

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 28, 2010

The Milford City Council held a Public Hearing on Monday, June 28, 2010 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Vice Mayor Katrina Wilson

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

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

Vice Mayor Wilson called the Public Hearing to order at 7:10 p.m. to take public comment and make a final determination on the following matter:

Judith M. Diaz for a Conditional Use to Allow a Day care Center in an R-2 District at 102 NE Fourth Street, Milford, Delaware. Tax Map MD-16-183.10-03-16.00.

Adoption of Ordinance 2010-5

City Planner Gary Norris reviewed the application, noting that following a public hearing, the Planning Commission recommended approval by a vote of 4-3 subject to the following conditions:

- 1) A loading and unloading parking area be striped and curb painted for parents to drop off and pick up children. The area is to be the width of the property with exception of the driveway entrance.
- 2) Informational signage identifying a daycare in the area be installed. This will not be considered commercial signage for the daycare.

Mr. Norris said there was an extensive debate by the planning commission regarding this request. He would also like to refer to the zoning ordinance as it relates for the criteria for evaluation for a conditional use:

- *The presence of an adjoining similar use.
- *An adjoining district in which they are permitted.
- *There is a need for the use in the area proposed as established by the comprehensive plan.
- *There is sufficient area to screen the conditional use from adjacent different uses.
- *The use will not distract from permitted uses in the district.
- *Sufficient safeguards such as traffic control, parking, screening and setbacks be implemented to remove potential adverse influences on adjoining uses.

He advised the applicant and her representative were present.

Attorney Lisa Anderson of 1201B Savannah Road, Lewes, Delaware, spoke on behalf of the applicant and asked for comments or questions from council.

Mr. Morrow said he read in the minutes that Ms. Diaz is applying through the state for a daycare and asked which of the three types she is applying for. Ms. Anderson explained there are three types of daycares in the state criteria but not in the City of Milford. She said this will be a large family daycare for 12 to 15 children.

Mr. Pikus asked how many caretakers will be employed. Ms. Anderson stated she is required to have at least one other employee. Judith Diaz then added that she has been approved by the state for up to 15 children with at least two employees who must be certified. Ms. Diaz stated she is already certified.

Ms. Wilson asked if Ms. Diaz will open with 15 children or will she work up to that number. Ms. Diaz explained she currently has a small family daycare with six children in her home. She is going through the process to prepare for more children but she will have a minimum of six children. She also confirmed she lives at the other house.

Ms. Anderson noted that Ms. Diaz and her husband own the property and currently lease it to tenants. She also advised the children will be a combination of preschool and school-aged children.

Mr. Pikus asked how close the house is to the street. Ms. Anderson explained it is a typical house that sits close to the street as other homes in Milford do.

Ms. Diaz confirmed they will not live in the house and it will only be used for the daycare.

Because it is set up for occupancy right now, Ms. Anderson added the property would need some improvements to operate the daycare center at that site. Fencing and other state regulations must be met.

Mr. Pikus stated that most of the objections to the application at the planning commission were due to safety concerns.

Ms. Wilson asked for Planning Chairman Chuck Rini to comment.

Chairman Rini reported the planning commission dealt with this extensively that night and it did pass with a 4-3 vote with his vote being the tie breaker. Conditions were added by the planning commission which Mr. Rini asked council require if the application is approved. The safety concerns were mainly related to children being dropped off and picked up.

He also reported there is a school crossing intersection in the neighborhood that some of the people felt was dangerous as it currently exists. The planning commission felt it was an existing problem and did not have a direct impact on the daycare because these children would be dropped off and picked up at this location. However, that is the reason they added the conditions regarding the signage requirement and prohibited parking with the exception of the drop off zone for the children.

Mr. Morrow said his concern is the signage in the residential neighborhood and loading and unloading on the street. Mr. Rini said the planning commission felt that was needed for safety reasons. He does not believe it would have passed if those conditions had not been added. If they did not designate a drop off and picking up zone during the hours of operation, vehicles would park there and create additional problems.

Mr. Johnson confirmed the requirement is for restricted parking and not a sign for the daycare itself. Mr. Rini stated that is correct.

Ms. Anderson confirmed the hours of operation are Monday through Friday from 6 a.m. to 6 p.m.

Mr. Rini again verified the sign would not be used for advertising but only to address an area to drop off the children.

Mr. Morrow asked if the state requires the owner to live at the home for a large family daycare. Ms. Anderson stated no.

Ms. Diaz confirmed her present daycare is located at 713 Evergreen Lane.

When asked for comments from the public, Cindy Mullarkey of 11 NE Fourth Street said she spoke at the Planning Commission hearing and was the one that expressed concerns about the corner of Washington and Fourth Street and the number of accidents that occur there. She described it as very tight with cars parking on both sides. All the lots are 60 x 120 and very small in the front. This property is two lots from the corner. She wants to make sure the children are safe and is unsure what would happen if a backup occurred. She said there has been a school bus accident at this location.

She noted that a lot of the houses in this area do not have driveways so residents park on the street. She said that someone typically parks in front of the house the entire time which is why it should be marked as a drop off area for children.

Ms. Mullarkey also stated that they had previously said there would be an adult there to meet the children and take them into the house.

Mr. Brooks asked if Ms. Mullarkey is for or against the application. Ms. Mullarkey said she is for the daycare but only wants to the safety issues addressed. She was pleased to learn they will not live there and prefers it as a business which will be an improvement to the neighborhood.

She confirmed her only concern is the traffic issues emphasizing that school buses have a difficult time making the turns. Sometimes they have to stop and back up and if there was another car double parked that would create even more problems.

She said there are also speeding problems which is why she is trying to prevent a child from being injured.

Ms. Mullarkey confirmed she is happy with the signage requirement.

Ms. Anderson then said she believes it was the intent of the planning commission to have the clients park on the road. However, the property does have a driveway which could be extended to allow off street parking.

Mr. Brooks asked how Chief Hudson feels about the parking and signs. Chief Hudson said he agrees with Mrs. Mullarkey that there is a great deal of vehicles that park in this area. He agrees there has been accidents in the area though this is two lots from the intersection.

He believes the signage would help because there is a great deal of residential parking along the side streets though he believes this would allow some additional space directly in front of the residence for children to be dropped off.

When questioned, the city manager noted that Washington Street is a snow emergency route though the side streets are not. Mr. Baird said he does not believe the daycare would create any additional parking.

Mr. Morrow moved to approve the application with the conditions recommended by the planning commission and to adopt Ordinance 2010-5:

- 1) A loading and unloading parking area be striped and curb painted for parents to drop off and pick up children. The area is to be the width of the property with exception of the driveway entrance.
- 2) Informational signage be installed identifying a daycare in the area. This is not considered commercial signage for the daycare.

Ordinance 2010-5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AUTHORIZING A CONDITIONAL USE PERMIT FOR JUDITH M. DIAZ TO ALLOW A DAY CARE CENTER IN AN R-2 DISTRICT AT 102 N.E. FOURTH STREET, MILFORD, DELAWARE. TAX MAP MD-16-183.10-03-16.00.

Whereas, the City of Milford has been requested by Judith M. Diaz to allow a conditional use for a daycare center; and

Whereas, the Planning Commission reviewed the application at a public hearing on May 18, 2010 and has presented item to be considered by the City Council; and

Whereas, the City Council held an advertised public hearing on June 28, 2010 to allow for public comment on the application; and

Whereas, it is deemed in the best interest of the City of Milford to allow the daycare center on .167 +/- acres as herein described.

Now, Therefore, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Judith M. Diaz is hereby granted a conditional use permit for a daycare center in accordance with the application, approved plans and any conditions set forth;

Section 2. Construction or operation shall be commenced within one year of the date of issuance or the conditional use permit becomes void.

Section 3. Dates.

Adoption Date: 06-28-10

Effective Date: July 8, 2010

Mr. Morrow then stated that daycares are needed in the city and he believes the traffic issues will work themselves out. Mr. Brooks seconded motion.

Mr. Brooks confirmed the hours of operation will be from 6 a.m. to 6 p.m., though that was not a condition of the approval.

Motion carried by unanimous roll call vote.

With no further business, the Public Hearing was adjourned by Vice Mayor Wilson at 7:34 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 28, 2010

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, June 28, 2010.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier, 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 City Clerk/Recorder Terri Hudson

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:35 p.m.

INVOCATION AND PLEDGE

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

Introduction of Milford Police Department Seasonal Officers

Chief Hudson advised that four of the five seasonal officers are present this evening. Julius Young, Evan Gillespie, Dalton Tally and Brian Peterman were then introduced. The chief added that Adam Board was unable to attend this evening due to another commitment.

He reported that after completing forty plus hours of training, they have been out on foot patrol and bike patrol and have worked several special events.

The chief stated this is an exceptional group of young men noting they have done an outstanding job already.

Mayor Rogers said he has observed them in their duties and appreciates their interest in being part of our police department and hopes they will eventually consider Milford as a career.

City Manager FY2010-2011 Budget Message

Mr. Baird referenced the budget approved at the last meeting. He then presented the following manager's message:

Mayor & Members of the City Council:

I am pleased to present you with the proposed Fiscal 2010-11 Budget for the City of Milford. The budget is for the period July 1, 2010 through June 30, 2011 and totals \$41,619,667. This document serves a number of purposes for the City.

First, the budget provides the citizens of Milford with information regarding the operations of the City government and the details on how public funds will be utilized throughout the community.

Second, the annual budget is used as a managerial tool by the City Manager and all of the City Departments. The annual spending plan not only serves as a monitoring tool of revenues and expenses for each of the various departments of the City, but also as a means of evaluation to ensure that public resources are used in the most effective and efficient manner.

OVERVIEW

The proposed FY10-11 Budget presented to you is a balanced budget that offers a revenue and spending plan that will allow the City to operate and meet the obligations of the community. The total budget for FY 10-11 is \$41,619,667, a decrease of \$1,411,353 (-3.28%) from the previous year.

The FY10-11 budget proposal does not include increases to the tax, water and electric rates or the City's fee schedule, however, the proposal does include a \$1.50 per month increase in the trash fee and a \$0.28/1,000 gallons increase in the sewer rate.

The City's budget is divided into five funds. A General Government Fund accounts for the overall operations of the City and four enterprise funds that each account for their respective business/utility function. The table below represents the variance in each of the five funds from FY09-10 to FY10-11.

	<u>\$ Increase (Decrease)</u> <u>over FY09-10</u>	<u>% Increase (Decrease)</u>
General Fund	84,277	1.0%
Water Fund	(20,818)	(0.96%)
Sewer Fund	(98,014)	(2.83%)
Sanitation Fund	(89,363)	(7.60%)
Electric Fund	(1,287,435)	(4.56%)

On the following pages, you will find an overview of each fund and a departmental summary for each department. Within the departmental summaries, the major objectives for FY10-11 have been identified and will serve as the priority for the City's operations. These objectives, along with those contained in the 2008 Comprehensive Land Use Plan will serve as the guiding documents for the City in FY10-11. Detailed line item revenue and expense sheets by fund and department will follow the fund overview and summary section. I trust both the Mayor & City Council, as well as the public, will find this format and the information contained within to be beneficial and informative.

PERSONNEL

The FY10-11 budget reflects a number of personnel changes that will impact a number of City Departments. This proposal reduces the number of full time positions by 5 (Administration, IT, Finance, Code Enforcement and Electric), the number of contractual positions by 2 (Parks & Recreation), and the number of temporary positions by 1 (Meter). Additionally, there are 2 full time positions (Garage and Electric) that are currently vacant and while fully funded, it is not anticipated these positions will be filled immediately.

SUMMARY

Over the past few years, the City has been reducing its discretionary spending while continuing to make investments for the future. This budget is no different. Throughout the budget development process, difficult decisions have been made to address the continued trend of declining revenues. Further cuts to spending coupled with personnel reductions will allow the City to not only continue to provide the current level of services to our citizens at an appropriate cost, but also maintain the City's sound financial condition. The current financial condition of the City is very strong and this budget will allow it to maintain that strength.

I would like to extend my appreciation to each of you as elected officials and all of the department heads for their efforts in the preparation of this document. Specifically, I would like to express a thank you for the efforts of the Chairman of the Finance Committee and the Finance Director who were instrumental in the development of the budget. The efforts of all of you will leave a positive impression on the Citizens of Milford.

David W. Baird, City Manager

Adoption of Ordinance 2010-10/FY 2010-2011 Budget and Capital Program

Finance Chairman Pikus moved to adopt the following resolution approving the Operating and Capital Budgets for Fiscal Year 2010-2011 and to accept the letter submitted by the city manager. Ms. Wilson seconded motion.

*RESOLUTION
2010-10
ADOPTING THE CITY OF MILFORD
FISCAL YEAR 2010-2011 BUDGET & CAPITAL PROGRAM*

WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2010-2011 were prepared and submitted to the City Council by the City Manager in accordance with Section 6.04(5) of the City Charter; and

WHEREAS, the City Council was presented with the proposed budget after the Finance Committee made a comprehensive study and review during a hearing on June 1, 2010; and

WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Tax Assessment, Council, Police, Streets, Parks and Recreation and Engineering; and the Water Department, Sewer Department, Sanitation Department and Electric Department was adopted and approved as the budget of the City of Milford for Fiscal Year 2010-2011 in the following amounts:

*Operations and Maintenance - \$38,946,427
Debt Service - \$2,100,140
Capital Program - \$573,100
Total Expenditures - \$41,619,667*

AND BE IT FURTHER RESOLVED, that the City of Milford's Capital Budget was adopted and approved for the Fiscal Year 2010-2011 in the following amount:

\$16,237,510

A copy of said budget is on file in the Office of the City Clerk as was passed and adopted by the Council of the City of Milford on the 14th day of June 2010 by a unanimous 8-0 vote.

Motion carried by unanimous roll call vote.

Mr. Brooks explained the rate increase is a result of Delaware Solid Waste Authority's increases. He then pointed out the number of people who live by themselves and put out only a small bag each week. It does not appear fair when they are charged the same amount as large families with multiple containers. He recommends council find a way to reduce the fee they are charged noting many are on fixed incomes.

He votes yes to approve the budget presented.

Mr. Morrow also votes yes, stating he agrees that is an issue that has been discussed and needs to be readdressed.

Mayor Rogers thanked the City Manager, Finance Director, Finance Committee and Council for providing a balanced budget. He agrees this was a tough year with many cutbacks. However, he appreciates the work that was done also by the department heads, which resulted in a balanced and workable budget.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, then spoke noting that one of the employees laid off was the Code Official whose salary was generated from rental fees which council voted on a year and a half ago. He feels this is a quality of life issue and referenced the presentation made six months ago. He wants the city maintained to the standards we have and code enforcement should be considered.

Mayor Rogers explained the city manager assured him that he had met with the code department who stated they are able to continue with the level of work that has been done in the past. He has confidence they are able to do the job as is expected and that those services will not be affected.

Mr. Baird agreed adding the mayor summed it up.

Easement Agreements-N. Front Street Sewer Project-David Wilkerson, Atlantic Concrete, Marvin Sharp, Brendon Warfel and Lemuel Hitchens

Mr. Baird explained the easement agreements are being obtained for use in the joint project by the City of Milford and Kent County for the installation of the bypass force main. The project is currently underway.

The property owners are in agreement with the proposal and all five have provided verbal agreements with three already signing off.

Mr. Brooks moved to ratify the five easement agreements as presented, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Mayor Rogers thanked the property owners for their assistance in this project.

Introduction of Ordinance 2010-11/Chapter 193/Solid Waste Rates

The city manager advised that any changes to fees for utilities or services are required to be adopted by ordinance. This ordinance amends the fees for garbage collection as was made part of the FY2010-11 Budget.

The following ordinance was officially introduced and is scheduled for adoption on June 28, 2010:

*Chapter 193-Solid Waste Code
ORDINANCE 2010-11*

Chapter 193: SOLID WASTE

Section 1.

Section 2 of Chapter 193, Rate Schedule, is hereby amended to read as follows:

§ 193-2. Rate schedule.

Code Number Description Monthly Rate

Residential Rates Current Adopted

01	Single Family [includes Multi-Units (12 and below)]	\$22.00	\$23.50
	1/week collection Weekly Collection		
	1/week recycling Bi-Weekly Recycling		

Commercial Rates

CART	95-gallon, 1/week	\$30.00	\$32.00
05	3-yard, 2/week, light	\$75.00	\$80.00
06	Customer-owned, 3-yard, 3/week, heavy	\$180.00	\$192.00
07	3-yard, 3/week, medium	\$125.00	\$134.00
08	City-owned, 3-yard, 3/week, heavy	\$185.00	\$198.00
09	4-yard, 3/week, extra heavy	\$425.00	\$454.00

*Section 3.**Introduction Date: June 28, 2010**Adoption Date: July 12, 2010**Effective Date: July 22, 2010****Utility bills generated after July 22, 2010 will reflect the solid waste fees established by this ordinance.**Introduction of Ordinance 2010-12/Chapter 185/Sewer Rates*

This ordinance amends the sewer rate increase of 28 cents per thousand gallon as was proposed to balance the FY2010-11 Budget and explained by Mr. Baird.

The following ordinance was officially introduced and is scheduled for adoption on June 28, 2010:

*Chapter 185-Sewer Code**ORDINANCE 2010-12**Chapter 185: SEWERS**Section 1.*

An Ordinance to Amend the Code of the City of Milford, Chapter 185, thereof, entitled Sewers, for the purpose of amending sewer user rates.

Section 2.

Section 10 of Chapter 185, Schedule of Rates and Charges, Paragraphs (A) and (B), is hereby amended to read as follows:

§ 185-10. Schedule of rates and charges.

The Council has the authority to establish sewer rates and charges set forth in the following schedule, which shall be effective ~~August 1, 2008~~ July 22, 2010 and shall be collected from the customer of the sewer system under operation of the City of Milford. The rates and regulations shall be reviewed on an annual basis and adjusted as necessary. Each user of the wastewater facilities will be notified annually of effective user charge rates either by mail or advertisement in a paper of general circulation within the City of Milford.*

*A. Rate schedule based on metered water consumption.**(1) City service rate:**(b) Over 1,000 gallons: ~~\$2.43~~ \$2.71 per 1,000 gallons.**B. Rate schedule based on metered sewage flows.**(1) City service rate:**(b) Over 1,000 gallons: ~~\$2.43~~ \$2.71 per 1,000 gallons.**Section 3.**Dates.**Introduction Date: June 28, 2010**Adoption Date: July 12, 2010**Effective Date: July 22, 2010****Utility bills after after July 22, 2010 will reflect the sewer rate established by this ordinance.*

Mr. Baird confirmed the average residential customer in Milford uses 5,000 gallons per month.

Adjourn

With no further business, Ms. Wilson moved to adjourn the Council Meeting, seconded by Mr. Pikus. Motion carried.

Meeting was adjourned by Mayor Rogers at 7:54 p.m.

Respectfully submitted,

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

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 28, 2010

The Milford City Council met in Workshop Session on Monday, June 28, 2010 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier, 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 City Clerk/Recorder Terri Hudson

Mayor Rogers convened the Workshop Session of City Council at 7:54 p.m.

Review of Ordinance 2010-11/Lighting

City Planner Gary Norris informed council the Planning Commission has worked diligently to address the objectives of the comprehensive plan. The plan stated the planning commission would work to revise the subdivision and zoning ordinance bringing the codes up to date. One issued involved a Lighting Ordinance.

A number of complaints had been received regarding problems when a commercial enterprise installed lights in parking lots or similar areas and those lights would shine into a residential property. This ordinance would ameliorate that problem.

Mr. Norris explained the ordinance is designed to allow the appropriate lighting levels while preserving safety and security. The ordinance will promote energy efficiency and reduce or prevent light pollution by adding shielding devices. Any new construction would fall under these new regulations.

Mr. Norris said this has been reviewed by the Electrical Superintendent who agrees with the purpose of the ordinance.

Mr. Pikus confirmed that any businesses with existing lighting would be grandfathered in. Mr. Norris confirmed it will only apply to new construction.

Mr. Baird reported the ordinance is scheduled for a public hearing on July 26, 2010 after which council will be eligible to take action.

Review of Ordinance 2010-22/Zoning Code/Billboards

City Planner Norris advised the city's previous interpretation of the current sign ordinance was that billboards were not permitted in any district in the city. He recalled a recent court case that did not rule in favor of the city because the judge felt the language in the ordinance was unclear. In turn, Mr. Willard had provided a brief definition of a billboard. Since that time, extensive input has been obtained from sign companies, Downtown Milford and the Chamber of Commerce.

He explained the ordinance will allow billboards as a conditional use in the C-3 District provided they meet State of Delaware requirements and the following guidelines:

- (1) Height: Billboards shall be no greater than 32 feet in height.
- (2) Size: Billboards shall be no smaller than 200 square feet or no larger than 400 square feet in area and only one advertisement per side shall be permitted.
- (3) Location: All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in question.

- (a) No billboard shall be closer than a fifteen hundred (1500) foot radius from another billboard.
- (b) The leading edge of all billboards must be set back 50 feet from the street right of way.
- (c) No billboard shall be constructed within two thousand (2000) feet of any residential unit within the City of Milford.
- (d) No billboard shall be placed to face abutting residential property within the City of Milford.
- (4) Lighting: Floodlighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated thereby.
- (a) Flashing lights are expressly prohibited; flashing means any method of conveyance produces or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.
- (5) Maintenance: Billboards shall be constructed of durable material and kept in good condition and repair. Any billboard which is allowed to become dilapidated and considered by the City of Milford Code Enforcement Officer to constitute a nuisance shall be removed at the expense of the owner or lessee of the property on which it is located.

Any existing billboards would remain as they currently exist.

When asked how closely related this is to state law, Mr. Norris said it does not mirror the law though the planning commission felt this was workable after a great deal of input from the sign companies.

Planning Commission Chair Chuck Rini then addressed council stating this was the result of some legal action in which the city lost its case because there was no true definition of billboards in our code. In turn, the solicitor provided a definition of billboards which were prohibited in all zoning classification.

Mr. Rini added the planning commission discussed this ordinance for approximately eight months. A subcommittee was also appointed to address this. All local businesses and sign professionals were invited to participate. What is before council this evening is the planning commission's final draft.

He reported the state requirements allow a minimum of 300 feet between billboards which he felt was too close along Route 1. They were also limited to a minimum of 200 square feet and a maximum of 400 feet which is also less than the state allows.

Mr. Rini added the conditional use allows the city to have control over each billboard while providing an opportunity to the business community.

Following the final recommendation of the ordinance, he advised a sign expert from Davis, Bowen and Friedel contacted Mr. Norris stating he preferred the ordinance coincide with the state code. Mr. Rini, City Planner Norris and the DBF representative then met to discuss the matter. Mr. Rini is also meeting with Mayor Rogers to review the ordinance tomorrow.

Mr. Brooks asked if billboards will still go before the Board of Adjustment; Mr. Norris advised it will only go before the Board of Adjustment if it does not meet the criteria or the developer wants something that is not permitted.

Mr. Brooks recalled the former city manager stating in 1996 that no more billboards would be permitted in the city. Mr. Norris agreed but explained that any new billboards would have to comply to the ordinance and are required to go through public hearings before the planning commission and council with final approval by this body.

Mr. Pikus recalled during the mid 1960's when a federal law was initiated by Lady Bird Johnson for the purpose of cleaning up highways by restricting billboards. Being familiar with the law, Mr. Rini explained the original bill prohibited billboards throughout the United States though the final version restricted billboards on federal highways and defense roadways except when deemed necessary.

Ms. Wilson thanked Mr. Rini and the planning commission for the work they did and have the foresight to get local businesses and sign companies involved.

The city manager advised this will also be presented at the July 12th council meeting for final consideration.

With no further business, the Workshop Session concluded at 8:09 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" being more prominent.

Terri K. Hudson, CMC
City Clerk/Recorder