# Rehoboth Beach Homeowners' Association

June 2016

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This newsletter is published by the RBHA four times a year as an informational and educational tool for its members. Content is determined by the Communication Committee with guidance from the Board. Contributors include RBHA staff and other members of the community.

We welcome your comments and suggestions.

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## President's Message

Welcome to RBHA's Spring Newsletter for 2016. I am sure that you are as glad as I am that Spring is finally here.

I want to start this Newsletter by thanking Marcia Maldeis for her dedicated work for RBHA for many, many years. Marcia, who stepped down from the Board in December, has been an instrumental and active participant in just about everything RBHA has done since I have been a member of the Board. And, she has been my strong right hand and a constant support during the years I have been President. We cannot thank Marcia enough for her work. The list of things that she did is almost endless. Like many folks who serve on volunteer Boards, she worked without recognition for much of the time. Our dues notices went out on time, payments were recorded, and thank you cards were sent. The membership list was up-to-date and the confidentiality of our members was always protected. While this may not seem like a lot, there are many steps to each of those tasks. Labels must be printed. Letters must be printed. Labels must be affixed to envelopes. Envelopes must be filled and sealed. The right letter must go in the right envelope. Incoming mail with dues must be opened. Payments must be recorded. Thank you postcards must be addressed, stamped. and mailed.

I probably left out a few steps. However, this gives you a feeling for some of the chores a volunteer treasurer must do for an organization such as ours. However, that is only a portion of what Marcia did and did over and over for years and years. For example, as keeper of our membership list, she also sent out the post card notices of our spring and fall membership meetings every year. We are most indebted to Marcia.

The RBHA Board wanted to do something to honor Marcia for her service to our organization and found an excellent way to do that. On Arbor Day 2016, Friday, April 29, RBHA planted and dedicated a tree in Lake Gerar Park (Cranberry Park) to honor Marcia. There is a separate article in this Newsletter about the tree dedication, so I will not elaborate on the details except to say that this is a most fitting way to honor Marcia who loves all things Nature. And, as the tree grows, it will be enjoyed not only by Marcia but by all of the members of RBHA and our many summer visitors. Please stop by and take a look at Rehoboth's newest pin oak the next time you are near the park at the tip of Lake Gerar's westerly finger.

In closing, I would like to recognize RBHA Secretary, Chuck Donohoe, who spent quite a bit of time as our tree coordinator making arrangements with the City Manager, Sharon Lynn, and City Arborist, Elisabeth Lingo, for selecting the tree, determining where it should be located and in handling all of the other logistics necessary for purchasing and planting a tree.

Enjoy the Spring Newsletter!

Sincerely, Charlie Bronne

Charlie Browne, RBHA President

# **Summary of RBHA Meetings**

#### By Jon Worthington

All RBHA Meetings are Open to the Public

A full text of the minutes is available on the RBHA website.

#### January 2, 2016 – RBHA Board Meeting



The meeting was called to order by President, Charlie Browne. The Treasurer's Report: The Capitol One Account was terminated and consolidated into the checking account. The time and effort required to manage three accounts for the \$3 per quarter interest income was

not productive. The checking account has \$6,166.11 and the savings account has \$100.05 for a total of \$6,266,16.

RBHA's donations to worthy causes, such as, Habitat for Humanity, Meals on Wheels, the city Library, and CAMP Rehoboth among others were discussed and placed on the agenda for the March Board meeting.

Holiday Decorating Contest: There were three prizes and three honorable mentions in each of the two cate- Browne. Steve Curson presented the treasurer's reabout \$1,500 in addition to the cost of the post cards \$8,672.95. announcing the contest. The issues to be considered at Susan Gay presented the new RBHA website. There a future meeting are: A) whether to sponsor a Holiday is a large amount of information on the website that is Decorating Contest next December, B) if so, whether well-organized. It also includes future board meetings. to do a post card mailing or rely on the website and Charles Garlow and Joan Flaherty presented an ex-News Letter, C) if so, whether to increase the number tensive review of the off shore drilling issue and sugof honorable mentions.

members and outlined a program to explain what the to stop off shore drilling and seismic testing. Charles RBHA does and how it benefits homeowners and the and Joan personally visited and spoke to the Delaware city. He was appointed the chair of a membership senators' offices on February 12, 2016. The Board committee whose goal is to contact and explain the was in unanimous agreement writing the Congressmen RBHA to condo owners and residents.

Commissioners and the Cape Gazette opposing seis- Heim from the Assateague Coastal Trust will give a unanimously passed by the Board approving the letter update on the new city offices. Stan Mills will be inand directing that it be presented to the Board of Com- vited to talk about the boardwalk damage and beach missioners at their Monday, January 4 meeting. Joan replenishment. Susan Gay will give a presentation of Flaherty and Charles Garlow spoke against off shore the new website. seismic testing and oil drilling and urged RBHA join Steve Curson presented information about Main with organizations in other cities along the coast to Street's fundraising efforts for the 4th of July fireoppose testing. They noted that Ocean City, MD,

Lewes, and Dewey Beach have resolutions opposing off shore seismic testing. Mr. Garlow was appointed as chair of a committee whose purpose is to cooperate with groups in other cities opposing such testing.

Susan Gay has designed a new interactive website with easy to access features. She demonstrated the web site and how it works to the Board. The new web site format was approved as was the theme "One Square Mile of Coastal Living."

Discussion on process simplification considered the following: (1) Should we stop sending thank you post cards when renewal checks are received? (2) Should the Newsletter be emailed in addition to or as a substitute for the mailed Newsletter?

#### February 13, 2016 RBHA Board Meeting

The meeting was called to order President, Charlie gories, Traditional and Truly Fabulous. While the port. The closing checking balance was \$8,547.88 and contest was successful, it was expensive. Stamps cost the savings account balance was \$126.07 for a total of

gested that it be included in the RBHA newsletter. Mark Saunders explained that few condo owners are Several coastal and environmental groups are working and the President regarding these issues.

Steve Curson drafted a letter to be sent to the Mayor, The April General Meeting will be April 9. Matt mic testing off the Delaware shores. A resolution was talk about off shore drilling. Sharon Lynn will give an

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works, to be scheduled on July 3 this year. Main Street sent a letter indicating that the fireworks cost about \$40,000 per year and requested a donation from RBHA.

The board expressed thank you's to Susan Gay and her son for their tremendous work on the new website. An additional thank you was expressed to Charles Garlow and Joan Flaherty for their significant work on the off shore drilling issue.

Several board members expressed in interest in seeing the floating Christmas trees return to Lake Gerar and Silver Lake. This will also be discussed at the next board meeting on March 12.

#### March 12, 2016 – RBHA Board Meeting

The meeting was called to order by President, Charlie Browne. The treasurer's report was by Steve Curson. The checking account has \$9,607.63 and the savings account has \$150.08 for a total balance of \$9,757.71. The tax status of the RBHA was discussed, i.e., are we a 501(c)(3) or 501(c)(4) organization? Charlie Browne said that he would check our status.

Commissioner Toni Sharp pointed out that the RBHA welcome packet for new homeowners includes similar information to the City's packet. The Board discussed whether to keep the RBHA separate from the city's. A majority of the Board members voted to approve exploring the option of having our welcome packet sent with the City's.

The Spring General Meeting speakers will be: Matt Heim, Sharon Lynn, Stan Mills, and Susan Gay. The Board discussed sending out thank you post cards via mail and/or electronically. It was agreed that the Board should look into computerizing the sending of reminder and thank you messages. Steve Curson sent a letter to the Board of Commissioners and City Manager on behalf of the RBHA urging that it adopt a resolution in support of opposition to seismic testing. The Board of Commissioners voted for such a resolution.

Mark Saunders reported on efforts to inform condo owners of the RBHA and how it can contribute to condo owners. Many persons, not eligible to become members of the RBHA because they do not live or own here, still want to receive our Newsletter and other information. A proposal to make such persons "associate members" was rejected in favor of offering a subscription to our Newsletter for a reasonable fee.

The RBHA will donate \$1000 to Main Street for 4<sup>th</sup> of July fireworks.



### Charles R. Donohoe



As this Newsletter was nearing completion, we were stunned by the untimely death of our friend and RBHA Secretary, Chuck Donohoe. Several articles in this Newsletter were written by Chuck including one submitted the day before his passing. Additionally, other articles in the Newsletter, show what an integral part of our Association he was and how active he was in making Rehoboth a great place to live. Our most profound sympathies go out to his wife, Nancy, and all of Chuck's family. We dedicate this Newsletter to Chuck.







# **RBHA Spring Membership Meeting**

April 9, 2016



The Rehoboth Beach Homeowners' Association held its Spring General Meeting on Saturday, April 9, 2016, at All Saints' Episcopal Church.

The meeting was called to order by RBHA Vice President Jon Worthington right, who welcomed all in attendance. Jon then introduced the RBHA Board mem-

bers and welcomed City Commissioners Lorraine Zellers, Stan



Mills, and Paul Kuhns and well as City Manager Sharon Lynn. The Minutes of the Fall Annual Meeting were approved. The Treasurer's Report was approved.

RBHA Secretary Chuck Donohoe introduced longtime RBHA Treasurer (now retired) Marcia Maldeis (left, in series of photos below) and thanked her for her



many years of service to RBHA and Rehoboth Beach. To show our appreciation for all that she has done for our community,

RBHA will be planting a pin oak in her honor in Lake Gerar Park on Arbor Day, April 29. Marcia received a standing ovation from the members.

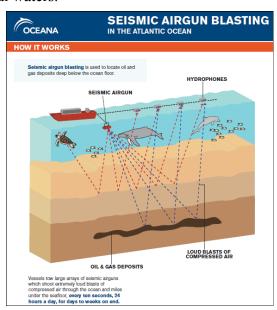
Our guest speakers for the program were Matt Heim, Sharon Lynn, and Stan Mills.

Matt Heim (pictured below) of the Assateague Coastal

Trust gave an excellent slide show on seismic testing for oil and other off shore issues and how they might impact Rehoboth Beach and neighboring coastal areas. Matt



was the lead organizer for the Trust's campaign to prevent off shore oil and gas development along our coastal waters.



This highly successful campaign included RBHA's active support and that of many other coastal communities in addition to Rehoboth Beach. It culminated with the March 15<sup>th</sup> announcement by the Federal Government that there would be no off shore drilling along our coast.





# **RBHA Spring Membership Meeting**

April 9, 2016

Following Matt, City Manager Sharon Lynn right, gave an update on the construction of the new City Hall complex. Sharon explained that the



911 functions have been temporarily moved to Georgetown and that city hall staff, the police department, and Main Street are located in trailers in the parking lot behind the fire department. New buildings to house the City's parking operations and Main Street will be completed and open by Memorial Day. Excavation of the new City Hall is now ongoing and actual construction is expected to begin in July.

The program continued with an update by Commissioner Stan Mills (pictured below) on the damage to our beach and boardwalk that resulted from this winter's Nor'easter. Stan showed pictures of the poor condition of our beach in 2005 with an eight-foot drop off from the boardwalk to the beach and no dunes along



much of our shoreline. In 2005 there was the first beach nourishment with wide protective dunes added. In 2010 the boardwalk was completely reconstructed. In Janu-

ary 2016 the Nor'easter destroyed the dunes along much of the northern half of the beach and severely

damaged the boardwalk in front of the Henlopen Hotel. The boardwalk was temporarily repaired within a month of the storm with full restoration to come



estimated at up to \$400,000. The dunes and beach have been partially restored after the storm by DNREC. Beach replenishment had already been scheduled for this year before the storm damage occurred, but the start date for replenishment has not yet been set because the extra damage was not in the initial plan.



The program closed with RBHA Board member Susan Gay (above) giving an overview of RBHA's excellent new website - the development of which was overseen by Susan.





The anonymous hands recycling on the City recycling refrigerator magnet? Marcia's, of course!

### RBHA BOARD MEMBER PROFILE

## <u>INTERVIEW WITH</u> **Susan Gay** — *By Chuck Donohoe*

We welcome Susan Gay as a key member of the RBHA Board of Directors. She and her husband, Jon



Andrews, and their two children have been coming to Rehoboth Beach since 2001. They purchased their place on Country Club Drive in 2014 and immediately became involved in community affairs, including the RBHA.

Susan and Jon are from the Philadelphia area where he is an attorney in the banking industry and Susan is in the medical publishing business. Their daughter Kate recently graduated from American University in Washington, DC, and their son, Paul, starts at Ithaca College this fall.

Susan is in her family's fifth generation in the medical field. Her father was a pediatric radiologist on the faculty of the Emory University Medical School in Atlanta, Georgia. After graduating from Emory with a Master's Degree in education, Susan promptly left the South, and with her Southern accent and all, moved to Boston to begin her career. There she worked for Butterworth, Inc. a medical book publishing business where her job was to find and acquire rights to publish books and articles focused on developments in the medical field.

She later moved to New York City where she continued

in the medical book publishing industry. As her reputation spread, the Lippincott company convinced Susan that publishing for it in Philadelphia would be a great career move. It was during her time at Lippincott that she met and married her husband, Jon. Indeed, a great career move.

Susan rose to become an executive in the publishing business, but along the way she became deeply interested in creating ground-breaking publications for whole new fields, and applying branding strategies to multi-channel content delivery. She became a key promoter of a new specialty of hospitalists, focused on the care of patients while in the hospital. During this time, she also served as president of the national organization in the field, the American Medical Publishers Association.

More recently her interests have turned to the impact of social media on the medical profession. In 2013 she co-authored a book titled "A Social Media Guide for Physicians and Medical Practice." In her spare time, Susan is now working on a second book on social media in medicine.

We are indeed lucky that Susan has brought her publishing and social media talents to Rehoboth Beach. As an RBHA Board member, she, with the help of her son Paul, have transformed the RBHA website into an informative interactive media for the benefit of our members and the community.

We enthusiastically welcome Susan and her family to Rehoboth Beach and to her continued tireless work on behalf of our association.

#### **ELECTIONS**

The City Annual Municipal Election is on Saturday, August 13, 2016 from 10:00 a.m. to 6:00 p.m. at the Rehoboth Beach Fire Department. Two (2) seats for City Commissioner will be contested. The terms of office are three (3) years for each position. To be eligible to vote on August 13, you must register on or before 4:30, Friday, June 10, 2016.



Any qualified elector may request an absentee ballot to vote by filing a written affidavit no later than 12:00 p.m. the day before the election, Friday, August 12, 2016. Certain requirements must be met to vote absentee. For more information, please refer to the City Charter, available online at <a href="https://www.cityofrehoboth.com">www.cityofrehoboth.com</a>, or contact Donna Moore at (302) 227-6181, ext. 108.

# RBHA Dedicates Tree to Marcia Maldeis

- by Charlie Browne

On Friday, April 29, Arbor Day 2016, the Rehoboth Beach Homeowners' Association dedicated a pin oak in Lake Gerar Park in honor of Marcia Maldeis. Attendees at the dedication ceremony included Mayor Sam Cooper and his wife Diane, Rehoboth's new City Arborist, Elisabeth Lingo, Commissioner Lorraine Zellers, and Marcia's husband, Commissioner Stan Mills.

Before retiring in December, Marcia had been a member the RBHA Board for the past nine years serving as treasurer for the past seven years. She has served on



RBHA President Charlie Browne and Marcia Maldeis

our membership committee for twelve years responsible for assembling and mailing our Newsletter and she also attended and reported on the meetings of

the Board of
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meetings for the Newsletter. Assisting the RBHA is just one of the many hats Marcia wears. Over the years she has been a member of the City of Rehoboth's



Foreground then clockwise: Chuck Donohoe, Jon Worthington, Sharon Sherwood (Executive Assistant to City Manager), Diane (Mrs. Sam) Cooper, Marc Saunders, Elisabeth Lingo, (City arborist), Charlie Browne, Marcia Maldeis

Parks and Shade Tree Commission, the City Animal Issues Committee, and the Feral Cat Trap Neuter -Release Program. She has served as a Captain for Delaware's Coastal



L-R. Commissioner Lorraine Zellers, City Arborist Elisabeth Lingo, Charlie Browne, Commissioner Stan Mills, Marcia Maldeis, Mayor Sam Cooper—standing in front of dedicated tree

Cleanup for the past 15 years, worked as a Sea Witch volunteer for 18 years, participated in the annual beach grass replanting, and worked as a Rehoboth Beach library volunteer setting up book sales.

We were delighted to honor Marcia by planting a tree in her honor. And what an appropriate thing to do, as Marcia loves Nature. Marcia's tree will be enjoyed by all RBHA members and our visitors as well. When mature, the tree will have a canopy of 25-40 feet and reach a height of 60-70 feet. Its acorns will be enjoyed



RBHA Board members, L-R. Jon Worthington, Charlie Browne, Jennifer Duncan, Mark Saunders



by songbirds, deer, squirrels, ducks, and geese. The trees of Rehoboth, like our lakes, are one of our treasures.

We are pleased to have added yet another tree to the city to honor Marcia and for all to enjoy.

# RBHA's New Website... and Facebook too!

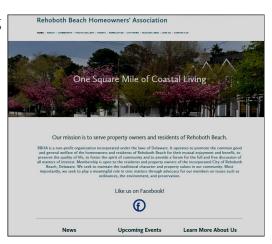
- by Susan Gay

RBHA has a new website, along with a new URL! You can find us at www.rbhome.org.

In development for about a year, we can take advantage of technological improvements that make it possible to update more quickly and without special coding expertise. Website templates available today also give us a visually-oriented site where we can display more photos from our events and of the City.

Much of the content from the old website has been moved over to the new site, but there is also new content. Newsletters and Minutes of board meetings are still on the site in PDF format. In addition, some of the topics we cover in our newsletters have been pulled out into a new section called "City News." Here you will find three subsections - Current City Issues, consisting of updates on topics being discussed by the Commissioners; City Meeting Reports, brief synopses of the meetings of various City commissions, including Board of Adjustment, and others; and Resources, including links to emergency information, trash schedule, utility bills, and building permits.

Another new section is called "Community." Here is where you will find a list of upcoming events in the City. You can also find a page devoted to the Comprehensive Development Plan (CDP), the principal document that drives decision making for the City's future growth and management of re-



sources. In the past, RBHA has taken an active role in identifying topics that the Planning Commission should address in the CDP, so we wanted to include the fruits of those efforts and stimulate discussion for future CDP updates.

You can keep up with RBHA events on the new site as well. The page on "Past Events" features those from the current or previous year, with a brief synopsis. More photos are in the Photo Gallery. Upcoming Events will now be featured right on the home page, with a link to the page containing more details.

In addition to the pages with regularly updated content and news, there are also pages with more information about RBHA, including email links for each board member, and our membership form ("Join Us"). "Related Links" includes some favorite sites such as CAMP Rehoboth, Main Street, and the Farmer's Market. One member already suggested we add a link to Volunteer Match, so you can find out about all of the organizations in

the area needing volunteers.

You may have noticed another new element on our home page – the Facebook icon! Yes, RBHA has a Facebook page, started about 6 months ago. We urge everyone to Like us, so you can get announcements of news in the City. Whenever updates are made to the website, a notice will be posted on the FB page and you will likely see

it in your news feed if you have Liked us. In addition, we're able to include some items on Facebook that are not on our website, such as updates on the winter storm, member photos, and links to relevant news stories.

For the past 1½ years, I have had the pleasure of working with Andrew Coupe, webmaster for the previous website, and would like to take this opportunity to thank him as well as Hoyte Decker, the board member who was instrumental in getting the first website off the ground 12 years ago. We wouldn't have the robust site we have today without their efforts. I'd also like to thank my local technical expert, Paul Andrews.

We will continue to send out e-mail updates for events and important announcements. If you aren't getting RBHA e-mails, please let us know so you can be added to the list. Should you have questions or concerns at any time that you would like RBHA to address, please send us an e-mail at: info@rbhome.org.



# The Homeowners' Association takes a stand against off-shore drilling

- by Steve Curson

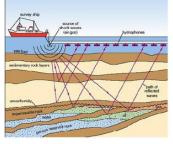
In a major reversal, the Obama administration recently said that it will bar off-shore drilling close to

the Delaware beaches from 2017 to 2022. Heavy pressure was put on by many of the communities along the Atlantic coast, including Rehoboth Beach. The RBHA did its part by sending a letter to the Commissioners and the Mayor stating that we strongly oppose any drilling and seismic testing in our waters. The same letter was sent to and published by the Cape Gazette paper. This was followed up by a vote by the Commissioners to oppose the drilling in a 6-1 vote.

The US Department of the Interior received over a million comments on the proposed program before it decided that now is not the right time for leasing in the Atlantic. But the battle is not even close to being over on this issue. Even though the administration has put a ban on drilling for now, the issue could come back around in four years when the existing ban will expire, and the then current administration will review the gas and oil company requests for new leases from the southern coast of Delaware to Cape Canaveral, Florida.

Even more threatening to our coast is the fact that seismic testing still is allowed while the drilling ban is in effect. Seven companies have applied for permission to do the testing in hopes of selling the informa-

tion to the prospective drilling companies for future use when there is no ban. This seismic testing is done by



using an air canon firing every 10 seconds, 24 hours a day for as long as the testing is going on. The blasts are extremely loud at 250decibels. That level of sound can travel up to 2,500 miles under water. Noise like this has been proven to be harmful to the ocean ecosystem. In areas where it had already been in use, it has caused native fish and mammals to either leave the area for the period of time the testing is going on, or in more extreme actions, marine mammals beach themselves. No one is sure how long the sea life could stay away from its habitat once it does leave.

The Interior Department estimates there are about 2.8 billion barrels of recoverable oil on the Atlantic's outer continental shelf and 26.4 trillion cubic feet of natural gas. Energy industry experts say the reserves may be far greater. With the Interior's estimate, we would be getting less that a years' worth of energy at our current rate of use. It seems that we should be looking for a better and safer way to generate the necessary energy required, like solar and wind farms. We stand behind organizations like the Assateague Coastal Trust and Oceana who have spearheaded the drive to keep seismic testing and off-shore drilling banned off our coast.

## Be Informed!

The City's web site and email bulletins contain lots of useful information.

- 1. RECEIVE communications from the City. It's free and easy!
- 2. PREVIEW available documents that support Board of Commissioners' agenda topics before a meeting.
- 3. RESEARCH mission statements, agendas, minutes, past support documents.
- 4. LISTEN to the audio of commission, board and committee meetings.
- 5. CONSULT the web site often for updated calendar items, press releases and more.

To learn more, check out the City's web site www.cityofrehoboth.com

# **City News Briefs**

By Stan Mills

#### Residential Rental Ordinance Adopted



The new ordinance was developed over a year's

worth of public meetings and essentially asks landlords to partner with the city in stemming problems from rental properties. The adopted ordinance in part includes:

- 1) Identifying a local contact person available 24/7 to aid in resolving problems;
- 2) Establishing a maximum occupancy of the sum of two persons per bedroom plus two persons to prevent overcrowding with children under six excluded;
- 3) Establishing an appeal process to exceed the occupancy limits for existing rentals that have done so in the past and pass an inspection confirming that life, safety measures are adequate for the extra occupancy;
- 4) Requiring landlords to furnish tenants with a City published "Good Neighbor Brochure" and with a copy of the noise code;
- 5) Requiring self-inspection of the property to ensure compliance with a list of minimum safety codes.

All of the above became effective upon adoption, April 4, 2016 except for the occupancy limits which become effective January 1, 2017. The City Manager will be sending all landlords a letter further explaining the new ordinance and actions required.

#### **Waste Handling Timelines Amended**

Also coming out of a year's worth of public meetings the Commissioners amended an existing ordinance regulating timelines for how far in advance of collection day wastes can be put at the curb for collection, and when emptied waste containers are to be retrieved from the street. These amendments were developed in reaction to citizens who identified that wastes put out too early—sometimes up to two weeks too early in the off-season— are unsightly, the containers and contents blow over in the wind and empty containers can sit in the street for many weeks until the owners return to retrieve them. A trial program of providing valet refuse service was developed to aid in compliance and is being implemented for a limited number of participants for a year as a trial. (It appears one or more new companies have sprung up also to offer valet waste service.) The fine structure for violations of the time restrictions remained unchanged as a civil violation with a fine of \$25. As part of this discussion, the fine structure for Chapter 227 – Solid Waste, Article VI Discharging Human Waste, \$227-31 Violations and Penalties was corrected/reduced to "\$250 to \$500" and, unfortunately, the noticing of the change to \$227-31 without the title reference caused confusion.

While the new time restrictions become effective June 1, 2016, the Commissioners voiced to the city manager, at adoption of the amendments, that they wanted a soft start – get the word out, monitor and advise – before getting to the point of issuing any civil citations. All the better to evaluate the program at a point in the future.

#### Restaurant Code and Provision to Allow Brewery-Pubs Under Review



Restaurants where alcoholic liquor is sold or consumed on the premises have size limitations. Discussions continue to focus on amending size limitations to allow for ancillary areas such as kitchens, storage lockers, restrooms to be excluded from area calculations and size limitations. Additionally, brewery-pubs are being considered as a permitted use in commercial zones; they currently are not allowed. More information on the development of amended and new ordinances can be found on the city website under Ongoing Business – Restaurants.

#### More Parking Meters Accept Credit Cards



This summer you will see more single-head parking meters installed that accept credit cards. With this ad-

vance every parking meter in the City will accept either quarters, or credit cards or the Parkmobile App.

#### **City Hall Construction Progresses**

The new Parking Department Building to be shared with Rehoboth Beach Main street on the site of both former buildings will be open by the time you receive this newsletter. An open house to show off the new building is scheduled for Wednesday, June 15 from 11:00 a.m. to 1:00 with a ribbon cutting ceremony at Noon. The public is invited.

City Hall construction advances toward a Spring 2017 completion date. To date, demolition of the old building is completed, a new basement is excavated and concrete foundations and walls are being poured. For visual updates, see the construction cam link on the home page of the city website <a href="mailto:cityofrehoboth.com">cityofrehoboth.com</a>.

#### Future Agenda Topic

The Planning Commission has completed a full review of the tree ordinance. Mayor Cooper has announced that the Commissioners also will conduct a full review beginning in the near future. Our new City arborist, Elisabeth



Lingo, will be an asset during this review. The report by the Planning Commission can be found on the city web site under "Ongoing Business – Trees."

# The Rehoboth Beach Volunteer Fire Company

Annual Fundraiser starts the end of June.

Please consider a donation.



For more information 227-8400 or rehobothbeachfire.com.

Mailing address: 219 Rehoboth Ave.

All RBVFCo fundraising activities are conducted by mail.

Be wary of anyone soliciting by phone.

# Rehoboth's New Trash Ordinance

Commissioners have been considering a new trash ordinance for many years and, after more than a year of

discussions at public meetings, they unanimously adopted a new ordinance to take effect June 1, 2016. Over the last several years, there has been an increase in residential refuse-yard waste-recyclables being put out too early prior to collection day. In addition, refuse-yard waste-recycling containers are not being removed from public space (street, curbside) in a timely manner.



- by Susan Gay

Trash receptacles are not only blown over by winds, they create unsightly conditions in our neighborhoods and, when bags are left out overnight, they become breeding grounds for animals and other vermin. Thus, the Commissioners felt that, to promote a healthy, harmonious, and attractive neighborhood life in Rehoboth Beach, new regulations are needed.



Why isn't valet service (picking up trash can from behind the house) being offered to everyone now?

Currently, the City lacks information about the desire for or feasibility of such a service. Because we are densely populated area in the summer, along with many parked cars on and in front of properties, it is difficult to determine if city work crews would be able to reach trashcans safely and efficiently. Other variables, such as staff time and equipment needs, are also unknown. The trial period will allow the City to test this new service in a fair and equitable manner to get the data it needs to determine its long-term viability.

#### How long will the trial period last?

The pilot program will be in place for one year, starting June 1. This time period will allow the City to evaluate the service in the summer, shoulder, and off seasons. That experience, coupled with the fact that the service is being tested equitably across the City, will help to assure that the data obtained represents all constituents and considers the seasonality of our community.

#### Why can't the City provide a central dumping facility?

Rehoboth used to have a centralized dumping facility at the site of the public works department on Lincoln Street. In 2013, DNREC determined that it was a "transfer station" and did not meet the requirements as such. In fact, few municipalities in the state are permitted to have transfer stations.

# What are options for weekenders who cannot meet the new requirements for setting out trash? There are several options:

Work with neighbors to coordinate cans being put out and brought back.

Hire a local service who will put cans out and take them back for a fee.

See our website <u>www.rbhome.org/resources/</u> under "Resources" for a list of these services. Store refuse in cans with watertight lids behind the house until they can be put out for a pick-up day. Take trash bag back to your primary residence for disposal.

#### What are the penalties for violations?

Any violations related to containers or time restrictions can result in a civil penalty with a fine of \$25.

### City Meeting News

Meetings of the City Board of Commissioners and the Board of Adjustment are summarized through accounts of RBHA Board Members.

# **Summary of Recent Board of Commissioners' Meetings**

by Mark Saunders

Below is a summary of the approved minutes of recent meetings of the Board of Commissioners. For the full content of the minutes, please visit the City's website.

#### \* \* \*

#### Board of Commissioners Meeting – January 15, 2016

Police Department Report – Chief Banks presented the report for December.

Fire Company Report – John Meng reported 37 crew calls in December. Four animal oxygen marks were donated, and a class was given on pet CPR.

City Manager Report – Sharon Lynn reported that bids are being reviewed for the new City Hall Project.

Old Business – A resolution was put forward which would oppose the five-year program allowing oil and gas exploration activities including seismic testing along the Mid and South Atlantic region generally and off the Delaware Coast specifically. Discussion was held and public comment received. Steve Curson, representing the Rehoboth Beach Homeowners' Association, advanced support for the resolution from the RBHA. The resolution of opposition was passed 6-1, with Mayor Cooper opposing on grounds that only one side of the issue had been heard to date.

New Business – Managing Storm Water Runoff – Commissioner Mills presented a report concerning the health of the City's waterbodies. Discussion was given regarding contaminants leaching into our storm drains which contributes to poor water quality. There is also a concern regarding water runoff from construction sites. Commissioner Mills will be meeting with other officials and builders to see what can be improved upon.

A brief report was shared from GHD engineers on the ongoing study related to the wastewater outfall project and specifically the force main alignment phase.

Announcements – The American Shore and Beach Preservation Association Conference will be in Washington in February. Commissioner Mills will attend representing Rehoboth Beach.

#### Board of Commissioners Meeting - February 19, 2016

Police Department Report – Chief Banks reported 152 traffic charges and 12 criminal charges for the month of January. Fire Company Report – Mr. Meng reported 47 crew calls and 13 alarms for the month of January.

City Manager Report - Sharon Lynn reported that the board-

walk was damaged by the Nor'easter on January 23 and that FEMA has already been on the site to access the damage. City crews have made temporary repairs. Ms. Lynn further reported that the new Parking Department Building is underway and is progressing as planned.

Old Business – A discussion was held concerning refuse, recycling, and yard waste. A topic of concern, presented by Commissioners McGuiness and Mills, was that refuse is being set out too far in advance of pick up and that containers are not being removed from public spaces in a timely manner. It was decided that a workshop meeting will take place in March to look at these and other related issues. Potential code changes may also be discussed at the special meeting related to these and other trash and recycling issues.

New Business – The Commissioners considered a proposal to enter into a five-year agreement with Sussex County whereby the City will supply drinking water to the Dewey Water District. A motion was made and carried unanimously to approve the five-year agreement.

#### **Board of Commissioners Meeting – March 18, 2016**

Police Department Report – Chief Banks reported 182 traffic and 13 criminal citations for the month of February. The most common violations are speeding, unregistered motor vehicle, no insurance, and cell phone use while driving.

Fire Company Report – John Meng reported 29 crew calls and 5 alarms in the month of February.

City Manager Report – Sharon Lynn reported that FEMA has approved January storm damage aid and that the Lake Avenue Streetscape Project is progressing. She is preparing to receive bids on several repaying projects in the City.

Old Business – A discussion was held with Mr. Kyle Gulbronson of AECOM, the City's planning consultant, regarding changes to the residential rental ordinance. Mayor Cooper recused himself from this discussion, and a lengthy discussion including public debate was had. (Please see the minutes on the City website for full details of the discussion.) A Special Meeting will be held on April 4, 2016, to consider adoption of changes to the ordinance.

New Business - A discussion was held concerning the ongoing new City Hall Building and specifically a contractor for security systems. The contractor, Advantech, Inc. has offered several alternatives. A motion was made to authorize the contracts and passed unanimously.

The 2016-2017 Budget was presented. The Budget is balanced at \$27,103,462. The motion to approve the budget as presented passed unanimously. The Budget included an increase in water rates from \$1.67 to \$2.10 base charge. There will also be a \$1.00 per hundred-gallon surcharge in the two middle quarters of the year. This motion also passed unanimously.

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## City Meeting News

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Also passing unanimously was a motion to increase seasonal nontransferable parking permits from \$175 to \$225. Transferable permits will increase from \$200 to \$250.

#### Board of Commissioners Meeting - April 15, 2016

Police Department Report – Chief Banks reported a total of 180 arrests for March. In addition, there were 157 traffic citations including 14 citations for cell phone use while driving and 47 citations for speeding in the city. Chief Banks noted that arrests have been made in the Purple Parrot break-in and that that arrest led to other theft crimes being solved, and some personal property returned to owners. Also, 28 new seasonal officers have been hired and training begins prior to Memorial Day.

Fire Company Report – John Meng reported a quiet month in March with 33 crew calls but no fires.

Building and Licensing Report – Mr. Molina reported 2 new construction residential permits issued for a total of \$2,172,275 and 1 commercial permit for \$1,259,800. Additions, repairs, and alterations totaled another 67 permits. Planning Commission Report – Mr. Mellen reported that a partition at 300 Bayard has been approved, and that a revised Tree Ordinance draft will be available at the May meeting for review.

New Business – City Manager Sharon Lynn introduced the new City Arborist, Elisabeth Lingo. Ms. Lingo is from Rehoboth and has experience in other municipalities including New Your City. She indicated that she is very pleased to be back home in Rehoboth and looks forward to working on the tree ordinance, taking care of the city tree supply, and creating a plan to increase our tree population and preserve our green areas. Both Commissioner Mills and Commissioner Gossett commented on how important our tree canopy is to our city and that a coordinated plan is welcome. The entire Board enthusiastically welcomed Ms. Lingo.

Other Reports – Commissioner Mills gave a detailed report on his recent attendance at the Conference of American Shore and Beach Preservation. He also explained how the Rehoboth Beach coastline is being monitored and repaired and explained the complex financing and government oversight involved in beach replenishment. He noted that Senator Carper is a leader in promoting beach nourishment funding.

# **Summary of Board of Adjustment Meetings**

Several important issues came before the Board of Adjustment in a series of hearings from December 21, 2015, to April 25, 2016. Among the issues considered some related

to the status of garage apartments in Rehoboth and several related to the new zoning code and its application while the referendum was pending last Fall.

#### Board of Adjustment — December 21, 2015 Meeting

The Board heard an appeal of the Building Inspector's decision to deny a permit to renovate a garage apartment. The recent new owners of 41 Brooklyn Avenue, Brian and Erica Conley, sought the permits. What makes this case of possible general interest is that the garage had been used for many years as a garage apartment, but a building permit for such use had never been issued by the City. The City Assessor had identified the garage as a garage apartment as early as 1968 although there was evidence that the garage had been used as an apartment much earlier. A rental license was not secured until 2001, but without the required building permit for apartment use. In addition, certain extensions to the garage had been made over time, again without a building permit.

Because there was never a building permit issued by the City to convert the garage to a garage apartment, the Building Inspector concluded that use of the garage as an apartment was an illegal non-conforming use. Accordingly, the requested permit to renovate was denied.

The Board of Adjustment agreed with the Building Inspector's decision and denied the appeal by a 5-0 vote. Members of the Board of Adjustment voting on the appeal were Tom Evans, Clift Hilderley, Chuck Donohoe, Myrna Kelley and Doug Popham.

#### Board of Adjustment — February 21, 2016 Meeting

The Board heard an application for variance by Philip Santoro of 313 Stockley Street. Mr. Santoro had recently purchased the property and wanted to replace a rotting wooden staircase on one side of the house. A permit to replace the rotting stairs was denied by the Building Inspector because the current and proposed stairs violated the side set back requirement. The existing house and stairs had been in place for over 40 years and both the house and the stairs were situated such that they both were in violation of the zoning code's set back requirements, albeit only slightly so. The owner contended that to deny the variance application would result in unnecessary hardship because access to the house would be limited. The Board granted the requested variance by a 3-0 vote. Members of the Board voting on the variance were Tom Evans, Cliff Hilderley and Myrna Kelly.

The second matter considered by the Board was a motion by Eugene Lawson acting as counsel for the owners of properties at 217 Philadelphia Street, 105 St Lawrence Street, 102 Rodney

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### City Meeting News

Meetings of the City Board of Commissioners and the Board of Adjustment are summarized through accounts of RBHA Board Members.

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Street, 200 Laurel Street, 11 Queen Street and 101 Lake Drive. The motion was to consolidate a zoning ordinance issue relating to each of these six properties. Mr. Lawson said the only issue he wanted consolidated was a pure legal issue relating to whether, at the time each of the six building permits were requested, the new zoning ordinance enacted last July was operable under the "Pending Ordinance Doctrine." Myrna Kelly made a motion to grant the request to consolidate. No other member of the Board would second Ms. Kelly's motion. Then Cliff Hilderley moved to deny the request to consolidate. There was no second to Mr. Hilderley's motion either. There being no vote, the motion to consolidate failed.

#### Board of Adjustment — March 28, 2016 Meeting

The Board convened to hear an appeal of the decision of the City Building Inspector to deny building permits for 105 St. Lawrence Street and 102 Rodney Street. The applications for permits were to construct swimming pools, among other things. The applications had in each case been denied because the proposed pools and structures would violate the new zoning code enacted on July 17, 2015. But, the new code had been suspended when petitions to reconsider the new ordinance were filed with the City. There followed a referendum on November 7 in which the voters upheld the new ordinance. The permits were denied under the "Pending Ordinance Doctrine" which applies to ordinances not yet enacted but which are "pending." The sole legal issue to be decided was whether the new ordinance was legally "pending" under the "Pending Ordinance Doctrine" during the time it was suspended and awaiting the outcome of the referendum.

However, at the outset of the meeting, the city solicitor, Glenn Mandalas, made an oral motion that the Board of Adjustment did not have jurisdiction to consider this legal issue. He explained that to decide the issue, the Board had to construe the City Charter. He argued that the Board had no jurisdiction to do that. He cited case and statutory law in support of his position.

Chuck Donohoe moved to continue the two cases until the April 25<sup>th</sup> meeting because the Board needed time to consider legal briefs yet to be filed by both the City and the appellants. The motion was seconded by Cliff Hilderley and was unanimously approved. A briefing schedule was set for the City and appellants and thereafter the legal issues were to be considered at the Board's April 25 meeting.

Members of the Board of Adjustment voting for the continuance were Tom Evans, Cliff Hilderley, Chuck Donohoe, Myrna Kelley and Doug Popham.

#### Board of Adjustment — April 25, 2016 Meeting

The first case was an appeal of a denial of a building permit for a house at 105 St. Lawrence Street on a property owned by Barry and Sharon Covington. The permit application sought, among other things, a swimming pool. The Building Inspector applied the new zoning ordinance to deny the permit. The appellant contended that while the new code was suspended at the relevant time pending the outcome of the referendum over the new zoning ordinance. The City contended that the "Pending Ordinance Doctrine" applied in that time period because the suspended new ordinance was pending while awaiting the outcome of the referendum.

The first issue raised was whether the BOA had jurisdiction to determine the matter. It required construing the Charter and the City contended that the Board has no power to construe the Charter. The Board decided by a 5-0 vote that it did have jurisdiction.

The next issue was whether the Building Inspector correctly applied the new ordinance under the Pending Ordinance Doctrine, instead of applying the old law. On a motion by Chuck Donohoe to deny the appeal and uphold the Building Inspector's refusal to grant a building permit under the new code, Cliff Hilderley and Doug Popham agreed. Tom Evans and Myrna Kelly voted against the motion in support of the appellant. The Building Inspector's decision was thus upheld. In the second case heard, Steve Mikkelsen of 204 Philadelphia Street, appearing for the third time before the Board regarding the same garage apartment, appealed the Building Inspector's decision to deny a building permit because the proposed garage apartment was too high at 38 feet and 100% of floor space was for a dwelling instead of the 79% dwelling floor space permitted under a 1991 garage apartment amnesty program.

At the hearing, Mr. Mikkelsen, through his lawyer, agreed to limit the height of the garage apartment to that permitted by the code.

Chuck Donohoe moved to deny the appeal because the 1991 garage apartment amnesty agreement required that 21% of the floor space must be for storage and that was not in the permit proposal. Tom Evans voted with Mr. Donohoe against the appeal and in favor of the Building Inspector's decision. Cliff Hilderley, Myrna Kelly and Doug Popham voted against the motion and in favor of granting the appeal. The Building Inspector's denial of the building permit was thus reversed.

\* \* \*

### **COMMUNITY CALENDAR 2016**

#### **JUNE**

- 4 Walking Tour of Downtown. 9:00 AM. Meet at Bandstand. 227-7310.
- 4 *Beach Goes Blue!* New event with lots of activities. Sponsored by the RB-DB Chamber of Commerce 227 -2233 or www.beachfun.com
- 5 Free Concert in the Garden at All Saints' Church. 2PM. Rehoboth Concert Band. Bring a lawn chair
- 5-10 Restaurant Week. 3course prix-fixe meals at select restaurants. Sponsored by RB Main Street. Indulge! downtownrb.com
- 6 Commissioner's Workshop, 9AM. 2nd Floor Fire Hall
- 7 Farmer's Market, Noon 4PM. Grove Park
- 8 30th Annual Special Olympics Law Enforcement Torch Run—Bandstand Area. 7PM. Sode.org
- 10 Bus trip to Franklin Institute "Lost Egypt" exhibit. Cape Henlopen Senior Center. 227-2055.
- 10 Planning Commission mtg, 6:30 PM 2nd Floor Fire Hall
- 14 Farmer's Market, Noon 4PM. Grove Park
- 15 Open House RB Parking Department. 11:00 -1:00
- 17 Commissioner's Meeting, 7PM. 2nd Floor Fire Hall
- (18)RBHA Board meeting, 9AM. All Saints Episcopal Church. All welcome.
- 21 Farmer's Market, Noon 4PM. Grove Park
- 23 AUCE Pancake & Sausage Breakfast, 8:30-11AM. 50 cents to celebrate the 50th Anniversary of the Cape Henlopen Senior Center
- 23 Jolly Trolley local history tour of downtown sponsored by the Rehoboth Beach Museum. Meets at 9AM at the Anna Hazzard

- House, 17 Christian Street. \$10. Register 227-7310
- 23 Artist Aaron Trotter lecture. 7PM. Museum. Reserve a seat. 227-7310
- 24-26 2nd Annual CAMP Rehoboth Family Pride CAMP Festival celebrating diversity of families. 227-5620. camprehoboth.com
- 27 Board of Adjustment, 7PM. 2nd Floor Fire Hall
- 28 Farmer's Market, Noon 4PM. Grove Park

#### **JULY**

- 3 Fireworks!
- 9:15ish or as early as 8 PM if weather is threatening. Spectacular fireworks visible from the beach and boardwalk. Sponsored by Rehoboth Beach Main Street. Donations accepted. 227-2772 downtownrb.com
- 4 Fireworks Rain Date
- 5 (TBD) Commissioner's Workshop, 9AM. 2nd Floor Fire Hall
- 5 Farmer's Market, Noon 4PM. Grove Park
- 8 Planning Commission mtg, 6:30 PM 2nd Floor Fire Hall
- 12 Farmer's Market, Noon 4PM. Grove Park
- 12-13 67th Annual Cottage Tour of local homes and historic Homestead. RAL 227-8408 rehobothartleague.org
- 14 "Philly TV" History of Philadelphia TV lecture. 7PM. Museum 227-7310
- 15 Commissioner's Meeting, 7PM. 2nd Floor Fire Hall
- (16) RBHA Board meeting, 9AM. All Saints Episcopal Church. All welcome.
- 19 Farmer's Market, Noon 4PM. Grove Park
- 20 Annual Acoustic Jam. 7-11:00 PM. Museum. 227-7310.
- (22)Candidate Forum sponsored by the RBHA. 6:30 PM at CAMP Rehoboth.

- 25 Board of Adjustment, 7PM. 2nd Floor Fire Hall
- 26 Farmer's Market, Noon 4PM. Grove Park

#### **AUGUST**

- 2 Farmer's Market, Noon 4PM. Grove Park
- 6 "Beach Ball" 11th Annual Gala. Dinner, dancing, silent auction. Fundraiser for the Rehoboth Beach Museum. 7:00-10:30 PM King's Creek Country Club. Fee. 227-7310
- 6-7 RAL's 43rd Annual Outdoor Fine Arts & Crafts Exhibit, Sat. 10-5PM. Sun 10-4PM. Fee. rehobothart-league.com, 227-8408
- 8 Commissioner's Workshop, 9AM. 2nd Floor Fire Hall
- 9 Farmer's Market, Noon 4PM. Grove Park
- 11 Walking Tour of Downtown. 9:00 AM. Meet at Bandstand. 227-7310
- 13-14 RAL's 43rd Annual Outdoor Fine Arts & Crafts Exhibit, Sat. 10-5PM. Sun 10-4PM. Fee. rehobothartleague.com, 227-8408
- 16 Farmer's Market, Noon 4PM. Grove Park
- 18 Jolly Trolley local history tour of downtown sponsored by the Rehoboth Beach Museum. Meets at 9AM at the Anna Hazzard House, 17 Christian Street. \$10. Register 227-7310
- 19 Commissioner's Meeting, 7PM. 2nd Floor Fire Hall
- 20)RBHA Board meeting, 9AM. All Saints Episcopal Church. All welcome.

All activity dates & times are subject to change and to author error. Check with venue.

Check out CAMP Rehoboth happenings at camprehoboth.com

#### Fireworks

are funded solely by donations

Main Street is a 501(c)3 organization so your donations are 100% tax deductible to the full extent of the law Please be as generous as you can from \$5 to \$5000!

Main Street Fireworks Fund P.O. Box 50 Rehoboth Beach, DE 19971 302-227-2772 www.downtownrb.com



Full schedule and more at rehobothbandstand.com



#### Hours

Monday 10am-8pm Tuesday 10am-8pm Wednesday 10am-8pm Thursday 10am-5pm Friday 10am-5pm Saturday 10am-3pm Sunday Noon-4pm

rehobothlibrary.org

# City Administrative Office Hours

#### Year Round

Mon-Fri 8:30 — 4:30

### **May 27—Sept. 3**

Administrative Offices Open every Saturday 8:30 AM — Noon

Phone (302) 227-6181 www.cityofrehoboth.com

REHOBOTH BEACH HOMEOWNERS' ASSOCIATION P.O. BOX 41 REHOBOTH BEACH, DE 19971



## Rehoboth Beach Homeowners' Association Newsletter

**JUNE 2016** 

### **RBHA Calendar 2016**

Saturday, January 2 9 AM Board Meeting CAMP Rehoboth

Saturday, February 13 9 AM Board Meeting CAMP Rehoboth

Saturday, March 12 9AM Board Meeting CAMP Rehoboth

Saturday, April 9

10 AM General Membership Meeting
11:30 AM Board Meeting
All Saints' Episcopal Church

Saturday, May 7 9AM Board Meeting CAMP Rehoboth Saturday, June 18

9 AM Board Meeting All Saints' Episcopal Church

Saturday, July 16 9 AM Board Meeting All Saints' Episcopal Church

> Friday, July 22 Candidate Forum 6:30 PM CAMP Rehoboth

Saturday, August 20 9 AM Board Meeting All Saints' Episcopal Church Saturday, September 17

No Board Meeting
Coastal Cleanup Activity in morning
& RBHA Picnic in Grove Park
in the afternoon
Both hosted by RBHA. Please join us!

Saturday, October 15

10 AM Annual Membership Meeting. Board meeting after (approx. 11:30AM) CAMP Rehoboth

> Saturday, November 19 9 AM Board Meeting CAMP Rehoboth

> No meetings in December.

All meetings are open to the public. CAMP Rehoboth: 37 Baltimore. All Saints': Ocean Block Olive Avenue.