

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

January 5, 2015

The Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:13 a.m. by Mayor Samuel R. Cooper on Monday, January 5, 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 (left meeting at 12:53 p.m.)
City Solicitor Glenn Mandalas (left meeting at 12:53 p.m.)

CORRESPONDENCE

There was none.

DISCUSS the request of the owners of the property at the southeast corner of Philadelphia Street and Bayard Avenue, 300 Bayard Avenue, to have their property rezoned from R-1 to R-2 was deferred to the next meeting.

OLD BUSINESS

Mayor Cooper called for the presentation by and discussion with Kyle Gulbranson of URS Corporation, the City's planning consultant, regarding the management of the impact on residential neighborhoods as related to size of houses currently being constructed, swimming pools, rental licenses and noise issues.

Mr. Kyle Gulbranson provided his presentation. At the last meeting, the Commissioners talked about the noise ordinance, pool ordinance and the rental brochure. The work group met the week between Christmas and New Year and made adjustments to all three of these. With regard to the noise ordinance and Newark noise ordinance, the noise levels are fairly similar. The Commissioners had determined that the current noise ordinance works well for the commercial areas. Since the last meeting, the work group updated the current City noise ordinance with the better parts of the draft ordinance. With regard to the pool ordinance, there was discussion about the need for a pool requirement. Permit requirements were discussed. Safety requirements were discussed for residential pools in general and additional requirements for pools that are used for rental situations. The draft ordinance has a pool operations license for rental pools which a permit would have to be established for that which could be revoked for bad behavior or not following the ordinance. The decision was made to modify the ordinance and to make all pools follow the same safety and signage requirements. With regard to the good neighbor brochure, the consensus was to remove the fluff because it is not a tourism piece of information. The current draft provides additional details on noise concerns, parking, trash requirements and pool quiet hours. Dates for 2015 were incorporated in the brochure. With regard to the noise ordinance, the work group has reorganized it. The purpose of the ordinance has been brought to the forefront. The work group added appropriate definitions for equivalent sound level, noise disturbance and plainly audible. Distance requirements for noise complaints from the Key West, Florida ordinance have been incorporated in the draft ordinance. If the sound source is less than 100 feet from the complaint, especially for a commercial area, the decibel level can be used in that situation. If the noise complaint is greater than 100 feet from the commercial sound source, the plainly audible standard can be used. In any residential situation, the plainly audible standard will be used. The consensus of the Commissioners was that any language that refers to and officer using discretion should be removed from the draft ordinance.

Commissioner Stan Mills said that the Commissioners need to determine and firm up what daytime and what nighttime are. In the current Code, daytime is 8:00 a.m. to 11:00 p.m. year-round. The draft ordinance refers to daytime as 9:00 a.m. to 11:00 p.m. year-round. This would also need to be applied to the pool

ordinance. Quiet hours in the pool ordinance are 11:00 p.m. to 9:00 a.m. Commissioner Kathy McGuinness agreed that there needs to be consistency.

Mayor Cooper did not see, in determining quiet hours, where the requirement is a whole lot different than the rest of the day. It would give a pass for the rest of the day as it relates to pools. He did not know what constitutes a quiet hour. Mayor Cooper voiced concern that if the Commissioners only define quiet hours and put the limitations on them, the inference would be that anything goes the rest of the time. Maybe what needs to be defined is what can go on the rest of the time so that there is a contrast. Commissioner Bill Sargent agreed that there should be a standard. He thought that the Commissioners should consider something in the 8:00 a.m. to 9:00 a.m. timeframe for people to be respectful to neighbors. The point of the quiet hours is that there should be no noise.

Mr. Gulbranson said the standard in most ordinances is the plainly audible standard. He has not seen where it has been defined further than that, where behaviors are specifically listed.

Commissioner Kathy McGuinness said that she would be in favor of consistency with pool quiet hours which mirror the noise ordinance issues; and then during the day, add something in the brochure or apply noise ordinance standards.

Mayor Cooper said that it was unclear to him that it was intended only for sound trucks because this section prohibits a sound amplification system unless there is a permit from the City Manager. Mr. Gulbranson noted that during the quiet hours in the evening, there is supposed to be no music.

Commissioner Lorraine Zellers said that if music is played outside and it is heard beyond the property line, then it would fall under the noise ordinance as plainly audible.

Mayor Cooper said that it should be made clear that there are to be no permanent sound systems on the exterior of homes. There needs to be a standard for the nighttime and a standard for the daytime with regard to noise and quiet hours. Pools are a constant magnet for the production of noise and disturbing noise. They fall into separate categories simply because they are used so and are not incidental anymore to the house. Pools are a major feature. That is why they need to be addressed somewhat differently. Mayor Cooper did not have a problem with a 11:00 p.m. cutoff for other noises, but as it relates to pools, the cutoff should be around dark. That is when people expect the sound to drop off considerably.

Mr. Gulbranson said that a section can be added which is specifically for residential quiet locations in residential districts, and then expand on that of what the expected behaviors are and the quiet hours. There would be two standards, one for daytime and one for quiet hours.

Commissioner Patrick Gossett thought that something which can be incorporated in a code for swimming pool operations is if there is a pool, it would require a pool operator license, and then there would be a separate set of standards such as 8:00 p.m. or sunset.

Commissioner Mills said that noise in the pool ordinance under Section 14(A), it shall be unlawful for any person to make, continue or cause to be made or allow at any pool any loud or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

Commissioner Zellers said that in the pool ordinance there is an exception for the pool operation licenses. Private pools can be noisy too. She did not think there should be exceptions with regard to noise and pools. The pool ordinance should apply to all pools, whether they are for rentals or are for private use. Commissioner McGuinness agreed.

Commissioner Sargent did not think that it hurts to have noise referenced in the pool ordinance, but the noise ordinance should apply in the residential district and should apply to pools, people, etc. The noise ordinance should be what is controlling for the residential area. Discussion ensued regarding noise, standards and enforcement.

Commissioner Toni Sharp thought that tweaking the times would be part of the solution. It sounds like what the Commissioners want is a community that is sensitive to the residents. This needs to be balanced with the fact that there are considerable rental properties. The way this will be done is to set parameters and have this strong ordinance behind those who must enforce it. It makes sense to have different times for pools, and pools have a shorter time duration. Pools, because of their frequency of usage, need to operate in a more diminished capacity during the evening hours. Commissioner McGuinness said that this would be the tool for enforcement which would be in an ordinance. Mr. Gulbranson said that the primary enforcement tool will be the noise ordinance.

Commissioner Gossett noted that the number of pools has proliferated in last two years which has caused a flashpoint of more noise which attracts around the pools. The Commissioners are trying to address an issue that is becoming a problem. A standard should be set or a policy should be established that prevents this or manages this in the future. If there are two sets of standards, there is a noise ordinance which is in place and should be enforced; but if there are larger houses rented out weekly with more people in the house, that is a different dynamic. Commissioner Sargent said that the noise issue is compounded because of the houses, but the issue is noise. Discussion ensued.

Mr. Gulbranson thought that there should be operation hours for pools. People would not be able to use the pools after a certain time.

Questions and concerns regarding the proposed noise ordinance:

1. Line No. 104. §189-3. Holidays. "Include the day before a holiday and Memorial Day, Independence Day and Labor Day."

Mr. Gulbranson noted that this wording is in the current noise ordinance and deals with construction.

2. Line No. 121. §189-3. Changed "Any sound which interferes with enjoyment of property rights..." to "Any sound which interferes with the peaceful enjoyment of the property."
3. Line Nos. 125-127. §189-3. "Any noise for which the information content of that noise is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech or comprehensible musical rhythms, including bass tones with a repetitive and impulsive sound."

Commissioner Mills expected that the police officers would need to be trained for plainly audible.

4. Line Nos. 145-149. §189-4(A)(1). "When two or more zoning districts are involved, the maximum noise levels for the more restrictive zoning district shall apply."

Mr. Gulbranson noted that this statement is from the current Code. The current Code does not identify any distance requirements.

Commissioner Mills said that this would only allow for the use of the decibel meter, not the plainly audible standard, where residential properties abut commercial properties.

5. Line Nos. 151-153. §189-4(A)(2). "Any small power equipment which exceeds permissible noise levels established in Subsection a(1) may only be operated during the hours of 8:00 a.m. to 8:00 p.m."

Mayor Cooper acknowledged that it is assumed this to be seven per week.

Mr. Gulbranson said that small power equipment will be defined and incorporated in the next version of the proposed ordinance.

6. Line Nos. 177-191. §189-3(D)(1) & (2).

Commissioner Mills said that these subsections need to identify when a noise disturbance occurs such that it is actionable and creates a violation. It needs to clarify and define what constitutes an actionable noise disturbance. These subsections identify when a noise meter is to be used and when the plainly audible standard is to be used. In the existing Code a noise disturbance occurs when the noise decibel meter is used in both commercial and residential areas. In the proposed provisions, a decibel meter shall be used to determine noise compliance or noise disturbance based on the location of the sound source and of the complainant's property when (1) the sound source is commercial and the complainant's property is commercial within 100 feet of the source property and when (2) the sound source is commercial and the complainant is residential property within 100 feet of the sound source. The plainly audible standard shall be used to determine noise compliance or noise disturbance based on the location of the sound source and on the location of the complainant's property when (1) the sound source is commercial and the complainant is farther than 100 feet from the sound source and when (2) the sound source is residential and the complainant is also on residential property and is located at any distance beyond the sound source property line. Commissioner Mills sought clarity when using the plainly audible standard when a sound source is commercial and whether the complainant is on residential and/or commercial property. These two paragraphs need to be massaged.

Mr. Gulbranson said that the intent is if the sound source is greater than 100 feet from the

complaint, whether it is commercial or residential, the plainly audible standard would be used. Any complaint from residential property to residential property, regardless of the distance, would be plainly audible.

7. Line Nos. 188-189. §189-3(D)(2). "A decibel meter measurement is not required to determine disturbing noise. In both situations, the plainly audible standard shall be applied."

Commissioner Mills did not know if this is contradictory or if the ability is given to use the plainly audible standard first and then the decibel meter additionally, rather than to the exclusion of the decibel meter. Mr. Gulbranson said that the ability is given to use the plainly audible standard first.

8. Line Nos. 189-190. §189-3(D)(2). "The investigating officer shall issue a citation if the complainant suffers disturbing noise within the boundaries of his property."

Mayor Cooper said that it sounded like the officer is obligated to issue a citation if the person says they have been disturbed. Police Chief Keith Banks agreed. The work group will need to write a procedure. City Solicitor Mandalas said that anything which is relating to enforcement should be in the enforcement section, not hidden in another section like this. In the enforcement section, it should say that it shall be a violation if... Then the officer will be able to decide whether or not a citation will be issued.

9. Line No. 193. §189-4(E). Changed "Yelling, shouting, hooting, whistling or generally creating a racket..." to "Generally crating a noise disturbance including yelling, shouting, hooting, whistling..."
10. Line Nos. 198-238. §18905. Noise disturbance.

Police Chief Banks noted that any special event on the beach requires a permit.

11. Line Nos. 219-223. §189-5(E). "No person shall use any machinery or device for the production or reproduction of sound which is cast upon public streets or lands for the purpose of commercial advertising or of attracting the attention of the public to any building, structure or activity except that a restaurant may use a sound system to notify patrons waiting outside that their table is ready, provided that such sound does not create a noise disturbance as defined at §189-3 herein."

Mayor Cooper said that when the doors are thrown open, broadcasting is done upon the public street for the purpose of calling attention. He would like to see this enforced.

12. Line No. 328. §189-10(A). "All citations for violations issued under this article shall be based on a complaint to the City. The complaint shall be identified by name and address, the sound source shall be identified and the investigating shall verify all information provided by the complainant."

Mayor Cooper disagreed with this provision. The City needs to have the ability to be proactive. He thought it would be best to be silent on this and enforce the law. Mayor Cooper did not want to get away from the point of anonymously calling in a complaint. By recording all the complainants, people may be set up to be targeted. Commissioner Sargent said that the officers have every right to issue a citation when it has come to their knowledge. He thought that Line Nos. 328-338 should be removed. Mr. Gulbranson noted that the work group will work on this issue and the language, and bring it back to the Commissioners.

13. Line No. 333. §189-10(B). Citations issued for unreasonably excessive noise under this article shall be of a content-neutral character.

Mr. Gulbranson noted that nose of a content-neutral character is any type of noise. Mayor Cooper said that it is more of a limitation on the City to say that it cannot discriminate. City Solicitor Mandalas said that is refers to free speech. The City cannot choose that one particular noise is in violation vs. another noise.

14. Line Nos 350-354. §189-10 Violations and penalties.

Police Chief Banks asked the Commissioners to decide if they would want violations to be a criminal offense or a civil offense. Mayor Cooper thought the idea of a civil citation and how it is treated is still somewhat up in the air. He was not sure what the State law says, but if a civil citation is more than \$100.00, it can be transferred to another court other than Alderman Court.

Questions and concerns regarding the proposed pool ordinance:

1. Some of the issues with the pool ordinance have to go in the Zoning Code, in terms of setbacks, etc.
2. It is not clear what the intent of a buffer is.

Mr. Gulbranson noted that the intent is for privacy and to attenuate noises. There would need to be a noise attenuation factor.

Commissioner Mills thought that buffer should be defined in the definition section of the ordinance. It does not say specifically what is required.

Mayor Cooper thought that this is a futile effort, and he was not sure it has a place in the ordinance.

3. Line Nos. 73-76. §3(B)(e). Changed "Drainage of water for all swimming pools must be absorbed on the subject property and not on a neighboring property, not directly onto a street, driveway or sidewalk, prior to entering the City stormwater" to "The Applicant shall provide a drainage plan detailing how pool or filter water shall be drained. Drainage of water for all swimming pools must be absorbed on the subject property and not on a neighboring property, not directly onto a street, driveway or sidewalk. The plan shall incorporate the following drainage requirements:"
4. Line Nos. 77-78. §3(B)(e)(i). Added "Draining pool and spa water must be controlled so as not to cause erosion or carry debris or vegetation."
5. Line Nos. 79-80. §3(B)(e)(ii). Added "Pool and spa water must be de-chlorinated and must not contain hydrogen peroxide, acid or any other chemicals before the water is properly discharged."
6. Line No. 81. §3(B)(e)(iii). Added "Pool and spa water should have an acceptable pH of 7 or 8 prior to discharge."
7. Line Nos. 82-83. §3(B)(e)(iv). Added "Acid wash water should not be drained into storm drains. Acid washing should be done in a proper and safe manner that is not harmful to the environment."
8. Line Nos. 84-85. §3(B)(e)(v). Added "Filters should be cleaned over the lawn or other landscaped area where the discharge can be absorbed."
9. Line Nos. 141-142. §9(B). Changed "No person shall lease a home with a pool without a valid permit from the City and permits shall expire annually" to "Operating licenses shall expire annually."

Mr. Frank Cooper, 96 East Lake Drive, thought that the permit number could be an address rather than an arbitrary number.

10. Line Nos. 166-167. §9(D). Changed "All pools must be maintained by an individual who has successfully completed a pool operator training course that is approved by the Division of Public Health" to "All pools must be maintained by an individual who has successfully completed a pool operator training course the meets the criteria established by the Division of Public Health."
11. Exempt non-rental pools from the requirement that the person maintaining the pool has to go through the certified training course.
12. The rules apply to all pools, private or public. If there is a rental unit, additional rules will apply.
13. How to address issues with owner operated pools.
14. Line Nos. 170-171. Incorporate §9(E) into §10 – Safety Requirements.
15. Everyone who has a pool should have a pool operation license. A sticker with the license number can be placed on the safety sign.
16. Line Nos. 174-179. §9(F). Changed "Violations of the requirements of this ordinance may result in the revocation of a pool operation license if applicable. On notice of first violation, the owner of said pool shall have 48 hours to rectify the violation. Should the violation go unresolved or repeated violations are noticed the pool operations permit is subject to revocation" to "Violations of the requirements of this ordinance or other City ordinances, such as but not limited to Chapter 189 Noise Ordinance and disturbing the peace, may result in the revocation of a pool operation license if application. Should the violation be for lack of proper equipment, signage or renewed license or permit, the owner of said pool shall have 48 hours to rectify the violation. Should the violation go unresolved or repeated violations are noticed the pool operations permit is subject to revocation."
17. The Commissioners need to have a discussion at some point, about lighting.
18. Line No. 208. §7(B). Changed "Lights shall be shielded and shaded that no measurable light extends beyond lots lines" to "Lights shall be shielded and shaded that no illumination extends beyond lot lines."
19. Line No. 215. §12(B). Changed "All pools designed to keep water throughout the summer shall be maintained..." to "All pools designed to keep water year-round shall be maintained..."
20. Line Nos. 239-243. §15(A)(1). Change "11:00 p.m. to 9:00 a.m. During these times pool users shall refrain from making or causing unusual loud noises or speaking in a louder volume than is necessary

of convenient hearing of person or persons within the pool premises shall be unlawful. No radio, receiving set, musical instrument or other machine or device for producing or reproducing sound should be used after 11:00 p.m. or prior to 9:00 a.m.” to “11:00 p.m. to 8:00 a.m. During these times pool users shall refrain from making or causing unusual noises or speaking in a louder volume than is necessary of convenient hearing of person or persons within the pool premises shall be unlawful. No radio, digital music device, musical instrument or other machine or device for producing or reproducing sound shall be used after 11:00 p.m. or prior to 8:00 a.m.

Mr. Allen O’Leary, 221 Hickman Street, voiced concern about designating quiet hours, no matter when they are. The problems with the noise from pools occur all day long, and there is nothing unique about those hours. Setting up quiet hours is an implication to be able to make a lot of noise any other time.

Mr. Gulbranson will craft language for the next meeting with regard to requirements for daytime hours.

A Special Workshop will be held on January 16, 2015 at 1:00 p.m.

Mayor Cooper called to discuss a draft ordinance which defines an electronic cigarette and prohibits the operation of such electronic cigarette from public locations within the City where smoking is currently prohibited.

Commissioner Mills noted that the definition for electronic cigarette comes from State legislature. He anticipated that this ordinance will be voted on at the January 16, 2015 Regular Meeting.

Mayor Cooper said that nothing in the proposed ordinance conforms to the original reasons for prohibiting smoking.

Commissioner Sargent noted that he hates smoking, and he is prepared to prohibit it. An electronic cigarette sends a message that smoking is alright.

Mayor Cooper called to discuss the processes and conditions for merging and unmerging lots including a proposed ordinance amending the Zoning Code to clarify the merger and un-merger of lots in the City.

Commissioner Mills noted that the proposed ordinance was created to address deficiencies in the definitions of the Zoning Code because it lacks a defined process to merge lots and a defined process to separate lots. There is no recordation and no notice given to the property owner of lots being merged. This ordinance provides an opportunity for the applicants to separate two properties that have been merged administratively if they meet certain conditions.

Changes made to the proposed ordinance:

1. Line Nos. 51-56. Lot. Changed “The parcel of land on which a main building and any accessory buildings are placed together with the required yards. The area of the lot shall be measured to the street line only. A lot shall be as shown on the Zoning Map of the City, except that nothing herein shall prevent the merger of two or more lots as shown on the Zoning Map into a larger lot if the lots are utilized as one parcel through the placement of a structure or structure thereon” to “A uniquely identifiable parcel, tract or area of contiguous land that is held in common ownership, fronts on one or more streets, is not divided by a street, shall not include any land within the limits of a public/private street right-of-way and is any of the following: (A). A parcel, tract or area of contiguous land whose boundaries have been established by and are shown on a legally created subdivision plat recorded in the Sussex County Office of Recorder of Deeds and which plat has been recognized by the City. Such lots shall usually identify a block number or street and a lot number. (B). A parcel, tract or area of land which was originally a lot or lots and/or parts of lots as delineated in (A) above and resulted from making boundary line adjustments the recording in the Sussex County Office of Recorder of Deeds a valid deed or other instrument. The parcel, tract or area of land shall have been conveyed as a single parcel. (C). A parcel, tract or area of land which does not constitute a part of a legally created subdivision and which has been defined in a deed by metes and bounds and which has been transferred as a single unit. (D). A parcel, tract or area of land which results from the consolidation of two or more lots as delineated in (A) through (C) above.”

City Solicitor Mandalas noted that the reference to the Zoning Map was deleted because generally zoning maps are used for purposes of determining where the zoning districts are located, not for defining lots or lot sizes for title purposes.

2. Line No. 65. Lot Area, Gross. Added "The area shall be measured to the street line only."
3. Line No. 79. §270-46.1(B). Added "No lots may be consolidated unless the lots are under common ownership."
4. Line Nos. 81-85. §270-46.1(C). Added "No permit shall be issued when two or more lots much be consolidated to comply with the provisions of this Chapter until the owner of the lots has executed a lot consolidation affidavit provided by the City acknowledging the consolidation of the lots into a larger single parcel for zoning purposes, and the affidavit is recorded in the Sussex County Office of the Recorder of Deeds."
5. Line Nos. 87-92. §270-46.1(D). Changed "Lots consolidated as provided herein may be separated to their originally plotted lot configuration through an administrative approval" to "Lots consolidated as provided herein may be separated to their originally plotted lot configuration through an administrative approval by demonstrating that it is not necessary to consolidate the multiple lots to comply with the provisions of this Chapter, or by demonstrating that but for the requirements of §270-22(A), it is not necessary to consolidate the multiple lots to comply with the provisions of this Chapter and each of the lots, as originally plotted, conform to the requirements of §270-22(A)(3) of this Chapter."

There was consensus of the Commissioners that Building Inspector Terri Sullivan will develop a separate a procedure and affidavit which will acknowledge that lots are recognized as separate lots and have been approved by the Building Inspector. This affidavit will not be recorded at Sussex County.

Mayor Cooper said that the affidavit for un-consolidation should be in the City Manager's purview. It should be codified in the ordinance that the City Manager makes the decision and signs the affidavit.

6. Line Nos. 94-98. §270-46.1(E). Added "Upon application of the Board of Adjustment, the Board of Adjustment shall grant a special exception separating lots previously determined to be consolidated when it is demonstrated by substantial evidence that the lots were consolidated due to a legislative act of the Commissioners, and not due to land improvements or the execution of a lot consolidation affidavit by the owner of a predecessor owner."

This item will be placed on the agenda for the February 2015 Workshop.

Mayor Cooper called to discuss possible Code changes to Chapter 227 – Solid Waste and Chapter 270-27 – Storage of Refuse including but not limited to: Timeline for putting out refuse-yard waste-recycling for collection and for retrieving containers in the residential areas to include addressing refuse put curbside for collection and non-collection days, e.g. on Saturdays; feasibility of the City providing special pickup service; screening of refuse-yard-waste-recycling containers; and miscellaneous updates to Code.

Commissioner Mills' objective was to look at refuse, yard waste and recycling and their timeliness of being put out and retrieved or their lack of timeliness because doing so would yield a cleaner and safer environment with less vermine, less scattering of trash, eliminate visual blight of the containers and waste put out too early and being retrieved late. One way to deal with trash being put out too early and retrieved late is to establish a timeline and enforce it. One method would be to provide a special valet service for collection of the waste so that the property owner does not have to put it out. This is referred to as backdoor service or walk up service. Two avenues for the walk up service are: 1. The City would provide the service with its labor force and trucks. 2. Hire a sub-contractor.

City Manager Sharon Lynn has held a meeting with Mr. Mike Peterman, Street Superintendent and a representative from First State Disposal. The City currently uses First State Disposal for recycling services. The discussion led to detail of how walk up or backdoor valet service would materialize here if the City were to take it on. Mr. Mike Peterman had stated that City employees would not be able to accommodate a valet service with the current staffing level. This would mean that staff would possibly need to be increased and increasing the number of trucks. It would not be feasible to add service without increasing staff. The independent contractor thought there could be a possible pilot program to provide a premium service for renters of a unit on a signup basis. This could be covered on a one day per week basis on a Friday. The concept was not readily favorable for the City to do that. People who sign up for the premium service would pay for it.

Commissioner Mills said that with a sub-contractor, the extra fee could \$15.00 and up per month. Tight spaces are a problem. The number of cans are restricted. Pricing is done according to criteria. There would possibly be schedule changes for pickup. The Commissioners need to set the timelines in the Code for putting out the trash/yard waste/recycling and retrieval of containers. Enforcement is needed by the City. Discussion ensued.

Mayor Cooper said that the City needs to reach out to the people who will be affected and find out how it will affect them.

Mr. Frank Cooper did not have a problem with the City enforcing trash removal. The Commissioners should come up with the option of the walkup service for the part-time residents.

Commissioner Mills suggested that a RFP could be done to try to gauge interest on walkup service and find out if anyone responds to it. Specifications would be very important in this process. Another option would be to increase City labor, add an extra truck for walkup service and provide containers. Commissioner Mills provided criteria from various walkup services.

Commissioners McGuinness and Mills and City Manager Lynn will meet to discuss this matter, specifications and timeframes.

NEW BUSINESS

Mayor Cooper called to discuss Rehoboth Beach becoming an “idle-free” city.

Commissioner McGuinness deferred this item to the next meeting.

CITY MANAGER’S REPORT

There was no report.

COMMITTEE REPORTS

There were none.

CITY SOLICITOR’S REPORT

There was no report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

Mayor Cooper announced that the Secretary of DNREC signed and issued a Record of Decision (ROD) for the City approving the ocean outfall. As part of that, a press release will be issued. The City Solicitor is responsible for negotiating an amendment to the consent order which was to be filed with the court this morning extending the deadline to June 1, 2018 for the City to ultimately have the solution in place. The ROD approves the plan and is valid for five years to get funding. Mayor Cooper has asked for a meeting with representatives of DNREC to discuss the next steps, i.e. when the funding will be approved, etc. He will get proposals from GHD for the design and permitting, and hopefully the Commissioners will be able to approve them very soon.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

There were no items.

CITIZEN COMMENT

There was none.

The next Regular Meeting will be held on January 16, 2015 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 1:23 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)