

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

May 4, 2015

The Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:02 a.m. by Mayor Samuel R. Cooper on Monday, May 4, 2015 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

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

ROLL CALL

Present:	Commissioner	Toni Sharp
	Commissioner	Patrick Gossett
	Commissioner	Bill Sargent
	Mayor	Samuel R. Cooper
	Commissioner	Stan Mills
	Commissioner	Lorraine Zellers
	Commissioner	Kathy McGuiness

Also in attendance was: City Manager Sharon Lynn
 City Solicitor Glenn Mandalas

CORRESPONDENCE

There was none.

OLD BUSINESS

Discuss a proposed ordinance creating a new Chapter 206 of the City Code related to the permitting and regulation of unenclosed residential swimming pools including hot tubs and spas.

Copies of the revised proposed ordinance were distributed to the Commissioners prior to the meeting.

The changes to the proposed ordinance creating a new Chapter 206 were the removal of the requirement that private pools, the ones that are not connected with rental properties, would not be required to have annual licenses. They would be required to have a one-time license that would be specific to the owner so if the property would change hands, the new owner would have to get a new license. There would be a first-time fee for private pools. As part of that, annual inspections and safety equipment were eliminated from the proposed ordinance. Certain definitions were reworded for clarification. Areas of the proposed ordinance were reformatted for clarity.

Comments and concerns with regard to the revised proposed ordinance:

1. There is no mention of retroactivity. People with existing pools will not know clearly what they will have to come into compliance with, such as drainage plan, stormwater as it relates to drainage from a pool, pool equipment. Draining a pool will need to be done in a manner that is consistent with an approved drainage plan but otherwise, it is to be drained across a vegetated area to the maximum extent practicable.
2. There needs to be an inspection of the private pools, at least for the first time.
3. There is no mechanism other than an inspection to see if the private pool is in compliance and to see if the jacuzzis are located in the setbacks.
4. The Building & Licensing Department has an obligation to make an inspection before issuing any permit.
5. Unless specifically called out, everyone will need an inspection to comply.
6. There should not be a presumption of grandfathering with this proposed ordinance since pools will be in a separate chapter of the Code.
7. Establish an inventory list of existing pools and spas in the city.
8. The first letter would be sent out to all property owners informing them of the ordinance, pool licenses and inspections.
9. The second letter would be condensed and targeted towards people who would apply for a pool license.
10. Penalties and violations would apply to all pools.

11. If a pool exists on the date of adoption of the ordinance, there would be no license fee. A subsequent buyer or installer of a pool would have to pay \$50.00.
12. It should cost more to reissue a license after suspension or revocation.
13. The proposed ordinance would take effect immediately with the exception of the licensing requirements which would take effect on July 1, 2016.
14. Existing pools would not need to be inspected immediately because some people will need time to come into compliance.

After lengthy discussion and few modifications, the proposed ordinance will be brought back to the Commissioners at the May 15, 2015 Special Workshop Meeting for review.

The Commissioners reviewed the second draft ordinance to further regulate residential pools. The proposed ordinance would establish regulations for residential pools operated in conjunction with vacation rentals. In the new Chapter on Pools, Article I would be titled General Provisions, Article II would be titled Construction and Licensing and Article III would be titled Vacation Rentals. A vacation rental is the renting of a dwelling unit in any R-1(S), R-1 or R-2 Zoning District for a period of 120 or fewer consecutive days. The proposed ordinance was read by Mayor Cooper. No unenclosed Private Rental Pool permitted after the date of adoption of this ordinance shall be used at any time in conjunction with a vacation rental. The pool shall at all times the property is used for a vacation rental be covered by a locked cover. No unenclosed pool that was permitted or constructed on or before the date of adoption of this ordinance where no valid City rental license existed for the related property shall be used at any time in conjunction with a vacation rental. Notwithstanding anything contained in this Chapter to the contrary no unenclosed pool shall be used at any time in conjunction with a vacation rental after January 1, 2018. Copies of this proposed ordinance to further regulate residential pools was also distributed to the Commissioners prior to the meeting. (Copy attached.)

Comments and concerns with regard to the revised proposed ordinance:

1. The definition of pools would include spas and hot tubs.
2. The proposed ordinance would be penalizing people for renting. The noise ordinance and good neighbor brochure need to be used to regulate noise. This item should be revisited later.
3. The urgency of this proposed ordinance would be lessened if the noise ordinance works.
4. Let the noise ordinance work this summer and then have dialogue at a later date.

Mr. Frank Cooper, 96 East Lake Drive said that there should be de-incentivizing on future building of pools. Money should be taken out of the hotel business.

Ms. Sharon Palmer Stauffer, Coldwell Bankers, said that pools are a management issue. Inspections would be a waste of time. There should be enforcement of quiet times on pools.

Ms. Donna Mabry, 221 Hickman Street, said that pools are causing disruption and changing the character of the town. Noise ordinance will help a little, but it is not enough. This ordinance needs to be done now.

Mr. Donald Myers, 43 Oak Avenue, said that there is a major problem with pools on 50 foot x100 foot lots. The burden should be placed on owners of the properties with pools. The noise ordinance is a good first step. A long-term solution would be to ban pools. Three years is a reasonable compromise for the proposed ordinance.

Ms. Judy Griffing, Lake Avenue, said that noise should be dealt with as a community.

Mr. Lou Boghosian, 100 Stockley Street, said that the complexion of the town is changing because the rentals are business ventures. The Commissioners need to take a strong stand on this issue.

Ms. Debra Katz, address unknown, said that occupancy and noise should be controlled.

Mr. Walter Brittingham, 123 Henlopen Avenue, said that he does not like pools everywhere.

Mr. Mark Betchkal, 98 Sussex Street, said that the economic incentive should be taken out of having a pool at a rental property.

Mr. Allan O'Leary, address unknown, said that the moratorium should be extended.

After lengthy discussion, this matter will be revisited at the May 15, 2015 Special Workshop Meeting.

Discuss a proposed ordinance amending Chapter 270 of the City Code related to changing certain

dimensional requirements in residential districts of the Zoning Code.

Mr. Kyle Gulbranson of AECOM was in attendance at the meeting.

At the last meeting, the Commissioners came to consensus that lot coverage should be scaled back from 50% to 40%, natural area should be increased from 40% to 50%, the front yard natural area should be scaled down from 60% to 50% in terms of allowing front porches to continue to be a possible scenario and give flexibility to parking, the rear yard setback should be increased from 10 feet to 15 feet and the side yard setbacks would remain as they currently exist with a minimum of six feet and an aggregate of 16 feet. There had been discussion about reducing the FAR from 0.60 to 0.55. The FAR over 52.5 foot frontage would be reduced to 50% of the allowable FAR. Parking would be coverage that would scale down the footprint of a house. Pool size would be calculated into the FAR. A primer was provided to the Commissioners of the possible zoning changes. (Copy attached.) Two scenarios were discussed: 1. Reduction of lot coverage and reduction of FAR. 2. Reduction of lot coverage with no reduction of FAR. Pros and cons were described in both scenarios.

Comments and concerns with regard to the revised proposed ordinance:

1. The FAR ratio determines the size of a house.
2. The combination of FAR reduction and lot coverage is a controlling factor for determining the size of a house.
3. With regard to lot coverage, the maximum footprint for all structures on a property should be 40%.
4. The FAR should be reduced to 0.55. If there is a pool, then the FAR should be reduce to 0.50.
5. The FAR should be reduced to 0.30 above 5,000 square feet.
6. There should be a maximum cap of 4,500 square feet on house sizes if the FAR remains at 0.60.
7. Lot coverage and natural area dictates the minimum amount of green space required on a property.
8. The 50% requirement for natural area in the front yard would allow two driveways to be put side-by-side.

The current Code requires two parking spaces per residential structure. The working group had suggested a scenario that if a structure has less than four bedrooms, it would still only need two parking spaces. For every two bedrooms above four, another parking space would need to be included. A six bedroom house would need to have three parking spaces.

Comments and concerns with regard to the parking issue:

1. The curb-cut should be should be up to a maximum of 18 or 20 feet.
2. Eliminating two curb-cuts would resolve the problem with the loss of on-street parking.
3. If the number of parking spaces cannot be accommodated onsite, then the occupancy numbers should be reduced.
4. Bedrooms or bathrooms would need to be defined regarding occupancy.
5. The area that is required for parking would be 9 feet x 18 feet times 2, and the surface would be deducted from the lot area available for natural area.
6. Pull natural area out of the proposal and make it its own section.

The consensus of the Commissioners was that discussion of occupancy should be put aside until the zoning issues are resolved. The tree ordinance will be discussed at a later date. An ordinance will be crafted with the changes discussed at today's meeting.

NEW BUSINESS

Presentation and discussion of financial aspects of the ocean outfall project and related wastewater plant upgrades.

Mayor Cooper provided a presentation of the financial aspects of this project. The cost for the ocean outfall project is \$25,000,000.00. Plant improvements will cost \$15,000,000.00. The bio-solids handling was recently added to the project at a cost of \$12,500,000.00. Total annual loan payments would be \$2,827,123.00 with the City's share being \$1,554,918.00. The City's proposed annual user rate is \$760.00 if all three projects are implemented.

Presentation and discussion of financial aspects of the City Hall Complex project.

Mayor Cooper provided a presentation of the financial aspects of this project. The cost for this project is \$17,450,000.00. The City is making application to USDA for a loan in the amount of \$18,000,000.00 which

would carry a term of 20 to 40 years. If approved before June 30, 2015, the interest rate would be 3½%. USDA closing occurs at the end of the project necessitating interim financing. The interim financing would be obtained from a local bank yet to be determined.

The referendum for both the ocean outfall and City Hall projects will be held on June 27, 2015.

CITY MANAGER'S REPORT

Fifty-one new parking meters have been delivered and will be installed starting on May 5, 2015. Parking meters will be in place by Memorial Day in addition to the two electric vehicle charging stations being installed at Mariner's Park. The DelDOT sidewalk project has been delayed until possibly Fall 2015.

COMMITTEE REPORTS

There were no reports.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Commissioner Mills attended a DNREC workshop on coastal construction regulations this past weekend.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

Items to be included on the agenda for the May 15, 2015 Special Workshop Meeting are: 1. Pool ordinance with vacation rentals as part of it. 2. First draft of the zoning changes.

A public hearing on the pool moratorium and two public hearings on the borrowings for the wastewater outfall and City Hall project will be held at the Regular Meeting on May 15, 2015 at 7:00 p.m. Presentations will be made by the consultants of each project.

CITIZEN COMMENT

There was none.

A Special Workshop Meeting is scheduled for May 15, 2015 at 1:00 p.m.

The next Regular Meeting will be held on May 15, 2015 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 12:49 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)