would also lead to Lake Gerar with at least a 10 foot buffer between the lake and the park. The passive recreational park would consist of a children's playground and pergolas with seating. The proposed cost to do everything would be approximately \$100,000.00. The intention is for Rehoboth Beach Sister Cities Association to pay 100% of the cost of the garden and present the garden as a gift to the City. The Association would look to the City to do maintenance, such as cutting the grass. The garden would cost less than 50% of the total amount if the pergolas with seating, the children's playground and the pathway to Lake Gerar would not be incorporated in the design. If the total funding is not received for the garden, then Rehoboth Beach Sister Cities

Association would opt for the lesser cost of the garden.

Ms. Kitty Cole, Olive Avenue, asked what reason there was for selecting the garden site at Cranberry Park. She thought the parks were meant to be open spaces for the City. Commissioner Coluzzi said that Cranberry Park is underused, and it seems to be a good place for the garden. The garden will be open space, and the idea is to add seating for people to enjoy the area.

Commissioner Mark Hunker noted that Cranberry Park is not welcoming to anyone who has a child. The existing swing-set is old and dangerous, and the grounds are used for walking dogs.

Commissioner Mills had indicated at the last meeting that he had struggled with the design concept. The only other time he had heard about this plan was during budget sessions where it was agreed that the City would donate \$7,000.00 of public funds to this project. He thought that this would be a little garden in the corner of Cranberry Park and the trees, swing-sets, etc. would be preserved. The proposed garden consumes the entire park. Coming out of the last meeting, he walked away with the thought that the Commissioners had given Commissioner Coluzzi the go-ahead to trim trees and bushes, to rename the park and make a Memorandum of Understanding (MOU) to move forward with the garden without a formal vote being taken. Commissioner Mills disagreed with the scale of the garden and was more receptive of leaving the area as open space. The ideal location for a smaller garden would be to locate it at the Verrazzano monument at the end of Olive Avenue and the Boardwalk to be in view of the shoreline and the ocean. The cost of this project was not offered at the last meeting, and the Commissioners were told that no trees would be removed. Since the last meeting, three shrubs and a large limb were removed. He thought that some trees will need to be removed. With regard to lighting of the garden, it has the potential to foster nighttime activity which fosters noise. Commissioner Mills understood the link to Greve-in-Chianti as a sister city is the seafaring explorer, but he did not look at it as that is Rehoboth's heritage as much as the Dutch establishing a colony in Lewes. Until the Commissioners have a better grasp of the maintenance needs for the proposed garden and other parks that are lacking proper maintenance, he would hesitate in moving forward with this project. The Commissioners need to be thoughtful in using public lands and public funds, and he would welcome more feedback from the Commissioners and the community.

Commissioner Hunker said that the Sister City Association has been talked about at budget time. This garden would be a gift. The \$7,000.00 that was budgeted will not be used by the Association for this project. There is no place for an adult to go and sit, read a book, have a conversation, walk and enjoy. This is an additional for both young and old and a great thing to do with little or no cost for the City. Commissioner Hunker has offered to pay for the grass cutting for the next two years, and he recommended that the Commissioners vote on the proposed garden tonight.

Commissioner Zellers supported the Sister City concept, but Cranberry Park is a City park. Premium land would be given up for development of this project. The Commissioners need to move forward slowly with this concept. Everyone will need to know what is going on every step of the way, and the Commissioners owe it to the citizens so they will be aware. The Commissioners should think about whether another organization would approach them to put something in another park. The Commissioners should move forward with this project in some fashion, but she was worried about the size and scope of the project because negative comments have been made by citizens who do not like the idea of the garden.

Commissioner Coluzzi said that Sister Cities Association has commitments for approximately 50% of the cost of the garden. The project manager for the garden would work with the City Manager with regard to a phased process. The plan is to have as much finished by June 2013 when the delegation from Greve-in-Chianti comes for the garden dedication.

Mr. Ray Zobrowski, Landscape Architect of RPZ Design said that there is more maintenance involved with taking care of a formal garden, but that could be done by volunteers. There would be less maintenance with regard to mowing the grass. Irrigation would be part of the formal garden, and the remainder would not be irrigated.

Commissioner Hunker said that he will forward all positive emails he has received from citizens. If this would become a problem where other organizations would come forward to do something, then an ordinance should be adopted.

Commissioner Patrick Gossett said that this concept is very good. In the Comprehensive Development Plan (CDP), there is an opportunity about planning and how to orchestrate passive and active parks within the City. He would like to move forward with this project, but a Memorandum of Understanding needs to clearly

spell out the obligations of what the City and Sister Cities Association have to commit to. The Commissioners have a responsibility for the physical soundness of this project and have the financial responsibility to the community to meet the proper development of the City's investment of a piece of land that belongs to everyone.

Commissioner Coluzzi said that the Sister Cities Association would like to move forward with this project with the understanding that there will be a Memorandum of Understanding to assign responsibilities between the City and the project manager representing the Rehoboth Beach Sister Cities Association along with the financial aspect of it.

Mayor Cooper was not ready to commit because there are only a certain amount of areas in the City for open space, and if the Commissioners devote them, they will soon be gone. Mayor Cooper was all for the planning parts of the project, but he had concern with the hardscape parts of this project.

Public Comment:

1. Ms. Alyssa Titus, Board Member of Rehoboth Beach Main Street, said that Main Street is 100% in support of the garden.
2. Ms. Bitsy Cochran, 27 Baltimore Avenue, said that the garden does not fit the look of Rehoboth Beach, and she suggested locating the garden at the Boardwalk or at Surfside Park. A park cannot be left to be taken care of by volunteers.
3. Mr. Drexel Davison of Bad Hair Day, did not get the connection with Greve, Italy and the monument on the Boardwalk. Cranberry Park is never used, and recent pruning is the best thing that has happened to that park. He wanted to support Mr. Zobrowski and the Association with good intentions.
4. Mr. Doug Popham, Hickman Street, asked if the Association is going to look to the City to pay the remainder of the money for the project if the Association cannot raise the \$100,000.00. He voiced concern about the geese and ducks in the park.

Commissioner Coluzzi said that the garden will be a gift to the City, and the Association is not asking the City for any money for this project. If the \$100,000.00 is not raised, only part of the project would be done.

5. Mr. Nick Caggiano of Delaware Commission on Italian Heritage and Culture, said that not to go through with this garden would be an insult. The garden would fit into the community.
6. Ms. Mary Teresa Morrison of Delaware Commission on Italian Heritage and Culture, said that people are overlooking the educational element to this project. The history behind this project is not for Rehoboth Beach, it is for the United States. This would be Rehoboth's gift to the world.
7. Mr. Frank Cooper, Scarborough Avenue Extended, liked the idea that this would be an adult park and would be ADA and senior citizen friendly.
8. Mr. Francis Markert of Sister Cities Association, said that Cranberry Park is a derelict area of the City. This would be an opportunity to make something out of this and would be a great attraction for the City. The garden is a volunteer effort and would be paid for through the Association, and people in the community do support this park.
9. Ms. Toni Sharp, Scarborough Avenue Extended, heard agreement among a lot of the Commissioners that this would be a great thing to move forward on. It is just a matter of how to move forward so that everyone gets their questions answered and move along together so that when the garden is completed, the phases would meet everyone's expectations. The proposed garden is beautiful and it is needed.
10. Mr. Tom Romano, 159 Henlopen Avenue, said that currently the park is not user-friendly. Passing this garden up would be like passing up on a landmark. With regard to the proposed compass, there is nothing more beachy than a compass.
11. Ms. Marcia Maldeis, 38 Maryland Avenue, said that people use Cranberry Park. The sidewalk would need to be completed on Olive Avenue, and the garden should be on a much smaller scale and placed further back in the park.

Commissioner Coluzzi noted that the Association would not be funding the completion of the sidewalk on Olive Avenue.

12. Mr. Walter Brittingham, 123 Henlopen Avenue, said that at the last Regular Meeting, it was the first time he had heard anything mentioned about the Sister City grant. The Memorandum of Understanding would be a good piece of work to suit everyone's needs. He asked if the City would be obligated to reciprocate the garden with the Italians. The City has a mile long Boardwalk that adults can use so it is not that the City does not provide some recreation for adults. If the City accepts the

donation of the \$100,000.00 garden, it would be reasonable to believe that if the front lot on Lake Gerar would be available it is not like the City would not be receiving anything in return. With regard to volunteers and labor, the City Manager would take care of that. Mr. Brittingham requested that Commissioner Hunker should submit the emails with negative comments along with the positive ones. This project needs to be slowed down, and the garden should be put in downtown at the monument so more people would be able to see and use it.

Commissioner Coluzzi responded that there if the garden would not be done, it would be an insult. With regard to the design of the garden, the power pole would remain and would fit into the project.

13. Ms. Kitty Cole asked what the three square things are on the drawing.

Commissioner Coluzzi noted that there are three pergolas with seating which are proposed on the drawing. There are no monuments, but there will be a plaque at the pergola to the entrance at Third Street. Twenty trees will be planted in the park.

14. Mr. Drexel Davison of Bad Hair Day said that the landscape architect is very competent, and the garden will be attractive.

Mayor Cooper said that he would like to see the four pergolas taken out at this point and discussed them more in detail at another time.

Commissioner Gossett suggested that the Parks & Shade Tree Commission should review the plans and possibly be in consultation with it as this project would move forward. The proposed concept is good, and the Parks & Shade Tree Commission should be included in the process. A plan is needed in going forward since this will be an investment for the City and Sister Cities Association.

Commissioner Hunker was prepared to make a motion. Commissioner Zellers was unaware that this project would be voted on this evening. Discussion ensued.

City Solicitor Mandalas said that there has been enough diversity of thoughts on this matter, and it is public lands. The Commission should vote on this project in some respect. In looking at the agenda, this item was noted as an update so there is concern that the interested public has not been fully put on notice.

Commissioner Mills was not sold on the scale of the garden and the location. He would be more comfortable if the MOU was worked out or brought before the Commissioners earlier.

A Special Meeting will be held on November 5, 2012 at 9:00 a.m. with regard to this matter. Detailed drawings will be provided on that date.

## **NEW BUSINESS**

Mayor Cooper called to determine the procedure for reviewing the disciplinary suspension of an employee who failed to follow the City's procedure for clocking in and out of work five times during the current calendar year including whether to grant the employee's request for a hearing.

Mayor Cooper noted that the City has an extensive ordinance on employees and disciplinary items. An employee was suspended for one day for failing to punch in and out. According to documentation that the Commissioners have received, this was the fifth time in this calendar year that this employee was in clear violation of a policy established by the City Manager. Mayor Cooper read the disciplinary action section of the Code. The employee has requested an appeal hearing. The Commissioners need to clarify whether an appeal hearing should occur. At the next regular meeting, the Commissioners will probably hold an executive session to review what the City Manager has submitted and what the employee submits, and then make a ruling and not have a hearing.

City Solicitor Mandalas said that under the disciplinary suspension section of the Code, a review should be conducted not a hearing.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to approve the process that the Mayor outlined for conducting a review and not grant a hearing. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mayor Cooper called for confirmation of appointments to the Planning Commission, Parks and Shade Tree Commission and Board of Adjustment.

Mayor Cooper read the list of appointments.

Planning Commission: Jan Konesey (3 years), Brian Patterson (3 years), Michael Strange (3 years)

Parks & Shade Tree Commission: Jane Wyatt (3 years), Anne Hubbard (3 years).

Board of Adjustment: Tom Evans (3 years).

Commissioner Mills made a motion, seconded by Commissioner Gossett, to confirm the appointments as read. (Gossett – aye, Sargent – aye, Coluzzi – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

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

(See attached report.)

City Manager Gregory Ferrese reported that in regard to the \$22,000.00 grant application he had sent to the State two months ago which pertains to the State's share towards the Geotechnical Feasibility Study for the Water Taxi Dock, it looks favorable that the State will fund this study, but a final decision will not be made until January 2013. Commissioner Coluzzi and Mr. Ferrese intend to be at the meeting in January when the grant will be discussed. Mr. Ferrese has signed the State contract with regard to Phase IV of the ADA Ramping Project, and it is hoped that the project will begin in December 2012 or sooner. The project will begin from Rodney Street to Silver Lake. The end result is that all intersections will be ADA compliant from Lake Gerar Bridge south to Silver Lake. The City's engineer is working on the preliminary design plans in regard to the Lake Avenue Streetscape Project. With regard to the City's Request for Proposal (RFP) document for assessment services, the City has sent the proposal documents to six firms to date. The mandatory pre-proposal meeting will be held on October 31, 2012 at 10:00 a.m. in the Commissioners Room. The next City Hall Complex Master Plan Task Force Meeting will be held on November 1, 2012 at 9:00 a.m.

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

10/12/12	524	Delmarva Power	\$ 8,959.43 (Street Lights)
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Commissioner Mills made a motion, seconded by Commissioner Hunker, 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**

Commissioner Gossett announced that the Planning Commission's recommendations on the lakes will be reviewed by the PLUS Committee on October 24, 2012 in Dover, DE.

Commissioner Mills commented that previous to appointments, he would like the Commissioners to solicit the public and announce the desire for it to look at the City website with regard to available positions on committees and make applications.

Commissioner Zellers announced that on November 2, 2012 the City will be hosting a rain garden workshop in front of City Hall with Mr. Todd Fritchman of Envirotech. The Rehoboth Beach Rain Garden has received honorable mention for landscape renovation in the Rehoboth Beach Main Street 2012 Cottage and Town Award Competition.

Commissioner Hunker commented that a final copy of the assessment letter should be forwarded to the Commissioners by the November 5, 2012 Workshop Meeting for review. Mayor Cooper will approve the letter. The City Manager will get the labels printed.

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

Items to include on a future agenda: scooter parking and no scooters on sidewalks, bike plan and bike map.

### **CITIZEN COMMENT**

Mr. Walter Brittingham asked if the Commissioners have a definition for scooters. Mayor Cooper said that a definition will need to be discussed at a future meeting.

The Special Meeting will be held on November 5, 2012 at 9:00 a.m. with the Workshop Meeting to immediately follow.

There being no further business, Mayor Cooper declared the meeting adjourned at 9:11 p.m.

**Respectfully submitted,**

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**(Patricia Coluzzi, Secretary)**