

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

April 4, 2016

The Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 11:38 a.m. by Mayor Samuel R. Cooper on Monday, April 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 Paul Kuhns
 Commissioner Toni Sharp
 Mayor Samuel R. Cooper
 Commissioner Stan Mills
 Commissioner Lorraine Zellers
 Commissioner Kathy McGuinness

Absent: Commissioner Patrick Gossett

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

CORRESPONDENCE

There was none.

OLD BUSINESS

Discuss possible revisions to Chapter 215, Restaurants and 270, Zoning, as they relate to the regulation and permitting of restaurant that serve alcohol.

(Copies attached.)

There is nothing in the possible revisions that would make restaurants serving alcohol do anything different than they are doing today. The genesis of this subject was confusion and concern that the size limitation of restaurants was not fully understood and/or worded properly in the Code. There was concern that substitutions would need to be made to the service areas vs. food preparation and storage that owners may not want. There are two pieces to the proposed revisions: 1. Size limitations, etc. on restaurants and patios. 2. Regulation of certificate of compliance. The proposed revisions incorporate the brew-pub issue, restaurant size issue and reformatting of the Code.

Goal and highlights of the possible revisions to Chapter 270 – Zoning:

1. Go from a limit of 5,000 square feet for the total area of a restaurant to 2,500 square feet of combined seated dining and bar area. This change would allow for unlimited support areas such as kitchen, food storage and restrooms. This figure was shown during previous discussions to be consistent with restaurants that have received a certificate of compliance under the current rules.
2. An incentive would be created to reduce the size of the bar area in order to have more seating by setting a limit based on the combined seated dining and bar area.
3. All definitions would be moved to Section 270-4 where all other zoning code definitions are found.
4. Many of the requirements contained in the definitions would be moved to the body of the code, and more generic definitions would be used.
5. A few additional requirements would be added.
6. The proposed revisions call for a “supplemental permit of compliance” for what is being termed a dining patio, whereas previously there was a reference that a patio was to have a “special permit of compliance”.
7. Requirements for brewery-pubs would be set out, and they would be required to obtain a supplemental permit of compliance. This would have the effect of making brewery-pubs a special class of restaurant subject to all the requirements of a restaurant plus the additional brewery-pub requirements.

Goal and highlights of the possible revisions to Chapter 215 - Restaurants:

1. Definitions used in this chapter and in the zoning code would be coordinated by referencing the zoning code definition in this chapter.

2. Supplemental Permits of Compliance would be created for dining patios and brewery-pubs that are approved in conjunction with permits of compliance for a restaurant where appropriate.
3. More specificity would be added to what is required on the plans submitted with an application for a permit of compliance.
4. Introduce and make clear that a suspension or revocation could be applied to a supplemental certificate of compliance when the violation(s) is related to a dining patio or brew-pub operation.
5. The fee to accompany each application would be \$1,000 no matter what is requested.
6. Two provisions that refer to the blocking of a public way by the use of a dining patio would be brought relocated from the zoning code to this chapter.
7. The hours when alcohol can be served and consumed in existing restaurants and new restaurants of 2,500 or fewer square feet of combined seated dining and bar area would be set consistent with State law and rules.
8. New restaurants of more than 2,500 square feet of combined seated dining and bar area would be required to stop service and consumption of alcohol two hours earlier.
9. A restaurant would be required, consistent with State rules, to make food available at all hours that alcohol is available.

There was discussion among the Commissioners as to the rationale regarding the proposed requirements. At the next Workshop Meeting, the Commissioners will review the proposals and highlight areas as being accepted and ready for the final version.

Discuss refuse, recycling and yard waste issues and changes to Chapter 227, Solid Waste, and Chapter 270, Section 27, Storage of Refuse.

(Copy attached.)

Changes are being proposed to be made to the existing Code with regard to approved containers, discontinuance of service, use of public waste containers, garbage to be bagged, size of containers, transportation of garbage, collection of refuse and time limits for commercial establishments, minimum standards, screening of wastes, storage of wastes, prohibited acts, and violations and penalties.

There was discussion among the Commissioners as to whether or not commercial trash should be required to be screened and whether or not the City should dictate where residential waste containers are stored on a property.

Ms. Jan Konesey, 42 Oak Avenue, proposed an option that containers could be located in screened areas in front yard setback areas.

This item will be discussed at a future meeting.

NEW BUSINESS

There was none.

CITY MANAGER'S REPORT

The application process has begun for FEMA reimbursement from the storm event that occurred in January 2016. The American Lung Association of Delaware awarded the City a grant in the amount of \$8,654.47 for tobacco prevention. The funds will be used for additional brochures to educate the public, ash urns and signage. Last week representatives from DNREC advised that there are plans to continue work on building up the face of the dune on the beach in addition to advancing the work needed at the dune crossings. Restoration will continue through April and May. This week it is expected a crane will arrive to shore up earthwork for the City Hall Project. The scheduled duration for the shoring and bulk excavation is expected to take 25 days. The Parking Department building is progressing as scheduled. The annual City newsletter will be sent out in May 2016.

COMMITTEE REPORT

The Streets & Transportation Committee held a meeting on March 29, 2016. Representatives from DelDOT and Century Engineering were in attendance at the meeting. A concept presentation was given for the Junction Breakwater Trail extension on Rehoboth Avenue at the gateway at Canal Bridge. The plan calls for a multi-purpose path on the north side of the bridge which will be an extended sidewalk that would allow for two-directional pedestrian and bike traffic. Several concerns were raised about the path's continuation through Grove Park, citing safety and use issues. There was also concern that appropriate permissions had not been requested and granted by those who would be impacted, namely the Historical Society and the City. DelDOT and Century Engineering will be working with the Committee to come up with alternatives and solutions.

CITY SOLICITOR'S REPORT

On April 7, 2016, the Nichols litigation will be before a three judge panel in the Third Circuit Court of Appeals. It will be approximately three months before the City will receive a decision on that case.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There were none.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

Items to be included on the agenda for the May 9, 2016 Workshop Meeting are restaurants and refuse.

CITIZEN COMMENT

There was none.

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

There being no further business, Mayor Cooper adjourned the meeting at 1:09 p.m.

Respectfully submitted,

(Lorraine Zellers Secretary)