

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*November 18, 2013*

The Rescheduled 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, November 18, 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.

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

Solicitor David Rutt, Esquire

Meeting was rescheduled from its original date of November 12, 2013.

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Morrow to approve the minutes of the October 14, 2013 and October 28, 2013 Council Meetings as presented. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

Chairman Morrow presented the police report on behalf of Chief Hudson. Mr. Pikus moved to accept the police report, seconded by Mr. Grier. Motion carried.

CITY MANAGER REPORT

Mr. Carmean presented the following report:

*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 Route 113 and will continue for at least three months. We are also putting in distribution lines that will be coming from the new substation onto our present system.*

*Our crews have been working on McColley Street replacing a number of deteriorating poles. The last outage, on*

*Saturday, November 9<sup>th</sup> was the result of a lightning arrester blowing out. The cause was found quickly due to one of the callers reporting an explosion in the area of the Overhead Door Company on Marshall Street.*

*This was almost the exact same time as the previous outage on Saturday, September 28<sup>th</sup> when two of the town's four circuits blew in the vicinity of the IG Burton building on Rehoboth Boulevard. Crews are not completely sure why that occurred but suspect it may have been contact by a bird or squirrel.*

#### *STREETS AND SOLID WASTE*

*I have directed DBF to move ahead with the Southeast 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 we called some of their past customers for recommendations. I directed Public Works Director Brad Dennehy and Street Superintendent Tim Webb to travel around to various locations to inspect the quality of their work.*

*There is still a shortfall in funding of the Southeast Front Street project, but I have requested some additional funding from our legislators. I could remove the sidewalk improvements to save money, but think that would be a mistake. The awarding of the bid will be postponed at this time.*

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

*It was confirmed that leaves must be raked to the curb and not the gutter. Customers needing this service should contact the public works department and schedule a pickup time.*

The city manager said he will make sure the utility bills contain a notice explaining the process. He also suggests a tarp be placed over the leaves with a couple of bricks on top to prevent them from blowing until they are picked up.

Mr. Pikus asked the city manager to consider the request of Sudler Lofland to eliminate parking on Southeast Front Street. Mr. Brooks recalled that Mr. Lofland took an inventory of the homes and parking spaces on this street. Mr. Pikus agreed noting that every property, with the exception of one, had an entrance to the rear of their property. Despite that, vehicles continue to park on the sidewalks. Mr. Carmean agreed to take care of it.

Mr. Brooks said he spoke with Street Superintendent Tim Webb about this situation. Mr. Webb stated that once the new curb is in place, the vehicles will no longer be able to jump the curb. Mr. Carmean said he will still have it posted no parking because some people attempt to park on there regardless.

Mr. Pikus moved to accept the city manager report, seconded by Mr. Brooks. Motion carried.

#### COMMITTEE & WARD REPORTS

##### *Holiday Dinners*

Mr. Starling reminded council the annual holiday dinners are approaching for the needy and asked for donations.

#### COMMUNICATIONS & CORRESPONDENCE

Included in packet.

#### UNFINISHED BUSINESS

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

City Manager Carmean introduced the following ordinance:

*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:*

- 1. Slow moving vehicle fluorescent triangle on the rear of the device; or*
- 2. 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*

Solicitor Rutt reported that Section 84-1 has been removed from the chapter and a new Article IV created and titled "Motorized Scooters and Wheelchairs".

Mr. Pikus noted the fines were blank and asked if the police department makes that determination; Mr. Rutt stated that is a council decision and it was left open intentionally for council to make a determination.

Mr. Brooks expressed concern with the fines because the purpose is to protect the wheelchair operators. Mr. Pikus noted the first offense is a warning and they should be informed this was done to protect them; Mr. Brooks agreed but feels that a lot of these people do not have a lot of money.

Mr. Pikus reiterated the Rotary Club will pay for all the new equipment/materials for the first five years. However, it is their responsibility to put it on the chair.

Mr. Rutt emphasized the fines are an incentive to comply with the ordinance. Otherwise, there are no repercussions and they could never put them on because there are no fines.

Mr. Rutt referenced the fines in the skateboard section that council previously favored adding to this article. The first offense is a written warning, the second is \$10 and subsequent fines are \$25, \$50 and \$100.

Mr. Pikus recommends we use the same language. Mr. Rutt will amend the ordinance to coincide with the fines outlined in the skateboard article; council agreed.

Mr. Rutt explained the ordinance will be introduced at the next meeting and adopted in December.

**NEW BUSINESS***Award of Bid/Southeast Front Street Rehabilitation Paving Project*

Matter postponed until next meeting.

*Approval/Renewal of First State BMX Lease Agreement*

Mr. Carmean confirmed the agreement would cover another five-year period. Mr. Pikus asked if we should make the contract period a shorter time in case the school ever needed the property. Mr. Brooks asked the city manager if the BMX group understood that if the property was needed by the city or school, BMX would agree to surrender the property. Mr. Carmean recalled that the only reason the city would break this lease with BMX was if the school needed the property.

Mr. Rutt said if that is the intent, he will add it to the lease. He also noted a couple other minor issues that should be discussed with BMX before the lease is voted on.

He explained that one was to verify the insurance coverage. One section stated that BMX would restore the property to its original condition. However, the city may want to keep some of the bleachers (for example) and he recommends the

language be rewritten that the land would be restored to the condition the city desired.

Mr. Rutt noted there is nothing objectionable and the contract only needs some minor tweaking.

Mr. Carmean suggests providing a year's notice should the school later need the property.

The city manager will follow up with Mr. Rutt.

*Greater Kent Committee/Financial Contribution*

Mr. Carmean advised the \$750 bill is a membership fee charged by the Greater Kent Committee. The fee allows Mr. Carmean to become a member of the committee.

Mr. Pikus asked what benefit the city receives; Mr. Carmean said that everyone else participates.

Mr. Grier moved for approval of the \$750 membership fee, seconded by Mr. Pikus. Motion carried.

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

Mr. Grier advised that a couple weeks ago, the city manager contacted him about the city contributing to the Carpenter Pit Road project. He recalled several meetings ago when Pastor Royce Andrus came before council to discuss the road problems to this development. That included a one-way road which was causing a lot of problems for vehicles going not only to his development, but also to the hotel.

They met with Secretary of Transportation Shailen Bhatt, DeIDOT officials and a couple of local legislators. They came to the conclusion that if the city would contribute \$20,000, a portion would come through our local legislators which included Senator Gary Simpson, Senator Colin Bonini and Representative Jack Peterman. The balance of the funds would then come from Secretary Bhatt.

The projected cost was \$380,000; between \$150,000 and \$200,000 would come from the legislators, a \$20,000 contribution from the city and the balance would come from the state.

After speaking with Mr. Gleysteen and Mr. Shupe, Mr. Grier was initially very leery because he thought it was a state issue and something the city should not get involved in. However, after discussing it with Senator Simpson, Mr. Grier changed his mind.

His recommendation is to pay for this out of the Wawa Account. The justification is what could be done in this area economically. Right now, it is almost landlocked and vehicles have a very difficult time getting in and out.

Mr. Grier confirmed with the city manager the roadway is a city-maintained road.

Mr. Grier moved to pay \$20,000 out of the Wawa fund for the Carpenter Pit Road project improvements, seconded by Mr. Brooks. Motion carried.

The city manager then pointed out that Mr. Brooks had concerns about the amount of traffic dumping out onto Northeast Tenth Street and Route 1 intersection. Opening the other end to two-way traffic will divide the amount of vehicles who will then be able to use both ends.

Mr. Carmean reported that DeIDOT is also considering a future service road going up by Jenkins Road to the new overpass.

Mr. Grier reiterated that the current road situation is a nightmare for people accessing this area. Most drivers have no idea how to get in or out. Mr. Brooks agreed adding that he is unsure how it was ever approved.

Mr. Brooks asked if it was ever determined if the road has been annexed; Mr. Carmean verified it has not been annexed and is a state roadway. However, the city continues to handle snow removal as they do on many other state roads.

*Discontinuance of Solid Waste Services*

The city manager reported that Street Superintendent Tim Webb has gathered and analyzed information on anything from weight to the cost of solid waste crews. A new law effective January 1<sup>st</sup> requires any commercial trash collector to provide recycling services to their commercial customers. However, Mr. Carmean is confident he can have Milford's deadline extended. He explained that we collect two to three times a week on some commercial accounts; the same level of service must be provided for recycling.

Mr. Carmean said that currently, we are losing \$28,000 a year on commercial trash collection. That number will increase with recycling. To meet the recycling requirement, another truck and crew would have to be added.

He has talked individually to various council members and explained there are a couple ways to do this. Commercial trash collection under our current ordinance is voluntary. Many businesses do not use the city's trash services. Those that have it can cancel at any time. Having this deadline extended to the end of January will provide enough time for them to hire a private hauler.

The city manager reported that business offices and other small businesses that only have one or two trash roll-outs could continue to be serviced without an increase in cost. Mr. Carmean said we are not losing money on that class of customers though we continue to go in the hole with the dumpsters. He indicated that some commercial customers do not want a dumpster on their property and instead have multiple cans and in some cases, up to eight cans. He does not believe we can continue to provide them trash services as well.

His suggestion is that we continue to provide commercial trash service to those businesses who have two carts or less. To comply with the law, we will have to provide them recycling carts.

Mr. Grier asked what a commercial customer is charged for two carts; Mr. Carmean said a single cart is approximately \$31. Mr. Gleysteen asked the rate for dumpster collection. The city manager explained there are light, medium and heavy weight customers. The cost ranges from \$80 to \$145.

Mr. Brooks and Mr. Pikus both agreed we are continuing to lose money on commercial pickups. Mr. Brooks reported that the cost for equipment, related expenses, benefits and salary of a three-person crew is more than \$190,000.

Mr. Grier believes the best action is to discontinue all commercial trash with the exception of those that only have two carts. He believes that will provide some additional time for our trash crews to service the residential customers.

Mr. Carmean said he has been told by some commercial customers that they do not believe their rates should be increased. He noted that by eliminating this service, we can continue with our current residential rate.

Mr. Pikus emphasized that right now, the resident is underwriting the commercial customer.

When asked how quickly this can be done, Mr. Carmean explained the trash code will need to be changed. In the meantime, he will mail letters out advising the commercial customers we will discontinue their trash collection and direct them to look for a commercial hauler.

In the meantime, the ordinance will need to be advertised, introduced and then a vote taken.

Mr. Pikus moved that the city manager mail letters informing commercial customers with more than two carts their commercial trash service will be eliminated and proceed with the ordinance amendment, seconded by Mr. Grier. Motion carried.

Mr. Carmean noted that the impact fee waiver had expired on June 30, 2013. However, he continued to provide some waivers on his own and in particular to the Halpern Office Building and the Milford Gallery Shopping Center by Ruby Tuesday. He recommends we continue the waivers for an indefinite period.

Mr. Pikus asked if the increase in building is due to the impact fee incentive. Mr. Carmean said there are people that decided to build now instead of postponing it. Milford Gallery is owned by the Laragione family who also owns Mama Maria. He thinks that is the reason they began construction at this time.

Mr. Grier asked how it is determined the number of jobs being created. He stated that is required before the waiver can be considered. The city manager said he just takes the word of the developer/builder. He said it is difficult to determine in the case of the shopping center. In that situation, he just took the total square footage and considered the type of stores or offices it will house. Presently, Sleepy's and Sno Yo Yogurt will be locating there. In Doctor Halpern and Doctor Bunting (business park lot)'s situation, they were already aware how many employees would be hired because the majority were transfers from one building to the new building.

Mr. Grier said it is very important and is used as an incentive to bring new jobs. The previous ordinance allowed the city to give away the ranch. This directly ties into economic development which was the intent and reason for the waiver.

Another component was the requirement to rehab and upgrade existing structures which he encourages. He believes those requirements need to stay in place and followed before any waiver is considered.

Mr. Carmean reported that he is still negotiating with Perdue who went from 1,100 to 1,300 jobs because of the new organic chicken product which is only handled by the Milford plant. Their water, sewer and electric consumption has increased though no new infrastructure improvements are needed. If an improvement was needed, he would need to determine the additional costs and require a percentage back.

To him, it is smart business to try and continue to get the new load. He said that any new load has a three to five-window on any rate reduction.

Mr. Carmean then introduced the following ordinance:

#### 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

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

Mr. Carmean introduced the following ordinance:

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

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

Mr. Carmean introduced the following ordinance:

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

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

Mr. Carmean advised that a few months ago, members of the Carlisle Fire Company approached local legislators about buying a used brush truck. They asked for funding to re-upholster the seats. The legislators have asked the city to contribute another \$4,350 to the fire company and in turn, they will provide the city \$4,350 for the Southeast Front Street sidewalk project.

He then reported the property taxes came in higher than the anticipated revenue. We will pay the \$4,350 out of the additional tax revenue though the legislators are paying us back through their transportation fund.

Mr. Pikus confirmed it is a washout as far as city funds; Mr. Carmean stated yes.

Mr. Shupe moved to increase the Carlisle Fire Company contribution by \$4,350, to be paid from the property tax revenue line item and reimbursed by legislative transportation funds, seconded by Mr. Starling. Motion carried.

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

Mr. Carmean advised that Representative Harvey Kenton is providing \$50,000 toward the Southeast Front Street project though \$10,000 of that is being provided for the Can Do Playground project. This will also be paid from the property tax line item.

The city manager explained the legislative funds can only be used for street or sidewalk work which is why they handle such contributions in this manner.

Mr. Pikus moved to approve the \$10,000 Can Do Playground contribution be paid from the property tax line item, which will be reimbursed by community transportation funds, seconded by Mr. Gleysteen. Motion carried.

Mr. Rutt updated council stating the construction is completed. Only signage and landscaping are left. He reported the ribbon cutting will be held on December 4<sup>th</sup>. A formal dedication will be held this spring.

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

This matter was addressed in the city manager report. He advised the \$15,000 will be paid from his discretionary account though this is the exact intent of the account.

Mr. Carmean asked council to make a motion to approve paying the bill from his discretionary account even though it is an operational issue and he has the right to make this decision.

Mr. Grier moved to approve \$14,775 be paid from the discretionary account to pay the costs of the city hall boiler replacement. Motion seconded by Mr. Grier and carried.

## MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the third month of Fiscal Year 2013-2014 with 25% of the fiscal year having passed, 34% of revenues have been received and 23% of the operating budget expended.

Mr. Pikus referenced the Trash Fund Bank Balance adding it is decreasing each month as a result of the commercial trash deficit. The balance is currently at \$395,000.

The Real Estate Tax Account shows a payout of \$97,353; that is the result of several over bills that were reconciled.

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

ADJOURN

— With no further business, Mr. Grier moved to adjourn the meeting, seconded by Mr. Brooks. Motion carried. Mayor Rogers adjourned the meeting at 7:49 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a large initial "T" and "H".

Terri K. Hudson, MMC  
City Clerk/Recorder