

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

April 9, 2010

The Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:06 a.m. by Mayor Samuel R. Cooper on Friday, April 9, 2010 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 Pat Coluzzi left the meeting at 9:58 a.m.
 Commissioner Kathy McGuiness left the meeting at 12:30 p.m.
 Mayor Samuel R. Cooper
 Commissioner Dennis Barbour left the meeting at 12:25 p.m..
 Commissioner Stan Mills
 Commissioner Lorraine Zellers

Absent: Commissioner Bill Sargent

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

CORRESPONDENCE

There was none.

OLD BUSINESS

Mayor Cooper called to discuss the possible video recording and/or live broadcasting of City meetings over the internet, including costs and other considerations.

Commissioner Pat Coluzzi noted that Mr. David Henderson, IT Director has looked at the system which Dewey Beach is currently using, and he has talked with Delaware.net and contacted Mr. Paul Huffman of Future Works who looked at the Commissioners Room regarding the location of equipment, etc. Commissioner Coluzzi presented a web-streaming proposal summary. The fixed cost in the amount of \$2,660.00 would include a single high definition fixed camera that would be mounted to provide a frontal view of the Commissioners' table, podium and media screen. Cabling and infrastructure will tie in to the existing audio system. A wireless hand-held microphone would be used for audience participation. Programming would be provided by Delaware.net for the link to the website. A lap-top computer, currently owned by the City, will be dedicated to this effort. On-going services would be optional and are as follows: 1. Service plan on installed equipment at \$22.00 per month. 2. Audio/video/web hosting company would provide the band web for 50 concurrent users at \$40.00 per month. If there would be 100 users, the monthly cost would increase by \$10.00. There would be no contractual arrangement. 3. Video archiving would be hosted by another company. This would be three-month archiving based on 100 hours per month of archived viewing at \$89.00 per month. For six-month archiving based on 100 hours per month of archived viewing would be \$119.00 per month. Commissioner Barbour tried to provide a visual of the meetings on the Dewey Beach website, but it was unavailable.

Mr. David Henderson, IT Director, commented on some of the differences with Dewey Beach's system and what is being proposed by Commissioners Coluzzi and Barbour. Dewey Beach has an inexpensive system and unknowingly is locked into a contract. The system which Commissioner Coluzzi is proposing is a more professional system. The fixed camera is of higher quality, and the archiving is professionally done. The proposed company has no contractual agreement, and it would tap into one IP address and provide a block for up to 50 users. If there are 100 users, the price increases. The higher price the City would pay would mean more usage.

Commissioner Stan Mills was not convinced that the camera will show everything clearly. Commissioner Dennis Barbour suggested that Mr. Huffman should attend the next meeting to give a demonstration. Commissioner Mills said that the split-screen might be of interest to show the audience too. Coming up to the podium may be cumbersome. He asked what the policy is going to be in regard to broadcasting, whether it is

live or delayed. The City will need to deal with it becoming a FOIA document that people can request. With FOIA, the video can be deleted once the minutes are approved. This may work into the factor of how long the video would need to be archived. In regard to a recent article in the News Journal about receiving emails during meetings, Commissioner Mills voiced concern if emails would be received during live broadcasting; however, a delayed broadcasting might resolve the issue of having laptop computers on the desk at that specific time. Commissioner Barbour recommended that City Solicitor Mandalas should provide a report to the Commissioners on all the legal issues involved with videotaping the meetings. Commissioner Barbour suggested that texting a message would be a good feature if someone is watching the broadcast and wants to ask a question, etc. Mayor Cooper disagreed. Control will be lost at the meetings. The Commissioners' attention should be to the meeting, not what is on a machine. Commissioner Barbour said that he would have a problem with a procedure being instituted so that laptop computers cannot be used during meetings.

A demonstration will be provided at the Regular Meeting on April 30, 2010.

Mayor Cooper called to discuss a proposed ordinance amending Section 215 of the City Code which would make changes to when an application for a permit of compliance for a restaurant or dinner theater must be obtained from the City.

City Solicitor Mandalas distributed the proposed ordinance to the Commissioners. This Ordinance would set the triggering events when Chapter 215 – Restaurants would be applicable for a permit of compliance. The three provisions under Section 215-7 - Applicability are: A. All new restaurants or dinner theaters that intend to acquire a license from the Delaware Alcoholic Beverage Control Commissioner. B. The relocation of any restaurant or dinner theater operating in the City of Rehoboth Beach with a valid liquor license from its current location to a new location in the City of Rehoboth Beach. C. Any extension, modification, or both of the premises of an existing restaurant or dinner theater, regardless of the date that the restaurant's or dinner theater's liquor license was approved or issued, unless the City Manager determines that the changed plan does not violate the provisions of this chapter and does not result in an increase of the bar area. Under Section 215-10, the amount of an appeal would increase to \$500.00.

Mayor Cooper said that the right which exists in the current Code, will be taken away to transfer a restaurant without a certificate of compliance hearing.

This item will be placed on the agenda for the Regular Meeting on April 30, 2010.

Mayor Cooper called to discuss draft Comprehensive Development Plan presented by the Planning Commission, the proposed preamble recently drafted by Bruce Galloway and the process for Commission adoption of the 2010 CDP.

Mayor Cooper noted that the preamble, written by Mr. Bruce Galloway, is divided into two segments, The Authority of the Comprehensive Development Plan and the Acknowledgements. Copies of the preamble and two minor changes along with an updated 2010 CDP were forwarded to the Commissioners prior to the meeting.

Commissioner Mills said that everything he mentioned at the last meeting still applies. In looking at this solely as an exercise to please the State and provide it with a Plan, this CDP will do.

Commissioner Lorraine Zellers was comfortable with the preamble. It answers the points that people will not automatically look at the CDP as something which will be done in five years, but that there are options.

The consensus of the Commissioners was to hold a Public Hearing on April 30, 2010 at 6:00 p.m.

Mayor Cooper called to discuss the proposed revision to the City tree ordinance, Chapter 253 of the City Code.

Commissioner Barbour ended the last discussion on the topic of mitigation. When Commissioner Barbour reviewed the ordinance itself, he wanted to get more input from the Commissioners. Two of the items he can incorporate into the tree ordinance are: 1. Use the tree fund monies for public and private trees. 2. Issue a Request for Proposal (RFP) for tree planters for the citywide program. Two suggestions in regard to mitigation were to change mitigation to scale and to encourage preferred trees. Building Inspector Terri Sullivan had suggested that mitigation is only required in the event of taking down a tree that is at least 24 inches in caliper, so that it does not include taking down all trees. Smaller trees were included in the ordinance originally. This was not a point that Commissioner Barbour had raised in the last discussion.

Commissioner Kathy McGuinness said that if there are seven trees on a lot, a patio would be put in and four trees under 24 inches in caliper would have to be taken down, the minimum density would be met with the

remaining three trees. She asked if there is another way to mitigate if a 24 inch in caliper tree is taken down and the minimum density is still met. Mitigation could be done by money or by planting trees. Ms. Sullivan said that people could go to the Board to address mitigation. Commissioner Barbour noted that replacement would be inch for inch, and there would be a total of 24 inches in calipers. The minimum in caliper for planting is three inches, so eight trees would be required. Commissioner McGuinness said that having to plant eight trees could cause problems because the lots are small; roots could come up in driveways; and there are other issues.

Mayor Cooper noted that as the City redevelops and with 50% lot coverage, 10 foot setbacks, etc., there will not be any room for grand trees.

Commissioner McGuinness suggested that when a tree of 24 inches in caliper is taken down, one tree of the same species could be planted with a certain amount of caliper as long as the minimum density of three other trees is met. Mayor Cooper did not think it would be practical. A tree above three inches in caliper would have a bigger root ball, and survivability is questionable. Commissioner McGuinness said that a preferred tree could be planted with at least three inches in caliper and must grow to a certain caliper; and if not a preferred tree, two trees would be planted for one tree taken down.

Commissioner Barbour said that the secondary objective of the tree ordinance is to help fund the tree fund for the City. The mitigation monies in the amount of \$29,000.00 will be placed in the tree fund. City Solicitor Mandalas suggested that an amount should be set for the tree fund and made an option to landowners. Mayor Cooper disagreed. Commissioner Barbour said that the Commissioners adopted as public policy, by enacting the tree ordinance, the fact that they want to retain the overall density of the trees in the City. If the City adopts a policy of that sort, then it will fall on individuals and will be more onerous to some than others. The overriding point is that as public policy the Commissioners said that the City of Rehoboth Beach wants to preserve to the extent that it can, the coverage that there is throughout the City. Mayor Cooper said this falls on everybody, not just those who happen to have a tree that is big, to perpetuate this into the future so there is a decent tree cover in the City. He did not know why there needs to be a scale. If someone has to take down a tree, then it should be mitigated with another tree of a like kind. Commissioner Barbour said that a secondary issue is whether or not to require someone to give money to the tree fund so the City can plant more trees. He thought that it is a good idea to give money to the tree fund.

City Solicitor Mandalas said that in order to get to the mitigation fund, someone has to go through the appeal process.

Commissioner Mills believed that the policy is to protect and preserve trees, and he thought that the Commissioners want to have a program where there is a fund to implement a tree program. The question is how the Commissioners cause funds to go into the tree program. Currently, it is limited to people who mitigate; and perhaps the more faired program is that everyone contributes a percentage of something to the tree fund. Mitigation should not be eliminated altogether. Mayor Cooper did not think it is wrong to have someone who says they cannot plant trees to go, other than to staff, to prove it. Commissioner Mills said that to fund the tree program solely by mitigation, puts an undue burden on two neighbors that have different size trees.

Commissioner Coluzzi did not think that people would be happy about a tree tax.

Commissioner Barbour said that a Request for Proposal (RFP) was going to be put out to see what tree people would recommend for the City, and then come back and do a plan. The \$29,000.00 would be put in the plan.

Commissioner McGuinness said that there is consensus among the Commissioners to plant a tree of a like kind for a tree taken down.

Commissioner Barbour said that the question now is whether or not there should be mitigation for the trees between six inches and twenty-four inches. Commissioner McGuinness said that mitigation should be left to trees of 24 inches in caliper or more.

Commissioner Mills said that if the Commissioners are trying to mandate that a minimum of three trees is required on the property, then he was not convinced that the Commissioners need to penalize people for taking down trees that are ruled in the work zone, the footprint of the house. Forcing people to mitigate trees that are definitely within the building footprint could be perceived as a penalty.

Commissioner Barbour noted that a grant is pending to do a tree inventory of the City. The Commissioners have agreed to take the \$29,000.00 and put out an RFP that the tree professionals can take the inventory which is done and come up with a plan for what the City should have. It can be reduced to a dollar amount, and the

Commissioners can come back and revisit the 24 inch caliper issue. This information is needed before the Commissioners move forward. The issues of mitigation and the footprint of the house should be tabled for now until the information is received.

Enforcement and Remedies will be discussed at the next meeting.

Mayor Cooper said that the Commissioners need to have a discussion along the lines of trees that cross property lines. In regard to an appeal before the Commissioners, the representative of the property owner said that he would not recommend them planting a tree which would cross the property line. If that is a governing principle, then the Commissioners are limited with regard to the trees which would be planted in the City. Mayor Cooper would like to have a sense of what a professional is counseling people on in the way of what is appropriate. He did not think that on 50'x100' lots, an oak tree will ever be appropriate. Mayor Cooper suggested that a professional should come in to have a thorough discussion on this issue. Commissioner Zellers agreed.

NEW BUSINESS

Mayor Cooper called to discuss a proposed agreement with Stearns & Wheeler GHD for engineering services related to planning, permitting, design and construction oversight of the City's new wastewater ocean outfall, including the first two task orders to be executed.

Mayor Cooper noted that the City has a standard contract which has been developed by the American Society of Civil Engineers, American Council of Engineering Companies, etc. Mr. Rip Copithorn has recommended that a type of task order contract should be used with the first two tasks being: 1. Preliminary permit application would be to pull together the information to take to the permitting agencies to get their input as to what needs to be included in the final permit application. 2. Complete a preliminary engineering report to evaluate alternatives for replacing existing effluent filters and upgrading the power distribution system, rehabilitate structures and the possibility of upgrading to Class A sludge treatment. This to look at the overall existing facility to determine what needs upgrading. A formal contract is needed with Mr. Copithorn.

Commissioner Mills said that at the Regular Meeting on April 30, 2010, the Commissioners' goal would be to authorize the contract and the first two tasks. Stearns & Wheeler has started some of the items within Task Order No. 1. The total for all the tasks is estimated at approximately \$3,500,000.00. The first two tasks to be done concurrently, total approximately \$338,600.00, and the City has budgeted \$350,000.00. The one task includes an allowance of \$10,000.00 for the University of Delaware research. In Task Order No. 1, Stearns & Wheeler will finalize the design concept with the underground and outfall pipe. Commissioner Mills did not see anything about doing a route study, and he thought it should be included in Task Order No. 1. Mayor Cooper said that Mr. Copithorn thought it best to get the permitting for the outfall itself well underway before determining a route for the force main. Commissioner Mills said that Task Order 5.1 concentrates on studying the existing facilities, but also examining the potential to produce Class A bio-solids. He was glad to see the program for which bio-solids are desiccated for farmers to use, has been included in this task order. The timelines in the contract will work out fine.

Mayor Cooper said that none of the work will be subcontracted in this phase, other than the University of Delaware. Mr. Copithorn was to meet with the University of Delaware for them to not only pull any data from within the university itself, but to go to other universities to do literature research for work that is appropriate in the area. Later on in one of the tasks, a company will be used that does very specialized modeling. The Environmental Impact Statement will be the document that will be forwarded to all the agencies.

This item will be placed on the agenda for the April 30, 2010 Regular Meeting.

Mayor Cooper called to discuss extending the time of year that parking meters are installed and enforced.

Mayor Cooper said that a letter, dated March 18, 2010, was received from the Rehoboth Beach/Dewey Beach Chamber of Commerce opposing the extension of the parking meter season.

Commissioner Mills thought that this would be the time for the Parking Committee or the new combined committee to get energized. Commissioner McGuinness said that the season has started and it is too late for implementation this year. This topic should go to a committee, and the committee should meet now regarding ideas for the 2011/2012 budget, even if it is a parking management tool, revenue generator, etc.

Commissioner McGuinness read the letter from Ms. Carol Everhart and Mr. William Kemkowski, Jr. of the Chamber of Commerce opposing the extension of the parking meter season.

Commissioner McGuinness noted more businesses have communicated in favor of extending the season than not extending it. The businesses have acknowledged that employees are parking in spaces in front of businesses, but it was suggested to be creative with reduced rates. There are many avenues which the Commissioners can look at as creative management tools.

Commissioner Zellers said that this issue came up because the Commissioners were looking for other revenue sources to try to get away from depending totally on transfer taxes. The Commissioners thought that this may be an easy short-term way of bringing revenue in. This may not be the appropriate time for doing something with this issue.

Commissioner Barbour said that there has been an underlying assumption which consistently has come up in this discussion, and that is the extension of the metered time would negatively impact both visitation and planned events which have used the free parking as an incentive to visiting downtown. He would like to see the business community come forward to the parking committee and then show the Commissioners some data that suggests a negative impact.

Ms. Carol Everhart of the Rehoboth Beach/Dewey Beach Chamber of Commerce commented that it has data on this issue. If the season would be extended now, it would affect the sidewalk sale which will create a number of problems. Most likely there would be a negative impact from a visitor into that event. There is agreement with most of the business community that the employees are parking in front of the stores, then they move down the block. Customers from the outlying residential communities also wait for the meters to be off. The business community is saying that if there are additional revenues needed, the Commissioners should not look at just one place for the revenue, but all the places available for revenue. Alternative revenue sources need to be investigated.

Commissioner Barbour said that if people are coming into the City in the shoulder season, the cost for City services goes up. Visitors should contribute to paying for those services. Commissioner Zellers agreed. Commissioner Barbour said that Commissioner Coluzzi has come up with what sounds like, not only money saving but a more efficient way of doing the meters. This issue will be for future budgets. The Commissioners want the committee to look at this issue and come back with recommendations. In terms of the Transportation Committee, it has other issues to be discussed and probably will not be addressing this issue until it comes time for next year's budget.

Mayor Cooper called to discuss increasing City revenues to include possibly raising the current gross receipts tax on rental cottages and houses, and the possibility of extension of gross receipts taxes to hotels/motels and commercial rentals.

Commissioner Barbour said that enforcement should be looked at in addition to the fees. A cross-check can be done between the people who have applied for a license and people who are offering their businesses, and it would be an easy way to catch people. Mayor Cooper said that an existing list should be brought to the City Manager's attention to check against the rentals.

Commissioner Mills said that during the budget sessions, the Commissioners talked about needing additional revenues. The Commissioners need to start entertaining new or additional sources of revenue now. Some items mentioned was looking at property tax at some point, possibly increasing the rental accommodations tax to 5% or incrementally, and looking at a special accommodations tax for hotels. Tenants who rent a house pay the 3% rental tax so they are contributing something to the City whereas those who are paying the hotel accommodations tax, nothing comes directly back to the City. Commissioner Mills asked if a fee should be entertained that has them pay for some of the services the City provides. Another item mentioned was a gross receipts tax on commercial properties such that a landlord who rents his store to a restaurant or retail shop would pay a percentage similar to the rental tax. To implement these items would require ample time to notify people. In regard to the budget, these are the sources to generate revenue in the City: 1. Taxes. 2. Parking. 3. Licenses and permits. 4. Police and fines. The Commissioners need to entertain other sources of revenue; do a better of soliciting community input; and collaborate with businesses, residents, Rehoboth Beach Chamber of Commerce and Main Street. Commissioner Mills suggested forming an ad hoc committee which would include business owners and residents. Mayor Cooper disagreed with the idea of an ad hoc committee.

Commissioner McGuinness suggested that the Rehoboth Beach Chamber of Commerce and Main Street can come to the Commissioners with input from the businesses. Many people do not see a problem with raising property taxes a little for the services the City provides. She would like to look at everything across the board.

Ms. Joanne Bacher of Jack Lingo Realty Company commented that if the Commissioners are considering

raising the rental tax, they should be mindful that listing agreements are sent out the end of July and beginning of August, and leases are sent out in October. There are many owners who rent their properties and are not paying the rental tax. She would be happy to work with City staff to identify those people.

Mr. Jay Lagree, Prospect Street, said that there have been more people renting their properties, and the City is missing a lot of revenue.

Ms. Sharon Palmer, Coldwell Banker, said that the City has become more of a year-round community. If everybody pays a little, nobody has to pay a lot. Property taxes in the City are minimal. There are opportunities with parking to generate revenue in the off-season.

Ms. Judy Mellen, 105 Rodney Street, assumed that the license fee which hotels/motels pay per room is passed on to the guests. She did not understand why that fee is not included in some kind of fee structure because the guests use City services.

Ms. Everhart said that hotels/motels collect an accommodations tax for the State. In Sussex County, 8% goes to State, 5% stays with State's general fund, 1% goes to the Delaware Tourism Office, 1% goes to beach replenishment, and 55% of the final 1% goes to Southern Delaware tourism and 45% goes back to the zip code from where it came through the Chamber. There are 11 Chambers of Commerce in Sussex County. At the Chamber level, there are a lot of stipulations as to how the money is spent. The Rehoboth/Dewey Chamber receives approximately \$200,000.00 per year that must be spent on creating advertisement. Ms. Everhart said that the money which is generated is based on room accommodations.

Commissioner Barbour thought that in regard to hotels, the City could have a tax for water and sewer for one year which would be added on to the bill. Mayor Cooper said that the City Charter does not give the Commissioners the authority or the right to tax the occupant. The only authority the City has is to levy a gross receipts tax against the owner. In his view, that law does not allow for the tax to be added on to the bill.

Mayor Cooper called to discuss issues related to refuse pick-up such as times of placement at the curb, cans being left out, back door service and fees.

Commissioner McGuinness and Mr. Ferrese met with key realtors involved with rentals approximately one month ago. There is a Saturday afternoon trash issue. The consensus from the real estate community was that Saturday afternoon trash pickup would solve a lot of issues because of check-ins/check-outs that day, and \$100.00 to \$150.00 could be added to the rental license fee which is very reasonable. Commissioner McGuinness thought that this is a good idea.

Mayor Cooper said that this issue should be handled by subscription. The problem which he has identified is with trash placement at the curb and cans being left out.

Commissioner McGuinness said that Mayor Cooper had also mentioned about real estate agents needing to take care of their rentals' trash. Back door service may be an option.

Commissioner Mills commented that there is no incentive for the property owner to use the Saturday service, unless that person is caught and fined. Commissioner McGuinness said that the realtors charge \$35.00 a haul to the owner, and she asked if the City is capable of doing that type of enforcement if the trash is out. Mayor Cooper said that the City is capable. Commissioner McGuinness suggested that it should be done across the board for the renters and non-renters.

Ms. Bacher said that her company charges \$50.00 for special trash pickups. There is always a debate as to who is going to pay for the trash pickup. She suggested having a Saturday pickup and back door trash pickup in the off-season. Commissioner McGuinness said that on a Saturday, the trash could be picked up between 10:00 a.m. and 12:00 p.m. Ms. Bacher said that the tenants can be told that when they check-out on a Saturday morning, the trash should be rolled out.

Commissioner Barbour suggested that Mr. Mel Craig from Public Works Department should give a cost and time estimate to the Commissioners.

Ms. Palmer said that there is a policy in her office if there is a huge amount of trash, a private hauler will pick up the trash and the owner is billed. A Saturday pickup will not mean anything in the off-season. The trash would need to be picked up on a Monday.

Mayor Cooper thought there should be some kind of subscription and routing. A premium would be paid for the service, and there would be fines if cans are left out. Back door trash pickup could be done in the

off-season..

Mr. Ferrese recommended that there should be a committee which would include the real estate industry, residents and non-residents. Some type of trash pickup could be implemented in the off-season.

CITY MANAGER'S REPORT

City Manager Gregory Ferrese reported that the Phase II Amenities Project has begun. The contractor has mobilized and is clearing the bank area behind the Museum. The City will be receiving an Energy Grant in the amount of \$35,000.00 for solar panels at 306 Rehoboth Avenue. In May, the City will be applying for the grant. The City is eligible for up to \$25,000.00 in State energy funds to perform an energy audit. The State has a list of nine (9) qualified engineers. If the City wants to proceed, it must hire one of the nine contractors as soon as possible. The Police negotiation session was held on April 6, 2010 and went well. Mr. Ferrese will be meeting with the Commissioners along with the City's Labor Attorney and Chief Banks to give an update on the negotiations. The City Newsletter is at the printer and will be mailed out the first week of May 2010 or sooner.

Mayor Cooper called to discuss proposed sign ordinance changes.

Commissioner McGuinness noted that Ms. Sullivan has made suggestions for changes to the sign ordinance. The suggested changes are:

1. Section 270-66(E)(1). "Wall signs. Wall signs shall not be higher than the top of the lowest roofline, the top of a false front, and 15 feet, except that a wall sign placed on a building fronting the boardwalk may extend above 15 feet, provided that it is not higher than the top of the lowest roofline and the top of a false front" should be changed to "Wall signs. Wall signs shall not be higher than the top of the lowest roofline or the top of a false front, except that no wall sign shall be higher than 25 feet".
2. Section 270-66(E)(2). "Ground or pole signs" should be changed to "Ground, pole or directory signs".
3. Section 270-66(E)(2). Delete "The largest side of a ground or pole sign may not exceed three feet".
4. Section 270-66(E)(2)(b). "...[N]o larger than five square feet on each side..." should be changed to "...[N]o larger than five square feet or more than three feet on either side..."

Commissioner Mills asked if a dimensional limit for the signs on Route 1 should be addressed in this sub-section.

5. Section 270-66(E)(3). Delete this sub-section in its entirety.

Commissioner Barbour suggested that pictures should be taken of signs which need to be addressed.

This item will be placed on the agenda for the next Regular Meeting.

COMMITTEE REPORTS

Commissioner Mills, Boardwalk Committee, provided an update on the Committee activity and Phase 2 of the Board Reconstruction Project. The last meeting was held on March 24, 2010. Mr. Jay Lagree had conducted a study on refuse. Items recently discussed were mileage markers on the Boardwalk, pavilions, and way-finding, pole-mounted directional and existing rules signs. The Committee has partnered with Main Street in developing the sign program, has recommended a refuse collection program and vehicles, and has recommended a maintenance program. There was also brief discussion regarding refuse collection on the beach. (See attached Committee recommendations.)

REPORT by Commissioner Mills on his attendance at the American Shore & Beach Preservation Association Conference and on meeting with our congressional representatives.

Commissioner Mills has been member for two years and has attended the conferences recently. The mission of the Association is to help preserve shorelines and beaches, and remind the congressional representatives how important they are to municipalities. The members are largely those of the coastal towns. The important thing that Commissioner Mills learned from the conference he attended recently in Washington, D.C. was that there are two steps to implementing federal projects: 1. Authorize the project. 2. Retrieve funding for that project. In the last 16 years, there has been no beach funding in the President's budget. Beach funding has been appropriated by Congress. President Obama has indicated he will include monies in the upcoming budget for beach nourishment. The projects authorized exceed the funding available for fiscal year 2011. Mr. Tony Pratt made speeches at the conference. Some of the speakers' points were that when it comes to the flooding of rivers, they are willing to put a lot of money into fixing the inland levees, but they are not willing to look at the City and the dunes as coastal levees that also

protect property and provide economic vitality. Beach nourishment needs to continually stay in the forefront. The Army Corps of Engineers does not ask for anything other than monies for the regular projects. Emergency contingencies are on a case by case basis. Each time something happens, the ACOE has to go to the appropriations committee and ask for monies. The Congressional representatives have been on the forefront of that, but their decision will not be made until April; and it is not known if the City will be favored or not. Commissioner Mills met with Carol Olmstead, Vice Mayor of Bethany Beach, Senator Carper and his staff, Congressman Castle and his staff, and other Congressional representatives. He hand delivered a letter which the Mayor authored, reminding them how vital the community is. Commissioner Mills distributed letters that the Congressional representatives sent.

Mr. Ferrese said that hopefully before Mother's Day, the State will repair the snow fence, widen the crossovers and bring the crossovers to the bottom of the snow fence. The City had previously told the State that it would be willing to help maintain the crossovers.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There were none.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

No topics were noted to be included on future agendas.

The Mayor and Commissioners Regular Meeting will be held on Friday, April 30, 2010 at 6:00 p.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 12:40 p.m.

Respectfully submitted,

(Kathy McGuinness, Secretary)