

City of Milford



AGENDA

Monthly Council Meeting

October 14, 2013

Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, Delaware

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Joseph R. Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Proclamation 2013-12/Extra Mile Day

City Planner Gary Norris/American Planning Association Great Places in America Award: Streets-North and South Walnut Street Milford

Monthly Police Report

City Manager Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

New Business

Proposed Ordinance/Motorized Wheelchairs/Reflective Material Required

Public Meeting/Washington Street Water Plant Project/Councilman Shupe*

Update/City Utility Projects**

Yard Debris Services/Extension

C&C Drywall/Land Sale

Monthly Finance Report

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

**SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT
NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED
OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.**

From: Extra Mile America [mailto:extramileamerica.foundation@yahoo.com]

Sent: Wednesday, September 4, 2013 5:38 AM

To: Terri Hudson

Subject: Join Us for Extra Mile Day

Dear Terri,

Last year, 362 inspirational mayors and city leaders stood up and jointly recognized November 1, 2012, as ***Extra Mile Day***...*a day to recognize the people and organizations in your local community who are creating positive change through their extra mile efforts in volunteerism and service.*

We are writing to ask that Milford join cities in every state in the nation and proclaim November 1, 2013, Extra Mile Day. (I can send you proclamation language or it is available on our website.)

This year, our mission continues...and builds. With a 100% volunteer staff, Extra Mile America (www.ExtraMileAmerica.org) is unwavering in its commitment to remind individuals and organizations that creating positive change is not just a water cooler topic, but it is unselfishly tied to go-the-extra-mile action. We continue to be an organization that casts a bright light on the “*Extra Mile Heroes*” and change-makers who surround us and who continue to give their best.

Whether it is one elected official or one non-elected government employee, whether it is one citizen or one business with 1,000 amazing people, ONE does make a difference. By declaring November 1, 2013, Extra Mile Day, your city joins this nationwide movement.

Started in 2009 by Founder Shawn Anderson and his vision that one person CAN make a difference, *Extra Mile Day* has grown from 23 participating cities in its inaugural year, to 116 in 2010, to 228 in 2011, to 362 in 2012...and this year, a goal of 400 cities has been set.

Can we confirm you as a November 1, 2013, “Extra Mile Day” city?

When we receive confirmation that you will do a proclamation, your city’s name will be posted on the Extra Mile America website, be included in the participating city list sent to the White House, and have local press contacted regarding your Mayor’s participation.

If the Mayor would like to do something beyond a proclamation, we have two options:

1) **Submit names of local “Extra Mile Heroes.”** In addition to a November 1 declaration, submit 1-5 names of amazing extra mile people and/or organizations that are making significant contributions to make your city better. These people/organizations will be included on our website with their specific contribution, and their names will be sent to the White House as extra-mile change makers whose service truly stands out and deserves to be recognized.

2) **A quote by your Mayor.** In addition to a November 1 declaration, your Mayor’s quote of what it personally means to “go the extra mile” will be highlighted on our website and shared with your local media.

We look forward to your city joining as an Extra Mile Day city. If there is anything we can do to help you plan something special, we are happy to jump forward with our best effort on your behalf.

Can we confirm you as a November 1, 2013, “Extra Mile Day” city?

We look forward to “going the extra mile” with you!

Christine Ott

Christine@ExtraMileAmerica.org

310-619-3205

City of Milford



PROCLAMATION 2013-12 EXTRA MILE DAY

WHEREAS, Milford, Delaware is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Milford, Delaware is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Milford, Delaware is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Milford, Delaware acknowledges the mission of Extra Mile America to create 400 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2013.

NOW THEREFORE, I, Mayor of Milford, Delaware do hereby proclaim November 1, 2013 to be

Extra Mile Day in the City of Milford.

I further urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 14th October 2013.

Mayor Joseph Ronnie Rogers

Attest:

City Clerk

Milford Police Department



E. Keith Hudson
Chief of Police



400 N.E. Front Street
Milford, Delaware 19963

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: October 14, 2013

RE: Activity Report/September 2013

Monthly Stats:

A total of 792 arrests were made by the Milford Police Department during September 2013. Of these arrests, 201 were for criminal offenses and 591 for traffic violations. Criminal offenses consisted of 40 felonies and 161 misdemeanors. Traffic violations consisted of 123 Special Duty Radar, 5 Drunk-Driving charges, and 463 other.

Police officers investigated 47 accidents during the month (8 personal injury, and 39 property damage) and issued 257 written reprimands. In addition, they responded to 1339 various complaints including city requests and other agency assistance.

Monthly Activities:

The department assisted with events associated with the Freedom Festival on September 5th, 6th and 7th. Officers assisted with traffic control for the 5K Walk/Run and Boat Parade, in addition to providing security for the two-day festival.

On September 22nd, officers also assisted with DMI's Eat in the Street Event and the Church of God Motorcycle Bike Ride Benefit.

The department also provided traffic assistance/control for the Lighthouse Christian Center 100-car procession from their present church on the Milford-Harrington Highway to their new location at the Route 1 (north) overpass.

The department's K-9 Units were utilized on thirty different incidents, including six assists to other police agencies. The K-9's conducted three tracks on armed burglary suspects involving an actual shooting. In a different incident, an armed robbery suspect was later taken into custody in the area the dog was focused on despite the fact the trooper felt the suspect had gone in another direction.

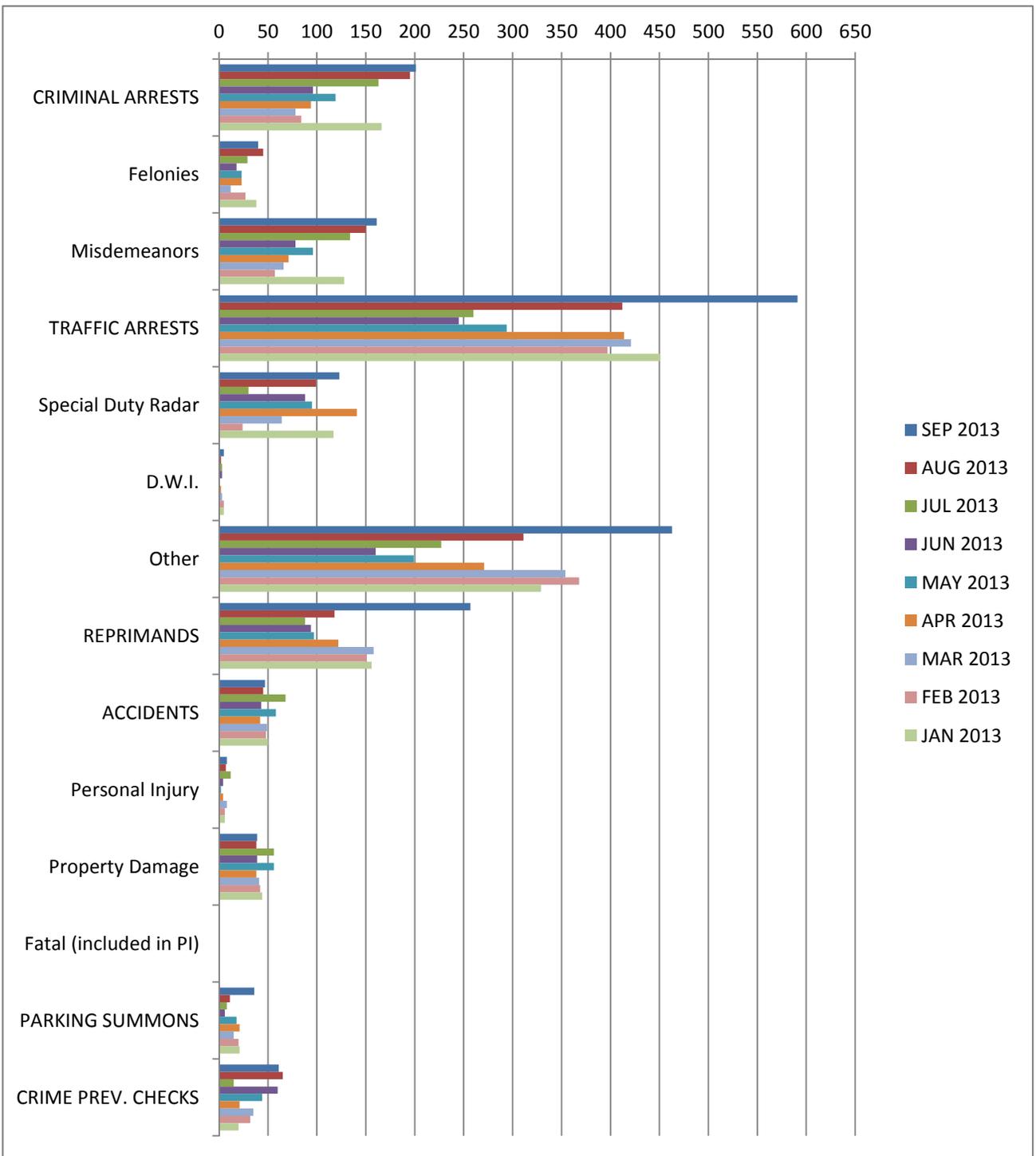
SRO Melvin and Corporal Masten completed three hours of training at the Milford Senior High School sponsored by the Delaware Department of Safety and Homeland Security. The training is the result of the Omnibus School Safety Act signed into law by Governor Markell last year which requires Homeland Security to work with schools, districts and first responders to develop up-to-date comprehensive school safety plans. Administrators from throughout the district also attended.

Two officers attended a training seminar in Pennsylvania which certifies them as Field Training Officers.

Officers attended the East Coast Gang Conference held in Rehoboth Beach.

SEPTEMBER 2013 ACTIVITY REPORT

| | SEP 2013 | TOTAL 2013 | SEP 2012 | TOTAL 2012 |
|------------------------|-------------|--------------|--------------|---------------|
| COMPLAINTS | 1339 | 10004 | 1179 | 11788 |
| CRIMINAL ARRESTS | 201 | 1196 | 166 | 1667 |
| Felonies | 40 | 255 | 95 | 470 |
| Misdemeanors | 161 | 941 | 71 | 1197 |
| TRAFFIC ARRESTS | 591 | 3485 | 494 | 5706 |
| Special Duty Radar | 123 | 781 | 206 | 2510 |
| D.W.I. | 5 | 28 | 11 | 77 |
| Other | 463 | 2682 | 277 | 3119 |
| REPRIMANDS | 257 | 1241 | 98 | 1286 |
| ACCIDENTS | 47 | 450 | 41 | 401 |
| Personal Injury | 8 | 57 | 6 | 46 |
| Property Damage | 39 | 393 | 35 | 355 |
| Fatal (included in PI) | 1 | 1 | 0 | 1 |
| PARKING SUMMONS | 36 | 156 | 13 | 124 |
| CRIME PREV. CHECKS | 61 | 353 | 40 | 497 |
| FINES RECEIVED | \$ 8,494.64 | \$ 92,481.60 | \$ 20,031.01 | \$ 135,432.12 |





OFFICE OF THE CITY MANAGER
RICHARD D. CARMEAN
P 302.424.3712, F 302.424.3558

CITY HALL
201 SOUTH WALNUT STREET
MILFORD, DE 19963

City Manager Report October 14, 2013

Administration

Our city planner, Mr. Gary Norris, has officially announced his retirement. Gary has been working for several years on a limited schedule. He is willing to continue to work with the City approximately 5 days per month for the purpose of giving us must have certification on projects. He will be presenting before the Planning Commission and the City Council those items which need his expertise and professional recommendations. I think that we can survive for a short time utilizing Mr. Norris in this manner, but I do feel the City must have a planning function. This position will be discussed further with the Mayor and Council in the future.

Streets & Solid Waste

The Fall Clean-up went smoothly for our crews and customers. There were some customers who wanted materials picked-up that we no longer handle. In many cases this inability to comply with these requests is a result of what we are allowed to take to the Solid Waste Facility. However, yard debris removal expectations of customers have led to a few misunderstandings with our solid waste department. I will be discussing that with Mayor and Council later in the agenda.

Our Director of Public Works, Mr. Brad Dennehy, has suggested that we continue to collect yard debris thorough out the year. The ordinance we passed states we will discontinue yard debris collection from November 1st until April 1st. Mr. Dennehy and I found last year that winter storms or other situations caused customers to need yard debris service. I recommend we give this a trial run under an operational test for this winter, and I will ask Mayor and Council to consider officially changing the ordinance if needed in the future. Curbside leaf pick-up will follow the normal schedule of November 1st until January 31st.

Electric

I attended the annual DEMEC Board training session and meeting on September 25th at the Dover Downs Conference Center. The Annual Dinner followed the meeting and Council Skip Pikus attended as a City official guest. The information was interesting in the most part because it reminded me of how DEMEC has grown in the last 10 years. We now own 2 quick fire generators that can produce 100mg during peak periods, and they are fueled by dual fuels, which are oil and natural gas. These save members considerable dollars by making us less dependent on the market. DEMEC also has a purchase agreement with Duke Energy to buy all energy generated by the Laurel Hill Wind Farm in Lycoming County, PA, and we recently invested in a base generation plant in Fremont, Ohio at a 13.06% ownership. These investments and purchases could never be considered by the City alone, but with a joint action group like DEMEC we have increased strength in the electric marketplace.

I will give a *QUICK* power point presentation of some of our ongoing projects.



DELAWARE SOLID WASTE AUTHORITY

Pasquale S. Canzano, P.E., BCEE
Chief Executive Officer

Richard P. Watson, P.E., BCEE
Chief Operating Officer

Board of Directors
Richard V. Pryor
Chairman
Ronald G. McCabe
Vice Chairman
Theodore W. Ryan
Timothy P. Sheldon
Tonda L. Parks
Gerard L. Esposito
Gregory V. Moore, P.E.

September 10, 2013

Richard Carmean
City of Milford
P.O. Box 159
Milford, DE 19963

Dear Richard:

Enclosed please find the City of Milford's numbers for the month of August 2013.

**August 2013
Weight in Pounds**

MARSHALL STREET

| SINGLE-STREAM TOTAL | OIL GALLONS |
|----------------------------|------------------------|
| 23,981 | 240 |

MILFORD COMMONS

| | |
|--------|--|
| 14,388 | |
|--------|--|

Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc

Christie Murphy

Attachments: City of Milford Curbside Totals

1128 S. Bradford Street, P.O. Box 455, Dover, Delaware 19903-0455
Phone: (302) 739-5361 Fax: (302) 739-4287

CITIZENS' RESPONSE LINE: 1-800-404-7080 www.dswa.com

**CITY OF MILFORD CURBSIDE RECYCLING
AUGUST 2013**

| Date Out | Trans Num | MT Label | DT Label | Bill Acct Name | Net TN |
|-----------|-----------|----------------------|------------------|-----------------|--------------|
| 8/1/2013 | 742656 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 5.18 |
| 8/1/2013 | 742682 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 7.22 |
| 8/2/2013 | 742700 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 1.98 |
| 8/2/2013 | 742702 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 4.59 |
| 8/8/2013 | 743455 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 4.03 |
| 8/9/2013 | 743510 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 0.8 |
| 8/9/2013 | 743511 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 2.68 |
| 8/15/2013 | 744264 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 3.62 |
| 8/15/2013 | 744268 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 4.32 |
| 8/16/2013 | 744332 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 4.18 |
| 8/16/2013 | 744334 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 4.51 |
| 8/22/2013 | 745024 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 3.26 |
| 8/23/2013 | 745076 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 1.94 |
| 8/23/2013 | 745077 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 2.76 |
| 8/29/2013 | 745786 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 3.9 |
| 8/29/2013 | 745788 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 3.94 |
| 8/30/2013 | 745855 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 4.51 |
| 8/30/2013 | 745859 | 7100-RC Single Strea | 7000-Recommunity | City of Milford | 3.71 |
| | | | | TOTAL | 67.13 |

MEMORANDUM

TO: DNR
FROM: JA
DATE: 10/1/2013
SUBJECT: Enforcing safety equipment on motorized scooters

Motorized scooters that are operated on public roads may be required under Delaware law to maintain minimum lighting & reflectors. The following provisions under the Delaware code are applicable:

21 Del. C. § 4345. Lamps on other vehicles and equipment.

Every vehicle, including animal-drawn vehicles and vehicles referred to in § 4355(c) of this title, not specifically required by this subchapter to be equipped with lamps or other lighting devices, shall at all times specified in § 4331 of this title be equipped with at least 1 lamp displaying a white light visible from a distance of not less than 500 feet to the front of said vehicle and shall also be equipped with 2 lamps displaying red light visible from a distance of not less than 500 feet to the rear of said vehicle, or as an alternative, 1 lamp displaying a red light visible from a distance of not less than 500 feet to the rear and 2 red reflectors visible for distances of 100 to 600 feet to the rear when illuminated by the upper beams of head lamps.

Under the Delaware code, motorized scooters (but not manual wheelchairs) would be included within the definition of vehicle;

21 Del. C. §101(80):

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks and excepting electric trackless trolley coaches, electric personal assistive mobility devices and excepting OHVs. (Note: “Electric personal assistive mobility devices” are Segways).

I did not see anything under the ADA that would prevent enforcement of this lighting requirement. ADA issues often result from discriminatory enforcement or infrastructure issues (like sidewalks without ramps). Notably, §35.130(h) (read in connection with §35.137) expressly permits local governments to adopt safety requirements as it pertains to motorized scooters;

§35.130(h) A public entity may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the public entity must ensure that its safety requirements are based on actual risks, not on

mere speculation, stereotypes, or generalizations about individuals with disabilities.

-And-

§ 35.137 Mobility devices.

- *(b)*
 - *(1) Use of other power-driven mobility devices. A public entity shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h).*

*** City of Milford
Utility Projects Update**



* Delmarva Power delivery point
Rt 113



*Transmission Route
Rt 113



* Transmission Route
Rt 113



*Transmission Station
Milford-Harrington Hwy



*Transmission Station
Milford-Harrington Hwy



*Transmission Station
Milford-Harrington Hwy



*Transmission Station
Milford-Harrington Hwy



*Transmission Station
Milford-Harrington Hwy



* Transmission Station
Milford-Harrington Hwy



* Communication Tower
Public Works



*Solar Farm
Canterbury Rd



* Solar Farm
Canterbury Rd



* Water Drainage Repair
NE Front St



* Pump Station
S Washington St



* Pump Station
S Washington St



* Treatment Plant
S Washington St



* Treatment Plant
S Washington St

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> Chapter 193 - SOLID WASTE >> ARTICLE II - Yard Waste >>

ARTICLE II - Yard Waste

§ 193-8. - Unlawful acts; containment required.

§ 193-9. - Containers.

§ 193-10. - Collection procedures.

§ 193-11. - Collection schedule.

§ 193-12. - Violations and penalties.

§ 193-8. - Unlawful acts; containment required.

It shall be unlawful to deposit or place any leaves, grass trimmings, tree trimmings or other vegetative debris or matter into any garbage container, recycling container, [on] a City street or drainage gutter. Said materials shall be deposited in adequate containers except as allowed in Section 193-9.

[Ord. No. 2011-28, § 11, 8-13-2012]

§ 193-9. - Containers.

Leaves, grass clippings, tree trimmings, shrubbery or other garden and yard waste or matter for collection by the City shall only be placed in an approved yard waste container provided by the City of Milford. Containers will only be provided to those residents who request one.

[Ord. No. 2011-28, § 12, 8-13-2012]

§ 193-10. - Collection procedures.

- A. The City will provide for the collection of leaves, branches and tree trimmings from April 1 through October 31 of each year, provided that such refuse is deposited into the yard waste containers as provided for in Section 193-9. Disposal of leaves, branches and tree trimmings that will not fit into the container shall be the responsibility of the property owner.
- B. The City will provide for loose leaf curbside collection from November 1 through January 31 in accordance with the following conditions:
 1. Loose leaves shall be raked and placed behind the curb for removal by the City's leaf vacuum.
 2. Leaves must be free of stones, branches, brush and grass clippings or they will not be collected.
 3. It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.

[Ord. No. 2011-28, §§ 13—15, 8-13-2012]

§ 193-11. - Collection schedule.

- A. The City will collect yard waste as described in Section [193-10]A once every other week.
- B. The loose leaf curbside collection as described in Section [193-10]B will be collected once each week.
- C. The City Manager shall divide the City into districts and shall schedule the collection of yard waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.

[Ord. No. 2011-28, § 16, 8-13-2012]

§ 193-12. - Violations and penalties.

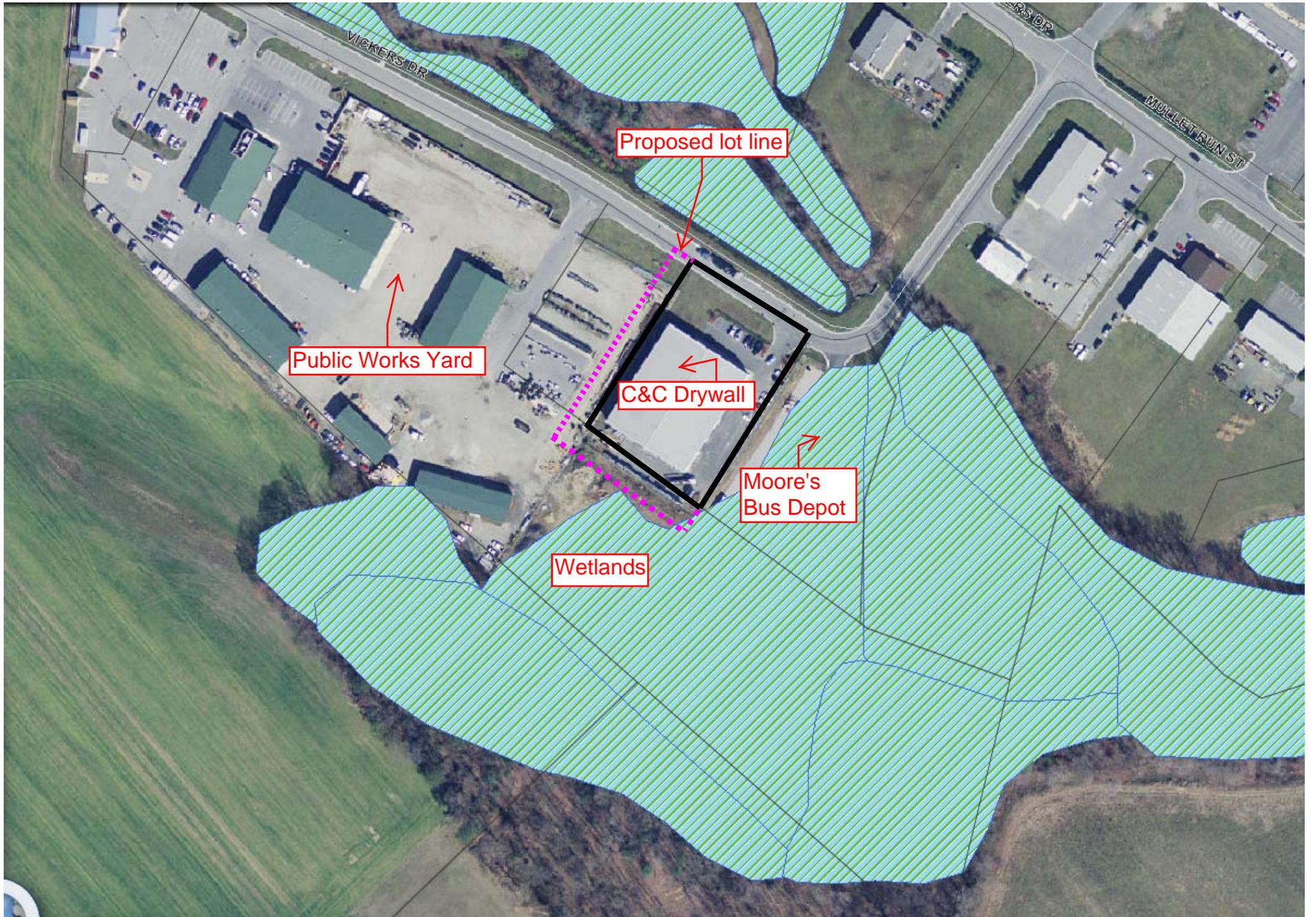
Any person(s) or party violating any provision of this article shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined as follows:

- A. First offense: not less than \$25 and not more than \$100.
- B. Subsequent offenses: not less than \$50 and not more than \$250.

[Ord. No. 2011-28, § 17, 8-13-2012]

Editor's note—

Ord. No. 2011-28, § 17, enacted provisions which designated § 193-12 be renumbered as § 193-11. To facilitate indexing, the former § 193-12, pertaining to violations and penalties, remained designated as § 193-12



Public Works Yard

Proposed lot line

C&C Drywall

Moore's Bus Depot

Wetlands

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: August 2013

| | |
|---|-------------|
| Cash Balance - General Fund Bank Balance | \$1,764,588 |
| Cash Balance - Electric Fund Bank Balance | \$4,051,582 |
| Cash Balance - Water Fund Bank Balance | \$2,335,558 |
| Cash Balance - Sewer Fund Bank Balance | \$655,824 |
| Cash Balance - Trash Fund Bank Balance | \$413,489 |

| | General <u>Improvement</u> | Municipal <u>Street Aid</u> | Real Estate <u>Transfer Tax</u> | Solid Waste <u>Reserves</u> |
|----------------------------|-------------------------------|--------------------------------|------------------------------------|--------------------------------|
| Beginning Cash Balance | 425,365 | 978,990 | 1,759,964 | 0 |
| Deposits | 18,236 | 55,676 | 14,284 | |
| Interest Earned this Month | 35 | 84 | 144 | |
| Disbursements this Month | (10,725) | | (41,667) | |
| Investments | | | | 250,000 |
| Ending Cash Balance | \$432,911 | \$1,034,750 | \$1,732,725 | \$250,000 |

| | GF Capital <u>Reserves</u> | Water Capital <u>Reserves</u> | Sewer Capital <u>Reserves</u> | Electric <u>Reserves</u> |
|----------------------------|-------------------------------|----------------------------------|----------------------------------|-----------------------------|
| Beginning Cash Balance | 2,201,289 | 4,420,225 | 3,485,541 | 10,926,035 |
| Deposits | 75,000 | 398,540 | | 256,725 |
| Interest Earned this Month | 186 | 681 | 287 | 873 |
| Disbursements this Month | (40,720) | | (25,500) | (608,567) |
| Investments | 250,000 | | | |
| Ending Cash Balance | \$2,485,755 | \$4,819,446 | \$3,460,328 | \$10,575,066 |

| | Water <u>Impact Fee</u> | Sewer <u>Impact Fee</u> | Electric <u>Impact Fee</u> |
|----------------------------|----------------------------|----------------------------|-------------------------------|
| Beginning Cash Balance | 1,071,773 | \$745,860 | \$290,471 |
| Deposits | 7,005 | \$3,702 | \$1,800 |
| Interest Earned this Month | 77 | \$56 | \$21 |
| Disbursements this Month | | | |
| Investments | | | |
| Ending Cash Balance | \$1,078,855 | \$749,618 | \$292,292 |

INTEREST THROUGH THE SECOND MONTH OF THE FISCAL YEAR:

| | | | |
|--------------------------|-------|------------------------|-------|
| General Fund | 1,342 | Water Fund | 388 |
| GF Capital Reserves | 364 | Water Capital Reserves | 718 |
| General Improvement Fund | 66 | Water Impact Fees | 143 |
| Municipal Street Aid | 155 | Sewer Fund | 99 |
| Real Estate Transfer Tax | 45 | Sewer Capital Reserves | 542 |
| Electric Fund | 638 | Sewer Impact Fees | 104 |
| Electric Reserves | 1,673 | Trash Fund | 1,139 |
| Electric Impact Fees | 40 | | |

TOTAL INTEREST EARNED TO DATE \$7,456

REVENUE REPORT

Page Two

17% of Year Expended

| Date: August 2013 | AMOUNT BUDGETED | MTD | YTD | YTD% |
|--|---------------------|--------------------|---------------------|---------------|
| ACCOUNT | | | | |
| Budgeted Fund Balance | 161,840 | 0 | 0 | 0.00% |
| General Fund Capital Reserves | 40,000 | 40,000 | 40,000 | 100.00% |
| Property Transfer Tax-Police | 500,000 | 41,666 | 83,333 | 16.67% |
| Real Estate Tax | 3,581,965 | 3,715,145 | 3,725,412 | 104.00% |
| Business License | 35,000 | 550 | 2,025 | 5.79% |
| Rental License | 85,000 | 350 | 900 | 1.06% |
| Building Permits | 80,000 | 5,177 | 9,006 | 11.26% |
| Planning & Zoning | 10,000 | 3,050 | 4,750 | 47.50% |
| Grasscutting Revenue | 5,000 | 416 | 832 | 16.64% |
| Police Revenues | 315,000 | 13,837 | 24,599 | 7.81% |
| Misc. Revenues | 263,460 | 6,259 | 18,860 | 7.16% |
| Transfers From | 3,215,480 | 267,958 | 535,914 | 16.67% |
| Total General Fund Revenues | \$8,292,745 | \$4,094,408 | \$4,445,631 | 53.61% |
| Water Revenues | 2,715,000 | 268,385 | 482,815 | 17.78% |
| Sewer Revenues | 2,385,670 | 236,465 | 428,517 | 17.96% |
| Kent County Sewer | 1,464,600 | 173,205 | 309,036 | 21.10% |
| Solid Waste Revenues | 1,303,000 | 93,986 | 187,175 | 14.36% |
| Electric Revenues | 25,520,985 | 2,675,795 | 4,939,558 | 19.35% |
| TOTAL REVENUES | \$41,682,000 | \$7,542,244 | \$10,792,732 | 25.89% |
| YTD Enterprise Expense | | 16,869 | | |
| YTD Enterprise Revenue | | 8,999 | | |
| LTD Carlisle Fire Company Building Permit Fund | | 88,229 | | |

EXPENDITURE REPORT

Page Three

Date: August 2013

17% of Year Expended

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | YTD% | UNEXPENDED BALANCE |
|---|--------------------|-----------------|------------------|---------------|-----------------------|
| City Manager | | | | | |
| Personnel | 355,220 | \$45,864 | 62,661 | 17.64% | 292,559 |
| O&M | 154,065 | \$3,745 | 15,263 | 9.91% | 138,802 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total City Manager | \$509,285 | \$49,609 | \$77,924 | 15.30% | 431,361 |
| Planning & Zoning | | | | | |
| Personnel | 125,100 | \$13,830 | 19,404 | 15.51% | 105,696 |
| O&M | 31,840 | \$2,602 | 3,409 | 10.71% | 28,431 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total P, C & I | \$156,940 | \$16,432 | \$22,813 | 14.54% | 134,127 |
| Code Enforcement & Inspections | | | | | |
| Personnel | 143,785 | \$18,375 | 24,180 | 16.82% | 119,605 |
| O&M | 45,630 | \$3,274 | 8,727 | 19.13% | 36,903 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total P, C & I | \$189,415 | \$21,649 | \$32,907 | 17.37% | 156,508 |
| Council | | | | | |
| Personnel | 31,225 | \$2,707 | 4,141 | 13.26% | 27,084 |
| O&M | 46,150 | \$3,419 | 5,077 | 11.00% | 41,073 |
| Council Expense | 17,000 | \$586 | 5,751 | 33.83% | 11,249 |
| Contributions | 322,000 | \$15,887 | 82,000 | 25.47% | 240,000 |
| Codification | 4,000 | \$0 | 0 | 0.00% | 4,000 |
| Employee Recognition | 9,000 | \$0 | 0 | 0.00% | 9,000 |
| Insurance | 27,220 | \$0 | 6,805 | 25.00% | 20,415 |
| Capital-Transfer to Reserves | 61,840 | \$0 | 0 | 0.00% | 61,840 |
| Total Council | \$518,435 | \$22,599 | \$103,774 | 20.02% | 414,661 |
| Finance | | | | | |
| Personnel | 341,725 | \$37,714 | 51,711 | 15.13% | 290,014 |
| O&M | 52,465 | \$2,815 | 6,621 | 12.62% | 45,844 |
| Capital | 0 | \$0 | 0 | | 0 |
| Total Finance | \$394,190 | \$40,529 | \$58,332 | 14.80% | 335,858 |
| Information Technology | | | | | |
| Personnel | 176,860 | \$12,036 | 16,883 | 9.55% | 159,977 |
| O&M | 176,790 | \$18,768 | 37,752 | 21.35% | 139,038 |
| Capital | 50,000 | \$0 | 0 | 0.00% | 50,000 |
| Total Information Technology | \$403,650 | \$30,804 | \$54,635 | 13.54% | 349,015 |

EXPENDITURE REPORT

Page Four

Date: August 2013

17% of Year Expended

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | YTD% | UNEXPENDED BALANCE |
|---------------------------------------|--------------------|------------------|--------------------|---------------|-----------------------|
| Police Department | | | | | |
| Personnel | 3,791,065 | \$416,642 | 567,889 | 14.98% | 3,223,176 |
| O&M | 499,040 | \$32,941 | 84,468 | 16.93% | 414,572 |
| Capital | 107,810 | \$12,000 | 12,000 | 11.13% | 95,810 |
| Total Police | \$4,397,915 | \$461,583 | \$664,357 | 15.11% | 3,733,558 |
| | | | | | |
| Streets & Grounds Division | | | | | |
| Personnel | 438,755 | \$40,686 | 57,641 | 13.14% | 381,114 |
| O&M | 379,635 | \$26,254 | 50,067 | 13.19% | 329,568 |
| Capital | 55,000 | \$0 | 0 | | 55,000 |
| Debt Service | 45,560 | \$0 | 0 | 0.00% | 45,560 |
| Total Streets & Grounds | \$918,950 | \$66,940 | \$107,708 | 11.72% | 811,242 |
| | | | | | |
| Parks & Recreation | | | | | |
| Personnel | 519,805 | \$59,124 | 92,865 | 17.87% | 426,940 |
| O&M | 240,160 | \$19,781 | 58,966 | 24.55% | 181,194 |
| Capital | 44,000 | \$0 | 23,313 | 52.98% | 20,687 |
| Total Parks & Recreation | \$803,965 | \$78,905 | \$175,144 | 21.79% | 628,821 |
| | | | | | |
| Total General Fund | | | | | |
| Operating Budget | \$8,292,745 | \$789,050 | \$1,297,594 | 15.65% | 6,995,151 |

EXPENDITURE REPORT

Page Five

Date: August 2013

17% of Year Expended

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | YTD% | UNEXPENDED BALANCE |
|---|---------------------|--------------------|--------------------|---------------|-----------------------|
| Water Division | | | | | |
| Personnel | 300,425 | \$32,711 | 46,395 | 15.44% | 254,030 |
| O&M | 1,070,445 | \$63,490 | 146,055 | 13.64% | 924,390 |
| Capital | 525,000 | \$0 | 0 | 0.00% | 525,000 |
| Debt Service | 819,130 | \$0 | 0 | 0.00% | 819,130 |
| Total Water | \$2,715,000 | \$96,201 | \$192,450 | 7.09% | 2,522,550 |
| Sewer Division | | | | | |
| Personnel | 300,425 | \$32,708 | 46,392 | 15.44% | 254,033 |
| O&M | 1,063,445 | \$52,787 | 197,204 | 18.54% | 866,241 |
| Capital | 347,000 | \$12,742 | 12,742 | 0.00% | 334,258 |
| Debt Service | 689,400 | \$0 | 12,735 | 1.85% | 676,665 |
| Sewer Sub Total | \$2,400,270 | \$98,237 | \$269,073 | 11.21% | 2,131,197 |
| Kent County Sewer | 1,450,000 | \$173,212 | 309,035 | 21.31% | 1,140,965 |
| Total Sewer | \$3,850,270 | \$271,449 | \$578,108 | 15.01% | 3,272,162 |
| Solid Waste Division | | | | | |
| Personnel | 362,410 | \$39,121 | 57,833 | 15.96% | 304,577 |
| O&M | 775,590 | \$60,369 | 126,850 | 16.36% | 648,740 |
| Capital | 165,000 | \$0 | 0 | 0.00% | 165,000 |
| Total Solid Waste | \$1,303,000 | \$99,490 | \$184,683 | 14.17% | 1,118,317 |
| Total Water, Sewer Solid Waste | \$7,868,270 | \$467,140 | \$955,241 | 12.14% | 6,913,029 |
| Electric Division | | | | | |
| Personnel | 1,248,005 | \$124,402 | 173,292 | 13.89% | 1,074,713 |
| O&M | 1,625,800 | \$90,971 | 259,385 | 15.95% | 1,366,415 |
| Transfer to General Fund | 2,500,000 | \$208,334 | 416,667 | 16.67% | 2,083,333 |
| Capital | 1,005,950 | \$3,421 | 3,421 | 0.34% | 1,002,529 |
| Debt Service | 641,230 | \$0 | 0 | 0.00% | 641,230 |
| Electric Sub Total | \$7,020,985 | \$427,128 | \$852,765 | 12.15% | 6,168,220 |
| Power Purchased | 18,500,000 | \$1,647,661 | 3,492,037 | 18.88% | 15,007,963 |
| Total Electric | \$25,520,985 | \$2,074,789 | \$4,344,802 | 17.02% | 21,176,183 |
| TOTAL OPERATING BUDGET | \$41,682,000 | \$3,330,979 | \$6,597,637 | 15.83% | 35,084,363 |

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: August 2013

| ACCOUNT | AMOUNT BUDGETED | MTD | YTD | 17% of Year Expended | UNEXPENDED BALANCE |
|--|--------------------|---------------|------------------|----------------------|-----------------------|
| | | | | YTD% | |
| Garage | | | | | |
| Personnel | 79,700 | 8,526 | 12,101 | 15.18% | 67,599 |
| O&M | 66,355 | 5,574 | 10,828 | 16.32% | 55,527 |
| Capital | 0 | 0 | 0 | | 0 |
| Total Garage Expense | \$146,055 | 14,100 | \$22,929 | 15.70% | 123,126 |
| Public Works | | | | | |
| Personnel | 185,195 | 20,345 | 28,956 | | 156,239 |
| O&M | 201,515 | 10,418 | 18,847 | 9.35% | 182,668 |
| Capital | 26,500 | 1,710 | 1,710 | | 24,790 |
| Total Public Works Expense | \$413,210 | 32,473 | \$49,513 | 11.98% | 363,697 |
| Billing & Collections | | | | | |
| Personnel | 488,145 | 48,299 | 69,606 | 14.26% | 418,539 |
| O&M | 241,020 | 34,973 | 60,911 | 25.27% | 180,109 |
| Capital | 0 | 0 | 0 | | 0 |
| Total Billing & Collections | \$729,165 | 83,272 | \$130,517 | 17.90% | 598,648 |
| City Hall Cost Allocation | | | | | |
| Personnel | 0 | 0 | 0 | | 0 |
| O&M | 59,700 | 2,563 | 8,334 | 13.96% | 51,366 |
| Capital | 0 | 0 | 0 | | 0 |
| Total City Hall Cost Allocation | \$59,700 | 2,563 | \$8,334 | 13.96% | 51,366 |

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE.
 INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 9, 2013

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, September 9, 2013.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr. and Katrina Wilson

City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/
Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilwoman Wilson.

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Grier to approve the minutes of the August 5, 12, 15 and 26, 2013 Council and Committee Meetings as presented. Motion carried.

RECOGNITION

No special guests were present to be recognized.

MONTHLY POLICE REPORT

After Police Committee Chairman Morrow presented the monthly police report on behalf of Chief Hudson, Mr. Pikus moved to accept the report as submitted, seconded by Mr. Shupe. Motion carried.

CITY MANAGER REPORT

Mr. Carmean presented the following report:

Administration

The new billing format has now been sent to customers in all four cycles. There are still some things that will be changed. We instituted our outsourced mailing of utility bills at the same time. There were a few problems in the first two cycles, but nothing out of the ordinary considering the scope of the changes. In particular, our e-notification customers did not receive a hard copy of the bill. We did mail taxes in-house this year, but next year they will also be handled off-site.

The new and very large tower for our radio system has been installed at public works. We are within a month of completion of the changeover from the analog system to a digital system.

Electric

We are continuing to receive materials for our 138 transmission line on Route 113. Electrical Engineer Alan Cobb has been on site several times the past few weeks overseeing the initial work. Electric Superintendent Rick Carmean and I have been communicating on a regular basis with Delmarva Power due to the fact they share space on our present poles. We are trying to coordinate our construction plans with them. Solicitor Rutt is assisting me in any matters that require legal interpretation.

Warfel Construction has basically finished the concrete work for the substation and the steel was erected for the transformer bays. This means the substation is about 40% complete. This should be complete and on line no later than the first of the year.

Our crews are trimming trees that are a danger to our service lines. I have instructed them to make every effort to contact owners of trees in need of trimming before the work is done. We do maintain the right to do emergency trimming without contact. This work is instrumental to help maintain our excellent record of keeping the electric on for our customers.

Sewer and Water

The Washington Street Treatment Plant demolition is finished. The next step is to drill a test well at the Washington Street tower to make sure we have a sufficient supply and quality of water for a permanent well at the site. This well is only possible because of our purchase of the PNC property. According to Eric Retzlaff of Davis, Bowen and Friedel, the ability to place this well at the tower instead of on the lot behind City Hall could save us approximately \$200,000.00. This proves the point that the PNC property had much more value to the City than to most other purchasers.

In addition, the new well will require very little property.

Streets & Solid Waste

I have realized that we have a glaring problem with our new solid waste ordinance regarding our spring and fall cleanup. I feel certain that some customers will take these two occasions to demand we pick up ANYTHING. During the spring clean-up week, we had several customers demand we remove truckloads of tree limbs because we stated we would pick up everything they wanted removed from their property. The ordinance states we will only pick up yard debris that fits into the yard waste can. If we do not enforce that during the special cleanup dates, people will simply wait for these clean-up weeks to cut a massive number of tree limbs or in some cases, whole trees, then bring them to the curb. We no longer remove construction materials, which includes scrap materials from home remodeling and materials from demolition. These items are also stockpiled awaiting our seasonal cleanup weeks. I will try to develop a notice to customers outlining what we will not remove on the special cleanup weeks.

In the past, the trucks would cover the entire city every day. However, we are down 30% in personnel and have one less trash truck on the route. Therefore, it is difficult to return to a customer for a second visit. The letter will state that all items must be put out for one pickup.

Anyone with a problem should contact me and we will work it out.

Mr. Brooks asked if the customer's pickup is on Monday and another collection is needed later in the week due to additional yard debris, for example, is Mr. Carmean indicating the customer should contact him, public works or are they required to wait until the next regularly scheduled collection. Mr. Carmean stated that the solid waste department plan is to have one open day per week that would not be dedicated to yard debris and recycling. He agreed that in the situation Mr. Brooks explained, it could be done on a limited basis and they would be willing to try and schedule it.

Mr. Pikus asked if the press will be contacted when the letters will be sent out. He is concerned we will get phone calls saying the customers did not see the letter. Mr. Carmean explained the letter will be mailed with every utility bill so everyone will receive it.

Southeast Front Street engineering is complete and bids will soon be available to interested contractors. In the past month, we have discovered other problems with our stormwater collection system on that street, but will not hold up this overdue project.

After many years of investigation by numerous people, the constantly standing water problem on Northeast Front Street has been solved. Public Works Director and the Street Superintendent had equipment to excavate the roadway to determine the source of the water. They found there were no leaks in water services and found it was groundwater and water from several underground springs. By using the curbing and sidewalk, they are directing the water into a flexible line that goes down to the stormwater drain. They have suggested we continue about another 150 feet east to further alleviate any similar problems.

Mr. Brooks recalled the previous problem discussed in regard to the traffic light at Northeast Front and Washington Street. He reported that vehicles traveling south on Washington Street are delayed for long periods of time. It appears the light may be skipping a cycle for vehicles traveling in that direction.

Mr. Carmean agreed and advised council that he had ordered some white signs with arrows pointing to the stop line. He has experienced the same problem traveling north and believes the problem is that vehicles go beyond the white stop line and miss the trip.

The city manager will follow up and get back with Mr. Brooks.

Mr. Carmean then reported that the markings at the entrance into the Milford Square Shopping Center are being addressed. Mr. Brooks noted that the stripings have worn off. Mr. Carmean agreed but believes the current configuration is very confusing to drivers. The idea was to have two lanes, one being used as a turn lane into McDonalds. This would prevent traffic from backing up.

Mr. Brooks agreed a simpler configuration could be made.

Mr. Pikus asked if the city has control over the Milford Plaza Shopping Center and the markings within the lot. He reported that the majority of the striping is gone because of the construction that has occurred the past few years. Vehicles are drifting into the wrong lanes and in particular, the area where Chick-Fil-At is going.

Mr. Pikus asked Mr. Carmean to contact the owner and request the markings be repainted as was done several years ago. Mr. Carmean recalled the time when he got tired of waiting for the owner to respond and he ended up having our employees install the stop signs within the parking lot.

Mr. Carmean said he will see that the owner/manager is informed.

When asked the schedule of the billing staff relocating to the PNC building, Mr. Carmean said that he will have the initial drawings of the layout for council to approve at the workshop. Once approved, we can proceed with the bidding process for the construction. The billing staff should be operating there by January 2014.

Mr. Pikus moved to accept the city manager's report, seconded by Mr. Gleysteen. Motion carried.

COMMITTEE AND WARD REPORTS

1st Ward

Mr. Shupe expressed his appreciation for the work that was done in his ward. He said there have been some ongoing problems at the Meadows at Shawnee as a result of the road construction. He thanked Chief Hudson for placing the speed signs on Rehoboth Boulevard several weekends to slow vehicles coming off the Route 1 overpass. He also thanked the public works department for getting and installing the no u-turn signs at the entrance of Meadows at Shawnee.

Circle of Light

Ms. Wilson said that the Circle of Light is preparing to come back before council. They are in the process of finalizing their report for council consideration.

COMMUNICATIONS AND CORRESPONDENCE

Documents included in packet.

UNFINISHED BUSINESS

Referendum Process/Update

Mr. Carmean said this was discussed briefly and asked that council make a determination on the \$3.5 million loan and whether to proceed with the referendum.

Mr. Pikus moved to proceed with a referendum to borrow \$3.5 million at 1.5%, seconded by Mr. Grier. Motion carried.

NEW BUSINESS

*FY 2013-2014 Budget Adjustment/Parks and Recreation
Award of Bid/Bocce Ball Court/Parks & Recreation*

Parks and Recreation Director Gary Emory requested the \$18,800 proceeds from the sale of the Masten Park land will be transferred to pay for two projects that are underway. The money will be put toward the Banneker Basketball Court renovations and the Bocce Ball Court.

Mr. Pikus asked if the turf at the Bocce Ball Court is interlocked. Mr. Emory explained it is a state of the art, synthetic turf court. They were planning two courts, but the bids came in two times the estimated costs. As a result, only one will be built at this time.

Matthew Spong of Landscape Architectural Services of Dover, oversaw the bid process and submitted the following recommendation to city council:

Advertisements for bids for this project were placed in the Delaware State News Public Notices on 8/2/13 and 8/5/13. On 8/6/13 a non-mandatory pre-bid meeting was held at the City of Milford Parks Department. Bids were due on Tuesday 8/20/13 at 11:00 a.m. at the City Hall Council Room.

The bid price solicited from contractors was requested as follows:

Base Bid: provide all labor, materials and equipment to construct (1) Bocce Ball Court, including sediment & erosion control, grading, concrete slab, artificial turf surface, 6X6 wood edging, concrete paver access walk, sodding and clean-up.

Add Alternate #1 was to add the construction of a 2nd Bocce Ball Court to the Base Bid.

Deduct Alternate #1 was to deduct the cost of sod from the Base Bid and provide a seeded lawn in lieu of sod.

On 8/20/13 (3) bids were received from the following contractors. All bidders submitted the required bonds, bid forms, non-collusion statements and acknowledged receiving Addendums #1 & #2.

| <i>Contractor</i> | <i>Base Bid</i> | <i>Add Alternate #1 2nd Court</i> | <i>Deduct Alternate #1 Deduct Sod</i> | <i>Total with Alternates</i> |
|-------------------|-----------------|--|---|----------------------------------|
|-------------------|-----------------|--|---|----------------------------------|

| | | | | |
|---|----------|------------|-----------|-------------|
| <i>Gateway Construction, Inc. Hartly, DE</i> | \$51,588 | +\$30,000 | -\$1,000 | \$80,588 |
| <i>Conventional Builders, Inc. Houston, DE</i> | \$38,000 | +21,300 | -\$500 | \$58,800 |
| <i>Road Site Construction, Inc. DBA/Clean Cut Interlocking Pavers Lewes, DE</i> | \$33,809 | +24,056.50 | -\$337.30 | \$57,528.20 |

The low bidder is Road Site Construction, Inc.

After discussion with Gary Emory, Parks & Recreation Director, it is my recommendation that the base bid for construction of (1) Bocce Ball Court be awarded to Road Site Construction, Inc. DBA/Clean Cut Interlocking Pavers for \$33,809.

Mr. Emory advised that Milford Senior Center will take an active part in overseeing the court which includes signing out the balls and the overall operation of this facility.

When asked if the senior center will schedule the court, Mr. Emory said that Parks and Recreation will schedule tournaments but he believes the court be an 'open to the public type' situation.

He reported the facility will be open to the public next spring though it could be done by fall depending on the weather.

Mr. Emory confirmed that no maintenance is required on the court. The boards will be removed prior to any festivals to make the area more suitable for a large crowd.

The following request was submitted by Mr. Emory:

I would like to request a transfer of funds from the recent Masten Park land sale totaling \$18,800 to the following line items:

\$13,809 (Capital Parks 451-70-50) Bocce Ball Court Development
 \$4,991 (Facility Maintenance and Repairs 451-40-34) Banneker Basketball Court Renovations
 \$18,800 Total Transfers

Mr. Carmean said that because the billing office/building was eliminated from the Washington Street Water Treatment facility, there will be an open area in the front which can accommodate a small pocket park. The suggestion was to place a parking lot there though that would not be allowed by DNREC due to the impervious surface requirements.

When asked the status of the dog park, Mr. Emory said that is also underway and is being done in house. It will be open by spring.

He explained that approximately six inches of dirt needs to be removed and topsoil brought in and seeded. The fence already exists and water will need to be made available.

Mr. Pikus said that Mr. Emory informed him that he is responsible for cutting sixty-one parcels every week; Mr. Emory clarified it is actually 200 acres. Mr. Carmean pointed out that includes the cemetery.

Ms. Wilson asked Mr. Emory to inform council of the plans at the Banneker Basketball court. Mr. Emory reported the court will be completely renovated. The court was installed 35 years ago with funds from the Land and Water Conservation Trust Fund Grant in partnership with Milford School District. The city is mandated to take care of that park. He made a pledge to refurbish the park which will be state of the art and good for another 35 years.

Mr. Pikus confirmed that balance of the money will go toward those renovations. Mr. Emory said the Banneker Court will be paid out of the operations and maintenance budget because capital funds could not be used because it is already owned by the city.

The total renovations are between \$20,000 and \$25,000.

He explained that five years ago, the city entered into a lease agreement with Milford School District that charged the city with perpetual maintenance. At that time, the school district was going to turn the court into a storage shed area. City council became involved which resulted in the lease agreement. Mr. Emory said he is very proud of his accomplishments there.

Mr. Pikus moved to transfer \$13,809 to Capital Parks 451-70-50 for the Bocce Ball Court Development and \$4,991 to Facility Maintenance and Repairs 451-40-34 for the Banneker Basketball Court Renovations. The funds will come from the proceeds from the sale of the Masten Park to Sudler Lofland. Ms. Wilson seconded the motion. Motion carried.

Mr. Emory then announced to city council that Wednesday is his 35th Anniversary.

Mr. Grier then moved that the base bid for the construction of one Bocce Ball Court be awarded to Road Site Construction, Inc. DBA/Clean Cut Interlocking Pavers for \$33,809, seconded by Mr. Pikus. Motion carried.

Introduction/Ordinance 2013-6/Chapter 230-Zoning Code/Planning & Zoning Fees

The city manager introduced the following ordinance whose language in the Zoning Code will coincide with the changes to the Planning, Zoning and Engineering fees adopted by council via a resolution at the last meeting:

AN ORDINANCE TO AMEND Chapter 230-Zoning, Article XI-Administration of the Code of the City of Milford.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Amends §230-57 Planning and Zoning Fees to read as follows:

ARTICLE XI - Administration

§ 230-57. Planning, and zoning AND ENGINEERING fees.

Planning, and zoning AND ENGINEERING fees shall be set by resolution ADOPTED by City Council and are maintained by the City Clerk's office.

Section 2. All ordinances or parts of ordinances previously adopted and in conflict with this ordinance are hereby repealed.

Section 3. Dates.

Introduction to City Council: September 9, 2013

Planning Commission Review and Public Hearing: September 17, 2013

City Council Review and Public Hearing: September 23, 2013

Section 4. The Ordinance shall become effective no sooner than Ten Days after Adoption by City Council.

It was confirmed the matter will go before the Planning Commission for their recommendation. Council will consider that during their public hearing and make a final determination.

Introduction/Ordinance 2013-7Chapter 200-Subdivision of Land/General Requirements & Design Standards

The city manager introduced the following ordinance whose language in the Subdivision Code will now coincide with the changes to the Planning, Zoning and Engineering fees adopted by council via a resolution at the last meeting:

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

AN ORDINANCE TO AMEND Chapter 200-Subdivision of Land, §200-5 General requirements and design standards of the Code of the City of Milford.

Section 1. Amends §200-5 General requirements and design standards (H) Improvements (4) to read as follows:

*The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, ~~Planning and zoning fees.~~ **PLANNING, AND ZONING AND ENGINEERING FEES.** The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.*

Section 2. All ordinances or parts of ordinances previously adopted and in conflict with this ordinance are hereby repealed.

Section 3. Dates.

Introduction to City Council: September 9, 2013

City Council Review and Public Hearing: September 23, 2013

Section 4. The Ordinance shall become effective no sooner than Ten Days after Adoption by City Council.

A final determination will be made at the next council meeting.

Adoption/Resolution 2013-18/Halloween Events

Mr. Brooks moved to adopt Resolution 2013-18, seconded by Mr. Shupe:

WHEREAS, the children of Milford are entitled to the fun and festivity associated with the observance of the Halloween; and

WHEREAS, we would like to continue the celebration in an orderly manner.

NOW, THEREFORE, BE IT RESOLVED, I, Joseph R. Rogers, Mayor of the City of Milford, do hereby request and urge the observance of this annual period as follows:

WEDNESDAY, October 16, 2013 starting at 6:30 p.m. and ending at 9:00 p.m. shall be the time for the Annual Community Parade.

THURSDAY, October 31, 2013 shall be the official date for youngsters to observe Halloween Trick or Treat Night.

AND, BE IT FURTHER RESOLVED THAT:

**Only celebrants of 12 years and under will be permitted to engage in Trick or Treat between the hours of 6:00 p.m. and 8:00 p.m.*

**All celebrants are requested to refrain from committing acts of vandalism or destruction.*

**Residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.*

Motion carried.

It was noted the Community Parade is always held the third Wednesday of October.

Adoption/Resolution 2013-19/Fall Clean-Up Week

Mr. Pikus moved to adopt the following resolution, seconded by Mr. Morrow:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Milford, in Council met:

WHEREAS, it is desirous to promote the general cleaning of the City of Milford and improve its overall beauty to the maximum enjoyment and benefit of all citizens and visitors; and

WHEREAS, we are fortunate to live in a community so abundantly blessed with natural assets that we have a continuing responsibility to preserve our environment by keeping it clean, healthy and in order by organizing and carrying out clean-up and fix-up projects which will enhance, restore and maintain the beauty of all properties; and

WHEREAS, all maintenance and clean-up debris, including large and bulk items, shall be placed for curbside pickup in order to exemplify cleanliness and beauty.

NOW, THEREFORE, I, Joseph R. Rogers, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of September 30, 2013 to October 4, 2013 "Fall Clean-Up Week" in the City of Milford.*

Motion carried.

Permission to Sell and Consume Alcohol/Downtown Milford, Incorporated/Eat in the Street Event

Mr. Carmean advised that Downtown Milford is closing off a portion of Walnut Street and will be setting a table in the middle of the street for one hundred guests. Different restaurants will be participating and Dog Fish Head Brewery will be providing a different beer for each course. Approval is needed to serve the beer on the street.

When asked if permission is needed from the State Office of Alcoholic Beverage Control Commissioner, Mr. Carmean stated that the commissioner requires permission from the city before their application can be considered by the state.

Mr. Shupe then moved to grant permission to sell and consume alcohol at the designated areas as noted on the map submitted by DMI for the Eat in the Street Event on September 22, 2013, seconded by Mr. Morrow. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the first month of Fiscal Year 2013-2014 with 8.3% of the fiscal year having passed, 7.8% of revenues have been received and 7.8% of the operating budget expended.

He noted that some departments are over the 7.8% mark at the end of July; that is due to a number of major purchases, repairs and contracts that are paid at the beginning of the fiscal year. Mr. Pikus anticipates it will even out as the year progresses.

Mr. Brooks asked if the \$5,000 that has been spent out of council is the result of Delaware League and SCAT dues. Mr. Carmean stated yes and pointed out that Delaware League dues alone are \$4,000.

Mr. Pikus moved to accept the finance report, seconded by Mr. Morrow. Motion carried.

ADJOURN

Mr. Pikus moved to adjourn the meeting, seconded by Mr. Morrow. Motion carried.

The Monthly Meeting adjourned at 7:49 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 23, 2013

The Milford City Council held Public Hearings on Monday, September 23, 2013 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 Bryan Shupe, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/
Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Rogers called the Public Hearing to order at 7:01 p.m.

A hearing was scheduled for the purpose of taking public comment and to make a determination on the following matters:

*Eric Dunn of Dunn Development, LLC on behalf of Walter N. Thomas II/Preliminary Major Subdivision (Hickory Glen)
Tax Map MD-16-173.00-01-21.00; Tax Map MD-16-173.00-01-22.00-POSTPONED*

2013 City of Milford Comprehensive and Annexation Plan-POSTPONED

City Solicitor Rutt advised there will be no public hearings on the above two matters.

He noted that the applicant for the Hickory Glen Subdivision had requested the postponement and at this point, we do not have a date of when they will be back.

The planning commission took no action on the comprehensive plan so the hearing will be deferred until a recommendation is made. After that, it will be placed on an agenda for a public hearing.

*Davis, Bowen and Friedel, Incorporated on behalf of Shawnee Farms LLC
Modification to an approved Conditional Use for Cypress Hall/Redner's Market
Tax Map 1-30-3.00-261.00*

*Introduction of Ordinance 2013-9/Shawnee Farms LLC on behalf of Cypress Hall (Commercial) Redner's Market
Conditional Use-Gasoline Pumps*

Zac Crouch of Davis, Bowen and Friedel represented the Redner's Market gasoline pump application. The conditional use will allow three gas pumps and a 21' x 8' (approximate) building for the gas attendant. The tanks will be buried in the ground and the area will be similar to the Redner's in Dover.

The conditional use was based on the approval of a water service agreement which has been approved by council and has since been signed by all parties. An escrow account has also been established.

Fire Marshal and Conservation District approvals are in hand. The application was before the planning commission last month and received favorable recommendation for approval.

The modification will remove 28 parking spaces though the reduced number is still within the required number.

He asked for approval of a conditional use for the gasoline pumps and modification to the original conditional use.

Mr. Pikus confirmed that their portion of the funding toward the well project has been received; Mr. Crouch verified that is in the escrow account he referenced earlier.

Ms. Wilson asked the time frame before the gasoline pumps are operating. Mr. Carmean said it will take some time for our well work. However, Redner's can begin their work once the conditional use is approved.

Mr. Pikus moved to approve the modification to the conditional use for Redner's Market at Cypress Hall to include gasoline pumps, seconded by Mr. Gleysteen. Motion carried.

Mayor Rogers then introduced Ordinance 2013-9/Shawnee Farms LLC on behalf of Cypress Hall (Commercial) Redner's Market Conditional Use-Gasoline Pumps. Adoption is scheduled for a later date.

*Ordinance 2013-6/Zoning Code Amendment/Planning, Zoning and Engineering Fees
Adoption of Ordinance 2013-6*

The following ordinance is the result of the amended fee resolution in which engineering fees were added. The amendment only adds 'and engineering fees' to its reference in the zoning code.

Mr. Brooks moved to adopt the following ordinance, seconded by Ms. Wilson:

AN ORDINANCE TO AMEND Chapter 230-Zoning, Article XI-Administration of the Code of the City of Milford.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Amends §230-57 Planning and Zoning Fees to read as follows:

ARTICLE XI - Administration

§ 230-57. Planning, zoning and engineering fees.

Planning, zoning and engineering fees shall be set by resolution adopted by City Council and maintained by the City Clerk's office.

Section 2. All ordinances or parts of ordinances previously adopted and in conflict with this ordinance are hereby repealed.

Section 3. Dates.

Adoption: 09-23-13

Effective 10-23-13

Motion carried.

The Public Hearing portion of the Council Meeting was adjourned by Mayor Rogers at 7:15 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 23, 2013

The City Council of the City of Milford met in Workshop Session on Monday, September 23, 2013 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/
Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

The Workshop Session convened at 7:15 p.m.

DMI Presentation/President Irv Ambrose & Diane Laird Delaware Economic Development Office/Downtown Delaware

The city manager reported that Councilman Shupe had called and requested that this presentation be added to the agenda.

Councilman Shupe stated there has been a great deal of discussion about Downtown Milford, Incorporated (DMI) lately which included the fact that council committed \$200,000 to their organization over a five-year period. He felt it was appropriate for council and the public to hear what DMI is about and what they do with economic development so everyone understands what that money is going toward.

Irv Ambrose then introduced himself as the President of the Board of Directors of DMI. He said that someone asked him if DMI was here to ask for more money and he answered no. Instead, they are here to give council something. He then introduced Diane Laird who is the State Coordinator for Downtown Delaware. Ms. Laird's office coordinates the efforts of the main street programs in Delaware.

Ms. Laird addressed council stating that it is sometimes good for council to take a birds eye perspective because it is often hard to recognize where we are seeing progress for an investment. Ms. Laird advised that she also serves as the Vice Chair of the Executive Council of National Main Street which meets twice a year which gives her a good prospective of downtowns throughout the country. She said that she feels there is a significant reward for the efforts of DMI over the last eight to ten years or however long they have been in existence.

She wants to share some statistics as well as sentiments from her fifteen years of doing Downtown Revitalization in Delaware.

The following presentation was then provided by Ms. Laird:

ENGINES OF ECONOMIC GROWTH-MAIN STREET

MAIN STREET "FOUR POINT APPROACH"

(Structure set up with a board of directors, a program manager and four committees. An application is required and takes several months to complete. National standards must be followed and programs assessed annually.)

1. Organization: Nonprofit structure
2. Design: aesthetics of downtown

3. Promotion: of downtown and businesses
4. Economic Restructuring: business growth

TRENDING BACK TO DOWNTOWN:

(Boomers are returning to downtown and young people are starting to live in more urban areas. Downtown Milford is seeing success of their efforts and that trend that will continue according to predictors.)

"We want intimacy in our lives... No more malls..."

Faith Popcorn

<http://www.angelfire.com/ut/wecreatemillionaires/faithpop.html>

"...need for downtowns to prepare for an influx of aging baby boomers - who 'now want to exchange the hassles of suburban life for the smaller scale and convenient amenities available in pedestrian-friendly cities.' "

Pete Golis

<http://golis.blogs.pressdemocrat.com/10237/will-aging-baby-boomers-transform-downtowns/>

(The point of the main street program is to not allow the market to drive what is happening in a downtown and proactively plan for the goods and services that will be compatible and appropriate to create a destination for visitors. Also provide a good place for locals to shop, eat, play and work.)

Reinvestment SINCE 2009

(As a designated main street program, quarterly statistics are collected.)

Facade renovations, building rehabilitations, new construction projects and completed public improvements:

*Public: \$721,483

*Private: \$2,104,278

*TOTAL: \$2,825,761

(Improved roads, bike trails, pedestrian-friendly venues create the environment where new businesses will want to locate and visitors want to shop.)

BUSINESS/JOB GAIN SINCE 2009

18 Businesses

47 Jobs

(DMI does not do this by itself. Instead it is a partnership building mechanism. Executive Director Lee Nelson is tasked with certain items. The board creates some plans to move forward but that cannot be done without partners. The primary goal of the organization is not to do everything but to amass the resources, funding and people for a broader strategic plan.)

MILFORD...RECENT WINS!

New Businesses...

1-Anne Jenkins Art Gallery and Studio

2-Chris and Jenna Computers

3-Delaware Fitness
4-Gallery 37-Art Gallery
5-Little Posies Photography
6-Milford Florist and Home Decor
7-Milford Gifts
8-Pelican Bar and Grille
9-Hidden Gem Boutique
10-Toute de Suite Patisserie-Bakery
11-And one to come...tell you in a minute.

Expansions...

1-Blooming Boutique
2-Fur-BabyBoutique

(Though some have closed their doors, at the same time, we have three that have come in. Many relate to art because Milford is becoming a real hub of art activities.)

SPURRING ECONOMIC GROWTH...

Community Branding Partnerships

(Community branding is very recent and significant. Milford has implemented a more broad and unified way than any other town in Delaware. Branding is similar to a message when you think of a town or a place you like to visit. It is something you expect when you visit. Milford was the first town in Delaware to receive a new brand. A brand brings out true assets, the history, culture and the future by putting all that into a very clean and concise message and image that looks contemporary.)

VALUE OF COMMUNITY BRANDING

(The city has engaged this brand which is on the Chamber of Commerce brochure that promotes business in the greater Milford area. It tells outsiders this is a unified effort which is significant because in the majority of small towns, one faction is not talking to the other. This coordinates that effort.)

MILFORD'S NEW BRAND

(The new design shows promises the brand is building upon and making available to outsiders. It contains unique assets to Milford.)

DELIVERY ON THE PROMISE...

Milford

River Town

Home Town

Art Town

(The brand also suggests a promise and when you see river town, art town, home town, that provides a sense of what a person might find.)

Anne Jenkins, who is the wife of DMI's Executive Director Lee Nelson, does art. Several years ago when a search was being conducted for a new manager, Lee Nelson from Georgia called. When Mr. Nelson came for his interview, she met his wife who had an art gallery. They came to see if Milford truly was an arts and river town with a community feel. He was recruited a large part on the promise of the brand.)

(The brand is used for different events and activities and displayed on banners while keeping the common theme.)

Bug 'n Bud Festival
Santa Clause House-Milford
Historic Milford Downtown
Milford Holiday Stroll
Milford House Tour
Farmer's Market-Milford

Farmer's Market-Fresh *M*

We are a community born of the river. It is the mill at the crossing of the Mispillion that formed our name. This river was home to two centuries of shipbuilding that made us a center of maritime industry. This river remains our link to the vital waters of the great peninsula.

Though the nature of the river has changed, it is no less important to our lives. It bisects our downtown, makes us the heart of two counties, and is the centerpiece of a rebirth centered on recreation, the arts, and community.

PARTNERSHIP AT ITS BEST

(Downtown wins cannot happen without public and private partners. Milford has shown a strong record of corporate sponsors. The city is a partner as well as parks and recreation.)

There are a lot of broad backgrounds involved in DMI—citizens, preservationists, business owners, etc. who are all making an investment in DMI.)

MILFORD BUSINESS MENTORING PROGRAM
ECO CHIC BOUTIQUE
ABBOTTS GRILL
GRADUATES, MENTORS, PARTNERS

(They partnered with the state and DMI in an extracurricular initiative for aspiring entrepreneurs at Milford High School. The program pairs each student with a small business owner in the downtown Milford area who performs the role of a business mentor. Students attend four weekly business skills training sessions concurrently with four weeks of mentor shadowing.)

Mentors, who are business people, sit down and talked about entrepreneurship. They encouraged the students to pursue the path of entrepreneurship. At the end of the program, students and businesses are recognized by state leaders which include Governor Jack Markell and Director Alan Levin, Director of Delaware Economic Development Office.)

BUG 'N BUD FESTIVAL

(This has become a funding mechanism so that the money invested is returning greater rewards to DMI. The festival involves 150 food and merchant vendors.)

Travelocity named the Bug 'n Bud Festival as one of their 2007 Local Secrets, Big Finds.)

PROJECT POP-UP

Milford Massage, Wellness and Yoga
Northeast Front Street

Three Months Free Rent
Signed 12-Month Lease
New Service Category to Milford
Reduced a Vacancy
Brought Entrepreneur Opportunity

(This is partnership building at its best. The purpose of this project is to provide select Delaware entrepreneurs with an opportunity to "open for business" in the downtown by offering them commercial space, rent-free for three months. For two years, a DMI member has provided a vacant property to a business. Last year it was offered to Little Posies Photography. This year it is being offered to Milford Massage, Wellness and Yoga whose operation is up and running.

This is a young entrepreneur but not new at her business. She operated out of her home on Walnut Street but wanted to expand and this provides that opportunity for three months.

Business coaching is provided and social media is encouraged to market and promote her business due to her unique and high quality services.)

GREAT AMERICAN MAIN STREET AWARD

Last year, Ms. Laird encouraged DMI to apply for the Great American Main Street Award. In Delaware, both Newark and Rehoboth Beach have won. DMI did not win last year, however, Newark and Rehoboth Beach also did not win the first year they applied but were awarded the following year. She is confident Milford will also win considering the partnerships building and economic development in new businesses and promotion through branding.

FIVE-YEAR CITY PLEDGE

Ms. Laird was very excited to learn of the five-year commitment by the city to DMI. She feels that is a model of successful main street programs. Of the approximate 1,200 main street programs throughout the country, the most successful have a strong partnership with their city which includes a financial one in addition to a philosophical partnership.

CONTACT INFORMATION

Diane Laird
State Coordinator, Downtown Delaware
Delaware Economic Development Office
302-577-8477
diane.laird@state.de.us

Community Development Block Grant FY 2014

The Delaware State Housing Authority (DSHA) will hold a public meeting on Wednesday, October 9, 2013, at 10:00 a.m. in DSHA's Conference Room, 18 The Green, Dover, Delaware, for the purpose of receiving public comments on the proposed changes to the Delaware Community Development Block Grant Program Guidelines for Fiscal Year 2014.

The related documents are included in the packet. Anyone interested in applying for the grant program may find this information helpful.

Public hearings are being scheduled at individual towns and Milford will be holding a hearing in the near future.

Washington Street Water Project/Well Drilling/Noise Issue/DBF

Erik Retzlaff of Davis, Bowen and Friedel was present. He referenced the following flyer he prepared for distribution to the residents in the Washington Street Water Tower Water Tower vicinity:

Please be advised that the city will be conducting some investigatory drilling work at the Elevated Water Tank site along Washington Street. Work is scheduled to begin the morning of Monday, September 30, 2013 and continue through the night into the following day. These drilling activities are not quiet and will create a significant amount of noise at times. Please note this will only be a temporary inconvenience and should not last more than one day.

This investigatory work must be completed to identify the optimal location for our new production well to be constructed as part of the Washington Street Water Treatment Facility Replacement project. We appreciate your understanding and will make every effort to minimize any negative impacts that may result.

Mr. Retzlaff reported the production well will be relocated next to the tank site and a 450-foot hole will need to be drilled. The noise will be loud as a result and once they begin the work, it cannot be stopped until the work is completed. They will try to keep the noise to a minimum and it should last no longer than one day.

Mr. Carmean reminded council that by using this site, the city is saving approximately \$200,000 versus the original plan to place the well on the lot behind city hall.

With no further business, the Workshop Session concluded at 7:40 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 23, 2013

— A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 23, 2013.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:40 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

— No special guests in attendance.

COMMUNICATIONS & CORRESPONDENCE

All items included in packet.

UNFINISHED BUSINESS

Adoption of Ordinance 2013-7/Chapter 200-Subdivision of Land/General Requirements & Design Standards

Mr. Pikus moved to adopt the following ordinance, seconded by Mr. Gleysteen:

AN ORDINANCE AMENDING CHAPTER 200 - SUBDIVISION OF LAND

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

AN ORDINANCE TO AMEND Chapter 200-Subdivision of Land, §200-5 General requirements and design standards of the Code of the City of Milford.

Section 1. Amends §200-5 General requirements and design standards (H) Improvements (4) to read as follows:

— The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, Planning and zoning fees. PLANNING, AND ZONING AND ENGINEERING FEES. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

Section 2. All ordinances or parts of ordinances previously adopted and in conflict with this ordinance are hereby repealed.

Section 3. Dates.

Adoption: September 23, 2013

Effective: October 3, 2013

Motion carried.

NEW BUSINESS

Milford Public School District/Request of Waiver/Chapter 79 Section 13 Prohibited Animals

The following letter was submitted by Superintendent/Dr. Phyllis Kohel:

The Milford School District has been working on constructing a new agri-science building that will serve as an additional teaching area/lab for students in the agri-science pathway. As a part of this pathway, under the title of Animal Science I, II, and III, students will "learn to identify economically important breeds of livestock and companion animals" and "develop safety procedures to use in animal science" [as well as] analyze livestock, and learn about the health care of animals. In meeting the state wide requirements for Animal Science, students will be involved in a hands-on program that prepares them for the care, raising, handling, sale, etc. of animals as they explore careers in a variety of areas including becoming a veterinary technologist. Due for the need of direct exposure to a variety of animals, there will be times when the animals will be on the premises overnight or for longer periods of time. Please be assured that our ag barn will be equipped with a dry sprinkler system required for the housing of animals overnight as per state regulations. Milford High School has a very active FFA (Future Farmers of America) group that will work and care for the animals in preparation for the Delaware State Fair. In that case, smaller animals such as goats, sheep, or even pigs could be on the premises from approximately March through June in preparation for being taken to the Fair and sold.

According to the City Code, Article III, Prohibited Animals, we must appeal to the City of Milford for a waiver of subsection 79-13: Keeping or slaughtering of certain animals within City limits. In doing so, we realize that we must abide by any regulations placed upon us in regards to keeping animals overnight on our premises. Again, please know that we do not wish to "raise" animals as a normal practice at the Milford High School Agri-Science facility, and we will not be "slaughtering" any animals. Our primary plan is to temporarily house animals in the facility for a few months leading up to a major competition or showing such as the State Fair.

City Solicitor Rutt recommends that this request be handled by the Board of Adjustment.

Mr. Brooks expressed concern this had not been addressed during the early planning discussions regarding this building. He recalls the school was given the go-ahead and there was no indication of a problem with our codes. The city manager agreed and recalled contacting Mr. Brooks to inform him of the school's plan to build the agricultural building. Mr. Carmean stated that City Planner Gary Norris dealt with the school on the matter and he is confident they were told it was allowed because it was for an educational purpose.

Mr. Rutt said he did not attend all the planning commission meetings so he is unsure what the school was told.

Planning Chairman James Burk was present and recalled the site plan hearing. However, he does not recall discussing animals because it did not involve a zoning issue though it is clear in this particular ordinance that agricultural animals are prohibited. He is also surprised this wasn't addressed during the planning stages.

If there was a communication gap, Mr. Pikus agrees with the advice of the solicitor and recommends this go before the Board of Adjustment. The board members would simply review the application and take the educational use into consideration. Mr. Rutt agreed noting it will probably only involve a five-minute hearing.

Mr. Pikus moved to forward the matter to the Board of Adjustment, seconded by Ms. Wilson. Motion carried.

Award of Bid/138kV Transmission Line/Electric Department

Mr. Carmean reported that Progressive Engineering Consultants oversaw the bid of the project on behalf of the city electric department.

The following five bids were received:

| | | | | |
|----------------|----------------|--------------------|----------------|----------------------|
| T&D Solutions | CW Wright | Richardson Wayland | Miller Bros | Barnard Construction |
| \$2,298,068.84 | \$3,500,680.68 | \$3,980,135.51 | \$5,445,040.92 | \$7,581,130.00 |

Lloyd Weatherman of Progressive Engineering submitted the following recommendation:

Sealed bids were received, publicly opened, and read on September 5, 2013 for furnishing the necessary labor and equipment for the 138 kV Transmission Line Project. As shown by the enclosed tabulation of the five (5) bids received, T&D Solutions, LLC of Kinston, North Carolina submitted the most attractive proposal in the amount of \$2,298,068.84. We recommend that the City accept this proposal as submitted.

According to the City Manager, the lowest bidder spent four to five days in Milford reviewing everything from dismantling to construction. The other companies simply go on the website and submit a bid. For example, the highest bid came from a union group in the State of Montana. The difference in this price is the cost of moving their entire crew and equipment to Delaware to do the work.

Mr. Gleysteen confirmed the contractors are required to sit in on the pre-bid meeting. He noted the winning bid is still 50% lower than the next lowest bid.

Mr. Carmean assured council our electrical engineer has worked with T&D Solutions in the past and they are a very reputable company. The city also worked with them though that company has since been bought by new owners and has a different name.

Mr. Pikus moved to award the bid for the 138kV Transmission Line to T&D Solutions in the amount of \$2,298,068.84, seconded by Mr. Starling. Motion carried.

Fiber Optic Telecommunications Cable License Agreement-Revised

The City of Milford Code requires a customer who wishes to use a portion of the city's fiber optic to enter into a fiber optic use license. The city manager reported this is a simple update to our current contract.

Mr. Pikus questioned the annual payment price of \$23.77 per pole and whether it had changed; Mr. Carmean confirmed it has not changed.

When asked if this is a contract that needs to be renewed annually, Mr. Carmean explained that each company pays annually.

Ms. Wilson moved to approve the updated Fiber Optic Telecommunications Cable License Agreement, seconded by Mr. Pikus. Motion carried.

Approval of JSI Conveyance Agreement

The city manager recalled that the company involved in the solar farm wants to make a \$300,000 solar panel donation to the City of Milford. He reported that some of our in-house power is being generated through solar and over a period of time, the city will see a savings of approximately \$200,000. He stated that because JSI really does not know the exact life of these panels, they anticipate at least thirty years.

Mr. Carmean confirmed this project is a zero cost to the city.

City Solicitor Rutt explained that the agreement conveys the solar panels and connection equipment. Because it is a

donation, JSI has the authority to make the transfer though they will not warrant the panel nor any work in the future. It also states they will not come back to make any needed repairs. However, they are making a \$300,000 equipment donation to the city.

Ms. Wilson asked if we have employees who are trained to monitor these panels. Mr. Carmean said our employees will know the level of load they produce at certain times depending on the weather. The meter will provide the numbers and determine if the panels are functioning at their capacity.

In relation to the solar farm on the Milford-Harrington Highway, the city manager said that a small pickup visits the 90-acres of panels only once a month. There is very little maintenance or cost related to the panels once they are installed.

Mr. Rutt noted that if is a problem, JSI would be willing to make the repairs, though it would be at a cost to the city. Mr. Carmean emphasized we do not have to use JSI and could utilize the local companies.

Mr. Shupe moved to approve the JSI Conveyance Agreement, seconded by Ms. Wilson. Motion carried.

Adoption of Resolution 2013-20/Planning, Zoning and Engineering Fees (Revised)

City Solicitor Rutt noted that city council previously adopted amendments to the Zoning and Subdivision Ordinances which only added language related to the engineering fees. This resolution establishes the actual fees (as is permitted by the ordinances) and adds the 10% fee to cover city administration costs to the Project Management and Infrastructure Inspection Fees. The 10% fee was omitted in error when the previous resolution was recently adopted.

Mr. Pikus moved to adopt the following resolution, seconded by Mr. Gleysteen:

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford, the Planning, Zoning and Engineering Fee Schedule is hereby revised as reflected in the Proposed Fee Schedule.

BE IT FURTHER RESOLVED that the revised fee schedule shall be effective on 09/23/2013.

A. Planning and Zoning Fees:

- 1. Site plan: \$700.
 - a. Amendments to a Site Plan: \$100**
- 2. Subdivision:
 - a. Minor residential: \$300 plus \$50 per unit*
 - b. Minor commercial or industrial, less than four acres: \$500 plus \$100 per lot*
 - c. Major residential: \$1,000 plus \$10 per unit*
 - d. Major commercial or industrial, in excess of four acres: \$1,000 plus \$100 per lot**
- 3. Conditional Use: \$700
 - a. Amendment to a Conditional Use: \$700**
- 4. Variance/Board of Adjustment hearing:
 - a. Residential: \$300.*
 - b. Commercial/industrial: \$1,000.**
- 5. Rezoning: \$1,000, plus \$100 per acre.*
- 6. Commercial maintenance agreement: \$500.*
- 7. Interpretations of Subdivision or Zoning Code: \$300.*
- 8. Application resubmission or rescheduling fee (required with each resubmission as a result of a revised design or a request for change in public hearing date): \$200.*
- 9. Annexation.
 - a. Residential, less than one acre: \$350*
 - b. Residential, one acre to five acres: \$2,500*
 - c. Residential, in excess of five acres: \$2,500 plus \$100 per acre*
 - d. Commercial: \$2,500 plus \$500 per acre**
- 10. Zoning inspection.*

- a. *Proposed use: \$200.*
- b. *Violation of use: \$200 for first visit; \$500 for each subsequent visit.*
- B. *Land Use Planning Review Fees: Owner/Applicant shall be responsible for any and all professional service costs associated with their project, if deemed necessary, plus an additional 10% to cover city administration costs. These costs will be billed as encumbered.*
- C. *Engineering Review Fees: Owner/Applicant shall be responsible for any and all professional service costs associated with their project, if deemed necessary, plus an additional 10% to cover city administration costs. These costs will be billed as encumbered.*
- D. *Project Management and Infrastructure Inspection Fees: Owner/Developer shall be responsible for any and all direct costs for construction phase services, plus an additional 10% to cover city administration costs, related to construction of any infrastructure improvements including but not limited to stormwater management, drainage, sanitary sewer and water systems, roads, curb, gutter and sidewalks and other systems that are to be dedicated to the City and/or impact the City's infrastructure.*
- E. *Any constructions fees (i.e., grading, curbing, gutter, subbase, traveling surface, sidewalks, etc.) incurred by the City relative to the development of any property shall be paid by the owner/developer.*
- F. *Subdivision Agreement: \$2,500 per agreement.*
- G. *Alley or Street Closing Petition: \$300.*

Motion carried.

FY 2013-2014 Budget Adjustment/Finance Department/Capital Funds Transferred/Vehicle Purchase

Finance Director Jeff Portmann submitted the following request:

I would like to request from council that the balance of Capital funds approved for the attic steps \$5000(\$16,000 minus \$11,000) be used to purchase a used vehicle for the finance department and for use by other departments as needed. Our current vehicle is a used police crown Victoria. Several members of my office staff have expressed difficulty driving this vehicle. I would like to sell the finance department vehicle and use the funds along with the \$5000 left over from the attic steps project to purchase a used vehicle for around \$10,000. We will be looking to purchase a full size vehicle such as a Ford Taurus or Chevy Impala or similar vehicle where four people can be seated. I would assume the vehicle will be approximately five years old and under 100,000 miles. The balance of the funds needed to make up the difference for the vehicle will come from the finance budget. I won't know which line items will be reduced until we know how much the vehicle will cost.

I respectfully request approval to use the \$5,000 from the balance of the attic steps capital and proceeds from the vehicle sale, with the remainder of funds needed coming from the finance department budget to purchase this vehicle.

The city manager explained that Mr. Portmann is requesting permission to purchase a used vehicle due to the cost of a new vehicle, for the finance employees to use for bank runs and post office runs. In addition, Mr. Portmann would also use the vehicle. It will also be available for use by other city employees as needed.

Mr. Carmean advised that Chief Hudson provided one of his used police cars though the finance staff is uncomfortable driving it because it is too big and they are scared to try to park it. He said we need a big car for Mr. Portmann and a smaller car for the other staff members. As a result, a mid-size car will suit the needs of all the employees.

The city manager reiterated Mr. Portmann's staff is scared to drive the Crown Vic. He explained that Mr. Portmann wants to take the \$5,000 left from the stairway construction and remodel at the finance department in addition to some money from the finance budget. Mr. Portmann has told him that if the cost is a slightly more, the city manager could provide a little money from his discretionary account. Mr. Portmann is requesting up to \$10,000 to purchase a mid-size vehicle such as a Taurus or Impala in which four people can comfortably sit.

Mr. Pikus said he spoke with Mr. Portmann who said the employees need to use a city vehicle because our insurance will not cover their personal vehicles when they are on city business.

Mr. Pikus moved for approval to use \$5000 from the balance of the attic steps capital project and the proceeds from the Crown Victoria vehicle sale, with any remaining funds coming from the finance department budget to purchase a used vehicle of up to \$10,000, seconded by Mr. Starling. Motion carried.

EXECUTIVE SESSION

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation (City Lease Agreement)

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Employee Retirement)

Mr. Pikus moved to go into Executive Session reference potential litigation and a personnel matter, seconded by Mr. Shupe. Motion carried.

Mayor Rogers recessed the Council Meeting at 8:04 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 8:25 p.m.

Executive Session Matters

Ms. Wilson moved that council accept the advice of the city solicitor as discussed in executive session, seconded by Mr. Shupe. Motion carried with no one opposed.

ADJOURN

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

The Council Meeting adjourned at 8:27 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 7, 2013

A Meeting of the Police Committee 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, October 7, 2013.

PRESIDING: Chairman Douglas Morrow, Sr.

IN ATTENDANCE: Police Committee Members S. Allen Pikus and Katrina Wilson

City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/Recorder
Terri Hudson

Lieutenant Gay Bailey, Milford Police Department
Michael Rivera, Special Events Manager, DelDOT Traffic Safety Section

Chairman Morrow called the Police Committee Meeting to order at 8:04 a.m.

Special Events Issues and Road/Street Closings

Chief Hudson introduced Special Events Manager Mike Rivera from DelDOT's Traffic Safety Section. He asked Mr. Rivera to speak to the police committee about some of the requirements and compliant issues that are impacting the increasing number of events that are occurring within the city.

Mr. Rivera informed the committee that not just in Milford, but statewide, 5K's and festivals are on the increase. DelDOT permits almost 500 per year and he anticipates there are almost twice as many events whose organizers are unaware of DelDOT's requirement.

He explained the Special Event Policy and Permit application is a great way of keeping track of who is doing what on our roadways which will help with compliance and safety issues. This also prevents overlapping events that could occur on the same route.

Mr. Rivera frequently hears from organizers that they have been doing the same thing for thirty, forty, fifty years which is true in a lot of cases. Though the regulations have always been in place, they have not always been enforced. He said it is difficult to police every event statewide. However, in the last three to four years, DelDOT has aggressively pursued the Special Event Permit application. He explained the application requires the applicant information, date, time and how traffic control is planned.

Mr. Rivera explained one of the big issues today is the use of noncompliant traffic control devices such as barricades.

It was confirmed the permit requires the applicant to indicate whether or not the police are being used for the event. Mr. Rivera stated they are in contact with the municipality upon receipt of the DelDOT application.

The city clerk confirmed there is a permit process required in the city and noted that DelDOT, the police department and the city are in constant communication regarding any permit received.

Mr. Rivera noted that one of the steps in the City of Dover permit application requires the organizer to contact DelDOT. This assures everyone is aware of the event. He said that ultimately, it is the responsibility of the City of Milford to approve the event in conjunction with DelDOT. DelDOT basically approves the traffic control plan though it can be tricky. If the proper devices are not used and the organizer does not seek proper traffic control, that places DelDOT in a bad position and puts the city in a liability situation.

Mr. Pikus recommended the city update the process to include these requirements. Mr. Rivera advised that he is working closely with the city clerk, Chief Hudson and Lieutenant Bailey on eliminating a problem where organizers are copying and

pasting their information from one year's application to the next year.

Chief Hudson stated that the applications indicate that Milford Police Department will provide traffic assistance when in fact, his department has not been contacted.

Mr. Rivera agreed explaining that Milford Police Department may have supported the event five years ago and because they are copying the information, the application indicates that Milford Police will be handling the event again this year.

He reported there is also a problem with noncompliant traffic control devices. The third problem involves the request for police coverage, which is often taken for granted even though the police departments are not always able to provide them. He emphasized this occurs in every town and city in Delaware. Mr. Rivera said he just had an issue in Seaford with Lieutenant Bohn where they provide duty officers because they are the only officers available. If an incident occurs where Seaford Police have to respond, the duty officer leaves the event without the proper traffic control. When this occurs, it puts everyone in a bad situation including DelDOT.

Mr. Rivera noted that DelDOT requires the application be submitted six weeks in advance though that is not always done. When he met with the organizers of the Halloween Parade last week, their reaction was that it was last minute information.

Mr. Rivera emphasized that he had a conversation with Charles Gray last year and warned him these regulations were going to be enforced this year. He had the same conversation in all the towns. He emphasized this is not from DelDOT but something coming from the legislators, the Secretary of Transportation and the highest administration to his office, as the coordinator of these special events, in an attempt to manage traffic better.

Mr. Rivera said the regular motorist is not worried that the parade has gone on for twenty-seven years. Instead, they want to know why they are stuck in traffic for two and a half hours. Without changing the route or denying an application, which DelDOT does not want to do, these regulations must be enforced. DelDOT certainly does not want to ask Milford Police Department to go out and remove the Halloween Parade and the police definitely do not want to do that. However, according to Title 17, DelDOT has the right to request that. He said we cannot continue to neglect the rules and hope nothing happens while drivers are stuck in delays for two and a half hours.

Mr. Pikus asked if a private organization wants to block off a portion of Route 14 or Walnut Street (state-maintained), are they required to have street guards or some other form of traffic control other than Milford Police; Mr. Rivera responded by stating there are other options which can be discussed though some are better than others.

Mr. Pikus asked what happens if the police are tied up and someone wants to block off a street and whether they have to contact someone. He is aware that when DelDOT closes a street for construction, they contract road guards. He asked if the state pays or the individual requesting the closure pays.

Mr. Rivera asked if it is a special event Mr. Pikus is referring to; Mr. Pikus stated yes, for example an event sponsored by a local organization in this community who wants to close off a section of a street. He asked if that requires their own street guards.

Mr. Rivera explained that some type of traffic control is necessary. It is illegal to close a street by only using sawhorses. The organizer can use Milford Police, fire police or can put up compliant barricades and a compliant detour.

He explained that a scaled down detour was recently done at the Eat in the Street event. They used compliant barricades and detour trailblazers. However, DelDOT prefers to have police officers present which tends to slow motorists down much more than the other options. Though it is not a DelDOT issue, the main problem Mr. Rivera is noticing is that a lot of towns and cities do not charge the event organizer for the traffic control. He noted that if DelDOT comes out to set something up, they are required to charge per the Governor which is a problem with the Halloween Parade.

Mr. Rivera said they are happy to support every event to ensure traffic would flow properly and that everyone is safe. Unfortunately, DelDOT is unable to do that. If the organizer wants DelDOT to come out and put up barricades and detours,

it will cost money.

Mr. Pikus asked if the organizer who requests the street be closed is billed for any DelDOT services. Mr. Rivera stated yes, they will be billed for using DelDOT assets and any services provided. Currently, the organizers know they don't have to pay law enforcement so very little effort is put into the route. They create a route which closes a number of streets without any consideration. If the organizer is required to pay for Milford, Seaford or Dover Police Department to cover these events, there would be much more thought given to the roads being used for these 5Ks to prevent these major impacts and the need for additional police.

Mr. Rivera noted the Homecoming Parade uses the same route as the Halloween Parade, but is a smaller group. Because of that, police are able to clear intersections, then go to another to cover. He said that Lieutenant Bailey informed him that traffic is permitted to flow north or south, depending on where the parade is. On the other hand, the Halloween Parade stretches 1.7 miles for two and a half hours. Essentially passing through Milford during that time is impossible. We have to better alert the public of that issue. The only and cheapest way to do that is to use message boards and the organizer is responsible for those costs. He emphasized that is a requirement.

DelDOT has the authority to request the event be removed in consultation with the local law enforcement. DelDOT is able to request DSP or the local police agency remove that event. That is something DelDOT does not want to do. Instead, they prefer working with the organizer to find a solution that allows their event to take place but that also will not impact the public as many of these events do.

Mr. Pikus asked if Mr. Gray is aware of these requirements and if he is willing to do these things; Mr. Rivera said he is aware of the requirements and was provided the information last year.

When asked if the organizer is required to contact the city first, Ms. Hudson explained that some organizers contact DelDOT first and some contact the city or the police. Either way, DelDOT, Milford Police and the city work hand in hand and contact is made with one another once a request is submitted.

Mr. Pikus asked if Mr. Gray is aware this event can be shut down. Mr. Rivera said he has explained that. He emphasized they are not picking on this particular event noting the reason they are discussing this parade is because DelDOT received more than seven complaints last year which is a lot. He explained that these complaints do not go to the city nor do they go to Mr. Gray. Instead, they go to Public Relations at DelDOT and then directly into Mr. Rivera's section. The public has an expectation and once they receive a complaint, DelDOT has to attempt to resolve the problems. There is no guarantee but something must be done.

He advised that historically, it has been proven that a message board will capture a certain percentage of people and provide them with the information to use an alternate route. It will not fix everything but happens to be the cheapest and easiest solution for mitigating traffic impacts in these events.

The price to lease the boards is \$84 a day; there is also a labor charge to transport and set them up. Typically one message board for one day will cost \$140. The requirement for high-impact events is three days.

He said that Mr. Gray kept stating they were informed so close to the event and they did not have the budget to pay for this. Mr. Rivera suggested he reach out to private vendors. Some of the vendors sponsor events and may donate the equipment. They prefer the organizers use outside resources because DelDOT would not be able to keep up with every event considering there are 500 a year now. Not all need message boards and DelDOT is not in the business of renting out equipment. However, DelDOT is in the business of providing transportation management. As a courtesy to the organizations, they try very hard to assist them. Mr. Rivera offered to help Mr. Gray by putting the boards out for three days and only charging for one day with the expectation that next year, they would be responsible for the full amount.

Mr. Rivera then reported that ten days advanced notice is required for a construction project. DelDOT does the event organizers a favor by only requiring three days which has been determined to be the most effective amount of time to educate the public that this event will occur.

Mr. Rivera reiterated there are a number of events that do not meet these requirements and get away with it. He would prefer to have an unlimited budget that would allow him to go out every weekend and hunt down special events. Unfortunately, a lot of what they do is reactionary. He said the Halloween Parade is that exact situation. It has been permitted for years and years and they get by with DelDOT only receiving one or two calls. But when seven or eight calls are made, there is a serious issue that needs to be addressed.

He noted that Milford is unique because it has two state routes running through it. The Mispillion River limits access north and south. Some of the areas that have been closed in past years essentially disrupts the entire town. DelDOT can manage that but the public needs to be alerted that these roads are going to be closed during that time.

Within Milford, he said that the majority of the residents know the parade will occur. But truckers coming from other areas who want to cut through Milford to get to Route 1 need to be taken care of. He said we can survive using Church Street as a detour for local traffic but tractor trailers are unable to make those turns. Once you get a big truck in there, everyone is stuck in that area.

He noted that there will be no more crossing Route 1 for any event in the beach towns. The Dewey Goes Pink 5K was the last one permitted to do that. Next year there will be an alternate route.

They tried something new at Dewey where they ran contraflow and actually shifted traffic over and allowed bikes to come down and turn around which actually worked. As a result, Bethany will be doing that as well.

Mr. Rivera pointed out that DelDOT is not singling Milford out in this situation. Instead, this is being addressed statewide. One of our legislators was going to a meeting last year and got stuck in Dewey's Triathlon traffic. As a result, there were no more crossings on Route 1. However, Mr. Rivera feels it will be better for the traveling public. DelDOT frequently gets caught in the middle because they have to balance moving people. People have had these events for years and years but there is a need to keep everyone safe. His biggest concern is when people are stuck in traffic for two hours, they become angry motorists and angry motorists can become very dangerous.

He said these situations put the city and DelDOT in a position to absorb a great deal of liability. Without using the proper traffic devices, it is easy for any lawyer to come in and right away point out that improper barricades were used. It is going to be the City of Milford's fault. They will also come after DelDOT because they have the biggest pockets; then they will go after the City of Milford. He does not want to continue to approve an event that he knows will not be handled properly.

Mr. Pikus asked what needs to be done to correct this. Mr. Rivera said it comes down to how the city wants to handle these events. His recommendation would be to develop a policy. If they are using Milford Police Department, they should be charged for that. DSP charges \$85 an hour for these events. He guarantees the city will have a better ability for coverage and it will not hit the city's budget every time. The organizers will also consider with much more thought the routes being created. Right now it is carte blanche because it is free so no one really cares how many routes or streets are being impacted. A lot of the organizations putting on these events are making money. In turn, they are taxing Milford Police Department to be out there.

Mr. Rivera confirmed that Dewey Police do not charge for these events. He said he does not understand it because the town pays for an event in which the organizer is making money. He is unsure why those services were provided free and believes it started years ago when there were only a couple events a year. Dewey Beach has thirty or more 5Ks a year. Milford has countless events and that number is growing every year.

Mr. Pikus feels we definitely need to start charging to recoup some of these costs.

Mr. Rivera said the second item is the need for compliant traffic control devices. He is unsure how the city wants to handle this and whether they are willing to provide them to organizations at a cost. The public works departments typically purchase this equipment and if an organizer wants to close a road, they could rent them if that is how the city wants it handled.

Mr. Pikus asked if the police department needs those barricades and how we have handled this in the past. Chief Hudson advised our public works/street department has always provided barricades. In some cases, sawhorses have been used.

Mr. Pikus confirmed the sawhorses are illegal; Mr. Rivera said they cannot be used on any road in the State of Delaware. Only Type II Barricades are legal and he will e-mail a picture.

When asked if anyone was familiar with the barricades, Chief Hudson noted that DMI borrowed them for the Eat in the Street event.

Mr. Pikus asked the approximate price; Mr. Rivera said they can be purchased on state contract which is the least expensive route. He has still not obtained a final price from his finance department. DelDOT rents them for \$4.52 though they have a limited amount and are unable to provide them at every event. He worked with DMI to show them how easy the process was. That event required eight trailbrazer signs, detour signs and six barricades. That alleviated the burden of having police officers standing at the road closings which in the case of the Eat in the Street event, would have been from 2:00 p.m. to 9:00 p.m.

Mr. Rivera added that if an organization prefers to pay for police, that is their decision. However, he cannot rationalize how they can request two regular duty police officers standing there when there are other things they can be addressing. But that is something internal that needs to be discussed though he feels the solution is to charge the organizer for the officers as he is telling other towns and cities.

Mr. Pikus asked if the city continues to use the old barricades and there is a problem, is the city liable; Mr. Rivera said 100% because the city is using noncompliant equipment.

Ms. Hudson asked if these mandates also apply to city-maintained streets; Mr. Rivera stated yes. Sawhorses are not compliant on any road or street in Delaware. Georgetown uses them too and Mr. Rivera will be talking to them about acquiring the compliant barricades.

Mr. Rivera reported there are more lawyers in Delaware who understand the Manual on Uniform Traffic Control Devices than actual transportation people. As soon as something occurs, they start flipping through that manual and begin marking off one thing after another claiming that is what caused the problem. It may not have anything to do with the cause, but the way litigation is today, he said it will be picked apart and the first thing pointed out.

The more events Milford has, there is more of an impact on traffic and the more likely something can occur.

Ms. Wilson pointed out the amount of money the Community Parade has cost the city over the years. All our police officers work and then we have to borrow officers from other departments. Chief Hudson added that it does cost the city a great deal of money. Because the organizers indicate they are putting the parade on for the city, that makes it a co-sponsored event in partnership with the city.

Ms. Wilson said it only makes sense that especially for large events, the organizer should be charged a fee for police services.

Mr. Rivera stated that he does not want any confusion between state-maintained and city-maintained events. The requirements are almost identical. The only difference is the type III barricades have three pieces. On a city-maintained road, a type II barricade can be used. There are rare instances where something may be occurring in a cal-de-sac (like a block party) and DelDOT will allow the use of compliant traffic cones. However, that does not apply to the majority of the events that occur in Milford. Walnut or Front Street cannot be closed with sawhorses or traffic cones.

He then informed the police committee that he rode the entire route with Mr. Gray's father, Jim Gray. Mr. Jim Gray kept saying he wished they had the barricades they used for Eat in the Street. Mr. Rivera told him, they can give him two barricades as they do try to show some good will to these organizations. He understands everything is about money. But the way he looks at it, if the organization does not have \$200 to provide the proper equipment, then perhaps they should

reconsider having the event.

Mr. Pikus asked if we have a small church group wanting to close a city street, are they are still required to use compliant barricades; Mr. Rivera stated yes—compliance is compliance. It is uniform with no wiggle room. However, it can occur in streets where it shouldn't. However, if the City of Milford is approving those events, the city is putting themselves at risk for a huge lawsuit should something occur. All it takes is one time when a person is injured after the city has closed a street with cones or a sawhorse and the repercussions could be astronomical.

Mr. Pikus pointed out that sometimes cones are used to block or direct traffic for a funeral and asked if that is legal; Mr. Rivera explained that funerals are exempt from the special event policy.

Mr. Pikus noted that a lot of our funeral directors use the regular street cones. Mr. Rivera reported that cones must be orange in color, a minimum of 28 inches and have a 6-inch retroreflective band on top and additional 4-inch below that. Anything else is not compliant.

Mr. Rivera said that public works has a need for the compliant barricades if the city were to purchase them. It is very unlikely the cones would sit in a garage somewhere unused. In the meantime, the city could decide how to manage the special events. He reiterated the barricades are required for all road closures including utility and construction work.

He advised that the downtown area is basically shut down for the Freedom Festival as well and specifically from Walnut over to Park Avenue. The city needs to start using those barricades for those type closings.

Chief Hudson pointed out that even with the compliant barricades in place, detour signs are also needed so that traffic knows how to get around the event.

Though the public has the conception that DelDOT is in this business to make money, Mr. Rivera explained that when a piece of equipment is delivered, the organizer is only charged the salary of the person involved. DelDOT makes absolutely no money. The taxpayers of Delaware cannot support these private events and they would be paying the salary of the DelDOT employee delivering the equipment otherwise.

He referenced the Dover Downs Races whose bills are enormous. It would be very unfair for the taxpayers to pay the cost of DelDOT providing assistance to this event. As a taxpayer himself, he agrees with the policy that DelDOT charge for these events. He said he feels bad when he has to charge a church or another not-for-profit organization, but the fact is, everyone sitting in this council chambers should not be paying for these events. In the case of the Halloween Parade, it will cost \$250 for the safety equipment. On the other hand, the organizers are willing to pay \$4,000 to cover the costs of bringing bands to Milford.

Chief Hudson asked Mr. Rivera to speak about certified flaggers. He advised that many of these organizations have volunteers who are willing to cover roadways and intersections during these events.

Mr. Rivera reported that according to Delaware Code, the only people allowed to direct traffic in Delaware are law enforcement, fire police or certified flaggers. The State of Delaware recognizes the certification of the American Traffic Safety Services Association. To become a certified flagger requires a four-hour class.

However, Mr. Rivera cautions the city about placing a person at an intersection on Route 113 who is only a certified flagger. Only law enforcement or fire police should be directing traffic through these signalized intersections.

He said employees can become certified and used on side roads and smaller roads during 5Ks and other event. The University of Delaware has an LTAP or T² Center who goes to municipalities and provides this training. He believes there are grants available to cover the costs or partial costs of the training. He emphasized that the city needs to exercise caution when using certified flaggers because they cannot be used for signalized intersections though it is an avenue in other areas. He said fire police are a great resource, though if something should happen such as a serious accident or fire, then the fire police leave the event and there is no one there to handle the traffic.

He noted that when an event is billed to DSP, they use special duty officers who are only assigned to that event. Mr. Rivera highly recommends the city pursue this avenue. He will be making this recommendation to other municipalities he will be speaking to as well.

A lot of event organizers want to use volunteers. They can be used as marshalls to help the runners though they are unable to direct or interfere with traffic. A lot of times that occurs even though they are not allowed. In those cases, they are exposing themselves, along with the city to enormous liability. If this person is at an intersection and an accident occurs, the first thing asked is who was directing traffic and if they were certified.

Additionally, anyone operating in the right of way is required to wear a Class 2 Safety Vest at a minimum. He said there are seven water stops at the Dover Marathon scheduled in two weeks. All the people working those stations are in a fixed position in a right-a-way so they are required to wear safety vests. If one of them is struck and injured, the first thing a defense attorney will say is their client did not see them because they were not wearing the appropriate safety clothing. Police officers are required to wear these vests as well in these situations.

Chairman Morrow directed Chief Hudson and Lieutenant Bailey to follow-up on what needs to be done as far as compliant barricades and certification of flaggers.

Chief Hudson then reported that a couple years ago at the Halloween Parade, a car went through the barricades on Front Street west of Walnut Street.

Mr. Rivera said these barricades are made with retroreflectivity to the degree they can be seen from an extreme distance away. The prismatic retroreflectivity actually provides an additional layer of safety for these vests.

He added there is no longer a requirement for lights on top of the barricades which keeps the cost down. They are supposed to contain the "road closed" sign though they all do not need that. One must contain the 'road closed' sign and additional barricades can be placed side by side because they need to run curb to curb with no or very minimal opening.

Lt. Bailey then advised that he has taken over the duties of Lieutenant. Rust. He has learned a lot from Mr. Rivera about compliance and has found we are not even close. For example, there was a 5K this past weekend in town. There were nine major intersections that needed covering and not by volunteers but by fire police or a police officer. Duty officers were used, an extra officer was brought in and Chief Hudson and himself worked the event along with a Senior Patrol Officer. Two of the officers jumped intersections to provide complete coverage.

He stressed that it is an effort for the police department to provide the appropriate coverage for these events.

Lieutenant Bailey warned that some people are going to say the police department is not willing to help. He explained it is not a case that the police won't help, but in some cases are unable to help. He agrees the police department cannot continue placing duty officers at these events which ties them up for hours when they should be on the road handling complaints.

The lieutenant expects to hear some negative remarks about the police department, DelDOT and the City of Milford with the upcoming event.

He said the problems the chief discussed is that not only do we pay twenty plus officers at least five hours overtime for the parade, but officers from other departments are also needed. They are not paid by Milford that night, but when their communities have events, we send our officers and those officers are paid overtime again. He said it is a huge undertaking and very time consuming.

Lieutenant Bailey noted that 1.7 miles of Walnut Street is closed for approximately two and a half hours. He agrees there are a lot of complaints from motorists that are unable to get through town.

Mr. Pikus asked how trucks coming from the west get to SeaWatch during this time; Lt. Bailey said because there has never

been any sign boards to direct traffic, they usually sit in traffic. Mr. Pikus said they are unable to get through on Kings Highway or Tenth Street because of the road closings which is a problem a lot of people don't consider.

Chief Hudson added that the police department notifies the larger industries such as Perdue and SeaWatch of the date of the parade well in advance so that they can inform their drivers beforehand.

He reported that Norfolk Southern is also contacted as a safety precaution. Unfortunately, train traffic is actually out of the city's control though we do everything possible to stay on top of it. Mr. Rivera agreed noting the State of Delaware has no say on how they conduct their trains though they will work with you for the most part.

Mr. Rivera pointed out the city does a great job trying to address these problems. They discussed putting a message board further down Route 113 to direct traffic to Johnson Road. The problem is once these northbound vehicles get past Route 14, it is very difficult to turn around to go south in a tractor trailer. Route 113 takes them to Route 1 North and trying to navigate those crossovers are impossible and a hazard in itself.

Mr. Pikus verified that Mr. Gray is aware the signs must be put up and they will be billed; Mr. Rivera said yes adding he is now seeking donations for their \$250 cost. He reiterated that they were informed of this requirement last year.

Mr. Rivera says it is a great event and great for the city but other motorists need to be considered as well. He does not feel that route was given a lot of consideration when it was first developed and the impact it would have. Trying to change the route would be a train wreck at this point. He is aware the city installed lights along the route for this event.

DelDOT does not want to change the route and prefers trying to manage this in a different way. They can put up one hundred message boards but it will always be a problem. From conception, there was very little thought given to the impact the route would have on traffic. He sees it more and more where people want to run 5Ks and they need to use less impacted roadways and parks when available. Instead they prefer crossing Walnut Street, crossing the railroad tracks to the Middle School, and turning around on a state-numbered route. If some of the costs the city absorbs are passed on to these organizers, he guarantees that next year they will be running in a less impacted area or doing two crossovers instead of nine. The police cannot always guarantee the availability of duty officers and in a timed event, when running through a signaled intersection or stop sign without coverage is a recipe for disaster. He emphasized that DelDOT cannot continue to approve these events unless they are reasonably confident they will be properly controlled.

This event had planned to use fire police who provide a great service and are invaluable at many events. But the fact is, they are not contracted and not obligated to be there. They are available on a volunteer basis. If they have a family emergency, they will more than likely not show up. It was an issue because there were less fire police than the organizers expected. As a result, the police were forced to place seven officers at the event. It is not fair to the police department or to the city who has approved the event based on the merits of what was submitted. It is also not fair to DelDOT to approve the event and then find out there was inadequate traffic control though the application indicated otherwise.

Chief Hudson advised that the Parks and Recreation employees did a great job Saturday. They were in the proper safety attire and when they were informed they could not direct traffic, they still assisted by directing the runners with flags from the side the road.

Mr. Rivera stated that it would behoove public works to get their employees certified. It is a benefit to the entire city. When they are doing an emergency repair on the street and everyone is a certified flagger, there are no problems. They can even assist in emergency type situations as occurred during the electric outage two weekends ago.

He encouraged someone to contact the University of Delaware for more information on training and possible grants. In addition, ask for assistance in getting barricades and compliant traffic control devices. Mr. Rivera reiterated that the T² Center helps municipalities with flagging and equipment at a discounted rate.

Chief Hudson noted they are also willing to come to Milford to do the training. Mr. Rivera agreed noting he is a certified flagger instructor and they might be able to send someone from DelDOT or the Delaware Safety Council. DelDOT provided

this training to a couple of cities a few years ago. Then it just died off though he is unsure why. He would be happy to raise that question again if the city is interested.

He emphasized that DelDOT is here to help. They want to protect everyone's interest and at the end of the day want everyone to go home safe. The rules are very clear and there is no room for interpretation. The goal is to start moving toward being compliant as much as possible.

City Manager Carmean said that he has had a lot of similar conversations with Chief Hudson. As the city manager, he and the city clerk have had a lot of headaches with these events and parades. They are very time consuming and he agrees Milford is getting more and more. When the route was established for the Halloween Parade years ago, it was a different time. Besides a substantial increase in traffic, the amount of people living here has tripled. It has gotten to the point where it is almost impossible to handle though he agrees we are not handling it according to the law.

Mr. Carmean confirmed that we have certified flaggers in the street and electric departments. He asked if recertification is required for the flaggers; Mr. Rivera said yes, every four years. Each certified flagger has a card with an expiration date. The American Traffic Safety Services Association certifies approximately 90% of the flaggers in Delaware though there are other companies.

The city manager said he has trash trucks all over town and the workers are in and out of the street constantly. When they are picking up a large volume of trash, the truck is blocking the street and one of the workers usually waves vehicles by. He is very concerned that if a vehicle hit another head on, the city is setting themselves up for a substantial lawsuit. Therefore, he would like to have all the workers certified.

Mr. Morrow asked if they wear reflective vests or jackets. Chief Hudson said he sees them frequently and they are always wearing the safety vests/jackets.

Mr. Rivera reemphasized this is not only the case in Milford but every town in the State of Delaware.

He provided the information on the University of Delaware again and encouraged the employees in the City of Milford to take the training on traffic control and the expectations of the manual. The flagger training is also available and he believes there may be assistance with funding as well as the safety devices.

To summarize the meeting, Mr. Rivera asked that the city consider the compliant traffic control devices. Detour trailblazer signs are a big plus and will alleviate a lot of the pressure with the police and fire police. The 18" x 24" signs are made of corrugated plastic and can be zip tied to existing poles. That would eliminate the need to have law enforcement at all of these closings though DelDOT prefers having them to reinforce the barricades and trailblazers. The same would apply to a road project when the road or street is closed.

He encouraged everyone to reevaluate the situation of providing free resources to all of these organizations though that is the city's call. He is confident that would result in more logical routes coming out of the 5K's and parades if implemented.

His goal is that in a year or two, everyone will know these expectations. The main thing is to stay united with the police department, the city and DelDOT working together. At the end of the day, it is about compliance and safety.

Mr. Morrow thanked Mr. Rivera for his time adding that we have learned a lot. He said we will do what we can and most importantly must abide by the law to protect our city.

Chief Hudson thanked Mr. Rivera for his assistance to the police department and the city not just today, but on many occasions. He noted that in addition to meeting with the Community Parade Committee, Mr. Rivera has taken the time to meet with DMI and Chamber to educate them on these requirements.

With no further business, the meeting was adjourned at 9:14 a.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder