

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of November 2012. There were 36 criminal, 201 traffic and three civil charges made during the month. Six traffic crashes were investigated. The Dispatch Center handled 195 police incidents, 151 ambulance incidents, 33 fire incidents, 168 traffic stops, assisted other agencies seven times during the month, and 9-1-1 calls totaling 291 were received.

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 November 2012. During the month, 87 permits were issued for a value of work totaling \$2,428,302.77. Fees collected totaled \$56,713.03 for the month. Eighty-nine permit processing fees were received in the amount of \$1,780.00. Two restaurant applications were received in November. Two notices of violation were issued for blinking signs. One notice of violation was issued for flags too low. One notice of violation was issued for patio speakers. One notice of violation was issued for a temporary banner. The Board of Adjustment heard two cases in November.

PERMIT OF COMPLIANCE HEARING

Mayor Cooper opened the Permit of Compliance hearing requested by Grotto Pizza Inc. to modify the floor plan of an existing restaurant with patio "Grotto Pizza", pursuant to the City of Rehoboth Beach Municipal Code, Sections 215-11 – Modifications of Floor Plan and 270-19(A) – Use Restrictions, Patios. The restaurant is located at 36 Rehoboth Avenue. Mayor Cooper noted the Public Hearing procedures for this hearing.

City Solicitor Mandalas noted the purpose for both hearings, and he read from Section 215-5 of the Code that in reaching their decision, the Commissioners shall consider the following factors including but not limited to:

1. Whether the Applicant has demonstrated that the establishment's primary purpose will be that of a restaurant or dinner theater as defined in this chapter.
2. Whether the establishment meets all the City's applicable zoning and licensing provisions.
3. Whether the establishment would be a detriment to the peace, order and quiet of the neighborhood and the City.
4. Whether the establishment will have an adverse impact on neighboring properties or on the City of Rehoboth Beach considering the impact on traffic, parking and noise.
5. Whether the Applicant has made any false representation or statements to the City's employees or the Commissioners in order to induce or prevent action by the City, not only in regard to the pertinent pending Application under the statute, but also with regard to the issuance of a building permit or business license for the subject establishment.

Commissioner Mills identified the exhibits: 1. Notice of Public Hearing posted by the City Secretary on November 28, 2012. Notice of today's Public Hearing was published in the Cape Gazette on December 4, 2012, Coast Press on December 5, 2012 and Delaware State News on December 6, 2012. 2. Building Inspector's Report dated November 26, 2012. 3. Application for a Restaurant Permit of Compliance, notarized on November 4, 2012 and received on November 5, 2012. 4. Current and proposed seating received November 5, 2012 5. Index of Drawings received on November 5, 2012. 6. Drawing of Existing First and Second Floors, Sheet No. A0 dated October 28, 2012 and received on November 5, 2012. 7. Proposed First Floor Site Plan, Sheet No. A1 dated October 28, 2012 and received on November 5, 2012. 8. Proposed Second Floor Plan and Plan Details, Sheet No. A2, dated October 28, 2012 and received November 5, 2012. 9. Existing and Proposed North Elevation Plan, Sheet A3, dated October 28, 2012 and received November 5, 2012. 10. Existing and Proposed East Elevation Plan, Sheet A4, dated October 28, 2012 and received November 5, 2012. 11. Depiction of the properties that were notified for this hearing.

Building Inspector Sullivan presented a complete report, and her findings were based on the application and her knowledge of the Code. (See attached report.) The Applicant has stated that the approximate percentage of revenue between the sale of alcohol and food is 12% alcohol and 88% food. The Application is for a 14,832 square foot restaurant with a patio of 2,568.8 square feet. The proposed bar area will be 504 square feet with a proposed ratio of bar to permanent seated dining of 14%. In summary, this is an Application to

rearrange the floor plan of an existing restaurant. The restaurant existed in 1991 and submitted its floor plan as required at that time. The restaurant received a variance from the Board of Adjustment in 2007 and a Permit of Compliance was obtained from the Mayor and Commissioners.

Mr. Vincent Robertson, Esq. of the law firm Griffin & Hackett P.A. represented the Grotto Pizza Inc. No changes will be made to the patio area. The existing bar on the first will become a service bar, and the seats from the existing bar will be relocated to the second floor where the bar will be located. The primary purpose is that of a restaurant. The Application meets all the zoning and licensing requirements. The restaurant is not a detriment to the peace and quiet of the neighborhood and the City. All the square footage requirements of the bar area have been met. The bar area is 14% and is less than 1,000 square feet. There will not be any adverse impact to any neighboring properties or the community, traffic, parking and noise. No false evidence has been provided to the City. There will not be any change in the way the restaurant is operated. It will be a reconfiguration of the second floor with a net change in seating of approximately four seats. There will be structural changes to the façade of the building and the mansard roof will be redone. Mr. Jeff Gosnear, Vice President of Grotto Pizza Inc. was in attendance at the meeting.

There was no correspondence and no public comment.

Mayor Cooper closed the public portion of the hearing and called for discussion among the Commissioners.

Commissioner Sargent made a motion, seconded by Commissioner Mills, to issue the Certificate of Compliance for Grotto Pizza Inc. for the restaurant Grotto Pizza located at 36 Rehoboth Avenue.

Commissioner Sargent found the following to be true:

1. The proper Application and supporting documents have been filed.
2. The proper fee has been paid.
3. The proper notifications have been made.
4. All parties wishing to be heard have been heard.
5. The primary purpose is that of a restaurant.
6. The Application meets the City's applicable zoning and licensing provisions.
7. The restaurant would not be a detriment to the peace, order and quiet of the neighborhood and the City.
8. The restaurant will not have an adverse impact on neighboring properties or on the City of Rehoboth Beach considering the impact of traffic, parking and noise.
9. The Applicant has made no false statements to the City employees or Commissioners.

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

Mayor Cooper opened the Permit of Compliance hearing requested by SNL LLC to modify the floor plan of an existing restaurant “Conch Island Key West Bar & Grill”, pursuant to the City of Rehoboth Beach Municipal Code, Sections 215 -11 – Modifications of Floor Plan. The restaurant is located at 207 Rehoboth Avenue. Mayor Cooper noted the Public Hearing procedures for this hearing.

Commissioner Mills identified the exhibits: 1. Notice of Public Hearing posted by the City Secretary on November 28, 2012. Notice of today's Public Hearing was published in the Cape Gazette on December 4, 2012, Coast Press on December 5, 2012 and Delaware State News on December 6, 2012. 2. Building Inspector's Report dated December 13, 2012. 3. Application for a Restaurant Permit of Compliance, notarized and received on November 16, 2012. 4. Menu received on November 16, 2012. 5. Existing Floor Plan, Drawing No. A-2 dated January 14, 2010 and received on December 3, 2012. 6. Proposed Floor Plan, Drawing No. P-1 dated December 8, 2012 and received December 12, 2012. 7. Depiction of the properties that were notified for this hearing.

Building Inspector Sullivan presented a complete report, and her findings were based on the application and her knowledge of the Code. (See attached report.) The Applicant has stated that the approximate percentage of revenue between the sale of alcohol and food is 35% alcohol and 65% food. The Application is for a 4,345.25. The proposed bar area will be 444.25 square feet with a proposed ratio of bar to permanent seated dining of 25%. In summary, this is an Application to remove a portion of the existing restaurant to operate a separate package goods store. In doing so, a bar and permanent seated dining area are being removed from the existing restaurant. The existing restaurant has 179 seats in the dining area and 19 seats in the bar areas. The proposed seating for the bar areas is 15 with 119 seats in the dining area. The proposed plan calls out nine additional seats at the raw bar which is not counted as part of the bar area and is not included in the

dining area seating.

Mr. Bryan Derrickson of SNL LLC was in attendance at the meeting. Mr. Derrickson said the reason for the proposed package store is because people who are visiting the City wonder where they can buy a six-pack. He would like to try to accommodate the need of the people who will be visiting the City. It would be better to have them walk to a place within two blocks of the Boardwalk and all the tourist areas rather than getting in their cars and drive outside of the City to Route 1. Mr. Derrickson had first applied to ABCC due to the proximity to locations for sale of alcohol. Limitation by the State of Delaware is 1,200 feet away, and it is measured by public road access. The need for this type of service will be there. The State limits the hours for package stores to be open, which is 11:00 p.m. The door between the restaurant and the package store will have controlled access. The restaurant will be run basically the way it has been.

Mayor Cooper sensed that there is a lot of consternation with the noise that comes from the restaurant. He found that the noise and some of the language coming from the restaurant is troubling.

Ms. Sullivan noted that the restaurant has not been written up for noise since 2011. In the last year, there have been two notices of violation for a sandwich board sign and a flag being too low.

Mr. Derrickson said that he is trying to comply with the noise ordinance, but it is a little tough. Hearing Margaritaville at the Bandstand and hearing it at the restaurant is still a nice atmosphere to have live music. Mayor Cooper disagreed.

There was no correspondence.

Public Comment:

1. Ms. Bitsy Cochran, 27 Baltimore Avenue, asked how Ms. Sullivan distinguished between the oyster bar and a sitting bar, and how it would be monitored.

Ms. Sullivan said that the service of food behind the bar is different. Drinks are brought to patrons as opposed to being poured at the raw bar. Mayor Cooper said that the ratios are relatively the same, that it is a food service area. Commissioner Hunker said that it is the idea that there is food right behind the bar as opposed to a regular bar.

2. Mrs. Nancy Meadows, 506 New Castle Street asked what the requirement is for notifying people who own property within a certain radius of the restaurant. The ABCC requires one square mile. She had not received a notice from the business.

Mayor Cooper noted that the City does its own notification and mailing, and the requirement is 200 feet from the property. The ABCC requires the applicant to make the notifications, and the applicant has to certify that it has been done.

Mayor Cooper closed the public portion of the hearing and called for discussion among the Commissioners.

Commissioner Sargent made a motion, seconded by Commissioner Mills, to issue a Certificate of Compliance to SNL LLC for the restaurant Conch Island located at 207 Rehoboth Avenue.

Commissioner Sargent found the following to be true:

1. The proper Application has been filed.
2. The proper fee has been paid.
3. The proper notifications have been made.
4. All parties wishing to be heard have been heard.
5. The primary purpose is that of a restaurant.
6. The Application meets the City's applicable zoning and licensing provisions.
7. The restaurant would not be a detriment to the peace, order and quiet of the neighborhood and the City.
8. The restaurant will not have an adverse impact on neighboring properties or on the City of Rehoboth Beach considering the impact of traffic, parking and noise.
9. The Applicant has made no false statements to the City employees or Commissioners.

City Solicitor Mandalas noted that there has been some discussion about noise from this particular establishment, and there is a provision in the State Code that in the case that repeated violations, a pattern of violations of the municipal ordinances, gives the municipality an ability to ask the ABCC Commissioner to revoke the City's Permit of Compliance and therefore suspend the liquor license of the establishment.

City Solicitor Mandalas wanted to make clear that this is a process he has pursued before with other establishments, and it would be one that he would look to for this one. Noise is something this City has been mindful of, and that would be the process which would probably be pursued.

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

REPORT OF THE PLANNING COMMISSION

Vice Chair David Mellen presented the report of the Planning Commission. No Regular Meeting was held in December 2012. With regard to the draft lakes report, the written comments from the State following the PLUS review have not been received, and the Planning Commission has not been able to finalize the report. The Planning Commission has been in contact with Mr. Bryan Hall from the Office of State Planning Coordination who has been trying to expedite the transmittal. The delay is due to efforts to get approval from the State's Attorney General of DNREC's determination that the State owns Silver Lake, and such a determination of ownership and its implications would probably necessitate revisions in the lakes report, particularly concerning what is recommended at Silver Lake's shoreline and perhaps even the legal definition of the shoreline. The Planning Commission believes that the overwhelming majority of the reports and its recommendations will remain unchanged. The two recommendations discussed at the Joint Board of Commissioners and Planning Commission Meeting regarding site plan review and a 10 foot no-build zone around the City's lakes warrant action, the latter in recognition of the Board's soon expiring moratorium. The Planning Commission has taken the lead in preparing the site plan review amendment. Regarding the lakes report, it is the intent of the Planning Commission to finalize the report and make it available for public distribution as soon as possible following receipt of the State's written comments. With regard to site plan review of select lake properties, the Planning Commission prepared a draft ordinance to amend the City Code as it pertains to structures constructed within 25 feet of the lakes. The Planning Commission reviewed and approved this proposed ordinance at its November meeting subject to the City Solicitor assuring that it was in a final legal form. City Solicitor Mandalas has now done so, and the Planning Commission is pleased to forward the attached, AN ORDINANCE TO AMEND Chapter 236 OF THE MUNICIPAL CODE OF THE CITY OF REHOBOTH BEACH, DELAWARE BY AMENDING SECTIONS 236-30, 236-32 AND 236-36 RELATING TO SITE PLAN REVIEW, to the Mayor and Commissioner for action. No new subdivision applications have been timely submitted.

OLD BUSINESS

Mayor Cooper called to consider approval of the construction of a garden consisting of benches, a plaza, walkways, pergola and other associated amenities in Cranberry Park, at the intersection of Third Street and Olive Avenue, as proposed by the Rehoboth Beach Sister Cities Association, including the possible approval of a Memorandum of Understanding between the City and the Rehoboth Beach Sister Cities Association regarding same.

Commissioner Coluzzi said the Mr. Ray Zebrowski, landscape architect of RPZ Designs LLC, has met with each Commissioner for their comments and to look to compromise on a design of the garden. At the last meeting, a revised drawing was presented. Some of each of the Commissioners' requests have been satisfied. The garden has been moved 16 feet west and three feet north without sacrificing existing trees. A photograph was provided of the plaque that Sister Cities would like to make the garden a gift to the City.

Commissioner Mills said that he is not against the garden, but he has been vocal with regard to the proposed scale and location of the garden. The garden should be located at the Verrazzano monument at the end of Olive Avenue and Boardwalk. Commissioner Mills was willing to concede to a quarter of the park closest to Third Street for the garden, but a lot of people have come to him voicing that they did not want the garden and the park should be left alone. He was still reluctant to move forward with this project.

Commissioner Sargent said that when the motion was made to accept the Sister Cities garden he had reservations with the scale of the proposed garden, the loss of open space, the garden's formality and appearance as a monument; and it seemed that a small outside group was forcing the project on the community. Turning down this generous gift would offend a number of people who support the proposed gift. It would be an embarrassment to those who would be coming from Greve, Italy next June 2013. The Commissioners could arrive at a compromise that would result in a lovely garden and would be acceptable to the people of Rehoboth and Sister Cities. Commissioner Sargent voted to accept the gift, and he agreed to meet with Mr. Zebrowski and air his ideas with respect to what would be a good compromise. He asked that the garden blend in with what exists, preserve as much open space as possible and be located at the western end of Cranberry Park. No trees should be removed, the swings should be preserved and elements should be avoided that would be susceptible to vandalism, would be expensive to maintain and would be ADA compliant. The Commissioners should adopt an informal Tuscan style garden that would have a single path with terra cotta pavers, etc.,

appropriate Italian style benches, pergolas with grape vines perhaps over the path, and various plants and ornamental grasses favoring plants that would require limited watering and have long seasons. The redesign of the garden incorporates a number of these suggestions. It is much less formal, much less subject to vandalism, and should be easier to maintain in the future. Commissioner Sargent wanted to eliminate the visual element of the navigator's circle because it is not a part of Rehoboth's heritage, and the circle would be a constant reminder to many that something had been forced upon them. Commissioner Sargent hoped that the Commissioners would arrive at a successful compromise, but he cannot support the current proposed design.

Commissioner Zellers said that people are very strongly divided either for or against the garden. Many in the community felt that they did not have a say in the process and were offended by that. Many did not want a garden at all and specifically in that location. When Commissioner Zellers voted to approve the generous gift of the Sister Cities garden pending more input and approval of another revised design, she had hoped that this would provide an opportunity for a plan that most people could buy into. She was disappointed with what came back to the Commissioners at the Workshop Meeting. Commissioner Zellers appreciated Mr. Zebrowski's attempts to address some of the concerns raised. The plantings and the overall scale are better. What the Commissioners had received is still the same basic design with the compass rose and the look of a formal Italian garden which many were opposed to as not being a fit for the City. Keeping this design would be a reminder that there are winners and losers with regard to this matter. There should be a more simplistic design for Rehoboth such as the garden in Greve, Italy. The proposed plan has approximately 408 plantings which is a little much. While Commissioner Zellers still supports the Sister Cities concept, she cannot support the Garden of the Navigators in its current design.

Commissioner Hunker has only heard positive things about the proposed garden. He said that this redesign is the third compromise with the garden decreasing in size. A commitment was made to Rehoboth's sister city in Italy. He has received no complaints from citizens with regard to putting in the proposed garden.

Commissioner Coluzzi noted that she has received 24 letters in favor of the garden and one letters opposed to it. Only five people in the meetings have voiced that they are opposed to the garden. The citizens are saying they want this garden. There would be 9% hardscape and 24% plants for the garden. Some of the trees are pre-existing, and the compass is a way to tie the proposed garden with the garden in Greve, Italy as well as with Rehoboth's heritage as being a coastal town.

Commissioner Gossett has received 13 letters in favor of the proposed garden and five in opposition to it. He discounted two letters of support because they came from people who are not residents of the City. During the budgeting process, a line item in the amount of \$7,000.00 was set aside for the Sister Cities garden. Pleasing the people of Greve or the delegation that will come here is not an important factor compared to the rest of the individuals who live in this community. Along with a donation from Sister Cities came a design. Another option could be a groundbreaking for the garden when the Greve delegation comes in June 2013. The Commissioners need to be responsible to the citizens who elected them. To have a garden that is still very controversial among the Commissioners and the constituents is problematic. The proposed garden will enhance the City, and the proposed design will enhance the park. The consensus of the Commissioners is to move forward with the improvement, but it is still problematic. The improvement is needed. Commissioner Gossett had a problem with the process and the consternation that exists around this. He had suggested a written Memorandum of Understanding to lay out the specifics of the process which could be expanded to a representative from Sister Cities and a representative from the City. Commissioner Gossett's vote would be to approve the proposed garden and move forward with it this evening.

Commissioner Coluzzi made a motion, seconded by Commissioner Hunker, to accept the gift of the garden from the Sister Cities Association as presented this evening.

Commissioner Mills noted that Sister Cities has set the timeframe for this project to be done, not the City.

Public Comment:

1. Mr. Walter Brittingham, 123 Henlopen Avenue, said that the letters received have not been disclosed to the public, and the public was not allowed to speak on the decision. He asked who the officers are for the Sister Cities Association. Commissioner Coluzzi noted that she is the President of the Sister Cities Association. Mary Jane Deets, Eileen Clark, Karen Zakarian, etc. are board members of the board, and they live outside of the City. Mr. Brittingham noted that there is a conflict of interest, and Commissioner Coluzzi should recuse herself. The process is flawed, and the people in town should have the right to have some input into this process.

2. Ms. Alyssa Titus, board member of Rehoboth Beach Main Street – in support of.
3. Mr. Clinton Bunting, board member of Rehoboth Beach Main Street, said that the vote should not be forced and there should be a compromise.
4. Ms. Marcia Schick, 1025 Scarborough Avenue Extended – in support of. She thought that the three Commissioners who are in opposition to the garden were expressing their own personal views on the design. Ms. Schick would like to have the letters and emails from the constituents regarding the garden.
5. Ms. Bitsy Cochran, 27 Baltimore Avenue – in opposition to. People who live in that area should have more say, and the Commissioners should vote to keep the area open space.
6. Ms. Toni Sharp, 1002 Scarborough Avenue Extended – in support of. The Commissioners should put their personal preferences aside, and it is time to think about what the majority of the people have said. The Commissioners should find a way to move this forward.
7. Ms. Joy Evans, 34 Virginia Avenue – in opposition to. The open space is needed in that area. There is already one monument, and two are not needed. The proposed garden is not appropriate for the area being proposed.
8. Mr. Jim Ellison, 107 Henlopen Avenue - in support of. The existing park needs help, and the proposed garden would be an enhancement.
9. Ms. Gladys Blaner, 57 Maryland Avenue – in opposition to. She enjoys the view of mother nature and open space.
10. Ms. Jean Cochran, 45 Olive Avenue – in opposition to. The park should stay as it is.
11. Ms. Kitty Cole, 37 Olive Avenue – in opposition to. The park should stay as it is.
12. Mr. Walter Brittingham, 123 Henlopen Avenue, said that the decision should be about what the residents want.
13. Mr. Thomas Romando, 159 Henlopen Avenue – in support of. Every element in the proposed garden exists in the City. The p would be filled with all kinds of flowers and bushes as compared to it being a decrepit looking park. The proposed garden will enhance the park. There is nothing Italian about a compass. There is an interpersonal problem within the Commission.

Mayor Cooper said that the Commissioners voted in March 2012 to adopt the budget which had \$7,000.00 in it for a garden. The Commissioners knew the garden is to honor the sister city relationship with Greve, Italy. A garden is a planted area, and he would not have a problem with the garden if it was just about the plantings. It is the hardscape features that are most troubling to Mayor Cooper. He respected the fact that the scope has been seriously diminished from what it was originally. Mayor Cooper accepted that the proposed garden was moved 16 feet to the west, but he rejected the idea that the correspondence received is a referendum on this matter. The proposed garden would be a gift to the City, and it could be a nice place; but he does not want more of these gardens. Open space is beautiful in itself and the City should be protective of it. Discussion ensued.

(Gossett – aye. This proposal and how the Commissioners got here points out the need for the City to have some policy and procedures of how they get to this point. The development and enhancement of City property needs to be spelled out with criteria that the Commissioners do not arrive at this point again. Commissioner Gossett would like to support and bring forward legislation early in Spring 2013 to address those issues. Sargent – no. Coluzzi – aye. Cooper – aye. There are no winners here. This is a horrible place to be. Mayor Cooper thought that the garden can add something to that area. Mills – no. Zellers – no. She agreed with Commissioner Gossett that this is the biggest problem with this whole ordeal and why people have polarized so much against it one way or the other. Hunker – aye.) Motion carried.

Commissioner Gossett noted that one of the issues the Commissioners addressed during the conservation was the Memorandum of Understanding. He would like to see it brought forward this evening and a decision made on it. Commissioner Hunker agreed.

Mayor Cooper said everyone agrees that Sister Cities Association should bear the full cost of construction of the garden. Mr. Ray Zebrowski and City Manager Gregory Ferrese would make decisions on behalf of the project. The maintenance after the project is completed is the most controversial part to the MOU.

Mr. Ferrese said that he would also like Mayor Cooper to be named in the MOU, to be involved in making decisions.

Commissioner Mills said that before the next Workshop Meeting on January 7, 2013 he would like to see a price from Sposato for the maintenance of the garden so the public knows what the annual cost would be. This garden would deserve professional care beyond what the City is capable of doing.

Commissioner Gossett said that the City currently has an annual maintenance contract in the approximate amount of \$72,000.00. Any adjustments or concerns about the MOU should be forwarded to him prior to the Workshop Meeting so they can be incorporated into the MOU.

Commissioner Coluzzi will try to provide a proposal for the annual maintenance costs of the garden at the Workshop Meeting for discussion.

This item will be discussed at the next Workshop Meeting and voted on at the Regular Meeting on January 18, 2013.

NEW BUSINESS

Mayor Cooper called to consider accepting the recommendations of the Audit Committee approving the audit as prepared by the auditing firm Barbacane, Thornton & Co. for the City's fiscal year ended March 31, 2012.

Commissioner Mills made a motion, seconded by Commissioner Sargent to accept the recommendations of the Audit Committee. Motion carried unanimously.

Mayor Cooper called to consider the City becoming a municipal member of the American Shore & Beach Preservation Association (national and local chapter) and funding for a City representative to participate in ASBPA activities.

Commissioner Mills said that the American Shore & Beach Preservation Association is dedicated, preserving, protecting and enhancing beaches, shores and other coastal resources in the nation. It promotes science based policies for the protection of beaches and shores. One of the vice presidents of the Association is Mr. Tony Pratt of Shoreline Waterways for DNREC. Membership is global. This Association has two conferences per year. One is an annual coastal summit conference in Washington, DC. The conference objectives are to bring everyone involved in beach preservation to one location to share concern over future management of the nation's beaches and shores. Commissioner Mills has been attending this conference for four years. This Association is somewhat of a lobbying group. Beach nourishment goes through a two-part process. The first is an approval of a 50-year project, and the second is that appropriations have to be funded each year. Commissioner Mills suggested a motion for the Commissioners to fund that the City join ASBPA as a municipal member for the 2013 year and fund sending a representative to the 2013 Washington DC National Conference and to one local chapter conference. The membership for the national association is \$500.00. The local chapter will not charge a fee or dues as long as the municipality is a member in good standing in the national group. The fee for the conference is \$360.00 if registered by mid-January 2013. Commissioner Mills said that he would like to go to the conference in Washington DC in 2013.

Commissioner Sargent said that this makes a lot of sense if part of the rationale for the beach extensions is that the Commissioners want to make a commitment and make a statement that would help support the amounts of money that come in the beach replenishment and participating with Mr. Pratt is probably an inexpensive investment. He thought that this should be put in the budget. Commissioner Hunker agreed. It is a minimal investment for a maximum outcome. Commissioner Zellers said that the City needs a place at the table.

Mayor Cooper said that the City Manager could get a gauge of the Commissioners thoughts and put it in the budget.

Commissioner Sargent said that the City is in a good budget position this year, and the funding could be done now. Commissioners Gossett and Coluzzi agreed.

Mayor Cooper thought that this seemed to be closely aligned with a lobbying firm.

The consensus of the Commissioners was to provide the funding.

Mayor Cooper called to consider adoption of a resolution requesting that the Planning Commission study and develop possible amendments to the Tree Ordinance and other related provisions in the current code.

Commissioner Gossett talked about delegation duties. The resolution is modeled much after what was done with the Planning Commission and the lakes report. The 2010 Comprehensive Development Plan states that the existing tree ordinance needs to be refined to eliminate inconsistency and make it more efficient in ways that maintain its vision and simplify its enforcement. Additionally, the 2004 and 2010 CDP's also call for the City to review and update its environmental protection and zoning codes and assign responsibility to ensure that all future buildings, developments, renovations and partitionings are planned and executed to retain and plant the maximum amount of urban forest.

Commissioner Sargent thought the “[M]oreover, in 2011 the Commissioners approved a goal of 40% canopy coverage for the City” should be added to the resolution.

Commissioner Gossett said that the Planning Commission shall seek input from the City Parks and Shade Tree Commission, Board of Adjustment, City Manager, Public Works Department, Building & Licensing Department, City Arborist and other City, County and State officials in order to determine the effectiveness of existing ordinances and suggested measures for improving the ordinances, their interpretation and their enforcement. During the process of researching the ordinances and regulations, the Planning Commission shall establish a method of obtaining appropriate involvement from the citizens of the City of Rehoboth Beach, especially those who have obtained or been denied permits for tree removal under the current ordinances, and the neighbors of these citizens. The Planning Commission shall also seek input from tree service companies, builders, developers and construction companies doing business within the City of Rehoboth Beach under the existing tree ordinance and other related ordinances and regulations related to trees. Commissioner Gossett has spoken to the Chair of the Planning Commission and he is in agreement with this resolution. The Planning Commission will be looking at the current version in the Code. Suggestions that have been made in the past will be brought forward as reference materials. It is up to the Planning Commission to determine the process for gathering the information and how to review it. Commissioner Gossett supports the process of gathering information which will come back to the Commissioners for their final decisions of how to make the changes in the Code.

Commissioner Sargent said that there is an ancillary issue which is to possibly bury power lines. He wished that this would be addressed so that publicly those who favor doing something like this would realize how expensive it is or maybe it is something the Commissioners should ignore. Mayor Cooper thought that it would be a diversion to put this issue in with the matter of the tree ordinance.

Commissioner Coluzzi made a motion, seconded by Commissioner Sargent, to adopt the Resolution asking the Planning Commission to research the current tree ordinance and make recommendation on its improvement.

Mr. Walter Brittingham, 123 Henlopen Avenue, asked if the tree trimming on Henlopen Avenue is not going to be done until the tree report comes back to the Commissioners. The tree report should not stop the work that needs to be done. Mayor Cooper said that this has nothing to do with the City’s trees. It is about the City’s tree ordinance as it regulates trees on private property.

Commissioner Mills was hopeful in getting the tree ordinance down to half the size and be more articulate and clear about it, but be easier to read which means condensing it. He was pleased with balancing the interests of the property owners with the interests of the citizens. Commissioner Mills was not going to vote on this Resolution this evening because things should not be introduced and voted on in the same meeting.

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

CITY MANAGER’S REPORT

(See attached report.)

City Manager Gregory Ferrese reported that the City was able to receive grant monies towards numerous projects throughout 2012. The summary is as follows: 1. Upgrade Delaware Avenue restrooms. 2. Complete the roof, window and lighting project in the Municipal Building. 3. Purchase and plant approximately 166 trees throughout the City. 4. Purchase and install 20 LED light fixtures in and around Grove Park. 5. Prepare engineering plans in regard to the Lake Avenue Streetscape Project. 6. Complete the ADA Ramping Project. 7. Tobacco Grant Funds were used to purchase 14 smoker urns and nine signs. Future projects that will be implemented prior to March 31, 2013 are: 1. Grant in the amount of \$22,200.00 towards funding the Geotechnical Feasibility Study for the Water Taxi Dock. 2. Continuation of Phase IV of the ADA Ramping Project. Grant funding in the amount of \$60,000.00 has been approved. 3. Prepare engineering plans to extend the Lake Avenue Streetscape Project at the divided portion of Third Street from Lake Avenue to the intersections with Second Street, Maryland Avenue and Olive Avenue (across from the Breakers Hotel). Grant funding in the amount of \$50,000.00 has been approved. 4. Continuation of the Wastewater Ocean Outfall permitting and engineering phase. Mr. Ferrese did not feel that the City would receive Federal or State funding, but there might be stimulus monies available in 2013.

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

12/11/12	526	Delmarva Power	\$ 8,906.29 (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

Commissioner Mills, Chair of Communications Committee provided a status report on the City website facelift project. The facelift is intended to improve navigation and functionality. The page layouts will be standardized. Contact will be added for the Convention Center, etc. At this point, the facelift has become a major overhaul. Commissioner Mills has met with the City Manager and Mayor to go over some new things. He met with Mr. David Henderson and the web designer several times and got a contract. The new IT Director, Mr. Max Hamby, has essentially put a stop to the web design. He wants to review the contract with the web designer and review all the content with regard to the website overhaul.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Mayor Cooper announced that with regard to the Environmental Impact Statement (EIS) for the ocean outfall, the Secretary, etc. wanted to beef up the EIS as it relates to wetlands creation and having effluent going through that. It has been done and was sent to DNREC. DNREC has said that it adequately addresses the issue, and it has requested the entire document in its file format. DNREC wants to review the document again before it formally goes to the Secretary for his decision which should happen sometime in January 2013.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

An item to be included on the agenda for next Workshop Meeting on January 7, 2013 is the site plan review ordinance with a vote at the Regular Meeting on January 18, 2013.

CITIZEN COMMENT

Mr. Gene Lawson, Esq., 402 Rehoboth Avenue, had sent a letter to the Mayor and Commissioners on October 31, 2012 with regard to having the City's property records being consistent with the County. There are people who have property but do not have the property documentation from the City government. He asked if this is something that the Commissioners are going to deal with it.

Mayor Cooper had talked with the City Solicitor about this matter, but failed to follow up on it. Mayor Cooper thought that this would be an administrative matter, and it is not up to the Commissioners to set administrative guidelines and procedures in this case.

Commissioner Gossett has been doing research on the merger doctrine and coupling it with the assessor. He has had discussions with the City Solicitor on how to address it.

Mr. Walter Brittingham, 123 Henlopen Avenue, asked how things get on the agenda. At a Transportation Committee meeting, there was a discussion and it popped out that preliminary engineering work may be done on the east side of Surf Avenue. If it is not on the agenda, it cannot be talked about. The point is that the pedestrian/bicycle study does not show up. Too often there is no room on the agendas to discuss any of these items, and therefore they cannot be brought up. It would be nice if there is engineering work being done that it be put out in a report to the Commissioners as to what is happening.

Commissioner Sargent said that probably resulted from a question of whether it would be expensive. Someone briefly looked at the east side of Surf Avenue and provided a ballpark estimate. The Commissioners will probably go forward with it through the budgeting process. No decisions were made, and no contracts have been written.

The Workshop Meeting will be held on January 7, 2013 at 9:00 a.m.

There being no further business, Mayor Cooper adjourned the meeting at 10:05 p.m.

Respectfully submitted,

(Patricia Coluzzi, Secretary)