

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

**July 15, 2011**

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 7:03 p.m. by Mayor Samuel R. Cooper on Friday, July 15, 2011 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

Mayor Cooper requested a moment of silence for Walter Speakman who served the City well for a number of years as City Solicitor.

City Solicitor Glenn Mandalas gave the invocation that was followed by the Pledge of Allegiance.

**ROLL CALL**

Present:	Commissioner	Bill Sargent
	Commissioner	Pat Coluzzi
	Commissioner	Kathy McGuiness
	Mayor	Samuel R. Cooper
	Commissioner	Dennis Barbour
	Commissioner	Stan Mills
	Commissioner	Lorraine Zellers

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

**APPROVAL OF AGENDA**

Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve the Agenda as amended with the deletion of the May 9, 2011 Workshop Meeting, June 6, 2011 Workshop Meeting and June 17, 2011 Regular Meeting Minutes. Motion carried unanimously.

**CORRESPONDENCE**

Letter dated July 8, 2011 received from Anthony and Carol Undorf, 232 State Road , suggesting that written notification be sent to property owners in regard to tax increases and any other measure which impact property owners' pocketbooks.

**APPROVAL OF MINUTES**

Minutes of the April 15, 2011 Special Meeting and April 15, 2011 Executive Session were distributed prior to the meeting. Minutes of the May 9, 2011 Workshop Meeting, June 6, 2011 Workshop Meeting and June 17, 2011 Regular Meeting were not available for this meeting.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the April 15, 2011 Mayor and Commissioners Special Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the April 15, 2011 Mayor and Commissioners Executive Session minutes as written. Motion carried unanimously.

**REPORT OF THE POLICE DEPARTMENT**

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of June 2011. There were 159 criminal, 273 traffic and 22 civil charges made during the month. Fifteen traffic crashes were investigated. The Dispatch Center handled 565 police incidents, 303 ambulance incidents, 71 fire incidents, 416 traffic stops, assisted other agencies 11 times during the month, and 9-1-1 calls totaling 544 were received. Thirty-five alarm incidents were responded to.

**REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY**

Mr. Walter Brittingham of the Rehoboth Beach Volunteer Fire Company reported that the Fire Company is continuing the plan preparations for construction of a new building at Station No. 2. The Fire Company expressed appreciation to the Board of Commissioners for the paramedic on duty most of the time at the lifeguard facility.

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

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for June 2011. During the month, 71 permits were issued for a value of work totaling \$476,707.08. Fees collected totaled \$13,731.10 for the month. Ninety-two permit processing fees were received in the amount of \$1,840.00. One restaurant application was received in June. One stop work order was issued for a contractor working without a permit. Four stop work orders were issued for contractors working without licenses. One notice of violation was issued for a sign on City property. Two notices of violation were issued for tall grass. Seven notices of violation were issued for sidewalks in disrepair. Eleven notices of violation were issued for flags being too low. Fourteen notices of violation were issued for obstructions on the City sidewalks. Nine notices of violation were issued for blinking signs. Three notices of violation were issued for defacing of the sidewalks. Two notices of violation were issued for temporary banners. Fifteen notices of violation were issued for putting trash out too early. Five notices of violation were issued for music on a patio. Two notices of violation were issued for music over the sidewalk. Nine notices of violation were issued for freestanding signs. One notice of violation was issued for selling by outcry. Two notices of violation were issued for merchandise over the sidewalk. One notice of violation was issued for a sign on a tree. One notice of violation was issued for modification of a floor plan. Nine notices of violation were issued for noise. Nine signs were confiscated from City property. The Board of Adjustment heard one case in June. Ms. Sullivan included a report of the solar panel monitoring at 306 Rehoboth Avenue. She and City Manager Gregory Ferrese had met with the State and Federal Departments of Energy one day this week to discuss the findings of the monitoring. The CO<sub>2</sub> reduction since December 2010 was 4,850.56kg (kilograms), and the total earnings have been \$4,301.44.

## **PERMIT OF COMPLIANCE HEARING**

Mayor Cooper opened the Permit of Compliance hearing requested by Atlantic Seafood Company LLC, to to modify the floor plan of an existing restaurant with patio "Atlantic Seafood Grille", pursuant to the City of Rehoboth Beach Municipal Code, Section 215-11 – Modifications of Floor Plan. The restaurant is located at 101 North Boardwalk.

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

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

Commissioner Mills identified the exhibits: 1. Notice of Public Hearing signed by the City Manager and posted by the City Secretary on June 24, 2011. Notice of today's Public Hearing was published in the Cape Gazette on July 1, 2011, Coast Press on July 6, 2011 and Delaware State News on June 30, 2011. 2. Building Inspector's Report dated July 12, 2011. 3. Application for Restaurant Permit of Compliance, signed on June 17, 2011. 4. Menu received June 17, 2011. 5. Overall Restaurant Floor Plan by Blake & Vaughan of Atlantic Seafood Grill Proposed Expansion Sheet 1 of 2, dated June 17, 2011 and received July 7, 2011. 6. Demolition Floor Plan by Blake & Vaughan of Atlantic Seafood Grill Proposed Expansion Sheet 2 of 2, dated June 17, 2011 and received June 17, 2011. 7. Proposed Floor Plan by Davis, Bowen & Friedel, Inc., SK-1 Rev 7-12-11, dated July 12, 2011 and received July 12, 2011. 7. Legal Description. 8. Depiction of the properties that were notified for this hearing.

Building Inspector Sullivan presented a complete report, and her findings were based on the application and her knowledge of the Code. (See attached report.) The Applicant has stated that the approximate percentage of revenue between the sale of alcohol and food is 16% alcohol and 84% food. The Application is for a 6,210 square foot restaurant with a 720 square foot patio. The bar area is 370 square feet with a ratio of

bar to permanent seated dining of .19. In summary, this is an Application to remodel an existing restaurant that has a patio. The restaurant is moving from the two nearer rooms into the two far rooms to service the patio. The restaurant is still below the 7,500 square feet allowed for a restaurant inside a hotel. The original plan called out the Tiki Bar as a service bar in one of the rooms; but the supplement supplied on July 12, 2011, showed that this is a food counter with three stools, not a bar. Service will not be supplied from that counter. Two tables are also located within that space. This change was required in order to maintain a bar area ratio of less than 25% as required by the Code. The reason the restaurant is moving is because the exhaust system is an issue. A food preparation area will be located within an outer room, and the main kitchen will still be located in the main restaurant. Both areas are still considered one restaurant. The grill requires a hood, and the hood system needs to be located on an exterior wall. There is only one bar which is located in the main restaurant, and ABCC will issue one license both areas. This establishment will be registered under one name with one business license.

Mr. Daniel S. Ridgely, AIA of Davis, Bowen & Friedel, Inc. represented the applicant. The preliminary plans have been reviewed and approved by the Department of Public Health. The intent is to add a grill so a lot of hot food does not have to be transferred from the main kitchen. In order to do that by Code, the installation of a commercial grade exhaust system with a fire suppression system is required. The only practical to solution was to relocate the preparation area to the other side of that section of the hotel. The intent of the renovation is to relocate and upgrade the existing preparation and food area. The exhaust fan will not be abut against the sidewalk because there is not enough room on the property to do so. The intent is to build a shaft up the exterior of the building and conceal it in the building façade facing the ocean with an exterior finish to match the building. The Code requires the shaft to be taken all the way up to the roof level.

Mr. Jeff Branch, General Manager of Atlantic Sands Hotel noted that the menu is essentially the same as in the main restaurant. Some of the items on the menu are lunch items and are served all day. The patio hours are the same as the restaurant hours. The main dining room is not open for lunch. The employees basically work in both sections.

There was no correspondence and no public comment.

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

Commissioner Coluzzi voiced concerned with putting in a kitchen in this area. She saw this as two separate restaurants.

Commissioner Mills found the following to be true:

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

Commissioner Mills made a motion, seconded by Commissioner Sargent, to issue the Permit of Compliance to Atlantic Seafood Company LLC. (Sargent – aye, Coluzzi – aye, McGuinness - aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

## **REPORT OF THE EVENING CODE ENFORCEMENT OFFICER**

Evening Code Enforcement Officer Bobby Edmonds presented his mid-summer report from April 12, 2011 to July 15, 2011. He noted the common violations as blinking signs, defacing sidewalk, outdoor speakers & music, sidewalk obstructions, freestanding signs, trash out early and noise. Certain things have drastically declined throughout the summer such as sidewalk obstructions, freestanding signs, etc. Mr. Edmonds provided an example of the noise report he uses when he meters any kind of noise complaint or a business that may be too loud. Thirty-three restaurants have had no violations. Obie's By The Sea has had two violations with the first being on May 30, 2011 and the last being on June 12, 2011. Jake's Seafood has had one violation on June 30, 2011. Blue Moon has had one violation on April 29, 2011. Aqua Grill has had two violations with the first being on May 28, 2011 and the last being on June 13, 2011. Irish Eyes has had three violations with the first being on May 13, 2011, the second on

May 14, 2011 and the last violation on June 17, 2011. Nicola Pizza has had three violations with the first being on June 5, 2011, the second on June 11, 2011 and the last on June 26, 2011. Purple Parrot has had three violations with the first being on May 16, 2011, the second on May 21, 2011 and the last on June 26, 2011. Conch Island has had two violations with the first being on May 13, 2011 and the last on June 6, 2011. Summerhouse has had three violations with the first being on May 14, 2011, the second on May 21, 2011 and the last being on May 28, 2011. Greene Turtle has had two violations with the first being on May 14, 2011 and the last being on June 27, 2011. Rehoboth Ale House has had one violation on May 29, 2011. Cloud 9 has had five noise violations with the first being on May 16, 2011, the second on May 21, 2011, the third on June 3, 2011, the fourth on July 1, 2011 and the fifth on July 1, 2011. There has been concern about some of the T-Shirt shops with loud music being played inside the business, blinking lights in the windows and merchandise on the sidewalk. Mr. Edmonds proposed a change of citations from criminal to civil for the following portions of the Code: 1. Freestanding signs – Chapter 270 Article VII. 2. Defacing sidewalk – Section 198-4(B). 3. Obstructing sidewalk – Section 198-4(A). 4. Selling by outcry – Section 189-9(D). 5. Trash out early – Section 227-14. 6. Noise – Chapter 189. Currently the Code reads that freestanding signs shall be permitted on private property but shall not be closer than three feet to any public property. The proposed change is to delete the three foot rule. Mr. Edmonds has had some issues with Dolle's Arcade with regard to the scrolling LED sign and Boardwalk obstruction. Dolle's Arcade had been warned on June 22, June 24, June 30, July 1, July 3, July 6, July 7, July 9 and July 10, 2011 regarding the obstruction. The LED sign was turned off until it can be moved or a steady message can be programmed. As of July 15, 2011, Dolle's Arcade is in compliance with both issues. Trash out early is a major concern with commercial establishments. Photographs were presented of various trash piles in front of establishments. Photographs were presented with regard to sidewalk cleanliness issues. During the week of June 15, 2011, a memo was sent to business owners regarding the cleanliness of sidewalks section of the Code. In summary, most business are cooperative. Mr. Edmonds is continuing to maintain control of other possible violations. He is currently focusing on noise, trash and sidewalk cleanliness. Projects for the end of the season include business addressing. Projects for Fall 2011 include residential addressing, low hanging tree branches, sidewalk replacement and restaurant floor plan inspections. Mr. Edmonds suggested that different requirements in regard to noise could be established in the various zoning districts because certain districts abut residential neighborhoods and other do not.

Commissioner McGuiness had walked with Mr. Edmonds in the evening. It was noticed that a lot of issues are not being addressed. She asked if the Commissioners could look at Mr. Edmonds' position becoming year-round, if necessary.

Commissioner Barbour asked if the human voice is covered under the noise ordinance. City Solicitor Mandalas thought that the noise ordinance calls out amplified music and anything which produces noise. Commissioner Barbour requested clarification on this matter. The noise ordinance is directed at amplified music, not human voices. City Solicitor Mandalas will forward a clarification to the Commissioners on this matter.

Mr. Walter Brittingham, 123 Henlopen Avenue, commented that before Memorial Day the City Manager had the Carpenter Shop personnel clean all the sidewalks on Rehoboth Avenue.

## **REPORT OF THE PLANNING COMMISSION**

Chairman Preston Littleton presented the report of the Planning Commission. The Regular Meeting was held on July 8, 2011. A Preliminary Review was conducted on an application requesting the partitioning of a property located at 36 Columbia Avenue. The Planning Commission voted to move this application to Public Hearing at its August 12, 2011 Regular Meeting. A Public Hearing was conducted on an application requesting the partitioning of a property located at 2 Oak Avenue. In order to allow the applicant/applicant's attorney time to research and provide additional information about the proposed property lines and for the City Solicitor to provide legal advice to the Planning Commission, the Commission voted to continue the Public Hearing at its August 12, 2011 Regular Meeting. After discussion of whether the Planning Commission should re-activate the "tabled" Public Hearing related to the 2 St. Lawrence Street partitioning application as requested by the applicant's attorney, Chase T. Brockstedt, Esq., the Planning Commission voted to "un-table" the application and continue the Public Hearing at its August 12, 2011 Regular Meeting.

## **OLD BUSINESS**

Mayor Cooper called to discuss implementation strategies for the City's 2010 Comprehensive Development Plan.

Commissioner Coluzzi has received input from Commissioners McGuiness, Zellers and Mills. The proposed water taxi and the dock at the museum are moving forward. A formal presentation will be made to the

Commissioners at a future date. A copy of the press release has been forwarded to the Commissioners regarding this matter. In approximately four months, the feasibility study should be completed, and the City will possibly look for funding from DNREC. There may be a good chance of getting more funding to move this project forward. In regard to the pedestrian/bicycle master plan, Commissioner Coluzzi noted that the Request for Proposal (RFP) should be going out soon. It is hopeful that the pedestrian/bicycle master plan will be in place before next summer. She has not received consensus on how to move forward with implementation strategies.

Mayor Cooper will be working with Commissioner Mills and possibly Mr. David Henderson, IT Director in regard to the Emergency Operations Plan and what can be done in-house as far as putting the appendices together.

Chairman Littleton said that what is in the CDP is specified by the State government. When the CDP was put together, the Planning Commission made several recommendations. Some of things which could be done, require a huge amount of resources, times and the timeframe could be quite long. There are also things in the CDP which can be addressed with little expenditure of time and money. One of the fundamental things the Plan speaks of is enforcing ordinances, particularly relative to safety and welfare for rental housing. The Planning Commission had concern with the number of properties not being handled by realtors, but are done via the internet, which are not being reported to the City. The basic concern is the safety and welfare of the person who would rent those properties because there are no inspections of the properties. Secondly, the City is losing income with these properties. Chairman Littleton recommended that the Commissioners look deeper into the Plan because there are things which the Commissioners need to be addressed. One of the biggest accomplishments of the Commissioners is the rezoning of the school property. The Planning Commission has identified issues which it should be looking at. A request was made for the Planning Commission to look at overlay and mixed-use zoning. Another issue being looked at by the Planning Commission is a possible adjustment to the side yard setbacks with regard to bigger lot sizes of more than 50 feet x 100 feet and smaller legally non-conforming lots of less than 50 feet x 100 feet. The Planning Commission should be looking at some of these things and bring recommendations back to the Commissioners.

Commissioner Barbour suggested that a process and timeline should be established where this subject is addressed at every meeting. Commissioner Coluzzi agreed. Commissioner Barbour recommended that a small committee should look at the CDP and come up with more distilled priority areas. He would be willing to help Commissioner Coluzzi with looking into things with regard to the CDP.

Commissioner Coluzzi will follow through with the pedestrian/bicycle master plan and funding to implement it. Commissioner Zellers said that the Streets & Transportation Committee will be working on the plan.

Commissioner Coluzzi said that in regard to stormwater management, one of the Commissioners could move forward with the idea of rain gardens if there is consensus that this would be an important issue. Commissioner Barbour said that the rain garden concept could be used in the parking lot beside the Convention Center. Commissioner Coluzzi said that she would like to hear from the other Commissioners on how to move forward and if anyone has input on what the process should be. Commissioner Barbour said that each Commissioner will be in charge of specific recommendations.

Chairman Littleton said that one of the issues which relates to mixed-use zoning and was a concern of the Planning Commission is what Wilmington and Baltimore Avenues could look like conceptually with regard to streetscape. Mayor Cooper thought that this would be a budget issue because it would take working with a professional to look at that.

Commissioner Barbour said that from a municipal planning perspective, a City planner is needed. Planning is to anticipate various options which may arise over time and to deal with that ahead of time. Commissioner Sargent commented that the problems are so complex and the opportunities are so diverse that the City would need an investor/developer who has an idea of what can be done with Penny Lane, etc. for example. He had talked with a developer last week, and now is not the time to move forward with a concept. Commissioner Coluzzi said that the concept should come from the Commissioners.

Commissioner Sargent did not have a problem with what the street would look like in terms of making curb changes, sidewalk changes, etc.

Commissioner Barbour said that the best options need to be looked at from a municipal perspective and from the perspective of the entire community.

Mr. Rick Eisenman, Rehoboth Avenue, said that as the City's municipal planner in the past, URS Corporation has done studies beyond streetscape. URS Corporation was focused on defining mixed-use.

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

## **NEW BUSINESS**

Mayor Cooper called to consider approval of a 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.

City Solicitor Mandalas noted that a few provisions have been inserted in the proposed agreement which had been discussed at the last Workshop Meeting. If physical therapy services are no longer offered onsite, then the license will terminate. The annual fee will be \$100.00. Construction will be permitted in the public right-of-way. City Solicitor Mandalas had forwarded a copy of the proposed agreement to Mr. J. Stein for his review.

Commissioner Sargent said that Mr. John Knarr of Elite Physical Therapy would like to not have the equivalent of ten in the agreement. Mr. Knarr offered that if he could build a wheelchair ramp in the no-parking zone, it would be a good service to his clients and a good service in general. A wheelchair access is located across the street on the south side of the street. Mr. Knarr would favor putting one in on the north side of the street also. Instead of having a bumper for the cars, there would be an extension to the sidewalk.

Mr. John Knarr, owner of Elite Physical Therapy, said that he would be willing to consider the concept, but he did not know what the costs would be. He would be willing to contribute to the City to make it a better place.

Commissioner Barbour thought the agreement was a good idea.

### **Correspondence:**

1. Letter dated July 12, 2011 received from William A. Thomas, Jr. M.D. of Delaware Neurology Associates, Lewes, DE, in support of an additional step at the entrance in the Elite Physical Therapy site at Grenoble Place.
2. Letter dated July 14, 2011 received from Edith c. Herron, 36 Park Avenue, in support of a step to be built at Elite Physical Therapy at Grenoble Place.
3. Email received from Susan M. Brady, address unknown – in support of a step at the access to Elite Physical Therapy.

Commissioner Mills said that the Commissioners need to be deliberate when considering allowing encroachments, especially new encroachments on City property, sidewalks and when there are alternative entrances available. At the last meeting, he had identified two potential entrances in the front of the building which could be used. Commissioner Mills noted that Mr. Brittingham had offered a third alternative to resolve this without a new encroachment on the sidewalk. Existing license agreements predominantly, if not exclusively, are for pre-existing encroachments. This is not good policy for the City. Commissioner McGuinness disagreed. There are not appropriate alternatives when looking at safety, physical therapy and the needs of patients with their varied situations. The proposed agreement is fair and reasonable, and is specific to this business.

Commissioner Sargent was in favor of the agreement because of the closeness of the access and the practical difficulty of making an inset door.

Commissioner Zellers voiced concern that the platform with steps will not be wheelchair accessible and ADA compliant. This is not a permanent solution because if the business ceases as physical therapy, it would need to be removed. She was uncomfortable with possibly entering into a new agreement where an encroachment would be allowed, and Mr. Edmonds is enforcing the removal of obstruction on sidewalks. Commissioner Zellers felt that there are other alternatives.

Mayor Cooper said that the Commissioners should not consider leasing public property lightly. There are other alternatives such as raising the sidewalk enough to make on legitimate step. This would not provide a three foot level landing. A new interference would be created. He did not think that it is not good public policy to decrease the width of the sidewalk and allow an encroachment.

Commissioner Coluzzi said that based on the use of the side of the building, it would not be a real impediment to the majority of pedestrian traffic on the Boardwalk, etc. This relates to health and safety, and is only for Elite Therapy. When the business is no longer at this location, the encroachment will be removed.

Commissioner Coluzzi supported the agreement.

Mr. Walter Brittingham asked what the status is of Elite Therapy with the Fire Marshal's Office. Ms. Sullivan said that the Fire Marshal has done an inspection of the business, and the door was an issue. Mr. Brittingham noted that the Fire Marshal has not signed off on this since the door is not compliant because it does not have a platform. Nothing has gone to the Fire Marshal for preliminary approval a platform step. Commissioner Mills was correct in his assessment. The inset should have been automatically done. At the last meeting, barriers or curb-stops on the street were discussed to stop a vehicle from driving up the handicapped access at the northeast corner of Grenoble Street. Mr. Brittingham did not have a problem that handicapped parking spaces are needed. He said that with what is being proposed, the sidewalk will be obstructed. The agreement should be done right. The Fire Marshal would still have to approve whatever is going to be done. Currently, Elite Therapy has a conditional approval to occupy that space in the building.

Commissioner Barbour made a motion, seconded by Commissioner McGuinness, to authorize the proper officials to execute the license agreement with the Steins. (Sargent – aye. He has known Mr. Stein for a long time, but in voting for this agreement, Commissioner Sargent is not giving him anything. There is nothing that benefits Mr. Stein. This would be a benefit to the clientele who go into Elite Physical Therapy. Commissioner Sargent did not see that he had a significant conflict of interest. Coluzzi – aye, for the reasons stated by Commission McGuinness. McGuinness – aye, for the health, safety and welfare; and since this license agreement is specific to this health facility, Elite Physical Therapy. Cooper – no. Barbour – aye. Mills – no. Zellers – no, for the reasons previously stated.) Motion carried.

Mr. Brittingham though Commissioner Sargent's comments were wrong. These people are being remunerated for the use of this building, and there is a benefit.

Mayor Cooper said it is fine if Mr. Knarr and Mr. Stein want to approach the City Manager to deal with anything other than what has been approved and if the City Manager wants to bring the matter back to the Commissioners. This does not preclude a more substantial plan.

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

Mayor Cooper said that originally when water service was placed in Dewey Beach by the County in 1977/78, the City supplied water to the County for its ultimate resale to customers in Dewey Beach. The contract expired at the end of 2010, and the proposed contract will begin January 1, 2011. The rates would be raised from \$1.70 per thousand gallons in the winter to \$1.80, and \$2.30 per thousand gallons in the summer to \$2.80 with summertime being April through September. That differential between winter and summer is the same as the City. The City rate is \$1.67 per thousand gallons in the winter and \$2.67 in the summer.

Commissioner McGuinness made a motion, seconded by Commissioner Coluzzi, to approve the five year water agreement before the Commissioners with Sussex County. (Sargent – aye, Coluzzi – aye, McGuinness – aye, Cooper – aye, Barbour – aye, Mills – aye, Zellers – aye.) Motion carried unanimously.

Mayor Cooper said that Sussex County will be meeting on July 19, 2011 to approve the water agreement.

## **CITY MANAGER'S REPORT**

(See attached report.)

City Manager Gregory Ferrese reported that the City has delivered 450 yard waste containers. The City has 1,228 customers who participate in its recycling program. The signs have been ordered with regard to the Tobacco Prevention Grant. An excellent meeting was held with the State Energy Office. The State Energy Office was satisfied with the documentation it reviewed for 306 Rehoboth Avenue. A meeting will be held with the State on July 19, 2011 pertaining to crosswalks on Rehoboth Avenue. This fall, the City intends to begin its ADA Ramping Program starting in the high pedestrian travel areas. Monies have been budgeted in the amount of \$60,000.00. The City is hoping to receive monies from Senator Bunting and Representative Schwartzkopf so the City will have approximately \$100,000.00 to continue with the ADA Ramping Program. NBC Today Show will broadcast in the City on July 22, 2011. National Geographic has awarded the City as having one of the six best Boardwalks in the United States. Today, Fox News from New York contacted Mr. Ferrese to have a photograph of the Boardwalk.

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

07/14/11

505

Delmarva Power

\$ 712.66 (Street Lights)

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

#### **COMMITTEE REPORT**

There was nothing to report.

#### **CITY SOLICITOR'S REPORT**

There was nothing to report.

#### **COMMISSIONER ANNOUNCEMENTS/COMMENTS**

Commissioner Barbour announced that he was withdrawing his candidacy for City Commissioner in the upcoming election to be held on August 13, 2011. Copies of his statement were provided.

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

There were none.

#### **CITIZEN COMMENT**

Mr. Walter Brittingham, 123 Henlopen Avenue, has been noticing more incidents of people on the wedge at the Henlopen Hotel, and he suggested that the Commissioners could possibly endorse additional signage on the roadways with the direction of traffic. Better lines need to be painted on the roadway pushing people towards Surf Avenue and not along the Henlopen Hotel. People are being ticketed for the use of cell phones while driving, but no sign has been put up in the City to say that it is illegal. Police coverage on the Boardwalk and other places is serving notice to everyone to not mess around in Rehoboth. Mr. Brittingham thought that the Farmers' Market is a problem with regard to traffic laws not being enforced. He asked Mr. Ferrese and Police Chief Banks if they had authorized traffic laws not to be enforced in the vicinity of Grove Park or at that end of the City, and both had said no. Mr. Brittingham said that the cones along the fence on Grove Street work. The traffic laws need to be enforced on Columbia Avenue. It is time to evaluate the Farmers' Market with regard to its location and increased traffic. During the hours of the Farmers' Market, there is no place for the employees of the Chamber of Commerce to park. The Farmers' Market is endangering the roadway, and it is time to be looking for another place to have it where it can be done efficiently.

Mr. Rick Eisenman, Rehoboth Avenue, did a ride-along with Seargent Scott O'Bier one Saturday night to see what really goes on from the front seat of a police car. He encouraged each of the Commissioners to go on a ride-along on a fast paced evening, and their concept of how the Police work will change. Mr. Eisenman had signed a waiver and was authorized by Police Chief Banks to do the ride-along.

The Workshop Meeting will be held on August 8, 2011 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 9:02 p.m.

**Respectfully submitted,**

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**(Kathy McGuinness, Secretary)**