

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

December 7, 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, December 7, 2015 on the second floor of the Rehoboth Beach Volunteer Fire Company, 219 Rehoboth Avenue, Rehoboth Beach, DE.

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

ROLL CALL

Present:	Commissioner	Paul Kuhns
	Commissioner	Toni Sharp
	Commissioner	Patrick Gossett
	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.

NEW BUSINESS

Presentation and discussion concerning seismic testing in the Atlantic Ocean off the east coast of the United States.

Mr. Matt Heim, Outreach and Communications Coordinator with Assateague Coastal Trust, provided a presentation regarding a Federal proposal that will allow offshore drilling in the mid and south Atlantic Ocean. Every five years the Federal government puts together a proposal on how it is going to manage offshore energy resources. This plan covers the years 2017 through 2022. The area in the Atlantic Ocean that will be allowed for offshore drilling stretches from the Maryland/Virginia state line south to the Georgia/Florida state line with a 50 mile buffer along the east coast of the U.S. Any adverse impact from offshore drilling could have an impact on the Delmarva coastline. There is approximately 2.5 billion barrels of oil in the Mid-Atlantic and approximately 24 trillion cubic feet of natural gas in that region. The amount of oil in the Atlantic Ocean is approximately 4% of U.S. reserves which is an eight month supply. Before companies can drill for oil, they have to discover where the oil pocket is located. To do that, they use a seismic air gun which emits a pressurized blast of air every 10 seconds, 24 hours a day, seven days a week for the duration of a mapping exercise which can last several weeks or even over a month. Seismic testing demonstrates adverse effects on wildlife. Approximately three of 12 companies have submitted applications for seismic testing off of the coast of Delaware, with a fourth one pending. It is recommended that municipalities pass resolutions regarding offshore drilling and submit them to the Bureau of Energy Management (BOEM). The proposed final program will go before Congress, and the final decision will be made by the Executive Branch under the Department of Interior. A letter had been submitted by 75 of the leading marine scientists in the world to President Obama, asking him to not allow seismic testing in the Mid-Atlantic due to concerns regarding wildlife. (Copy attached.)

There was discussion among the Commissioners as to whether or not a resolution should be passed in opposition to seismic testing. Seismic testing could begin in Spring 2016. The Secretary of DNREC is opposed to seismic testing, and Governor Markell has opted out of the program in opposition to it. A proposed resolution will be presented to the Commissioners at the January 2016 Workshop Meeting.

OLD BUSINESS

Discuss with Kyle Gulbranson of AECOM, the City's planning consultant, a draft Vacation Rental Ordinance.

Mayor Cooper recused himself at 9:46 a.m. The gavel was handed to Commissioner Stan Mills.

Mr. Kyle Gulbranson of AECOM was in attendance at the meeting. Since the last meeting, the workgroup has

met twice and has made recommendations to the Vacation Rental Ordinance. The plan is to come back to the Workshop Meeting in January 2016 with a retooled and updated ordinance that would accommodate the major issues. The definition of a vacation rental is a short-term rental. Other communities have rental management ordinances. The recommendation is that the applicability of this ordinance should be for all residential rentals in single-family and multiple-family homes. The workgroup believes that there should be one rental application with all the required information. There was agreement that an inspection process should be established to inspect every rental unit in the City. There had been discussion of a phased process where every new application would receive an inspection and every rental unit in the City would be inspected over a three-year timeframe. The recommendation from the workgroup is that a self-certification process should be established. In this process, there would be a self-certification checklist. The recommendation from the workgroup is that occupancy should be set based on the number of bedrooms and the total of overnight occupants. Children under the age of 6 and younger would not be included in the count. Another discussion point was that every rental unit must have a local contact person who is available 24 hours per day, seven days per week in case a problem occurs at the property. The proposed ordinance drafts a series of responsibilities for that contact person and a procedural process once a complaint is issued. Further discussion is needed on how to deal with occupancy and the local contact person.

The consensus of the Commissioners was to apply the proposed ordinance to all residential rentals, not only vacation rentals. The definition of long-term rentals would be removed from the proposed ordinance. A definition of a residential rental will be needed to be incorporated into the proposed ordinance. The current rental license application form will need to be rebuilt.

Public Comment regarding rental licenses:

1. Ms. Judy Griffing, 71 Lake Avenue, said that the licenses issued for the rental properties are not rental licenses, they are business licenses.
2. Ms. Donna Mabry, 221 Hickman Street, said that the rental ordinance is needed to protect the city from the crazy development that has been underway and to protect the R-1 residential neighborhoods from inappropriate development.
3. Mr. Tim Green, 14 Delaware Avenue, asked that the Commissioners consider looking at the R-2 properties closer with regard to the proposed ordinance.
4. Mr. Tom McGlone, 318 Laurel Street, wanted to know if the workgroup meetings are public meetings that people can attend and participate in. He also asked if anything has been communicated to the 2,500-3,000 license holders to let them know that this discussion is taking place so that they have a chance to participate.

For the purposes of the Freedom of Information Act (FOIA), the workgroup is not a committee that would require public access. Individuals are able to sign up for E-News, agendas and reports in the newspapers.

After discussion, there was consensus of the Commissioners that all the licenses and applications will be incorporated into one rental application form with specifics as to the type of license, and inspections will occur when there is a new application and the rental has never been rented before and when there is cause.

Public Comment regarding inspections and the self-certification process and occupancy:

1. Mr. David Mellen, 105 Rodney Street, voiced concern about the liability regarding self-certification if people are injured. Over time, there should be inspections where experts come in to take a look at the issues.
2. Ms. Joanne Bacher of Jack Lingo, suggested that children aged 2 and younger should not be included in the count towards occupancy.
3. Ms. Donna Mabry, 221 Hickman Street, said that density and parking would keep a limit on occupancy and curtail it. Occupancy should be based on the lot size.
4. Ms. Judy Griffing, 71 Lake Avenue, said that not all the realtors use the same count for occupancy limits.
5. Mr. George Moss, 401 South Boardwalk, suggested that the group counsel should make the rules instead of industry making the rules. The house should dictate the number of occupants. If the limit is over, then a special recommendation should be made to the City to go over limit.

After discussion, there was consensus of the Commissioners that there should be a requirement to post the occupancy and the good neighbor brochure in a visible place in the unit. The proposed occupancy levels will be used. The exemption age of children will be reduced to two years of age. An exception process will be established for existing rentals that are larger in nature which accommodate more people. The definition of

“bedroom” should remain as is in the ordinance. Self-certification checklist. age 2.

Public Comment regarding a contact person:

1. Ms. Judy Griffing, 71 Lake Avenue, said that there needs to be clarification of when the local contact person is notified.
2. Ms. Donna Mabry, 221 Hickman Street, said that people do not necessarily know what the police protocol is in handling a complaint.
3. Mr. Steve Curson, 210 Philadelphia Street, said that the local contact person should have a conversation with the people who are causing the problem within the next day or within 24 hours.
4. Mr. Tim Green, 14 Delaware Avenue, said that as a rental homeowner, he should know immediately if there is a violation at the rental property, if a citation is issued, if there is a visit by the police or if there is a complaint. He would also like a report.
5. Ms. Joanne Bacher of Jack Lingo, said that the rental agency should get a report and visit the property the next day.

After discussion, there was consensus of the Commissioners that there should be a local contact person to be available should a problem arise on the property at any given time. The local contact person would telephone the occupants within an hour. If the problem persists, the police would need to physically go to the property and assess the situation to find out what can be done to bring it under control. A record of the property would need to be maintained. This section of the ordinance that refers to the local contact person will be retooled for the next meeting.

The meeting was recessed at 11:30 a.m. and reconvened at 11:40 a.m. The gavel was returned to Mayor Cooper.

Discuss the requirements contained in the City Code related to the size of restaurants, and discuss the status of brewery-pubs as related to the City’s applicable zoning and licensing requirements.

Spreadsheets for restaurant data and averages were distributed prior to the meeting. This data provides information regarding various restaurants less than 5,000 square feet and over 5,000 square feet. (Copies attached.)

The focus of this portion of the meeting was for the Commissioners to establish formulas with regard to restaurants serving alcohol. The figure of 2,000 square feet is a good correlation between the current 5,000 square foot restaurants. The bar area may need to be limited closer. Restaurants that were identified as having been granted variances average 2,675 square feet for permanent seated dining and 509 square feet for the bar area. These averages do not include the kitchen area and storage.

Various suggestions were made regarding restaurants:

1. As an alternative, there should be 3,500 square feet of permanent seated dining and the bar area for a 5,000 square foot restaurant. This would allow flexibility and would avoid having to go to Board of Adjustment.
2. Look at the restaurants close to 5,000 square feet and determine an acceptable square footage for permanent seated dining and bar area.
3. Give an unlimited amount of floor area to ancillary areas.
4. Rewrite the restaurant ordinance for clarification and organization as to what is included in the calculations for square footage.

Various suggestions were made regarding brew-pubs:

1. Determine how much wholesale product can go off the site.
2. Create a process such as a conditional use permit that tags onto the permit of compliance.
3. Change the code to allow brewery-pubs as a permitted use in the different commercial zones.
4. Consideration to restrict brewery-pubs to C-1 and not allow them in C-2.
5. Define what brewery-pubs are.
6. Set the amount of how much can be brewed.
7. Impose conditions in order for a brewery-pub to get a license.
8. Control conditions such as storage, noxious odors, etc.

A draft ordinance will be prepared for the next Workshop Meeting on January 4, 2016.

Discuss the possibility of the City eliminating its collection of refuse from commercial establishments.

The focus on this discussion was of what is best and how to measure what refuse leaves the City because recycling is not done. It is difficult to provide this information of what the City's trash weighs. City Manager Sharon Lynn recommended that this matter should be reviewed and figure out a way to distinguish and differentiate the amount of cardboard and paper vs. the amount of garbage and trash that people put out. In moving forward through the summer season, she will try to get a determination on that weight. It was recommended that the discussion of commercial trash should be eliminated for City purposes and concentrate more on commercial recycling efforts.

More discussion on this matter is needed and will be continued at the January 4, 2016 Workshop Meeting.

Discuss potential changes to the City's Charter related to voter qualifications and voter registration requirements.

This item was deferred to the agenda for the January 4, 2016 Workshop Meeting.

NEW BUSINESS

Discussion to identify potential future agenda topics concerning continued zoning review, tree plans and ordinances, and CDP recommendations.

Future agenda topics were identified: 1. Zoning. 2. Offstreet parking and possibly creating a committee to move forward with it. 3. Incentive program in place regarding trees. 4. Tree Ordinance. 5. Tree planting plans. 6. Tree mitigation monies. 7. Public areas between curbing and sidewalks, right-of-ways, easements, etc. 8. Comprehensive Development Plan recommendations from the Planning Commission. 9. Streetscapes for Baltimore and Wilmington Avenues. 10. Sidewalk design. 11. Architectural design review. 12. Discontinuous sidewalks.

CITY MANAGER'S REPORT

The Oak Avenue and Hickman Street paving projects will be completed in two weeks. Two trailers have been delivered to complete the Police Department. The modular units for City Hall are in place and are being fitted out. The Parking building has been demolished this morning. With regard to Bid Pack No. 4 for the construction of City Hall and Police Department, the due date for the bids was extended to December 22, 2015 at 2:00 p.m. City Hall will be closed to the public beginning December 10, 2015 through December 15, 2015 for the move of the administrative offices to the modular units and will be open on December 16, 2015.

A Special Meeting will be held on January 4, 2016 to award the bid for Bid Pack No. 4. The City Hall Complex Master Plan Task Force Meeting will be held on January 4, 2016. The first Budget Session will be held as a special meeting in January 2016.

COMMITTEE REPORTS

There were no reports.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There was none.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

Items were discussed previously in the agenda.

CITIZEN COMMENT

There was none.

The next Regular Meeting will be held on December 18, 2015 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 1:13 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)