

Milton Town Council Meeting May 13, 2015 Preliminary Minutes

Call to Order

The meeting was called to order in the Milton Public Library at 6:30 PM on May 13, 2015 by Mayor Jones. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

Roll Call:

Theodore Kanakos, present
Emory West, present
Esthelda Parker-Selby, absent
Michael Cote, present
Sam Garde, present
Edward Kost, present
Marion Jones, present
Seth Thompson, the Town Solicitor was also present

These Preliminary Minutes:

These preliminary minutes cover only the high points of the meeting. The discussions were recorded, and will be transcribed. The transcription will serve as the final minutes of the meeting. Documents included in the Council Package are not included as attachments to these preliminary minutes.

Public Hearing: Related to Chapter 164 of the Town Code, Rental Licenses:

Written comments were to be accepted at Town Hall prior to 5:00 PM on May 11, 2015. Two citizens submitted such written comments, which were read into the record. The highlights follow:

- Sandra Dole of Shipbuilders Village:
 - Shipbuilders has rental homes with multiple families living in unsafe quarters because of lack of smoke detectors, structural defects and faulty electric wiring.
 - She asked Mayor & Council to repeal the existing Chapter 164, and replace it.
 - A copy of Ms. Dole's comments is included as Attachment 1.
- Mary Ann Warrington of Atlantic Avenue:
 - She believes the Town is placing an even larger burden on average rental home owners, as well as possible increased financial hardship.
 - She is against the draft revisions .
 - A copy of Ms. Warrington's comments is included as Attachment 2.

During the public hearing portion of the meeting, the following were the highlights:

- Barry Askew, a rental property owner in Milton:
 - How many rentals are there in Milton?
 - Why does the Town feel it necessary to change the Ordinance?
 - Has the Town answered Ms Warrington's questions?
 - Mr Askew is against the draft changes.
- The Project Coordinator and members of the Council and Town staff responded:

- As long as the license is in effect and the owner certifies compliance with applicable regulations, no inspection is necessary under the proposed draft.
- The Town will make a good faith effort to sent out letters on or before December 1 of each year.
- Licenses lapse on Jan 1.
- The Town has 10 working days to perform the initial inspection.
- No time is specified in the draft ordinance for the owner to repair deficiencies.
- First inspection is free; followup inspections, if required, are \$50.00 each.
- Approximately one third of communities in Sussex County require inspections & licenses. Some with principally summer rentals require annual inspections.
- Milton has approximately 350 rental units.
- Inspections are planned to be done by Town staff.
- Nick Carter has 3 rental properties in Milton:
 - He is against the draft changes.
 - Asked about transferability.
 - Asked if an inspection has been done by Delaware licensed Home Inspector within 3 years in association with a real estate settlement, will that satisfy the inspection requirement?
- The Project Coordinator and members of the Council and Town staff responded:
 - A new landlord has the ability to certify if there has been an inspection within 3 years.
- Lorraine Wasserman of Milton:
 - She is in favor of the draft changes.
 - Wants it passed for the protection of Milton citizens.
- Leah Betts, 113 Magnolia St:
 - She is against the draft changes.
 - She believes it to be onerous and unnecessary, and recommended inspections only upon receipt of complaints by tenants.
- The Town Solicitor offered the following:
 - The only landlords subject to inspection are: (1) new owners (subject to the 3 yr inspection exemption); (2) lapsed licenses; and (3) those with tenant complaints.
- Cliff Newlands, 110 Oysterman Drive:
 - Complained about the process. The current draft did not show all the changes from the original, as the changes suggested in an earlier draft had been accepted before the the changes in the current draft were made.
 - He asked about the penalty for non-compliance.
- Jim Welu, East Mill Run:
 - Doesn't want to have to require landlords to provide tenants' names.
 - Police have to get warrants to obtain such information.
- James Brown, Federal Street:
 - Prefers voluntary compliance over bureaucratic over-reaching.
 - Doesn't have a firm position on the issue, but believes tenants might be against the draft.
- Nick Carter cautioned on structural integrity aspects of the inspection, as Town staff may not have adequate qualifications to determine structural adequacy.

- Jim Welu and John Collier established that the date for Chapter 136 of the Milton Code was 2003. Mr. Welu opined that the standards in Chapter 136 were established for new homes after the effective date, and many of the older homes in Milton may not be required to comply because they were built prior to the effective date.
- Solicitor Thompson indicated that Chapter 136 applies to existing structures as well as new ones.

The public hearing was closed at approximately 7:16 PM.

Additions or Corrections to the Agenda

There were no additions or corrections to the Agenda brought forward.

Agenda Approval

A motion was made, seconded and unanimously approved to approve the Agenda as presented.

Old Business: Discussion and Possible Vote on the Following:

a. An Ordinance to repeal and replace Town Code Chapter 164, "Rental License" (fourth reading)

- Councilman Kanakos opined that the draft was invalid at this time because it uses the term "Town Administrator" and that has not yet been agreed by Mayor & Council. Project Coordinator Collier stated that the current Charter, Section 18 uses the term "Town Administrator". Specifically, Chapter 18 says "The Town Council of the Town of Milton shall hire a Town Manager (who shall also or alternatively hold the title Town Administrator) who" On that basis, the discussions went forward using the term Town Administrator.
- Councilman Kanakos opined that self certification may not be adequate since not all people are truthful. Project Coordinator Collier stated that the draft has evolved to its present condition by virtue of incorporating comments received from the public during earlier open meetings.
- Councilman Kanakos opined that the penalties in the current draft are draconian.
- Councilman Kanakos opined that the Town should be requiring carbon monoxide detectors in addition to smoke detectors as an added measure of safety. Project Coordinator Collier stated that only two communities in the State required CO monitors: Newark & Middletown. The State does not mandate CO detectors.
- Councilman Kost suggested going through the draft paragraph-by-paragraph to get the sense of the Council.
- The first change requested by Mayor & Council was in the definition of Residential Unit: delete "or enclosure" on the first line, and add "or" after the word "structure".
- The next change requested by Mayor & Council was in section 164-2 A: delete the letter A at the beginning, since there is no B
- The next large discussion resulted in agreement to leave Section 164-4.1.(2) as is in lieu of adding a requirement to provide CO monitors.
- The next change requested by Mayor & Council was in section 164-7: insert language after "the Town Administrator or his/her designee" to the effect that adequate notice must be given to allow the landlord to notify the tenant of the upcoming inspection.

- The next change requested by Mayor & Council was in section 164-7.C.(1): change “8:45 AM on the day of the inspection” to “4:00 PM on the day prior to the Inspection.”
- The next change requested by Mayor & Council was in section 164-9: in the 4th line from the end of the section, delete “and published in a newspaper of local circulation”.
- The next change requested by Mayor & Council was in section 164-11: add “for the purpose of verifying compliance with Chapter 136.” at the end of the sentence.
- The next change requested by Mayor & Council was in section 164-12B: change the last phrase from “if an inspection has occurred within the past three years.” to “if an inspection by the Town or a Delaware Licensed Home Inspector has occurred within the past three years and is provided to the Town.”
- The next change requested by Mayor & Council was in section 164-13C: on the second line change the word “misdemeanor” to “violation of this chapter” and change the phrase “not less than \$100 nor more than \$300” to “\$99”. On the last line, change the phrase “committed on each day during” to “committed each seven (7) day period during”.
- With the changes outlined above, motions were made, seconded and unanimously approved on the language in each paragraph individually.
- After each paragraph was approved, a motion was made, seconded and unanimously approved to approve the draft of Chapter 164, “Rental Properties” as amended.

Adjournment

A motion was made, seconded and unanimously approved to adjourn.

Approval

These minutes were approved at the Town Council meeting held on June 1, 2015.

Very Respectfully submitted,
James C. (“Sam”) Garde,
Secretary of the Town Council