

water taxi. This idea is moving forward, and a contract will be awarded. The vendor that will be selected has talked about grants which are available for public-private partnerships. The Commissioners need to consider the City's involvement in this project and how to move forward with the Association.

Commissioner Mills said that there was discussion at the last Lewes-Rehoboth Canal Improvement Association meeting that at some point after the committee finalizes the consultant to work with, the designer and designs, the Association would want to come forward to the City to give a presentation and see what type of buy-in the City might have for the project. This would be on a future agenda at the discretion of the Lewis-Rehoboth Canal Improvement Association.

Commissioner Sargent said that he would specifically be interested in working on the connective bikeway system. Given the parking situation, it would be hard to set aside bike lanes per se. He suggested coming up with effective graphics that would lead people to safer streets.

Commissioner Coluzzi said that once the master plan is put together and a presentation is made to the Commissioners, then the Commissioners will be able to decide which items they are interested in. She thought that advertising would be done within the next two weeks to go out to bid. It would probably be approximately six to nine months before the plan would be implemented. Data collection will possibly take place in September 2011. Mr. Jim Ellison and Commissioners Zellers, Barbour and Coluzzi have worked on putting the grant paperwork together along with a consultant. Commissioner Coluzzi will forward the document in an email to the Commissioners.

Mr. Patrick Gossett, Dover Street, reminded the Commissioners that as part of the Oak Grove major subdivision approval process, a financial incentive was provided by the owners to put in a canal-front park which has a timeline limitation. These additional funds have been targeted for a canal-front park.

Commissioner Coluzzi said that another item of high priority was storm water management. Commissioner Zellers noted that stormceptors have been put in the Country Club Estates area, and monies have been allocated in the budget for stormceptors and other areas. Commissioner Coluzzi suggested the idea of possibly having rain gardens to divert stormwater. Commissioner Sargent noted that stormwater is a major cause of pollution on the beach. Commissioner Coluzzi said that DNREC has plenty of money to spend in this area, and it would behoove the Commissioners to take advantage of it.

Ms. Dian Stein, 501 North Boardwalk, said that she knows of retired people and possibly an engineer who may want to volunteer their time.

Commissioner Barbour suggested that discussion of prioritizing and possibly setting timelines for recommendations contained in this CDP should be kept on future agendas. Commissioner Coluzzi thought that it would be appropriate for the Commissioners to take assignments and lead in certain areas, especially the ones they are particularly interested in. She will put together a list of those areas based on the input from other Commissioners, and assignments can be discussed at the next meeting. Commissioner Coluzzi noted other priorities on her list as the tree canopy and vacation rental health and safety inspections.

Commissioner Barbour said that one of the requirements for getting a rental license is to have inspections done every five years. The listings with the VRBO could be compared with the City's tax records to see who's paying; and in a period of two to three days, a list could be generated of who is not paying. Mr. Ferrese noted that Ms. Holly VanSciver in the Administrative Office has been doing this. Commissioner Barbour suggested doing a package of changes in regard to the area of rental housing and things that may involve zoning such as basements, etc. Commissioner Coluzzi said that the issues of lost tax revenue and inspections. Commissioner Barbour suggested that based on the information that Ms. VanSciver has, a baseline could be developed and recommendations can be made from that.

Commissioner Zellers said that she would like to see the Commissioners move forward on Silver Lake because it is currently in dire straits with algae bloom which is filling in and moving up the lake. The stormceptors have been put in, and there is a task force; but the neighbors are starting to notice smells coming from the lake which are encroaching towards the park, school, etc. She would like to keep this project on the front burner and work with the task force. It is thought that ultimately the area will have to be dredged. The task force has City and DNREC involvement, but no one from the County. Mayor Cooper and Commissioner Mills will be in the forefront on this project. Commissioner Zellers said that at budget time she would like to request that the city start to allocate monies towards the sediment removal operation.

Commissioner Coluzzi said that another priority item is to move forward on the Capital Improvement Program especially since money has been put aside for the municipal building and the Police Department in the

last budget.

Commissioner Mills has worked with Mr. Ferrese on the Capital Improvement Program and will continue with that process. Some of his suggested priorities are: 1. Planning for and beginning implementation of new building designs or upgrades to the Police Department and City Administrative Building which would be to address the quality of facilities for the employees. 2. Protecting the beach/boardwalk as a major asset inclusive of maintaining water quality. Specific policies within the CDP which address that all are: maintaining a rigorous program for the boardwalk, maintaining beach cleanliness, giving support to the federal/state program for beach replenishment, selecting and funding a wastewater discharge method, stormwater management, etc.

Commissioner McGuiness' priorities were mixed-use zoning and wayfinding signage in general.

Mr. Patrick Gossett said that mixed-use would primarily be commercial on the first and residential on the second level with applicable setbacks within the commercial zones of C-1 and C-2. No consensus was reached by the Planning Commission. There should be a better definition of mixed-use to be clear as to set back lines etc. in C-1 and C-2.

Mayor Cooper said that the Code currently allows mixed-use and there are a number of mixed-use buildings in the City.

Commissioner Sargent thought that it would be effective if solutions from a developer in regard to the first block of Baltimore Avenue and the second block of Wilmington Avenue would be to involve mixed-use. It may mean making a minor zoning change, etc. thought it would be extraordinary if mixed-use would be involved in the redevelopment or continued development of those properties.

Commissioner Barbour' priorities were the bike lanes and pedestrian ways with focus on accessibility and safety. The Commissioners need to look at the possibility of eliminating some parking spaces in order to make provisions for walking and biking in the City. They also need to look at safety and convenience issues. The Commissioners need to look at other municipalities and see how they deal with bike lanes, etc.

NEW BUSINESS

Mayor Cooper called to discuss the proposed license agreement with J. Stein to place steps in the right-of-way and encroaching onto the sidewalk on the north side of Grenoble Place.

Mr. John Knarr, co-owner of Elite Physical Therapy which is currently located in Mr. J. Stein's building located at 501 North Boardwalk, said that he and Mr. Stein are proposing a safe access point that is close to the building versus coming around to the front of the building. There is ample space at the south side of Mr. Stein's building to be able to do this.

Commissioner McGuiness said that Mr. Knarr and Mr. Stein have sealed drawings by an engineer and have presented the Commissioners with a license agreement.

Mr. Stein reminded the Commissioners up to 1992, a step had been located in this area. The storm of 1992 destroyed the step. At that time, the step was not replaced because the area was only used for loading and unloading.

Mayor Cooper said that it was a small step at the time; and according to the code, there has to be a 3 foot level landing in front of the door.

Commissioner Mills said that a license agreement is then approval by the City to allow an encroachment onto City property. When the Commissioners examine the people who make application for a license agreement, they have to be very deliberate with how City property is used. Generally, license agreements have to do with pre-existing encroachments. Commissioner Mills noticed that there is a front area where there can be a front door. There is also the possibility of sharing the vestibule with Stuart Kingston. He was not comfortable with putting something into and encroaching into a public pedestrian access way. If there were no alternatives, there would be a different set of circumstances. At this point, Commissioner Mills was giving more weight to not allowing new encroachments onto City property especially the sidewalk since other alternatives are available.

Commissioner McGuiness noted that the steps were there in the past, and unfortunately they were not replaced. What is being proposed will be Code compliant. She would be happy to attach a clause to the license agreement saying that in the event ownership and the business changes, the license agreement would be specific to the business in the building. The steps are for health and safety reasons, and for patients going into the building.

Commissioner Zellers said that an issue is being created with the sidewalk which had not been there previously. There is another graded entrance to the facility. She voiced concern that a precedent would be set for other properties.

Mr. Knarr said that the space which is being asked for is ADA compliant and is safer than a small step. It will have a handrail and landing, and will be visible, safe and accessible.

Commissioner Sargent said that the sidewalk is not a high passage sidewalk. The side entrance makes a lot of sense. In terms of looks and convenience to people who use the facility and in terms of what the City will lose, this project can be done. Commissioner Sargent was comfortable with going along with this.

Commissioner Barbour said that in regard to ADA compliance, the best way the commissioners can act in the spirit of ADA is to make the buildings more accessible. The rationale for the entrance is so it is more convenient for people who have injuries.

Commissioner Sargent noted that he and Mr. Stein have been friends for years, and he is trying to stay neutral with respect to this issue.

Mayor Cooper voiced concern about creating licenses for non-existing encroachments. It is a good mechanism to resolve existing encroachments. To create new encroachments, it should be done very sparingly. Should this license agreement be agreed-upon, there should be wheel stops, parking bumpers put in the street and parking 15 feet beyond this. Commissioner Zellers and Mr. Knarr agreed to putting in wheel stops.

Mr. Walter Brittingham, 123 Henlopen Avenue, said that the solution to this would be to move the doorway into the building, put in an inset and put the door on the inside. This is not a situation that the City has caused. It was caused by a change of use and starting to use that doorway.

Ms. Millie Knarr who is a physical therapist at Elite Physical Therapy said that construction and not having accessibility would be disruptive to the business and to the patient's care.

City Solicitor Glenn Mandalas said that he generally advises against license agreements especially when they are new encroachments. It creates a contractual relationship that is not currently had. The license, as currently drafted, runs with the land, so it would transfer to any new owner and new use. The business can be put in the license to change that. His general advice when there is consideration of license agreements is if it is not necessary, then avoid it.

Building Inspector Terri Sullivan noted that the door opens over the City sidewalk. The building code reads that on either side of a door, there must be a level landing. There needs to be a three foot landing on either side of the door. A ten inch step is dangerous for people with mobility issues.

Commissioner Coluzzi summarized that there is concern about precedent. The license agreement would be specifically for the business instead of running with the land. Wheel stops would need to be installed.

Ms. Sullivan assumed that if the license agreement runs with the specific business, the step and landing would have to be torn out if the business is no longer there. Mr. J. Stein did not have a problem with that.

City Solicitor Mandalas will review the license agreement.

Mayor Cooper suggested that the annual license fee would be \$100.00. Mr. Knarr agreed.

This item will be placed on the agenda for the Regular Meeting to be held on July 15, 2011.

Mayor Cooper called to discuss the proposed new five year agreement with Sussex County to supply water for the Dewey Beach Water District.

Mayor Cooper has had several meetings with the County to come to an agreement. It has been typical that the City does five year agreements with the County to supply water to it for the Dewey Beach Water District. The last contract went into effect in 2006 and ran through the end of 2010. It started at \$1.46 per 1,000 gallons in the winter and ended at \$1.70 per 1,000 gallons. It started at \$2.06 per 1,000 gallons in the summer and went to \$2.30 per 1,000 gallons. The proposal is to start at \$1.80 per 1,000 gallons in the winter and go to \$2.80 per 1,000 gallons in the summer, and will increase by \$.06 per 1,000 gallons per year after the first year. It would start retroactively to January 1, 2011. That contrasts with the rate in the City of \$1.67 per 1,000 gallons and \$2.67 per 1,000 gallons so that they are initially \$.13 per 1,000 gallons than the in-town rate. Mr. Ferrese had talked to the County administrator, and this will be put on the County's agenda for July 19, 2011 for approval.

This item will be placed on the agenda for the Regular Meeting to be held on July 15, 2011.

Mayor Cooper called to discuss the painting of crosswalks on Rehoboth Avenue.

Commissioner Coluzzi said that this item had been discussed at a prior meeting, and Mayor Cooper had suggested that instead of painting the concrete borders at the crosswalks, the City should first try to clean them. Mr. Ferrese had noted at the last meeting that the borders had been cleaned, but it did not do much good to brighten them. She assumed that the City would move forward with painting the borders at the crosswalks because this is a safety issue. There are crosswalks in the middle of blocks that people who are driving vehicles are not aware that they are really there.

Mayor Cooper had looked but did not find a paver that would be brighter. Ms. Carol Everhart of the Rehoboth Beach/Dewey Beach Chamber of Commerce had suggested that there is a manufacturer who makes a paver which absorbs sunlight and glows at night. Mayor Cooper said that the mid-block crossings are most important.

Commissioner Sargent said that he would agree to picking one place and paint it or lay a white strip down to visually see what it would look like.

Commissioner Barbour noted that the Streets & Transportation Committee had talked about this issue and considered all the pros and cons of it. This is a safety issue.

Commissioner Mills said that this is a safety concern particularly the mid-block crosswalks which are not located at traffic lights. The painted white lines do not grab attention as much as the vertical pedestrian lime green signs in the middle of the street would as well as the piano key markings. There would be uniformity if piano keys are put on Rehoboth Avenue because every crosswalk in the City would have the same exact design.

Commissioner McGuinness suggested starting with the concrete vs. painting piano keys on Rehoboth Avenue.

Mr. Walter Brittingham said that DeIDOT has rolled down 3M tape. On a large scale, it uses a latex machine which sprays latex, and glass beads are put down on top of the latex. When lights hit it, the inside of the glass beads reflect back to the people who are approaching. If the Commissioners would want to try that process, the City could talk to DeIDOT to get the contractor to come into the City to line one crosswalk when it is lining the highway. The contractor may possibly do a test to see if the latex would adhere properly to the pavers if the decision would be to put it on the pavers instead of the concrete. The latex stays white for a long time.

Mr. Ferrese has contacted DeIDOT regarding the City's ideas with using the 3M tape with glass beads, and he is awaiting an answer. He suggested trying this approach with the crosswalk in front of City Hall. Mr. Ferrese did not know if the white lines as proposed would violate any uniform code with DeIDOT. Approval is needed by DeIDOT because Rehoboth Avenue is a State road.

Commissioner Sargent said that as an alternative to painting the concrete, the 3M tape could be put down at the edge of the concrete for it to appear that the crosswalk is wider than it would otherwise have been. He did not know if it would be practical for pedestrians cross the street at an angle, but he thought it would be worth trying. Commissioner Mills said that this would do nothing to address the mid-block crossings which are the top priority. The Commissioners should charge the City Manger to do something, and then have the Commissioners evaluate it.

Commissioner Barbour said that the Streets & Transportation Committee has discussed the various options, and the Commissioners should look to the Committee for its recommendations.

Commissioner Coluzzi will work with Mr. Ferrese to move forward with this matter. She also suggested meeting with DeIDOT to talk about using the little sandwich boards that look like people in the middle of the street at the circle. Commissioner Sargent thought it was a good idea because of the calming effect on traffic. Commissioner Zellers agreed.

CITY MANAGER'S REPORT

Mr. Ferrese reported that in January 2011, he had submitted to the State Department of Transportation a letter and justification requesting \$864,000.00 from Transportation Enhancement Funds to make major improvements on Lake Avenue between Third Street and Rehoboth Avenue. It is anticipated that by the middle of August 2011 or sooner, Mr. Ferrese should know whether the City will be receiving funding for the design phase. Last week, Mr. Ferrese submitted a letter of intent to the State Parks and Recreation Division requesting a State grant in the amount of \$15,000.00 to upgrade the restrooms at Grove Park. The City's share will be \$15,000.00 thus

the project estimate is \$30,000.00. This upgrade will be done in conjunction with the Delaware Avenue Restroom Upgrade Project. Congratulations to the City for receiving the Super Beaches designation. DNREC will be holding a press event at the Bandstand on July 6, 2011 at 1:00 p.m. Mr. Ferrese has been told that Governor Markell will be attending.

COMMITTEE REPORTS

Commissioner Mills announced that the Communications Committee Meeting was cancelled for July 6, 2011 and will be rescheduled.

CITY SOLICITOR'S REPORT

There was no report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Barbour requested an executive session to talk about the matter with the Police Department. He had polled the Commissioners to see if they would agree to an executive session. The vote was four to three to not have an executive session. One of reasons he was given for not having the executive session was that the Commissioners should wait until the investigation has been completed. It was Commissioner Barbour's understanding that the investigation has been completed, and he has asked Mr. Ferrese for a copy of the report. Commissioner Barbour thought that this is an appropriate time for the Commissioners to have an executive session to discuss this matter. Mr. Ferrese noted that the investigation has not been completed. In a confidential letter that the Commissioners received from the labor attorney, it was stated that he is waiting for a transcript from the State to see what testimonies were given. Commissioner Barbour said that he was only suggesting to have a session to discuss this matter, not to take action.

Mayor Cooper said the Charter and the Code are very clear that the City Manager is to act without influence from the Commissioners in such matters. To have such a meeting is in itself trying to influence the City Manager in that regard.

Commissioner Zellers said that she would like to discuss this matter in executive session as well, but all the facts are needed to discuss it.

Commissioner Mills read his statement. At this time, he did not see the need nor appropriateness of conducting an executive session with respect to a personnel issue with the Chief of Police. Commissioner Mills was comfortable with letting the City Manager, labor lawyer and possibly the Mayor handle this situation. He did not believe that most potential queries can be answered without lending bias or without possibly interfering with what should be a neutral investigatory process, neither desire especially when the Commissioners have to later act on the outcome of the investigation. Of the queries the City Manager or labor lawyer would want to answer in executive session, Commissioner Mills believed those responses most likely can be conveyed in memos or in public session. There may also be legal reasons for not getting more intimate with the case investigation. He believed to conduct an executive session will inflame the situation with the public and within the Police Department, and will send the wrong message to both the public and the Chief. However, Commissioner Mills wanted periodic updates via memo on the situation. Commissioner Mills thought that the Commissioners have been getting the updates.

Commissioner Barbour said for the record that he has asked for an executive session; and if in the future there is any court or anybody who comes back and holds the Commissioners legally culpable for not being involved in this matter, he wants to inoculate himself from any legal fallout.

Commissioner McGuiness was in favor of the executive session and thought that an option would be for Mr. Ferrese to not partake in the meeting.

Commissioner Sargent commented that he had talk with Mr. Bryan Hall of the Office of State Planning about getting a revised estimate with what the ultimate tree inventory would be. Mr. Hall came to the City, divided it into four quadrants, counted a sampling of the number of trees on lots and extrapolated that for the entire City to come up with a much more accurate count of the total trees in the City than Commissioner Sargent had. The average trees per lot in the City is 2.5 trees. In general, there are less than half the trees in the City than had been expected. The same cost inventory that Davey Tree Resources used in Fall 2010 would mean a cost of \$40,000.00 to \$45,000.00 for the final tree inventory.

Commissioner McGuiness announced that she had gone out in the City and shadowed Mr. Bobby Edmonds, Code Enforcement Officer two Fridays prior to this meeting. Commissioner McGuiness thought that Mr. Edmonds

is needed year-round, and she would like for Mr. Edmonds to give a mid-summer report at the July 15, 2011 Regular Meeting.

Mayor Cooper announced that the water sampling equipment in the ocean should have been extracted on June 30, 2011, but he did not know whether it has been done. It was originally thought that a Public Hearing would be scheduled on August 24, 2011 for the draft EIS, but the Public Hearing has been pushed to early October 2011. The original idea was that the data which comes from this deployment would be compared to the last data to verify with what step the State wants as all the models run with the new data and the results compared.

Discuss items to include on future agendas.

An item to be discussed on future agendas is the CDP updates.

There being no further business, Mayor Cooper adjourned the meeting at 10:54 a.m.

Respectfully submitted,

(Kathy McGuinness, Secretary)