

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

October 17, 2014

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach was called to order at 7:04 p.m. by Mayor Samuel R. Cooper on Friday, October 17, 2014 in the Second Floor Auditorium of Rehoboth Beach Fire House, 219 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: City Manager Sharon Lynn
 City Solicitor Glenn Mandalas

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Bill Sargent, to approve the Agenda with the deletion of the May 5, 2014 Workshop Meeting, June 9, 2014 Special Meeting, August 4, 2014 Workshop Meeting, August 15, 2014 Regular Meeting, September 8, 2014 Workshop Meeting, September 12, 2014 Joint Meeting with Planning Commission and September 19, 2014 Regular Meeting Minutes. Motion carried unanimously.

CORRESPONDENCE

Letter received October 16, 2014 from Ruth Cope, 30 Lake Avenue, regarding the Lake Avenue Streetscape meeting today and in support of the project.

APPROVAL OF MINUTES

No Minutes were available for approval.

PUBLIC HEARING on and consideration of a proposed ordinance imposing a moratorium on permits or other approvals for the construction of unenclosed swimming pools in the residentially zoned areas within the municipal limits of the City of Rehoboth Beach.

City Solicitor Mandalas stated that notices were published in the Cape Gazette on September 25, 2014 and September 30, 2014, Coast Press on October 1, 2014 and Delaware State News on September 25, 2014 and September 26, 2014. He noted the procedures for the public hearing. City Solicitor Mandalas read the proposed ordinance. An enclosed swimming pool is intended to mean indoors in a permanent structure. An indoor pool is not a pool that is under a plastic tent or thin-walled temporary structure.

Public Comment

1. Jim Reed, 115 Rodney Street, was in support of the moratorium.
2. Sharon Palmer, Rental Manager of Coldwell Banker and Chair of Rental Affairs Committee of Sussex County Board of Realtors, noted that this is more of a noise issue than a swimming pool issue. She proposed that signs be placed on porches on large houses and information should be provided to guests through VRBO or through a real estate agent. Coldwell Banker is willing to buy the signs for their rental properties and put them up as a reminder to visitors that they are in a residential neighborhood.
3. Mable Granke 1013 Scarborough Avenue Extended, was in support of the moratorium because the City needs breathing space so that these concerns can be properly addressed. The concerns are multi-faceted, and there is no one solution. The Commissioners will have to look at the ordinance to solve a definite problem. She hoped that if anyone is going to communicate with the City and residents, such as the Sussex County Board of Realtors, that they will have the courtesy of putting a name to its communication.

4. Roberta Price, 300 Munson Street, supported Sharon Palmer. This is a noise issue, not a pool, hot tub or spa issue. If pools are prevented from being built on properties, people will be hurting themselves for prospective rentals as well as selling of properties. The noise issue needs to be dealt with.
5. Linda Kauffman, 206 Laurel Street, was in support of the moratorium. She reminded people that the moratorium is not to stop pools forever, but to give the City breathing room. More properties are being listed on vacation rental by owner and do not have active managers. Noise is an issue late at night. A lot of the property owners have not wanted to bother the police and wanted to handle it locally. A large house with 27 people, bikes, cars, strollers, beach chairs and noise at the pool takes away from the value of her property. Any of the mega-hotels with the pools next to property owners detracts from the value of their properties.
6. Mary Parvis, 103 Henlopen Avenue, was in support of the moratorium. She called attention to the letter from the real estate company. A lease can be written with an ironclad liability paragraph in it, but if someone is at a pool and a friend is invited and someone slips on a tile, the owner will be sued. The house will go into foreclosure, and a neighbor will be next door to a house that was previously a rental.
7. Lynn Wilson, 28 Virginia Avenue, referred to a rental property on the corner of Olive Avenue and First Street in which she had to call the police because of a swimming pool party. She asked what kind of a law can be passed when there is noise coming from screaming kids at a swimming pool during the daytime.
8. Ron Truesdell, 335 Laurel Street, was in support of the moratorium. He has planned for eight years to build his retirement home with a plunge pool. It is his responsibility as a homeowner to control noise and to have insurance. Mr. Truesdell requested that the Commissioners consider a simple family homeowner who does not plan on renting his residence. The moratorium with a wrong result will probably or could probably resolve the noise issue, but it could also negatively affect the families that which to move to the City to make this their home.
9. Edie Herron, 36 Park Avenue, was in support of the moratorium. She hoped that the Commissioners will follow through and make the best use of the community. The noise and ambience of the City could change with the advent of many large houses and pools.
10. John Swift, 100 Sussex Street, noted that it is not about whether there is a moratorium about pools. It is more about noise. He suggested that the Commissioners should keep in mind about noise and whether it is really about pools, zoning and Floor Area Ratio (FAR).
11. Joseph Cascio, Rental Manager of Mann & Sons, 414 Rehoboth Avenue, noted that it has in excess of 15 rental homes with private swimming pools. All of the owners want to be good neighbors. Not one owner is looking for their property to be a nuisance to other homeowners. Correspondence is issued for quiet time and to respect neighbors. No noise is allowed from 10:00 p.m. to 8:00 a.m. This correspondence is posted at every unit. In 2014, he has received only two complaints about noise. Part of the problem with the noise issue is that either the complaints are getting back to him or people do not know who to call. With regard to the 15 rental homes, the occupancy limit is the limit regardless of a party or not. There is a remedy for exceeding the occupancy limit. Noise issues with the swimming pool equipment can be addressed. Light of the swimming pools can be an issue especially late at night. Mr. Cascio did not know that the moratorium is necessary, but a task force should be formed of owners who rent, owners who do not rent, realtors and City officials.
12. Tony Coelho, 51 Baltimore Avenue, was in support of the moratorium in order for the Commissioners to come with a solution with a way to solve the noise problem, not to solve the pool problem. There is a noise problem. Noise in the morning to service businesses, etc. is a bigger problem than at night. Pools are not the issue. He suggested that the Commissioners look at the issue as it is and stop pretending that it is a pool issue. The Commissioners should get the facts before they decide and make sure that it is fair for residents. The Commissioners should look at the noise issue, not pools nor ownership of pools.
13. Tom DePasquales, 11 Queen Street, contracted with Eric Williams who prepared a plan for a swimming pool to be built. Today, Ms. Terri Sullivan of the City presented a list of 10 concerns and said because of Section 4.2, the application has to be absolutely complete. There is not a list of what "complete" is. He was told by Ms. Sullivan that there was no recourse to their conversation. Mr. DePasquales asked the Commissioners if that is really what they want to do. Mr. DePasquales' application will not be reviewed because he cannot answer 10 questions. He would like the Commissioner to reconsider Section 4 and let the building committee do what it is supposed to do and approve plans vs. reject them.
14. Eugene Lawson, Esq., 12 Hickman Street, noted that the Joint Meeting in September 2014 was focused mainly on noise complaints, only some of which were pool related. Typical, a moratorium stops an

- action that is the target of change to give for the board time to consider its options. In this instance, it appears the focus of the Commissioners' attention is on rental property size, green space, parking, bedrooms – almost everything but pools. For the consideration of a moratorium, the Commissioners should focus on actions that are likely to be considered for major change, not general topics of citizen unrest. The focus of the Commissioners' consideration should be facts and not heated emotional statements. There are slightly more than 2,300 rental licenses in the City, with approximately 1,300 being single family residences. Of the approximately 100 pools, 61 are with rental properties. Over the past three years, there have been less than 70 documented noise complaints per year on an average. The most frequent repeat noise complaints were from owner occupied properties, not rental properties. There is fewer than one complaint per year for 18 residential family units and one pool complaint per year for 78 rentals. These records kept by the City can hardly define a crisis. The true story is that there have been very few instances where noise was enough for people to complain about. Because there are so few complaints considering many rentals, there is no rational reason for taking this step to enact a moratorium. The moratorium and not permitting pools will not significantly affect the noise complaints. If the Commissioners wish to impact the noise situation, quiet time in the residential areas of the City should be adopted, and then aggressively enforce it.
15. Frank Cooper, 96 East Lake Drive, said that the generators of the complaints are not only from rental properties, but also from owner-occupied properties where the pools were involved in it. Pools should be a licensable item. In order to have a swimming pool, a license and a permit would be needed on an annual basis. This would also include a safety inspection, and licensing the pool would be part of the rental license agreement which could be revoked. Behavior and noise is the key. The object is to shut down the generation of noise related to swimming pools to the satisfaction of the surrounding neighbors. Building & Licensing could issue license for pools. It separates rentals from pools. The Commissioners should delineate what the problem is and focus on it. Mr. Cooper can understand the moratorium.
 16. Allen Walker, 202 Scarborough Avenue, was not in support or opposition of the moratorium. He asked for a modification of Section 4 in the language. Mr. Walker had made applications for clients for two construction projects that included swimming pools. Both designs were centered around the pool. Both projects had been rejected by the City. Planning and design for these projects began well before the moratorium issues started being discussed. When the applications were submitted, he was not given any guidance. The applications were accepted without any comments. There was no reason to question that because Mr. Walker was unaware that the applications would be processed differently from other application that had been submitted in the past. It has been common procedure in the City that the City requests and accepts additional information or clarification needed during the approval process. It was only when his applications were rejected that he was told the applications must be treated differently under the terms of the moratorium. This is unfair especially since the moratorium language was not made public until after the deadline expired for submitting the permit applications. This is an issue of fairness.
 17. Richard Perry, 46 Pennsylvania Avenue, noted that he is one of the affected parties by the application of new and unpublished, unnoticed guidelines for processing the applications which at the September 12, 2014 meeting, the Commissioners indicated could continue to be submitted through September 19, 2014. In good faith, Mr. Walker had submitted Mr. Perry's application on September 15, 2014 with designs that the swimming pool would be the focal point. It was accepted and deemed at that point in time to be complete. This application is consistent with the applications that have been submitted historically to the Building & Licensing Department with an opportunity to clarify and to provide additional information. Mr. Perry's application has now been rejected. In fairness to Mr. Perry as a resident, he felt he deserved better treatment than that.
 18. William Feeney, 104 Columbia Avenue, noted that he is a licensed architect. In September 2014, he submitted three projects for permits. Each was submitted, checked for required drawings and accepted by the City as complete applications. In the first application for a house without a pool, comments and clarifications were issued by the City. Mr. Feeney revised and resubmitted drawings accordingly. This application was approved for a permit on October 14, 2014. On September 15, 2014 and September 17, 2014, the second and third projects were submitted, one as a new residence with a pool and the other was an addition of a pool to an existing residence. The drawings were submitted, checked for required drawings and accepted by the City as complete applications. Comments and clarifications from the City were written, but instead of allowing him to revise or comment, he was told the applications were rejected for lack of completeness. The third project which consisted of a house with the addition of a pool was rejected. It is not known if there were comments. All three projects were done at the same time, in the same level of completeness from Mr. Feeney's office.

- Mr. Feeney requested he is allowed to respond to comments from the City and revise drawings the same as has been done in the past.
19. Lou Boghosian, 100 Stockley Street, was in support of the moratorium. He noted that it is 20 feet from an upstairs bedroom to the pool behind the mini-hotel adjacent to his home. Eight feet beyond the pool, the back of mini-hotel rises upwards of 30 feet. This creates an amphitheater 20 feet from his home. Noise is relentless, day after day all summer long. Mr. Boghosian has been trying to cope with the noise. When the noise becomes unbearable, he calls the police. Mr. Boghosian asked the Commissioners who needs the mini-hotels in the residential neighborhoods. Prior to this trend, the City has had a thriving rental market. He felt there will be a probably drop in property value. Rehoboth is not better off with these commercial properties in the residential neighborhoods. With each new home, there is a cluster of six adjacent homes that are affected. This needs to stop before it consumes the City.
 20. Ed Bassett, 108, 118 & 120 Laurel Street, was in opposition to the moratorium because he would like to see the Mayor and Commissioners be forced to deal with the noise problem head on. Sea Isle City and Ocean City, New Jersey have the "Animal House" ordinance. It has quieter down these cities. On the rental side, each rental unit that has a pool is required to post a \$5,000.00 bond at the beginning of the season. When there are two completed complaints involving prosecution on the noise ordinance, the bond is forfeited. This type of courage will be required of the Commissioners to put teeth in the noise ordinance to save the City.
 21. Steve Ellis, Esq., 50 Oak Avenue, spoke on behalf of Mr. Rick Perry. It is his understanding that Mr. Feeney has submitted many plans for houses in the City over the years. The plans that were submitted by Attorney Ellis' client were not rushed, easily prepared plans. They were submitted after four to five months of intensive work. He is not pro-pool nor is he anti-pool. The same rules for applications prior to September 19, 2014 should be applied to these applications. It makes no sense that every application that was submitted with a pool on September 19, 2014 has or will be rejected. This is not a satisfactory response by the City government.
 22. Donna Mabry, 221 Hickman Street, was in support of the moratorium. She said that with regard to pools, the problem is noise that occurs continuously everyday throughout the entire summer. Something has to be done. The pools are adding to the noise problem. The City needs to create regulations about how pools go in so that the noise is contained on the owners' lots.
 23. Chuck Donohoe, 46 Columbia Avenue, was in support of the moratorium. The problem is bigger than noise itself. The problem is a loss of trees, traffic and parking congestion in neighborhoods and overcrowding of rental houses. The Commissioners and planning experts have to figure out to solve these problems.
 24. Edward Chrzanowski, 200 Laurel Street, said he has been affected by the application he submitted prior to September 19, 2014. He is saddened by the way he is being treated as a resident and homeowner in the City. There is a fairness issue here as well as a legal liability retroactively changing how permits are being dealt with after the fact and putting in new guidelines for permits retroactively. There is plenty that can be done with noise and controlling pools and renters such as separate security deposits for renter that would only deal with noise and pool violations, separate contracts that deals with noise and pool violations and enforcing quieter pool equipment.
 25. Donald Myers, 43 Oak Avenue, was in support of moratorium. The moratorium will provide adequate time to address the issues. There is a pool problem because pools by their nature generate noise. This is a reasonable exercise of the Commissioners' power to provide the health and safety of the citizens. He urged that moratorium should be adopted tonight or as soon as possible thereafter.
 26. James Suit, 218 State Road, said that the real issue is the issue of personal responsibility. The real issue is enforcement of existing regulations when people do not use reasonable behavior and influence and affect other people in their neighborhoods. Until government enforce ordinances and take these issues on, only convenient solutions are looked at.
 27. Pat Coluzzi, 41 Sussex Street, was in opposition of a moratorium. Pools are not the issue. Noise is the issue. There are ordinances in place in other municipalities that could help this City such as Dewey Beach has a three strikes you're out ordinance for renters. It does not apply to people who own properties. Another example is signage. A lot of times people just need to be told about noise. The Commissioners need to focus on the noise ordinance. She suggested that the Commissioners should look at Dewey Beach's ordinance with the possibly of adopting a similar ordinance. The mini-hotels are a real issue. These are not residences. They are money making ventures, and they do not belong in the residential areas. Ms. Coluzzi hoped that the Commissioners will look at this as a noise issue and not a pool issue.
 28. Brian Ellis, Esq., noted that he represents the owners of 200 Laurel Street. He asked that the

- Commissioners take a careful look at and take any action necessary to ensure that the Building & Licensing Department takes actions necessary to ensure that those applications are treated fairly.
29. Arlene (unknown), 515 School Lane, was in opposition to the moratorium. The Commissioners should focus on the heart of the issue – noise. They should deal with the essence of the issue and deal with controlling noise.
 30. Christine Oskar, 116 New Castle Street, said that the real issue is build-out the lots to the maximum. When building on a lot, there possibly is an eight or ten bedroom house with a pool, garbage, runoff problems, noise problems and parking problems.
 31. Walter Brittingham, 123 Henlopen Avenue, noted that letters to the editor of newspapers are not part of the public record. Letters need to go the Mayor and Commissioners to be part of the considerations.

Mayor Cooper noted that the Commissioners will be dealing with all the issues that have been raised. The Commissioners have tasked a consultant with URS Corporation, City Manager, Building Official and Chief of Police to gather data, etc. This subject will be discussed on a continual basis by the Commissioners until they have come to a resolution. Mayor Cooper noted he has heard that pools are the flashpoint at this point. Clearly there are bigger issues, and the Commissioners will have to deal with them. There are a number of pools that have been built that have created a problem. The Commissioners need to take the time to see how this problem will be solved going forward.

Mayor closed the public portion of this hearing.

Correspondence:

1. Letter received September 29, 2014 from Stan Heuisler, 81 Henlopen Avenue
2. Letter with attachment received September 29, 2014 from Donald J. Myers, 43 Oak Avenue & Donna Mabry, 221 Hickman Street
3. Letter received October 1, 2014 from James Johnson & Matthew Shepard, 84 Park Avenue
4. Email received October 1, 2014 from Avrim "Ave" Topel, 102 Stockley Street,
5. Letter received October 7, 2014 from Lou & Sue Boghosian, 100 Stockley Street,
6. Email with attachment received October 7, 2014 from Lou & Sue Boghosian, 100 Stockley Street,
7. Email received October 7, 2014 from John W. Connolly, 220 Laurel Street,
8. Email received October 7, 2014 from James L. Pierce, 504 Bayard Avenue,
9. Letter received October 7, 2014 from Libby Stiff, 1007 Scarborough Avenue Extended,
10. Letter received October 8, 2014 from Donald & Lynne Myers, 43 Oak Avenue,
11. Email received October 8, 2014 from Mark Betchkal, 98 Sussex Street,
12. Email received October 10, 2014 from John & Leah Rodgers, 45 Oak Avenue,
13. Letter received October 14, 2014 from Paul H. Levine, 122 New Castle Street
14. Email received October 14, 2014 from Bradford C. Jones, 205 Laurel Street,
15. Email received October 14, 2014 from Michael J. Bryan, Esq., 220 New Castle Street
16. Email received October 14, 2014 from Joseph & Frances Sparacino, 307 Bayard Avenue
17. Email received October 15, 2014 from Edie & Jim Herron, 36 Park Avenue,
18. Email received October 15, 2014 from Timothy C. Spies, 53 Columbia Avenue
19. Letter received October 15, 2014 from Mildred A. Reed, 115 Rodney Street
20. Email received October 15, 2014 from Thomas McGlone & Andrew Meddick, 318 Laurel Street,
21. Email received October 15, 2014 from Paul Michael Lutz, 76 Sussex Street Unit #2,
22. Email received October 15, 2014 from Jim & Carol Ellis, 107 New Castle Street,
23. Email received October 15, 2014 from Frank E. Gainer, 59 Maryland Avenue
24. Email received October 15, 2014 from William Barnes, 10, 12 & 14 Maryland Avenue,
25. Email received October 16, 2014 from Seth &Carolynn Riley Melchert, 80 Henlopen Avenue
26. Email received October 16, 2014 from Janet Treusdell, 335 Laurel Street,
27. Email received October 16, 2014 from Don & Connie Santarelli, 67 Henlopen Avenue,
28. Email received October 16, 2014 from Jerry Dettore, 74 Sussex Street
29. Email received October 16, 2014 from Barbara Ann Evans, 19 Olive Avenue
30. Letter received October 16, 2014 from Linda & John Darr, 100 Norfolk Street
31. Letter received October 17, 2014 from Karen Howland, 309 Hickman Street,
32. Email received October 17, 2014 from Nancy Herman, 153 Columbia Avenue
33. Email received October 17, 2014 from Bryan Hoffman, 34 & 36 Kent Street
34. Letter received October 17, 2014 from Rebecca Howland, 310 New Castle Street Extended
35. Email received October 17, 2014 from Edward J. Bassett, 108, 118 & 120 Laurel Street
36. Email received October 17, 2014 from Richard J. Petty & Edward J. Chranowski, 46 Pennsylvania Avenue

37. Email received October 17, 2014 from Allen Walker, Builder, address unknown

Commissioner Mills noted that in the 37 letters that have been received, there were a number of letters that did not address the moratorium on issuing permits for pools. The majority of the letters favored the moratorium, but there was a good number that expressed additional concerns about mega houses, noise, lighting, etc. Some letters gave additional recommendations on what to do. Ms. Linda Kauffman at a previous meeting, had asked if the Commissioners will be listening and addressing those recommendations. It is Commissioner Mills' expectation that those recommendations will be cataloged and will become a part of the Commissioners' discussions at some point in the future. Commissioner Mills noted that he believes excessive noise erodes one's sanity. It is prudent to impose the moratorium on the issuance of building permits for pools. The moratorium will give the Commissioners time to look at the noise, lighting and water runoff issues along with other zoning issues such as mega houses, density, lack of off-street parking, etc. He said that the public should not equate a favorable vote with a ban on swimming pools. The moratorium will help the Commissioners in going forward to address some of the issues such as possibly requiring motors for swimming pools to be put in basements or in a protective shelter or container, imposing hours of pool use, imposing hours on pool lighting, etc.

Mayor Cooper noted that all the correspondence which has been received will be posted to the City website under Ongoing Business. He is not at the point of banning pools into the future, but to respond to complaints on noise is not the answer. This is pervasive. The Commissioners need to take the time to review this subject. To allow pools to be put in in the next six months while the Commissioners talk about these issues would be a disservice to everyone. There will be restrictions on pools such as putting the pool equipment inside. If it were not for a handful of pools, the Commissioners would not be here talking about noise. The pools have been the catalyst that has brought the noise issue forward. It is much bigger than pools, and it is bigger than the noise that comes from pools. The moratorium is appropriate at this point to give the Commissioners the time to look at these issues.

Commissioner Sargent added that he would in no way want to minimize the important of the noise issue. It is a huge issue, but it is not the only issue. He intended to support the moratorium because there is an inner play between the size of houses and the pools. The current ordinances do not address this issue. The Commissioners need to study the impact of larger houses with pools, lot coverage, water runoff, setbacks, FAR, number of parking spaces, protection of trees, etc.

Commissioner Zellers has agreed that this is a noise issue. The working group data has shown that this is not just about pools. Noise is directly related to pools. By investigating the pool issue, it has been shown that all of these things are interrelated and how complex this situation is. Things like lot coverage, occupancy limits and rental licenses have all interplayed in this. The City has no specific pool ordinance. There are no guidelines governing hours, quiet time and use time, lighting requirements, safety, runoff and drainage, and mechanisms for emptying and filling pools and the impact on the stormwater system or on neighboring properties. These are things the Commissioners will have to look at holistically. It would be irresponsible to allow pools to continue to be put in without the Commissioners dealing with it. The working group has shown that there are issues with noise and enforcement. With regard to rental licenses, the Commissioners need to provide their expectations of what is wanted in the residential areas and perhaps add language to a rental license and adding signs. The Commissioners can establish reasonable guidelines for pools, and the moratorium will give the Commissioners a chance to do that while addressing these other more important issues that have come to light. Commissioner Zellers Was in support of the moratorium. It addresses an omission in the Code and will add to health, welfare and safety to all the citizens.

Commissioner Toni Sharp noted that the Commissioners need breathing space to attack the multifaceted issues. The Commissioners need to fair for all and get the facts. The Commissioners need to stop and think, and the time to do it. The Commissioners need to be thoughtful and intelligent, and take a sensible step. The Commissioners need to stand up and take it on. She was in support of the moratorium.

Commissioner Kathy McGuinness thought that the task group provided fantastic information to the Commissioners. There were 77 complaints from January 1, 2014 to September 1, 2014 of which 12 were pool or hot tub related, and approximately half of them were owner occupied. Everybody's voice counts. Noise is the issue. Even if the Commissioners move forward with the moratorium, they have to address the noise issue. She was leaning towards the moratorium because a step back is good. Commissioner McGuinness would like to do thoughtful planning and have sincere cooperation and include a property owner, a realtor and Building & Licensing. A lot of issues will come forward such as green space, parking, enforcement of rentals, etc. the Commissioner will have to be kind and thoughtful of everybody. A balance can be worked out by preserving

the City's charm, but at the same time, keeping the seaside charm. Ordinances from other municipalities could be great guidelines. She would like to be aggressive with the timeline to move forward where the Commissioners can come to a six month deadline.

Commissioner Patrick Gossett said that in 2000, the Planning Commission came forward with the neighborhood preservation ordinance which addressed a lot of the issues the Commissioners are talking about today. There was not the enthusiasm at that time as there is today with the property owners who want to see the impact that this is having on the community. A lot has happened and changed in 15 years. The Commissioners should take the opportunity to look at what may happen in the next 10 or 15 years for this community. The Commissioners have to manage what is going on. He was in support of the moratorium. The Commissioners have the responsibility as the caretakers of this community for the current time. The Commissioners need to take six months to look at this situation and have input from everyone to understand what is going on. The Commissioners need to take the time to update the codes to be forward thinking and look ahead to preserving the community for now and into the future.

Commissioner Sargent made a motion, seconded by Commissioner Mills, to adopt the ordinance as read by the City Solicitor that imposes a moratorium on permits or other approvals for the construction of unenclosed swimming pools in the residentially zoned areas of the municipal limits of the City of Rehoboth Beach. (Sharp – aye. This is the Commissioners' springboard for a much more robust, long range plan via zoning to align ourselves with what the community values. Gossett – aye, to protect the health, safety and welfare of the community, but also to address the issues specifically with density and establishing and setting expectations of property owners, visitors and renters. Sargent – aye. The Commissioners should look at noise, limitation of hours, lighting, stormwater runoff, pool water disposal, child protection, health and safety inspections, commercial establishments in residential neighborhoods, trash, etc. which are all important issues to think about. Why the moratorium is really needed is because we need to see where it fits in with zoning with respect to Floor Area Ratio (FAR), lot coverage, setbacks, trees and their protection and required parking. Without the moratorium, the Commissioners cannot address those issues with respect to pools. Cooper – aye. Evidence was presented for the record here this evening, in the correspondence received to date and the input the Commissioners have had that the construction of pools particularly as they relate to large houses have become an issue that this Commission needs to take up and find some way to resolve the issues around the pools and the noise they create and other issues as well. The Commissioners need to put the moratorium on and take the time to look at these before they are inundated with them and it is too late. Mills – aye, for the reasons stated by Commissioners Zellers and McGuinness, and for the reasons he stated earlier. Zellers – aye. She supports it, and it will allow the Commissioners time to address omissions in the Code, to look at different aspects of the Code, to tweak them and make them more relevant. It will do wonders to preserve the health, safety and welfare of the community. McGuinness – aye for health, safety and welfare.) 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 September 2014. There were 61 criminal, 148 traffic and six civil charges made during the month. Eleven traffic crashes were investigated. The drug take back program last month was a success. Over 51 pounds of prescription drugs were collected in four hours for the Police Department to safely get rid of. The Dispatch Center handled 281 police incidents, 241 ambulance incidents, 42 fire incidents, 213 traffic stops, assisted other agencies three times during the month and 9-1-1 calls totaling 520 were received.

REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY

There was nothing to report.

REPORT OF THE BUILDING AND LICENSING DEPARTMENT

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for September 2014. During the month, 87 permits were issued for a value of work totaling \$3,505,177.76. Fees collected totaled \$90,106.08 for the month. Ninety-seven permit processing fees were received in the amount of \$1,940.00. The Board of Adjustment heard no cases in September. No restaurant applications were received in September. One notice of violation was issued for tall grass. One notice of violation was issued for trash in public view. There were 38 building inspections, 10 plumbing inspections, two rental inspections, two meetings regarding trees, 39 meetings regarding new projects and nine meetings regarding City business.

REPORT OF PLANNING COMMISSION

Planning Commission Vice Chair David Mellen reported that the Regular Meeting of the Planning Commission will be held on October 31, 2014 at 12:30 p.m.

OLD BUSINESS

There was none.

NEW BUSINESS

Mayor Cooper called to consider award of contract for the Fire Hydrant Painting – Phase 1 Project for which bids were received and opened on October 1, 2014.

Mr. Bob Palmer of Beacon Engineering noted that hydro-maintenance and valve inspection was performed in Spring 2014. Originally, the funding for this was allocated in the amount of \$225,000.00, but only approximately \$120,000.00 was spent on the inspection work. Since that work has been completed, a portion of the fire hydrants have been put out to bid. The apparent low bidder was Corrosion Control with an estimated price of \$102,500.00. Mr. Palmer has spoken with a representative from Corrosion Control about modifying its scope and increasing the number of hydrants to be painted in the event the balance of \$225,000.00 can be used during this funding cycle. The low bidder has agreed to stay on and work with the City from beginning to end. Mr. Palmer's forces would be on call to work with Corrosion Control with regard to working during the winter months. Because of the time of the year and the location, it is proposed that 200 fire hydrants would be recoated outside of the City. There are approximately 250 fire hydrants outside of the City. The two communities which will not have the fire hydrants rehabilitated in this phase are in newer subdivisions off of Hebron Road. Mr. Palmer recommended that the Fire Hydrant Painting Project be awarded to Corrosion Control in the amount of \$102,500.00. The chains on the fire hydrants will be cut off and thrown away. All fire hydrants in this phase are slated to be sandblasted to bare metal and then coated with the specified coating system. It is Mr. Palmer's expectation that any and all fire hydrants in the City, unless they have been installed within the last three to five years, should be sandblasted and recoated. There are a total of 465 fire hydrants within the system.

Commissioner Sargent made a motion, seconded by Commissioner Mills to award the bid to Corrosion Control for the fire hydrant painting in the amount of \$102,500.00. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, McGuiness – aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

City Manager Sharon Lynn reported that the annual city auction will be held on November 1, 2014 at 10:00 a.m. in the parking lot behind the Fire House. City offices will be closed for Election Day on November 4, 2014 and for Return Day on November 6, 2014 after 12:30 p.m.

City Manager Lynn recommended the approval of the Street Aid expenditures:

10/08/2014	552	Delmarva Power	\$4,727.99 (Street Lights)
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Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the Street Aid expenditures as presented. Motion carried unanimously.

COMMITTEE REPORTS

There were no reports.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Mayor Cooper announced that with regard to the City Hall Project, last month the Commissioners voted to approve going forward with the design development. The architect is working on this project. The City Manager will be authorizing more survey work for elevations, etc., as the plans are put together. The City Manager, Mr. Burt Dukes and Mayor Cooper has been talking with several financial institutions on how to secure funding. No meetings will be held by the Task Force until there is something to discuss. The Chief of Police set up a meeting with all the involved parties with communications to discuss what can be done with the Dispatch Center during construction. The representatives of State communications, Sussex County Operation Center and computer

representatives from the State were in attendance. There was good dialogue and agreement that it may be possible and to the City's benefit to move the dispatchers during the construction period to Georgetown, DE and have the calls answered there. Temporary space would need to be found for the police officers which would allow for the entire building to be demolished at one time. EDiS Company has put together a schedule that demolition would start next fall 2015 and construction would go to Spring 2017. Mayor Cooper has asked EDiS to put together a schedule for its work from now until the start of construction and to set milestones.

City Manager Lynn noted that there will probably be an administrative services person at the window for the Police Department for walk-ins. There will be open, direct contact with a live person in the Police Department.

Mayor Cooper attended the meeting three weeks ago held by DelDOT about Rehoboth Avenue sidewalks. He is not happy with the plans that were sent to him. Mr. Bob Palmer has become involved with this project on October 9, 2014. Mayor Cooper and Mr. Palmer met with DelDOT on October 15, 2014. DelDOT is proposing to wipe out the streetscape elements such as the brick pavers, scored pavement, etc. One of the issues Mayor Cooper has is that the contractor has a lot of latitude in how he deals with these. The real issue is with the cross-slope on the sidewalk almost entirely within the driveway aprons. Mayor Cooper will be communicating with the people in charge of this project. Mayor Cooper will prepare a letter to the Secretary of DelDOT to make them aware of the City's concerns with this project. This project is ADA driven.

Ms. Mable Granke, 1013 Scarborough Avenue Extended, said that she is very conscious of slope and inclines and how they are engineered in terms of approaching a sidewalk. Her recommendation was that there should be some verification that this will work for the people who are handicapped. Mayor Cooper said his concern is that the accessible path will not be in a straight line. There are solutions, but the easy way out has been taken.

DISCUSS ITEMS TO BE INCLUDED ON FUTURE AGENDAS.

There were none.

CITIZEN COMMENT

Mr. Walter Brittingham, 123 Henlopen Avenue, commented that a project scheduled to start in December 2014 on Route 275, Postal Lane and Cedar Grove Road. That project has started. There is no flexible signage anticipated for the project. Water lines will be going in the ground, but water will not be put in them right away. The project includes CATV, high tension electric, moving local poles. This project will affect the people coming to Rehoboth. No media has been alerted to what is happening. It would be in the City's best interest to notify people about the inconvenience for 210 days.

Mr. David Mellen, Rodney Street, asked the Mayor to comment on the authorization of monies for ocean outfall. Mayor Cooper said that Water Infrastructure Advisory Council Meeting was held on October 15, 2014. The Council held a public hearing and tentatively approved the authorization of monies subject to other input. Nothing has been received from the State with regard to the approval of the outfall project. The State is aware that the consent order has to be addressed before the end of the year.

The next Workshop Meeting will be held on September 8, 2014 at 9:00 a.m.

There being no further business, Mayor Cooper adjourned the meeting at 9:45 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)