

provide visitors' services in an additional visitors' center and will include a transportation hub. Currently, Destination Station is a concept founded by the Chamber of Commerce and is a separate entity with its own Board of Directors. It is formulated as a 501C3 which is organized for charitable, educational and scientific purposes. It will combine an energy exploratory, public transportation transit hub and a visitors' center. These will work to fulfill its educational mission through the exploratory, get cars off the road and feet on the street through the promotion of the transit hub, and will provide easier access to visitors' services. The latest plans were provided. In addition, a Memorandum of Understanding was negotiated to lease 1.75 acres on the Park & Ride property. The purpose of doing this is that the State would serve as the landlord. The building and the project would belong to Destination Station, not the State. This format needed to be in place in order to proceed with fundraising. DSC has advertised for Requests for Proposals (RFP's) for architectural and engineering, and for construction management. Drawings will be needed in order to proceed with fundraising. To date, no architectural/engineering firm has been selected nor a construction management firm. DSC has been interviewing and asking a lot of questions to try to make the best decision. There has been some concern about the public hearing. It was advertised as a public hearing in April 2008. The public hearing was put on by DeIDOT, and it was about a land exchange between the State of Delaware and another property owner on Route 24. This did not involve Destination Station. It involved the transfer of land to further the facilities for Park & Ride and have additional parking on Route 24 and buses to bring people in. The State listened to comments which were both favorable and unfavorable at the public hearing, and it decided not to move forward with the land swap. The Chamber and Destination Station took a two year period to negotiate a MOU. There was ongoing communication about Destination Station. There was an energy seminar which happened before the public hearing, and DSC continued to speak about it at three general membership meetings in 2008, three in 2009 and one in May 2010 where the MOU was announced. Information has also been shared at the Resort Transit Kickoff in May 2008, March 2009 and March 2010. Updates have been continuous on Destination Station website which has had coverage over the last 10 years. It has also been in their newsletters which are placed in 4,000 Cape Gazette newspapers and all elected officials receive. DSC has also had a full-page ad in Vacationland for the last five years. There have been some concerns about traffic studies. There has not been a current traffic study because DSC is not to that point yet. It is planned that a feasibility study will be done which will include an update of the traffic study. There has not been a public hearing except for the land swap because DSC is not at that point yet. This is not saying that DSC will have a public hearing because this is a private endeavor. DSC will be going through the County permitting process just like any other private enterprise. It will be open to the public for any type of comments, and drawings, etc. will be disclosed. Anyone can stay updated on the DSC website. As DSC gets any additional information, it will immediately be transferred to the website. DSC is continuing its process with interviewing and selection of an architectural/engineering firm and construction management firm. DSC will be starting its endeavor to raise funds for this project.

Mr. Ralph Reeb of DeIDOT discussed the plan where DSC would be located and how things would work. DeIDOT is still in the process of understanding exactly how many square feet there will be and what type of building is being talked about. Aerial photographs were provided which show Shuttle and Country Club Roads, and the proposed 1.78 acres for Destination Station which provides an envelope in which the building can be built. As part of the building, DeIDOT envisions and intends to incorporate the existing facilities in it. The parking lot will be reconfigured. The building will provide share facilities with Destination Station sharing the first floor. Future buses will come in on what is currently Country Club Road. It will take two years to do the entire reconfiguration, but starting in Fall 2010, a piece of the road will be built and reconfigured as the first step in the process. The facilities and the space will continue to be used for bus storage. By reconfiguring this, more efficient will be gotten out of the system and the overall site, and the bus traffic will be better separated from the car traffic. A drawing of the bus circulation pattern was provided which shows the direction the buses come from. DeIDOT is continuing to see growth in the system; and as more people live in the area year-round, that system will need to continue to grow. DeIDOT is proposing to reverse the names of the existing roads at the site. Currently there are 400 existing parking spaces with approximately 20 spaces being lost in the interim plan. DeIDOT has purchased land north on Route 1 for the specific purpose of making a Park & Ride facility so more than 20 spaces will be replaced next year. When it is reconfigured, the existing Park & Ride space will have grown by approximately 25%. The biggest single project DeIDOT has going on right now is to try to make better pedestrian connections along the corridor. There are no plans to widen additional lanes on Route 1. The challenge now is to accommodate bicycle and pedestrian traffic and transit users well. This would be the biggest next step in the corridor which will have implications for traffic signals. Giving people enough time to cross Route 1 on foot creates some difficulty with traffic. DeIDOT purchased the Wright Chrysler property to be used for the proposed Park & Ride. The bicycle program will be housed in one end of the building, and improvements will be made to the rest of the building to provide a waiting area, Park & Ride, bus maintenance

facility and a place for tourist and traveler information.

Ms. Connie Holland of the Office of State Planning, said that this a positive project which is coming to Rehoboth. She noted that the Office of State Planning, DNREC, Historic Preservation, etc. was told about this concept by Ms Carol Everhart of Rehoboth Beach/Dewey Beach Chamber of Commerce and DelDOT approximately three to four years ago. This project should be used as a master plan so that everyone contiguous to it will have some input. It would be wonderful to Destination Station to make sure the businesses stay viable, have better air quality, get multi-mobile with walking or biking to a destination and enjoy this City as much as possible. This project is not a done deal because many more informational meetings will be held and many more studies will have to be done.

Mr. Reed noted that the monies for this project were provided in the 2005 Federal Transportation Bill and can be used for transportation improvements related to Destination Station. There is not enough money to build an overpass for pedestrians. What DelDOT is doing with the money is providing an area where improvements can be made over time, and they can begin immediately with next year. There will be an improved bus circulation pattern, and there is a footprint for Destination Station. As a first, DelDOT can use the money and improvement regardless if Destination Station every happens. The money is a down payment on continued future improvements. If Destination Station does not happen, DelDOT would move facilities into that location and build new ones. Basically, Destination Station is occupying the roof over buildings that DelDOT is using to serve the transit system. DelDOT has done everything it can to make sure that no federal money has gone into the design or anything about Destination Station.

Commissioner Barbour said that in regard to the flow of traffic out of town and back around, there are problem areas with buses making left turns off of Route 1. So to alleviate that, the entrance and exit will be further south. Mr. Reeb said that buses come out of Rehoboth onto the service road. The State owns the first 100 feet of that collection of roads. DelDOT is in the process of redesigning that area and are trying to work with the property owners to remove or move the concrete island and straighten the roadway. Buses will then be able to get into the left turn lane. It will create less traffic congestion in coming across one fewer lanes. Depending upon how things are improved, buses could in the future go down under the bridge and come back up on the north side on Route 1. Nothing that is proposed for this winter will change any of the traffic patterns in and out of Rehoboth. No more buses will be running than there are today, at least into the foreseeable future.

Commissioner Coluzzi asked if it is the Chamber's plan to look at additional transportation enhancement even though that would be something the City would like to see such as money from private sources used to contribute to a pedestrian bridge. Ms. Wheatley said that right now, their money is to strictly be used for Destination Station. Currently, they are in the conceptual phase that a lot of that has not been worked out to know what the pedestrian or bicycle needs would be. It is planned to incorporate and to make it as efficient and friendly as possible to all of the transportation. Currently, planning money is being raised to get drawings of the building done so that fundraising can be done. Most of the fundraising will be through private corporations, mostly in the energy field; and there will be grants for education. As the plans develop further, there may or may not be an opportunity for transportation. Destination Station or the Chamber has not and will not received on penny of the \$1,000,000.00. They do not want the money because of the restrictions placed on it. The project will probably cost from \$12,000,000.00 to \$14,000,000.00. All of the funding will be self-sufficient which will come from the attraction fees, and the visitor center will have kiosks with different advertising modes. Once the building is built, it will be self sufficient. Any monies that are raised over and above the costs will be put back into the project or given to charitable organizations. The performance statement shows that through sponsorships, admissions to the attraction and different features incorporated into the visitor center, it is self sufficient. This information is being updated in the feasibility study and will be made public. It is fully intended for the building to be a part of the show to show how alternative energy is being used. This building is to be LEEDS certified and as green as possible. The intent is to bring school children to the center, and programming will be done in a way that it meets the Delaware curriculum, and hopefully Maryland and Pennsylvania schools; and to teach the general public. The attraction will be constantly changing. There may be some features outside of the building, but the intent is for most of the features to be inside the building.

Commissioner Barbour asked at what junction it would be appropriate to take into consideration the issues such as bike lanes and getting pedestrians across the street. He also asked if there are any plans for a certain date that some sort of a plan is developed. Ms. Wheatley said that currently what is being looked for are the conceptual drawings that will allow the Changer to break down the interior of the building and raise sponsorships from that standpoint. She thought that the next step would be, from a planning standpoint, to take into consideration all the things which are being talked about such as how traffic flows, pedestrians, bicycles etc. Right now that would not be necessary with the beginning drawings which would allow the Chamber to

fundraise. At some point, all of that would be brought into the planning stage.

Mayor Cooper said that it is not to the City advantage to have extra buses coming into the City. Mr. Reeb said that direct connections from the new lot to Rehoboth will be made by bus, and transfers will be made at Park & Ride. The Wright Chrysler site will be used as a bus maintenance facility, Park & Ride, a place where the bicycle program is run for the summer and a place to get tourism information.

Mr. Hal Goodwin of Sussex County noted that the County's process would be require either rezoning or conditional use approval because the property which is currently the site for Park & Ride is zoned AR-1 which would not be compatible for Destination Station. Currently, the process would require to make application with the Planning Department which would then draft an ordinance for either the zoning change or the conditional use permit. That would be forwarded to the County Council for introduction as an ordinance. The ordinance would be introduced, and then the Council would reassign it right back to the Planning & Zoning Commission for consideration. If the County Council was to expedite that process, it could take 10 weeks to three months which would then come before the Planning & Zoning Commission for consideration at which point there would be a public hearing. The Planning & Zoning Commission would then make a recommendation for either the zoning change or the conditional use. There could be a possible 45 day delay to make a decision. Then it would go before County Council, and it could be as much as three to six months to get it through the Council's hearing and consideration process. The decisions could take from six months to one year for the County to give the proper designation for land-use. The land in front between the current location of Park & Ride and Route 1 is zoned commercial. If Destination Station would located on this land, the County's influence would be much reduced because it is already zone commercial so there would not be a rezoning. A subdivision approval would be required which would be done in a matter of weeks, and it would only go through Planning & Zoning. Ms. Holland said that if it is a rezoning application in Sussex County, it would also come to PLUS (Preliminary Land-Use Service). There is no public involvement in that process. PLUS gives the most information it can through DNREC, DelDOT, Historic Preservation, Fire Marshal and any of the other districts in the County to see if there would be any problems at the State level. All that information goes back to Sussex County and goes in its report to be heard in front of the Council, and then public testimony is taken.

Mayor Cooper assumed the traffic impacts would be one of the things considered. He asked how what seems to be a conflict of interest would be treated since DelDOT owns the land and is a participant and a reviewing agency at the same time. In regard to the PLUS process, DelDOT makes a recommendation to either approve or deny the project, and or modifications need to be made to limit the impacts of that. Mr. Reeb said that DelDOT uses the same exact methods that it uses to study traffic. In PLUS, DelDOT makes recommendations. At that point with this case, DelDOT will have had the ability to look at what is being proposed and use the models to say how it will work. DelDOT also provides same information to the County process. The County process has the most teeth because that is what goes on the record. Mr. Reeb acknowledged that here the applicant would be required to do whatever traffic studies are necessary, not DelDOT. DelDOT would review the studies. will do the traffic studies not DelDOT.

Public Comment:

1. Mr. Tom Perkins, President of Kings Creek Homeowners' Association, voiced concern about how Destination Station will affect people living close by, and they would like to have the opportunity to provide input regarding the large volume of traffic and be included in the planning to take into consideration the people live near this plan development. Ms. Wheatley said that DSC is considering holding charrettes with the communities on Country Club Drive, etc. to make sure everyone is informed, and it will be working with the State to try to address any issues.
2. Mr. Darryl Rensaid, Kings Creek, voiced concern that the problem with traffic needs to be addressed in that area, and he asked what DelDOT's role is in this project. Mr. Reeb said that DelDOT is the only entity that can use the earmarked money through federal legislation. DelDOT is attempting to grow the transportation system without making it more car dependent and make it more attractive for more people to use it. DelDOT has a Memorandum of Understanding that says, based on a set of conditions, it can lease the land, and it gives DelDOT the right to use the federal money to make this change to the transit system. Mayor Cooper hoped that there will be a lot of chances for the public to weigh in on this. Ms. Wheatley said that from DSC's standpoint, the main purpose of the MOU is to fundraise, and it set parameters which DSC is comfortable with by being represented from the State standpoint. Certain conditions have to be met throughout the entire process, whether it be County approvals, traffic studies, feasibility studies, etc.
3. Mr. Frank Cooper, Scarborough Avenue, asked what the current zoning is and what it would be changed to. Mr. Gogland said that currently the land is zoned AR-1, Agricultural Residential which

- permits up to two homes per acre, and it would be rezoned to commercial which would be compatible with the use of Destination Station. The rezoning would be a conditional use.
4. Ms. Diane Perkins, Kings Creek, asked what criteria is being used to analyze the data coming in, and if there is any way that the data coming in is wrong that the entire project would be cancelled; or if this is just information about traffic flow. She voiced concern that increased traffic will severely impact getting into the communities. Ms. Wheatley said that through the presentation process, there will be opportunity for input. All the information will be kept updated on DSC's website.
 5. Mr. Mike Tyler, President of Citizen's Coalition, address unknown, voiced concern that bicyclists are in jeopardy on Route 1, and the fourth lane should be abandoned for buses and made accessible to bicyclists. In regard to DelDOT receiving money to improve transportation, nine bus shelters on Route 1 are either in the grass or on a pole. These do not accommodate ridership. The new HAWK system initiated for the University of Delaware is a pedestrian activated system and could be put in three or four places on Route 1. The sidewalk network has not been completed. He suggested that this money should be taken away from Destination Station and should be used to make transportation easier for pedestrians, bicyclists and people who ride the bus. Another visitor center is being created at the Wright Chrysler site. This is a misappropriation of federal money and the taxpayers' money which used to improve Route 1. Mr. Reeb said the money was earmarked for this project. The sidewalk project is in DelDOT's capital transportation program. There is no intention to create a visitor center at the Wright Chrysler site.
 6. Mr. Timothy Spies, 53 Columbia Avenue, asked if there will be a site plan review in addition to the rezoning process. Mr. Gogland acknowledged that there will be a site plan review, and the public will be allowed to provide input.
 7. Ms. Mable Granke, 1013 Scarborough Avenue Extended, voiced concern that public safety has been totally ignored. There is dangerous congestion and delayed emergency response time. This project has become a trigger or a flash point that has made it imperative that the situation be addressed now. This needs to be folded into the need for a regional plan which would encompass Route 1 from Five Points to Dewey Beach. Every intersection needs to be looked at now from the standpoint of what the situation is. This project is potentially going to make it impossible to deal with that section of Route 1 between County Bank and Applied Bank. A lot of the traffic figures are five years old, and that is unacceptable.
 8. Mr. Francis Market, 520 New Castle Street, asked if a fundraising study has been performed to date in terms of how the expected capital needed will be met; and if there will be concessionaires in the building to offset any of the costs of operating the building. Ms. Wheatley said that there possibly could be some concessionaires. DSC is currently in the process of raising money to have the fundraising information, business plan, feasibility study, traffic study, etc. updated.
 9. Mr. Abram Hoffman, 3 Grove Street, asked if the earmarked money is not available for electronic signs on Route 1 to show availability of spaces at Park and Ride. Mr. Reeb said that DelDOT will need to check with the federal transportation department if it is possible to use some of the money for electronic signs and transit stops, etc. If earmarked money is left over, it would be a good idea to add it to the transit system.

Commissioner Coluzzi said that in regard to the Route 1 traffic analysis, the cart is being placed before the horse to wait for the feasibility of programming. Route 1 will affect Destination Station. Traffic analyses at the intersections from Five Points to Destination Station should be done now. Additional traffic analyses will need to be done for what the progress looks like at Destination Station. Mr. Reeb said that DelDOT has done four major efforts to plan this entire region. DelDOT is willing to work with the State, County and the municipalities to re-examine this part of the road after school is in session. There are probably traffic counts which are five years old; however, DelDOT gets traffic counts daily on pieces of this road. This has been a constant daily management interest of DelDOT. It is DelDOT's intention to work with local governments to specifically agree to the planning process and the implementation of the plan.

Commissioner Barbour said that he would like to see a legal opinion on the issue of earmarking. It was his understanding that it is not clear in the wording of the appropriation for this, and it has to be spent on Destination Station. Destination Station was specifically mentioned in the legislation but not in terms of earmarking. Commissioner Barbour said that he would like to see a statement from the federal government saying that this money is not earmarked. His prepared statement had been distributed prior to this meeting. Commissioner Barbour highlighted areas of his statement. The citizens of Rehoboth are very concerned about public safety. In recent years, as the number of visitors to the area has increased, so have traffic related incidents, a number of which resulted in preventable deaths. The growth of businesses along the Route 1 corridor has occurred in the absence of sound transportation planning that takes into consideration not only the

impact that this growth will have on future livability of the region, but the impact it will have on the City of Rehoboth Beach. Every transportation related project has an impact on a variety of other transportation related issues. The City and the Streets and Transportation Committee are considering the following issues: 1. How to encourage the increasing use of bikes within the City, given the heavy automobile friendly traffic flow from Route 1 into the City. 2. How to ensure pedestrian safety once that flow enters the City. 3. How to ensure that visitors to the City understand that they are now on Rehoboth Avenue and no longer on Route with all of its traffic congestion and absence of pedestrians and bikers. 4. How to encourage visitors to park their vehicles outside of town and take public transportation into the City. It needs to be acknowledged that local growth may be choking the very asset that the community has which is access to the ocean via the City. It is well past the time to step back from inadequately planned, rampant development and seriously consider the impact on the ability of future generations to enjoy Rehoboth. The Chamber's plans for Destination Station presents a unique opportunity to address the area's transportation issues by the City, DelDOT, Sussex County and the Chamber working together on a local transportation plan that includes an examination of the entire range of transportation issues now being faced. Commissioner Barbour proposed that a task force should be appointed to work with the City in conjunction with state and local officials to develop a local transportation plan before any further planning for Destination Station takes place. There is no reason why the City cannot officially be made a part of the process.

Mayor Cooper called for a recess at 11:15 a.m. The meeting reconvened at 11:28 a.m.

OLD BUSINESS

Mayor Cooper called for discussion of City financial matters to include a draft 5-year City capital improvement plan and continued discussion on potential additional sources of revenue.

Commissioner Mills had distributed a copy of the draft five-year capital improvement plan. Commissioner Mills, City Manager Gregory Ferrese and Mr. Burt Dukes have been working on a new five-year capital improvement program. The five-year capital improvement budget was updated and renamed as a plan to reflect that the intention is to use it as a planning tool to assist in developing an annual budget. The plan is neither rigid or a commitment by the City to endorse projects, needs or the funds identified. General notes were included on the budget process: 1. In October/November annually, the City Manager requests each department head to furnish a list of their department's budgetary needs including an update of the five-year capital improvement plan (CIP). Submittals are compiled and reviewed by the City Manager, and clarifications are requested if needed. The City Manager has the City Mechanic evaluate all vehicle requests and make recommendations validating the needs and timing for inclusion in the CIP. The City Manager prioritizes needs as desired and finalizes the CIP concurrent with developing the annual budget. The City Manager finalizes the following year's budget and disseminates to the Board of Commissioners prior to the first budget workshop. Budget workshops are held on an as-needed basis and are typically held in January, February and March. During the workshops, the City Manager may require a department head or heads to attend and provide rationale for a proposed expense. Financial statements are to be provided monthly to provide comparisons of project to actual income and expenses. Budget requests solicited from department heads include general budget requests which are items having a useful life less than one year, and items having an estimated cost under \$5,000.00. Also included are Capital Improvement planning requests which are items that have an estimated cost over \$5,000.00, and items having a useful life in excess of one year. In January, the Commissioners would be working on the 2011-12 budget so the plan would start in 2012 through 2016. Sample Capital Improvement Planning Worksheets were also provided.

Commissioner Sargent said that when there is a big project such as the ocean outfall, all of the numbers should be separate from the annual budget. Mayor Cooper said that the impact on the budget would be the money set aside for debt repayment and not the full amount of the project.

Commissioner Mills said that some of the other projects should be put in the five-year capital improvement plan as a reminder to the Commissioners. Projects which were deemed as necessary earlier have also been put in the plan. Some items to include are a Boardwalk maintenance program, Streetscape punch list, ADA compliance, etc. Commissioner Mills asked how this plan can be used as a tool to anticipate future needs. He suggested that the Commissioners cogitate on this and come back in November for a review of the most current monthly statement, review of this plan, discuss the budget and continue future needs at that time.

Commissioner Sargent presented the proposed procedure for preparing the annual Capital Improvement Budget. He would show the current year in the five-year CIP and the next three years, prioritize everything that is in the list, and have a wish list. The wastewater project and building new facilities should be avoided and separated out from the process. During the sessions when the budget is changed, the Commissioners would

have a new tally of the totals. The final draft that the Commissioners would approve would be the budget. He would avoid the five-year plan because the Commissioners do not know what is needed further out and what is available. The City is limited on funding. Publishing a plan sounds like a commitment to do something. It would be better to go out three years and not publish the plan.

Commissioner Coluzzi liked the idea of the Capital Improvement Worksheet because it gives flexibility.

Mayor Cooper said the idea of this is to forecast the revenue needs of the City in moving forward. One of the first things he would recommend is to look at splitting off the water and sewer, and make them proprietary accounts. They can have their own budget and capital plan in moving forward. They should not impact on taxes, etc. Commissioner Coluzzi concurred.

Discussion ensued as to whether the plan should show three years instead of five years.

Commissioner Mills said that at some point, the Commissioners need to go through this document and determine which items are like and not liked. At some point, discussion needs to take place as whether the item should be taken out permanently or left in, and in what year.

Mayor Cooper said that the first step is some way to plan. Then there would hopefully be a budget figure coming out of that. The obvious end result of this is that it needs to be folded into the operating expense.

Commissioner Mills, Mr. Dukes and Mr. Ferrese will work to fine tune the plan and continue this discussion at the August 20, 2010 Regular Meeting.

NEW BUSINESS

Mayor Cooper called to discuss Stearns & Wheeler's proposed Task Order 3.1 regarding field work for the collection of ocean data required for the City's request for an ocean outfall permit.

Mayor Cooper said that GHD has been in contact with the EPA and the State as well as the City being included in a number of meeting, and defining what needs to be done. Mr. Rip Copithorn has felt that they have a good handle on the sampling in the ocean. The information is needed to calibrate the model, and the model will tell what the dilution is and what the risks are in various areas. What is proposed for a two month period twice, one starting as soon as possible is that there would be two pieces of equipment, one that sits on the bottom in the area where the outfall is proposed and the other is at an alternate location. The equipment will take the current data which is done with Doppler throughout the water column and wave heights. Very near that would be a buoy on the surface with a line, and there would be four pieces of equipment, one near the bottom, one near the top and ones at the third and two-thirds points. They will sample the water on a continuous basis for conductivity, density and temperature. GHD has received two proposals, the one which is recommended is from Woodsall Group of Massachusetts. The proposal is a little bit more than \$250,000.00 to gather the data. Mayor Cooper had authorized them to go ahead with the work because EPA considers the biologically active season to be from the 1st of May through the end of September. Good data is needed in that period to make it valid. Once the data is received, they can begin to construct the model and plug the data into it. This process would be repeated next year in early June. It also includes taking a boat on one day excursion every two months and doing the same testing with the idea of doing a bigger area. A transect is done starting at the shore and every kilometer going out in a west to east route, then diagonally. This would validate all the other information which goes into the model.

This item will be placed on the Agenda for the August 20, 2010 Regular Meeting.

Mayor Cooper called to discuss proposed changes to Section 215 of the City Code regarding when a permit of compliance for a restaurant or dinner theater is required.

Mayor Cooper distributed a copy of the draft ordinance regarding Section 215-7 of the City Code. He was concerned that the June 14, 1991 was lost which separated the restaurants which were grandfathered from those that need to have a certificate of compliance. He put that date back in the draft ordinance. Mayor Cooper had a problem with the idea of everything seeming to be geared off of the state liquor license. Restaurant owners are coming to the Commissioners to get their certificate of compliance before they getting their state liquor license. References to the Delaware Alcoholic Beverage Control Commission were removed because he did not think it exists anymore. Mayor Cooper geared it around restaurants and dinner theaters where liquor is sold or consumed which is wording that is used in another part of the Code, with the idea that it would not matter if the State would issue a liquor license or not. They would still need to have a certificate of compliance. The three provisions are: 1. All restaurants or dinner theaters established on or after June 14, 1991 where alcoholic liquor

is to be sold or consumed. 2. Any existing restaurant or dinner theater, where alcoholic liquor is sold or consumed, desiring to extend or modify its premises, regardless of the date that said restaurant or dinner theater was established. 3. Any existing restaurant or dinner theater, where alcoholic liquor is sold or consumed, is being moved to a new location in the City, regardless of the date that said restaurant or dinner theater was established. An existing restaurant or dinner theater, where alcoholic liquor is sold or consumed, established prior to June 14, 1991, is not required to obtain a certificate of compliance pursuant to this chapter unless required as a condition of extension or modification of the premises of the restaurant or dinner theater. However, all such existing restaurants or dinner theaters shall have filed a floor plan, including any patio areas, with the City Manager on or before May 15, 1992. Where an existing restaurant or dinner theater, regardless of the date that said restaurant or dinner theater was established, where alcoholic liquor is sold or consumed, is being transferred to a new owner at the existing site, the present owner must file with the City Manager documentation to prove that the floor plan of said restaurant or dinner theater is substantially the same as the most recent floor plan approved by the City. Such documentation shall include but not be limited to a floor plan showing the location and size of the permanent seated dining and bar areas. If the City Manager determines that the floor plan in respect to the total square footage of the restaurant or dinner theater and percentage of floor area devoted to bar area and percentage of floor area devoted to permanent seated dining area is substantially the same as the most recent floor plan approved by the City, no hearing shall be required pursuant to §215-5(A).

Commissioner Mills said that at a previous meeting, the consensus of the Commissioners was that if a restaurant changed ownership, they were not going to require them to come back for a permit of compliance. The way the Commissioners worded the last change in permit of compliance is that all new restaurants must come back before the Commissioners. Building Inspector Terri Sullivan had interpreted it that if ownership and the name of the restaurant is changed, therefore it is a new restaurant. The Commissioners are trying to address that issue to better reflect the Commissioners' consensus that they do not want the restaurant to come back.

City Solicitor Glenn Mandalas and Ms. Sullivan will review the draft ordinance and forward comments prior to the August 20, 2010 Regular Meeting.

Commissioner Mills requested that the floor plans be scaled floor plans and of a professional quality.

This item will be placed on the Agenda for the August 20, 2010 Regular Meeting.

Mayor Cooper called to discuss installing painted crosswalks across Surf Avenue at Lake Avenue, Pennsylvania Avenue, Oak Avenue and Park Avenue.

Commissioner Sargent presented photographs on proposed angular crosswalks on Surf Avenue at Park, Oak, Pennsylvania and Lake Avenues. An estimate has been given to Mr. Ferrese and Commissioner Sargent regarding the crosswalks. All of the crosswalks from the beach have been marked in North Shores. This particularly important when coming in from the beach.

Mayor Cooper thought that as a minimum if a crosswalk is placed Surf and Lake Avenues, stop signs are also needed on Surf Avenue and Lake Avenue as well. That corner is so blind, and with a crosswalk people will be encourage to cross when they might not have before. This would put them out in the path of vehicles that might not be able to see them in time. Commissioner Sargent said that a crosswalk will slow vehicles down.

Commissioner Mills thought that one of the ADA engineering companies needs to analyze the areas where crosswalks are proposed. Mayor Cooper said that this is not so much a striping issue as it is knowing the highway design manual and creating crosswalks and/or all the features that are in compliance with what is acceptable practice. Going outside of those standards will be creating a real liability. Commissioner Mills said that if the crosswalks are done, DelDOT guidelines need to be followed. At Lake Avenue, there are situations where there are discontinuous corners which need to be looked at. He suggested that a crosswalk at Columbia and Surf Avenues could be considered.

Mayor Cooper said that there are some places where it should not be convenient to cross because it is hazardous.

Commissioner Sargent suggested that "Do Not Enter" should be painted on the road at the parking lot on Surf and Lake Avenues. In addition to the "Do Not Enter", an arrow can be painted. The total charge would be \$500.00. Mayor Cooper said that the solution may be worse than the problem.

Commissioner Mills said that if the engineer agrees that some of the sidewalk corners are missing and need to be put in, then this would be a project to be ready for next summer. He asked is something could be

implemented this summer such as the freestanding triangular pedestals that say pedestrian crossing..

Commissioner Coluzzi noted that the Transportation Committee is having a meeting on August 20, 2010, and crosswalks are on its agenda. Committee members have been looking into this matter for various locations in the City.

Mr. Ferrese, Commissioner Sargent and Mr. Bob Palmer of David Bowen & Friedel will visit and analyze the sites for the optimum situation. Commissioner Zellers suggested that the engineer should look at pedestrian crossing signs for the crosswalk areas.

CITY MANAGER'S REPORT

Mr. Ferrese delayed giving his report because of the lateness of the meeting.

COMMITTEE REPORTS

There were no reports.

CITY SOLICITOR'S REPORT

City Solicitor Mandalas reported that in regard to the conservation easement on Silver Lake in connection with the Educational/Residential Zoning ordinance, he has received an email from Mr. Tim Willard, Esq., representative of the Cape Henlopen School Board, requesting that the ordinance be reviewed before it is signed. Mayor Cooper said that the conservation easement will forever protect that area from 150 feet back from Silver Lake.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

The consensus of the Commissioners was to hold the next Workshop Meeting on September 8, 2010 at 9:00 a.m.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

There were no items to include on future agendas.

The Mayor and Commissioners Regular Meeting will be held on Friday, August 20, 2010 at 7:00 p.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 12:56 p.m.

Respectfully submitted,

(Ann M. Womack, Assistant Secretary)