

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

January 4, 2016

The Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:18 a.m. by Mayor Samuel R. Cooper on Monday, January 4, 2016 on the second floor of the Rehoboth Beach Voluntary Fire Company, 219 Rehoboth Avenue, Rehoboth Beach, DE.

The Invocation and Pledge of Allegiance took place at the Special Meeting prior to this meeting.

ROLL CALL

Present: Commissioner Toni Sharp
 Commissioner Patrick Gossett
 Commissioner Bill Sargent
 Mayor Samuel R. Cooper
 Commissioner Stan Mills
 Commissioner Lorraine Zellers
 Commissioner Kathy McGuiness

Also in attendance was: City Manager Sharon Lynn
 City Solicitor Glenn Mandalas

CORRESPONDENCE

1. Email received January 4, 2016 from the Board of the Rehoboth Beach Homeowners' Association (RBHA), Charlie Browne, Jon Worthington, Chuck Donohoe, Steve Curson, Mark Saunders, Robert Miller, Jennifer Duncan, Susan Gay – in opposition of offshore drilling.
2. Email received January 3, 2016 from John Darr, 100 Norfolk Street – establish new rules for trash vessel maintenance requirements.

OLD BUSINESS

Mayor Cooper recused himself at 9:20 a.m. The gavel was passed to Commissioner Stan Mills.

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

Mr. Kyle Gulbranson of AECOM was in attendance at the meeting. At the last meeting, the consensus of the Commissioners was to revise the Vacation Rental Ordinance to the Residential Rental Ordinance because it applies to all residential rentals. In Section 3 of the proposed ordinance, residential rental was defined. In Section 4, there was clarification that all residential rentals must have a valid rental license. In Section 5, the owner may use an agent or representative to manage the rental property was added. In Section 6, there was clarification that a residential rental license must be submitted annually. In Section 7(b), the following were areas were clarified: 1. A new residential rental unit applying for a rental license for the first time, or an existing rental whose license has not been renewed for a period of time is required to be inspected for building, health and safety requirements. 2. Existing residential rentals must have completed and notarized a self-certification checklist for health and safety requirements. 3. A self-certification checklist will need to be completed every year as part of the license renewal process. In Section 7(c) & (d), the following areas were clarified: 1. The maximum number of overnight occupants is four people within each residential rental unit plus two people per bedroom. 2. Children under the age of two years old do not count towards the overall number of occupants. 3. The owner has the right to limit the number of occupants to less than the maximum required by the City. 4. The City Manager may approve occupancy in excess of the requirements for existing properties. In Section 7(g), with regard to complaints requiring a local contact person, a City police officer is notified of a complaint, and it will be investigated by the officer who will determine if the local contact person should be notified. If resolved by the officer and no contact is made with the local contact person, a report will be provided to the City Manager's office the next day. The officer determines that the complaint warrants the notification of the local contact person to respond in a timely manner. 1. If the local contact person makes contact with the occupants by telephone within 30 minutes and the issue is resolved, the local contact reports back to the City police who will provide a report to the City the following day. 2. If the local contact person is not able to make contact within 30 minutes, they must respond in person within an hour, and the local contact reports back to the City police who will provide a report to the City the following day. 3. In a serious situation, the police officer can request an immediate in-person visit by the local contact to assist, and the City police will

provide a report to the City the following day. 4. City police will provide reports to the City for record keeping, and notices will be mailed/mailed to the owner, agent and local contact person. The self-certification form has been updated, and the rental license application has been modified to allow for the residential rental portion.

Correspondence:

1. Letter from Donna Mabry, 221 Hickman Street – in support of residential rental ordinance, instituting occupancy limits, landlords including the rental license number on advertising and safety checks.

Suggestions and changes to incorporate into or remove from the proposed ordinance:

1. The local contact person should be called each time the police are called as a matter of information.
2. The local contact person should be contacted when warranted.
3. The City police officer should determine if the complaint warrants the notification of the local contact person to respond in a timely manner.
4. The onus should be placed on the local contact person if the police should be involved.
5. An internal process should be put in place in a policy for recording and documenting each issue.
6. The policy should be conveyed to the property owner or the agent.
7. References to noise and disorderly conduct should be removed from the draft ordinance.

Public Comment:

1. Ms. Joanne Bacher of Jack Lingo, said that if a complaint is made, the person making the complaint needs validation that the complaint was registered and resolved.
2. Mr. Walter Brittingham, 123 Henlopen Avenue, noted that the Commissioners should examine the idea of a contact person being a local responder.
3. Ms. Lori Bloxom, 9 Country Club Drive, suggested that a way should be figured out for an owner to be notified when there is a serious issue.
4. Mr. Tim Green, 14 Delaware Avenue, said that it would be helpful to have two local contact persons, one as a primary and the other as a secondary contact.

Occupancy has not changed since the last meeting. Each unit is give four occupants plus two additional occupants based on the number of bedrooms. The City's regulations would not trump an individual owner's desire to have less people in the rental, if necessary. The majority of the Commissioners were agreeable to this base standard.

1. Mr. Donald Myers, 43 Oak Avenue, said that the goal is to incorporate occupancy requirements within the rule, and the City should not start with something overly generous.
2. Ms. Joanne Bacher of Jack Lingo, thought that this standard would work well. It is common for four people to occupy an efficiency unit.
3. Mr. Eugene Lawson, 420 Rehoboth Avenue, noted that the draft ordinance does not cover occupancy in non-rentals.
4. Mr. Tim Green, 14 Delaware Avenue, said that there is not enough criteria regarding occupancy capacity in the exception portion of the draft ordinance.
5. Ms. Donna Mabry, 221 Hickman Street, said that the starting point is how much density there should be in the R-1 neighborhoods. The R-1 neighborhoods should have a lower density.

At the next meeting, the Commissioners will continue the process with regard to components and the forms.

Other changes suggested to the proposed ordinance are:

1. Line No. 20. Section 2(d). Bed-and-breakfast is not a defined use.
2. Line No. 60. Section 3. Either create a definition for a residential dwelling or specifically state that this is by use and not by zone.
3. Line No. 70. Section 4(a). Establish a more accurate approach to defining who has a valid rental license.
4. Line Nos. 72-74. Section 4(b). Strike this section in its entirety. The Commissioners recommended that the City Manager look into posting a list of current licenses online.
5. Line No. 94. Section 6(a)(5). Add occupancy.
6. Line Nos. 95-96. Section 6(a)(6). The City will provide a printout of the rental license, ordinance, good neighbor brochure, self-certification checklist, and complaint and contact policy.
7. Line No. 113. Section 7(b). Add a period of two years.

8. Line Nos. 195-200. Section 7(i). Strike this section in its entirety.
9. Line Nos. 211 – 216. Section 7(k)(3)&(4). Strike this information and place in the Good Neighbor Brochure which will be provided by the City and online.
10. Line No. 277. Section 9(b). Massage the wording for pre-citation or courtesy warning.
11. Line Nos.

With regard to the rental license application, a hotel or motel will not follow this ordinance, but a rental license is needed. A second contact person should be added and the best method to contact that person. The process for applying for an exception will be referenced on the application. With regard to the self-certification checklist, supporting documents will be placed on the City website to explain to the lay person the requirements.

Public comment regarding the self-certification checklist and license:

1. Ms. Joanne Bacher of Jack Lingo, thought that the self-certification checklist is a good idea.
2. Ms. Melissa Glick, 36 Delaware Avenue, suggested that the self-certification checklist could be established for everyone for the first year, and for those people who cannot get everything done this year, they would have until next year to get them done.

The meeting was recessed at 11:29 a.m. and resumed at 11:52 a.m. The gavel was passed back to Mayor Cooper.

Discuss a draft resolution opposing seismic testing related to oil exploration in the Atlantic Ocean off the east coast of the United States.

Copies of adopted resolutions by the City of Lewes, Town of Dewey and Town of Ocean City, MD were distributed prior to the meeting. Correspondence was received from the Rehoboth Beach Homeowners' Association regarding the issue of seismic testing related to oil exploration. It is in the best interest of the City in joining with these three communities in opposing the seismic testing. The risks far outweigh the benefits. Studies have shown negative impacts for seismic testing and offshore drilling and gas exploration. The proposed area spans along the coasts of seven states, from Delaware to Florida. Congressman Carney issued a statement opposing this type of aggressive seismic testing. Senator Carper's office issued a note that while seismic testing is necessary, it is important to note that not all seismic testing is the same.

The majority of the Commissioners were in support of the draft resolution opposing seismic testing related to oil exploration in the Atlantic Ocean.

Mr. Matt Heim noted that South Carolina, Georgia, North Carolina and Virginia have opted in when the plan was being originally conceived approximately three years ago. Since then, every coastal town in South Carolina has passed a resolution opposing the seismic testing. North Carolina and Georgia have almost unanimous opposition on their coastal communities. Adopted resolutions are being sent to the Bureau of Ocean Energy Management that is currently in the process of coming out with a second version of its offshore leasing program which will be released in the first quarter of 2016. There will be a 90 day open comment period on that plan once it is released. Mr. Heim encouraged the Commissioners to send the adopted resolution to the congressional delegation and the White House because the ultimate decision will be made from the Executive Branch of the government.

This item will be placed on the agenda for the next Regular Meeting.

Discuss possible changes to City Code related to the storage and collection of refuse, yard waste and recycling.

Residents have been concerned with trash being put out too far in advance of the collection day, and the trash cans and containers are not retrieved in a timely manner after collection. One recommendation is the timeline for putting out trash should not earlier than 6:00 p.m. the day before collection and by 7:00 a.m. the day of collection. A second recommendation would be to amend the Code that all waste materials shall be removed from City property not later than 9:00 p.m. the same day as collection. A third recommendation would be to implement a screening process for the residential areas. A fourth recommendation was to implement a premium valet service which would be an addendum to current City services.

With regard to the valet service, it is onerous and would not be a good recommendation at this point. After a lengthy discussion, it was determined that one option would be for people to contract with outside vendors although this may create more congestion of traffic in the summer. The Commissioners agreed that a timeline should be established and codified regarding how far in advance trash can be put out and retrieval, and for the

pilot program for valet service. There would also be enforcement should the timeline be codified. The City will look into providing a pilot program for valet service with a total of 50 people for a certain dollar amount and a certain amount of time. There would be liberal enforcement for the pilot program.

Commissioners Mills and McGuinness will work with City Manager Sharon Lynn regarding a pilot program for valet service.

NEW BUSINESS

There was none.

CITY MANAGER'S REPORT

The budget is being worked on and reviewed. It is anticipated that the budget will be finalized by mid-January 2016. There was consensus of the Commissioners that the first budget session may be held on January 19, 2016 at 9:00 a.m.

COMMITTEE REPORTS

There were no reports.

CITY SOLICITOR'S REPORT

There was nothing to report.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There were none.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

There was none.

CITIZEN COMMENT

There was none.

The next Regular Meeting will be held on January 15, 2016 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 1:20 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)