

*MILFORD CITY COUNCIL
MINUTES OF MEETING
February 14, 2011*

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, February 14, 2011

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilman Starling.

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Brooks to approve the minutes of the January 3, January 10, January 24, February 1 and February 2, 2011 Council and Committee Meetings as presented. Motion carried.

POLICE REPORT

Mr. Morrow moved to accept the police report as submitted by Chief Hudson, seconded by Mr. Brooks. Motion carried.

CITY MANAGER REPORT

Mr. Baird read the following report into record:

Solid Waste & Recycling

On August 1, 2010 the City Solid Waste Department began the collection of curbside recycling. During the month of January, the Solid Waste Department collected 360.71 tons (321.19 tons of Solid Waste; 34.69 tons of Curbside Recycling and 4.83 tons of yard waste) In 2010, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill.

	<i>Solid Waste</i>	<i>Curbside Recycling</i>	<i>Igloo Recycling</i>	<i>Yard Waste</i>	<i>TOTAL</i>	<i>Diversion Rate</i>
<i>2009</i>	<i>4,684.38</i>	<i>442.44</i>	<i>545.68</i>	<i>-</i>	<i>5,672.50</i>	<i>17.41%</i>
<i>2010</i>	<i>4,630.47</i>	<i>450.12</i>	<i>505.82</i>	<i>37.49</i>	<i>5,623.90</i>	<i>17.66%</i>
<i>2011</i>	<i>321.19</i>	<i>34.69</i>	<i>44.16</i>	<i>4.83</i>	<i>404.87</i>	<i>20.60%</i>

Impact Fee Waivers

Since the waiver of impact fees was implemented in June 2010, the City has waived \$139,280 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$7,817,395 (based on building permit values) during the months of June through January.

Proposed Ordinances

Per the request of a few members of City Council and the Code Official, staff is preparing drafts of the following proposed ordinances for your review. I anticipate these ordinances will be introduced on February 28, 2011.

1. Outdoor Woodburning Furnaces—This ordinance is written with two options. Option 1 prohibits these types of furnaces, while Option 2 permits them under certain conditions.

Ordinance 2011-5 – DRAFT

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-5

Chapter 230: Zoning

It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor woodburning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, with the adoption of this article, it is the intention of the City of Milford to establish and impose restrictions upon the construction and operation of outdoor woodburning furnaces within the limits of the city for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the city and its inhabitants.

Section 1.

An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by defining and regulating Outdoor Woodburning Furnace in the City of Milford.

Section 2.

Amends §230-4, Definitions, by adding a definition for Outdoor Woodburning Furnace.

OUTDOOR WOODBURNING FURNACE-An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

Section 3.

Amends §230-4, Definitions, by adding a definition for Firewood.

FIREWOOD-Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

Section 4.

Amends §230-4, Definitions, by adding a definition for Stack or Chimney.

STACK or CHIMNEY-Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.

Section 5.

Amends §230-41, Accessory Uses, by adding a new paragraph (D) regulating Outdoor Woodburning Furnace to read as follows:

D. Outdoor Woodburning Furnaces.

OPTIONS (SELECTION NEEDED)

(1) Prohibited.

(A) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.

(2) Nonconforming Uses.

(A) Except as hereinafter provided, the lawful use of any outdoor woodburning furnace existing at the time of the adoption of this ordinance may continue though such use shall conform with the following provisions:

(1) Outdoor woodburning furnace existing at the time of the adoption of this article shall thereafter not be extended or enlarged.

(2) Any existing outdoor woodburning furnace which is abandoned or discontinued for a period of one year shall not be permitted to be reestablished as a nonconforming use, and must be immediately removed by the property owner from the subject premises.

(3) Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.

(4) Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

(5) The use of such furnaces must follow all operating instructions supplied by the manufacturer.

OR

(1) Permitted.

(A) Minimum lot size. Outdoor furnaces shall only be permitted on lots of 3 acres or more.

(B) Setbacks. Outdoor furnaces shall be set back not less than 200 feet from the nearest lot line.

(C) Months of operation. Outdoor furnaces shall be operated only between October 1 and April 30.

(D) Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

(E) The unit must be located with due consideration to the prevailing wind direction.

(F) The use of such furnaces must follow all operating instructions supplied by the manufacturer.

(G) Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.

(H) Building permit required prior to installation.

Section 6. Dates.

2. Licensing (Still being drafted and is not included in the packet)—This ordinance will require those applying for licenses from the City to be current on all charges and fees due the City are paid and in good standing.

North Front Street Sewer Project

The City and our engineers with Davis, Bowen & Friedel, Inc. are in the process of preparing the final change order and obtaining the release of liens from the contractor and subcontractors on the project. I will provide updates on the status of the project as more is finalized.

Electric Utility Rate Comparison

The Residential Utility Rate Comparisons from DEMEC for January 2011 are as follows:

RESIDENTIAL RATE COMPARISON @ 1,000 kWh

		% Difference	% Difference
Del Co-Op	\$111.72	0%	-27%
Milford	\$143.53	28%	-6%
New Castle	\$144.63	29%	-5%
Lewes	\$146.92	32%	-4%
Dover	\$147.38	32%	-4%
Smyrna	\$152.48	36%	0%
Delmarva Power	\$153.01	37%	0%
Seaford	\$156.05	40%	2%
Middletown	\$158.93	42%	4%
Clayton	\$162.70	46%	6%
Newark	\$163.71	47%	7%

Electric—Demand Response Program

The City's Demand Response Program allows its electric customers to sign on with a third party Curtailment Service Provider (CSP) to, when called upon, reduce demand on the electric grid in exchange for financial incentives. Last year the City adopted ordinances allowing for third party vendors to serve as CSP's with the approval of the City Manager on an annual basis. This year, DEMEC, has selected Comverge, Inc. to serve as a CSP working on behalf of DEMEC and its members. While it is believed that DEMEC's arrangement with Comverge will offer our customers greater incentives for participation in the program (80% rebates versus the standard 60-70% rebates), I do not feel Comverge should be the

exclusive CSP within our electric system. Therefore, in accordance with the City Ordinance governing this issue, I plan to continue to approve other CSPs to compete for business along with Comverge in Milford for the 2011 Program Year. The City should continue to evaluate this issue over the course of the next year and recommend to City Council any changes for the 2012 Program Year.

North Front Street Sewer Project

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North East 10th Street & N. Church Street Paving

The City is in discussions with the contractor regarding a resolution on N.E. 10th Street and I believe an agreement will be reached by your next meeting. Additionally, Mr. Mallamo will be taking a closer look at N. Church Street to avoid any similar issues that were experienced on N.E. 10th Street

10th Street Water Tower

The City has just received proposals for washing, surface preparation and touch up painting on the 10th Street Water Tower. After reviewing the proposals with Mr. Mallamo and based upon comments from the contractors, we will be pursuing the possibility of full exterior painting as well. We anticipate the proposals being presented to City Council no later than March and work taking place this spring.

City Holiday

City offices will be closed on Monday, February 21, 2011 in observance of President's Day.

Mr. Brooks then confirmed the ordinances being presented will be reviewed during a workshop session.

When asked if JJID has fulfilled their obligations under the contract, Mr. Baird advised it is about 98% complete with a couple of road restoration items left. The sewer work is complete on the city side; any ongoing work is the result of the Kent County project.

Mr. Baird then verified the utility line will extend east, then turn south down the Silicato Parkway and cross over behind the high school athletic fields, then wrap back over to Route 113.

The city manager reported that electric rates have not changed over the past 22 months with the exception of the credit that was the result of an overpayment to DEMEC in 2009.

Mr. Pikus referenced programs thru other electrical carriers that educate their customers about the advantages of cutting back during peak times and similar issues. Mr. Baird advised that DEMEC is currently considering those programs because there is a push for them to get more involved with customer education and service.

When asked about who regulates Delaware Co-Op, the city manager advised they are self regulated as are other municipal electric companies in Delaware. However, they do fall under some federal requirements.

Mr. Brooks recalled the Water Tower Maintenance Programs considered several years ago though it was never approved. Once the city has the new water tower up and running, Mr. Baird said the city will revisit a possible long-term maintenance program for the entire city.

Mr. Pikus then moved for acceptance of the City Manager Report, seconded by Mr. Grier. Motion carried.

COMMITTEE REPORTS

Economic Development Committee

Mr. Grier advised that work continues with First State Manufacturing. Their plan is to submit a USDA application to establish a small business incubator entrepreneurial center.

He reported that Richard Carmean is on board as the Economic Development Director. A recent highlight of the program is a company who is planning to build a new 5,000 square foot building and bring ten additional jobs to the city. The impact fee waiver and tax deferral played a major role in their decision to expand their business here.

Another committee meeting was held on February 9th at which time several of the goals were reviewed and prioritized.

Currently, an advisory panel is being established with eight to ten people expressing an interest to serve. He encouraged any other interested persons to contact city hall. Those members will be appointed at the February 28th meeting.

Milford Cold Weather Shelter

Mr. Starling reported that the Cold Weather Shelter for the homeless, sponsored by Circle of Light, Incorporated is up and running. A number of church groups have volunteered to help with the program.

COMMUNICATIONS

Mayor Rogers advised the next SCAT meeting will be held at the Cheer Community Center in Georgetown on March 2nd.

Delaware League of Local Governments will hold their monthly meeting on February 24th at the Sheraton in Dover.

Comcast Cable

Mr. Pikus asked the status of the Comcast complaints the city received several months ago in relation to picture freezing and pixelation problems. Mr. Baird said they were in the process of meeting with some of our citizens to address some of these concerns. It is his understanding they are still working with those residents.

Any other customers should call city hall so that Comcast can be contacted. Mr. Brooks advised there is also an audio problem on the Lifetime Channel that occurs on a regular basis.

It was noted that Comcast has attempted to correct the freezing problem at several residences though it continues to occur.

NEW BUSINESS

Resolution/Application for DNREC Funding/Development of a Wastewater Facilities Plan

Mr. Baird reported the city is in the process of working on our Water Facilities Plan which should be wrapped up within the next two to three months. We are planning to develop a Wastewater Facilities Plan to address immediate needs and provide long term guidance for future wastewater needs.

A grant application of \$99,840 is being submitted, of which 50% would be the city's responsibility.

Erik Retzlaff of Davis, Bowen and Friedel advised this began with the water facility plan during which time there were a number of questions raised about the overall city water facilities. To provide a justifiable recommendation, some funding was secured for the water facilities evaluation. Money is now available from DNREC to do the same thing with the wastewater.

Mr. Retzlaff said the study includes an evaluation of the existing nineteen pump stations to identify their condition. It will provide a schedule for a replacement and improvements project, along with a schedule for the expansion of existing facilities.

Mr. Retzlaff explained the second portion, which is the largest undertaking, is to construct a wastewater model. This model would allow all the pump stations and approximate seventy miles of piping in the ground to be evaluated very quickly.

The plan allows for a more proactive approach than a reactive approach. He said that considering the age of the infrastructure, it is best to identify any problem now so repairs can be budgeted rather than dealt with on an emergency basis.

The water system model will also allow a quick evaluation of any improvements needed to bring new developments or new economic projects into the area.

They will make application and hear on Wednesday whether the application is approved. At that time, he will return for council approval to move forward.

Mr. Morrow asked if this will assist in identifying the I&I issues; Mr. Baird said it will compliment some of that work that URS is doing. That can be worked into the model to determine any downstream impacts. If an I&I project is identified, that would be a reason to move it up on the priority list.

Mr. Brooks asked if the nineteen pumping stations are on routine maintenance; Mr. Baird advised that our current staff addresses daily, as well as annual maintenance. However, we are lacking on the capital end. For example, a lot of the pumping stations were installed or updated at the same time so repairs are all coming due. They need to be prioritized which will be determined by the flow going thru those stations.

Mr. Pikus recalled that years ago, though maintenance occurred on a regular basis, the city had a problem because there were no mapping or charts of the water and sewer lines in the city. He asked if this computer model will generate reports and identify bottlenecks and other problem areas in the city and whether it would assist the city engineer with knowing where these utilities are. Mr. Retzlaff explained it will create a database or structure that can be maintained and updated. The model will be built on the available information today, though it may be determined later that things are different. Once that capacity is used up, a dollar amount can be associated with how much capacity is remaining in the transmission main.

When asked if city staff will have the ability to access the computer to find a problem quickly, Mr. Retzlaff explained that they will provide a report after the plan is completed. He is uncertain the model would be available to city staff because there is no one on staff that has been trained to use the program. However, DBF can prepare it and turn it over to the city though it is his understanding, DBF will continue to oversee it.

Mr. Brooks asked if one of the nineteen pump stations on the SCADA system would suddenly stop, would it be recognized immediately. Mr. Baird stated that most are on SCADA and it is our goal to add those that are not tied in. He added that the last two years, they have added about five a year.

Mr. Pikus moved for adoption of Resolution 2011-1, seconded by Mr. Brooks:

RESOLUTION 2011-1

WHEREAS, the Mayor and Council of the City of Milford have approved a project to perform an evaluation of the City's wastewater utility, and

WHEREAS, the State Department of Natural Resources and Environmental Control (DNREC) has funding available for such projects in their Wastewater Planning Matching Grant Program through the Clean Water State Revolving Fund (CWSRF) Non-Federal Administrative Account.

BE IT RESOLVED, the Mayor and Council of the City of Milford approve of submitting an application to the State Department of Natural Resources and Environmental Control for a Wastewater Planning Matching Grant to assist in funding the cost of performing an evaluation of the City's wastewater utility.

Motion carried by unanimous roll call vote.

The city manager advised that once the application is approved by DNREC, approval of the plan will be needed by city council.

Request for FY 2010-11 Budget Transfer from Capital Account/Solid Waste Department

The letter included in the packet from Public Works Director Brad Dennehy stated the recent trash truck purchased came in under budget which left \$52,243 in the capital account. As a result, Mr. Dennehy is requesting council approve a purchase of 200 new ninety-five gallon residential trash containers for \$10,463 and 15 commercial dumpsters for \$11,100 totaling \$21,563.00.

Mr. Dennehy is requesting \$21,563 be transferred from the account which would leave a balance of \$30,680.

Mr. Morrow left the meeting temporarily.

When asked what happens to the old containers, the city manager stated he is unsure though some of the steel is probably recycled.

Mr. Pikus moved to approve the transfer of \$21,563.00 from the Solid Waste Fund Balance Account 204-0000-399-40-00 to the Solid Waste Supply Account 204-4040-432-60-10, seconded by Mr. Starling. Motion carried by unanimous roll call vote.

Mr. Morrow returned at this time.

Introduction of Ordinance 2011-4/Chapter 174-Property Maintenance-Vegetable Gardens

City Building Inspector Don Williams advised that the next two ordinances are the result of several complaints received last year.

The vegetable garden ordinance is needed because of the increasing number of residents growing vegetable gardens. He is not trying to prevent them, but feels they should be restricted from front yards to prevent some from becoming a public nuisance. The ordinance contains a definition for a vegetable garden with the intent to keep it in the back or rear yards. For corner lots, vegetable gardens are required to be in the rear yard on the side furthest from the side street, though it cannot extend beyond the line of the house closest to the street.

Mr. Williams explained that there is nothing currently on the books to address these problems, which is why the ordinance was needed.

The following ordinance was then officially introduced:

The City of Milford hereby ordains as follows:

ORDINANCE 2011-4

Chapter 174: Property Maintenance

Section 1.

An Ordinance to amend the Code of the City of Milford, Chapter 174, thereof, entitled, Property Maintenance, by defining and regulating Vegetable Gardens in the City of Milford, so as not to detract from the character of the existing neighborhood.

Section 2.

Amends §174.2 H, Definitions, (Section PM-202) by adding a definition to read as follows:

VEGETABLE GARDEN-An area dedicated to the cultivation of edible plants. Most vegetable plants are annual in nature or grown as such, but there are some perennials (e.g., rhubarb, asparagus etc.) A vegetable garden can vary from strictly utilitarian to highly ornamental.

Section 3.

Amends §174.2 , Additions, Insertions and Changes, by inserting a new Section "L" regulating the location of a vegetable garden, to read as follows:

Section PM 302.11. Vegetable Garden. No vegetable garden shall extend beyond the back line of the house or structure toward the front of the house or structure. For corner lots, vegetable gardens must be in the rear yard on the side furthest from the side street not to extend beyond the side line of the house closest to the side street.

Section 4.

Amends §174.2 , Additions, Insertions and Changes, by renumbering successive sections as follows:

Renumbering existing Section L to M.

Renumbering existing Section M to N.

Renumbering existing Section N to O.

Renumbering existing Section O to P.

Section 5. Dates.

Introduction to City Council: 02/14/11

Workshop Review: 02/28/11

Projected Adoption Date: 03/14/11

Ordinance becomes effective ten days following adoption date by City Council.

There were some questions about whether a person would be grandfathered this season because they had an existing garden.

Questions were also raised about gardens in empty lots that are kept in good condition. Mr. Morrow pointed out there are a couple on Walnut Street that are well maintained.

Mayor Rogers said this ordinance would not apply because it addresses houses and house lines. Mr. Baird said that in each of those cases there is a yard defined by our zoning code which would dictate that scenario.

Mr. Williams said he is unaware of those Mr. Morrow was referring to and is not familiar with any large gardens on the side of a house. He prefers they be kept in the rear yards and typically, they be kept to the rear of the property on the second lot.

Mr. Pikus referenced one property that fronts two streets by running from one street to the other. He said it has been there for years and asked that discretion be used in some of these cases. Mr. Williams said his main problem are those gardens left to grow uncontrollably until the plants are left to die.

Mayor Rogers said the intent is not to penalize anyone, but to prevent them from becoming unsightly in the front yard of a residential area. It was agreed the ordinance would require further discussion at the workshop.

Introduction of Ordinance 2011-6/Chapter 230-Recreational Vehicles

The following ordinance as officially introduced:

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-6

Chapter 230: Zoning

Section 1.

An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by defining and regulating Recreational Vehicles in the City of Milford.

Section 2.

Amends §230-4, Definitions, by adding a definition for Recreational Vehicle.

RECREATIONAL VEHICLE- Any vehicle used for recreational purposes, including but not limited to, antique or classic autos, drag or race cars, motorcycles, boats, boat trailers, jet skis, campers, camper trailers, motor\mobile homes, snowmobiles, ATVs, all-terrain vehicles and utility trailers.

Section 3.

Amends §230-4, Definitions, by adding a definition for Vehicle Height.

VEHICLE HEIGHT -- A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.

Section 4.

Amends §230-4, Definitions, by adding a definition for Vehicle Length.

VEHICLE LENGTH -- A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/motor home will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.

Section 5. Amends Article IV Off Street Parking and Loading, §230-20 General Provisions, by repealing Paragraph I and inserting a new Paragraph I to read as follows:

~~Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile.~~

I. Storage of Recreational Vehicles.

(1) One recreational vehicle, less than 9 feet in height and less than 20 feet in length may be stored in the driveway; however, it cannot utilize the required area designated for off street parking and no additional storage in the front yard is permitted.

(2) A recreational vehicle may be stored in the side yard, provided that it shall:

(A) Be stored parallel to and adjacent to the structure;

(B) Not exceed the dimension of the structure plus 6 feet or a maximum of 35 feet, whichever is less;

(C) Be provided with either an evergreen screening or a solid fence 6 feet high, planted or installed between the vehicle and the property line. Plantings shall be planted a minimum of 4 feet high and be allowed to grow and be maintained to a minimum of 6 feet high; and

(D) Be set back a minimum of 5 feet from the side property line.

(3) A recreational vehicle may be stored in the rear yard, provided that it shall:

(A) Be stored parallel to and adjacent to the structure;

(B) Not exceed the dimension of the structure plus 6 feet or a maximum of 35 feet, whichever is less;

(C) Be provided with either an evergreen screening or a solid fence 6 feet high, planted or installed between the vehicle and the property line. Plantings shall be planted a minimum of 4 feet high and be allowed to grow and be maintained to a minimum of 6 feet high; and

(D) Be set back a minimum of 5 feet from the rear property line.

(4) A maximum of two recreational vehicles may be stored outside of a building on any lot containing a dwelling unit. Only one such vehicle may be equal to or greater than 9 feet in height or 20 feet in length. Such vehicles must be owned or leased by the property owner or the property tenant, except that on lots of 5 acres or larger, the option shall exist that both of the two allowed recreational vehicles may be equal to or greater than 9 feet in height or 20 feet in length.

(5) No camper, motor home or camper trailer shall be used for residential purposes, except that visitors with such vehicles may sleep in them for a period not to exceed two weeks in a calendar year.

(6) All parking areas must have a minimum parking surface of gravel, extending two feet around the perimeter of the vehicle and be free from all vegetation.

(7) Recreational vehicles must be maintained in a clean, well-kept state, including but not limited to, operable motors, engines, equipment and maintain its original design.

(8) All recreational vehicles/trailers that require tags or registration must be kept current and visible at all times.

Section 6. Dates.

Introduction to City Council: 02/14/11

Planning Commission Hearing: 03/15/11

City Council Hearing: 03/28/11

Projected Adoption Date: 03/28/11

Ordinance becomes effective ten days following adoption date by City Council.

Mr. Williams said we have a small paragraph that covers vehicles and what can be considered recreational vehicles. He does not want to restrict someone from having a boat, a camper and a car. However, a lot of residents have a recreational vehicle that is parked in the corner with grass and weeds growing up around it. A trailer must be tagged or it can be towed, but a boat is a different case because many are found sitting on the ground without tags. He needs some guidelines so that he can have these vehicles removed. Some residents are storing boats that belong to people living in places that prohibit them from being stored in a yard in their jurisdiction.

The building inspector then reviewed the ordinance.

When asked if they would be permitted to park in a front yard, Mr. Williams said that one recreational vehicle would be permitted in the front driveway, provided there is adequate space. It could also be parked in the side or rear yard based on the guidelines in the ordinance. He said he is trying to prevent vehicles from being left in the front, grassy areas. However, there are many older narrow homes that do not have a driveway. He considered introducing another ordinance that would require a new house to provide at least a blacktop pad though the city added a minimum requirement that gravel be provided. He said there are a number of homes that have vehicles parked in the grassy area though many have a curb cut. He allows that because it has always been there. Any new home that has a designated gravel area and is using other grassy areas for parking would be written up.

Mr. Brooks agreed there are a number of older homes that do not have driveways though some have alleys in the rear. Mr. Williams said that would be a different scenario. He referenced one home with a curb cut off SE Front Street where vehicles have always parked on the grass. He said his hands are tied in that case.

Mr. Baird said if parking in the grassy areas is an issue that council wants to address, he recommends it be treated as a separate ordinance and not confused with the one being presented for recreational vehicles.

Mr. Pikus then asked if a home has a camper and a tractor used for recreational purposes, could they be stored side by side on the lot. Mr. Williams does not feel the tractor would be considered a recreational vehicle.

Mr. Williams said this was a very difficult ordinance to write which is why he borrowed language from another municipality. He emphasized that some guidelines are needed so he is able to address the complaints he is receiving.

It was noted that because this is part of the zoning code, a public hearing before the planning commission and council will be required.

Discontinuation of Voluntary Green Energy Subscription Program

Mr. Baird explained that currently there is a Voluntary Green Energy Subscription Program that allows municipal electric customers the opportunity to purchase blocks of 100kwh for one-year terms. With the recent renewable portfolio standard adopted by the general assembly last year, they are required as part of our portfolio. That makes the voluntary program non-effective. Therefore, he recommends that the voluntary program be discontinued.

Mr. Adkins asked the impact of the renewable energy portfolio standard by 2025. The city manager advised that a percentage of each municipality's portfolio, as well as DEMEC's portfolio, must be comprised of renewable sources of

energy. One of the major concerns is the cost of renewable energy. Right now, it is considerably higher than traditional sources though DEMEC has a contract with Blue Water Wind. There are a couple of solar projects being considered as well. These projects would help stabilize our rates and not increase the rates. Because of the concern of their impact on rates, the hope is that over time, municipalities will be able to take on some of the smaller projects that will collectively help meet that requirement.

Mr. Baird said that in the meantime, we can buy some time while the cost of these technologies comes down. There is a cap on solar energy for municipalities and Delaware Co-Op; if it exceeds costs by 2%, the city will not have to meet that requirement until it falls below that number.

Mr. Pikus moved that the Voluntary Green Energy Subscription Program be discontinued, seconded by Mr. Adkins. Motion carried.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the sixth month of Fiscal Year 2010-2011 with 50% of the fiscal year having passed, 55.96% of revenues have been received and 48.80% of the operating budget expended.

Mr. Pikus reported the Finance Committee met this month noting the budget is in excellent shape. At the meeting, Finance Director Jeff Portmann reported to the committee that our revenues are up with the exception of a couple of line items. The biggest revenue is electric which is up though the billing increased on the other side.

He added another item discussed were ways of raising revenues and the potential for some beautification work on NE Front and SE Front Streets. Also being considered are ways to match revenues the city has in place through the transfer of funds and/or lands.

Revenues are on target and expenditures are good. Parts of the budget are lower than expected and will be considered during the budget reviews for FY 2011-2012. There may be some budget cuts, but overall, our financial picture is extremely good and much healthier than many cities in this state.

Mr. Pikus moved to accept the Monthly Finance Report, seconded by Mr. Morrow. Motion carried.

ADJOURN

Motion to adjourn was made by Mr. Pikus and seconded by Mr. Grier. Motion carried.

The Monthly Meeting was adjourned at 8:15 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
Recorder/City Clerk