

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

November 9, 2015

The Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:05 a.m. by Mayor Samuel R. Cooper on Monday, November 9, 2015 on the second floor of the Rehoboth Beach Fire Company, 219 Rehoboth Avenue, Rehoboth Beach, DE.

City Solicitor Glenn Mandalas gave the invocation followed by the Pledge of Allegiance.

ROLL CALL

Present:	Commissioner	Paul Kuhns
	Commissioner	Toni Sharp
	Commissioner	Patrick Gossett
	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

There was none.

Mayor Cooper thanked Ms. Donna Moore, the staff and voters with regard to the referendum on November 7, 2015.

OLD BUSINESS

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

Mayor Cooper recused himself at 9:09 a.m. from this portion of the meeting. The gavel was passed from Mayor Cooper to Commissioner Mills.

Mr. Kyle Gulbranson of AECOM was in attendance at the meeting. At the last meeting, there were adjustments made to the draft Vacation Rental Ordinance which were reviewed by the Commissioners. (Copy attached.)

Changes and comments regarding the draft Vacation Rental Ordinance were:

1. Clear direction is needed with the ordinance.
2. More discussion is needed regarding inspections.
3. Occupancy limits should remain in the ordinance.
4. Define what an unruly house is and how it is handled.
5. The application for rental license should be signed and notarized.
6. All rentals should have a local contact person.
7. Rules should be posted in rental houses.
8. The City needs to draft a specific rental agreement that goes out to every rental in the City, get a signed copy of the agreement and keep a copy of it on file.
9. Building & Licensing or administration should make sure there is a rental agreement and rental license.
10. New rentals trigger an inspection process; otherwise, properties that have been rented for decades are treated as renewals or even may be grandfathered.
11. How the properties should be treated that have been rented for decades which predate the Zoning Code.
12. Compliance with life safety is essential.
13. Structural deficiencies of properties should be recognized in the application.
14. Five components of self-certification should be battery operated smoke detectors, exterior doors, house numbers, window locks and GFI's.
15. The self-certification should be notarized when the application is received.
16. The process should put the onus on the property owner to identify what they have.

17. Additional discussion is needed about self-certification.
18. Wordsmithing should be done on compatibility with regard to the brochure.
19. A mechanism is needed to address occupancy.
20. More research is needed with regard to occupancy.
21. Response time should be limits for issues on properties, and there should be clear guidelines as to what happens.

Ms. Libby Stiff, 1007 Scarborough Avenue, noted that she is more concerned about public safety than about noise.

Ms. Linda Kauffman, Laurel Street, said that many properties which rent basements and attics do not have egress. Safety issues need to be addressed. Occupancy with regard to rentals should be done on a bedroom basis and add four people. Everyone should comply, and it should not be grandfathered.

Mr. Gene Lawson, 12 Hickman Avenue, said that self-certification avoids the problem of forcing someone to waive a Fourth Amendment right to inspections. Self-certification is a way to resolve safety issues.

Ms. Karen Cordrey, 109 Country Club Drive, said that an administrative warrantless search is unconstitutional. She was concerned about an inspection program because it will single out vacation rentals. Older homes will have issues regarding inspections. The brochure is not correct on some of the requirements.

Ms. Donna Mabry, 221 Hickman Street, said that it is the owner's responsibility to make sure a rental is a safe situation. Renters would appreciate knowing that a house is safe.

Ms. Lori Bloxom, 9 Country Club, said the self-certification should apply to everyone.

Mr. Tim Green, 14 Delaware Avenue, said that consideration should be taken if there is adequate bedding in the room. Self-certification should apply to occupancy.

Mr. Hoyte Decker, Laurel Street, said that with regard to response time, there is an expectation of something happening right away.

Mr. Richard Cooperman, 214 Country Club Drive, said that there is no requirement for people who rent to have insurance. Something should be posted with the City that there is insurance.

Mr. Gulbranson will analyze and work on providing options with regard to local contact persons, a self-certification process, occupancy and an audit process, and modifying the brochure

The meeting was recessed at 10:38 a.m. and reconvened at 10:50 a.m. The gavel was passed back to Mayor Cooper.

Discuss proposed revisions to the City Code related to bringing the City's personnel code and procedures into conformance with current standards.

A copy of the proposed personnel ordinance was distributed to the Commissioners prior to the meeting. The proposed revisions to this ordinance are a revision to FMLA, update to the harassment policy and a new computer usage policy. Other proposed changes to the ordinance reflect the status of employees and defining them as full-time or part-time, compensation with regard to employees with CDL licenses and an addition to the bereavement policy from three days to five days for an immediate family member and removing the two days for travel time. The reference to the 457b plan will be added back in the ordinance. With regard to termination, the employee has the right to request a hearing before the Commissioners, and the Commissioners will review the City Manager's determination.

The City Solicitor will put this proposal in ordinance form and distribute it to the Commissioners possibly prior to the next Regular Meeting, at which meeting the Commissioners may vote to approve this ordinance.

Discuss the requirements contained in the City Code related to the size of restaurants.

The focus of this portion of the meeting was to understand the creation of the restaurant data sheets which were taken from the restaurant log for Permits of Compliance and how calculations were made regarding the square footage and various areas of each restaurant. Twenty prior restaurants had been used in the data sheet. Also reviewed were the area definitions such as restaurant, bar area, permanent seated dining and the limitation on the size of restaurants. There is no definition for service areas which include all the areas which are not bar or dining. The bar area shall not be more than 25% of permanent seated dining area. At the last meeting, the Commissioners discussed patron areas and the number of patrons, and that possibly the 5,000 square foot limitation section did not address that in the best way. The Commissioners should consider looking at the data

and trying to create a formula for the maximum size of permanent seated dining and bar area and allow the ancillary areas to expand beyond that. Discussion ensued with regard to this matter. The objective was to clarify the code and see if there is a way to allow restaurants to have a greater amount of area for ancillary areas including kitchen equipment, storage facilities that would otherwise with the current Code cause them to exceed the 5,000 square foot limit. More time would be needed to allow for analyzing this and trying to establish a formula on how to do that. As a result of this, the Board of Adjustment will have better guidelines to follow in making its decisions when restaurants come before it. Commissioners Mills, McGuinness and Kuhns will meet to try to establish a formula.

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

Discuss the status of brewery-pubs as related to the City's applicable zoning and licensing requirements.

The focus of this discussion was to address brewery-pubs not being stated as a permitted use in the Code. At the last meeting, there was consensus to pursue this favorably. One way would be to allow brewery-pubs as a permitted use with imposed conditions. Copies of other municipalities' codes were provided to the Commissioners prior to the meeting. State law allows a brew-pub to be physically a part of a restaurant with certain conditions. Product can be sold to wholesalers, can be sold on the premises and for consumption off the premises, and storage must be contained internally. Other municipalities have limitations on the hours of operations, hours for pickup and deliveries, amounts of volume, consumption totally on the premises, what percentage can be shipped off the premises, etc. The City Solicitor differentiated a distillery from a brew-pub. There was consensus of the Commissioners to move forward with discussion of possibly permitting brew-pubs as a permitted use with conditions.

NEW BUSINESS

Discuss the recommendation of the Audit Committee approving the audit as prepared by the auditing firm Barbacane, Thornton & Co. for the City's fiscal year ended March 31, 2015.

On September 23, 2015, the Audit Committee voted to accept the audit for the period April 1, 2014 to March 31, 2015 as prepared by Barbacane, Thornton and Company.

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

Discuss with the City Manager the consideration of eliminating commercial refuse collection services and discuss other refuse, recycling and yard waste issues.

With regard to commercial refuse, the City has a total of 99 businesses categorized out of 362 businesses that use the City trash service and commercial pickup. The City has crews working four days per week during the summer months to pick up commercial trash. In the off-season, two crews work two to three days per week. There is a value to eliminating commercial trash pickup for businesses and utilizing those employees elsewhere, and potentially eliminate the larger trucks from the Boardwalk and establish a program for smaller vehicles to pick up commercial trash on the Boardwalk and utilize those employees to assist with that. City Manager Sharon Lynn, Mr. Mike Peterman, Streets Superintendent and Commissioners Stan Mills and Kathy McGuinness met to discuss this matter. Commercial pickup from last year to this year has decreased from \$107,000.00 to \$77,600.00. Landfill tipping fees would also be reduced. Another item for discussion is recycling. The City currently does not offer recycling to any of the commercial clients. Suggestions were made to make the rate schedule commensurate with the amount of pickup, and to hear from the businesses that will be affected. City Manager Lynn and Commissioners Mills and McGuinness will meet again to further discuss this matter.

Mr. Walter Brittingham, 123 Henlopen Avenue, said that the biggest trucks should be driving on the Boardwalk. He suggested that the City should ask for cooperation from Solid Waste about reinstating a container location for recycling.

Ms. C. C. Alexander, 60 Park Avenue, said that the City does an excellent job with picking up trash.

Discuss changes to the City's Charter related to voter qualifications and voter registration requirements.

A suggested change to the Charter is to remove the area that allows for removal from the voter registration list if a person does not vote in two consecutive contested elections. The City has no way of knowing when a person moves, dies, etc. Currently, the list is purged every year of the people who have not voted in two consecutive years. Because there are two sets of voters in the City, resident and non-resident, a recommendation was made to investigate using the State's voter list or the County's for the residents. A separate list would need to be developed for non-residents. With regard to registering by mail or an online process, there is no way to check documentation that a person needs to supply. Consideration may be given to

given to change the voter registration deadline to 20 days. A recommendation was made to remove the leaseholder term of 10 years. Corporations, LLC's, partnerships, etc. are not people. Votes are given to people or property owners. A suggestion was made to possibly allow a LLC to have one vote. Discussion ensued as to the difference between a LLC and a Trust. The non-resident vote should entail that a person owns 50% of the property. The City's voter registration form should be looked at and updated because it needs questions that would qualify a person to be able to vote. Commissioner McGuinness will provided an updated analysis of the discussion to the Commissioners.

Ms. Lori Bloxom, 9 Country Club Drive, noted that a trust gets to vote, so a LLC should be allowed to vote.

CITY MANAGER REPORT

City staff is preparing for winter. All fountains, foot showers and drains have been properly turned off. The Convention Center west parking lot will be closed to everyone beginning November 16, 2015. Demolition to the Parking Department, Tech and Main Street buildings will begin next week. On November 16, 2015, equipment will be staged; and hopefully demolition will begin November 18, 2015. The temporary trailers are being fit out currently in Maryland and will be shipped by the end of November 2015. The tentative moving date is scheduled for December 11 & 12, 2015. City Manager Sharon Lynn acknowledged the passing of Ms. Barbara Bunting, a former employee.

COMMITTEE REPORT

There was none.

CITY SOLICITOR REPORT

There was none.

COMMISSIONER ANNOUNCEMENTS/COMMENTS

There was none.

DISCUSS ITEMS TO INCLUDE ON FUTURE AGENDAS.

There were none.

CITIZEN COMMENT

There was none.

The next Regular Meeting will be held on November 20, 2015 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 1:05 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)