

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

November 15, 2013

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach was called to order at 7:02 p.m. by Mayor Samuel R. Cooper on Friday, November 15, 2013 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	Mark Hunker

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

APPROVAL OF AGENDA

Commissioner Stan Mills made a motion, seconded by Commissioner Bill Sargent, to approve the Agenda as written. Motion carried unanimously.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

Minutes of the October 18, 2013 Special Meeting, October 18, 2013 Executive Session (afternoon), October 18, 2013 Regular Meeting, October 18, 2013 Executive Session (evening), November 4, 2013 Workshop Meeting, November 9, 2013 Special Meeting and November 9, 2013 Executive Session were distributed prior to the meeting.

Commissioner Mills made a motion, seconded by Commissioner Mark Hunker, to approve the October 18, 2013 Mayor and Commissioners Special Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the October 18, 2013 Mayor and Commissioners Executive Session (afternoon) minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to approve the October 18, 2013 Mayor and Commissioners Regular Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the October 18, 2013 Mayor and Commissioners Executive Session (evening) minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to approve the November 4, 2013 Mayor and Commissioners Workshop Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the November 9, 2013 Mayor and Commissioners Special Meeting minutes as written. Motion carried unanimously.

Commissioner Mills made a motion, seconded by Commissioner Toni Sharp, to approve the November 9, 2013 Mayor and Commissioners Executive Session minutes as written. Motion carried unanimously.

REPORT OF THE POLICE DEPARTMENT

(See attached report.)

Police Chief Keith Banks presented the report of the Police Department for the month of September 2013.

There were 28 criminal, 142 traffic and two civil charges made during the month. Seven traffic crashes were investigated. Chief Banks provided crime prevention tips for the holiday season as well as general residential burglary prevention tips. Last week Chief Banks had attended a hurricane recovery workshop sponsored by Sussex County. As the emergency operations coordinator, he is in the process of working on the recovery annex of the Emergency Operations Plan that was adopted in February 2013. The Dispatch Center handled 303 police incidents, 195 ambulance incidents, 46 fire incidents, 150 traffic stops and assisted other agencies nine times during the month.

Mr. Walter Brittingham, 123 Henlopen Avenue, asked how many tickets were handed out for parking at Sea Witch. It should be equal enforcement, not selective enforcement. Police Chief Banks responded that over 6,000 tickets were written.

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 a newly revised report of the Building & Licensing Department for October 2013. During the month, 91 permits were issued for a value of work totaling \$2,599,420.90. Fees collected totaled \$58,087.18 for the month. Ninety-nine permit processing fees were received in the amount of \$1,980.00. No restaurant applications were received in October. Two notices of violation were issued for accumulation of refuse and no permit. The Board of Adjustment heard three cases in October. There were 54 building inspections, eight plumbing inspections, one rental inspection, seven meetings regarding trees, 35 meetings regarding new projects and two meetings regarding City business.

REPORT OF PLANNING COMMISSION

Planning Commission Secretary Francis Markert presented the report of the Planning Commission. The Regular Meeting was held on November 8, 2013. The Planning Commission welcomed newly appointed member Paull Hubbard and re-appointed members Francis Markert and David Mellen. The Planning Commission held its annual election of officers. The following were re-elected: Preston Littleton, Chair; David Mellen, Vice Chair and Francis Markert, Secretary. A Preliminary Review was held for the properties located at 114 and 118 St. Lawrence Street and 113 Lake Drive. The Review identified errors in the surveys presented by the Applicants, and ownership questions were raised. The Applicants, through their attorney, requested that the Application be tabled so that they could address the issues raised during the Review. With regard to the tree study, the Planning Commission reviewed and discussed the major issues that it has reached consensus on. It is anticipated that an initial working draft of amended code language will be developed for discussion at the Commission's December meeting. It is the intent of the Planning Commission to present the Commissioners with a draft report of recommendations and a draft ordinance that contains amendments to the current tree ordinance. A Partitioning Application has been submitted for a property located at 49 Park Avenue. The Planning Commission plans to conduct the Preliminary Review at its December 13, 2013 meeting.

Mayor Cooper and Commissioner Mills thought that the report with regard to the tree study should be forwarded to the Commissioners first before investing a lot of time in trying to codify those things.

OLD BUSINESS

There was none.

NEW BUSINESS

Mayor Cooper called to consider adoption of a resolution setting a public hearing on a proposed ordinance amending Chapter 270, Section 270-26, of the City Code that would increase the side yard setbacks for any lot with greater than 52.5 feet of street frontage and a lot area of 5,250 square feet in the R-1 District and for R-1 uses in the R-2 District.

City Solicitor Mandalas read the resolution. (Copy attached.) This is a resolution proposing that a public hearing be held on the subject of amending the Municipal Code, Chapter 270, Section 270-26 relating to side yard setbacks. Because this is a proposed zoning change, it will require a public hearing, and the resolution setting the public hearing will need to be published. The proposed ordinance will change the side yard setbacks depending upon frontage and lot size. The ordinance to be considered at the public hearing is subject to the Pending Ordinance Doctrine and, therefore, upon the adoption of this Resolution and until the

City Commissioners act upon the Ordinance, no application for the issuance of any permit or other approval for any construction that would encroach the side yard setback areas that would be created upon adoption of the Ordinance shall be accepted by the Building & Licensing Department.

Commissioner Mills made a motion, seconded by Commissioner Hunker, to adopt the Resolution setting a public hearing for January 17, 2013 on the revised setback ordinance. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mayor Cooper called for confirmation of appointment to the Board of Adjustment.

Mayor Cooper recommended the appointment of Robert A. Wilson to the Board of Adjustment.

Commissioner Sargent made a motion, seconded by Commissioner Hunker, to approve the nomination of Robert Wilson to the Board of Adjustment. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

CITY MANAGER'S REPORT

City Manager Gregory Ferrese thanked the VIA for the donation of \$1,200.00 to purchase a defibrillator for the Beach Patrol.

Tonight, Mr. Ferrese gave an emotional farewell speech as City Manager. He thanked Mayor Cooper, the Commissioners and previous Commissioners that were in attendance at the meeting for all their support over the years. Mr. Ferrese also thanked the residents of the community and the business community. He reflected on many of his accomplishments as City Manager, camaraderie with State and local officials, friendships and family. On November 12, 1982, Mr. Ferrese had been hired by the City, and tonight's meeting was his last before his retirement on December 5, 2013.

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

11/13/2013	539	Delmarva Power	\$8,510.81 (Street Lights)
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Commissioner Sargent made a motion, seconded by Commissioner Mills, to approve the Street Aid expenditures as presented. Motion carried unanimously.

COMMITTEE REPORT

There was nothing to report.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There were none.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

There were none.

CITIZEN COMMENT

There was none.

The next Workshop Meeting will be held on December 9, 2013 at 9:00 a.m.

There being no further business, Mayor Cooper declared the meeting adjourned at 8:04 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)