

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
September 23, 2013

The Milford City Council held Public Hearings on Monday, September 23, 2013 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

COUNSEL: City Solicitor David Rutt, Esquire

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

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

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

*2013 City of Milford Comprehensive and Annexation Plan-POSTPONED*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*ARTICLE XI - Administration*

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

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

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

*Section 3. Dates.*

*Adoption: 09-23-13*

*Effective 10-23-13*

Motion carried.

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

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
September 23, 2013

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

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

COUNSEL: City Solicitor David Rutt, Esquire

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

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

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

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

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

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

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

The following presentation was then provided by Ms. Laird:

ENGINES OF ECONOMIC GROWTH-MAIN STREET

MAIN STREET "FOUR POINT APPROACH"

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

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

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

#### TRENDING BACK TO DOWNTOWN:

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

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

Faith Popcorn

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

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

Pete Golis

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

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

#### Reinvestment SINCE 2009

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

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

\*Public: \$721,483

\*Private: \$2,104,278

\*TOTAL: \$2,825,761

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

#### BUSINESS/JOB GAIN SINCE 2009

18 Businesses

47 Jobs

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

#### MILFORD...RECENT WINS!

New Businesses...

1-Anne Jenkins Art Gallery and Studio

2-Chris and Jenna Computers

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

#### Expansions...

- 1-Blooming Boutique
- 2-Fur-BabyBoutique

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

#### SPURRING ECONOMIC GROWTH...

##### Community Branding Partnerships

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

#### VALUE OF COMMUNITY BRANDING

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

#### MILFORD'S NEW BRAND

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

#### DELIVERY ON THE PROMISE...

##### *Milford*

- River Town*
- Home Town*
- Art Town*

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

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

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

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

Farmer's Market-Fresh *M*

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

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

#### PARTNERSHIP AT ITS BEST

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

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

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

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

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

#### BUG 'N BUD FESTIVAL

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

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

#### PROJECT POP-UP

Milford Massage, Wellness and Yoga  
Northeast Front Street

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

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

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

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

#### GREAT AMERICAN MAIN STREET AWARD

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

#### FIVE-YEAR CITY PLEDGE

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

#### CONTACT INFORMATION

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

#### *Community Development Block Grant FY 2014*

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

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

Terri K. Hudson, MMC  
City Clerk/Recorder

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

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests in attendance.

COMMUNICATIONS & CORRESPONDENCE

All items included in packet.

UNFINISHED BUSINESS

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

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

AN ORDINANCE AMENDING CHAPTER 200 - SUBDIVISION OF LAND

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

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

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

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

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

Section 3. Dates.

Adoption: September 23, 2013

Effective: October 3, 2013

Motion carried.

## NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

### *Award of Bid/138kV Transmission Line/Electric Department*

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

The following five bids were received:

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

Lloyd Weatherman of Progressive Engineering submitted the following recommendation:

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

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

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

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

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

#### *Fiber Optic Telecommunications Cable License Agreement-Revised*

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

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

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

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

#### *Approval of JSI Conveyance Agreement*

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

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

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

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

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

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

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

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

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

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

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

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

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

*A. Planning and Zoning Fees:*

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

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

Motion carried.

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

Finance Director Jeff Portmann submitted the following request:

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

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

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

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

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

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

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

#### EXECUTIVE SESSION

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

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

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

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

#### *Return to Open Session*

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

#### *Executive Session Matters*

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

#### ADJOURN

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

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

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder