

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

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, March 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

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

City Solicitor David Rutt

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:08 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Mayor Rogers thanked those that attended the Annual Prayer Breakfast this past Saturday and in particular to Councilman Starling for his participation.

COMMUNICATIONS

The mayor announced the next SCAT meeting will be in Bridgeville on Thursday, April 7<sup>th</sup>.

Dave Kenton thanked council on behalf of Fork Landing Farm for extending the Impact Fee Waiver on new construction.

NEW BUSINESS

*Confirmation/Appointment of Election Board for April 16, 2011 City Election*  
*Approval of Election Officers for April 16, 2011 City Election*

Ms. Wilson moved for confirmation of the appointment of the Members of the (standing) Election Board and appointment of Election Officers for the April 16, 2011 Election as follows:

*Election Board:*

Tamela Mallamo-320 Lakelawn Drive  
Joanne Leuthauser-509 Ashley Way  
Phyllis Fox-200 E. Clarke Avenue

*Election Officers:*

Carole Mason-153 Barksdale Court, Hearthstone Manor  
Joyce Todd-3 Governors Watson Court, Saw Mill Village  
Karen Boone-402 N.E. Fourth Street

1st Ward Clerk  
Donna Merchant-108 Franklin Street

2nd Ward Clerk  
June Barto-10 W. Clarke Avenue

Motion seconded by Mr. Starling and carried with no one opposed.

*Voter Registration List Review*

Mayor Rogers asked council to review the voter registration lists for any changes and contact the city clerk with that information. A final list will be presented for certification at the April 11, 2011 meeting.

*Spring Clean-Up Week*

The Public Works Department announced that Spring Clean Up Week will be held May 9-13. In the case of inclement weather, Spring Clean-up Week will be extended May 16-20. Residents may place bulky items at their point of collection by 7 a.m. each morning.

Mr. Brooks moved for approval that May 9-13, 2011 be designated Spring Clean Up Week in the City of Milford and that it be extended an additional week should inclement weather occur, seconded by Mr. Morrow. Motion carried.

Mayor Rogers pointed out that tree and yard waste must be kept separate.

*FY2010-11 Budget Amendment/Police Department*

Chief Hudson requested \$25,000 be added to his budget to cover some unexpected legal expenses as was previously discussed with the police committee and city council. He is requesting a transfer from the General Fund/Fund Balance Account 101-0000-399-10-00 into the Police Department Legal Expense Line Item 101-1610-421-30-20.

Mr. Morrow moved for approval of the transfer of \$25,000 from Account 101-0000-399-10-00 into Account 101-1610-421-30-20, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

*Executive Session*

Mr. Pikus moved to go into Executive Session pursuant to 29 Del. C. §10004(b)(2) preliminary discussions on site acquisitions for any publicly funded capital improvements, seconded by Mr. Morrow. Motion carried.

Mayor Rogers temporarily recessed the Council Meeting at 7:17 p.m. to go into a closed session.

*Return to Open Session*

Council returned to open session at 7:38 p.m.

*Executive Session Matter*

Mr. Pikus moved that the city enter into a contract with Fordmill LLC for the purchase of twenty plus acres for the new City of Milford Electric Substation, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

ADJOURN

Motion to adjourn Monthly Meeting made by Ms. Wilson, seconded by Mr. Starling. Motion carried.

Mayor Rogers adjourned the Monthly Council Meeting at 7:39 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Terri K. Hudson". The signature is written in a cursive style with a large, stylized initial "T".

Terri K. Hudson, CMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
March 28, 2011

The City Council of the City of Milford met in Workshop Session on Monday, March 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

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

City Solicitor David Rutt

The Workshop Session convened at 7:39 p.m.

*Review of Ordinance 2011-7/Chapter 168/Peddling, Soliciting & Transient Merchants/Issuance of Licenses*  
*Review of Ordinance 2011-8/Chapter 180/Residential Rental Operating License/Issuance of Licenses*  
*Review of Ordinance 2011-9/Chapter 193/Solid Waste/Issuance of Licenses*  
*Review of Ordinance 2011-10/Chapter 208/Teen Centers/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 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 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 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

Ordinances become effective ten days following their adoption.

Mr. Baird advised this relates to Ordinance 2011-3 addressed in the earlier Public Hearing by adding "Licenses" to each of the four ordinances. As a result, no licenses or permits will be issued unless the applicant is in good standing with the city and all fees and accounts are paid and up to date.

It was confirmed the teen ordinance is an existing ordinance and this amendment simply adds a requirement that before a Teen Center License is issued, all accounts must be paid and up to date.

Mayor Rogers noted these amendments are scheduled for adoption on April 11, 2011.

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 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. **OPTION 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.*

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

Mr. Baird confirmed there are a couple of these furnaces in the city and this is the result of the complaints that have been received. Problems vary but are typically from a neighbor as a result of the amount of smoke they create.

He referenced the two options in the ordinance. The first prohibits outdoor furnaces in the city and the second would allow them with a number of conditions.

The city manager stated that based on the number of complaints, the city's recommendation is an outright prohibition of the furnaces. Should council find a compelling argument to allow them, there is appropriate language in the draft.

Mr. Pikus said if prohibited and someone with an extremely large lot, such as Walnut Knoll, wants to place one in the rear of their property, how would this apply. Mr. Baird explained that would be permitted by right, however, it would have to meet the standards in the ordinance. They would also need to apply for a building permit. Mr. Pikus added that if they were prohibited, the building inspector would not issue a permit; Mr. Baird stated yes.

Ms. Wilson asked how this affects any pre-existing furnaces. Mr. Baird said the ordinance does not address existing units; however, city council could add any appropriate language. Mr. Morrow noted the section on nonconforming uses that allows them to continue with provisions.

It was confirmed there is one on Truitt Avenue and one on Southeast Second Street. Mr. Baird said they were placed there within the last three to four years.

Mr. Brooks recalled that during a Third Ward meeting a year or two ago, one resident spoke about how the wood was being thrown into a large pile in the yard. Therefore, he feels that should be addressed as well. He stated that Don Williams, City Building Inspectors, agreed the wood should be neatly stacked in consideration of any neighbors.

Mayor Rogers said another problem he heard associated with the furnaces was the smoke effect on clothing that was put on a clothesline to dry.

Mr. Pikus asked if this ordinance would prohibit a fire pit; Mr. Baird stated that according to the definition, it would not apply.

It was agreed this needed to be put on an agenda for further discussion. Mr. Morrow agreed and emphasized the need to determine how to address those that exist. Mr. Baird said that under the prohibited section, the ordinance states that any furnace that exists at the time of adoption shall not be extended or enlarged. It also states that any abandoned or discontinued wood furnace for a period of one year is not allowed to be reestablished and must be removed by the property owner.

Mr. Morrow believes that only addresses those not in use. He recommends specific language specific to those being used as he and Mr. Brooks suggested.

Mr. Baird agreed to have language added to the ordinance that would give that resident a certain amount of time to find another fuel source. A notification period would be provided to allow sufficient time to come into compliance.

The city manager confirmed the prohibition option will be presented for consideration; Mr. Johnson added if it is not being used for a specific amount of time. Mr. Morrow said the ones being used must be addressed as well; Ms. Wilson agreed.

The ordinance will be added to the next workshop for further discussion.

*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.

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

Mayor Rogers advised this ordinance is also the result of complaints the code department was receiving.

The city manager then read the following e-mail into record:

*I would like to take this opportunity to voice my opposition to the new proposed RV ordinance. There are several issues in it that, to me, suggest a clear lack of regard for the average RV owner. First and foremost is the fact that, should a resident fail to meet the proposed standards, their only option is to incur additional costs. A penalty for owning an RV. If my trailer is more than 9 feet tall, I have to move it. If I can't park it in an area approved by the council, I have to move it. If it exceeds the suggested length, I have to move it. To where? My only option is a local storage facility. So, because I own an RV and a home in Milford, I have to absorb the additional cost of monthly storage rental.*

*In my case, my rather minimal 5th wheel RV easily exceeds the all-to-short height of 9 feet. At 26 feet in length, it is under the established minimum, but many are not. 38 and up to 42 feet is not uncommon. Where did these measurements come from? Why do I have to absorb the penalty cost of installing a 6 feet tall fence, that won't hide a 9 feet tall trailer, simply because I choose to own the vehicle?*

*I should think that if my trailer, which has to be looked for, as it is parked in my side yard, were an eyesore, there would already be rules on the books to address this. Are there no "unsightly vehicle" rules in the vastness of the Milford regulations?*

*The newspaper reports there have been no objections. Well, now you have one. Why should I have to pay penalties for someone else's alleged unsightly vehicle?*

*Dennis Mehrenberg  
314 S. Dupont Boulevard*

Mr. Pikus pointed out there are several residents in Milford who have large motor homes or recreational vehicles. He is aware of one on Kings Highway and this ordinance would prohibit him from parking it at his home though he has adequate land. He referenced another residence on the highway where an area was built next to their garage for a large camper or motor home that has been there twenty years or so. He said both are very expensive vehicles and he will not agree to their outright prohibition.

Ms. Wilson agreed noting she is aware of some as well.

Mr. Brooks thought the intent was to prevent a number of boats from being stored in someone's yard. Mr. Baird agreed that is occurring as well.

Mr. Pikus feels there are some very decent, expensive RV's in Milford and to prohibit them entirely does not seem logical. The ones he is aware of are parked in appropriate areas and are not unsightly.

Mayor Rogers agreed he is aware of one that is neatly parked in a yard with a fence surrounding it.

Mr. Pikus is concerned with the ordinance and believes we need to be careful with what is being prohibited.

Mr. Baird read the following language that is currently in effect:

*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.*

He said that though there is more flexibility in the current ordinance, the example Mr. Williams used was when numerous boats were stored in a person's yard, many of which are actually rotting. There are also properties with trailers that are untagged and have been sitting idle for many years.

Mr. Pikus said he is aware of the property Mr. Williams referenced adding that person has cleaned his property up. He is still uncomfortable passing an ordinance which will not allow these expensive vehicles to be parked appropriately on a person's land.

Mr. Adkins asked if there is a more efficient way to address the problem cases we have and still allow the majority of people who have them to continue. Mr. Baird said there are other areas of the property maintenance code that may address those problems though it may be somewhat of a reach. He is unable to speak specifically but it could be an option. He agrees that what is proposed is very detailed with very little flexibility built in.

Mayor Rogers agrees that the language may be too strong. Mr. Pikus suggested Mr. Williams approach each of these problem properties on an individual basis. Unless he can provide something more specific, council is unaware of the scenarios. To him, this ordinance seems extreme.

Mr. Adkins understands there are some problems, but council is considering those residents who have properly kept and stored them on their properties, many for a number of years.

Mr. Pikus recommends that if the intent is to prohibit the unregistered trailers and unregistered boats from being stockpiled in a yard, he recommends Mr. Williams come back with some different language and earmark those specific problems.

Council agreed to withdraw the proposal, as is being presented, at this time. Mr. Brooks suggested Mr. Baird talk with Mr. Williams about the ordinance being modified.

Mayor Rogers acknowledged Economic Development Director Richard Carmean who was in attendance.

With no further business, the Workshop Session of Council concluded at 8:00 p.m.

Respectfully submitted,



Terri K. Hudson, CMC  
City Clerk/Recorder

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

The Milford City Council held a Public Hearing on Monday, March 28, 2011 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to take public comment on:

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.

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

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

City Solicitor David Rutt

Mayor Rogers called the Public Hearing to order at 7:05 p.m.

*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*

City Manager Baird advised the ordinance is a minor change relating to the issuance of permits, certificates of occupancy or acceptances of applications for zoning changes, conditional uses, variances or special exceptions.

The proposal adds the word LICENSES to what cannot be issued unless the applicant is in good standing with the city.

This will apply across the board to contractors, peddling/soliciting, residential rental, solid waste hauler and teen center licenses, as is noted in the four other related amendments on the workshop agenda for discussion this evening.

A public hearing is required on this specific ordinance because it is an amendment to the zoning code.

Mr. Brooks then confirmed that all contractors in the city are required to have a license regardless of whether they work only one day or all year long; Mr. Baird stated that is correct.

It was noted that Ordinance 2011-3 is scheduled for adoption at the April 11, 2011 council meeting along with the other related codes.

Mayor Rogers then opened the floor to public comment; with no response, the public hearing was closed.

With no further business, Mayor Rogers adjourned the Public Hearing at 7:08 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Terri K. Hudson, CMC  
City Clerk/Recorder