

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

**June 8, 2015**

The Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:01 a.m. by Mayor Samuel R. Cooper on Monday, June 8, 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**

Letter dated May 22, 2015 from Commissioner Lorraine Zellers, noting that on May 1, 2015 she has become a Delaware resident with Rehoboth Beach now her primary home.

**OLD BUSINESS**

Mayor Cooper called to discuss a proposed ordinance related to permitting and regulation of unenclosed residential swimming pools including hot tubs and spas.

Mr. Kyle Gulbranson of AECOM noted that relatively small changes have been made to the proposed ordinance related to swimming pools, hot tubs and spas in.

Changes made to the proposed ordinance:

1. Lines Nos. 58-62. §206-2. Added "Qualified Pool Operator. An individual, that is at least 18 years old, that is responsible for the operation and maintenance of the pool water quality system and the associated infrastructure and who has successfully completed a pool operator training course recognized by the Delaware Division of Public Health."
2. Line No. 69. §206-2. "Swimming Pool, Private Rental (Private Rental Pool)" changed to "Swimming Pool, Rental (Rental Pool)".
3. Line Nos. 71-72. §206-2. Changed "...where the unit is rented for a fee or other considerations and is otherwise paid for its use" to "...where the unit is rented for a fee is otherwise paid for its use."
4. Line No. 74. §206-2. "Swimming Pool, Private Residential (Private Residential Pool)" changed to "Swimming Pool, Private (Private Pool)".
5. Line No. 78. §206-2. Changed "... without payment of any fee or other considerations" to "...without payment of any fee".
6. Line Nos. 113-115. §206-4. "All installations of pools and related equipment shall meet the requirements of the International Residential Code 2012, Appendix G "Swimming Pools, Spas and Hot Tubs" as adopted by the City of Rehoboth Beach."

Building Inspector Terri Sullivan noted that this information will be available at Building & Licensing as a hard copy. She will check to see if this information can be available online.

7. Line No. 130. §206-6. Change "Private Residential Rental Pool Operation and Maintenance" to "Rental Pool Operations and Maintenance".
8. Line No. 132. §206-6. Change "Private residential rental pools shall be..." to "Rental pools shall be..."
9. Line No. 146. §206-7. Change "No private residential pool or private residential rental pool shall be..." to "No private pool or rental pool shall be..."

10. Line No. 149. §206-7(A). Change "Private Rental Pool licenses shall be..." to "Private Pool licenses shall be..."
11. Line No. 153. §206-7(B). Change "Private Residential Pool licenses shall be..." to "Private Pool licenses shall be..."
12. Line Nos. 156-159. §206-7(B). Added "An initial inspection shall be conducted in conjunction with the issuance of the pool license for the purpose of documenting site conditions. Additional inspections may be required should changes to the pool, pool equipment or site be proposed and/or a permit be applied for."

Commissioner Stan Mills wanted to make sure that the Mayor, City Manager and City Solicitor have looked at the language for conducting inspections that it is broad enough to seek zoning compliance and coming into compliance in terms of discharging of water. He would like a formal review of that language to make sure it is broad enough.

13. Line No. 168. §206-7(F). Changed "The City will, in conjunction with license renewal, annually inspect Private Residential Rental Pools..." to "The City will, in conjunction with license renewal, annually inspect Rental Pools..."
14. Line No. 179. §206-8(A). Added "Safety of Bathers".
15. Line No. 186. §206-8(B). Added "Safety Requirements".
16. Line No. 187. §206-8(B). Changed "At least one safety sign shall be provided for all Private Residential Rental Pools as follows..." to "At least one safety sign shall be provided for all Rental Pools as follows..."
17. Line No. 195. §206-8(B)(3). Added "Identifying the property's 911 address."
18. Line Nos. 210-211. §206-8(C). Changed "The following safety equipment shall, at a minimum, be provided for all Private Residential Rental Pools..." to "The following safety equipment shall, at a minimum, be provided for all Rental Pools..."
19. Line Nos. 228-229. §206-9(A). Changed "...with a residential or private residential pool shall be..." to "...with a private or rental pool shall be..."
20. Line Nos. 323-325. §206-14(B)(1). "The City Manager may suspend or revoke a pool operation license for any violation of the requirements of this Chapter or other Code including but not limited to Chapter 189..."

Commissioner Mills suggested that there should be more specificity with regard to violations of other Code related to pools or pool operations. The Commissioners should have better guidance from the City Manager as to how many violations would be involved.

City Solicitor Mandalas said he will review this language.

21. Line Nos. 354-356. Section 3. Changed "...majority vote of the Commissioners of the City of Rehoboth Beach" to "...majority vote of the Commissioners of the City of Rehoboth Beach, excepting for existing pools Section 206-6 (Rental Pool Operation and Maintenance), 206-7 (Pool Operation License), and 206-8(B) and (C) (Safety Requirements) which shall be effective July 1, 2016."

Mayor Cooper noted that "existing pools" should be removed because the City may not be prepared to license new or existing pools before next July. City Solicitor Mandalas agreed.

Commissioner Patrick Gossett asked if the working group has discussed the process for implementation that will be set to establish an inspection process, documentation, when inspections will be done, if there will be a lag time between when the license or permit is issued and inspections, etc.

Mr. Gulbranson said that the working group has been working on trying to get the ordinance in line. After direction is determined, a policy will be put together. The format and how it will take place will be a policy and not an ordinance. At the last meeting, it was discussed about sending out a letter to property owners explaining the ordinance and what and when things need to happen, etc. A procedure and a schedule will be set up for inspections, etc. There are more than 100 pools in the City that will need to be inspected.

Commissioner Toni Sharp said that it is important to understand what all the processes will be, when they happen, what additional resources, if any, will be needed, etc. She would like to have a timeline of when the processes will be in place for review.

Ms. Linda Kauffman, 206 Laurel Street, asked if outdoor lighting will only be regulated for a rental pool and not a private pool.

Mr. Gulbranson noted that outdoor lighting will be regulated for all pools.

Mr. Gulbranson said that if there is an existing pool and the equipment is not enclosed, it can continue to remain that way until something is done that will require a permit, either by changing the configuration of the pool, replacing equipment, etc. He will look at the language in Section 206-5 to make sure it is clear.

Commissioner Mills thought that Section 206-5 should be clarified.

Ms. Lorie Bloxom, 9 Country Club Drive, asked if the Commissioners will be talking about the addendum and issue of prohibiting renters from using pools. She also asked if there has been any discussion of grandfathering pools that have received permits.

Mr. Gulbranson noted that there had been no changes to the draft since the last meeting.

Mayor Cooper said that grandfathering pools is something that could be considered.

Commissioner Sharp said that she would like to have an understanding of where the Commissioners are with the bigger picture such as zoning, parking, pools, etc. and how it all fits together, and then talk about what the path forward will be.

Commissioner Kathy McGuiness agreed, however the Commissioners should discuss it now if the addendum is going to be presented on June 19, 2015. She had brought up the issue of postponing this as part of the pool ordinance to collect and review data on the noise ordinance. The Commissioners would be able to look at the police reports and have good detailed information to know where the noise is coming from. To her knowledge, this information has not been analyzed. Not having this addendum come to a vote or pass, the reason being, in the addendum it actually grandfathers people in. The Commissioners have time this summer to manage the issues at hand and deal with them thoughtfully. Holding it off two months is not going to make a difference when looking at the data going effect January 2018.

Mayor Cooper suggested that a page should be set on the web for people to record their experiences, etc. There are a lot of people who are reluctant to call the police about these things. In order to collect data, let people weigh in on it.

Commissioner Bill Sargent said that analyzing a technical report does not take into account the fact that a lot of people have expressed their feelings very strongly. In the long run, investors will make a decision whether or not to tear something down, building a new big house and put in a pool. Whether they put in the pool could depend on what position the Commissioners take with respect to whether or not rental properties can have pools. The Commissioners need to resolve this issue now and not put it off.

Ms. Judy Griffin, realtor in Rehoboth, has talked with several pool companies that have said there is an issue with locking down pools. If the Commissioners want to vote, they should have all the data with regard to understanding what the healthy issues are with stagnant water and what the issues are for the properties. Filters cannot be run while pools are covered. There is a health and community consequence to shutting the pool. The Commissioners need to get the data and share it with the community.

City Solicitor Mandalas said that the draft ordinance for rental pools is an addendum to the new Chapter 206 ordinance. If the new Chapter 206 ordinance is not on the agenda for June 19, 2015, the addendum would need to be recrafted as a stand-alone ordinance which it is not currently. The addendum is not in a form that can be adopted on June 19, 2015.

Mr. Russ Kline, realtor, asked if any thought has been given to a compromise as far as a curfew and having it in the owner's or realtor's lease with a penalty. Pitting the community against each other and not having continuity of ownership does not make sense.

Commissioner Gossett said that compromise is part of the evolution of these codes. He will be proposing additional legislation in the form a vacation rental ordinance. This would give individuals who are renting a sense of responsibility with regard to hours, trash, parking, etc. It lays out the responsibilities for the owners and owners' representatives and penalties for violations on specific issues. In dealing with a compromise, responsibilities need to be laid out that are expected of neighbors and the renters.

Ms. Judy Griffin suggested that rules and guidelines for tenants and owners should be implemented first before going to a more drastic route that could have health and financial consequences.

Ms. Sharon Palmer Stauffer of Coldwell Banker said that there is a noise issue, not a vacation rental issue. Putting regulations on noise at 3:00 p.m. is a little ridiculous.

Ms. Dottie Tanner, 44 Oak Avenue, did not think there are any residential areas anymore because the businesses with pools are the biggest problem. It is not always the level of noise, but it is a constant noise.

Commissioner Sharp said that the points being made are bringing the Commissioners back to the discussion they touched on which is what the permitted use is in different areas. The Commissioners have not delved into that situation and come to closure. The Commissioners will need to figure out what will be done with the proliferation of many hotels in the community. Until the Commissioners put together a solution, it would be difficult to believe the Commissioners should lift the moratorium.

Commissioner McGuinness said that the proposed zoning does address the concept of mac=mansions or mini-hotels and pools.

Ms. Lorie Carter of Carter Pool Management, Lewes, noted that the pump can run when a pool is covered. Someone would need to check on the pool and administer and watch the chemical balance. A retractable cover is not a lockable cover.

Ms. Mildred Reed, 119 Rodney Street, urged the Commissioners to extend the pool moratorium until after the 2015 summer season. She suggested giving the noise ordinance and the good neighbor brochure a chance to curtail noise this summer, and then revisit this issue. A most critical issue to resolve is the proliferation of mini-hotels with pools in the R-1 residential zones. Commercialization of R-1 needs to be halted. No more pools should be built until the right ordinances are in place.

Mr. Russ Kline, realtor, said that it is important to put a compromise in place. The owners or realtors should be the ones who take care of the issues or get fined.

Mr. Walter Brittingham, 123 Henlopen Avenue, asked what the makeup was of the other letters that were received.

Mayor Cooper said that a lot of the correspondence has been through emails, and he did not know if all the Commissioners had received them all.

Mr. Tom McGlone, 318 Laurel Street, said that the Commissioners should consider banning children in the City because they are loud.

Mr. Mark Betchkal, 98 Sussex Street, said that there is more to noise than a pool.

Mayor Cooper said that there is a certain amount of noise associated with pools. To him, the pools are an attractive nuisance.

Mr. John Swift, 100 Sussex Street, said that noise complaints should be made public so everyone can see how many noise complaints there are that are associated with pools. The expectations on part of some residents that they should be entitled to absolute peace and quiet is not reasonable. The pool ordinance is the first step in a larger effort to transform the City into a retirement community. The economic impact will be real to everyone. The City should be looking at documents that the people should have as far as renting.

Mr. Frank Cooper, 96 East Lake Drive, said there is a big division between the people who have pools and building more of them. The Commissioners need to look at that. It is not unfair to go forward with the moratorium. The Commissioners should not stop the path of reducing mini-hotels, etc. The real issue is the proliferation of new ones, and not the existing pools.

Ms. Donna Mabry, 221 Hickman Street, said that people who rent are not in the City full time for the summer. The people who live in the City full-time know how bad the ongoing chronic nature of this problem is. The current proposal to stop rental of pools is a compromise. Small lots cannot accommodate swimming pools, especially when the large houses magnify the noise. Definitive action needs to be taken now.

Commissioner Sharp asked what the path forward is.

Commissioner Bill Sargent said there are two options: 1. Decide what the best is the Commissioners can up with and vote on it. 2. Do not make decisions at this point because they have to be made holistically, and extend the moratorium through this summer. Commissioner Sargent would prefer the first alternative, but he would be happy to go with the second alternative, if it is the Commissioners' wishes.

Mr. Gulbranson said that at the beginning of this process, it has always been the intent and idea that there is no one fix for all these problems. The good neighbor brochure, pool ordinance, noise ordinance, zoning changes and a vacation rental ordinance are important pieces of this.

Ms. Joyce Lussier, 99 Henlopen Avenue, said that the main problem is the proliferation of commercial properties in the residential area. She supports the decisions of the Commissioners.

Mr. Richard Kirchhoff, 34 Sixth Street, voiced concern about creating situations of differential treatment. A lot of inequities are being created that will make it harder for everyone to enforce. He thought the approach should be with a holistic ordinance that deals with rental issues. The issues by far are with the larger houses. Commissioner Gossett's approach is much better and it will treat everyone more equally.

Ms. Susan Vandergrift, 44 Oak Avenue, liked the suggestion of having a way for the public to submit data on a webpage.

Mr. Tom McGlone, 318 Laurel Street, asked Mr. Gulbranson what he is recommending to the Commissioners based on his expertise.

Mr. Gulbranson said that there is a series of zoning changes that is being recommended which will reduce the bulk and scale of houses to be built in the future, the pool ordinance with restrictions and enforcement of requirements, the noise ordinance and a vacation rental ordinance. The Mayor's amendment is another way of regulating the pool scenario.

Commissioner Sargent said that Mr. Gulbranson's role is that of a facilitator, not an advisor with opinions.

Ms. Lori Bloxom did not think it is a good idea for a website. The City needs to have the noise ordinance because everyone is in agreement that noise is a problem. There does not seem to be any accountability if there is a chronic complainer or if a complaint is not validated by the police. She asked if there is a provision for a nuisance complainer and how many noise violations occurred over Memorial Day.

Mayor Cooper noted that one citation was issued, and there were approximately 12 noise complaints.

Commissioner Gossett said that a typical lot in the City is 5,000 square feet. There are segments of the community that have different size lots. Larger lots allow larger homes. Permitted use is the operation of a commercial in a residential neighborhood. There has been a proliferation in the last year or two of vacation rental by owner through a website, VRBO, flip key, etc. There are so many out there that a relationship cannot be established with the owner. The vacation rental ordinance will be one of the tools to get to that.

Mr. Donald Myers, 43 Oak Avenue, said that a balance is needed. The latest proposal is a compromise because the City in dealing with commercial use in residential neighborhoods traditionally has allowed the rental properties in residential neighborhoods. Large houses have been disruptive. Prohibiting the use of pools on rental properties is a compromise.

Ms. Barb Forbe, address unknown, said that the pool moratorium is fine until the Commissioners decide how to handle them. She asked how the Commissioners can justify doing anything to owners who already have large houses with pools. The Commissioners need a plan in moving forward.

Ms. Kathy Newcomb, address unknown, said that there are property owners who have pools that have not had any problems. There are many things that can be done to educate people who are creating the problem instead of taking property rights away from those that do not have a problem.

Commissioner Mills said that the next step is hinging upon the pool ordinance. Of the pool ordinance, there are three components that need clarification. Commissioner Mills asked City Solicitor Mandalas if the language is broad enough to allow the code inspector to ensure that the existing pool or spa is zoning compliant or brought into compliance.

Mayor Cooper said that if the thought is to pass the pool ordinance on June 19, 2015, he would not be in favor of passing the pool ordinance allowing the moratorium to expire without dealing at least with the zoning. Commissioner Mills agreed.

Mayor Cooper called to 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. Gulbranson noted that relatively few changes have been made to Article III – Height, Density and Area Requirements in the zoning ordinance.

Changes made to the proposed ordinance:

1. Line 25. §270-21. Changed "Lot Coverage" to "Natural Area, Floor Area Ratio and Lot Coverage".

2. Line Nos. 28-133. §270-21 was reorganized so that it reads better.
3. Line No. 34. §270-21(A)(2). Added "No part of the required off-street parking shall be considered as natural area."
4. Line No. 41. §270-21(B)(1). Changed "...for first 5,000 square feet and reduced by 50% or 0.30 for the remaining area" to "...for first 5,000 square feet and 0.30 for the remaining area."
5. Line No. 50-51. §270-21(B)(1)(b). Changed "Up to the first 1,000 square feet of a basement may be excluded from the gross floor area" to "A maximum of 1,000 square feet of a basement may be excluded from the gross floor area subject to the following conditions".
6. Line No. 54. §270-21(B)(1)(b)(i). Changed "...first-floor floor joists does not exceed eight feet" to "...first-floor floor joists must not exceed eight feet."
7. Line Nos. 55-56. §270-21(B)(1)(b)(ii). Changed "The bottom of the first-floor floor joists are not at a height of more than three feet as measured from a point where the center line..." to "The bottom of the first-floor floor joists must not be at a height of more than three feet. The measurement should be taken from a point where the center line..."
8. Line No. 59. §270-21(B)(1)(b)(iii). Changed "and that the FAR for the remainder of the building does not exceed 0.50" to "FAR for the remainder of the building does not exceed 0.50."
9. Line Nos. 60-61. Added §270-21(B)(1)(b)(iv). "For properties incorporating an accessory swimming pool, total FAR shall not exceed 0.40."
10. Line Nos. 79-81. Added §270-21(B)(2). "In the R-1 and R-2 Districts where a pool is included the FAR of the residence structure combined with all accessory structures shall not exceed 0.50."
11. Line No. 83. Added §270-21(B)(3). "A single family home in the R-1 and R-2 Districts shall not exceed a maximum of 4,500 square feet."
12. Line No. 85. Added §270-21(B)(4). "A single family home in the R-1(S) District shall not exceed a maximum of 6,000 square feet."
13. Line No. 88-89. Moved the lot coverage tables to the end of §270-21(C).
14. Line No. 124. §270-21(C)(1). Changed "In all residential districts, the maximum permitted lot coverage shall not exceed..." to "In all residential districts, the maximum coverage standards shall not exceed..."
15. Line No. 126. §270-21(C)(1). Added Maximum Floor Area Ratio and Minimum Natural Area (percent).
16. Line No. 129. §270-21(C)(2). Changed "In all commercial districts, the maximum permitted lot coverage shall not exceed..." to "In all commercial districts, the maximum coverage standards shall not exceed..."
17. Line No. 130. §270-21(C)(2). Added Maximum Floor Area Ratio and Minimum Natural Area (percent).
18. Line No. 132. Added §270-21(C)(3). "In the ER District, the maximum coverage standards shall not exceed that given in the following table."
19. Line No. 133. Deleted §270-21(D). "Total lot coverage shall also include required off-street parking as provided in §270-35(E)."
20. Line No. 248-249. §270-4. Added "No part of the required off-street parking shall be considered as natural area."

Mr. Gulbranson provided two options to the Commissioners for the number of off-street parking spaces in §270-35(D)(1) of Article IV – Off-Street Parking, Loading and Unloading.

1. Line Nos. 90-96. §270-35(D)(1). "OPTION 1: 2 per residential unit having up to 3 bathrooms; A bathroom consisting of 1 toilet and 1 fixture shall be considered 0.5 bathroom; A bathroom consisting of 1 toilet and 2 or more fixtures shall be considered 1.0 bathroom; Half bathrooms are not rounded up; 1 additional space shall be required for each additional bathroom."

Mayor Cooper noted that he would want the ordinance to read "2 fixtures in close proximity" so that if a lavatory would be put in a bedroom and the toilet and shower are in the bathroom it would count as a separate room.

Commissioner Zellers suggested that "2 per residential unit having up to 3 bathrooms, 1 additional space shall be required for each additional bathroom" should be one sentence; and then describe a 0.5 bathroom and how it would count. Mr. Gulbranson agreed.

2. Line Nos. 98-99. §270-35(D)(2). "OPTION 2: 2 per 4 toilets plus 1 additional space per additional toilet."

Mr. Gulbranson thought that Option 1 is the better of the two options. It gives enough information that

Building & Licensing can adequately determine parking, and it gives options for half-baths. This provision would be applied per residential unit. Mayor Cooper agreed.

Commissioner Mills said that Option 1 requires less parking than Option 2.

Mr. Gulbranson provided renderings that show each of the things being done and has the effect of narrowing down the footprint of the structure and what can be done on the property. If a person wants to have six bathrooms, more parking will need to be provided. He thought that five bedrooms would be the maximum for a house on a typical 5,000 square foot lot.

Commissioner McGuiness agreed that something needs to be done with parking, but she does not want most of the area paved over.

Building Inspector Terri Sullivan noted that Option 2 is more restrictive.

Commissioner Sargent was in favor of Option 2.

Commissioner Mills mentioned that unless an outside shower has a roof, then they are included as a structure and would be included in lot coverage; but they would not affect parking. Mr. Gulbranson agreed.

Ms. Mildred Reed said that 16 people could be in a five bedroom house on a 50 foot x 100 foot lot.

Ms. Linda Kauffman recommended 2 per three toilets under Option 2, then on the fourth bedroom an extra parking space would be added.

Ms. Sharon Stauffer asked if this would force houses upward with parking underneath.

Mayor Cooper said no, because the area underneath would be included in FAR.

Mr. Allan Walker, 202 Scarborough Avenue, asked if this applies to renovations and new construction.

Mayor Cooper concurred.

Ms. Linda Kauffman cautioned the Commissioners to not include renovations because people will renovate instead of building new when in fact they are building a new house.

Mayor Cooper said that the Commissioners will need to think about the impacts and make sure there are not end runs.

Commissioner Sargent was in favor of Option 2.

Commissioner Zellers was in favor of Option 2. The toilets should be reduced to three instead of four.

Mayor Cooper said that Ms. Sullivan need to think through when this would be applied.

Ms. Lori Bloxom asked how parking would be computed when there are Jack and Jill bathrooms.

Mr. Gulbranson said this would count as two bathrooms.

Mr. Mark Betchkal mentioned that the Comprehensive Development Plan calls for fewer cars in the City. He asked why the Commissioners are making it to having more parking spaces.

Mayor Cooper said that the CDP contemplated day trippers, not people staying in the City.

Commissioner Gossett agreed with three toilets instead of four in Option 2. Ms. Sullivan will need to look at other implications of outdoor showers, the aspect of how many per dwelling unit, etc.

Mr. Frank Cooper said a master suite is what people are building. Outdoor showers will not affect that a whole lot. The Commissioners should be focused on where the market is generally. Mr. Gulbranson concurred.

Mr. Mildred Reed said that what the Commissioners are proposing for off=street parking is two side by side spaces in front of the house.

Commissioner Mills said that part of the proposal is to have a minimum of 50% natural are in the front yard which will allow two 9 foot x 18 foot driveways side by side plus a sidewalk. Currently, five cars could be parked across the front yard.

Mr. Gulbranson said that the working group will put together the language for parking in Option 2.

Mr. Frank Cooper suggested that removing any incentive for using parking strips is not a good idea because there would be less water runoff with the strips. He suggested that there should be parking strips for the additional parking, and there should be an incentive.

Mr. Gulbranson will remove FAR from the chart in §270-21 for residential and commercial.

Commissioner Gossett asked if it would be possible to establish different standards for the permitted use of vacation rentals vs. owner occupied. Mr. Gulbranson thought that this could be done.

Mr. Gulbranson said the with the proliferation of mini-hotels, an investor would need to re-evaluate how much he/she is willing to invest on the property based on the size of the house and number of bedrooms, and whether or not long term the investment would be recouped. The majority of the concepts that are being discussed are part of the neighborhood preservation ordinance which was discussed 15 years ago.

Commissioner Sharp listed items that still need to be discussed by the Commissioners: 1. Zoning. 2. Parking/occupancy. 3. Tree ordinance. 4. Permitted use. 5. Vacation rental ordinance. 6. Architectural review. It would be counterproductive to not extend the moratorium.

Mr. Gulbranson said that the good neighbor brochure has been sent out, and the noise ordinance has been adopted. He thought that the Commissioners are fairly close on the zoning ordinance.

Commissioner Mills was hopeful that there would only be a few wordsmithing items and formatting for the zoning issue. There are only three items to address with the pool ordinance.

Commissioner Zellers was not comfortable with moving forward without addressing vacation rentals.

Commissioner Sargent wanted to have the new zoning ordinance put together and take action on it on June 19, 2015. He would like to extend the pool moratorium until the occupancy issue is resolved. Commissioner Mills agreed. He would like the zoning in ordinance form put on the City website by the end of this week.

City Solicitor Mandalas noted that the pool moratorium cannot be extended on other separate issues.

Commissioner Mills said that he would like to see for the June 19, 2015 meeting the consideration of the pool ordinance, consideration of the amendment to the pool ordinance and consideration of the zoning amendments. This may take care of the pool moratorium and not have the need to extend it. Discussion ensued.

Commissioner Gossett asked how all the changes to the ordinances will address the issue of operating a commercial business in a residential neighborhood.

Ms. Donna Mabry said that the pools are at the heart of the commercial enterprises. Pools are the most egregious part of the noise problem, and that is where the noise ordinance does not sufficiently address it. Downsizing houses does not sufficiently address recreational pools. That is why something is needed that is aimed at pools. The proposed ordinance will stop the rental of pools.

Mayor Cooper did not think that parking will be ready by June 19, 2015 because it is too involved to have it resolved when the Commissioners are not going to meet before then.

Ms. Linda Kauffman encouraged the Commissioners to keep the parking changes in the zoning ordinance.

Mr. Frank Cooper said that parking should be left in as it applies to new residential construction.

Ms. Judy Griffin thought that the pools can be managed by distributing the good neighbor brochure. No one has been given an opportunity to manage the pools. She was in opposition to the proposal that existing pools can be rented for there more years.

Mayor Cooper said that on June 19, 2015, the Commissioners will first vote on the pool ordinance. Then the Commissioners will vote on the amendment to the pool ordinance, a resolution to set a public hearing on the zoning issues absent the parking a resolution to set a public hearing to change the parking requirements for single family dwellings and a resolution to set a public hearing for the extension of the pool moratorium.

## **NEW BUSINESS**

Mayor Cooper called to discuss a proposed resolution necessary to apply to the State of Delaware for a Wastewater and Drinking Water Asset Management Incentive Program Grant to develop and implement asset management plans for the City's water and wastewater systems.



Mayor Cooper said that currently a resolution has not been prepared by the City Manager. The information will be provided to her. The City has made application to be a part of a new program that the Office of Drinking Water and DNREC are putting out to get a grant of up to \$100,000.00, no match required, to create an asset management plan, \$100,000.00 each for water and wastewater. GHD's estimate is \$260,000.00 for both of them. A resolution by the governing body will need to be voted on at the June 19, 2015 meeting.

#### **CITY MANAGER'S REPORT**

City Manager Sharon Lynn reported that on June 3, 2015, she, Mayor Cooper and staff met with the engineers from GHD to discuss task orders associated with the ocean outfall project. These are steps identifying what is needed in the project and the direction in the future. The City is continuing to meet with the architects regarding the City Hall Police Department Project to finalize the construction drawings. A letter with several important documents will be sent out to all property owners this week regarding the June 27, 2015 referendum.

#### **COMMITTEE REPORTS**

There were no reports.

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

There was nothing to report.

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

Commissioner Sharp thanked the City Manager and the new part-time horticulturist for the planter boxes outside of the Convention Center as well as the baskets at the Bandstand.

#### **DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.**

There were none.

#### **CITIZEN COMMENT**

There was none.

The next Regular Meeting will be held on June 19, 2015 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 12:28 p.m.

**Respectfully submitted,**

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**(Lorraine Zellers, Secretary)**