

# City of Milford



## AGENDA

Monthly Council Meeting

November 18, 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

Monthly Police Report

City Manager Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

Ordinance 2013-13/Chapter 84/Amendment/Bicycles, Skateboards and other Conveyances

New Business

Award of Bid/Southeast Front Street Rehabilitation Paving Project

Approval/Renewal of First State BMX Lease Agreement

Greater Kent Committee/Financial Contribution

\*Award of Funding/Carpenter Pit Road Improvements/Councilman Grier

\*Discontinuance of Solid Waste Services

\*Introduction/Ordinance 2013-10/Sewer Code/Chapter 185/Waiver of Impact Fees

\*Introduction/Ordinance 2013-11/Water Code/Chapter 220/Waiver of Impact Fees

\*Introduction/Ordinance 2013-12/Electric Tariff/Appendix B/Rules and Regulations

\*\*FY 2013-2014 Budget Adjustment/Carlisle Fire Company Contribution Increase/Property Tax Line Item

\*\*FY 2013-2014 Budget Adjustment/Can Do Playground Contribution/Property Tax Line Item

\*\*\*\*FY 2013-2014 Budget Adjustment/City Hall Boiler Replacement and Funding

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.**

102213 102513 110113 \*110613 Late Additions to Agenda (Requested by City Manager) \*\*110813 Late Additions (Budget Items)

\*\*\*111113 Late Addition (Requested by Councilman Pikus) 111213 (Item Removed)\*\*\*\*111213 Late Addition (Requested by City Manager)

\*\*\*\*\*Rescheduled from 11/12/13

# 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: November 12, 2013

RE: Activity Report/October 2013

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## Monthly Stats:

A total of 609 arrests were made by the Milford Police Department during October 2013. Of these arrests, 206 were for criminal offenses and 403 for traffic violations. Criminal offenses consisted of 29 felonies and 177 misdemeanors. Traffic violations consisted of 96 Special Duty Radar, 3 Drunk-Driving charges, and 304 other.

Police officers investigated 49 accidents during the month (6 personal injury, and 43 property damage) and issued 103 written reprimands. In addition, they responded to 1077 various complaints including city requests and other agency assistance.

## Monthly Activities:

There were no serious incidents that occurred during the Community Parade on October 16th. I appreciate the assistance of the many police departments who sent officers. It would be a difficult undertaking without their help and the help of the other city departments.

On October 4th, our Criminal Division was asked by Lake Forest Elementary School to bring our Crime scene evidence collection van for display and answer questions from the students about evidence collection.

Our detectives attended a four-day homicide training conference at Polytech High School on October 28.

Presently, the department has three recruits in the Delaware State Police Training Academy in Dover. The 22-week academy started on October 21st.

The annual Firearms Recertification is currently underway for all sworn officers. It should be completed by the middle of November.

OCTOBER 2013 ACTIVITY REPORT

	OCT 2013	TOTAL 2013	OCT 2012	TOTAL 2012
COMPLAINTS	1077	11081	1061	12849
CRIMINAL ARRESTS	260	1456	165	1832
Felonies	29	284	25	495
Misdemeanors	177	1118	140	1337
TRAFFIC ARRESTS	403	3888	442	6148
Special Duty Radar	96	877	143	2653
D.W.I.	3	31	13	90
Other	304	2986	286	3405
REPRIMANDS	103	1344	111	1397
ACCIDENTS	49	499	50	451
Personal Injury	6	63	6	52
Property Damage	43	436	44	399
Fatal (included in PI)	0	1	0	1
PARKING SUMMONS	27	183	8	132
CRIME PREV. CHECKS	25	378	43	540
FINES RECEIVED	\$ 7,174.87	\$ 99,656.47	\$ 15,070.98	\$ 150,503.10





OFFICE OF THE CITY MANAGER  
RICHARD D. CARMEAN

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

## **COUNCIL REPORT**

### **November 18, 2013**

#### **ADMINISTRATION**

The boiler has been replaced in City Hall at a cost of \$14,775.00. Since these funds were not budgeted, I will have to pay the invoice from my Contingency Fund.

#### **ELECTRIC**

The transmission line construction has begun on Rt. 113, and work will continue for at least three months. We also are putting distribution lines that will be coming from the new sub-station onto our present system.

Our crews have been working on McColley Street replacing a number of deteriorating poles.

#### **STREETS AND SOLID WASTE**

I have directed DBF to move ahead with the S.E. Front Street project. The low-bidder was a company we had not done business with before. While we were pleased with the bid amount, I thought it best is we called some of their past customers for recommendations. I directed Mr. Dennehy and Mr. Webb to travel to several locations to inspect firsthand the quality of their work. I now feel confident to award the bid officially to them and move forward.

There is still a shortfall in funding of the S.E. Front Street project, but I have received some additional funding from our legislators. I could remove the sidewalk improvements to save money, but I think that would be a mistake. I may request the awarding of the bids for this project be tabled if I do not receive confirmation of the funding from the legislators.

Customers seemed pleased that we are continuing the yard debris pick-ups throughout the winter. Crews also began the leaf vacuuming program the first of November. Many customers still bag their leaves costing them unnecessary expense and crews unnecessary work. I will attempt to notify more people of the service.



# DELAWARE SOLID WASTE AUTHORITY

## 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, PE.

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

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

October 9, 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 September 2013.

### September 2013 Weight in Pounds

#### MARSHALL STREET

SINGLE-STREAM TOTAL	OIL GALLONS
20,026	425

#### MILFORD COMMONS

12,324	
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Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

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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](http://www.dswa.com)

Printed on Recycled Paper

**CITY OF MILFORD CURBSIDE RECYCLING  
SEPTEMBER 2013**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
9/5/2013	746503	7100-RC Single Strea	7000-Recommunity	City of Milford	3.5
9/6/2013	746554	7100-RC Single Strea	7000-Recommunity	City of Milford	2.73
9/6/2013	746555	7100-RC Single Strea	7000-Recommunity	City of Milford	1.51
9/12/2013	747297	7100-RC Single Strea	7000-Recommunity	City of Milford	3.33
9/12/2013	747299	7100-RC Single Strea	7000-Recommunity	City of Milford	3.75
9/13/2013	747361	7100-RC Single Strea	7000-Recommunity	City of Milford	3.75
9/13/2013	747362	7100-RC Single Strea	7000-Recommunity	City of Milford	4.21
9/13/2013	747413	7100-RC Single Strea	7000-Recommunity	City of Milford	5.01
9/20/2013	748063	7100-RC Single Strea	7000-Recommunity	City of Milford	6.3
9/20/2013	748064	7100-RC Single Strea	7000-Recommunity	City of Milford	1.46
9/26/2013	748772	7100-RC Single Strea	7000-Recommunity	City of Milford	3.83
9/26/2013	748773	7100-RC Single Strea	7000-Recommunity	City of Milford	3.49
9/27/2013	748817	7100-RC Single Strea	7000-Recommunity	City of Milford	3.52
9/27/2013	748818	7100-RC Single Strea	7000-Recommunity	City of Milford	3.88
				<b>TOTAL</b>	<b>50.27</b>



# 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.

November 7, 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 October 2013.

**October 2013  
Weight in Pounds**

**MARSHALL STREET**

<b>SINGLE-STREAM TOTAL</b>	<b>OIL GALLONS</b>
22,181	775

**MILFORD COMMONS**

15,356	
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Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc  
Christie Murphy  
Attachments: City of Milford Curbside Totals

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[www.dswa.com](http://www.dswa.com)

**CITY OF MILFORD CURBSIDE RECYCLING  
OCTOBER 2013**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
10/3/2013	749504	7100-RC Single Strea	7000-Recommunity	City of Milford	3.48
10/4/2013	749561	7100-RC Single Strea	7000-Recommunity	City of Milford	1.34
10/4/2013	749562	7100-RC Single Strea	7000-Recommunity	City of Milford	2.73
10/10/2013	750173	7100-RC Single Strea	7000-Recommunity	City of Milford	3.6
10/11/2013	750210	7100-RC Single Strea	7000-Recommunity	City of Milford	7.51
10/11/2013	750211	7100-RC Single Strea	7000-Recommunity	City of Milford	4.1
10/17/2013	750804	7100-RC Single Strea	7000-Recommunity	City of Milford	3.86
10/18/2013	750861	7100-RC Single Strea	7000-Recommunity	City of Milford	2.74
10/18/2013	750862	7100-RC Single Strea	7000-Recommunity	City of Milford	1.08
10/24/2013	751503	7100-RC Single Strea	7000-Recommunity	City of Milford	3.87
10/24/2013	751507	7100-RC Single Strea	7000-Recommunity	City of Milford	4.81
10/25/2013	751549	7100-RC Single Strea	7000-Recommunity	City of Milford	4.1
10/25/2013	751550	7100-RC Single Strea	7000-Recommunity	City of Milford	4
10/31/2013	752157	7100-RC Single Strea	7000-Recommunity	City of Milford	3.75
				<b>TOTAL</b>	<b>50.97</b>



October 7, 2013

Mr. Richard D. Carmean  
City Manager  
City of Milford  
201 S. Walnut Street  
Milford, Delaware 19963

RE: Important Price Adjustment Information

Dear Mr. Carmean:

Effective November 1, 2013, due to increases in costs, Comcast's Late Fee charge for customers with delinquent bills will increase from \$8.00 to \$9.50.

As always, if you should have any questions or concerns regarding this matter, or any cable matter, please feel free to contact me at (302) 672-5936.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom", is written over a horizontal line.

R. Thomas Worley  
Sr. Director Government Regulatory Affairs



# Sussex County Association of Towns

P.O. Box 589 Georgetown, DE 19947

*Town of Bethany Beach*

*Town of Bethel*

*Town of Blades*

*Town of Bridgeville*

*Town of Dagsboro*

*Town of Delmar*

*Town of Dewey Beach*

*Town of Ellendale*

*Town of Fenwick Island*

*Town of Frankford*

*Town of Georgetown*

*Town of Greenwood*

*Town of Henlopen Acres*

*Town of Laurel*

*City of Lewes*

*City of Milford*

*Town of Millsboro*

*Town of Millville*

*Town of Milton*

*Town of Ocean View*

*City of Rehoboth Beach*

*City of Seaford*

*Town of Selbyville*

*Town of Slaughter Beach*

*Town of South Bethany*

*Sussex County Council*

## SCAT'S HOLIDAY DINNER

**LOCATION:** Victoria's Restaurant,  
Boardwalk Plaza Hotel, Rehoboth

**DATE:** Wednesday, December 4, 2013

**TIME:** 6:00 p.m. – Social  
6:30 p.m. – Dinner

**HOST:** City of Rehoboth Beach

**COST:** \$37.50

### MENU:

**Caesar Salad**

**Grilled Filet Mignon Au Jus**

**Pan Seared Crab Cake**

**Sautéed Medley of Autumn Vegetables**

**Herb-Roasted Fingerling Potatoes**

**Tiramisu**

**For reservations, please call Barbara Bunting at City Hall at 227-4641 no later than WEDNESDAY, NOVEMBER 27<sup>TH</sup> BY NOON.**

**Please make checks payable to the City of Rehoboth Beach.**

**\*\*\*NOTICE\*\*\***

**The Steering Committee will NOT meet in December.**

**The next Steering Committee meeting will be held on January 10<sup>th</sup>.**

## Chapter 84 - BICYCLES, SKATEBOARDS AND OTHER CONVEYANCES

ARTICLE I - Use on Sidewalks

ARTICLE II - Bicycle Registration

ARTICLE III - Skateboards

ARTICLE I - Use on Sidewalks

§ 84-1. - Prohibited acts; penalties.

A. Any person or persons using, riding, propelling themselves or being propelled upon any bicycle or tricycle or skating upon roller skates or wheeling a wheelbarrow or pushing any pushcart with slop on it upon any of the sidewalks or pavements within the Town of Milford shall forfeit and pay a fine of not less than \$1 nor more than \$10, to be collected as other fines are collected.

B. It shall be unlawful for anyone to ride, drive or operate any self-propelled or motor-driven vehicle of any kind on the sidewalks in the City of Milford. Whoever is found guilty of a violation of this subsection shall be fined not more than \$10.

ARTICLE II - Bicycle Registration

§ 84-2. - Procedure; fees.

Beginning August 15, 1974, any bicycle being on the streets or other public places within the City of Milford shall have been registered with the Milford Police Department, as follows:

A. The bicycle is to be brought to the Milford Police Department, where a registration form giving pertinent information about the owner and the bicycle will be filled out and kept at the Police Department.

B. A registration tag will be issued each owner, and the registration number thereon will be permanently stamped into the frame of the bicycle for identification purposes.

C. In the event of change of ownership of a bicycle registered under this article, the new owner shall appear at the Milford Police Department with proof of ownership and have the registration transferred into his name within 10 days.

D. A fee of \$1 shall be charged by the Police Department for each bicycle registered under this article.

E. Any bicycle being owned by a resident of the City of Milford and being upon the streets or other public places within the city and not registered as set forth in this article shall be impounded by the Police Department, and an impoundment fee of \$5 will be charged the owner thereof. The five-dollar fee is a flat fee.

F. Upon payment of the impoundment fee the bicycle will be properly registered and released to the owner.

G. All registration and impoundment fees collected under the terms of this article shall be shown on the monthly police report, as are other miscellaneous sources of income.

ARTICLE III - Skateboards

§ 84-3. - Purpose.

Skateboarding has become an increasingly frequent occurrence in the City of Milford on streets, sidewalks and other public areas used by automobile traffic and pedestrians. The

City has determined the following regulation of skateboarding in public areas is necessary in order to protect and preserve the public health, safety and welfare.

§ 84-4. - Definitions.

As used in this article, the following terms shall have the meanings indicated:

DESIGNATED SKATEBOARDING FACILITY — A public area which is designed and operated for skateboarding, approved and designated as such by Milford City Council.

POSTED AREAS — Areas that contain "no skateboarding" signs.

PUBLIC AREAS — Any place which is open and available to public use, occupation, passage or traffic, whether owned by a public or private entity, and including all streets, lanes, ways, alleys, sidewalks, parking lots, parks, plazas, tennis courts, basketball courts, playgrounds and school yards. In addition to its ordinary meaning, "public place" shall also include the City's benches, plaques, memorials, steps and railings.

SKATEBOARD — A single platform mounted on wheels, having no mechanism device with which to power, steer, or control direction of movement while being used, operated or ridden.

SKATEBOARDING — The act of pushing, propelling or riding a skateboard.

§ 84-5. - Use in public areas prohibited.

No person shall operate, or cause to be operated, a skateboard on a public area except:

- A. In a designated skateboarding facility.
- B. In a privately owned public parking lot, if the owner has provided express written permission.

§ 84-6. - Enforcement; rules and regulations.

- A. This article may be enforced by any law enforcement officer.
- B. The River Park Skating Committee shall adopt written rules and regulations governing the use of skateboards and operation of a skateboarding facility or designated area.

§ 84-7. - Violations and penalties.

A. Any person found in violation of this article shall be penalized as follows:

- (1) First offense: written warning.
- (2) Second offense: fine of \$10.
- (3) Third offense: fine of \$25.
- (4) Fourth offense: fine of \$50.
- (5) Fifth offense: fine of \$100.

B. Fines may be doubled in areas where signs are posted.

C. In the case of any violator 16 years or younger, the parents will be subject to a court summons if the fine is not paid. If not paid within 30 days, the offender is subject to a court summons, with a fine up to \$150.

From: David Rutt [mailto:[dnrutt@mooreandrutt.com](mailto:dnrutt@mooreandrutt.com)]

Sent: Tuesday, November 5, 2013 3:37 PM

To: Terri Hudson

Subject: Wheelchair safety ordinance

Terri,

I thought the wheelchair safety ordinance had been sent to you, but apparently not. I am attaching it for your review. There have been several council people asking me about it.

David

**CITY OF MILFORD**

**ORDINANCE NO. 2013-13**

**WHEREAS**, The City of Milford recognizes that individuals may require the assistance of a motorized scooter or wheelchair in order to facilitate movement; and

**WHEREAS**, Motorized Scooters and Wheelchairs, when operating, crossing, or traveling on or adjacent to public roadways without proper safety and reflective equipment do thereby create a severe risk of injury or death to both the operator and motorist; and

**WHEREAS**, The City of Milford desires, through the enactment of this ordinance, to identify and establish the minimum level of safety equipment that is necessary in order to safely operate motorized scooters and wheelchairs on public roadways and sidewalks.

**WHEREAS**, The City of Milford intends to update Chapter 84 of the Code of the City of Milford to allow for reasonable, safe use of conveyances on City streets and sidewalks.

**NOW THEREFORE**, THE CITY OF MILFORD ORDAINS:

1. Chapter 84 of the Code of the City of Milford, entitled "BICYCLES, SKATEBOARDS, AND OTHER CONVEYANCES," Article I "Use on Sidewalks," Section 1 shall be deleted in its entirety and replaced with;

**"§ 84-1. – Prohibited acts; penalties;**

This section is deleted in its entirety.

2. Chapter 84 of the Code of the City of Milford, entitled "BICYCLES, SKATEBOARDS, AND OTHER CONVEYANCES," Article IV is to be created, titled "Motorized Scooters and Wheelchairs," and adopted as follows.

**Article IV: Motorized Scooters and Wheelchairs**

**§ 84-8 – Definitions.**

"Motorized Scooters and Wheelchairs" shall mean any self-propelled device, regardless of the number of wheels, powered by any style motor, which is designed and intended primarily for use by individuals with mobility disabilities.

"Public Streets" for purposes of this Article IV shall mean roads, highways, sidewalks or any other thoroughfare dedicated, constructed or maintained by the City of Milford or the State of Delaware within the municipal limits.

**§ 84-9 – Safety Equipment.**

- A. Daytime Operation: All Motorized Scooters and Wheelchairs operating on Public Streets during daylight hours shall be equipped with at least one of the following:
  - A. Slow moving vehicle fluorescent triangle on the rear of the device; or
  - B. Red safety flag.
- B. Nighttime Operation: All Motorized Scooters and Wheelchairs operating on Public Streets at night or any other time when lighted lamps are required under 21 Del. C. § 4331 shall be equipped, at a minimum, with all of the following:
  - 1. A lamp emitting a white light which, while the device is on the Public Street, illuminates the Public Street in front of the operator and is visible from a distance of 300 feet in front and from the sides of the motorized scooter or wheelchair.
  - 2. A red reflector on the rear of the device of the type approved by the Department of Transportation for bicycles, as defined under 21 Del. C. § 4198F(b).
  - 3. A white, yellow, or red reflector on each side of the device that is visible from a distance of at least 200 feet.
- C. Every Motorized Scooter and Wheelchair operating on Public Streets shall be equipped with a braking system which enables its operator to stop the device within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

**§ 84-10 – Enforcement**

This Section shall be enforced by the City of Milford Police Department.

**§ 84-11 – Fines and Penalties.**

- A. Any person found in violation of this Section as a first offense shall be issued a written warning.
- B. Any person found in violation of this Section as a second offense shall be issued a fine no greater than \$\_\_\_\_\_.
- C. All subsequent offenses shall be issued a fine no greater than \$\_\_\_\_\_.

**§ 84-12 - Effective Date**

This Article shall become effective on \_\_\_\_\_.

## GROUND LEASE

THIS GROUND LEASE is made and executed on this 13 day of September, 2009 by and between the City of Milford, 180 Vickers Drive, Milford, Delaware 19963 (Lessor) and First State BMX, Incorporated (Lessee)

The parties agree as follows:

### SECTION ONE DEMISE, DESCRIPTION AND USE OF PREMISES

- A. Lessor leases to Lessee and Lessee hires Lessor, for the purpose on conducting in and on such premises a bicycle dirt race track for operation by Lessee for the benefit of young people under supervision of Lessee and for no other purpose, those certain premises with the appurtenances, situated in the City of Milford, County of Kent, State of Delaware, and more particularly described in the schedule attached to and made a part of this Lease Agreement as Exhibit "A".
- B. As used in this Lease Agreement, the term "premises" refers to the real property above described and to any improvements located on the property from time to time during the term of this Lease Agreement.

### SECTION TWO TERM

- A. The term of this lease shall be for five (5) years, commencing on September 13, 2009 and ending on September 13, 2014.
- B. Negotiations on extension or a new lease shall begin no later than six (6) months prior to expiration of this agreement.
- C. As used in this Lease Agreement, the expression "term of this Lease Agreement" refers to the initial term and to any renewal of this Lease Agreement as provided below.

### SECTION THREE RENT

The rent shall be One Dollar and No Cents (\$1.00) per year.

SECTION FOUR  
WARRANTIES OF TITLE AND QUIET POSSESSION

Lessor covenants that Lessor is seized of the demised premises in fee simple and has full right to make and enter into this Lease and that Lessee shall have quiet and peaceable possession of the demised premises during the term of this Lease Agreement.

SECTION FIVE  
USES PROHIBITED

- A. Lessee shall not use, or permit the demised premises, or any part of the demised premises, to be used, for any purpose or purposes other than the purpose or purposes for which the demised premises are leased under this Lease Agreement.
- B. Lessee shall, at its sole cost, comply with all requirements, pertaining to the demised premises, of any insurance organization or company, necessary for the maintenance of insurance, as provided in this Lease Agreement, covering any building and appurtenances at any time located on the demised premises.

SECTION SIX  
WASTE AND NUISANCE PROHIBITED

- A. During the term of this Lease, Lessee shall comply with all applicable laws affecting the demised premises, the breach of which might result in any penalty on Lessor or forfeiture of Lessor's title to the demises premises.
- B. Lessee shall not commit, or suffer to be committed, any waste on the demised premises, or any nuisance.

SECTION SEVEN  
ABANDONMENT OF PREMISES

Lessee shall not vacate or abandon the premises at any time during the term of this Lease Agreement. If Lessee abandons, vacates, or surrenders the demised premises, or is dispossessed by process of law, or otherwise, any personal property belonging to Lessee and left on the premises shall be deemed to be abandoned, at the option of Lessor, except such property as may be encumbered to Lessor.

SECTION EIGHT  
LESSOR'S RIGHT OF ENTRY

Lessee shall permit Lessor and the agents and employees of Lessor to enter into and upon the demised premises at all reasonable times for the purpose of inspecting the premises.

SECTION NINE  
SUBLETTING AND ASSIGNMENT

- A. Lessee may not sublet the premises in whole or in part without Lessor's prior written consent.
- B. Lessee shall not assign or transfer this Lease Agreement, or any interest in this Lease Agreement, without the prior written consent of Lessor.
- C. Neither this Lease Agreement nor the leasehold estate of Lessee nor any interest of Lessee under this Lease Agreement in the demised premises or any buildings or improvements on the demised premises shall be subject to involuntary assignment, transfer, or sale, or to assignment, transfer, or sale by operation of law in any manner whatsoever. Any such attempted involuntary assignment, transfer, or sale shall be void and of no effect and shall, at the option of Lessor, terminate this Lease Agreement.

## SECTION TEN

### NOTICE

- A. All notices, demands, or other writings in this Lease Agreement provided to be given or made or sent, or which may be given or made or sent, by either party to the other, shall be deemed to have been fully given or made or sent when made in writing and deposited in the United States mail, registered and postage prepaid, and addressed as stated in the first section of this Lease.
- B. The address to which any notice, demand, or other writing may be given or made or sent to any party as above provided may be changed by written notice given by such party as above provided.
1. Lessor: City of Milford  
180 Vickers Drive  
Milford, De. 19963
  2. Lessee: First State BMX, Incorporated  
P.O. Box 260  
Milford, De. 19963

## SECTION ELEVEN

### IMPROVEMENTS

Plans and Specifications: Lessee shall, at Lessee's sole expense, prepare plans and specifications for all improvements including ground work on the premises. Such plans and specifications shall be submitted to Lessor for Lessor's written approval or any revisions required by Lessor. Lessor shall not unreasonably withhold such approval.

## SECTION TWELVE

### REPAIRS AND DESTRUCTION OF IMPROVEMENTS

- A. Maintenance Of Improvements: Lessee shall, throughout the term of this Lease Agreement, at its own cost, and without any expense to Lessor, keep and maintain the premises, including all buildings and improvements of every kind that may be a part of the premises, and all appurtenances to the premises, including sidewalks adjacent to the premises, in good, sanitary and neat order, condition and repair and except as specifically provided in this Lease Agreement, restore and

rehabilitate any improvements of any kind that may be destroyed or damaged by fire, casualty or any other cause whatsoever.

- B. No Obligation by Lessor to Make Improvements: Lessor shall not be obligated to make any repairs, replacements or renewals of any kind, nature or description whatsoever to the demised premises or any buildings or improvements in the demised premises.
- C. Lessee's Compliance With Laws: Lessee shall also comply with and abide by all federal, state, county, municipal and other governmental statutes, ordinances, laws and regulations affecting the demised premises, the improvements on or any activity or condition on or in the premises.
- D. Damage To and Destruction of Improvements: The damage, destruction or partial destruction of any building or other improvements that is a part of the demised premises shall not release Lessee from any obligation under this Lease Agreement, except as expressly provided below. In case of damage to or destruction of any such building or improvement, Lessee shall at its own expense promptly repair and restore it to a condition as good or better than that which existed prior to the damage or destruction. Without limiting the obligations of Lessee, it is agreed that the proceeds of any insurance covering damage or destruction shall be made available to Lessee for repair or replacement.
- E. Upon the termination, cancellation or surrender of this Lease, Lessee at its expense shall restore the premises to similar condition as existed upon the commencement of the Lease including grading, seeding and landscaping.

## SECTION THIRTEEN

### UTILITIES

Lessee shall fully and promptly pay for all water, gas, heat, light, power, telephone service and other public utilities of every kind furnished to the premises throughout the term of this Lease Agreement, and all other costs and expenses of every kind whatsoever of or in connection with the use, operation and maintenance of the premises and all activities conducted on the premises and Lessor shall have no responsibility of any kind for any such utilities.

## SECTION FOURTEEN

### DESCRIPTION OF EASEMENTS IN REGARDS TO MILFORD SCHOOL DISTRICT

- A. District grants to Lessor a non-exclusive permanent easement and right-of-way for purpose of vehicular and pedestrian access, ingress and egress over the lands of District between the North Walnut Street entrance and the Lessee facility as depicted on the aforesaid LOT LINE ADJUSTMENT AND EASEMENT PLAN and identified thereon by diagonal line markings.
- B. District grants to Lessor and the users and guests of the Lessee facility a non-exclusive blanket easement for overflow parking upon and within established parking areas located on lands of District (Parcel 51).

## SECTION FIFTEEN

### INDEMNIFICATION OF LESSOR

Lessor shall not be liable for any loss, injury, death or damage to persons or property that at any time may be suffered or sustained by Lessee or by any person whosoever may at any time be using or occupying or visiting the demised premises or be in, on or about the demised premises, whether the loss, injury, death or damage shall be caused by or in any way result from or arises out of any act, omission or negligence of Lessee or of any occupant, subtenant, visitor or user of any portion of the premises, or shall result from or be caused by any other matter or thing whether of the same kind as or of a different kind than the matters or things above set forth. Lessee shall indemnify Lessor against any and all claims, liability, and loss or damage whatsoever on account of any such loss, injury, death or damage. Lessee waives all claims against Lessor for damages to the building and improvements that are now on or hereafter placed or built on the premises and to the property of Lessee in, on or about the premises and for injuries to persons or property in or about the premises, from any cause arising at any time. The two preceding sentences shall not apply to loss, injury, death or damage arising by reason of the negligence or misconduct of Lessor, its agents or employees.

## SECTION SIXTEEN

### INSURANCE

- A. Personal Injury Liability Insurance: Lessee shall maintain in effect throughout the term of this Lease personal injury liability insurance covering the premises and its appurtenances and the sidewalks fronting on them in the amount of One Million Dollars and No Cents (\$1,000,000.00) for injury to or death of any one person or for injury to or death of any number of persons in one occurrence and property damage liability insurance in the amount of Ten Thousand Dollars and No Cents (\$10,000.00). Such insurance shall specifically insure Lessee against a liability assumed by it under this Lease Agreement, as well as liability imposed by law and shall insure both Lessor and Lessee but shall be so endorsed as to create the same liability on the part of the insurer as though separate policies had been written for Lessor and Lessee.
- B. Lessor's Right To Pay Premiums On Behalf Of Lessee: All of the policies of insurance referred to in this section shall be written in a form satisfactory to Lessor and by insurance companies satisfactory to Lessor. Lessee shall pay all of the premiums for insurance and deliver policies, or certificates of policies, to Lessor. In the event of the failure of Lessee, either to effect insurance in the names called for in the Lease Agreement or to pay the premiums for the insurance or to deliver the policies, or certificates of the policies, to Lessor, Lessor shall be entitled, but shall have no obligation, to effect such insurance and pay the premiums for the insurance, which premiums shall be repayable to Lessor with the next installment of rental. Failure to repay the same shall carry with it the same consequence as failure to pay any installment of rental. Each insurer mentioned in the section shall agree, by endorsement on the policy or policies issued by it, or by independent instrument furnished to Lessor, that it will give to Lessor ten (10) days' written notice before the policy or policies in question shall be altered or canceled. Lessor agrees that it will not unreasonably withhold its approval as to the form or to the insurance companies selected by Lessee.

## SECTION SEVENTEEN

### NOTICE OF DEFAULT

- A. Lessee shall not be deemed to be in default under this Lease Agreement in the payment of rent or the payment of any other moneys as required or in the furnishing of any bond or insurance policy

when required in this Lease Agreement unless Lessor shall first give to Lessee ten (10) days' written notice of the default and Lessee fails to cure the default within five (5) days.

- B. Except as to the provisions or events referred to in the preceding paragraph of this section, Lessee shall not be deemed to be in default under this Lease Agreement unless Lessor shall first give to Lessee thirty (30) days' written notice of the default, and Lessee fails to cure the default within the thirty (30) day period, or if the default is of such a nature that it cannot be cured within thirty (30) days, Lessee fails to commence to cure the default within the period of thirty (30) days or fails thereafter to proceed to the curing of the default with all possible diligence.

## SECTION EIGHTEEN

### DEFAULT

In the event of any breach of this Lease Agreement by Lessee, Lessor, in addition to the other rights or remedies it may have, shall have the immediate right of re-entry and may remove all persons and property from the demised premises. The property may be removed and stored in a public warehouse or elsewhere at the cost and for the account of Lessee. Should Lessor elect to re-enter, as provided in this Lease Agreement, or should it take possession pursuant to legal proceedings or pursuant to any notice provided for by law, Lessor may either terminate this Lease Agreement or it may from time to time, without terminating this Lease Agreement, re-let the demised premises or any part of the demised premises for such term or terms (which may be for a term extending beyond the term of this Lease Agreement) and at such rental or rentals and on such other terms and conditions as Lessor in the sole discretion of Lessor may deem advisable with the right to make alterations and repairs to the demised premises.

## SECTION NINETEEN

### SURRENDER OF LEASE

The voluntary or other surrender of this Lease Agreement by Lessee, or a mutual cancellation of this Lease Agreement, shall not work a merger, and shall, at the option of Lessor, terminate all or any existing subleases or sub tenancies, or may, at the option of Lessor, operate as an assignment to it of any or all such subleases or sub tenancies.

SECTION TWENTY  
EFFECT OF LESSEE'S HOLDING OVER

Any holding over after the expiration of the term of this Lease Agreement, with the consent of Lessor, shall be construed to be a tenancy from month-to-month, at the same monthly rental as required to be paid by Lessee for the period immediately prior to the expiration of the term of this Lease Agreement, and shall otherwise be on the terms and conditions specified in this Lease Agreement, so far as applicable.

SECTION TWENTY-ONE  
PARTIES BOUND

The covenants and conditions contained in this Lease Agreement shall, subject to the provisions as to assignment, transfer and subletting, apply to and bind the heirs, successors, executors, administrators and assigns of all of the parties to the Lease Agreement. All of the parties shall be jointly and severally liable under this Lease Agreement.

SECTION TWENTY-TWO  
TIME OF THE ESSENCE

Time is of the essence of this Lease Agreement, and of each and every covenant, term, condition and provision of this Lease Agreement.

SECTION TWENTY-THREE  
SECTION CAPTIONS

The captions appearing under the section number designations of this Lease Agreement are for convenience only and are not a part of this Lease Agreement and do not in any way limit or amplify the terms and provisions of this Lease Agreement.

SECTION TWENTY-FOUR

GOVERNING LAW

It is agreed that this Lease Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Delaware.

SECTION TWENTY-FIVE

ENTIRE AGREEMENT

This Lease Agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Lease Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

SECTION TWENTY-SIX

MODIFICATION OF AGREEMENT

Any modification of this Lease Agreement or additional obligation assumed by either party in connection with this Lease Agreement shall be binding only if evidence in a writing signed by each party or an authorized representative of each party.

IN WITNESS WHEREOF, the Lessor and Less hereunto set their hands and seals

This 4 day of April 2009.

LESSOR: CITY OF MILFORD

By: Daniel Marabello

Daniel Marabello, Mayor

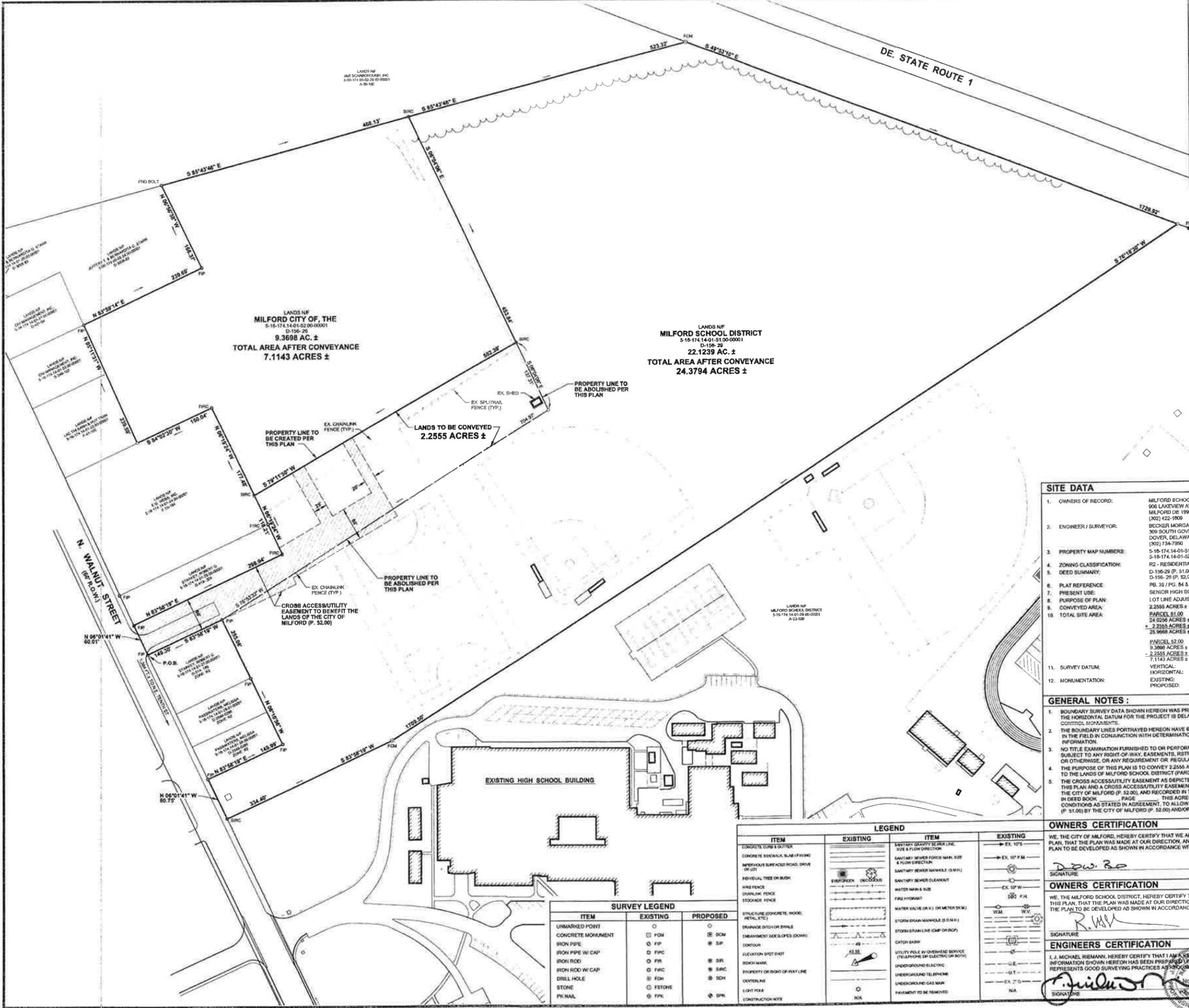
Attest: Teresa Hudson

Teresa Hudson- City Clerk

LESSEE: FIRST STATE BMX, INCORPORATED

By: Marcy Morris

Attest: Adrian Oke



**BECKER MORGAN GROUP**  
 ARCHITECTURE  
 ENGINEERING  
 Dover  
 309 S. Governors Ave.  
 Dover, DE 19904  
 Ph. 302.734.7950  
 Fax 302.734.7965  
 Salisbury  
 312 West Main St. Suite 300  
 Salisbury, MD 21801  
 Ph. 410.546.9100  
 Fax 410.546.5824  
 Wilmington  
 307 A Street  
 Wilmington, DE 19801  
 Ph. 302.888.2600  
 Fax 302.888.2427  
 www.beckermorgan.com

RECEIVED FOR RECORD  
 DE 15 10 49 AM  
 TIME 10:49 AM  
 RECORDER  
 PLOT BOOK 103 PAGE 33  
 SIZE 11x14

CITY OF MILFORD  
 PLANNING DEPT.

PLATBOOK 103 PG. 33

**SITE DATA**

1. OWNERS OF RECORD: MILFORD SCHOOL DISTRICT (P. 51.00) THE CITY OF MILFORD (P. 52.00)  
 906 LAKEVIEW AVE P.O. BOX 150  
 MILFORD DE 19963  
 (302) 422-1009

2. ENGINEER / SURVEYOR: BECKER MORGAN GROUP INC.  
 309 SOUTH GOVERNORS AVE  
 DOVER, DELAWARE 19904  
 (302) 734-7950

3. PROPERTY MAP NUMBERS: 5-16-174-14-01-51.00 (MILFORD SCHOOL DIST)  
 5-16-174-14-01-52.00 (CITY OF MILFORD)

4. ZONING CLASSIFICATION: R2 - RESIDENTIAL DISTRICT / CITY OF MILFORD

5. DEED SUMMARY: D-156-29 (P. 51.00)  
 D-156-29 (P. 52.00)

6. PLAT REFERENCE: PB. 35 / PG. 84 & PG. 54 / PG. 19

7. PRESENT USE: SENIOR HIGH SCHOOL & BMX RACING FACILITY

8. PURPOSE OF PLAN: LOT LINE ADJUSTMENT & CONVEYANCE

9. CONVEYED AREA: 2,255 ACRES ±

10. TOTAL SITE AREA: PARCEL 51.00 24,026 ACRES ±  
 ± 2,255 ACRES ± LAND CONVEYED FROM P. 52.00  
 ± 23,771 ACRES ± TOTAL AREA AFTER CONVEYANCE  
 PARCEL 52.00 9,308 ACRES ±  
 ± 2,255 ACRES ± LAND CONVEYED TO P. 51.00  
 ± 7,114 ACRES ± TOTAL AREA AFTER CONVEYANCE

11. SURVEY DATUM: VERTICAL: NAVD 88  
 HORIZONTAL: NAD 83 (DE STATE PLANE)

12. MONUMENTATION: EXISTING: 11 FOUND  
 PROPOSED: 4 TO BE SET

**GENERAL NOTES:**

1. BOUNDARY SURVEY DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE., IN MARCH 2008. THE HORIZONTAL DATUM FOR THE PROJECT IS DELAWARE STATE PLANE (NAD 83), GPS DERIVED FROM NGS HORIZONTAL CONTROL MONUMENTS.

2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.

3. NO TITLE EXAMINATION FURNISHED TO OR PERFORMED BY THE PREPARERS HEREOF. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.

4. THE PURPOSE OF THIS PLAN IS TO CONVEY 2,255 ACRES ± OF LAND FROM LANDS OF THE CITY OF MILFORD (PARCEL 52.00) TO THE LANDS OF MILFORD SCHOOL DISTRICT (PARCEL 51.00).

5. THE CROSS ACCESSIBILITY EASEMENT AS DEPICTED ON THIS PLAN IS TO BE ESTABLISHED FOR THE RECORDATION OF THIS PLAN AND A CROSS ACCESSIBILITY EASEMENT AGREEMENT BETWEEN THE MILFORD SCHOOL DISTRICT (P. 51.00) AND THE CITY OF MILFORD (P. 52.00), AND RECORDED IN THE RECORDER OF DEEDS FOR KENT COUNTY, DE ON [DATE]. THIS AGREEMENT WILL ALSO ESTABLISH A BLANKET PARKING EASEMENT, PER CONDITIONS AS STATED IN AGREEMENT, TO ALLOW OVERFLOW PARKING ON THE MILFORD SCHOOL DISTRICT PROPERTY (P. 51.00) BY THE CITY OF MILFORD (P. 52.00) AND/OR ITS LESSEE OF THIS PARCEL.

PROJECT TITLE  
**BETWEEN THE LANDS OF MILFORD SCHOOL DIST. & THE CITY OF MILFORD**  
 NORTH WALNUT STREET  
 CITY OF MILFORD  
 KENT COUNTY, DELAWARE

SHEET TITLE  
**LOT LINE ADJUSTMENT & EASEMENT PLAN**

SCALE: 1" = 80'

**OWNERS CERTIFICATION**

WE, THE CITY OF MILFORD, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

Signature: D.W. Ro  
 Date: 8/28/08

**OWNERS CERTIFICATION**

WE, THE MILFORD SCHOOL DISTRICT, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

Signature: R. W. W.  
 Date: 8-27-08

**ENGINEERS CERTIFICATION**

I, J. MICHAEL RIEMANN, HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, AND THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY CLOSE SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

Signature: J. Michael Riemann  
 Date: 8-27-2008

ITEM	EXISTING	PROPOSED
UNMARKED POINT	○	○
CONCRETE MONUMENT	□ P.M.	□ S.M.
IRON PIPE	○ F.P.	○ S.P.
IRON PIPE W/ CAP	○ F.P.C.	○ S.P.C.
IRON ROD	○ F.R.	○ S.R.
IRON ROD W/ CAP	○ F.R.C.	○ S.R.C.
DRILL HOLE	○ F.D.H.	○ S.D.H.
STONE	○ F.STONE	○ S.STONE
PK NAIL	○ F.P.K.	○ S.P.K.

ITEM	EXISTING	PROPOSED
CONCRETE CURB & GUTTER	—	—
CONCRETE SIDEWALK, SLAB, PAVING	—	—
IMPERVIOUS SURFACED ROAD, DRIVE OR LOT	—	—
INDIVIDUAL TREE OR BUSH	—	—
WIRE FENCE	—	—
CHAINLINK FENCE	—	—
STOCKADE FENCE	—	—
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	—	—
BRANDED DITCH OR BRIMLE	—	—
EMBANKMENT SLOPES (EARTH)	—	—
CONTOUR	—	—
LEVELING SPOT (ELEV.)	—	—
ROCK MARK	—	—
PROPERTY OR RIGHT OF WAY LINE	—	—
CONTROLLING	—	—
LIGHT POLE	—	—
CONSTRUCTION NOTE	—	—

MARK	DATE	DESCRIPTION
PROJECT NO.:	2007147.01	
DATE:	08/27/08	
SCALE:	1" = 80'	
DRAWN BY:	D.S.G. / PROJ. MGR.: J.M.R.	
SHEET	1 OF 1	

**Greater Kent Committee**  
**101 W. Loockerman St**  
**Suite 1B**  
**Dover, Delaware 19904**

**Dues Invoice**

Richard Carmean  
 Town of Milford  
 201 S. Walnut Street  
 Milford, DE 19963

Date	Invoice #
10/30/2013	1448

		Terms	Due Upon Receipt
Description		Amount	
Annual Program Support x 1/2 (July through December)			750.00

**We now accept credit cards! Please include your account number with card type and expiration date along with the invoice if you select this method of payment. Thank you.**

**If you would like to also make a donation to the Greater Dover Committee please include with your payment and a receipt will be mailed to you for tax purposes**

<b>Total</b>	<b>\$750.00</b>
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<b>Payments/Credits</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$750.00</b>

Award of Funding – Carpenter Pit Road Improvements



# Commercial Recycling Analysis and Recommendations

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## The Feasibility of Commercial Recycling

**Mark D Roberts**

**9/18/2013**

This analysis reviews the current costs of Commercial Trash Service and estimates the costs and impediments to initiating a Commercial Recycling Service. Revenues, expenses, start-up costs and rates are reviewed.



# Commercial Recycling Analysis and Recommendations

## Overview

The City provides a Trash Collection service to both Residents and Commercial entities within the City. Additionally, Yard Waste Collection and Recycle Service are provided to Residential Customers at no additional charge. According to DENREC,

*“All commercial businesses in Delaware will be required to participate in a comprehensive recycling program no later than January 1, 2014. This includes for-profit and not-for profit retail or wholesale stores, offices, food service establishments, warehouses, and other manufacturing, industrial or processing activities, and institutions such as social, charitable, educational, healthcare, professional and government services.”*

Currently, the City provides Trash service to approximately 200 non-residential customers. While these accounts represent only 15% of the revenue for the Trash Department, the costs for providing the service is approximately 35% of the annualized costs.

## Revenue Review

The revenues for providing this service to our non-residential customers for the Fiscal Year ending June 30, 2013 totaled \$161,868.18. Table 1 shows total revenues for the Trash Service distributed by class and container rate.

Table 1: Trash Revenues FY'13

Revenue Class/Rate	Service	TR*
	<b>CO</b>	<b>\$161,868.18</b>
City Owns – Light	05	\$58,802.66
Customer Owned – Heavy	06	\$2,304.00
City Owns – Medium	07	\$36,984.00
City Owns – Heavy	08	\$7,128.00
Multi-Unit 1	APT1	\$282.00
Commercial 95 Gal Cart	CART	\$56,432.00
Adjustments/Credits	TR**	-\$64.48
	<b>RE</b>	<b>\$915,845.44</b>
Adjustments/Credits	TR**	-\$119.06
Residential Extra P/Up	TREX	\$1,344.20
Residential P/Up	TRSH	\$914,620.30
<b>Grand Total</b>		<b>\$1,077,713.62</b>

\* revenues are gross revenue billed and may not reflect actual fees collected.

\*\*Service Adjustments/Credits



# Commercial Recycling Analysis and Recommendations

## Expense Review

A field analysis was performed to track the actual costs and time spent providing the commercial services. The expenses were estimated as follows:

**Table 2: Commercial Trash Expenses (Apportioned)**

	Weekly	Annual
Tonnage at Landfill (Field Audit)	\$1,586.19	\$82,481.88
Man hours (3 @ 30hrs** @ Average \$13/hr + 35%*** for Employee Benefits)	\$1,579.50	\$82,134.00
Vehicle Maintenance/Gas/Oil/etc (1/4 of total annual budget vehicle budget {one truck used})	\$495.20	\$25,750.00
<b>Grand Total</b>	<b>\$3,660.89</b>	<b>\$190,365.88</b>

\*\* Originally calculated as 3 men @ 40 hours but reduced due to route considerations where commercial and residential debris will normally be in the same truck.

\*\*\*Average Employee Benefits costs above salary, Bureau of Labor and Statistics

Annual budget expense allocations provide a reference for understanding the costs of the commercial trash service relative to the overall expenses incurred for the department. Transfers have been excluded from the analysis.

**Table 3: Annual Budget Expenses**

Account	Description	Amount
204-4040-432.10-10	SALARY / REGULAR SALARY	\$ 219,260.00
204-4040-432.10-11	SALARY / VACATION "SELL BACK"	\$ 710
204-4040-432.10-20	SALARY / TEMPORARY SALARY	\$ 20,000.00
204-4040-432.10-30	SALARY / OVERTIME	\$ 11,000.00
204-4040-432.20-10	EMPLOYEE BENEFITS / MEDICAL INSURANCE	\$ 50,990.00
204-4040-432.20-20	EMPLOYEE BENEFITS / SOCIAL SECURITY	\$ 18,130.00
204-4040-432.20-30	EMPLOYEE BENEFITS / PENSION	\$ 26,755.00
204-4040-432.20-50	EMPLOYEE BENEFITS / UNEMPLOYMENT	\$ 2,015.00
204-4040-432.20-60	EMPLOYEE BENEFITS / WORKERS COMPENSATION	\$ 10,975.00
204-4040-432.20-70	EMPLOYEE BENEFITS / LIFE INSURANCE	\$ 2,575.00
204-4040-432.30-10	O&M / CONTRACT SERVICES	\$ 10,000.00
204-4040-432.30-10	O&M / CONTRACT SERVICES	\$ 10,000.00
204-4040-432.30-30	O&M / AUDITING	\$ 6,000.00
204-4040-432.40-29	O&M / VEHICLE GARAGE LABOR	\$ 20,000.00
204-4040-432.40-30	O&M / VEHICLE MAINTENANCE	\$ 45,000.00
204-4040-432.42-10	O&M / LANDFILL FEES	\$ 332,715.00
204-4040-432.50-20	O&M / INSURANCE	\$ 13,400.00
204-4040-432.50-40	O&M / ADVERTISING & PRINTING	\$ 3,000.00
204-4040-432.50-90	O&M / TRAINING	\$ 1,000.00
204-4040-432.60-10	O&M / SUPPLIES	\$ 5,000.00
204-4040-432.60-11	O&M / GENERAL EXPENSE	\$ 1,000.00
204-4040-432.60-17	O&M / VEHICLE GAS & OIL	\$ 38,000.00
204-4040-432.60-18	O&M / UNIFORMS	\$ 4,000.00
204-4040-432.60-21	O&M / NATURAL GAS	\$ 5,200.00
	<b>Total:</b>	<b>\$ 856,725.00</b>



# Commercial Recycling Analysis and Recommendations

Table 4: Recycle as a percentage of Total Expenses

	Weekly	Annual
Commercial Trash Expenses	\$3,660.89	\$190,365.88
Trash Department Total Budget Expenses	\$ 16,475.48	\$ 856,725.00
Commercial Expenses as a Percentage of Total	22.2%	22.2%

	Weekly	Annual
Commercial Revenues	\$ 3,112.85	\$ 161,868.18
Trash Department Total Budget Expenses	\$ 207,257.95	\$ 1,077,713.62
Commercial Expenses as a Percentage of Total	15%	15%

Although this is a rough analysis of costs versus expenses for the Commercial Trash service provided, it fairly reflects the fact that the Commercial Trash service runs at a deficit and is carried by the Residential fees collected. Additionally, the addition of a Recycling Service without corresponding fees to cover the cost will exacerbate this situation.

Table 5: Net Income/Expense for Commercial Trash

	Weekly	Annual
Commercial Revenues	\$3,112.85	\$161,868.18
Commercial Expenses	\$3,660.89	\$190,365.88
<b>Commercial Net Income/Expense Total</b>	<b>&lt;\$548.04&gt;</b>	<b>&lt;\$28,497.70&gt;</b>

## Startup Costs

In order to provide Recycling service to commercial customers, it is likely we would duplicate the container distribution we currently have in the field for Trash service. The cost of providing these containers is presented below. NOTE: the current year’s budget does not include sufficient funds to pay for these containers.

Table 6: Cost of Recycling Containers

	Number of Containers	Total Cost
Cart (95G @ \$55/ea)	121	\$6,655.00
Bins (3yd @ \$800/ea)	84	\$67,200.00
<b>Total</b>	<b>205</b>	<b>\$73,855.00</b>



# Commercial Recycling Analysis and Recommendations

## Analysis

The current agreement with the Delaware Solid Waste Authority (DSWA) for “dumping” the recycle debris allows the City to dump the debris without charge. The tonnage from recycle is likely to be a fair portion of what is currently being dumped as Refuse debris so that the annual charges we pay for Landfill fees is likely to go down considerably. However, there is no guarantee that the current “no cost” recycle debris dumping will continue in perpetuity so an allowance will have to be made once DSWA starts charging the City for the recycle debris. As a seat of the pants calculation, I suggest that 25% of the current debris included in the dumping of Commercial Trash can be attributed to recyclable materials. This, we may see a reduction, in the short term, of overall dumping fees until DSWA changes their policy towards the City and recycling fees.

On Wednesdays each week, one truck is dedicated to Commercial trash collection. If the same number of bins/containers is set in the field, another day will need to be dedicated to Commercial Recycling collection. On all other days of the week, commercial trash collections are incorporated into the Residential routes. It can be assumed that the rest of the Commercial pickups will follow a similar schedule.

Residential Recycling is performed for only half of the City each week. After discussions with staff, it is likely that we will be offering the commercial recycling as a *weekly* service much like commercial trash. Keeping to the current schedule, and assuming Commercial Recycling will start out as a weekly service like the commercial trash service, we will require, at minimum, an additional 90 man/hrs/week to cover the additional work. This equates to an additional FTE to provide the service. In other words, you will need at least two more employees using the current collection methodology.

Table 7: Man/hours Calculation

	Man/Hours	Annual Cost
Commercial Trash	90	\$82,134.00
Commercial Recycling (proposed)	90	\$82,134.00
<b>Total</b>	<b>180</b>	<b>\$164,268.00</b>

The calculations for Commercial Recycling assume:

- Weekly Recycling service
- 3 men/truck to manage cabled bins
- Same bin/cart distribution as the Trash Service
- Roughly 25% of current commercial tonnage can be attributed to Recyclable materials so 25% of the current commercial Land-Fill fees will be transferred to Recycling (zero cost until further notice), reducing our overall Land-Fill fees by 25% (approximately \$ 20,640.27)
- Recycling will be charged at the same rate as commercial trash



# Commercial Recycling Analysis and Recommendations

Table 8: Recycling Costs/Revenues

	Weekly	Annual
Tonnage at Landfill (Field Audit)*	\$ 396.55	\$ 20,620.47
Man hours (3 @ 30hrs** @ Average \$13/hr + 35%*** for Employee Benefits)	\$1,579.50	\$82,134.00
Vehicle Maintenance/Gas/Oil/etc (1/4 of total annual budget vehicle budget {one truck used})	\$495.20	\$25,750.00
<b>Grand Total</b>	<b>\$2,471.24</b>	<b>\$128,504.47</b>

\*Assumes DSWA will eventually charge roughly the same amount for Recycling as Trash

\*\* Estimated based on how many recycling pickups will be required

\*\*\*Average Employee Benefits costs above salary, Bureau of Labor and Statistics

Possible Revenue Source for Recycling	Annual Rev**
City Owns – Light	\$58,802.66
Customer Owned – Heavy	\$2,304.00
City Owns – Medium	\$36,984.00
City Owns – Heavy	\$7,128.00
Multi-Unit 1	\$282.00
Commercial 95 Gal Cart	\$56,432.00
Adjustments/Credits	-\$64.48
<b>Total Annual Revenue</b>	<b>\$161,868.18</b>
<b>Net Revenue for Recycling</b>	<b>\$ 33,363.71</b>
<b>Net At Current DSWA Recycle rate</b>	<b>\$ 53,984.18</b>

\*\* Estimated as 100% of Commercial Trash Revenues

In the final cost/revenue analysis, combining trash and recycling, if recycling is charged at the same rate as garbage for commercial customers, there will be a net gain in revenue that will correct the current loss in commercial trash activities.

Table 9: Combined Net Revenues

	Annual Net Cost
Commercial Trash	<\$28,497.70>
Commercial Recycling (proposed)	\$ 33,363.71
<b>Total</b>	<b>\$ 4,866.01</b>
<b>Total At Current DSWA Recycle Rate</b>	<b>\$ 25,486.48</b>

## Final Considerations

This analysis has concluded that you will need to hire TWO additional employees just to cover the time required to provide the service. In fact, you also need another truck in service. To mitigate the costs overruns and requirements of hiring two additional employees, the purchase of a new truck, with the side arm cart mechanism (“one-armed bandit”), would allow more work to be done by



# Commercial Recycling Analysis and Recommendations

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fewer people. Your current trucks all require three individuals for cart management, cable management and driving. With the one armed bandit, you could effectively have a single driver picking up residential and commercial carts. This would amount to fewer man-hours to provide cart service as well as free up staff to cover the commercial recycle bins.

I *do not* believe the City can provide the Recycling service without the following:

- Additional FTE
- Additional Equipment
- Charging for Recycle at the same rate as Trash

## Further Recommendations

Timmy Webb checked with a couple near-by utilities to determine what their rates are for commercial solid waste. It appears that others are charging \$125/wk for once a week pick-up of a 3-yard container, and \$165/wk for twice weekly pick-up of a 3-yard container. This places our current rates at about half of the surrounding communities at first glance.

I highly recommend a review of the City's solid waste rates and would suggest a change to the structure of those rates to break down the rate into two parts:

- 1.) a rental fee for the container delivered (this could be excluded for those who own their own bin) and,
- 2.) a "per pickup" rate that would be multiplied by the number of pickups per week and be different for based on bin size (yardage).

The rental fee would act in much the same way as a meter base charge; its purpose would be to cover the infrastructure cost of maintaining the solid waste service.

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Mark D Roberts  
Consultant  
Shibumi Consulting Services, LLC

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Tim Webb  
Superintendent  
City of Milford Streets Department

PUBLIC NOTICE  
Notice of City of Milford Ordinance Review

NOTICE IS HEREBY GIVEN the following ordinance is under review by Milford City Council:

Ordinance 2013-10/Sewer Code

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8, Ordinance 2010-17, 2011-16 and 2012-19 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, it is the City of Milford's desire to extend the waiver of sewer impact fees for an indefinite period of time.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by indefinitely extending the deadline with the following conditions:

D. The sewer impact fee described in Subsection C shall be waived for all permits issued for repairs or rehabilitation of existing structures ~~between September 20, 2012 and June 30, 2013~~ ***beginning DECEMBER 5, 2013.*** The waiver shall be for a maximum of 5 EDUs per project. The city will continue to collect the impact fee charged by Kent County. Waiver does not apply to new construction.

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(2) shall remain in effect.

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

(a) Waiver of Sewer Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:      Exemption of Impact Fee Waiver (1 EDU)

Creation of 10-14 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (2 EDU's)  
Creation of 15-19 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (3 EDU's)  
Creation of 20-24 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (4 EDU's)  
Creation of 25+ new jobs to last at least 3 years: Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

### Section 3. Dates

Introduction: November 12, 2013

Adoption (Projected): November 25, 2013

Effective (Projected): December 5, 2013

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office at Milford City Hall, 201 S. Walnut Street, Milford, DE 19963 or by accessing its website at [cityofmilford.com](http://cityofmilford.com).

PUBLIC NOTICE  
Notice of City of Milford Ordinance Review

NOTICE IS HEREBY GIVEN the following ordinance is under review by Milford City Council:

Ordinance 2013-11/Water Code

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9, Ordinance 2010-18, Ordinance 2011-17 and Ordinance 2012-20 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is the City of Milford's desire to extend the waiver of water impact fees for an indefinite period of time.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by indefinitely extending the deadline with the following conditions:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued for repairs or rehabilitation of existing structures ~~between September 20, 2012 and June 30, 2013~~ **beginning *DECEMBER 5, 2013*** . The waiver shall be for a maximum of 5 EDUs per project. Waiver does not apply to new construction.

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect.

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

(a) Waiver of Water Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 EDU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 EDU's)

Creation of 20-24 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (4 EDU's)  
Creation of 25+ new jobs to last at least 3 years: Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

### Section 3. Dates

Introduction: November 12, 2013

Adoption (Projected): November 25, 2013

Effective (Projected): December 5, 2013

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office at Milford City Hall, 201 S. Walnut Street, Milford, DE 19963 or by accessing its website at [cityofmilford.com](http://cityofmilford.com).

By: Terri K. Hudson, MMC  
City Clerk

PUBLIC NOTICE  
Notice of City of Milford Ordinance Review

NOTICE IS HEREBY GIVEN the following ordinance is under review by Milford City Council:

Ordinance 2013-12/Electric Tariff/Appendix B

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10, Ordinance 2010-19, Ordinance 2011-18 and Ordinance 2012-21 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is the City of Milford's desire to extend the waiver of electric impact fees for an indefinite period.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Appendix B-Electric Tariff-Rules and Regulations shall be amended by indefinitely extending the deadline for the waiver of Electric Impact Fees.

Section 2. Rules and Regulations, Section 3-Customer Advance Usage/Impact Fees and Deposits, Subsection E(1) is hereby amended as follows:

E. The electric impact fee established under this Appendix shall be waived for all permits issued for repairs or rehabilitation of existing structures ~~between September 20, 2012 and June 30, 2013~~ **beginning DECEMBER 5, 2013**. Waiver does not apply to new construction.

(1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

(a) Waiver of Electric Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 ESU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 ESU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 ESU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 ESU's)

Creation of 25+ new jobs to last at least 3 years: Exemption of Impact Fee Waiver (5 ESU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

(2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

### Section 3. Dates

Introduction: November 12, 2013

Adoption (Projected): November 25, 2013

Effective (Projected): December 5, 2013

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office at Milford City Hall, 201 S. Walnut Street, Milford, DE 19963 or by accessing its website at [cityofmilford.com](http://cityofmilford.com).

By: Terri K. Hudson, MMC  
City Clerk

CARLISLE FIRE COMPANY CONTRIBUTION

Increase Carlisle Fire Company Contribution by \$4,350 for FY 2013-2014 (Seat Covers)

(Legislative Community Transportation Funding Swap-Out)

To be paid from property tax increase (over what was billed for FY 2013-2014)

CAN DO PLAYGROUND FUNDING

Can Do Playground Contribution of \$10,000 for FY 2013-2014

(Legislative Community Transportation Funding Swap-Out)

To be paid from property tax increase (over what was billed for FY 2013-2014)



To be paid  
from City manager  
from Secretary  
acct.

**Installation/Repair Invoice**  
National HVAC Service

**Client Name:**  
CITY OF MILFORD  
10 SE 2ND STREET  
MILFORD, DE 19963

**Mail Remittance to:**  
National HVAC Service  
P.O. Box 1500  
Seaford, DE 19973

**Service Location**  
CITY OF MILFORD-S WALNUT  
201 S WALNUT STREET  
MILFORD, DE

**Invoice Date** 11/01/2013

**Invoice Number** SF7280P

**Your PO Number**

**Customer No.** 206183

**Payment Terms** Due Upon Receipt

**Project Number:** P10520  
**Invoice Month:** November  
**Project Description:** REPLACE BOILER & BURNER

**Total Project Amount:** \$14,775.00  
**Project Billed to Date:** \$0.00

**Billing Type** Final

**Period Billing Amount** \$14,775.00

**Amount Due** \$14,775.00

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Have you had your heating system checked?  
Call us today to schedule an appointment.  
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800-281-3608

**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: September 2013

Cash Balance - General Fund Bank Balance	\$3,368,633
Cash Balance - Electric Fund Bank Balance	\$4,424,766
Cash Balance - Water Fund Bank Balance	\$2,061,757
Cash Balance - Sewer Fund Bank Balance	\$700,638
Cash Balance - Trash Fund Bank Balance	\$395,218

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Solid Waste <u>Reserves</u>
Beginning Cash Balance	432,911	1,034,750	1,732,725	0
Deposits	30,768		20,057	
Interest Earned this Month	33	64	118	
Disbursements this Month	(1,691)		(41,667)	
Investments				250,000
Ending Cash Balance	\$462,021	\$1,034,814	\$1,711,233	\$250,000

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	2,235,755	4,819,446	3,460,328	10,575,066
Deposits	61,840	267,952		
Interest Earned this Month	158	349	237	734
Disbursements this Month	(423)			(11,811)
Investments	250,000			
Ending Cash Balance	\$2,547,330	\$5,087,747	\$3,460,565	\$10,563,989

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	1,078,855	\$749,618	\$292,292
Deposits	26,456	\$12,747	\$4,800
Interest Earned this Month	63	\$46	\$18
Disbursements this Month			
Investments			
Ending Cash Balance	\$1,105,374	\$762,411	\$297,110

INTEREST THROUGH THE THIRD MONTH OF THE FISCAL YEAR:

General Fund	2,127	Water Fund	535
GF Capital Reserves	521	Water Capital Reserves	1,067
General Improvement Fund	99	Water Impact Fees	207
Municipal Street Aid	229	Sewer Fund	149
Real Estate Transfer Tax	63	Sewer Capital Reserves	779
Electric Fund	954	Sewer Impact Fees	150
Electric Reserves	2,407	Trash Fund	1,712
Electric Impact Fees	58		

TOTAL INTEREST EARNED TO DATE \$11,057

**REVENUE REPORT**

Page Two

Date: September 2013	AMOUNT BUDGETED	MTD	YTD	25% of Year Expended YTD%
ACCOUNT				
Budgeted Fund Balance	161,840	61,840	61,840	38.21%
General Fund Capital Reserves	40,000	0	40,000	100.00%
Property Transfer Tax-Police	500,000	41,667	125,000	25.00%
Real Estate Tax	3,581,965	(97,953)	3,627,459	101.27%
Business License	35,000	925	2,950	8.43%
Rental License	85,000	300	1,200	1.41%
Building Permits	80,000	9,310	18,316	22.90%
Planning & Zoning	10,000	0	4,750	47.50%
Grasscutting Revenue	5,000	416	1,248	24.96%
Police Revenues	315,000	12,038	36,637	11.63%
Misc. Revenues	282,260	7,227	26,087	9.24%
Transfers From	3,215,480	267,956	803,870	25.00%
<b>Total General Fund Revenues</b>	<b>\$8,311,545</b>	<b>\$303,726</b>	<b>\$4,749,357</b>	<b>57.14%</b>
Water Revenues	2,715,000	243,037	725,852	26.73%
Sewer Revenues	2,385,670	208,998	637,515	26.72%
Kent County Sewer	1,464,600	147,029	456,065	31.14%
Solid Waste Revenues	1,303,000	92,668	279,843	21.48%
Electric Revenues	25,520,985	2,283,524	7,223,082	28.30%
<b>TOTAL REVENUES</b>	<b>\$41,700,800</b>	<b>\$3,278,982</b>	<b>\$14,071,714</b>	<b>33.74%</b>
YTD Enterprise Expense		22,459		
YTD Enterprise Revenue		17,452		
LTD Carlisle Fire Company Building Permit Fund		90,374		

EXPENDITURE REPORT

Page Three

Date: September 2013

25% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>City Manager</b>					
Personnel	355,220	\$27,524	90,185	25.39%	265,035
O&M	154,065	\$8,677	23,940	15.54%	130,125
Capital	0	\$0	0		0
<b>Total City Manager</b>	<b>\$509,285</b>	<b>\$36,201</b>	<b>\$114,125</b>	<b>22.41%</b>	<b>395,160</b>
<b>Planning &amp; Zoning</b>					
Personnel	125,100	\$9,617	29,021	23.20%	96,079
O&M	31,840	\$3,347	6,756	21.22%	25,084
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$156,940</b>	<b>\$12,964</b>	<b>\$35,777</b>	<b>22.80%</b>	<b>121,163</b>
<b>Code Enforcement &amp; Inspections</b>					
Personnel	143,785	\$7,609	31,789	22.11%	111,996
O&M	45,630	\$3,850	12,577	27.56%	33,053
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$189,415</b>	<b>\$11,459</b>	<b>\$44,366</b>	<b>23.42%</b>	<b>145,049</b>
<b>Council</b>					
Personnel	31,225	\$1,849	5,990	19.18%	25,235
O&M	46,150	\$3,318	8,395	18.19%	37,755
Council Expense	17,000	\$2,041	7,792	45.84%	9,208
Contributions	322,000	\$0	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	\$6,805	13,610	50.00%	13,610
Capital-Transfer to Reserves	61,840	\$61,840	61,840	100.00%	0
<b>Total Council</b>	<b>\$518,435</b>	<b>\$75,853</b>	<b>\$179,627</b>	<b>34.65%</b>	<b>338,808</b>
<b>Finance</b>					
Personnel	341,725	\$25,878	77,589	22.71%	264,136
O&M	52,465	\$3,233	9,854	18.78%	42,611
Capital	0	\$0	0		0
<b>Total Finance</b>	<b>\$394,190</b>	<b>\$29,111</b>	<b>\$87,443</b>	<b>22.18%</b>	<b>306,747</b>
<b>Information Technology</b>					
Personnel	176,860	\$8,446	25,329	14.32%	151,531
O&M	176,790	\$1,643	39,395	22.28%	137,395
Capital	50,000	\$21,107	21,107	42.21%	28,893
<b>Total Information Technology</b>	<b>\$403,650</b>	<b>\$31,196</b>	<b>\$85,831</b>	<b>21.26%</b>	<b>317,819</b>

EXPENDITURE REPORT

Page Four

Date: September 2013

25% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Police Department</b>					
Personnel	3,791,065	\$263,088	830,977	21.92%	2,960,088
O&M	499,040	\$54,161	138,629	27.78%	360,411
Capital	107,810	\$40,869	52,869	49.04%	54,941
<b>Total Police</b>	<b>\$4,397,915</b>	<b>\$358,118</b>	<b>\$1,022,475</b>	<b>23.25%</b>	<b>3,375,440</b>
<b>Streets &amp; Grounds Division</b>					
Personnel	438,755	\$28,012	85,653	19.52%	353,102
O&M	379,635	\$34,501	84,568	22.28%	295,067
Capital	55,000	\$0	0		55,000
Debt Service	45,560	\$0	0	0.00%	45,560
<b>Total Streets &amp; Grounds</b>	<b>\$918,950</b>	<b>\$62,513</b>	<b>\$170,221</b>	<b>18.52%</b>	<b>748,729</b>
<b>Parks &amp; Recreation</b>					
Personnel	519,805	\$42,541	135,406	26.05%	384,399
O&M	245,151	\$63,772	122,738	50.07%	122,413
Capital	57,809	\$0	23,313	40.33%	34,496
<b>Total Parks &amp; Recreation</b>	<b>\$822,765</b>	<b>\$106,313</b>	<b>\$281,457</b>	<b>34.21%</b>	<b>541,308</b>
<b>Total General Fund</b>					
<b>Operating Budget</b>	<b>\$8,311,545</b>	<b>\$723,728</b>	<b>\$2,021,322</b>	<b>24.32%</b>	<b>6,290,223</b>

EXPENDITURE REPORT  
Page Five

Date: September 2013

25% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Water Division</b>					
Personnel	300,425	\$22,757	69,152	23.02%	231,273
O&M	1,070,445	\$112,351	258,406	24.14%	812,039
Capital	525,000	\$0	0	0.00%	525,000
Debt Service	819,130	\$46,500	46,500	5.68%	772,630
<b>Total Water</b>	<b>\$2,715,000</b>	<b>\$181,608</b>	<b>\$374,058</b>	<b>13.78%</b>	<b>2,340,942</b>
<b>Sewer Division</b>					
Personnel	300,425	\$22,755	69,147	23.02%	231,278
O&M	1,063,445	\$98,030	295,234	27.76%	768,211
Capital	347,000	\$15,102	27,844	0.00%	319,156
Debt Service	689,400	\$0	12,735	1.85%	676,665
<b>Sewer Sub Total</b>	<b>\$2,400,270</b>	<b>\$135,887</b>	<b>\$404,960</b>	<b>16.87%</b>	<b>1,995,310</b>
Kent County Sewer	1,450,000	\$147,038	456,073	31.45%	993,927
<b>Total Sewer</b>	<b>\$3,850,270</b>	<b>\$282,925</b>	<b>\$861,033</b>	<b>22.36%</b>	<b>2,989,237</b>
<b>Solid Waste Division</b>					
Personnel	362,410	\$27,727	85,560	23.61%	276,850
O&M	775,590	\$85,264	212,114	27.35%	563,476
Capital	165,000	\$0	0		165,000
<b>Total Solid Waste</b>	<b>\$1,303,000</b>	<b>\$112,991</b>	<b>\$297,674</b>	<b>22.85%</b>	<b>1,005,326</b>
<b>Total Water, Sewer Solid Waste</b>					
	<b>\$7,868,270</b>	<b>\$577,524</b>	<b>\$1,532,765</b>	<b>19.48%</b>	<b>6,335,505</b>
<b>Electric Division</b>					
Personnel	1,248,005	\$88,718	262,010	20.99%	985,995
O&M	1,625,800	\$133,842	393,227	24.19%	1,232,573
Transfer to General Fund	2,500,000	\$208,333	625,000	25.00%	1,875,000
Capital	1,005,950	\$740	4,161	0.41%	1,001,789
Debt Service	641,230	\$55,241	55,241	8.61%	585,989
<b>Electric Sub Total</b>	<b>\$7,020,985</b>	<b>\$486,874</b>	<b>\$1,339,639</b>	<b>19.08%</b>	<b>5,681,346</b>
Power Purchased	18,500,000	\$1,428,069	4,920,106	26.60%	13,579,894
<b>Total Electric</b>	<b>\$25,520,985</b>	<b>\$1,914,943</b>	<b>\$6,259,745</b>	<b>24.53%</b>	<b>19,261,240</b>
<b>TOTAL OPERATING BUDGET</b>					
	<b>\$41,700,800</b>	<b>\$3,216,195</b>	<b>\$9,813,832</b>	<b>23.53%</b>	<b>31,886,968</b>

**INTERSERVICE DEPARTMENTS REPORT**

**Page Six**

Date: September 2013

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	25% of Year Expended YTD%	UNEXPENDED BALANCE
<b>Garage</b>					
Personnel	79,700	5,994	18,095	22.70%	61,605
O&M	66,355	5,545	16,373	24.67%	49,982
Capital	0	0	0		0
<b>Total Garage Expense</b>	<b>\$146,055</b>	<b>11,539</b>	<b>\$34,468</b>	<b>23.60%</b>	<b>111,587</b>
<b>Public Works</b>					
Personnel	185,195	14,240	43,196	23.32%	141,999
O&M	201,515	7,932	26,779	13.29%	174,736
Capital	26,500	0	1,710	6.45%	24,790
<b>Total Public Works Expense</b>	<b>\$413,210</b>	<b>22,172</b>	<b>\$71,685</b>	<b>17.35%</b>	<b>341,525</b>
<b>Billing &amp; Collections</b>					
Personnel	488,145	35,090	104,696	21.45%	383,449
O&M	241,020	24,616	85,527	35.49%	155,493
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$729,165</b>	<b>59,706</b>	<b>\$190,223</b>	<b>26.09%</b>	<b>538,942</b>
<b>City Hall Cost Allocation</b>					
Personnel	0	0	0		0
O&M	59,700	4,572	12,906	21.62%	46,794
Capital	0	0	0		0
<b>Total City Hall Cost Allocation</b>	<b>\$59,700</b>	<b>4,572</b>	<b>\$12,906</b>	<b>21.62%</b>	<b>46,794</b>

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  
October 14, 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, October 14, 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 James Starling, Sr. & 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 7:01 p.m.

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

APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Morrow to approve the minutes of the September 9, September 23 and October 7, 2013 Council and Committee Meetings as submitted. Motion carried.

RECOGNITION

*Proclamation 2013-12/Extra Mile Day*

The following proclamation was presented making November 1<sup>st</sup> Extra Mile Day in the city:

*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.*

*s/Mayor Joseph R. Rogers*

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

City Planner Norris advised the city received a prestigious award from the American Planning Association (APA) who recognized a five-block stretch of Walnut Street from Northeast Fourth Street to Maple Street. This was one of ten streets who received the recognition in the country.

Mr. Norris then introduced David Edgell from the Office of State Planning Coordination.

Mr. Edgell advised that he was present today representing the American Planning Association as the immediate Past President of the Delaware Chapter.

He then read the following comments into the record:

*"I'm excited to be in Milford to help you celebrate North and South Walnut Street's recognition as one of this year's "Great Streets" by the American Planning Association.*

*During October APA celebrates National Community Planning Month, and the announcement earlier this month of the 2013 Great Places in America got things connected with Planning Month off to a great start.*

*The 30 Great Places for 2013 that have recognized across the country --10 Great Streets, 10 Great Neighborhoods, and 10 Great Public Spaces - stand out because of their strong sense of place; interesting and unique characteristics; leadership of local officials; and support and participation of residents.*

*Since APA's Great Places began in 2007, 200 designations in all fifty states and the District of Columbia have been made, including two designations in Delaware: your Walnut Street and The Green, a public space in Dover, which was designated a "Great Public Space" in 2009.*

*Other 2013 Great Places nearby include the Ben Franklin Parkway in Philadelphia; Essex County Branch Brook Park in Newark, New Jersey; and Grand Central Terminal in New York City.*

*Information about these and other Great Places in America can be found on APA's website at [www.planning.org/greatplaces](http://www.planning.org/greatplaces).*

*As I mentioned, Great Places are exceptional because of many things, including the leadership of elected officials, the contributions of businesses and community organizations, and the hard work of engaged citizens and planners.*

*Great Places in America also stand out because of interesting and historic architecture; sidewalks, street trees and bike lanes that encourage residents to walk or bicycle; nearby parks and schools; and local stores and businesses that make shopping and running errands convenient, easy and enjoyable.*

*Walnut Street stands out as a 2013 Great Street given its historic architecture; core of unique and locally owned businesses; a successful public-private revitalization effort; construction of the Mispillion River walkway; and a marketing and branding campaign. Like many Great Places, Walnut Street developed from Milford's incredibly rich history. It was the wealth created from 18th century ship building that enabled Milford to grow and expand development from along Front Street to a new main street - North and South Walnut.*

*Well-to-do families at the time spared little expense when building their homes along Walnut Street first in the in Federal style and then moving onto Greek Revival- and Victorian-influenced architecture.*

*Recognizing and capitalizing on Milford's rich history and unique character, was a downtown revitalization committee that was created in 1992 from discussion during a City Council Workshop about revitalizing downtown businesses.*

*Recognizing the value of its history and historic architecture, the town made \$2.2 million in public and private investments between 1995 and 2000 including sidewalk and street improvements, erosion control and the Mispillion River walkway.*

*In 2007, additional improvements were made along Walnut Street including removal of utility poles, burying power lines, adding benches and sidewalk planters, and adding historic lighting.*

*Complementing these physical improvements has been a rebranding and marketing campaign, based on the town motto, "Art Town, River Town, Home Town," and inclusion of Walnut Street in Delaware's Main Street program in 2008.*

*Today events like the Mispillion Arts League's 'Fine Art Show' and the Bug & Bud Festival that celebrates Arbor Day draw thousands of visitors to Milford each year.*

*Providing the foundation for efforts of Downtown Milford Inc., along Walnut Street, which were recognized with four outstanding achievement awards from the 2010 Maryland--Delaware Revitalization Conference, was a strong and successful commitment to planning and plan implementation.*

*The planning process involved creating a vision for what downtown Milford could become, identifying strategies to make that vision a reality and then following through with implementation of that downtown plan.*

*Today Milford is embarking on the next phase of its future and continued economic success. A new comprehensive plan is being drafted to help Milford navigate future without losing sight of its past or its unique historic character.*

*Given what has been accomplished along Walnut Street by your town's elected officials, community leaders, businesses and residents, APA is confident North and South Walnut Street will continue to be an outstanding example of good planning. Congratulations on your designation as one of America's Great Streets for 2013!"*

Mr. Edgell then added that from a personal standpoint, he has very closely worked with council and the planning commission for many years as the Circuit Rider Planner for Kent County. He was unaware of the award though it did not surprise him because of the accomplishments that have been made.

He then presented the plaque to Mayor Rogers.

Mr. Edgell then noted that when State Planning Director Connie Holland heard about the award, she was extremely excited and proud. She sent a letter which was presented to Mayor Rogers.

Mr. Norris announced that this was a joint effort between the City of Milford, DMI and the downtown merchants.

#### MONTHLY POLICE REPORT

After presenting the Police Report on behalf of Chief Hudson, Mr. Morrow moved to accept, seconded by Mr. Gleysteen. Motion carried.

#### CITY MANAGER REPORT

Mr. Carmean read into record the following report:

##### *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 five 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.*

*I feel that though we have made a lot of cuts, there is a tipping point where we do not have enough people in the seats that have to be filled.*

#### *Streets & Solid Waste*

*The Fall Cleanup went smoothly for our crews and customers. There were some customers who wanted materials picked up that we no longer handle. In most cases, the inability to comply with those requests is a result of what we are prohibited from taking 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.*

*The Public Works Department is now suggesting we continue to collect yard debris throughout the year. The ordinance passed last year states we will discontinue yard debris collection from November 1<sup>st</sup> through April 1<sup>st</sup>. Last year I found that storms or other situations during the winter have created a need for the yard debris service. It is my recommendation that we give this a trial run under an operational test for the winter. 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 1<sup>st</sup> through January 31<sup>st</sup>.*

#### *Electric*

*I attended the annual DEMEC Board training session and meeting on September 25<sup>th</sup> at the Dover Downs Conference Center. The Annual Dinner followed the meeting and Councilman Skip Pikus attended as my guest. The information was interesting in the most part because it reminded me of how DEMEC has grown in the last ten years. We now own two quick fire generators that can produce energy during peak periods that are fueled by dual fuels which are oil and natural gas. These save the 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 purchased part of the 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.*

*We have been a member of DEMEC since their inception under the leadership of City Manager George Russell.*

Mr. Brooks was pleased with the change in the yard debris restrictions and confirmed that notices will be provided to the media to ensure the public is properly advised. Mr. Carmean stated yes and in addition, that information will be provided in the utility bills.

Mr. Pikus confirmed that we are continuing to bill for large amounts of debris or yard waste. Mr. Carmean stated yes. He said Mr. Pikus is referring to a recent situation on Kings Highway that required two city employees and the use of our chipper for two to three hours a day on three different dates. He said the additional service was provided for the mere monthly fee of \$23.50.

The city manager said another problem created by the large or heavy pickups are the injuries to our employees. However, the city still provides bulk pickup and large items such as a freon-free refrigerator or couch will be collected though an additional fee is assessed.

Mr. Pikus emphasized that property taxes do not cover the cost of trash; that service is covered by the trash fee paid by our customers.

Mr. Grier feels the monthly fee needs to be reviewed during the next budget. Mr. Carmean agrees noting that people living outside the city are paying in excess of \$100 per quarter and city customers are paying less than \$75. Even with the higher fees, those customers are not getting yard debris pickup and are responsible for disposing of it themselves.

Mr. Brooks recalled that during the budget hearings, it was reported the solid waste budget was balanced and there was an emphasis put on the fact that there was no need to increase the trash fee. Mr. Pikus agreed though he believes that may be changing. Mr. Grier believes that by increasing the fee, we can add the services back that were eliminated the past couple

years.

Mr. Brooks pointed out that a lot of people only put out one bag of trash each week, while others put out six to eight bags in addition to a full container. It was confirmed the customers putting out the excess trash are being billed accordingly; Ms. Wilson said she told that customers who put out a large volume of trash are required to get a second container which means an additional fee. Mr. Carmean explained that our driver makes a notation whenever this occurs. The customer is then delivered a second can and the additional fee assessed. Mr. Brooks said he observes overflowing trash containers with multiple bags of trash at the same houses week after week and hopes they are being billed appropriately.

Mr. Carmean said we suffer from a number of spoiled customers. He said that over the years, our trash crews have picked up any amount of trash left out without question. He said the crews are lectured every day because they do not address these situations. He explained that the Kings Highway situation would not have occurred had Mr. Carmean been made aware of it. Once he received a phone call, it was too late because the crews had already taken care of it.

He will follow-up and confirm these violations are still being reported by the trash truck drivers.

Mr. Carmean said that these incidents are often the result of friends and family living outside the city who bring their trash to a house in the city to be picked up.

Mr. Brooks also recommended that Mr. Carmean keep local reporters up to date on current projects and associated changes. Mr. Carmean said he went through a period where the reporters were uninterested in those type situations so he lost contact with most of them. However, he now has a close relationship with the newspapers and Milford Live to ensure they continually report on the city.

Mr. Gleysteen asked if purchasing energy from the wind farm increases our electric costs; Mr. Carmean said it may be more than buying energy with fuel-generated energy. However, we are required to purchase a certain amount of green energy.

Mr. Gleysteen asked if we are at the minimum or over; Mr. Carmean said we are a little over but the minimum grows every year. We will need to have more than we currently have by the year 2020. However, the city is in great shape right now. He said there are entities that will wait until the mandate reaches that time and everyone will be out trying to buy green energy at the last minute. That will lead to problems with fines and other problems though we will not be in that situation.

Mr. Pikus reported they are looking at hydroelectric power at the plant in Ohio. Mr. Carmean agreed the Ohio purchase will substantially reduce the city's electric rates down over the next couple years. He recalled council lowering electric rates for commercial and industrial customers as much as 18% more than a year ago.

A presentation showing some pictures of ongoing projects was then provided by Mr. Carmean (attached).

Route 113:

2-Delmarva Delivery Point-This is called the bus ring tap which is actually owned by Delmarva Power and is down by the Solid Waste Authority on Route 113. This is where we will connect our new 138 to their lines for delivery to our new substation. This is a \$4 million project that was built and paid by Delmarva who provided the city with a connection point.

3 & 4-Transmission Route-Photo of Route 113 head north. The poles on the left are the city's present poles. Delmarva also has some transmission on the top and the city is on the lower arm. A lot of the existing poles will remain.

5-Transmission Station-Milford/Harrington Highway-New substation which is about 70% complete. The transformers will be installed as the last step.

6-New 100-foot steel poles that will be installed along Route 113.

7-Base of new poles. Steel poles will be mounted to base which will be encased in concrete 30 feet deep.

8-Lower portion of poles.

9-Size of base compared to size of bucket truck.

Mr. Gleysteen asked what is being done to prevent the steel poles from rusting; Mr. Carmean explained this was our choice of materials and the new poles are galvanized. Existing poles that appear to be rusty are the result of weather and air conditions. Mr. Carmean said they are made to rust and once they reach a certain point of oxidation it will stop. But because they are an eyesore, the new poles will no longer rust.

10-Close view of pole base showing its size.

11-Communication tower which Mr. Carmean said is extremely large noting it is 165 feet.

12-Donated Solar Field that he placed on one of our lots in our business park. He is negotiating with a doctor to purchase this lot because he has no problem with the panels. However, another property owner in the park does not like them though Mr. Carmean plans to place a substantial screen using evergreens to prevent viewing them from within the park.

13-Framework for the solar panels.

14-Constant water along Northeast Front Street at entrance to Riverwalk Shopping Center. The area was finally dug up and underground springs found. Large plastic collection pipes were installed and the spring water now runs toward the stormwater drain. They are continuing this work further east on Northeast Front Street. There is minimal costs involved because our crews are doing the work.

15-Site of Sewer Pumping Station at Washington Street. Yellow building is old building stripped down to this point.

16-Temporary solution-Blue line is picking up sewage from an existing manhole which is a collection point. It is then pumped over to a collection vault, then goes into the force main across the river and up to Frederica.

Mr. Pikus asked if the pump shown is the one we own; Erik Retzlaff of DBF was present and stated yes.

When asked the plans of the little concrete building, Mr. Carmean referenced the area where the billing office would have been. Further back is where our treatment plant and reservoir will be. He wants to make the front portion a small pocket park with a couple walkways and benches and dedicate the park to Gary Emory for this thirty-five years of service. The park will not cost a lot of money and a usable space.

17-18-Site of previous Sewer Pump Station, Milford Police Department, DMI and Chamber of Commerce Offices (now vacant).

Mr. Pikus asked the status of the pump along the sidewalk area; Mr. Carmean reported it is a good producing well. He wants to improve its look by building a louver type design around the base with a copper cap and some doors that can be easily accessed. Another idea is to paint the concrete and add a medallion to the front.

When asked if the bids have been prepared for the new construction of the plant, Mr. Carmean said they are ready and DBF will soon begin that process. Erik Retzlaff of DBF then explained that next step is to drill the well. He recalled the original plan was to put the well below the current water tower. That would have saved the city a substantial amount of money but unfortunately it was unsuccessful. The last well there failed and based on the current findings, it did not seem like a wise decision to try again. As a result, they have reverted to the original plan to place the well on the empty lot purchased behind city hall.

Though there will be no savings from the well at the tower site, the removal of the administrative building is a huge savings which will allow some additional work to be done.

Once the well is drilled at the new site, the pipe at the plant will be replaced. Once the results of the well drilling are

received, that can be taken out. The actual production well will then be put in. From there, the treatment will be designed.

The pipe replacement project bid will then be bid within the next few months. He expects the actual treatment plant construction bid will probably be announced sometime in February or later depending on the completion of the other phases.

Mr. Pikus confirmed that this presentation covers the water project; Mr. Carmean stated yes.

The city manager also reported that DBF is close to advertising the bids for the Southeast Front Street project.

Mr. Retzlaff clarified that the bids are out on the Southeast Front Street project and will be opened Wednesday. They will then be reviewed and a recommendation made to council on October 28<sup>th</sup>.

Mr. Carmean continues to look for funding for the sidewalk work on Southeast Front Street. He said the downtown merchants refer to the street as a gateway. We have enough money to cover the costs of the really bad sidewalks. DeIDOT will provide funds for the ADA requirements at the intersections.

Mr. Brooks questioned the money already allocated for the Southeast Front Street project and the shortfall of \$94,000. The last time the public works committee met, Mr. Retzlaff advised that DeIDOT was considering increasing their allotment due to the changes in the ADA compliant laws. Mr. Carmean said that though we keep requesting the money, we have yet to receive an answer.

The city manager also reported that because Milford is in two counties and even though we are not in his district, Senator Colin Bonini is able to fund street projects within the corporate limits. He offered the city \$100,000 which is being put toward the sidewalk restoration project on Southeast Front Street.

It was then confirmed we are still approximately \$100,000 short; Mr. Brooks said it would look so much nicer if all the sidewalk work could be done.

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

#### Committee & Ward Reports

Ward 1-Councilman Shupe advised the overpass work is proceeding and it appears they are actually ahead of schedule. The project is expected to be completed by next year.

Ward 4-Councilman Starling reported the porcelain-berry problem has been addressed. He recalled a couple years ago when it was being addressed on a routine basis. He asked if that can be considered again and that possible funding be allocated annually for removal of the vine.

Mr. Brooks recalled that originally the city received grant money for that purpose though it was discontinued a couple years ago.

Mr. Carmean agreed adding that we discovered a lot of the chemicals that were used to remove the porcelain-berry in storage. Currently, there is enough to handle approximately fifty acres.

Councilwoman Wilson announced the Milford Community Cemetery Board has scheduled a cleanup and beautification project on November 9, 2013 at 10:00 a.m. Volunteers, paint supplies and paint are needed.

The city manager confirmed that our street department will repair the chainlink fence prior to the cleanup date.

There was a discussion about headstones that have fallen over during the years and how the ones are handled who have no family to care for the sites. Ms. Wilson stated that Scott Sipple has addressed many of those stones over the years with the funds from the cemetery account though they are very restricted.

Mr. Brooks reported there is a water problem on North Church Street in proximity of Banneker School and the location of the fence. After a substantial rain event, water collects in a large area of the graveyard and over toward the armory. Ms. Wilson agrees adding that the headstones sit in the flooded water and the roadway is covered with water. Mr. Brooks noted that it is affecting their stability which is part of the problem.

Mr. Carmean said there is a large drainage ditch behind the armory that runs down to Northeast Fourth Street. He believes that could be the problem and will have someone address it immediately.

The city manager reported that the city requested and received more than \$40,000 from Senator Simpson and Representatives Kenton, Peterman and Wilson to add an extension to the cemetery roadway on the Route 113 side. We did not have funding for this project and it can now be done at no cost to the city.

#### Communications & Correspondence

Included in packet.

#### Unfinished Business

None to report.

#### New Business

#### *Proposed Ordinance/Motorized Wheelchairs/Reflective Material Required*

City Solicitor Rutt advised that he was asked for a legal opinion on requirements for motorized wheelchairs. He explained the need was created because of the increasing number of motorized wheelchairs crossing major roadways to get to shopping/restaurant areas. The question was whether or not the city was able to do something for safety purposes.

Mr. Rutt looked at this from two points of view. One was the state motor vehicle laws. He concluded that motorized wheelchairs do not fit under their definition. However, under the ADA regulations, there are provisions that allow municipalities to place some requirements on them for safety reasons only. The municipality can ensure that safety requirements are based on actual risks and not speculation, stereotype or generalizations. Items such as flags or reflective tape can be required though it must not impair the wheelchair and would make it visible to motorists or pedestrians and anyone that may encounter them on the public streets and roadways.

He advised that Chief Hudson had provided Mr. Rutt an incident where an elderly man was hit and killed.

He concluded that if the city wishes to put some kind of safety restriction on this type of device, council has the ability to do so.

Mr. Brooks said he frequently sees one person traveling regularly on Route 113 from the bowling alley area to the shopping centers. He agrees it is a dangerous situation but added it is the only means of transportation for some of these residents.

Mr. Starling said the problem is crossing of Route 113 which he observes on a regular basis. He frequently sees them struggling to get across with vehicles traveling on the highways.

Ms. Wilson asked how we would provide this information to these residents. Chief Hudson said that in speaking with Mr. Rutt, he had suggested that some of our civic organizations partner with the city. They could purchase the items and distribute them. Mr. Rutt agreed and recommending the city do a public relations campaign and contact the various organizations that assist with the chairs. Chief Hudson suggested that we also get in touch with the various apartment complexes where a lot of these residents live.

Mr. Rutt said it would have to be implemented several months before we began to enforce it.

He emphasized that the intent is to improve the safety of the person in the chair. Right now, there is nothing that requires any type of identifier. He noted that even a motor scooter is required to have lights. However, there are no requirements for the motorized chair and there is a need to put something in place not only for the safety of those in the wheelchairs, but also for the safety of others as well.

Mr. Brooks also recommended the Delaware Safety Council be contacted for their assistance.

Mr. Rutt said he will review ordinances from other towns who have similar codes.

Mr. Rutt reiterated that Title 21 of the Delaware Code does not address wheelchairs.

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

Councilman Shupe stated that as Chairman of the Community Affairs Committee, he is always considering ways to inform our residents about what is going on in Milford. He keeps hearing comments about the pumping station on Washington Street and would like to provide information to our residents regarding the time line and what is actually occurring there. He thinks holding a public meeting to discuss this would be helpful. He spoke with Mr. Starling about the matter who informed him that the project has changed over the past couple years. For example, there was a building going to be built but that is no longer in the plans.

He feels it would help our citizens get a grasp of what is going on and help with public relations. He is asking council to allow him to take that on and proceed with the city manager and the city clerk.

Mr. Starling then stated that after his conversation, he gave the matter further consideration and recalled the number of meetings council has had where it was discussed at length. He also confirmed there are costs associated with council meetings.

Mr. Shupe has observed that only a handful of residents attend council meetings. When he hosted a meeting for his ward, there were forty to fifty people that attended. Both he and the city manager received several calls from residents who thanked them for giving them an opportunity to hear what is going on. They believe it would be beneficial for council to keep that going.

Mr. Starling suggested that it be done in a regular workshop. The residents could be invited through our newspapers.

Mr. Brooks noted that there has been at least a dozen meetings on the matter. We had a referendum and public hearings on the matter. There have been several updates over the past few months. However, he agrees with Councilman Shupe that the public needs to be informed. It is different from other topics because the project has changed many times since it was originally approved in 2011.

Mr. Brooks noted that when the public voted on it, a new building was being constructed for the billing department. Since then, we purchased the PNC bank and the billing staff will relocate there. The public was also informed the well would be at one site and then it was moved back to the lot behind city hall. He agrees with Mr. Shupe it is confusing to people and this could be a good way to inform them of the final plans.

Mr. Pikus believes all that could be done in a workshop, similar to the presentation provided at the Public Works Committee meeting. Mr. Brooks agrees it could be done in a workshop because nothing needs to be voted on and this is only a way to inform any interested residents.

Mr. Shupe stated that as Chairman of Community Affairs, he is asking council to allow him to be the one to get the information out to the public, bring it to the newspapers and other media. He feels the chairman of the Community Affairs Committee should promote it and get the information to the people.

Mr. Grier asked if Mr. Shupe is willing to allow this to be presented in a workshop setting instead of a separate meeting. Mr. Shupe said he is unaware of the difference. Mr. Pikus recommended it be done as a workshop here in the council

chambers. It could be advertised with the media promoting it as a workshop. This would prevent having to set up our equipment and recorder at another location. It could be on the same night as our regular meeting which would be easier on everyone.

Mr. Gleysteen agreed it should be on the same night as our regular meeting. He suggested the newspapers and Milford Live do an article about the status of the project so everyone knows what is happening.

Mr. Pikus said it should be done here at city hall.

Mr. Shupe said he was hoping that council would give him the thumbs up to get this together, be able to put it out to the press and announce it at some of these other meetings.

Ms. Wilson said as he gets it together, all council members can make their constituents aware. Mr. Brooks said the important thing is to inform the public how much money has been saved on the project over the years.

Mr. Carmean said in this particular project, there are two different projects. He did not give it much thought about the change that occurred during the three years he was gone. At the time of the referendum, it was decided to put the billing office at that site. He said it makes no difference if you call it a public hearing or a workshop. Mr. Rutt pointed out it cannot be considered a public hearing due to legal ramifications.

#### *Update/City Utility Projects*

Refer to City Manager's report.

#### *Yard Debris Services/Extension*

Refer to City Manager's report.

#### *C&C Drywall/Land Sale*

Mr. Carmean advised that C&C has expanded their business at our business park and has substantially increased the number of people they have employed over the years. As a result, they need a lot more room for unloading trucks. Presently, Vickers Drive (street in front of them) is blocked at least six hours a day because the trucks have no place to unload. They are placing large tarps in the middle of the roadway where they are unloading.

He is offering to sell about 50 feet of our side property and 100 feet off the back of their building. This would provide adequate space for an entrance off Vickers Drive. Trucks could then drive around to a load area at the rear corner of their property and would reopen Vickers Drive for other traffic.

According to Mr. Duplechain, the area delineated on the map as wetlands is not actual wetlands but something DNREC required. Fourteen to fifteen additional acres of open area is still available should our public works facility need to expand in the future.

Mr. Carmean feels we need to support the sale of this property especially considering their increase in employment numbers.

The city manager stated that he will have our engineers determine the square footage and a recommended sale price.

Mr. Morrow confirmed this will get the trucks out of the roadway; Mr. Carmean stated yes.

Mr. Brooks asked if Neal Moore's Bus Company, who is next door to this property, has a problem getting their buses out on the roadway because of the congestion. Mr. Carmean said his buses come straight out so they are not affected.

Mr. Carmean recalled the deed restrictions placed on the lots that were sold in the business park. One restriction is the lots cannot be subdivided.

Of the lots that are undeveloped, he is working with Dr. Scott Hammer to purchase one of the two reserved lots in Independence Commons. He knows this is a valuable lot considering its location, proximity to Airport Road and existing infrastructure. When a lot is purchased in the park, the entire parcel is used because of the existing stormwater system. In this case, he will offer the lot to the doctors at a reduced price.

The city manager also had the solar panels placed on this lot though they were originally planned for the lot in front of the Boys and Girls Club.

Mr. Grier asked the status of the lots on the opposite side that were purchased several years ago and not developed. His recalls sometime ago when the city was in the process of purchasing those lots back. Mr. Carmean said the city repurchased Roger Alexander's lot last year because it was never developed. He is in the process of addressing the other lots in the same situation.

He said some people bought two-acre lots when this was first developed in the late 1990's. They initially built a business and all these years later have not expanded. Though he understands the need to protect the business, some of businesses want additional land like C&C Drywall.

Mr. Pikus asked the city manager to speak to our solicitor about the policy that realtors are unable to sell the business park lots for a commission. Mr. Carmean said he talked to Mr. Rutt about that after Mr. Pikus questioned him though that was something the legislators added as a stipulation.

Mr. Rutt said this came up under the former city manager but he would need to go back and review that again. He is aware there were a number of restrictions in place that may have been more appropriate at the time the land was purchased.

Mr. Pikus reported that one of our local realtors has again asked him to reconsider the stipulation that realtors are unable to receive a commission off the sale of the lots. The realtor does not want to advertise the park but only wants to be able to work with potential buyers who want to expand their businesses to Milford. He noted there are still a number of available lots and believes it would benefit the city overall.

Mr. Carmean asked if the city would have to pay a fee as the seller; Mr. Pikus said that is a legality we would have to consider and determine exactly who would pay the commission. Mr. Rutt pointed out the commission can be shifted to the buyer. Mr. Pikus feels that fee could be negotiated.

Mr. Rutt will review the restrictions and bring the matter back to council.

## MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the tenth month of Fiscal Year 2013-2014 with 17% of the fiscal year having passed, 26% of revenues have been received and 16% of the operating budget expended.

He noted the cash balance account is getting low and is expected to increase during the fiscal year.

Disbursements include the \$41,000 from transfer taxes to the police department, \$40,000 from General Fund Capital Reserves (Wawa Funds) to DMI as this year's portion of the five-year \$200,000 commitment, \$608,000 out of Electric Reserves for the PNC Bank purchase and \$25,500 from Sewer Capital Reserves to pay for the Key Properties Easement purchase.

He reported the city is in good financial shape.

Mr. Brooks asked when Delaware Solid Waste Authority rebate is received; Mr. Carmean said we receive it in the spring.

Mr. Grier moved to accept the August Finance Report as presented, seconded by Mr. Starling. Motion carried.

Adjourn

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

Meeting adjourned at 8:36 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

Attachment: PowerPoint (Projects)



**\* 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



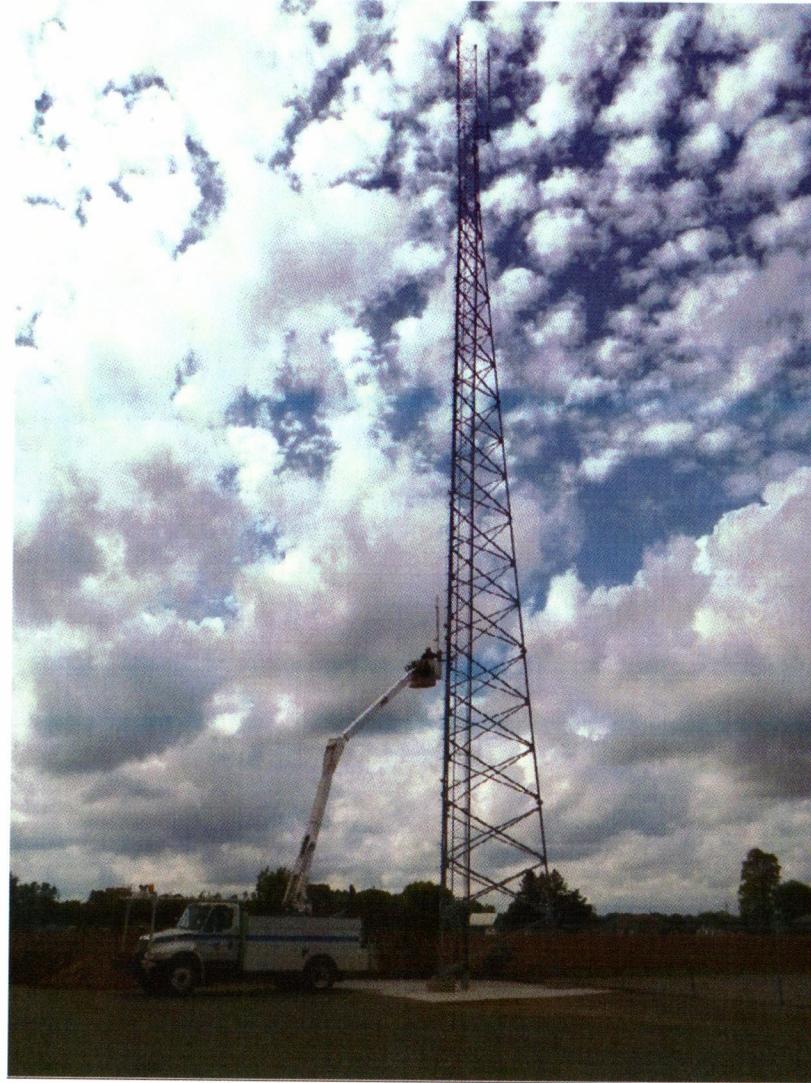
\*Transmission Station  
Milford-Harrington Hwy



\*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 CITY COUNCIL*  
MINUTES OF MEETING  
*October 28, 2013*

Milford City Council held Public Hearings on Monday, October 28, 2013 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on the following matters:

*The City of Milford, Delaware, in cooperation with the Sussex County Council, the Levy Court of Kent County, Delaware, and the Delaware State Housing Authority (DSHA), will hold a public hearing for the purpose of providing any interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program. In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals.*

*This federally funded program will provide grants amounting to \$2,000,000. (funding level subject to change), to support Community Development Activities in eligible local governments in Kent and Sussex Counties.*

PRESIDING: Vice Mayor Douglas Morrow, Sr.

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

City Manager Richard Carmean and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

Vice Mayor Morrow called the Public Hearing to order at 7:04 p.m.

He then invited Albert Biddle, Housing and Community Development Coordinator of Kent County Levy Court and Mike Jones, Senior Project Manager of Sussex County Community Development and Housing Office to discuss the Delaware State Housing Authority (DSHA) program.

Mr. Biddle began by explaining this is the annual joint public hearing for the Community Development Block Grants funding application cycle administered through Kent and Sussex Counties. The purpose is to solicit and obtain citizen input on the federally-funded program and the ability for Kent and Sussex Counties to apply for funding through the Delaware State Housing Authority on behalf of the City of Milford.

Mr. Biddle reported that one public hearing is required to make citizens aware of the funding available through DSHA that originates from HUD.

He explained that DSHA has established priorities for funding projects with housing maintenance and repairs their number one priority. Under that category, Mr. Biddle noted that housing repairs must be the result of substandard conditions or building code issues.

Though housing is the primary focus, other eligible projects include the demolition of vacant and condemned single family structures and small infrastructure projects such as sidewalks, drainage, sewer and water improvements. However, such projects are not priority items.

Mr. Biddle advised that in years past, Milford has completed some small infrastructure and demolition projects and most recently, some shelter-related projects.

The applications are due by the end of February; after that time, they will be reviewed by DSHA. Funding will then be awarded for fiscal year beginning July 2014.

Mr. Biddle commented that Milford is unique because they are able to draw from different counties. He emphasized that the program is available for low to moderate income persons. The following income guidelines for FY14 (July 1, 2014) will apply:

	30% OF MEDIAN	Kent County		30% OF MEDIAN	Sussex County	
		LOW	MODERATE		LOW	MODERATE
1 Person	13,950	23,250	37,150	12,500	20,850	33,350
2 Person	15,950	26,550	42,450	14,300	23,800	38,100
3 Person	17,950	29,850	47,750	16,100	26,800	42,850
4 Person	19,900	33,150	53,050	17,850	29,750	47,600
5 Person	21,500	35,850	57,300	19,300	32,150	51,450
6 Person	23,100	38,500	61,550	20,750	34,550	55,250
7 Person	24,700	41,150	65,800	22,150	36,900	59,050
8 Person	26,300	43,800	70,050	23,600	39,300	62,850

Mr. Jones then introduced himself adding that between Kent and Sussex counties, almost \$2 million is received. He emphasized that the housing authorities work from a waiting list. The higher the number of eligible applicants on the list is beneficial and a factor in deciding if funding is made available to Milford. To be eligible, the applicant must be homeowner occupied.

Mr. Jones reported that on the Sussex County side of Milford, there have been forty-eight rehabs for a total of \$683,000 worth of work in the past twenty years.

He encouraged council to direct any potential applicants to their offices.

Mr. Biddle also agreed that Milford has been fairly successful over the long haul. During the past couple years, Milford has continued to receive funding though the process has gotten harder.

Vice Mayor Morrow asked for additional comments. Ms. Wilson said she is appreciative of this opportunity noting this is one of few resources the city continues to depend on.

Mr. Pikus moved for adoption of Resolution 2013-21, 2013-22, 2013-23, 2013-24 and 2013-25, seconded by Mr. Brooks:

Resolution 2013-21  
Sussex County

ENDORISING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING DAVID B. BAKER, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

WHEREAS, the City of Milford resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Sections 570.488-499 24 CFR U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Milford has met the application requirements of (Attachment E Delaware Community Block Grant Program Policies and Procedures) Citizen Participation requirements; and

WHEREAS, Sussex County plans on accomplishing the requested projects with CDBG funds; and

WHEREAS, the City of Milford hereby agrees to allow Sussex County to accomplish the projects in the targeted areas of

Milford; and

WHEREAS, the City of Milford and Sussex County are in agreement with this activity.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford and Sussex County that they endorse and grant permission for the following activity:

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is \$ \_\_\_\_\_ , total CDBG grant request is \$ \_\_\_\_\_. Matching funds in the amount of \$ \_\_\_\_\_ will be provided by the City of Milford general funds. NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 28<sup>th</sup> DAY OF OCTOBER 2013.

Resolution 2013-22  
Requirement for Fair Housing  
Sussex County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on January 28, 2013.

Resolution 2013-23  
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor Joseph R. Rogers, to submit the Fiscal Year 2013 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2014 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on October 28, 2013.

Resolution 2013-24  
Requirement for Fair Housing  
Kent County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the Kent County Levy Court, when acting as administrators of a Community Block Grant for the City of Milford, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on October 28, 2013.

Resolution 2013-25  
CITIZEN PARTICIPATION  
CERTIFICATE OF ASSURANCE  
Sussex County

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware, has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on October 28, 2013 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution and after one Public Hearing, endorsed this application.

Motion carried.

*Young, Conaway, Stargate & Taylor LLP on behalf of CCM-Koelig LLC for a Final Major Subdivision for Wickersham. Property is located on the northwesterly side of State Route 1 and the north side of Johnson Road (County Road 207), southwest of the State Route 1 and County Road 207 intersection. Area of Petition is 40.68 +/- Acres; Current Zoning is R-3. Tax Map 3-30-16.00-005.00*

City Planner Gary Norris reminded council that the Wickersham subdivision has taken a long time to seek final approval. The subdivision will permit 205 town-home units. At their September meeting, the planning commission recommended it be approved by city council.

John Tracey of Young, Conaway, Stargate and Taylor recalled when this project started several years ago. The project was moving along very quickly until the downturn in the real estate market. In addition, the city needed to work out some utility issues. He recalled coming back before the planning commission and council each year over the past five years to request

an extension. The last extension was granted in March 2013.

He pointed out that in some respects, this project has assisted the city in solving its water issues. They agreed to carve off a portion of the subdivision that the city will use as the site of the new water tower for the southeast area of Milford.

Mr. Tracy noted that the plan is very similar to the original plan presented in 2008.

No council member commented on the application.

When asked if anyone from public wished to speak, no one responded.

Vice Mayor Morrow then closed the public comment portion of the hearing.

Mr. Brooks moved to approve the final major subdivision for Wickersham and allow 205 townhomes, seconded by Ms. Wilson. Motion carried.

### *2013 City of Milford Comprehensive and Annexation Plan Update*

City Planner Norris advised the City of Milford prepared a comprehensive plan in 2008. According to Delaware law it must be updated every five years. The planning commission has gone through the process of amending the plan.

According to Mr. Norris, several presentations were made to council. That plan was forwarded to the Office of State Planning for PLUS comments. Of the minor changes made to the future land use plan, two were included in the council packet. One involves the area around the hospital and specifically, Jefferson and Foster Streets. Milford Hospital is requesting most of their surrounding area be zoned institutional pending their expansion.

Mr. Norris noted that while going through this process, two medical clinics on Lakeview Avenue came into question. One is owned by Drs. Robert and Elizabeth Masten and the other is owned by Dr. Edwin Mow. Both offices were built prior to the adoption of the zoning so they are non-conforming uses though the owners are now requesting the zoning be changed to an institutional use or medical/dental clinic.

Another change involves an area adjacent to the Brookstone Trace Subdivision (approved seven years ago). The equitable owner, Masten Realty, is requesting the two small parcels be changed to moderate density residential as opposed to low density residential.

The major change to the future land use map involves the Lynch property located on the southeast side of Route 1 at State Route 14 (Northeast Front Street Extended). In the original concept, Mr. Norris designated the entire 96-acre area as highway commercial in error. Instead, the owner is requesting approximately 32 to 36 acres of commercial zoning; 30 acres involves wetlands and another 30 acres would be designated residential.

The planner reported that the planning commission held a public hearing regarding the Lynch property. By a vote of 6-0, the commission recommended the Lynch property be included in the master plan that may be developed in the northeast quadrant of the city.

He recalled the master plan that was completed on the southeast quadrant of the city, which was already accepted by the Office of State Planning.

Mr. Norris summarized the three proposed changes involving the hospital, the Masten medical office and Masten Realty properties adjacent to Brookstone Trace. In addition, the planning commission's recommendation that the Lynch property be included in the master plan under consideration for that quadrant.

Mr. Pikus asked specifically what Mr. Norris is requesting; Mr. Norris said he is asking for approval to change the three minor future land use areas and reflect them in a future land use map. His recommendation is that council approve the planning commission recommendation that a master plan is needed for the northeast quadrant of the city.

Ms. Wilson asked for further clarification; Mr. Norris advised that all properties were identified in some manner in the future land use plan of the 2008 Comp Plan. There were a couple properties in the future land use plan that were designated residential. If the hospital expands in their current area, the hospital may purchase more of the surrounding residential properties which is the reasoning behind their request.

Mr. Norris said that every five years, property owners contact him and ask for changes to the future land use map to reflect their intentions. Mr. Carmean emphasized that though the property owners request the change, does not mean council has to accept it.

Mr. Brooks asked for confirmation that Dr. Masten and Dr. Mow's offices on Lakeview Avenue are both non-conforming. Mr. Norris said stated yes but only because they were built prior to the adoption of the zoning ordinance. He has written letters to Masten Realty stating that his opinion is the properties are non-conforming uses and can continue as they are now. However, they prefer something more concrete and want the properties to reflect the actual use.

Vice Mayor Morrow then asked for comments from the public.

Nicole Faries of Prickett, Jones and Elliott, PA. stated that she was present on behalf of the Lynch family. Ms. Faries stated that John Paradee had submitted a letter dated October 18, 2013 (included in packet) explaining his request from city council.

She explained that nothing will actually happen with the Lynch property at this time. Currently, they are requesting it be included in the master plan being developed for the northeast area. Once DelDOT elects to construct an interchange in that area, her client would seek changes to their property which would include annexation and zoning changes. However, those decisions would be made at a later date.

Ms. Faries also announced that a memorandum of agreement has been reached with City Planner Norris and the Office of State Planning.

Mr. Paradee's letter includes three exhibits, two exhibits with respect to the changes in the map drafted by Mr. Norris and proposed language for insertion into the 2013 comp plan update. This would allow the Lynch property to be considered as part of the master plan for the northeast section of the city.

Mr. Norris reported that he has worked with the Office of State Planning to develop a memorandum of agreement to do something similar to what was done in the southeast area of Milford. The scope would be much less than what was done in the southeast area which identified 1,000 properties. This would be a much lesser scale and at most 100 properties.

With no other comments, the vice mayor closed the public comment portion of the hearing and asked for a recommendation.

Mr. Pikus moved to approve the changes recommended by the city planner and requested by Bayhealth Milford Memorial Hospital. Motion seconded by Mr. Starling and carried.

Mr. Pikus moved to approve the change recommended by the city planner and requested by Doctors Masten and Mow on Lakeview Avenue, seconded by Mr. Grier. Motion carried.

Mr. Pikus moved to approve the change recommended by the city planner and requested by Masten Realty Company in regard to the two properties on Old Shawnee Road, seconded by Mr. Grier. Motion carried.

In regard to the Lynch request, Solicitor Rutt clarified that the Lynch property was part of several properties in the area shown on the memorandum of agreement. He noted other properties are owned by Ms. Thompson, Mr. Passwaters and others. The map is part of the memorandum of agreement. The recommendation of the planning commission was that the Lynch property be included in the consideration of any master plan developed for the northeast quadrant.

Mr. Brooks asked if this has been discussed with Mr. Passwaters; Mr. Rutt stated no and added that even though the property is in the master plan, that does not mean it will be annexed. He emphasized that nothing will occur unless Mr. Passwaters takes affirmative steps to do something. It only places the property in an area for purposes of future planning though any change in its use or annexation consideration would be entirely up to the land owner to pursue.

Ms. Wilson moved to proceed with the Northeast Master Plan, to include the Lynch property in the Memorandum of Agreement in relation to the Northeast Master Plan, along with the other properties designated on the map, seconded by Mr. Gleysteen. Motion carried.

Mr. Carmean asked if this approves the 2013 comp plan; Mr. Rutt explained that council has only adopted the recommended changes. Mr. Carmean said that these changes become the plan.

Mr. Norris stated that before the plan is sent to the Office of State Planning for certification, he will need to include the document and maps at which time council is required to officially adopt the amendment.

Mr. Brooks asked if the owners of these properties will be informed of the changes. Mr. Rutt explained that as the master plan is developed, those property owners must be notified and comments requested.

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

It was noted the conditional use was approved by council on September 23, 2013. However, approval of the ordinance is required.

Vice Mayor Morrow asked for public comment; no one from the public spoke for or against the matter. The public comment portion of the hearing was closed.

Ms. Wilson moved for approval of Ordinance 2013-9, seconded by Mr. Grier:

*DBF on behalf of Shawnee Farms LLC  
for a Modification to an Existing Conditional Use at Cypress Hall (Commercial)*

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING A MODIFICATION TO A CONDITIONAL USE WHICH WILL ALLOW THREE GASOLINE PUMPS AT REDNER'S MARKET IN A C-3 DISTRICT AT 28253 LEXUS DRIVE, MILFORD, DELAWARE.  
TAX PARCEL 1-30-3.00-261.00*

*Whereas, the City of Milford Planning Commission reviewed the application at a Public Hearing on August 20, 2013 and has presented item to be considered by the City Council; and*

*Whereas, Milford City Council held an advertised Public Hearing on September 23, 2013 to allow for public comment and review of the application; and*

*Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use for Three Gasoline Pumps as herein described.*

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

*Section 1. Upon the adoption of this ordinance, Cypress Hall Commercial on behalf of Legal Owner Shawnee Farms LLC is hereby granted a Conditional Use Permit in accordance with the application, approved plans and any conditions set forth.*

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

*Section 3. Dates.*

*Adoption 10-28-13*

*Effective 11-07-13*

Motion carried.

With no further business, the Public Hearing portion of the Council Meeting was adjourned by Vice Mayor Morrow at 7:35 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 28, 2013

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 28, 2013.

PRESIDING: Vice Mayor Douglas Morrow, Sr.

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

City Manager Richard Carmean and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

RECOGNITION

*Tribute 2013-15/Foreign Exchange Student Maxi Petzold*

Councilman Pikus presented Tribute 2013-15 to Maxi Petzold proclaiming her an Honorary Citizen of the City of Milford.

Ms. Petzold stated her hometown is Chemnitz which is in Saxony, Germany. She is in the twelfth grade at Milford High School. She provided a brief summary of her experiences during the two months she has been in the United States.

She stated she will continue to reside with her host family, Kerri and Holly Fry and children for the remaining school year.

*Proclamation 2013-13/Red Ribbon Week*

Mr. Brooks moved to adopt the following proclamation, seconded by Mr. Gleysteen:

*Whereas, cities across America have been plagued by the numerous problems associated with alcohol, tobacco, and other drug use; and*

*Whereas, there is hope in winning the War on Drugs, and the hope lies in the hard work and determination of our communities to create a drug free environment; and*

*Whereas, local leaders, in government and in the community, know that the support of the people in the neighborhoods is the most effective tool they can have in their efforts to reduce use of alcohol, tobacco, and other drugs by Delawareans; and*

*Whereas, success will not occur overnight, our patience and continued commitment to drug education and prevention are imperative; and*

*Whereas, the red ribbon was chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent, who was murdered in the line of duty and has come to represent the belief that one person CAN make a difference; and*

*Whereas, the Red Ribbon Campaign was established by Congress in 1988 to promote this belief and encourage a drug-free lifestyle and involvement in drug prevention efforts; and;*

*Whereas, October 23-29, 2013 has been designated National Red Ribbon Week calling on all Americans to show their support for a drug-free state by wearing a red ribbon and participating in drug-free activities during that week:*

*NOW, THEREFORE, BE IT RESOLVED THAT I, JOSEPH R. ROGERS, MAYOR OF THE CITY OF MILFORD, do hereby proclaim October 23-29, 2013, as Red Ribbon Week in honor of the Lower Delaware Detachment of the Young Marines and encourage all citizens, businesses, public and private agencies, media, religious and educational institutions to wear and display red ribbons and participate in drug-free activities throughout that week, joining the rest of the state in promoting the Red Ribbon Celebration and a drug-free America.*

*s/Mayor Joseph R. Rogers*

Motion carried.

*Proclamation 2013-14/Pancreatic Cancer Awareness Month*

Mr. Brooks moved to adopt the following proclamation, seconded by Mr. Pikus:

*Whereas, in 2013, an estimated 45,220 people will be diagnosed with pancreatic cancer in the United States and 38,460 will die from the disease;*

*Whereas, pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent;*

*Whereas, when symptoms of pancreatic cancer present themselves, it is late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;*

*Whereas, approximately 120 deaths due to pancreatic cancer will occur in Delaware in 2013;*

*Whereas, the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020;*

*Whereas, the U.S. Congress passed the Recalcitrant Cancer Research Act last year, which calls on the National Cancer Institute to develop a scientific frameworks, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and*

*Whereas, the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the city of Milford and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;*

*Whereas, the Pancreatic Cancer Action Network and its affiliates in the city of Milford support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;*

*Whereas, the good health and well-being of the residents of the city of Milford are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;*

*NOW, THEREFORE, BE IT RESOLVED, THAT, I, Joseph Ronnie Rogers, Mayor of the City of Milford, do hereby proclaim the month of November 2013 as "Pancreatic Cancer Month" in the City of Milford.*

*s/Mayor Joseph R. Rogers*

Motion carried.

#### COMMUNICATIONS & CORRESPONDENCE

Councilwoman Wilson reminded council of the volunteer clean-up day scheduled at the Milford Community Cemetery on Saturday, November 9<sup>th</sup> beginning at 10:00 a.m.

The paint has been purchased by the city though paint brushes and rollers are needed that day.

#### UNFINISHED BUSINESS

There were no unfinished business items.

#### NEW BUSINESS

##### *Reminder/November Monthly Meeting Date*

Council was reminded that the November monthly meeting will be on Tuesday, November 12, 2013 due to offices being closed on Monday, November 11, 2013 for Veterans Day.

##### *DBF Engineering Services Proposal/Seabury Avenue Well Abandonment & Boring Project*

The following letter was submitted by Erik Retzlaff of Davis, Bowen and Friedel who are overseeing the project on behalf of the city:

*In response to the city's recent agreement with Redner's Market, Inc., Davis, Bowen & Friedel, Inc. (DBF) is pleased to present this proposal for providing engineering services for the above referenced work. As part of a cost sharing agreement with Redner's Market, Inc., we understand the city would like to abandon the existing shallow well (well No. 9) and perform an exploratory pilot bore at the Seabury Avenue site to determine if a confined satisfactory formation exists to provide for replacement of the production loss from the abandonment of Well No. 9. Should the results of the exploratory bore be positive, additional work including the installation of a test well and possible production well will be performed under a separate proposal at a later date.*

*A description of the proposed scope of services and associated lump sum fees for each portion of the work is as follows:*

##### *A. WELL NO. 9 ABANDONMENT*

*Our office will contract with A.C. Schultes of Delaware, Inc. and oversee the abandonment of the approximately 75 foot deep well (Well No. 9). All work will be performed in accordance with State of Delaware regulations including removal of existing pump, motor, drop pipe and wiring prior to filling the well with bentonite material. The following fee shall also include the submission of the well abandonment report to DNREC as required.*

*Lump Sum Fee: \$6,250.00*

##### *B. EXPLORATORY PILOT BORE*

*Our office will contract with A.C. Schultes of Delaware, Inc. and oversee the installation of an approximate 600 foot deep bore hole for the purpose of locating and determining aquifer characteristics in the area of the Seabury Water Plant. The work shall include obtaining the required bore permit from DNREC, performance of the 6 3/4" diameter bore hole, sampling of the bore material at specific locations, electric logging of the bore hole, sieve analysis of selected samples, and abandonment of the bore hole in accordance with state requirements.*

*Lump Sum Fee: \$ 14,500.00*

*We propose to perform the above described work for the lump sums listed above. Billing will be submitted monthly based on the percentage of work completed the previous month. Additional services beyond the above scope as authorized by the City will be performed on an hourly basis in accordance with the enclosed Schedule of Rates No. 44. Payment terms shall be in accordance with our attached rate schedule.*

Mr. Pikus moved to approve the DBF proposal with funds to be paid from the water reserves, seconded by Mr. Gleysteen. Motion carried.

#### *FY 2013/2014 Budget Adjustment/Sewer Reserves Transfer/Washington Street Sewer Pump Station*

The city manager advised that he added this item to the agenda this afternoon. City Solicitor Rutt clarified this is only a budget adjustment and nothing that requires public comment nor does it increase the city budget. It only moves the money from one side to the other so adding this item so late to the agenda is not a problem.

Erik Retzlaff of Davis, Bowen and Friedel, is overseeing the project. He advised there are a number of problems they have discovered since the work was started and they are beginning to add up in costs. They have worked through everything though nothing has been released and the contract has yet to move forward with the additional work.

The following letter was submitted by Mr. Retzlaff:

*In order to successfully complete the Washington Street Sewage Pumping Station Rehabilitation project, it is recommended that \$75,000 be transferred from Sewer Reserves to the project to cover costs of additional work not included in the original scope. The \$75,000 amount is less than 10% of the awarded amount of \$762,400.00. This supplemental funding of \$75,000 is commensurate with a project of this type considering the structure is 35 years old and this is the first significant project since its installation.*

*The requested amount can be broken down as follows:*

#### *\$22,000.00 Brick Replacement*

*In the original project scope, the Contractor was responsible for repairing the cracks in the mortar. The Contractor was also to salvage the brick veneer from the concrete block wall that was removed and reapply to the structure. During the removal of the concrete block wall, it was determined that the brick veneer was not connected to the actual building. This is why the mortar had cracked in the first place. Any work to repair the cracks would only be a temporary fix. The Contractor will be providing a 6" stainless steel brick ledge that will be anchored into the building along the entire perimeter. A new brick veneer will be installed to match that of the Milford Public Library across the street.*

#### *\$13,000.00 Grinder Channel Repair*

*In the original project scope, the Contractor was to remove the existing grinder or "comminutor" and install a new grinder per current technology. Once the old unit was removed, the channel walls were found to be in extremely poor condition.*

*They are not structurally sound nor are they the waterproof barrier they were intended to be. Installing the unit in the existing channel is not recommended and would most likely lead to the failure of the existing block walls in the very near future. The Contractor is to remove the existing block walls and pour-in-place new concrete channel walls with waterproofing and reinforcement that will be tied into the existing structure.*

#### *\$10,000.00 Infiltration Repair*

*In the original project scope, the Contractor was responsible for repairing one area where groundwater infiltration was evident. However, not all of the areas within the pumping station could be inspected for infiltration until the sewage flows were redirected. Once this occurred, a number of additional leaking areas were identified and have been subsequently repaired via pressure grouting.*

#### *\$5,000.00 Bypass Pump Impeller Upgrade*

*After the project had been awarded, we were informed of an impeller upgrade for the Bypass Pump that would prevent clogging. This upgrade was not available when the contract documents were prepared or it would have been included*

originally. The upgrade will allow for more reliable operation of the bypass pump.

*\$5,000.00 Concrete Surface Repair & Coatings Inspection*

*Once the sewage had been diverted, we were able to enter the wet well of the pumping station. Upon inspection, we identified areas of the concrete structure requiring repair and coating to provide longevity. To ensure proper repair and surface preparation for the coating systems, a certified inspector is needed. This is an estimated fee based on the anticipated scope of work.*

*\$12,500.00 Additional Inspection Fees*

*All of the items listed above are additional to the original scope of work. As the scope of work has increased, so has the amount of inspection required. This cost is an estimated fee and the City will only pay for those services necessary to complete the project.*

*\$7,500.00 Additional Construction Administration Fees*

*Similar to the additional inspection fees above, all of the construction items listed above are additional to the original scope of work. As the scope of work has increased, so has the amount of construction administration required. This cost is an estimated fee and the City will only pay for those services necessary to complete the project.*

When asked about the cost of the bricks, Mr. Retzlaff asked council to consider the significant amount of money the city has spent on the riverwalk. Because of the long-term plans for the new water plant, it was decided to change the appearance to tie in with the remaining area.

Mr. Carmean and Mr. Retzlaff both emphasized that the brick work is a long-term fix. Anything else would deteriorate over time and would have been addressed down the road.

Mr. Gleysteen asked if this is all cosmetic; Mr. Retzlaff stated that is correct. The construction drawings called for the contractor to repair the damaged areas in the brick. Once the project began and additional items revealed, it became apparent that the existing brick veneer was not connected to the building. This allowed the brick veneer to surge based on the tide level independent of the building. Initially, only the top portions of the brick had been removed in preparation for the repair work. Once it was revealed the brick was not connected to the actual structure, it was decided not to spend money on repairing something that would only fail again in the very near future. Because it was not tied into the building, there was a danger that the brick veneer could collapse. It was agreed by the parties to remove the veneer to avoid any potential safety hazard.

Mr. Gleysteen asked if stucco could be put up at a much lesser cost. Mr. Retzlaff agreed that could be done though he is unsure of the cost difference. Mr. Carmean pointed out that we could also put vinyl siding on it.

Mr. Retzlaff emphasized that a considerable amount of money has been spent to rehab the structure. Additional odor controls have been added, the roof style upgraded to a bar C metal roof, large access hatches and other aesthetic items added so it did not look like a little eye sore on the riverwalk.

Mr. Pikus asked the total cost of the project and whether we have gone over budget; Mr. Retzlaff advised the total bid for the project was \$762,400 and monies had to be transferred out of sewer reserves just to cover the amount of the awarded contract. It was noted that the awarded amount did not include any contingencies. The cost for the brick replacement with the brick ledge is \$22,000. A considerable amount of the costs were related to the installation of the brick ledge. Not only are the materials costly, the additional work required to x-ray the structure will increase the costs. The existing structure was constructed of post-tensioned concrete. If any of the tensioning tendons are cut, the structure would collapse. This is most likely the reason the original brick veneer was not connected to the building. At this time, portable x-ray equipment is needed to identify the location of the tensioning tendons and to anchor the brick ledge to the structure. Mr. Pikus said the \$22,000 is not bad considering the overall costs of the project; Mr. Retzlaff explained the brick is only the first item to be discussed.

Mr. Retzlaff then referenced the next item related to the actual interior of the structure itself. He advised that where the influent pipe comes through the wall, there is a channel to direct the wastewater to the old comminutor or grinder. As seen on the photo, the square between the two walls is a housekeeping pad where the old grinder sat. Those channel

walls were meant to create a water proof barrier (channel) between the sewage that came in and the dry area. Unfortunately, it is not water-proof by any means. Currently, there is a 1" deep hole in the channel wall. Right now, repairing the area where the mortar is missing and damaged areas where the old comminutor sat against the wall would require a cementitious product. These products require thirty days to set. The cost alone for the bypass pumping would be \$30,000.

Mr. Retzlaff advised the quicker solution is to tear the wall out and pour a new one in its place. The grinder can then be mounted within seven days. It could be waterproofed prior to pouring the wall and it would actually be tied into the structure at a cost of \$10,000.

He reported there is also significant groundwater infiltration at the seams of the structure. It is coming in from different areas and a good amount of money has already been spent trying to correct those issues. There is work that was already done to allow the project to continue.

Mr. Pikus asked if some of these things were prevalent when the project began; Mr. Retzlaff said not everything was able to be observed, specifically the areas where the wastewater entered the structure. Mr. Carmean said a lot of these things had to be uncovered. In fact, all of the areas where infiltration was evident were identified for repair.

To waterproof the structure, Mr. Retzlaff advised that an injection port was drilled and pressure grouted so it was sealed from the outside. That way the water pressure is constantly pushing it into the water tight seal rather than try to separate it out from the concrete.

He pointed out that the initial construction required the contractor to drive steel shoring around the perimeter of the entire structure in order to excavate for the structure. Even the steel shoring could not hold up. Timber whalers had to be installed to keep the steel shoring from collapsing. It became evident that all the water pressure off the river is trying to collapse the structure.

Mr. Brooks confirmed that in the long run, the city has still saved money; Mr. Carmean said definitely yes. Mr. Retzlaff said if these are not corrected and money still has to be spent, we will end up without a permanent fix. He suggests we do it right the first time and spend the additional money to ensure it is done correctly for the long term.

He emphasized that it is very costly to ensure we do not hit any of the reinforcement bars. Considering the cost of a new station and that these additional repairs are only \$75,000, Mr. Retzlaff feels this is a considerable savings. All the necessary repairs are being addressed.

Mr. Pikus asked the total cost of the current project; Mr. Retzlaff advised the total award was \$762,00 and the additional costs are based on the significant work that was done. The remaining work needed involves the electrical work and exterior finishes. The grinder still needs to be mounted though that cannot be done until the wall is stabilized.

Mr. Pikus confirmed there is a 10% increase in cost to the project in order to accomplish all the necessary repairs; Mr. Retzlaff stated yes. He explained that is a budgetary amount and because funds have to be transferred from reserves to award the contract, he asking that another \$75,000 be transferred to cover the anticipated increase in costs.

Mr. Pikus asked if the \$20,000 Mr. Retzlaff saved will be deducted from the \$75,000; Mr. Retzlaff explained that he did not ask for \$30,000 to repair the wall and instead only asked for \$10,000. He said there is some other work that may not be needed though he is unsure of the credited amount at this point. He would rather have the money available and reimburse any funds once the work is completed.

Mr. Pikus questioned whether transferring \$75,000, not to exceed \$75,000, would cover the additional repairs; Mr. Retzlaff said we cannot exceed it. Mr. Pikus asked if they are still unsure of additional repairs. Mr. Retzlaff stated that all the major items have been addressed. The only outstanding items right now are under contract. There is nothing significant from this point forward.

Mr. Carmean emphasized there will not be any more surprises with this project.

Mr. Pikus reiterated that transferring \$75,000 would complete all the unknowns. Mr. Carmean stated yes; he is confident this will take care of everything that has been uncovered.

Mr. Carmean said this is why it is important to have reserves to cover the unknowns of these projects. This is the answer he likes to give when people question him about the amount of reserves we keep. Mr. Pikus said a lot of the reserves are earmarked though they are dwindling.

Mr. Carmean spoke with the Finance Director Jeff Portmann who is fine with this transfer.

Mr. Gleysteen verified the unknowns are about a 10% cost overrun. He asked if that will cover all the electrical work; Mr. Retzlaff stated yes because that work is under contract. There is additional money in case there is a minor issue that may come up. All the major components have been ordered and there should not be any additional unforeseen large tasks.

Mr. Carmean said he was trying to prevent coming back to council for the next couple meetings. He said there is a good chance we will not spend the entire \$75,000 on these repairs.

Mr. Retzlaff further explained that these items were encountered over the past six weeks. They kept working in an attempt to get to a point where there would be no additional costs to report. Right now, he must make a call on where to go because he is getting a lot of flack from the contractor who is having to run the bypass pumps each day which is costing him money. As a result, Mr. Retzlaff is at the point where a decision needs to be made on whether to proceed or not.

Mr. Pikus moved to transfer \$75,000 from sewer reserves and asked Erik Retzlaff to check into alternative exteriors for the building which could save the city some money.

Mr. Retzlaff asked for some direction; Mr. Morrow said it definitely needs to blend in with the riverwalk where the city has spent millions of dollars. Ms. Wilson asked that it also blend in with the library; council agreed.

Mr. Retzlaff pointed out the original plan was for the water plant to have the administration building which would have had a brick exterior. Mr. Gleysteen referenced the exterior work that was done on Jesus Love Temple where styrofoam was used adding it can actually be sculpted into architectural shapes.

Mr. Starling seconded motion.

Mr. Pikus clarified that his motion included a request for Mr. Retzlaff to come up with alternative exteriors in order to save the city money.

Motion carried with no one opposed.

Mr. Carmean then asked Mr. Retzlaff how we stand on the timing of getting the facing done and if that can be done last. Mr. Retzlaff confirmed that will not hold up the balance of the work. He asked how council wishes him to proceed; Vice Mayor Morrow directed him to bring back some numbers for council to vote on at the next meeting.

Mr. Starling asked for a clarification and whether the cost would be provided of the brick facing versus the stucco. Mr. Pikus said whatever finish would complement the area but the intent is to save the city money.

Mr. Starling noted that stucco will not last as long as the brick finish which is the reason most government buildings are brick. He asked how long Mr. Pikus wants it to last. Mr. Shupe said the question is whether we save at this point and then in twenty years, the same matter will be before council and another decision will have to be made at that time. He feels the brick is appropriate if we can stay within the \$75,000 cost increase. He understands the attempt to save money but does not want this council handing down another problem to the next generation, which is what has been done in this case.

Mr. Brooks agrees with Mr. Shupe that we need to do it right with a long term goal.

Mr. Starling then moved that brick be used on the building, seconded by Mr. Shupe.

Mr. Gleysteen said that just because the city has already spent a considerable amount of money on the project, justification is needed in order to spend more. He feels we need to consider cost alternatives and siding could be put on the building every year for the next ten years for significantly less than the cost of the brick.

Mr. Retzlaff explained that one difficulty is that nothing can be drilled into the structure without requiring x-ray equipment to ensure not hitting one of the tendons in the wall. If one is hit in the post tension concrete, the wall will blow up and fall apart.

Mr. Gleysteen asked about the foam; Mr. Retzlaff said he is willing to consider that though he is unsure how that is mounted.

Motion carried by a 7-1 vote with Mr. Gleysteen casting the dissenting vote.

*Adjourn*

Vice Mayor Morrow adjourned the Council Meeting at 8:19 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 28, 2013

The City Council of the City of Milford met in Workshop Session on Monday, October 28, 2013 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Vice Mayor Douglas Morrow, Sr.

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

City Manager Richard Carmean and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

The Workshop Session convened at 8:19 p.m.

*Proposed Ordinance/Electric Wheelchairs/Reflective Material Required*

According to Mr. Rutt, he had forwarded the proposed ordinance though it was not included in the packet. He explained the ordinance requires the following:

*Daytime Operation: All Motorized Scooters and Wheelchairs operating on Public Streets during daylight hours shall be equipped with at least one of the following:*

*Slow moving vehicle fluorescent triangle on the rear of the device; or a red safety flag.*

*Nighttime Operation: All Motorized Scooters and Wheelchairs operating on Public Streets at night or any other time when lighted lamps are required under 21 Del. C. § 4331 shall be equipped, at a minimum, with all of the following:*

*A lamp emitting a white light which, while the device is on the public street, illuminates the public street in front of the operator and is visible from a distance of 300 feet in front and from the sides of the motorized scooter or wheelchair.*

*A red reflector on the rear of the device of the type approved by the Department of Transportation for bicycles, as defined under 21 Del. C. § 4198F(b).*

*A white, yellow, or red reflector on each side of the device that is visible from a distance of at least 200 feet.*

The solicitor stated that the entire cost of the equipment required will be less than \$45.

Vice Mayor Morrow suggested the ordinance be e-mailed to council for their review.

Mr. Pikus said he had discussed with Chief Hudson a situation where he almost struck a wheelchair recently at night that he was unable to see. He has not observed more than ten wheelchairs that will require this equipment. He agreed with the concerns that they cross Route 113 and it is imperative that something is done.

Mr. Rutt said under the existing code, bikes, wheelchairs and motorized scooters are prohibited from using sidewalks. He added a provision that exempts wheelchairs from the prohibition that prevents bikes and other devices from being used on sidewalks.

Mr. Pikus reported that he has already spoken to the Rotary Club in the hopes our local civic organizations will partner with the city in distributing the equipment.

Mr. Rutt noted that he added a three-month grace period prior to the ordinance becoming effective. In addition, the first violation would be a warning.

It was agreed the written ordinance would be presented to council for further discussion at the November 12<sup>th</sup> meeting.

*Adjourn*

With no further business, the Workshop Session concluded at 8:26 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder