



## **REPORT OF THE BUILDING AND LICENSING DEPARTMENT**

(See attached report.)

Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for March 2010. During the month, 86 permits were issued for a value of work totaling \$1,621,419.68. Fees collected totaled \$50,469.92 for the month. Ninety-nine permit processing fees were received in the amount of \$1,980.00. No restaurant applications were received in March. Three stop work orders were issued for no permits and no licenses. Four stop work orders were issued for no permits. Five stop work orders were issued for no licenses. Two signs were confiscated from City property. One notice of violation was issued for a dumpster with no barriers. One notice of violation was issued for pavers inside the tree protection area. One notice of violation was issued for a banner sign. The Board of Adjustment heard two cases in March.

## **REPORT OF THE PLANNING COMMISSION**

Chairman Preston Littleton presented the report of the Planning Commission. On April 9, 2010, the Planning Commission conducted its Regular Meeting. With the applicants' submission of their final application by the March 19, 2010 deadline, the Planning Commission proceeded with conducting the Public Hearing of the Oak Grove Major Subdivision Application and began its review and deliberations. Concerns were expressed by some members of the Commission about the adequacy of the proposed natural features, primarily trees, to be retained after development in order to meet the requirements for a short dead-end street as provided for in Section 236-21(M). The Planning Commission decided to continue the Public Hearing to the May 14, 2010 Regular Meeting, and to convene an ad hoc committee to explore this issue in more detail and bring back a proposal for the Planning Commission to consider at its May meeting. The ad hoc committee met on April 23, 2010 and is currently drafting its report.

**PUBLIC HEARING** on the 2010 Comprehensive Development Plan drafted and submitted by the Planning Commission, and a possible vote following the Hearing on adopting the 2010 Comprehensive Development Plan.

City Solicitor Mandalas noted that Title 22 establishes the requirement for municipalities to create Comprehensive Development Plans. He read Title 22, Section 702(E). Tonight's public hearing will be for the purpose of creating the public record on the Plan.

Correspondence:

1. Letter dated April 26, 2010 from Pauline F. Littleton, 300 Laurel Street – in support of.
2. Letter dated April 27, 2010 from John & Susan Roehmer, 528 School Lane – in support of.

Chairman Littleton said that he had submitted a letter on behalf of the Planning Commission, putting on record what was transmitted to the Board of Commissioners. The transmittal letter had been distributed to the support of the Comprehensive Development Plan.

Mr. Bryan Hall of the Office of State Planning Coordination noted that the draft CDP has been received and Planning Coordination looks positively on the draft at a quick glance and in anticipation of the action possibly tonight or during the May meeting. The Office of State Planning Coordination finds that the draft CDP has what it considers to be the bare bones to meet the basic requirements of the Delaware Code. The draft CDP will be going through the PLUS process at the end of May 2010 for additional comments and recommendations from other State agencies besides Mr. Hall's office. He will be working with the Planning Commission and Mr. Galloway to finalize those comments and recommendations. Mr. Hall appreciated the continued efforts of the Commissioners as well as the Planning Commission and the citizens at large, and continues to look forward to working with the Board of Commissioners as it moves forward in the implementation of the document.

City Solicitor Mandalas read the first two paragraphs of the preamble.

Public Comment:

1. Ms. Mable Granke, 1013 Scarborough Avenue Extended, has been through the process several times. She noted that it is time to adopt the plan and make it a living document. There are two particular issues she felt strongly about in relationship to the Plan: 1. Silver Lake. It is time for the City to take the responsibility for that natural resource and protect the lake as fervently and vigorously as it can because otherwise the City will lose it. 2. Twenty-five acres of which the Rehoboth Elementary School sits on part of it, and is used almost on a daily basis in terms of not only the residents of the City, but on a regional basis. The property should be zoned Educational/Recreational/Open Space. The Commissioners need to work through what can be the compromise that benefits both the City and the school system.

2. Ms. Libby Stiff, Scarborough Avenue, was glad the Plan addresses the wide variety of people such as visitors, renters, full-time residents, part-time residents. He who has the franchise in Rehoboth should lead the pack. She wants to see a fair sharing of costs. In regard to Silver Lake recovery, Ms. Stiff does not want the City to take over Silver Lake because it is a money pit; but somebody needs to do it, and it is probably DNREC. Some kind of planning has to be done. In regard to the School property, at the last meeting she attended the Commissioners were going to force a decision in two weeks. Ms. Stiff suggested that something should be done about the school property. The primary business in Rehoboth is rentals. The various businesses in the City are supported to a great degree by rentals, and the City has a rental problem. The honest people and the realtors pay the rental tax. The other folks do not. The illegal apartments and houses undermine the neighborhood integrity and zoning. This is an issue which needs to be looked at. In regard to the zoning map and Scarborough Avenue Extended, there is a commercial piece of property. If the Commissioners are going to review the CDP and regard it as a comprehensive development guide, they need to acknowledge this tonight. Ms. Stiff thought that the voters deserve a plan.

Mayor Cooper said that in regard to re-zoning, if anything is going to be re-zoned the plan would be the place where that needs to start. Ms. Stiff had noted that there is commercial at the end of Scarborough Avenue Extended which should be looked at. Consistent with the State's mandate, this is the place where that would need to be addressed if it were to go forward. Mayor Cooper did not see the re-zoning happening without it being in the Plan.

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

Commissioner Mills acknowledged the Planning Commission for doing a phenomenal job on the CDP. The Planning Commission has received a \$10,000.00 grant from the State to help finance it. This is an exercise for the State that it fulfills the City's obligation for a five-year update. Considering if the Board of Commissioners approves the CDP, the next step would be to send it to the State for the State's approval. Commissioner Mills was not satisfied that the CDP is the optimum management or planning tool. He saw it more as a multi-decade vision rather than fulfilling his expectation of a five-year action plan commensurate with a timeline, list of priorities and a financial component to better ensure financial capacity to be able to implement the things in the Plan. He suggested reformatting the current CDP to include a five-year action plan based on the twenty-year vision. That could have been done concurrently with the development of this vision and would perhaps be served as a better tool for the Commissioners. At a previous meeting, Chairman Littleton had indicated that the format of the last CDP was approved, and this mimics it. The Commissioners selected items of interest to champion it. Commissioner Mills did not find that satisfying as it only offers a randomness of implementation rather than an organized approach with the actions based on individual interests rather than priorities and not ensuring that anything will be addressed over any timeline. He preferred a more objective approach than a subjective approach in prioritizing these items. One of the significant things in the five-year action plan is the timeline. The land-use items in the CDP have a mandate by the State to be addressed within 18 months; but the State has not enforced that, and the City has not been successful in adhering to the 18 month timeline. A five-year action plan would aid the Commissioners better in timely implementation of the Plan. Other than the land-use issues mandated to be addressed in the 18 months, there is nothing else in the Plan that has a stated timeline in it; nor is there anything else in the Plan that is codified upon approval of the CDP. Every issue in the CDP would come before the public again for additional discussion and input before being voted on. The preamble to the proposed CDP gives future Boards of Commissioners the flexibility they need in using the vision to create this action plan. The CDP itself does lay out the land-use and annexation plan, and the other minimum requirements of the State. Commissioner Mills was satisfied with sending the CDP to the State. He suggested that in the future, the Commissioners would consider working on the CDP as a joint exercise with the Planning Commission.

Commissioner Mill made a motion, seconded by Commissioner Kathy McGuinness, to approve the 2010 Comprehensive Development Plan and forward it to the State for review.

City Solicitor Mandalas noted that in a 2006 decision, the Chancery Court stated that a Comprehensive Development Plan is a plan. A CDP has substance and effect to carry the force of law, but it is also a road map.

Commissioner Sargent said that in contrast to Commissioner Mills wanting a more rigid five-year plan, the Commissioners do not know what the City's income will be for this year or what the priorities will be for next year. It is difficult for Commissioner Sargent to imagine that it would make sense to set out a

five-year timeline of what should be done specifically. The point of thinking ahead is important and valid. The Plan gives the Commissioners lots of ideas, and over time they will need to prioritize those ideas. A list is needed so as money or resources become available, the Commissioners will be ready to act. The Plan gives the Commissioners a vision of the things to be thought about and a framework to think about. The Planning Commission has done an extraordinary job.

Commissioner Barbour added that with the last CDP, individual Commissioners working together took on the issues which were addressed in that CDP. The citizens were heavily involved with the last CDP also.

Commissioner Coluzzi said that she would not expect that the Planning Commission would put together a timeline and prioritize these goals. That would be something the Board of Commissioners should do. The Board of Commissioners will prioritize actions as they make sense.

Commissioner McGuiness said that the CDP is not a guide or a plan, it is a reality. The Commissioners are already in the process of some of what is in the CDP.

Mayor Cooper mentioned that the idea of a plan is about what the City is wanted to be and the character so it is valid no matter where time and circumstances take the Commissioners. The CDP has merit. The real benefit for him is what the vision is for the City. Although the Planning Commission has put many hours into the CDP, the overall goal is forgotten in some places. There are certain things in the CDP that are well worth a discussion, but to come up with a rigid plan that is proposing the Commissioners all agree that something needs to be done would create two problems: 1. It might be hard to get the consensus. 2. It could tend to circumvent legitimate debate in the future. The CDP lays out the vision for the City very well.

Commissioner Barbour concurred with Mayor Cooper in regard to the vision.

Commissioner Zellers viewed the CDP as a great document, and a lot of hard work went into it. The CDP is a great tool that will guide the Commissioners in the decisions they make. It is laid out in the CDP that natural resources such as lakes, ocean and tree canopy are important to the City. With moving into the future, the Commissioners will be looking at those kinds of things and looking at complete streets. The CDP gives the Commissioners a way of looking at ideas that people have brought forward. The CDP will challenge everyone. The Commissioners should adopt the CDP.

(Sargent – aye, Coluzzi – aye, McGuiness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.)  
Motion carried unanimously.

Mr. Hall noted that he will need verification the CDP has been approved. For a point of clarification, the Commissioners are adopting the document tonight and will need certification from the State. Under the statute of DelCode, it allows the Commissioners to operate within the privy of the document but bearing in mind that the State may make it difficult until certification has been done.

## **REPORT OF THE POLICE DEPARTMENT**

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of March 2010. There were 19 criminal and 213 traffic and no civil charges made during the month. Ten traffic crashes were investigated. The Dispatch Center handled 176 police incidents, 128 ambulance incidents, 32 fire incidents, 202 traffic stops, assisted other agencies seven times during the month, and 9-1-1 calls totaling 326 were received. Twenty alarm incidents were responded to. The siren was tested on April 20, 2010 at 12:00 p.m. There were no issues or concerns, and the broadcast worked properly. Mayor Cooper suggested that the siren should be tested routinely on an annual basis.

## **OLD BUSINESS**

Mayor Cooper called to the possible video recording and/or live broadcasting of City meetings over the internet, including a presentation by Paul R. Huffman of Future Works Enterprises, Inc.

Mr. Paul Huffman has been working with Mr. David Henderson, IT Director, and Commissioner Coluzzi. Based on information gathered, Mr. Huffman pulled together a Phase 1 approach to a potential web streaming solution. The objectives are to touch on an overview of a web streaming solution. The three keys elements of the presentation were: 1. Concept. 2. Solution of the Phase 1 project. 3. How it works. The concept is the

web streaming of meetings. It would provide a live view of town hall meetings for people with web or internet access. The goal would be to transmit audio and video in a live or archived feed. The quality of the streaming video is dependent upon the individual's connection speed and the internet service provider. There are three main components to the solution: 1. Hardware component. 2. Content delivery component. 3. Ongoing support and maintenance. The first hardware component is the video component. The concept is a single high definition webcam located in the back corner of the room which would take an overview of the space to include the Commissioners' table, the projection screen and the podium. A live feed of the screen could be potentially included as a feature set of the computer. The concept for this application is an unmanned and unattended overview of the meetings. The second hardware component is the audio component which consists of two audio pieces: 1. Live feed out of the existing audio system as a feed into the live stream. 2. Wireless microphone to be utilized by audience members. The third hardware component is the computer which would be provided by the City and would be configured to accept the video and audio feed. The computer would also be configured for both live streaming and temporary archiving of the event. The City website will house a link to the live and/or recorded video. Mr. Huffman is primarily a hardware provider, and he plans to provide the camera, microphone and infrastructure. Video streaming is done by a content delivery network which is an outsourced service. The reason for outsourcing is because the band width may not be able to handle the traffic for a particular event. The concept for a content delivery network is that it can take one video feed from the City and provide the ability to handle the small to large capacity of visitors. This would be an outsource component, and the relationship would be directly between the City and the content delivery network. One of the benefits to the City of outsourcing is that depending on the company, the City would not necessarily be locked into it. With the archived video, the video could be edited or just uploaded to the content delivery network for housing of the video. Everything at the content delivery network is scalable from a pricing standpoint. A content delivery network most suitable for the immediate needs of the Commissioners would be Audiovideoweb.com. The key features and benefits of Audiovideoweb are the flexible pricing plans, no binding contract, and 24 hour a day, 365 days a year live technical support. The archived video is an actual live streaming video. Mr. Huffman provides a service plan on the hardware. The City has an ongoing relationship with Delaware.net, and as it goes to supporting the links on the website, there is a one-time set up fee as part of the installation which has been incorporated into the proposal. Beyond that, the links are inherent on the website. Most of the media players are compatible. The only download which would be necessary will be on the computer to support the encoding of the video. The smallest plan which supports 100 hours of downloaded content would cost \$40.00 per month; and the more users there are, the less costly it becomes.

Mayor Cooper's concern is how the video streaming plays into how the meetings go, etc. The idea of the video streaming being live and the Commissioners using their electronic devices is rude. The Commissioners should come to the meeting prepared to converse with fellow Commissioners in full attention to the meeting. If the meetings are video streamed live, and people are getting texted on things or receiving phone calls, etc., it is wrong.

Commissioner Sargent would like to see a camera and see what the effect would be. He would like to have a demonstration to see if it produces the visual quality that the Commissioners want. Mr. Huffman provided a downloaded archived video clip of one of the meetings at Dewey Beach using a fixed camera and audio. Commissioner Sargent said that if video streaming is going to be done, then it should be of good quality.

Commissioner McGuiness did not think that anyone is going to watch the videos. Commissioner Barbour said that somebody is going to watch the video. People will be clicking on it for entertainment.

Commissioner Mills said that based on the last meeting, his expectation for this meeting was that there would be an actual demo. That would have been helpful to see how the video streaming is with the lights on or off with a power point. Commissioner Mills would like a full evaluation from the IT Department; and before investing more time, maybe Commissioner Barbour could provide four cities to look at from the Commissioners' homes. At the next Workshop Meeting, the Commissioners could come back and discuss philosophy and policies.

Commissioner Barbour said that in regard to technology, this is the level of quality he would like to have and would leave it to the professionals to get it done. Involving Mr. Henderson so far is important because he is the one who will ultimately have to deal with this on a day-to-day basis. This is scalable so if the Commissioners would take something in the mid-range area and they would want to improve it, they could. Mayor Cooper asked what is expected that the improvement would be. Commissioner Barbour said that after someone goes online to watch the video and suggests that something needs to be fixed for whatever reason, an improvement could be made within the system that is chosen.

Mr. Huffman said that cameras could be mounted in each corner of the room to pick up the four quadrants of the room. That could be displayed in a single camera fashion or as a quad display of all four cameras at one time. As the scalability changes, the audio component needs to be taken into consideration. The concept was an overview of the meetings for anyone who would want to access live or archived meetings.

Commissioner Barbour said that this is what the Commissioners were talking about, the basic system and experimenting with it to see whether the Commissioners like or do not like it so a big investment has not been made. It is a more extensive version of doing a demo.

Commissioner Sargent said that the Commissioners should not start video streaming until they are satisfied from the policy and technical standpoints. He suggested that the Commissioners should get a test demo and know that technically the problems can be solved; and at the same time, the Commissioners can discuss the issues. Mr. Huffman said that a test can be done here. He can also find other city sites and find the range with the baseline, etc. Mayor Cooper suggested fashioning a contract where Mr. Huffman would be paid for installation of the equipment if the Commissioners would decide they do not like the system. Mr. Huffman requested that the Commissioners should let him know what the next logical step would be.

Commissioner Coluzzi thought that Mr. Huffman should talk to Mr. Henderson and come up with the costs for Mr. Huffman to bring a camera, handheld microphone and connecting to a computer. Mr. Huffman should provide the Commissioners with a test demo, and the proposal should be given to Mr. Henderson.

Commissioner Mills said that the philosophy and policy should be resolved first. Commissioner McGuinness suggested that this discussion could be held at the next Workshop Meeting.

Commissioner Coluzzi said that as an example, if someone would be watching the video and they would make a phone call to the Commissioners, the Commissioners could be answering the phone call or texting back a response. Commissioner Barbour commented that what is being talked about is establishing a protocol for the meetings which would apply whether the meetings are videotaped or not.

Chairman Littleton asked what manpower would be needed at the meeting to run the system. Mr. Huffman said that for the base line system, it would be a matter of ensuring that the computer is up and running. There would be some initial training for the setup. The computer would reside on the network via an IP address, and that would allow people to link into the live video. The archived video would be archived by the outsource provider. The idea of establishing protocol is important.

Mr. Cleveland of Dewey Beach said that when recording, there is more trouble with sound. Things do not come through as clearly as they should. Dewey Beach has a portable microphone, and people are also asked to come up to the podium to speak. Two cameras will be needed for the Commissioners Room along with someone to switch back and forth between the two cameras. He suggested that there should be a special internet connection for the video streaming.

Mr. Huffman will provide a demonstration proposal.

Commissioner Mills suggested that the philosophy and policy should be discussed at the May 7, 2010 Workshop Meeting.

Mayor Cooper called to consider the 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 read the synopsis of the proposed Ordinance. This Ordinance sets out the triggering events when a restaurateur would need to come in for a review of the Permit of Compliance or a new Permit of Compliance. It also raises the fee from \$250.00 to \$500.00 on an appeal from the decision of the City Manager to revoke or suspend a Permit of Compliance. He reviewed the three instances: 1. All new restaurants or dinner theaters that intend to acquire a license from the Delaware Alcoholic Beverage Control Commissioner. 2. 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. 3. 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.

Commissioner Mills made a motion, seconded by Commissioner Coluzzi, to adopt the Ordinance amending Chapter 215 of the City Code. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye,

Mills – aye, Zellers – aye.) Motion carried unanimously.

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

Commissioner Barbour said that the Commissioners are going to put off doing anything with the mitigation section until the results of the tree inventory have been received.

Mayor Cooper did not think that someone's certificate of occupancy can be held up for a violation of the tree ordinance. People have a right to due process, etc. Commissioner Barbour said this is one of the foundations of the tree ordinance. This is a key way of enforcing the ordinance. Commissioner Sargent agreed with Mayor Cooper. The idea that a certificate of occupancy has to depend on a tree is utterly ridiculous.

Mayor Cooper said that one of the biggest things the Commissioners have to do is to protect people from an overbearing government and from actions by the government that is not proper. The building inspector should not have the authority to deny a building permit for something because there is an ongoing problem with a tree.

Commissioner McGuiness said that it is not uncommon to have a tree planting plan with the certificate of occupancy. If a tree cannot be planted in February because the ground is frozen, a temporary certificate of occupancy is issued.

City Solicitor Mandalas said that the enforcement and remedies section and the violations and penalties section are inconsistent. He suggested that violations of this chapter would be made a civil offense. In going strictly with the civil offense ordinance, the City Arborist would not have some of the powers which seem to be given under the current ordinance. It would make sense to make this a civil offense ordinance, but if there is a policy desire to give the Arborist some additional flexibility, then the Commissioners need to include that. He shared Mayor Cooper's concern that the City Arborist can hold the certificate of occupancy. From a due process perspective, it gave City Solicitor Mandalas concern without at least an opportunity to review that decision of the City Arborist.

Commissioner Barbour argued that if there is no enforcement of the certificate of occupancy, there is no guarantee the trees would be planted; and there would be no authority in asking three years later where the trees are.

Commissioner Sargent said that the issue is a fine. This is a mechanism where if someone does not do something, there is a fine. He had no problem with saying that this is the standard; and if the standard is violated, the City will give that person time to go through it. Mayor Cooper said that there is still a process someone has to go through. Discussion ensued.

Commissioner Sargent did not think there is much of a tree problem in the City. It has a fantastic tree canopy. There are areas the Commissioners would like to extend it, but the City exceeds the standards by a tremendous margin.

Mr. Tim Spies, 53 Columbia Avenue, said that the Burton property triggered the tree ordinance. There were clear-cuttings going on all over town. He asked Commissioner Sargent if he was seriously suggesting the tree ordinance should be repealed. The number of trees that were cut down before the ordinance was appalling. This was the third priority under the last CDP to have a tree preservation ordinance. Commissioner Sargent looked at the minimum standard in the neighborhoods. The minimum standard is too low. Most people care about their trees and their property. He believed that strong enforcement of the tree ordinance is needed. Commissioner Sargent did not like using the mechanism of the certificate of occupancy.

City Solicitor Mandalas said that there are significantly different views on enforcement and remedies among the Commissioners, so that issue will not be solved tonight. If this is made a civil offense, the alderman could be given the discretion to withhold a certificate of occupancy.

Commissioner Barbour said that the Commissioners could limit withholding the certificate of occupancy to someone not fulfilling the tree planting plan.

City Solicitor Mandalas said that the revised language would basically say that before issuing a certificate of occupancy, the submittal for a building permit would need to be satisfied. To the extent that the tree planting plan is not satisfied, then the building inspector would have the discretion to withhold a certificate of occupancy; but it is limited to that. The Code should reflect what is lawful and what should occur, not what actually occurs.

Commissioner Barbour said that withholding of the certificate of occupancy is limited to the failure to complete the tree planting plan.

This item will be placed on the agenda for the May 7, 2010 Workshop Meeting.

Mayor Cooper called to discuss changing Commissioners' normal workshop meeting date/time for reasons including but not limited to scheduling conflict(s).

Commissioner Mills would like to take this subject to a vote at the next Regular Meeting. He had made a proposal to change the date of the Workshop Meeting to allow the Commissioners to attend SCAT meetings which are on the first Friday after the first Wednesday of the month. The discussion had centered on possibly changing the date and time from the first Friday of the month at 9:00 a.m. to the first Monday of the month at 9:00 a.m. Also mentioned were the first Friday of the month at 1:00 p.m. and the first Friday of the month at 7:00 p.m.

Mayor Cooper did not like afternoon meetings. Commissioner Coluzzi was in favor of the meeting being held on Monday morning. Commissioner Zellers agreed. Commissioner McGuinness would like the meeting held during the day because the employees are available. Commissioner Sargent was comfortable with the Workshop Meeting being held on a Monday morning.

City Solicitor Mandalas said that there was no conflict with Monday morning meetings. There are two months in the summer where there could be a conflict with a Friday evening meeting.

After discussion, the Commissioners proposed that future Workshop Meetings would be held two Mondays prior to the third Friday of the month at 9:00 a.m.

Consideration of this item will be placed on the May 21, 2010 agenda.

## **NEW BUSINESS**

Mayor Cooper called to consider the approval of an agreement with Stearns & Wheler 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. Task Order 1 and 5.1

Commissioner Mills made a motion, seconded by Commissioner Sargent, to authorize the City Manager to enter into a contract agreement with Stearns & Wheler GHD to provide engineering services during the study, permitting, design and construction phases pertaining to Task Order Nos. 1 and 5.1. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper called to discuss the proposed sign ordinance changes.

Commissioner McGuinness said that the discussion at the last meeting was on directory signs.

1. Section 270-66(E)(2). "Ground or pole signs" should be changed to "Ground, pole or directory signs".
2. Section 270-66(E)(2)(d). Keep the original definition in its entirety. "Directory Sign. Directory signs shall be permitted in front of a structure occupied by more than one licensed business. Directory signs shall be no more than four square feet in size and not taller than seven feet. Directory signs shall be parallel to the building occupied by the business advertised. Notwithstanding anything to the contrary contained in this article, where there is a front yard or courtyard in front of the building occupied by the business, directory signs may be perpendicular to the building occupied by the business.
3. Section 270-66(E)(3). Delete this sub-section in its entirety.
4. Section 270-66(E)(5). "[s]ign of a permanent nature must be located on either a top or bottom quarter of the window" should be changed to "[s]ign of a permanent nature must not take up more than 25% of the window". Window sign/window coverage is included in the count of the three signs.
5. Section 270-66(E)(8)(a). Delete this sub-section in its entirety.

Commissioner Barbour said that at the last meeting, he had suggested that pictures should be taken of signs which need to be addressed.

Commissioner Sargent said that window signs detract from the charm of the City; and to make the City classier, this should be done in conjunction with the business community.

Commissioner Zellers thought that the period of 120 days, for temporary business signs to remain posted, is an exorbitant amount of time.

Commissioner Barbour said that on Baltimore Avenue particularly, there are a lot of "open" flags were grandfathered. He thought those flags are charming. Ms. Sullivan said that as long as the flags



do not advertise the business, the businesses can have "open" flags. The flags must be eight feet above the sidewalk.

This item will be placed on the agenda for the May 7, 2010 Workshop Meeting.

## CITY MANAGER'S REPORT

(See attached report.)

Mr. Ferrese reported that the Phase II Amenities Project at the Museum is proceeding according to schedule. Riprap has been installed, and bank stabilization is complete. Pedestal lights and the seat wall will be installed next week. The first construction progress meeting pertaining to this project will be held on May 5, 2010 at 9:00 a.m. in the Commissioners Room. Brightfields is in the process of performing an energy audit for the City. Once the energy audit is completed, the City will submit an application for energy conservation improvement funding. The energy audit is being performed at the Municipal Building Complex including the Convention Center, Public Works, Wastewater Treatment Plant and Senior Citizens Center. The application for the City's request of \$35,000.00 towards the installation of solar panels at 306 Rehoboth Avenue will be submitted to the State Energy Department on May 3, 2010. Main Street will have an Art Festival on the ocean blocks of Wilmington and Baltimore Avenues on May 8, 2010. Mr. Ferrese will be meeting with Main Street on May 6, 2010 at 9:00 a.m. to go over their needs for services from the City. Mr. Ferrese will be meeting with FEMA on May 12, 2010 in regard to the February 5-14, 2010 snowstorm. The City is eligible for reimbursement of City expenses incurred during that time period pertaining to snow removal.

Commissioner Coluzzi added that once the energy audits are performed, the City has an opportunity to apply for a grant for solar panels, insulation, replacing windows, etc. As the energy audits are performed, the the different buildings can be looked at and decisions can be made as to what it would want in applying for a grant.

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

04/21/10	675	Delmarva Power	\$ 898.39 (Street Lights)
04/21/10	676	Delmarva Power	\$ 6,537.21 (Street Lights)

Commissioner Mills made a motion, seconded by Commissioner McGuiness, to approve the Street Aid expenditures as presented. Motion carried unanimously.

Mr. Ferrese also noted that a purchase order has been released to Envirtech to begin the work on the erosion problem on East Lake Drive. A letter was received from Representative Pete Schwartzkopf in which \$10,000.00 will be allocated; and \$5,000.00 has been received from Sussex County Conservation District. The City budgeted \$10,800.00. The City received from the State a certification of mileage and population pertaining to Street Aid. Governor Markell has allocated \$4,000,000.00 to municipalities for Street Aid, which would result in approximately \$90,000.00 being allocated to the City. The tree inventory grant has been approved. Mr. Bryan Hall of the Office of State Planning Coordination will be submitting a heat island grant for the plantings for the Senior Citizen Center parking lot on Christian Street.

## COMMITTEE REPORTS

Commissioner Mills, Boardwalk Committee, gave an update of Phase 2 of the Boardwalk Reconstruction Project to the Commissioners. He reported that the Boardwalk is walkable from Prospect Street to Olive Avenue. The contractors are on schedule for opening up the remaining portion on or before Memorial Day 2010. The lights are all installed and working. DNREC will be back next week to work on some of the dune crossings.

Mr. Ferrese reported that the biggest complaint during the season to the City is that there is not enough handicapped parking. This coming year, there will be two additional spaces in front of Nicola Pizza. In regard to the Boardwalk Improvement Project, the State is willing to put an additional handicapped space at the Boardwalk area on Baltimore Avenue because the sidewalk going to the Boardwalk on the Atlantic Sands side is not ADA compatible. Two handicapped spaces will be located on the Atlantic Sands side of the street. Last year there were four beach patrol parking spaces on the Atlantic Sands side of the street, east of its driveway. The State is paying for the ramping, blacktopping, signs, line painting, etc. The City proposed to put two spaces on the Atlantic Sands side of the street, east of the driveway with an aisle which would be for van parking. One beach patrol parking space will also be located there. The other two beach patrol parking spaces will be located across the street, and the handicapped parking space will be eliminated. The fourth beach patrol parking space will be the first parking space west of the Atlantic Sands driveway.

## **CITY SOLICITOR'S REPORT**

City Solicitor Mandalas reported that there have been two changes which Cape Henlopen School Board wanted. Mayor Cooper said that the School Board wanted to further define related activities. It wants language that is more specific to include tracks, fields, etc. The School Board would like a swimming facility, and it was agreed upon. The School Board seems to agree to provide a conservation easement on the area in front of the school. City Solicitor Mandalas will be contacting Mr. Tim Willard, Esq. for the School District regarding the ordinance.

## **COMMISSIONER ANNOUNCEMENTS/COMMENTS**

Commissioner Mills had forwarded an email to the Commissioners regarding the upcoming bike summit. A poster was placed on the wall of the Commissioners Room.

Commissioner Coluzzi announced that the trip to Greve in Chianti, Italy was a successful trip. There was an exchange of ideas. They want to work with the City in terms of tourism, artist exchanges, etc., and will be coming to the City for Verrazzano Day on April 17, 2011.

Commissioner Sargent announced that a meeting was held on April 29, 2010 in regard to wastewater and funding. Until the environmental impact statement was completed, the City could not go ahead with the State or the Department of Agriculture which will fund this project. It was discovered that instead of doing one package, 25% of the total could be broken off which involves the wastewater treatment plant upgrade and the City could begin a lot earlier. Everything would be advanced by approximately 1.5 years. The advantage to this is that currently there are 4% bonds available with a 35% rebate to the City. The interest rate would be 2.8%. This offers the City the ability to finance one quarter of the project for as much as half of the financing costs. The attendees at the meeting were Commissioners Sargent and Mills, Mayor Cooper and Mr. Ferrese from the City, DNREC and the County.

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

There were no topics to be included on future agendas.

## **CITIZEN COMMENTS**

There were none.

There being no further business, Mayor Cooper declared the meeting adjourned at 9:28 p.m.

The next Mayor and Commissioners Workshop Meeting will be held on May 7, 2010 at 9:00 a.m. with a Special Meeting

The next Mayor and Commissioners Regular Meeting will be held on April 30, 2010 at 7:00 p.m.

Respectfully submitted,

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**(Kathy McGuinness, Secretary)**