

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

**June 20, 2014**

The Regular Meeting of the Mayor and Commissioners of the City of Rehoboth Beach was called to order at 7:30 p.m. by Mayor Samuel R. Cooper on Friday, June 20, 2014 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

Commissioner Bill Sargent 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:            City Manager Sharon Lynn

Absent:       City Solicitor Glenn Mandalas

**APPROVAL OF AGENDA**

Commissioner Stan Mills made a motion, seconded by Commissioner Lorraine Zellers, to approve the Agenda with the deletion of the February 10, 2014 and April 7, 2014 Workshop Minutes. Motion carried unanimously.

**CORRESPONDENCE**

Correspondence will be read when the Planning Commission Report is presented.

**APPROVAL OF MINUTES**

Minutes of the March 10, 2014 Special Meeting were distributed prior to the meeting.

Commissioner Mills made a motion, seconded by Commissioner Patrick Gossett, to approve the March 10, 2014 Mayor and Commissioners Special Meeting 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 May 2014. There were 28 criminal, 229 traffic and 18 civil charges made during the month. Eighteen traffic crashes were investigated. The Police Department has been assisting DeIDOT and other organizations on promoting bicycle safety education. The next campaign is scheduled for June 24, 2014 from 9:00 a.m. to 1:00 p.m. at St. Edmonds Church. The Police Department has also been assisting in promoting the Walk Smart Program on Route 1. This campaign is given by the Office of Highway Safety to educate pedestrian safety in using crosswalks. The next campaign is scheduled for the morning of June 26, 2014 at the two intersections in the City. The 9-1-1 dispatchers have been going to the Beebe Health Campus, Tunnell Center, etc. to provide information on better serving the dispatchers when 9-1-1 calls are made. The Dispatch Center handled 281 police incidents, 204 ambulance incidents, 59 fire incidents, 537 traffic stops and 9-1-1 calls totaling 522 were received.

Mr. Walter Brittingham, 123 Henlopen Avenue, voiced concern with skateboard usage at the corner of the Henlopen Hotel. Signage regarding no skateboarding is needed in the Surf Avenue area. He voiced concern about cones being placed the length of Scarborough Avenue on June 7, 2014. Signage regarding no parking should be placed the entire length of Scarborough Avenue.

Police Chief Banks noted that for approximately two years there have been complaints about parking on the median and grass in the Scarborough Avenue area.

**REPORT OF REHOBOTH BEACH VOLUNTEER FIRE COMPANY**

Mr. Walter Brittingham of Rehoboth Beach Volunteer Fire Company reported that Fire Company would like to thank the City Manager for working with it to provide a four wheel vehicle for use through the City to get places due to the fireworks.

## **REPORT OF THE BUILDING AND LICENSING DEPARTMENT**

(See attached report.)

Chief Building Inspector Terri Sullivan presented the report of the Building & Licensing Department for May 2014. During the month, 99 permits were issued for a value of work totaling \$1,572,235.43. Fees collected totaled \$38,939.29 for the month. Ninety-six permit processing fees were received in the amount of \$1,920.00. The Board of Adjustment heard one case in May. No restaurant applications were received in May. One notice of violation was issued for external speakers. Eleven notices of violation were issued for overgrowth. Six notices of violation were issued for contractors working without building permits. There were 94 building inspections, 25 plumbing inspections, eight rental inspections, two meetings regarding trees, 37 meetings regarding new projects and seven meetings regarding City business.

Mr. Tom McGlone, 318 Laurel Street, asked if the figures presented are on track with the current budget.

Ms. Sullivan noted that the figures are more than what has been reflected in the budget.

## **REPORT OF PLANNING COMMISSION**

Planning Commission Vice Chair David Mellen presented the report of the Planning Commission. The Regular Meeting was held on June 13, 2014. The Planning Commission did a final review of the draft proposed amended tree ordinance. With the inclusion of several minor edits, the Commission voted to approve the proposed draft amended tree ordinance which will be forwarded to the Board of Commissioners. The Planning Commission is now working to finalize the other documents that will accompany the proposed amended tree ordinance. These include a report highlighting those changes made between the City's current tree ordinance and the proposed amended ordinance, a series of macro recommendations and a transmittal report. It is currently anticipated that the Planning Commission will be able to complete and approve its remaining work no later than its August 2014 meeting and be able to forward the complete package to the Board soon thereafter. In last month's report the Board of Commissioners, the Planning Commission informed the Board of its initial discussion of issues related to swimming pools. The reason for this topic to be on the Planning Commission's May 2014 agenda was because of the adverse impact that swimming pools and their construction have on trees and the tree canopy on the pool owner's property as well as on adjacent neighbors, and also in response to concerns received from the public about swimming pools. The Planning Commission continued its discussion at the June 13, 2014 meeting and received both written and oral input from property owners on Oak Avenue who had particular concerns. It was stated that there has been a significant and increasing rate of construction of swimming pools in residential areas over the last several years with most associated with houses being built to the maximum currently allowed size. The Building Inspector reported that her office would provide the Commission with factual information about swimming pool construction in the City. The Commission's discussions were broad and tried to differentiate unique issues on usage issues of construction equipment and other usages allowed in residential areas. There are issues that are primarily related to other current construction of large multi-bedroom and multi-bathroom homes which are used primarily for short-term rental purposes. The Commission concurred that there were important issues related to not only health, safety and welfare, but also to how the City's residential areas are developing. The Planning Commission believed swimming pools and associated issues as well as a rise of public concerns, warrants attention. The Planning Commission recommended that a joint Board of Commissioners-Planning Commission meeting be scheduled to discuss not only swimming pool issues but also the broader issues concerning usage and development in residential neighborhoods and the impact of such development and use. The outcome of such a meeting should be agreeing on what the important issues are, the development of short-term and long-term action plans, and the assignment of responsibilities. An addendum, dated June 20, 2014 was added to the Planning Commission Report. The Planning Commission thinks that this is a kind of issue that should be discussed in a joint meeting with the Board of Commissioners. The accelerating development of in-ground swimming pools has come up as an item of concern from the public at recent Planning Commission meetings and in articles and letters to the editor of the Cape Gazette vis-à-vis their apparent grooving impacts as part of the increasing "building boom" in the City. There appears to be new light and noise nuisances, and negative impacts on the geo-physical landscape that the current ordinances appear to have not contemplated. The scale of the pools coupled with the larger bedroom count of new homes is decreasing the actual open natural space on a lot while increasing the light emitted from the parcel via in-water pool and overhead spotlights that exceed the physical boundaries of the lot with their illumination coupled with a 24/7 new whine from pumps that has a different sound spectrum than traditional heat pumps. In addition, outside showers are being constructed in setback areas being considered as just fences with plumbing based on historical

practice. An in-ground pool is essentially a second “foundation or basement” that is not accounted for in the current FAR calculations as a foundation. This second foundation effects groundwater flow and further limits rainwater infusion capacity within a lot. The newer homes being built with high bedroom counts and swimming pools are becoming more commercial in character and accommodation than the single family residential character as contemplated by the existing zoning code. A holistic review should be undertaken to consider how current regulations can be updated to prevent irreversible damage to the City land use and the quality of life for future generations.

Correspondence:

1. Letter received on June 11, 2014 from John & Leah Rodgers, 45 Oak Avenue, regarding swimming pools and noise.

Mayor Cooper suggested trying to hold a joint meeting on the morning of the next Planning Commission meeting. He also noted that structure would be needed at this meeting. The Planning Commission would lead this meeting.

Mr. Tom McGlone said that this is an important topic, and outreach should be provided to all property owners.

**OLD BUSINESS**

There was none.

**NEW BUSINESS**

Mayor Cooper called to consider deferring the setting of the City Real Estate Tax rate for the tax year beginning July 1, 2014 and ending June 30, 2015 until the Commissioners’ Regular Meeting on July 18, 2014 or in the alternative set the tax rate.

Mayor Cooper noted that this was discussed at the Special Meeting held on June 7, 2014 in lieu of a Workshop Meeting that in order to hear the appeals today and make a decision, the majority of the Commissioners agreed to not set the tax rate tonight. The thought was to set the tax rate on July 18, 2014 based on the total assessment divided into the revenue forecast into the budget and rounded off. The deadline for payment would be extended to September 30, 2014.

Commissioner Sargent made a motion, seconded by Commissioner Gossett to defer setting the real estate tax rate until the Regular Meeting on July 18, 2014. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker - aye.) Motion carried unanimously.

Mayor Cooper called for the submission of Nominating Petitions for Commissioners’ approval as to qualifications for candidates for the annual Municipal Election scheduled for August 9, 2014. The current time is 8:10 p.m.

City Manager Sharon Lynn had received in a letter received from Donna Moore, Elections Administrator, the following submissions for approval as to qualifications of Nominating Petitions for Mayor and Commissioner which were filed for the 2014 annual municipal election to be held on August 9, 2014.

Mr. Samuel R. Cooper is seeking the office of Mayor of the City of Rehoboth Beach. His Nominating Petition for Mayor was submitted on May 13, 2014 at 12:10 p.m., and he has 20 certified signatures of registered voters in the City of Rehoboth Beach on his Petition. Mr. Cooper is a resident of the City.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve the Nominating Petition of Mr. Samuel R. Cooper for the office of Mayor in the municipal election on August 9, 2014. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mr. Thomas E. McGlone is seeking the office of Mayor of the City of Rehoboth Beach. His Nominating Petition for Mayor was submitted on April 11, 2014 at 11:40 a.m., and he has 16 certified signatures of registered voters in the City of Rehoboth Beach on his Petition. Mr. McGlone is a resident of the City.

Commissioner Mills made a motion, seconded by Commissioner Zellers, to approve the Nominating Petition of Mr. Thomas E. McGlone for the office of Mayor in the municipal election on August 9, 2014. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mr. Francis G. Markert, Jr. is seeking the office of Commissioner of the City of Rehoboth Beach. His Nominating Petition for Commissioner was submitted on June 6, 2014 at 9:04 a.m., and he has 22 certified signatures of registered voters in the City of Rehoboth Beach on his Petition. Mr. Markert is a resident of the City.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve the Nominating Petition of Mr. Francis G. Markert, Jr. for the office of Commissioner in the municipal election on August 9, 2014. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Ms. Kathleen K. McGuiness is seeking the office of Commissioner of the City of Rehoboth Beach. Her Nominating Petition for Commissioner was submitted on June 6, 2014 at 12:13 p.m., and she has 10 certified signatures of registered voters in the City of Rehoboth Beach on her Petition. Ms. McGuiness is a non-resident of the City.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve the Nominating Petition of Ms. Kathleen K. McGuiness for the office of Commissioner in the municipal election on August 9, 2014. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mr. John Joseph Meng is seeking the office of Commissioner of the City of Rehoboth Beach. His Nominating Petition for Commissioner was submitted on June 7, 2014 at 9:05 a.m., and he has 14 certified signatures of registered voters in the City of Rehoboth Beach on his Petition. Mr. Meng is a resident of the City.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve the Nominating Petition of Mr. John Joseph Meng for the office of Commissioner in the municipal election on August 9, 2014. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mr. Lawrence G. Myslewski is seeking the office of Commissioner of the City of Rehoboth Beach. His Nominating Petition for Commissioner was submitted on June 7, 2014 at 10:31 a.m., and he has 13 certified signatures of registered voters in the City of Rehoboth Beach on his Petition. Mr. Myslewski is a resident of the City.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve the Nominating Petition of Mr. Lawrence G. Myslewski for the office of Commissioner in the municipal election on August 9, 2014. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Ms. Lorraine A. Zellers is seeking the office of Commissioner of the City of Rehoboth Beach. Her Nominating Petition for Commissioner was submitted on May 19, 2014 at 11:44 a.m., and she has 25 certified signatures of registered voters in the City of Rehoboth Beach on her Petition. Ms. Zellers is a non-resident of the City.

Commissioner Mills made a motion, seconded by Commissioner Sargent, to approve the Nominating Petition of Ms. Lorraine A. Zellers for the office of Commissioner in the municipal election on August 9, 2014. (Sharp – aye, Gossett – aye, Sargent – aye, Cooper – aye, Mills – aye, Zellers – aye, Hunker – aye.) Motion carried unanimously.

Mr. Walter Brittingham, 123 Henlopen Avenue, suggested that a statement should be submitted by each candidate declaring residency.

#### **CITY MANAGER'S REPORT**

City Manager Sharon Lynn reported that the Bandstand concerts have started last week. They will be continuing on Fridays, Saturdays and Sundays at 8:00 p.m. A few concerts have been scheduled on Thursdays during the summer months. Bike racks are being installed on Surf Avenue where they had been previously removed. Permission has been granted from DNREC to clear a section at Surf and Oak Avenues to place two bicycle racks. These racks will be installed next week with supervision from the DNREC official. Clearing will be done, but no trees will be removed on the landward side of DNREC's line. CodeRED which is a communications tool has been uploaded to the City website to enroll with a community notification form. The individuals using this tool have been trained and will continue to put information out through local sources including the newspaper. Mr. Mel Craig, Public Works Director, is retiring on June 27, 2014. Mr. Mike Peterman will be taking over as

Streets Superintendent on June 23, 2014. Mr. Peterman has been the meter technician and supervisor of the Meter Department for the past four years. He will still be supervising that department. With regard to the July 4<sup>th</sup> fireworks event, meetings have been scheduled up until the event. All indications are that the City will be ready for it. Police, emergency services personnel and those involved with the organization of the event are meeting on a weekly basis.

City Manager Lynn recommended the approval of the Street Aid expenditures:

06/11/2014	549	Delmarva Power	\$8,594.29 (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 REPORTS**

There were no reports.

#### **CITY SOLICITOR'S REPORT**

There was nothing to report.

#### **COMMISSIONER ANNOUNCEMENTS/COMMENTS**

There were none.

#### **DISCUSS ITEMS TO BE INCLUDED ON FUTURE AGENDAS.**

An item to be included on the agenda for the July 7, 2014 Workshop Meeting is discussion of an IRC 457(b) Deferred Compensation Plan.

#### **CITIZEN COMMENT**

Mr. Walter Brittingham, 123 Henlopen Avenue, asked why the City has allowed three trees to be planted in the shoulder on public property in front of 3 Grove Street. These trees have created a problem for parking, etc., and it sets a bad precedence.

The next Workshop Meeting will be held on July 7, 2014 at 9:00 a.m.

There being no further business, Mayor Cooper adjourned the meeting at 8:28 p.m.

**Respectfully submitted,**

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**(Lorraine Zellers, Secretary)**