

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 11, 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, April 11, 2011

RESIDING: Mayor Joseph Ronnie Rogers

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

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 7:04 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

Motion made by Ms. Wilson, seconded by Mr. Pikus to approve the minutes of the March 9 (Economic Development Advisory Panel), 14, 23, and 28, 2011 Committee and Council Meetings as presented. Motion carried.

RECOGNITION

Councilman Pikus then wished Mayor Rogers a Happy Birthday.

N. Joe Lear, Sr./Milford Community Band

Mr. Lear introduced himself as Manager of the Milford Band stating they are in attendance to thank the city for all they have done over the years. He noted that in 2008, the building formerly known as the Kiwanis Youth Center was deeded to the band. He said they also thank the city for continuing to maintain their grounds and for removing snow the past couple of years. They added that Parks and Recreation recently placed a flower box in front of their building.

Seven members of the band then serenaded the Mayor and City Council with a special rendition of "Mame" complete with personalized lyrics about our town, followed by a great round of applause.

POLICE REPORT

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

CITY MANAGER REPORT

Mr. Baird then read the following report into record:

Solid Waste & Recycling

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. The tables below compare the City's diversion rate by month with the same period of the previous year, as well as year to date and annual totals.

	Solid Waste	Curbside Recycling	Igloo Recycling	Yard Waste	Total	Diversion Rate
March 2010	462.30	33.72	42.09	-	538.11	14.1%
March 2011	341.55	45.57	42.32	38.21	467.65	26.9%

	Solid Waste	Curbside Recycling	Igloo Recycling	Yard Waste	Total	Diversion Rate
2009	4,684.38	442.44	545.68	-	5,672.50	17.4%
2010	4,630.47	450.12	505.82	37.49	5,632.39	17.6%
2011 (YTD)	941.93	114.97	122.11	48.01	1,227.02	23.2%

Impact Fee Waivers

Since the waiver of impact fees was implemented in June 2010, the City has waived \$169,259 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$10,011,516 (based on building permit values) during the months of June 2010 through March 2011.

Electric Utility Rate Comparison

See the attached Residential Utility Rate Comparison from DEMEC as of April 1, 2011. Milford has moved from being the second lowest utilities to third with a recent rate reduction in the City of Lewes.

RESIDENTIAL RATE COMPARISON @ 1,000 kWh

		<i>% Difference</i>	<i>% Difference</i>
<i>Del Co-op</i>	<i>\$111.72</i>	<i>0%</i>	<i>-27%</i>
<i>Lewes</i>	<i>\$138.02</i>	<i>24%</i>	<i>-10%</i>
<i>Milford</i>	<i>\$143.53</i>	<i>28%</i>	<i>-6%</i>
<i>New Castle</i>	<i>\$144.63</i>	<i>29%</i>	<i>-5%</i>
<i>Dover</i>	<i>\$147.38</i>	<i>32%</i>	<i>-4%</i>
<i>Smyrna</i>	<i>\$152.48</i>	<i>36%</i>	<i>0%</i>
<i>Delmarva Power</i>	<i>\$153.01</i>	<i>37%</i>	<i>0%</i>
<i>Seaford</i>	<i>\$156.05</i>	<i>40%</i>	<i>2%</i>
<i>Middletown</i>	<i>\$157.92</i>	<i>41%</i>	<i>3%</i>
<i>Clayton</i>	<i>\$162.70</i>	<i>46%</i>	<i>6%</i>
<i>Newark</i>	<i>\$163.71</i>	<i>47%</i>	<i>7%</i>

Water Tower Maintenance Contract

The City is accepting proposals from qualified firms for a 10-year maintenance contract on the City's three existing water towers. Proposals are due by April 20, 2011 and will then be reviewed by staff to develop a recommendation. It is expected the recommendation will be presented to City Council in early May.

Sewer I&I Project

The sewer project for the I&I repairs is being bid and is due back on May 6, 2011. It is expected the recommendations will be presented to City Council at the May 23, 2011 meeting.

Election Ward Redistricting

We are working with the University of Delaware's Center for Applied Demography, Office of State Planning Coordination to obtain the street level population data for Milford. This information will be integrated into the GIS system managed by DBF to evaluate the current election ward boundaries and propose any modifications to City Council. Work will continue on this over the coming weeks and our goal is to have something for City Council to review during the late Spring/early Summer months.

Outdoor Wood Burning Fireplace & RV Ordinances

Mr. Williams and I have been preparing revisions to the outdoor wood burning fireplace ordinance that will be ready for review by City Council at a future meeting. In regards to the RV ordinance, Mr. Williams is evaluating the current code and drafting alternative options that address City Council's concerns raised at the last meeting. If it is determined an ordinance will be necessary, a revision will be presented in the near future.

It was confirmed the Organizational meeting would be held April 25, 2011. It is earlier than normal this year due to the election date change because of Easter weekend. Mr. Starling advised that he has another commitment and will need to be sworn in on another date.

Ms. Wilson moved to accept City Manager Report, seconded by Mr. Brooks. Motion carried.

COMMITTEE REPORTS

None offered.

COMMUNICATIONS

Mayor Rogers thanked everyone for their support and acts of kindness in recent days following the death of his wife's brother on April 1st.

It was confirmed the Ribbon Cutting Ceremony at Popeye's Restaurant is planned for 9 a.m. on Thursday, April 14, 2011.

UNFINISHED BUSINESS

Mr. Baird advised the following five ordinances all add a stipulation that prior to the issuance of the license described in each code, anyone applying must have all fees and charges in the city in good standing with no outstanding balances.

Adoption of Ordinance 2011-3/Zoning Code/Licenses

Mr. Pikus made a motion, duly seconded by Mr. Starling, to approved Ordinance 2011-3 as presented. Motion carried on a unanimous roll call vote.

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.

Adoption Date: 04/11/11

Effective Date: 04/21/11

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

Mr. Pikus made a motion, duly seconded by Mr. Brooks, to approved Ordinance 2011-7 as presented. Motion carried on a unanimous roll call vote.

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.

Adoption Date: 04/11/11

Effective Date: 04/21/11

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

Ms. Wilson made a motion, duly seconded by Mr. Morrow, to approved Ordinance 2011-8 as presented. Motion carried on a unanimous roll call vote.

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.

Adoption Date: 04/11/11

Effective Date: 04/21/11

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

Ms. Wilson made a motion, duly seconded by Mr. Starling, to approved Ordinance 2011-9 as presented. Motion carried on a unanimous roll call vote.

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.

Adoption Date: 04/11/11

Effective Date: 04/21/11

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

Mr. Adkins made a motion, duly seconded by Mr. Brooks, to approved Ordinance 2011-10 as presented. Motion carried on a unanimous roll call vote.

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.

Adoption Date: 04/11/11

Effective Date: 04/21/11

Certification of Voter Registration List for April 16, 2011 Election

Mr. Pikus moved for certification of the Voter Registration List for the April 16, 2011 Election, duly seconded by Mr. Morrow. Motion carried on a unanimous roll call vote.

Approval of Business Park Lots for Proposed Police Facility

Mr. Morrow recalled the recent reviews of potential lots for the new police department and moved that council formally approve Lots 12 and 13 at Independence Commons for the new police department. Mr. Pikus seconded motion which carried by a unanimous roll call vote.

NEW BUSINESS

No new business items to offer.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the eighth month of Fiscal Year 2010-2011 with 67% of the fiscal year having passed, 72% of revenues have been received and 63% of the operating budget expended.

He noted that building permits are at 150% which is a good sign and can be partially attributed to the impact fee waivers.

Mr. Pikus also reported the budget committee will soon begin at which time our finances will be thoroughly reviewed. He said whatever is necessary to budget the budget will be recommended to city council.

Mr. Pikus moved to accept the February 2011 Finance Report, seconded by Ms. Wilson. Motion carried.

OUTGOING COUNCILMAN JASON ADKINS

Mayor Rogers thanked Councilman Adkins stating that he was always sincere and commanded a deep sense of trust. He said Mr. Adkins will be missed on council but understands the need to concentrate on furthering his education and wished him the best.

He feels Mr. Adkins is an excellent role model particularly for our younger citizens.

ANNUAL CITY ELECTION

Mayor Rogers reminded those present our annual election is a week earlier this year and is scheduled for April 16th. He encouraged everyone to come out and vote.

ADJOURN

With no further business, Mayor Rogers adjourned the Monthly Meeting of City Council at 7:31 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri K. Hudson".

Terri K. Hudson, CMC
City Clerk/Recorder