

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 28, 2011

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, February 28, 2011.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

ALSO: City Manager David Baird, Police Chief Keith Hudson and Recorder Christine Crouch

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:31 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

No guests were present.

COMMUNICATIONS

Mayor Rogers reported the 4th Annual Gala will be held at Milford Senior Center on March 12th. Tickets are available at city hall for those council members wishing to attend.

NEW BUSINESS

Approval for Mosquito Spraying Activities in City of Milford

Ms. Wilson moved for approval to allow DNREC to provide mosquito spraying in the city, seconded by Mr. Brooks. Motion carried.

Introduction of Ordinance 2011-3/Chapter 230/Zoning Code/Issuance of Licenses

Mr. Baird then addressed the next five ordinances. He explained that currently we have a clause in the zoning permit that does not permit zoning permits, certificates of occupancy, building permits or any applications be accepted unless all accounts are in good standing. To stay consistent with those guidelines, this amendment prohibits any city license from being issued for the same reasons.

Each of the subsequent ordinances addresses that restriction accordingly.

Mr. Pikus moved for introduction of Ordinance 2011-3, 2011-7, 2011-8, 2011-9 and 2011-10, seconded by Mr. Brooks:

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-3

Chapter 230: Zoning

Section 1. An Ordinance to Amend the Code of the City of Milford, Chapter 230, thereof, entitled Zoning, by requiring that all fees due the City of Milford are paid and in good standing before a license can be issued.

Section 2. Article XIII Permits and Certificates, §230-62 Application and Issuance, Paragraph D, is hereby amended by inserting the word "LICENSES" after certificates of occupancy and before building permits, to read as follows:

- D. No zoning permits, certificates of occupancy, LICENSES or building permits shall be issued nor shall any applications for changes of zoning, conditional uses, variances or special exceptions be accepted unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the city are paid and in good standing.

Section 3. Dates.

Introduction by City Council: 02/28/11

Planning Commission Hearing: 03/15/11

City Council Public Hearing & Review: 03/28/11

Projected Adoption Date: 04/11/11

Ordinance will become effective ten days following its adoption.

Introduction of Ordinance 2011-7/Chapter 168/Peddling, Soliciting & Transient Merchants/Issuance of Licenses

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-7

Chapter 168: Peddling, Soliciting and Transient Merchants.

§168-5. Issuance of license or permit; list of vendors.

Section 1. An Ordinance to Amend the Code of the City of Milford, Chapter 168, thereof, entitled Peddling, Soliciting and Transient Merchants, by requiring that all fees due the City of Milford are paid and in good standing before a license or permit can be issued.

Section 2. Section 168-5(A) "Issuance of license or permit; list of vendors" is hereby amended by adding a new subparagraph §168-5(A)(1) to read as follows:

- (1) No license or permit shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

Section 3. Dates.

Introduction & Review by City Council: 02/28/11

Workshop Review: 03/28/11

Projected Adoption Date: 04/11/11

Ordinance will become effective ten days following its adoption.

Introduction of Ordinance 2011-8/Chapter 180/Residential Rental Operating License/Issuance of Licenses

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-8

Chapter 180: Residential Rental Operating License.

§180-7. Regulation for Issuance of Licenses.

Section 1. An Ordinance to Amend the Code of the City of Milford, Chapter 180, thereof, entitled Residential Rental Operating License, by requiring that all fees due the City of Milford are paid and in good standing before a license can be issued.

Section 2. Existing Paragraph E of Section 180-7 "Regulations for Issuance of Licenses" is hereby renumbered as Paragraph F.

Section 3. A new Paragraph E shall be added to Section 180-7 "Regulations for Issuance of Licenses" to read as follows:

(E) No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

Section 4. Dates.

Introduction & Review by City Council: 02/28/11

Workshop Review: 03/28/11

Projected Adoption Date: 04/11/11

Ordinance will become effective ten days following its adoption.

Introduction of Ordinance 2011-9/Chapter 193/Solid Waste/Issuance of Licenses

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-9

Chapter 193. Solid Waste.

Article I. Collection and Disposal.

§193-6: Commercial Hauling of Solid Waste.

Section 1. An Ordinance to Amend the Code of the City of Milford, Chapter 193, thereof, entitled Solid Waste, by requiring that all fees due the City of Milford are paid and in good standing before a license can be issued to a commercial hauler.

Section 2. Section 193-6(B) is hereby amended by adding a new sub-paragraph §193-6(B)(1) to read as follows:

(1) No license or permit shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

Section 3. Dates.

Introduction & Review by City Council: 02/28/11

Workshop Review: 03/28/11

Projected Adoption Date: 04/11/11

Ordinance will become effective ten days following its adoption.

Introduction of Ordinance 2011-10/Chapter 208/Teen Centers/Issuance of Licenses

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-10

Chapter 208: Teen Centers.

§208-1. License Required.

Section 1. An Ordinance to Amend the Code of the City of Milford, Chapter 208, thereof, entitled Teen Centers, by requiring that all fees due the City of Milford are paid and in good standing before a license can be issued by the City Code Official.

Section 2. Existing Section 208-1 is hereby renumbered as Section 208-1, Paragraph A, by removing and inserting text to read as follows:

A. Whoever operates, as a commercial venture, a teen center or place of amusement or dance hall catering solely or primarily to the teenage trade, shall first obtain a license FROM THE CITY CODE OFFICIAL ~~to do so~~ as provided under in this chapter.

Section 3. A new Paragraph B will be added to Section 208-1, to read as follows:

(B) No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

Section 4. Dates.

Introduction & Review by City Council: 02/28/11

Workshop Review: 03/28/11

Projected Adoption Date: 04/11/11

Ordinance will become effective ten days following its adoption.

Motion carried by unanimous roll call vote.

FY2010-11 Budget Transfer/General Fund-Fund Balance/Live Near Your Work Program

Mr. Baird explained the Live Near Your Work Program is a partnership between the city, Delaware State Housing Authority and local employers. Under this program, each makes contributions for their employees to purchase homes in the City of Milford. It encourages people to live near their employment. There has been a recent resurgence with an application being submitted previously for a Perdue employee and a second one was just submitted. In order to accommodate the \$1,000 the city has committed, a budget transfer is needed. In addition, Mr. Portmann has requested a new expense line item be set up.

Mr. Pikus moved for approval of the transfer \$1,000 from General Fund/Fund Balance 101-0000-399-10-00 to pay for the 'Live Near Your Work Program' and establish a new expense line item #101-1110-411-68-31 in Council's budget called Live Near Your Work Program, seconded by Mr. Morrow. Motion carried.

UNFINISHED BUSINESS

Proposal-DBF/Wastewater Facilities Evaluation

The city manager recalled council authorizing Davis Bowen and Friedel to make application to the State's Clean Water Council for a 50% grant to complete a Wastewater Facilities Evaluation. Since that time, the grant application was approved by DNREC.

Erik Retzlaff of Davis, Bowen and Friedel reported the city is planning a wastewater facility evaluation and construct a sewer model of the entire network to include our nineteen wastewater pumping stations and all sewer pipes. He said this would ensure reliable service to our users and allow city employees to identify problem areas more easily. The cost of the project is \$99,800 with half of the funding coming from the grant and the city supplying the other half.

Mr. Baird added this will allow us to model flows while determining the impact of any new projects coming on board. The detailed information will ensure that decisions, including costs analysis, will be made much quicker and more accurately, thus aiding in economic development and capital improvement projects.

Mr. Baird confirmed the DNREC funding is in place.

Mr. Pikus then verified this information will be available at all times to Economic Development, City Manager and City Engineer though DBF will oversee the software. In that manner, he said if Economic Development gets an inquiry and needs the information right away, it will be readily available. Mr. Retzlaff and Mr. Baird both stated yes.

Mr. Pikus moved to proceed with the proposal as presented with the city funding 50% from the Sewer Capital Reserve Account 203-3030-432-95-52, seconded by Ms. Wilson. Motion carried by unanimous roll call vote.

Appointment of Economic Development Advisory Panel

Economic Director Committee Chair Garrett Grier recalled this panel being discussed during the past couple of meetings. He said the advisory panel was a recommendation of John Rhodes and was part of his Economic Development Strategy Plan. One of his top priorities was to put together a panel with members of the community. It was to be a diverse group made up of business representatives and private citizens. In addition to those that expressed an interest, they sought others to round out the group.

Mr. Grier then announced the recommendations of the Economic Development Committee:

Bill Pilecki - Resident
David Markowitz - Resident
Bob Connelly - Resident
Nolan Williams - Marketing
Sher Valenzuela - Manufacturing
Dave Hitchens - Development
Harvey Kenton - Legislative
Jason James - Logistics/Warehousing and Distribution
Irv Ambrose - Downtown Milford, Inc.
Fred Rohm - Chamber of Commerce
Craig Crouch - Non Profits
Sharon Kanter- Milford School District Superintendent

Mr. Grier reported the first meeting will be held Wednesday, March 23, 2011.

Mr. Adkins asked if any thought had been given to a representative of the service industry being added. Mr. Grier said there were a large number of persons who had expressed an interest and not everyone was selected. However, he asked Mr. Adkins to provide the name after he meeting.

Ms. Wilson also stated that she had the name of someone who had expressed and interest; she will provide that name to Mr. Grier as well.

Mayor Rogers advised that another member can always be added at a later date.

Mr. Grier commented that the public is encouraged to attend all meetings though this will be the core advisory panel at this time.

Mr. Brooks confirmed that minutes will be kept of each meeting; Mayor Rogers explained that is required by law.

Mr. Grier moved for approval of the appointment of the Economic Development Advisory Panel as submitted, seconded by Mr. Brooks.

Motion carried.

Economic Development Director Richard Carmean was in attendance. Mr. Carmean stated the goal was to get a cross section of members with people bringing different talents to the table which he feels has been accomplished. He stated that Chairman Grier gave a great deal of thought when building this committee. He looks forward to working with this group and welcomes their ideas and suggestions.

Executive Session

Mr. Pikus moved to go into Executive Session pursuant to 29 Del. C. §10004(b)(2) preliminary discussions on site acquisitions for publicly funded capital improvements at 8:01 p.m., seconded by Mr. Morrow.

Motion carried.

Return to Open Session

(Mr. Garrett not in attendance.)

Council returned to open session at 9:59 p.m.

Executive Session Matters

Mr. Morrow moved to freeze Lots 12 and 13 in Independence Commons at this time, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

Before a vote was taken on the sale of the Wawa land, Mr. Baird suggested drafting a document to show the financial impact on the city. Initially, this came up to fund some capital projects. Mr. Adkins does not want to give up this funding arbitrarily and suggests it be earmarked for economic development as has been discussed.

Mr. Pikus agrees that money should be used to enhance the city's economic capabilities.

It was agreed that the city solicitor and city manager work on this issue and bring it back before city council.

ADJOURN

With no further business, the Council Meeting was adjourned at 10:07 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Transcriber

*MILFORD CITY COUNCIL
MINUTES OF MEETING
February 28, 2011*

The City Council of the City of Milford met in Workshop Session on Monday, February 28, 2011 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

ALSO: City Manager David Baird, Police Chief Keith Hudson and Recorder Christine Crouch

The Workshop Session convened at 7:00 p.m.

Carlisle Fire Company/Life Safety Rings Program/Follow Up

No members of the fire company were present.

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

The following ordinances were presented for council review and discussion:

The City of Milford hereby ordains as follows:

ORDINANCE 2011-4

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.

Ms. Wilson arrived at this time.

Building Inspector Don Williams recalled this ordinance being introduced at the last council meeting. Since that meeting, he has received a number of concerns regarding a number of scenarios and potential hardships. He explained the intent was to address unsightly and overgrown gardens in front yards.

Mayor Rogers agreed that he has also had a number of calls. He said at one time, there was a similar ordinance that prohibited vegetable gardens in front yards in residential districts. When the city re-codified several years ago, there were a number of ordinances left out in error. This ordinance was the result of the gardens throughout town that are overgrown and offensive to neighboring property owners.

He then asked for input from the public.

Stan Koropka of 611 Marvel Road stated that requiring vegetable gardens in the rear lot would create a hardship to people whose backyards do receive a lot of sunlight. Any person that is unable to support a vegetable garden in their backyard and participates in the hungry program through Delaware Food Bank, would no longer be able to provide those items to the Food Bank, thus resulting in fewer people being served.

Mr. Koropka said there are also residents in the town that depend on their garden to supplement their diet. In addition to using the fresh fruit and vegetables available during the growing season, they are also canned and preserved for the balance of the year.

In addition, planting a vegetable garden is a hobby and many enjoy planting and watching it grow into food.

Dr. Richard Ingram of 601 Marvel Road stated that he has resided in Milford for fifteen months and has gardened for most of his eighty years. Gardening is a normal part of his life. In the lot he lives on, the rear is full of trees with a creek running through it. The creek often floods into the yard after a heavy rain which prevents anything from growing there.

He said that Mr. Williams indicated there could be some exceptions though it was not clear how to handle those that live in an exceptional situation and do not have an appropriate rear yard.

Dr. Ingram agrees that people have a responsibility to maintain their yards even if they have a garden. Therefore, he is not opposed to some type of limitation.

Roberta Ranney of 640 Beechwood Avenue, Marshall Commons, referenced the letter she submitted. She said this would be a hardship if the ordinance is adopted as proposed because her rear yard is too shady to support vegetables adding they need six to eight hours of sun a day.

She asked if there is a number or list of the gardens that are creating this problem. She then suggested that someone speak to those homeowners in lieu of adopting this ordinance. The mayor explained that is the reason public input is being taken this evening. With suggestions, he hopes to solve the problem without creating hardships.

Ms. Ranney said she also depends on her gardens as a food supplement throughout the year. Therefore, the ordinance could potentially create a hardship for her.

She said that neither Dover, Georgetown or Lewes have this ordinance though Georgetown has language that states "unregulated vegetation" and would cover these situations.

Jim Higgins of 20 Meadow Lark Drive, Meadows at Shawnee, asked who is going to be the plant police that tell him what he can and cannot plant in his yard. There are a number of edible plants that would not be allowed such as dandelions and

ornamental cabbage. He said the ordinance does not specify what is edible which is left up for interpretation. He asked if code will come by and arbitrarily tell him that because of the way it looks, he will have to remove it.

In his opinion, the ordinance is too wide open to interpretation.

Dan Marabello of 1 Windy Drive, Meadows at Shawnee, said he is in favor of beautification. He feels it is not a question of where to place a garden, but how to maintain a vegetable garden. It sounds like there is not a big amount of people causing the problem. We are required to maintain our grass and feels that could be made broader by adding a vegetable garden.

He said a house could sit on an acre of ground, with the house at the rear and the whole front yard excluded. The ordinance refers to side corner lots and does not allow planting on one side except the side facing the side street. In the Meadows at Shawnee, that could be a substantial part of the person's lot. Removing the side yard takes away a good portion of the property. If it is allowed on the side, a fence should be required.

Bob Connelly of 107 Barksdale Court, Hearthstone Manor, drove around town today and looked at a number of areas on the main thoroughfares into town. From what he has heard tonight, it is the result of five or six people who have overgrown gardens. There is already an ordinance that requires a person to mow their lawn. He does not understand why this is not part of that ordinance.

He then discussed various properties in town that need to be addressed instead of going after vegetable gardens. He referenced the tree stump left when the house was moved by Avenue Church, a mound of debris by the Putt-A-Rosa Golf Course, logs and dead trees by Truitt Avenue, piles of asphalt next to police department on the Mispillion River and piles of pallets on the Kenton property on Northeast Front Street and Route 14. He suggests a fence be put up around the pallets to prevent a bad impression for first time visitors. He also referred to Carrillo Body Shop whose wrecked cars are leaking fluids into the river.

Mayor Rogers agrees that a way to handle this may be to directly address the properties with the overgrown gardens. He explained we are not trying to penalize our residents noting a number of residents throughout town that maintain beautiful gardens.

Mr. Brooks agrees these property owners should have been addressed which would have prevented the uproar it caused.

Mayor Rogers said he is very pleased with the input from those with concerns. This will provide more insight and ways to correct the problem. Mr. Williams stated that for the record, the people that had issues had already been spoken to.

Mr. Pikus noted a couple of lots that run from Washington Street to Walnut Street, for example. Mr. Pikus said that the garden would be in the rear yard on Walnut, but in the front yard on Washington Street. He feels that would be an exception; Mr. Morrow agreed.

Mr. Williams agreed there are a number of scenarios that need to be considered. He explained that in the past, he used the grass maintenance code to address garden maintenance, but this also addresses placement. He said the placement of a garden does not belong in the grass code. A new ordinance was done to keep anything related to a garden in one area.

Mr. Pikus said a lot of this is interpretation and not standard. In his opinion, it is a matter of communicating and working with these people.

Mr. Williams explained this ordinance is the result of complaints received that were the result of the location of the garden. He cannot address that because there is nothing concrete right now. It is not a major issue, according to the building inspector, but he was receiving enough complaints that it needed to be addressed.

He said common sense dictates and if it is possible, it should be kept in the backyard, If that is not possible, then there could be an exception. He pointed out that most of the other ordinances stated "in the opinion of the code official, he has the authority to say ok".

In this case, he needs something written to refer to when he receives a complaint. He said that council has the right to mold it into whatever manner is needed to enforce it.

Mr. Baird asked if council wanted to proceed by adding language that the code official could use discretion in cases where exceptions exist.

Mr. Johnson prefers the ordinance be withdrawn completely; Mr. Starling feels the individual property owners who are causing the problems should be contacted in lieu of an ordinance that would impact the entire city. It appears there may be four to five properties causing the problem.

Mayor Rogers said there is an ordinance in place that deals with weeds and grass maintenance. Mr. Williams said if council is uncomfortable with the location section, he would simply add language to maintain a garden in the same area as the grass.

Mr. Pikus suggested that an ordinance be developed that states "maintained in proper condition".

Mayor Rogers said the public has expressed a number of concerns and with a little control, any future problems should take care of it.

The mayor suggested rewording the ordinance and bringing it back before council; however, he agrees the language should be added to the section where grass and yards are discussed.

Mr. Baird and Mr. Williams will review the ordinance and bring it back before council.

Review of Ordinance 2011-5/Chapter 230/Outdoor Woodburning Furnaces

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 wood burning 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.**(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.

(3) 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.

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.

When asked how many of these we have, Building Inspector Williams stated there are two or three here. He said this is more of a health issue. He explained these furnaces look like big metal boxes kept in a yard but are used to heat homes and water. However, when they get to a certain temperature, it is often very difficult to control the heavy smoke they create. They create a nuisance for a next door neighbor.

He said council needs to decide whether they should be allowed or not. If they are permitted, he recommends they be kept a required number of feet from the property line.

Mr. Brooks said there are also problems associated with the amount of wood they require. As a result, large piles of logs and tree branches are often found in a yard.

Mr. Williams explained there are two options should council decide to proceed with the ordinance.

When asked if they are permitted by the fire marshal, Mr. Williams stated they can still be purchased today.

Council will continue to review the ordinance.

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

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.

Building Inspector Williams referenced Chapter 215 that addresses street parking and the police department has sole jurisdiction over.

He said this ordinance allows you to park anything in your backyard as long as you are five feet from the backyard. He needs an ordinance to have some of these vehicles removed from front yards. Currently, he does not have the authority to remove a stripped boat sitting in someone's yard.

Mayor Rogers recommends Mr. Williams have the solicitor review this ordinance.

When asked if there is an ordinance that prohibits cars from parking in front yards, Mr. Williams explained that some homes have had vehicles parked in their yards for years. He is uncomfortable requiring those residents to remove those vehicles because it has always been done. However, any new homes will have a minimum of gravel which is a requirement of the property maintenance code. If council wanted that restriction, he said the yard would need gravel or stone or the vehicles would have to be parked around the block. There are a number of scenarios that apply in that situation as well.

Mr. Pikus feels it does not look good in a residential area. He suggested Mr. Williams look at some of the properties on Southeast Front Street and Walnut Street where two to three cars are parked in the front grassy areas adding it is deterrent to the beautification program we encourage.

With no further business, the Workshop Session concluded at 7:31 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with the first name "Terri" and last name "Hudson" clearly distinguishable.

Terri K. Hudson, CMC
City Clerk/Transcriber