

City of Milford



AGENDA

Monthly Council Meeting

June 14, 2010

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

SPECIAL COUNCIL MEETING - 7:00 p.m.

Call to Order - Mayor Joseph Ronnie Rogers

Executive Session

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

-Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for publicly funded capital improvements

Adjourn

COUNCIL MEETING - 7:30 p.m.

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

City Manager's Report

Committee Reports

Communications

Unfinished Business

-Adoption of Resolution 2010-7/City of Milford Charter Amendments

*-Appointment of City of Milford Planning Commissioner**

New Business

-Bid Approval/LED Lighting/Electric Department

-Adoption of Resolution 2010-8/Thomas Annexation Request/Committee Investigation

-Easement Agreements (Five)/N. Front Street Sewer Project

-Milford School District Agreement/Tennis Courts

-Adoption of Resolution 2010-9/Tax Appeal Hearing Scheduled

*-Adoption of City of Milford Fiscal Year 2010-2011 Budget***

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.**

CITY OF MILFORD

DELAWARE



OFFICE OF THE CHIEF OF POLICE
E. KEITH HUDSON

“THE GARDEN CITY OF TWIN COUNTIES”

400 N.E. FRONT STREET
MILFORD, DELAWARE 19963
(302)422-8081 FAX (302)424-2330

MEMORANDUM

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: June 7, 2010

RE: Activity Report/May 2010

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Monthly Stats:

A total of 486 arrests were made by the Milford Police Department during May 2010. Of these arrests, 183 were for criminal offenses and 303 for traffic violations. Criminal offenses consisted of 57 felonies and 126 misdemeanors. Traffic violations consisted of 19 Regular Duty Radar, 7 Drunk-Driving charges, 98 Special Duty Radar and 179 other.

Police officers investigated 39 accidents during the month (3 personal injury, and 36 property damage) and issued 171 written reprimands. In addition, they responded to 1183 various complaints including city requests and other agency assistance.

A total of \$4,658.70 was collected in fines during May.

One False Alarm Violation Invoice was issued during the month of May.

Monthly Activities:

CAD (Computer Aided Dispatch) Software Update: New CAD and records software version coming out later this month. We will be installing it on our test server and running concurrently with live data to insure integrity for about a month before going live.

We are beginning the process of verifying new addresses since our map was installed. Verifying against 911 addressing, especially in Walnut Village and Hearthstone as some of the addressing is not on our CAD Maps.

Five Seasonal Officers have finished their training and are beginning their patrol duties.

A committee , within the police department, has been formed to begin planning for the National Night Out event.

Members of the Community Policing Division, Patrol Division and Administrative Division assisted with the Milford High School Senior Cruise held on May 14th. Fortunately, it was another successful cruise for the seniors with no accidents or injuries reported.

Community Policing also participated in the Milford Hospital Fair, fingerprinting and photographing young children for identification purposes.

On May 27th, several groups of children from Banneker School toured the police department which were handled by Sergeant Bailey of the Community Policing Division.

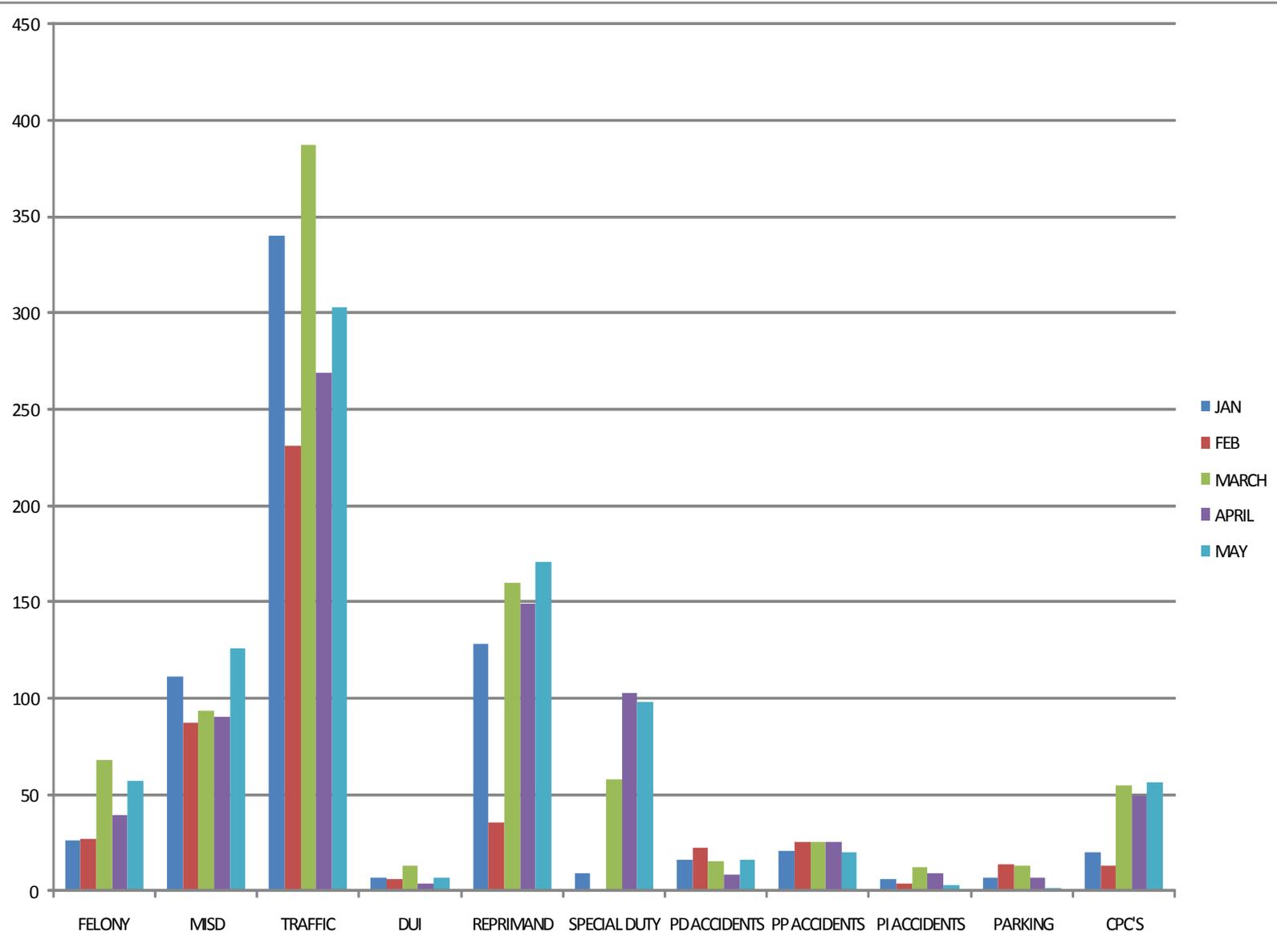
A new generator was installed at the police department and is working well. The generator was funding through the stimulus grant.

I completed the Incident Command System 300 training held at DEMA in Smyrna from May 11th through May 13th.

EKH/vrk

MAY ACTIVITY REPORT

	<u>MAY 2009</u>	<u>TOTAL 2009</u>	<u>MAY 2010</u>	<u>TOTAL 2010</u>
<u>Complaints</u>	1359	5617	1183	5543
<u>Criminal Arrests</u>	216	1030	183	724
Felonies	26	281	57	217
Misdemeanors	190	749	126	507
<u>Traffic Arrests</u>	485	2052	303	1530
Regular Duty Radar	60	287	19	107
D.W.I.	17	72	7	37
Special Duty Radar	128	297	98	268
Other	280	1396	179	1118
<u>Reprimands</u>	189	1205	171	643
<u>Accidents</u>	48	224	39	227
Personal Injury	4	19	3	34
Property Damage	44	205	36	193
Fatal (included in PI)	1	1	1	1
<u>Parking Summons</u>	13	71	1	42
<u>Crime Prevention Checks</u>	13	172	56	193
<u>Fines Received</u>	\$8,238.55	\$46,152.36	\$4,658.70	\$36,874.09



City Manager's Report
June 14, 2010

- **205/207 NW Front Street—Board of Appeals**

The Board of Appeals is tentatively scheduled to meet on June 23, 2010 to hear an appeal of the condemnation order of 205 & 207 NW Front Street. Still waiting to hear from their attorney to finalize the date. This hearing follows the condemnation order issued by the City Code Official and denial of the owner's appeal to the City Manager. This is the final appeals process outlined in the City's Building and Property Maintenance Codes, although the owner could have additional options through the State Courts.

- **DelDOT Public Workshop—Wilkins Road/Rt. 30/Rt. 1**

DelDOT will be holding a public workshop on Monday, June 28 from 4:00 pm to 7:00 p.m. on the status of the overpass project at Wilkins Road and Rts. 1 & 30. At the workshop the public will be able to review and discuss the proposed safety improvements for the intersection. Current schedule for the project is final right-of-way plans to be completed fall 2010, construction to begin winter 2011. Attendees will have an opportunity to review display materials and provide comments to the DelDOT representatives present.

- **Independence Commons Lot Sale**

The City has sold a 1.42 acre to 4Blaine, LLC for \$145,000 at the Independence Commons Business Park. The property will be home to a new Dental Office. Settlement is expected to occur on or before December 31, 2010. The City has had discussions with this party in the past, however, the buyer has indicated the recent tax and impact fee incentives are speeding up the process to purchase and proceed to plan approval and construction.

- **Hearthstone/West Shores Utility Easements**

The City is working with owners of West Shores and Hearthstone Manor regarding the use of the utility easement that is necessary for West Shores to connect to City water, sewer, and electric utilities. The City's preferred option is that the Hearthstone Manor design be used within the easement as it not only serves the needs of Hearthstone Manor but also that of West Shores and is the preferred option for the City as it will be ultimately responsible for the ownership, maintenance and operation of the utilities upon their completion.

- **Pedestrian and Bike Master Plan Advisory Committee**

The Parks and Recreation and Planning Departments are moving forward with the development of the Bike and Pedestrian Master Plan through a \$25,000 grant received from the State through the Land & Water Conservation Trust Fund. The City is seeking volunteers interested in serving on the advisory committee to provide input and direction on this project. The first meeting will be held on Tuesday, June 22, 2010 at 3:00 p.m. at City Hall.



Delaware Department of Transportation
Carolann Wicks, P.E.
Secretary

PUBLIC WORKSHOP

**Route 1, Route 30 (Wilkins Road and Cedar Neck Road)
Grade Separated Intersection**

Carlisle Fire Company
615 NW Front St., Milford
Monday, June 28, 2010
4:00 to 7:00 p.m.

The Department of Transportation (DelDOT) will hold a Public Workshop to solicit public input on the Grade Separation of the intersection of Route 1 with Route 30 (Wilkins Road and Cedar Neck Road). Interested members of the public are invited to attend at any time between 4:00 p.m. and 7:00 p.m.

At the workshop the public will be able to review and discuss the proposed safety improvements for the intersection. Current schedule for the project is final right-of-way plans to be completed fall 2010, construction to begin winter 2011. Attendees will have an opportunity to review display materials and provide comments to the DelDOT representatives present.

Interested persons are invited to express their views in writing, giving reasons for support of or in opposition to, the proposed improvement project. Comments will be received during the workshop or can be mailed to DelDOT Public Relations, PO Box 778, Dover, DE 19903.

This location is accessible to persons having disabilities. Any person having special needs or requiring special aid, such as an interpreter for the hearing impaired, is requested to contact DelDOT by phone or mail one week in advance.

For further information contact Public Relations at 1-800-652-5600 (in DE) or 302-760-2080, or write to the above address.

PUBLIC NOTICE

Celebrate Summer with the CCGM



June:



- Wednesday, June 16 – Power Breakfast - Halpern Eye Care – DE Hospice, 100 Patriots Way, Milford – 8 to 9:30 a.m. – Learn how to protect your eyes from the summer sun & check out the fashionable sunglasses.
- Wednesday, June 23 – Mixer hosted by Milford V.F.W. – 77 Veterans Circle, Milford – 5 to 7 p.m. – Enjoy the air conditioned banquet hall, or mingle outside at the Tiki Hut.

July:



- Wednesday, July 14 – 2nd Quarter General Membership Luncheon – Shawnee Country Club – 11:30 a.m. to 1 p.m. – Enjoy lunch in the newly renovated club house with our guest speaker Governor Jack Markell.
- Tuesday, July 20 – Mixer hosted by Milford Senior Center – 111 Park Ave, Milford – 5 to 7 p.m. – Enjoy refreshing summer treats while networking with other CCGM members.
- Wednesday, July 28 – New Member Orientation Power Breakfast - DE Hospice – 100 Patriots Way, Milford – 8 to 9:30 a.m. – Get out of the heat & start your morning out the right way, meeting new members.

August:



- Wednesday, August 25 – Power Breakfast – Mid-Atlantic Web Video – DE Hospice – 100 Patriots Way, Milford – 8 to 9:30 a.m. – Come out and learn how to get your company more exposure on the web!
- Thursday, August 26 – Mixer hosted by Milford Community Band – Lear Hall, 315 Claude St, Milford – 5 to 7 p.m. – This event will bring music to your ears... Come & learn more about the Milford Community Band while networking.

Coming in September...

10th Annual Riverwalk “Freedom” Festival September 10-12th

* New 5K Walk/Run * Duck Dash * Kids Korner * Vendors *
* Free Entertainment * Fireworks *





Where Dreams are Never Disabled

Founding Area 4
Rotary Clubs



Milford

Milford-Mispillion

Lewes-Rehoboth

Rehoboth Sunrise

Nanticoke-Seaford

Harrington-
Greenwood-
Felton Centennial

The Local district 7630 Area 4 Rotary Clubs have decided to again “Serve above Self” By building a boundless playground in our area by way of a partnership with the City of Milford. This is a special playground because it is designed by children for children of all needs; by this we mean it is a design for children with special needs and challenges. They would now have a place to go with their families and enjoy playing with others; this also builds their confidence and gives them great satisfaction.

We the Rotary District 7630 Area 4 Rotary Clubs want to extend our invitation for you to participate in a community forum to discuss Values and Outcomes for the Boundless Playground at Milford, DE. Below are details both about the project and the meeting – you were selected to join us as a leader with an interest in the children in our community. We know your time is precious; we will have you on your way within two hours.

Values and Outcome for the Boundless Playground

When: Wednesday 6-23-10

Registration and mingling: 6:00 pm

Session Starts: 6:30 pm

Sessions end no later than: 8:30 pm

Where: Milford Boys & Girls Club

RSVP to: Building Chair – Charlie@towerssigns.net

Or 302 - 629 -7450 By June 21, 2010

Can- Do-Playground

Why: The Most effective playgrounds are developed on the basis of values, philosophies and outcomes that are a group of caring and nurturing adults jointly provides for their children and grandchildren. At first thought, it might seem that a playground is something best left to educators and recreation professionals, but each adult has experience as a child and had observed children playing. These experiences have affected the way play is encouraged and facilitated, both directly and indirectly. Thinking about a new play area is the ideal time to evaluate the purpose for providing the time and place to play.

What is a Boundless Playground?

On a Boundless playground, at least 70% percent of play activities can be enjoyed by the children with challenges without leaving their support equipment (e.g. walkers, wheelchairs) behind. Most playgrounds are an exercise in humiliation and segregation for children with physical, sensory, or developmental disabilities; wheelchairs are too wide to navigate the equipment, sandboxes are too low to climb in and out of; swings are painful to use and lack support. There are further bonuses to Boundless Playgrounds. Equipment designs for children with disabilities are often the most popular with “typically able” kids. And Boundless Playgrounds provide opportunities for intergenerational play between children and their challenged parents and grandparents.

Do you know children between 5 and 12 that might want to help design the playground? They are invited to attend a design event 3 hours before this meeting also at the Milford Boys& Girls Club, if you would please leave their contact information when you RSVP to Building Chair at Charlie@towerssigns.net or 302-629-7450.

Boundless Playground needs designs Children

On June 23, 2010 at 3:00 pm we will begin the design for the playground with the help of children between the ages of 5 and 12. The dreaming and designing party will be a hands on (Legos, Playdoh, and more) and certainly fun! If you have a child or grandchild between these ages who would like to attend please contact: Charlie Towers by email at Charlie@towerssigns.net or call his office at 302-629-7450 by: June 21, 2010. Please provide the child's name, address and where they have a special need. Parents and Grandparents may also attend.

Sincerely,



Charlie Towers

Building Chair

**Dreaming and Design Party
Can-Do Playground Matrix
June 23, 2010**

Play Structure	Age 4	Age 5	Age 6	Age 7	Age 8	Age 9	Age 10	Age 11	Age 12	Age 14	Age 37
Airplane ride	X										
Jungle Gym w/Sand Underneath		X									
Spinning Device Attached to Monkey Bars		X									
Swing		X		XX		X		X			
Sliding Pole		X									
Walking Path		X									
Merry Go Round			X				X	X			
Monkey Bars/Monkey Bar House			X	X				X			
Playhouse				X			X			X	
Slide for all Children		X		X				X			
Seesaw, Seesaw/With Button to Control Up/Down				X							
Hideout											
Trampoline with Chair Having Button to Start/Stop		X			X						
Roller Coaster for One Person					X						
Half Pipe Mania-Walkway with 5 half pipe Dips					X						
Hammock-Style Swing That Supports Back					X						
Twisted Tube Slide w/4 Twists and Slippery Padding, Speakers Inside					X						
Underground Tunnel Big Enough for Wheelchair					X						
Elevated Porch to Overlook Whole Playground w/Swing & Slide Attached						XX					
Tower with Steps/Ramps to Play Games On						X					
Swing with Seat for 4 Children at One Time						X					
Twirling Ramp											
Twirling Bar											
Bridge with Games on Side (Tic-Tac-Toe, Memory)							X				
Double Balance Beam with Grooves for Wheelchairs							X				
Glider Chair Suspended by Wire and Moves from End to End							X				
Sand Table							X				
Te-Pee for Playing Inside and Climbing on Outside							X				
Wheelchair Bouncy with Button to Start/Stop								X			
Maze for All Children with Blue Dots Showing Way Out								XX			
Peg Wall with Different Shapes											
Platform Suspended in Air for Wheelchairs to Pull Themselves Across by Rope											
Peaceful Refuge of Gazebo Shape to Rest in Between Play								X			
Swing with Air Blower to Push Swing								X			
Rock Climbing Wall								X			
Tunnel-hiding games								X			
Mystery Slide at End of Tunnel for a Surprise								X			
Train								X			
Playhouse w/Spinning Wheel											X
Bang-on Music Box											X
Picnic Tables, Pavilion											X



VALUES AND OUTCOMES MATRIX

Prepared for: Rotary Club Community Fund - P00193
 Date of V&O: June 23, 2010

PRIORITY XXX	ESSENTIAL XXO	VALUABLE XOO	SIGNIFICANT OOO
# Outdoor stage	Imagination	Musical experience	Alone spaces
Swing	Interaction	Bond with parents	Compromise & Negotiation
Run	Sensory Challenges	A place to learn	Maze
Safety	Directions & Symbols to make playground self-guided	Explore	Unique activities - programmed
Climb	Looking at sky upside down	Dig	Yell
Slides	Change perspectives Vistas	Colorful	■ Play with animals
Physically challenging	Place to laugh	Want to come back	Social
Make noise - things	Hand over hand	■ Picnic table	Camping
Sand play	Get Dirty	■ Braille signage	■ Family Fun - lawn area
Build	Someplace to feel safe	Should change	■ Racing - a place to go fast - track
Ability to hide	Playhouse	Enhance creativity	Arts & Crafts
Merry-go-round	Place to compete	■ First aid station	Pretend driving
Exercise	Change surfaces	■ Landscaping	Different main themes
Accessibility for all	Sequencing - how things work	Non-judgemental	# Indoor program games
Manipulatives	Team play	Adult-child interaction area	■ Historical signs
Gross motor skills - Obstacle course	Useable in all kinds of weather	Realistic expectations	Story telling
Rubberized surface	■ Shady picnic area	Numbers	■ Place for refreshments
■ Restroom	Props for play "stuff"	■ Children's garden	Stay in budget
Challenging - make them think	■ Security		■ Local history
Crawling and rolling around	Reach and stretch		■ Connection with local library
# Benches	Things on springs		Acting
■ Parking accessible	Low maintenance		■ Sun dial
Balancing	# Game tables		# Box hockey
	# Hard surface games		
	# Water-play		
	Sounds		
	Durable		
	Blends with natural environment		

■ Site amenities #These items are non-playground equipment play elements/supervisory play elements. We recommend that you contact your local design professional partner (i.e. landscape architect, civil engineer, etc.) to incorporate these elements in the project site plan.

Can-Do Too Playground

A project of District 7630 Area 4 Rotary Clubs

The Can-Do Too Playground project proposes to construct a unique handicapped accessible playground that will be available to all children in lower Delaware. The playground, to be located in Milford, Delaware, will be accessible to children of all disabilities including physical, developmental, and sensory. The cost of the project will be \$500,000.

Project Background

In 2007, six Wilmington area Rotary clubs, partnering with Delaware State Parks, developed the first "Can-Do" playground – a playground for all children including those with disabilities. This playground was constructed in Alapocas Run State Park. In the two years since it opened, it has been extremely popular, attracting an estimated 50,000 to 60,000 visitors. Anecdotal review has shown that visitors have traveled up to three hours just to have their children play on the playground features.

The success of the Can-Do playground led the project's leader, Tom Talley, to consider expanding the effort to lower Delaware. He contacted the Rotary area 4 clubs to determine the interest in developing a second Can-Do playground. Five clubs accepted the challenge and developed the Can-Do Too project. The project team joined with the City of Milford who agreed to provide a location for the playground, and to own and maintain the playground once it is constructed. The group organized a board of directors, an advisory board, and several working committees of volunteers that are raising funds and developing this playground project. David Rutt was chosen as the project leader.

Information about Rotary

Can-Do Too is a project of five Rotary Clubs of Area 4 of Rotary District 7630. The clubs participating in this project are: the Milford Rotary Club, the Mispillion Rotary Club, the Lewes-Rehoboth Rotary Club, the HUB Rotary Club (Harrington, Felton, Greenwood and Bridgeville), and the Seaford Rotary Club. This represents a combined membership of between 150 and 175 members.

Rotary International is a service organization comprised of about one million members in 24,000 Rotary clubs in 167 nations. Rotary was started in Chicago in 1905. There is a long history of Rotary International projects from the worldwide effort to eradicate Polio, and providing hurricane and earthquake relief, to local education scholarships and support for school programs.

Selection of National Center for Boundless Playgrounds

The project team visited several playgrounds with varying levels of accessibility as well as the Can-Do playground in Alapocas Run State Park. The project directors of the Can-Do Too playground hired the National Center for Boundless

Playgrounds, a non-profit corporation headquartered in Bloomfield Connecticut, to supply technical support and design configuration services associated with creating these special playgrounds. For more information see their website at www.boundlessplaygrounds.com The Company has overseen the construction of sixty such playgrounds nationally and has strict guidelines for their development.

Need

Research shows that one in twenty persons will experience a disability during their lifetime. The Can-Do Too playground will be designed for use by children between the ages of four and twelve; although it also appeals to disabled parents and grandparents of able-bodied children. Several thousand children in lower Delaware, who are not institutionalized, have some disability which limits their ability to use traditional playground equipment. This matters because play is a fundamental joy and important way children learn to navigate the world. Experts in pediatrics and early childhood education note that through play, children develop their language skills, decision-making abilities, social interaction strategies and physical, sensory, and cognitive strengths. Play is a fundamental aspect of childhood. Playgrounds are laboratories for children's development, where the neurological framework, which is the platform for their intelligence, is built.

Playgrounds are not made accessible by simply removing architectural barriers, adding a transfer platform or ramp and counting the number of "accessible" play components. Real play happens in the minds of children. A child's perception of the play space is the combination of the real space (the physical environment), and the imaginary world they create while interacting with other children.

The Can-Do Too Project

Recognizing this need within the region for children of all abilities to be able to play together to develop their minds and bodies, five Rotary Clubs of the District Area 4 decided to develop a playground in lower Delaware. The essence of play that was incorporated into the first Can-Do playground is now planned for the Can-Do Too playground in Milford. The proposed playground will be designed for use by children with impairments and those without so there will be no discrimination in its accessibility.

To accomplish this task, the Area 4 Rotary Clubs formed a Not-for-Profit organization by incorporating as Can-Do Too, Inc. and has applied for 501(c)3 status. This non-profit organization received \$6,000 start up funds from the participating Rotary clubs.

The leaders of the organization met with representatives of the City of Milford Department of Parks and Recreation who identified an appropriate site within the city. This site is located on land near the city's business park that was already identified as an area for recreational development. The greater site

includes the Veterans Home, the Delaware Hospice Center, and the Milford Boys and Girls Club. A portion of the land, known as Silicato Park, is planned to hold open space, soccer fields, a general use field, walking paths, and two small public playgrounds. With the addition of the Can-Do Too Playground, the site will be a major attraction for people throughout Kent and Sussex Counties.

The City of Milford has agreed to exclusively dedicate the land for this playground, to allow use of the nearby developed land for access, parking, and support, and to provide for the playground's repair and maintenance once it is constructed. Ownership of the playground will be given to the city upon completion. The value of this dedicated land and the support facilities is estimated at \$50,000. In addition, the corporation is pursuing an easement with P.J. and Phyllis Walker, the owner of land adjacent to the proposed playground. It is planned that this land be incorporated into the project to allow for a larger and more complete playground project. The equipment on this land will also be owned and maintained by the City of Milford. The duration of this easement will be for so long as the property is used for the Can-Do Too playground. The estimated value of this easement is \$50,000.

To help assure that the local needs are met, the planning committee intends to develop two meetings for the public to allow them to express their needs and desires for the playground. The one meeting is intended to determine the values and outcomes expected for the playground. We hope that this meeting will include agencies and support personnel who work with disabled children in lower Delaware. At another meeting we hope to attract children from the ages of four to twelve of all abilities to solicit their input into the specific design and components for the playground. With the input from both meetings we will work with the Boundless playground designers to design a specific plan for the Can-Do-Too playground.

Evaluation of Project

Within one year of the grand opening of the Can-Do Too playground, we will complete our evaluation research. We will prepare a written summary of results from follow up telephone or e-mail interviews with representatives of the organizations and agencies that attended our pre-design public meetings. We will also report the results from interviews taken during two summer weekends after the playground's official opening. This questionnaire will include information such as:

- Who in their family uses the playground?
- Where do they live?
- How often they come?
- What they like and don't like about the playground?
- What else they would have liked to include in the playground?
- How did they find out about the playground?

DELAWARE STATE SENATE

145th GENERAL ASSEMBLY

Senate Bill #

AN ACT TO RE-INCORPORATE THE CHARTER OF THE CITY OF MILFORD BY AMENDING AND SUBSTITUTING CHAPTER 726, VOLUME 57 LAWS OF DELAWARE ENTITLED “AN ACT CHANGING THE NAME OF THE TOWN OF MILFORD TO “THE CITY OF MILFORD” AND ESTABLISHING A CHARTER THEREFORE” AS AMENDED RELATING TO GOVERNMENT, ADMINISTRATION, VOTING, AND ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 726, Volume 57 Laws of Delaware entitled “An Act Changing the Name of ‘The Town of Milford’ to ‘The City of Milford’ and establishing a Charter Therefore’ as amended in its entirety and by establishing a new Charter for the City of Milford to read as follows:

“MILFORD CHARTER

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Article IX.	Tax Increment Financing and Special Development Districts
Article X.	Severance
Article XI.	Transitional Provisions
Article XII.	Repealer
Article I.	Incorporation, Territory and Annexation

1.01 - Incorporation

The inhabitants of the City of Milford (“the City”) within the corporate limits hereinafter defined in this Charter or as hereafter extended as hereinafter provided, shall be and constitute a body politic and corporate, and shall be known and identified as the City of Milford.

1.02 - Territorial Limits

The boundaries of the City of Milford are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office for Kent County and for Sussex County in the State of Delaware (official recorded copies to be kept by the City Clerk) as presently exists and as hereinafter amended:

In addition to the aforesaid, the Territorial Limits of the City of Milford shall also include all lands annexed by the City of Milford pursuant to Section 1.04 of this Charter. The Council may, at any time hereafter, cause a survey and plot to be made of the City, and the survey and plot, when made and approved by the Council, shall be recorded in the offices of the Recorders of Deeds in and for both Kent and Sussex Counties, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record shall be evidence in all courts of law and equity in this State.

1.03 - Wards

The City of Milford shall be divided into four wards and a map entitled “Official Ward Map, Milford, Delaware” will delineate the ward boundaries with legal descriptions of each ward attached and kept on file in the Office of the City Clerk. The official ward map shall be identified by the signature of the Mayor, be attested by the City Clerk and bear the seal of the City. The map, legal descriptions and any future changes shall be recorded in both Kent and Sussex County within a reasonable time after the effective date of the amendment approved by City Council. City Council shall adopt the official map and any future amendments by ordinance.

The City Council may provide for a fifth Ward and re-arrange the boundaries of the four Wards provided for herein, in the event of annexation or re-apportionment as hereinafter set forth.

1.04 - Annexation

The City may from time to time extend its boundaries through the process of annexation in accordance with Delaware Code and the following procedures shall apply:

(a) All the property owners of the territory contiguous to the then existing corporate limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, may request the City Council to annex that certain territory in which they own property.

(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefore.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.

(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council. Within sixty (60) days of the final recommendation by the Planning Commission, City Council shall hold a public hearing to consider the annexation and zoning application.

(5) Following the public hearing and subject to the acceptance of the Plan of Services, City Council may then pass a resolution annexing such territory to the City of Milford. Such resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. If the resolution fails to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

(6) Prior to the resolution being considered, an ordinance that is conditioned on the approval of the annexation application must be adopted to establish a zoning district for the property to be annexed.

(7) If the resolution receives a favorable vote for annexation, the City Council shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the favorable vote for annexation by the City Council. The territory considered for annexation shall be considered to be a part of the City of Milford from the time of recordation. The failure to record the description of the plot within a specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable vote of the City Council.

(b) If five (5) or more property owners, but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Milford, by written Petition with the signature of

each such Petitioner duly witnessed, shall request the City Council to annex that certain territory in which they own property.

(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefore.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.

(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council.

(5) Within sixty (60) days of the recommendation by the Planning Commission, a resolution shall then be considered by City Council proposing to the property owners and residents of both the City of Milford and the territory proposed to be annexed that the City proposes to annex certain territory to its then limits and territory. Said resolution shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council.

The resolution shall contain a description of the territory proposed to be annexed, requested zoning and shall fix a time and place for a public hearing on the subject of the proposed annexation and zoning. The resolution shall be printed in a newspaper having a general circulation in the City of Milford at least one (1) week prior to the date set for the public hearing, or, at the discretion of the City Council, the said resolution shall be posted in four (4) public places both in the City of Milford and in the territory proposed to be annexed.

(6) The resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

(7) Within sixty (60) days following the public hearing, and upon the acceptance of the Plan of Services by the State of Delaware, the City Council may pass a resolution annexing such territory to the City of Milford, subject to the approval of the property owners in the territory to be annexed. Said approval or disapproval shall be signified at a Special Election as set forth hereinafter. The resolution of the City Council to annex the territory must be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council.

(8) In the event that the resolution does not receive an affirmative vote by two-thirds (2/3) of all the elected members of the City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date the resolution failed to receive the required affirmative vote.

(9) Following the affirmative vote but in no event later than thirty (30) days after said resolution has been approved, the City Council shall order a Special Election to be held not less

than thirty (30) nor more than sixty (60) days after said affirmative resolution has been passed on the proposed resolution.

(10) The notice of the time and place of the said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in the City of Milford, or, at the discretion of the City Council, the said notice may be posted in four (4) public places, both in the City of Milford and in the territory proposed to be annexed at least fifteen (15) days prior to the date set forth for the said Special Election.

(11) At the Special Election, every property owner, whether an individual, partnership or a corporation in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney duly executed. In the event that an individual holds a Power of Attorney, duly executed and acknowledged, specifically authorizing the said individual to vote for the owner of a property held by a partnership or by a corporation at the said Special Election, a duly authenticated Power of Attorney shall be filed in the Office of the City Manager of the City of Milford. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election for such partnership or for such corporation. Property owners in the area proposed to be annexed shall have only one vote regardless of the number of parcels owned.

(12) The City Council of the City of Milford may cause either voting machines or paper ballots to be used in the Special Election, the form of the ballot to be printed as follows:

For the proposed annexation

Against the proposed annexation

(13) The Mayor of the City of Milford shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated as the Presiding Officer. Voting shall be conducted in a public place as designated by the resolution calling the Special Election. The polling place shall be open from twelve noon, prevailing time, until eight

o'clock in the evening, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.

(14) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof. The Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the City Council. Said Certificate shall be filed with the papers of the City Council. In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the proposed annexation.

(15) In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one hundred eighty (180) days from the date of the said Special Election.

(16) If a favorable vote for annexation shall have been cast, the City Council of the City of Milford shall cause a description and a plat of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be part of the City of Milford from the time of recordation. The failure to record the description or the plat within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.

(c) Annexation Agreement.

Notwithstanding any provision herein to the contrary, where, pursuant to §1.04(a) or (b) of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the City, such petition may be made contingent upon an annexation agreement with the City which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities and public improvements. In the event the City Council approves such an agreement and votes to accept a petition under this §1.04 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure.

The resolutions and notices adopted by the City Council shall recite that the proposed annexation includes and is subject to an annexation agreement. The resolution and ballots, if an election is required, annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by specific reference. An annexation agreement may be modified or amended by mutual agreement of the petitioner and the City Council at any time prior to the resolution adopted by City Council annexing the land into the City of Milford, or prior to the resolution ordering the special election pursuant to §1.04 of this Charter. In any event, the Annexation Agreement shall run with the land and be recorded with the annexation resolution.

(d) Property shall be designated to a contiguous ward(s) when annexed into the City pursuant to Article I.

Article II. Nominations and Elections.

2.01- City Elections

(a) The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of 12 noon and 8:00 p.m. at such places as shall be determined by the Council and in accordance with State law.

(b) The election shall be held under the supervision of an Election Board, consisting of no less than three nor more than five electors of the City to be appointed by the Council. The Election Board shall be Judges of the election and shall decide upon the legality of the votes offered.

(c) A clerk from each respective Ward will be assigned to verify the identity and residence of each prospective voter within their election district that intends to vote on the day of the municipal election. The clerk shall obtain this information from the alphabetical list of registered voters provided for this purpose. Those persons not properly registered shall not be permitted to vote at that particular election and become eligible only after being qualified before the next registration deadline. City Council shall appoint an election clerk(s) for each Ward in which there is a contest.

(d) Every person who resides within the City of Milford boundaries for at least thirty (30) days prior to the registration deadline or natural persons owning property within the City of Milford at least thirty (30) days prior to the registration deadline, and who are over the age of eighteen (18) years, shall be entitled to one vote at said annual municipal election or special election; provided, however, that the Council may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite to voting at the annual election. A Corporation, Partnership, Limited Partnership or other legally created entity is prohibited from registering and voting as a non-resident property owner unless property within the City is titled in an individual name.

(e) It is the responsibility of those registered voters who own property in more than one Ward to declare at least sixty (60) days prior to the election which Ward they will vote in on the day of the election. In the event that a person owns property(s) in the City in addition to their place of residency, he or she may vote once only where he or she resides.

(f) Upon the close of an annual municipal election or special election, the votes shall be counted and read publicly. The person having the highest number of votes, for each office, shall be declared duly elected in accordance with State law, and shall continue in office during the terms for which they are chosen, or until their successors are duly elected and qualified.

(g) The Election Board shall enter in a book to be provided for that purpose, a minute of the election containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of Election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of law or equity. All ballots cast, in the event paper ballots are used, and all tabulations of votes from voting machines, if used at said election, and all other records of election shall be preserved in the Custody of the City Clerk for a period of time as required by State law.

(h) Any vacancy in the Election Board shall be filled by the electors present at the time of the annual election, by naming from the electors present, such person or persons as shall be necessary to fill such vacancy.

(i) In the event of a tie vote for any office, a Special Election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the Special Election is determined.

(j) Not less than sixty (60) days prior to the Annual Election, all candidates for the office of City Councilperson shall file with the City Manager a nominating petition, stating the name of the candidate, the office for which he or she is nominated, and shall be signed by not less than ten (10) registered voters in the Ward in the City of Milford in which the candidate resides. Nominations for the Office of Mayor shall be filed with the City Manager not less than sixty (60) days prior to the Annual Election and shall contain the name of the candidate, the office for which he or she is nominated and shall be signed by not less than ten (10) registered voters in the City of Milford.

2.02 - Emergency election postponement; declaration.

After consultation with the City of Milford Board of Elections, the City Clerk of the City of Milford may issue a declaration postponing the date of an election as the result of civil disorder, a natural disaster, a state of emergency or any other catastrophic event. Once the declaration is issued, the affected election is postponed. The City Clerk shall promptly set a date on which the postponed election will be held. The date of the postponed election shall not be later than fourteen calendar days after the original date of the election.

2.03- Absentee Ballot Procedures

Absentee voting in the City of Milford is in accordance with State law.

2.04 - Voting Machines for Local Office and Mayor and Council Ballots

(a) Voting machines for Mayor and City Council Elections. The City of Milford shall conduct all elections for local office using voting machines that the Department of Election of the State of Delaware provides.

(b) Names on Ballots. The Department of Elections shall prepare the voting machines for the election of members of a Municipal Government by listing the names of all certified candidates submitted by the municipality in alphabetical order by last name without political party or other designation.

2.05 - Ballots for Ordinances and Charter Amendments

An ordinance or Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such questions shall appear, in the following order, the words "yes" and "no" and to the left of each a square in which by making a cross (X) the voter may cast his vote.

2.06 - Voting Machines for Referenda and Annexation Elections

The Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

2.07- Council Districts; Adjustment of Districts

(a) Number of Districts. There shall initially be four City Council districts to be known as Wards.

(b) Districting Commission. The City Council shall comprise the districting commission.

(c) Report; Specifications. By the first day of January of the second year following the decennial census, the districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the Council district boundaries to comply with these specifications:

(1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets or other natural boundaries or survey lines as required.

(2) Each district shall contain as nearly as possible the same number of qualified voters and Districts shall not differ in population by more than ten (10) percent of the population in the smallest district created. The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the Clerk, the report shall be treated as an ordinance introduced by a Council member.

(d) Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that the summary, including both the map and descriptions of the recommended districts, must be published in two newspapers of general circulation in the City of Milford, no less than one month prior to its adoption.

(e) The Commission may, but is not required to, establish five Wards instead of four, with two Councilpersons to be elected from each Ward.

(f) Enact Ordinance. The Council shall adopt the ordinance at least six months before the next regular City election.

(g) Effect of Enactment. The new Council districts and boundaries, as of the date of enactment, shall supersede previous Council districts and boundaries for all the purposes of the next regular City election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all Councilpersons elected at the regular City election take office.

ARTICLE III. Powers of the City – Council and Mayor

3.01- Enumerated Powers

The City of Milford shall have all powers possible for a city to have under the constitution and laws of this State as fully and completely as though they are specifically enumerated in this Charter. Without limiting the scope of the foregoing provision, the City is specifically empowered as follows:

(a) The City shall have the power to acquire lands, tenements, real property or interests therein by condemnation for the purpose of providing sites for public buildings, parks, sewers, sewage disposal or electric plants or the erection or construction of lines or conduits for the transmission of electricity, water, gas or sewerage, or for any other municipal purpose, whether within or without the limits of the City, and the procedure therefore shall be as contained in the Revised Code of Delaware 1953, as amended. The City of Milford may transmit electric, gas and/or water from the plant or plants owned and operated by said City to places or properties beyond the limits of said City and upon such terms, charges and conditions that the Council may determine and approve.

(b) The Council is vested with authority on behalf of the City to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the City provided. Notwithstanding anything herein to the contrary, public competitive bidding shall not be required under any of the following circumstances:

(1) A contract for any service to be rendered by the State of Delaware or any political subdivision thereof.

(2) A contract for professional services.

(3) A contract which is less than Thirty Thousand Dollars (\$30,000). Such a contract shall not be for a portion of a project or proposal that would otherwise require bidding. The aggregate amount shall not exceed Thirty Thousand Dollars (\$30,000).

(c) The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the City.

(d) All formal contracts shall be signed by the Mayor with the Seal of the City attached and attested by the City Clerk.

(e) The Council shall have the power and authority to anticipate revenue by borrowing upon the faith and credit of the City of Milford in accordance with the provision of Article VIII of this Charter.

(f) The Council shall have the authority to establish and maintain a pension system for employees of the City of Milford, to be paid to such employees, or dependents, in such amounts, at such times, and

in accordance with such rules and regulations as the City Council shall from time to time resolve or decree.

(g) Notwithstanding any of the provisions of Section 3.01 and without complying with the competitive bidding procedures described herein, the City of Milford may enter into any contract necessary or desired in connection with a TIF District or a special development district created or designated by the City of Milford pursuant to Article IX of this Charter except a contract in which the City of Milford is directly contracting for the procurement of the labor or material for public improvements for the benefit of such district, provided that the foregoing exception shall not apply to development or similar type contracts between the City of Milford and an owner of real property in such district when the contract is generally for the transfer by the owner to the City of Milford of the work performed and the cost of labor or material provided by such owner for the benefit of such district.

3.02- Construction

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers of the Charter shall not be construed as limiting in any way the general power stated in this article.

3.03- Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with anyone or more states or civil divisions or agencies thereof or the United States of America or any agency thereof.

3.04- Notice of Action

No action, suit or proceeding shall be brought or maintained against the City of Milford, the Mayor or the City Council of the City of Milford for damages on account of physical injuries, death or injury to property by reason of the negligence of the City of Milford or any of its departments, offices, agents or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted shall, within one (1) year of the occurrence of such injury, notify the City Manager in writing of the time, place, cause and character of the injuries sustained.

3.05- Investigations

The Council may make investigations into the affairs of the City and the conduct of any City Department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment for not more than ten (10) days, or both.

3.06 - Independent Audit

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council shall, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the State makes such an audit, the Council may accept it as satisfying the requirements of this Section. Council must review and accept each annual audit.

3.07 – Mayor - General Powers

The Mayor shall be the executive of the City and shall preside at meetings of the Council, but shall have no vote except in case of a tie. The Mayor shall execute on behalf of the City all agreements, contracts, bonds, deeds, leases and other documents authorized by Council necessary to be executed. The Mayor or his/her designee shall countersign all orders, checks and warrants authorized by Council; and shall have all and every power conferred and perform the duties imposed upon him by this Charter and the ordinances of the City. The Mayor may appoint such committees as he deems necessary for the proper administration of City Council.

3.08 - Vice Mayor

At the annual organizational meeting, the Council shall also elect by a majority vote of the entire Council a Vice-Mayor who shall act as Mayor during the temporary absence or inability of the Mayor,

and while so acting, shall be vested all the powers and authority of the Mayor. The Vice Mayor shall qualify as a Councilperson while acting as Mayor for the purpose of establishing a quorum.

3.09 - General Powers and Duties

All powers of the City shall be vested in the Council, except as otherwise provided by law or this Charter and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Article IV. Council Government – Composition, Qualifications, Vacancies and Procedure

4.01- Composition of Government

The government of the city and the exercise of all powers conferred by this charter except as otherwise provided herein, shall be vested in an elective body called the Council, consisting of a Mayor and eight (8) Councilpersons. Whenever the word “Mayor” is used, it shall refer solely to the Mayor. Whenever the word “Council” is used it shall refer to the eight (8) Councilpersons. The government of the City of Milford and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in a Mayor and a City Council. The City Council shall consist of not more than ten (10) members. Two of the members of the City Council shall reside in that portion of the City known and described as the First Ward, two in that portion known as the Second Ward, two in that portion known as the Third Ward and two in that portion known as the Fourth Ward. In the event a Fifth Ward is created, two members of Council shall reside in that portion of the City known and described as the Fifth Ward. The Mayor and Councilpersons shall each serve for a term of two years.

4.02 Annual Organizational Meeting.

At seven o'clock (7:00) p.m. on the second Monday following the annual election, the Mayor and Council shall meet at the Council Chamber and shall assume the duties of their offices after being first duly sworn or affirmed to perform their duties with fidelity and in accordance with the Charter of the City.

4.03 - Compensation and Expenses

The Council may determine the annual salary of Councilpersons and the Mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilpersons elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Councilpersons and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office.

4.04- Prohibitions

(a) Except where authorized by law, no Mayor or Councilperson shall hold any other City office or employment during the term for which he or she was elected to the Office of Mayor or Council, and no former Mayor or Councilperson shall hold any compensated appointive City office or employment until two (2) years or more after the expiration of the term of office for which he or she was elected.

(b) Appointments and removals. Neither the Mayor, Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the Mayor or Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purposes of inquiries and investigations under Section 4.08, the Mayor or Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Mayor or Council nor its members shall give orders to any such officer or employee, either publicly or privately.

4.05 - Vacancies, Forfeiture of Office; Filling of Vacancies

(a) Vacancies.

(1) The Office of the Mayor shall become vacant upon death, resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the City.

(2) The Office of a Councilperson shall become vacant upon death resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the Ward in which he/she resided at the time of the election.

(b) Forfeiture of Office. A Councilperson shall forfeit his or her office if he or she (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, or (3) is convicted of a crime involving moral turpitude.

(c) Filling of Vacancies. If a vacancy occurs in the Council and the remainder of the unexpired term is less than three (3) months, the vacancy shall be filled in the next general election. If a vacancy occurs in the Council and the remainder of the unexpired term is less than six (6) months but more than three (3) months, the Council may within 45 days of the vacancy occurring, by a majority vote of all of its remaining members, appoint a qualified person to fill the vacancy until the person elected at the next regular election takes office. If at the time a vacancy occurs the remainder of the unexpired term is six (6) months or greater than six (6) months, the election authorities shall call a special election to fill the vacancy for the remainder of the unexpired term. The special election shall be held not sooner than twenty (20) days nor later than thirty (30) days following the occurrence of the vacancy and shall be otherwise governed by the provisions of Article VII. Notwithstanding the requirement that a quorum of the Council consists of five members, if at any time the membership of the Council is reduced to less than five, the remaining members may, by majority action, appoint additional members to raise the membership to five.

4.06 - Qualification for Mayor and City Council

a) No person shall be eligible for election as Mayor unless he or she is a citizen of the United States of America, a bona fide resident of the City of Milford and has continuously resided therein for a period of two (2) years preceding the day of the election, is over the age of eighteen (18) years prior to the day of the election, has not been convicted of a felony, submits a criminal background check of the person's entire criminal history record from the State Bureau of Identification, and is nominated therefore, as hereinafter provided.

(b) No person shall be eligible for election as a City Council member unless he or she is a citizen of the United States of America, a bona fide resident of the Ward in the City of Milford where they are seeking election and has continuously resided therein for a period of one year preceding the day of the election, is over the age of eighteen (18) years prior to the day of the election, has not been convicted of a felony, submits a criminal background check of the person's entire criminal history record from the State Bureau of Identification, and is nominated therefore, as hereinafter provided.

(c) The Mayor shall be eligible to serve in such elected office unless he or she does not continue to be a resident of the City during his or her respective term(s) of office nor shall any member of Council be eligible to serve in such elected office unless they continue to be a resident of their Ward during their respective terms of office.

(d) If a Council member files and runs for Mayor, and is elected before his or her Council term has expired, the elected Mayor's Council seat shall be considered vacant when the elected Mayor is sworn in on the second Monday following the date of the election.

4.07- Judge of Qualifications

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this Section shall be subject to review by the Superior Court.

4.08 - Procedure

(a) Meetings. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held in compliance with State law and may be on the call of the Mayor or of four or more members. All meetings shall be public; however,

the Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matters permitted by State Law.

(b) Rules and Journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record. Unless or until other rules are adopted, the Council shall follow Roberts Rules of Order and parliamentary procedure.

(c) Voting. Voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the journal. Five members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section 4.05(c), shall be valid or binding unless adopted by the affirmative vote of four or more members of the Council.

4.09 - Action Requiring an Ordinance

The Council is hereby vested with the authority to enact ordinances or resolutions (resolution includes actions taken upon motion whether by roll call or voice vote and whether or not the Resolution has been prepared as a writing) relating to any subject within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, beauty, health, safety, convenience and property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

(a) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency;

(b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(c) Levy taxes, except as otherwise provided in Article ~~V~~ X with respect to the property tax levied by adoption of the budget;

(d) Grant, renew or extend a franchise;

(e) Regulate the rate charged for its services by a public utility;

(f) Authorize the borrowing of money;

(g) Sell or lease or authorize the sale or lease of any asset of the City if its value is equal to or greater than 1/5 of 1% of the assessed value of all real property within the corporate limits.

(h) Amend or repeal any ordinance previously adopted; and

(i) Change of zone or conditional use of land.

Acts other than those referred to in the preceding may be done either by ordinance or by resolution.

4.10 - Ordinances in General

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Milford hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate the matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) Procedure. An ordinance may be introduced by the Mayor, any member of City Council or the City Manager at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to the Mayor, each Council Member and to the City Manager. An ordinance shall be placed on the agenda for introduction and for adoption by title; the introduction and the adoption may not be on the same meeting date. As soon as practicable after adoption of any ordinance, the Clerk shall have it published together with a notice of its adoption.

(c) Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of ten (10) days after adoption or at any later date specified therein.

(d) “Publish” Defined. As used in this section, the term “publish” means to print in one or more newspapers of general circulation in the City:

- (1) A brief summary of the Ordinance, and
- (2) The places where complete copies of it have been filed and the times when they are available for public inspection.

4.11 - Emergency Ordinances

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in subsection 6.09(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to Subsection 6.09(b), shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

4.12 - Codes of Technical Regulation

(a) The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(b) The requirements of Section 4.10 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(c) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Clerk pursuant to Subsection 4.13(a).

(d) Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

4.13 - Authentication and Recording, Codification Printing

(a) Authentication and Recording. The City Clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the Council.

(b) Codification. The Council shall provide for the continual preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Delaware, and such codes of technical regulations and other rules and regulations as the Council may specify. The compilation shall be known and cited officially as the Code of the City of Milford. Copies of the Code may be furnished to City officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

(c) Printing of Ordinances and Resolutions. The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and Charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Code of the City of Milford and at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems

desirable with respect to reproductions and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Delaware, or the codes of technical regulations and other rules and regulations included in the Code.

ARTICLE V. Administration and Appointees

5.01 - Form of Government

The form of government established by this charter shall be known as the “Council-Manager” form.

5.02 - City Manger - Appointment; Qualifications and Compensation

The Council shall appoint a City Manager for an indefinite term. He need not be a resident of the City or state at the time of his appointment but may reside outside the City while in office only with the approval of the Council. The City Council may enter into an employment contract with the City Manager. An employment contract with a City Manager shall be in writing and shall specify the conditions of employment.

5.03 - City Manager - Removal

The Council shall remove the Manager from office in accordance with the following procedures and those conditions contained in the City Manager’s employment contract:

(a) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.

(b) Within five days after a copy of the resolution is delivered to the Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing.

(c) The Council may adopt a final resolution of removal, which may be effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy

of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one. The Manager shall continue to receive his salary until the effective date of a final resolution of removal.

5.04 - Acting City Manager

By letter filed with the City Clerk, the Manager shall designate, subject to the approval of the Council, a qualified City administrative officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

5.05 - Powers and Duties of the City Manager

The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the Council for the administration of all City affairs placed in his charge or under this Charter. He or she shall have the following powers and duties:

(a) He or she shall appoint, and when he deems it necessary for the good of the service, suspend or remove City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He or she may authorize any administrative officer, who is subject to his direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office or agency.

(b) He or she shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(c) He or she shall attend all Council meetings and shall have the right to take part in discussion but may not vote.

(d) He or she shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(e) He or she shall prepare and submit the annual budget and capital program to the Council.

(f) He or she shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) He or she shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(h) He or she shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.

(i) He or she shall perform such other duties as are specified in this Charter or may be required by the Council.

5.06 - City Clerk - Appointment and Duties

The Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, maintain a permanent record of all Council proceedings and documents, manage the City's elections, act as the custodian of the City Seal, affixing it to all documents, records, contracts and agreements requiring a seal and attesting to same by signature and perform other duties as are assigned to him or her by this Charter or by the Council.

5.07 - City Solicitor

At the Annual organization meeting, the City Council shall appoint a City Solicitor who shall be removable at the pleasure of the City Council either with or without due cause as stated. It shall be his, her or its duty to give legal advice to the Council and other officers of the City and to perform other legal services as may be required by the City of Milford. The City Solicitor may be an individual licensed to practice law in the State of Delaware or may be a Delaware law firm any member of which can perform the duties of the City Solicitor.

5.08 - Police Department

The Council shall appoint a Chief of Police for an indefinite term and fix his compensation. The terms of his employment shall be contained in an employment contract

(a) It shall be the duty of the Council to appoint a Chief of the City Police and such number of subordinates as the Council may deem wise. The Council shall, from time to time, make rules and regulations (which may be proposed by the Chief of Police) as may be necessary for the organization, government and control of the Police Force. The police shall preserve peace and order, and shall compel obedience within the City limits to the ordinances of the City and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe. After the initial Chief of City Police and the initial subordinates are appointed in accordance with the terms of this Charter, thereafter, any subsequent Chiefs of Police shall be appointed by the City Council, but any subsequent subordinates shall be hired or fired by the then Chief of Police.

(b) Each member of the Police Force shall be vested, within the City limits and within one mile outside of said limits, with all the powers and authority of a state peace officer, and in the case of the pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

(c) The Chief of Police shall be responsible to Council and shall be removed from office in accordance with the provisions of State law and the following procedures:

(1) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Chief of Police from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Chief of Police.

(2) Within five (5) days after a copy of the resolution is delivered to the Chief of Police, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Chief of Police may file with the Council a written reply not later than five (5) days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days

from the date when a copy of the preliminary resolution was delivered to the Chief of Police, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

(4) The Chief of Police shall continue to receive his salary until the effective date of a final resolution of removal.

(5) By letter filed with the City Clerk, the Chief of Police shall designate, subject to approval of the Council, a qualified police officer to exercise the powers and perform the duties of the Chief of Police during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Chief of Police shall return or his disability shall cease.

(d) The Chief of Police shall:

(1) Administer, direct and supervise the operation of the police department.

(2) Prepare and submit an annual budget and capital program to the City Manager. This shall then be placed by the City Manager into the Annual Budget and Capital Program for Council approval.

(3) Attend all Council Meetings and shall have the right to participate in any discussion of police concern, but shall have no vote.

5.09 - City Holding Cells

The Council may maintain a holding cell for the City, which shall be used as a place for the temporary detention of persons accused of violations of law or ordinances for a reasonable time, in cases of necessity, prior to transport to a detention facility, hearing and trial or arraignment.

5.10 - City Alderman

(a) At the next regular meeting following the Annual Organization Meeting, the Council may appoint an Alderman and an Acting Alderman.

(b) The Alderman may or may not be a resident of the City of Milford and shall have his office at some convenient place within the limits of the City of Milford, as designated by City Council. He or she shall be sworn or affirmed to perform the duties of his office with fidelity by the Mayor. In the event of

his absence from the City or, if for any cause he or she may be unable to perform the duties of his office, the Council is authorized to appoint an Acting Alderman with the same powers, jurisdiction and authority.

(c) He or she shall have jurisdiction over and cognizance of all breaches of the peace and other violations of the ordinances of the City of Milford, to hold trial, to imprison offenders, and to impose and enforce fines, forfeitures and penalties as may be prescribed by the ordinances of the City.

(d) He or she shall be under the direct supervision of the City Manager. The prison in either Kent or Sussex County may be used for the imprisonment of offenders under the provisions of this Charter.

(e) Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the City. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Superior Court.

(f) At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the City. He shall pay all such moneys to the City within ten (10) days after making report to the Council, or for failure to make payment to the City for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as herein above provided.

(g) The Alderman shall keep a docket in which all his official acts shall be entered.

(h) The Acting Alderman may or may not be a resident of the City of Milford; shall keep a separate docket, and in the absence or inability of the Alderman shall have all the powers of the Alderman as herein provided.

5.11 - Finance Department

There shall be a City Finance Department which shall be directed and supervised by an officer of the city who shall have the title of Finance Director. The Finance Director shall be appointed and

supervised by the City Manager. The Finance Director shall have the duties of chief financial officer of the City of Milford, but may delegate such duties to subordinates under his direction. He or she shall pay out any monies upon check signed by two members of either Mayor or City Council or their designee. He or she shall keep a true accurate and detailed account of all monies received and all monies paid out by the city in all its activities and for all its departments, offices and agencies; shall preserve all vouchers and financial records, but under a records disposal program and schedule approved by the Council, may periodically destroy such records and vouchers. He or she shall make such reports at such times as the City Manager and Council shall direct and which will keep the Council, City Manager and the public informed of the financial condition of the city.

5.12 - Planning Department

There shall be a planning department, which shall be directed and supervised by a City Planner. The City Planner shall be appointed, supervised and removed by the City Manager. The City Planner shall have the following responsibilities:

- (a) To advise the City Manager on any matter affecting the physical development of the city;
- (b) To formulate and recommend to the City Manager a comprehensive land use plan and modification thereof;
- (c) To review and make recommendations regarding proposed actions of the Council in implementing the comprehensive development plan;
- (d) To advise and seek advice from the planning commission in the exercise of his or her responsibilities and in connection therewith, to provide it necessary staff assistance;
- (e) To review and make recommendations regarding proposed actions of the Council in annexations;
- (f) To strive to give citizens the opportunity to have a meaningful impact on the development of plans;
- (g) To protect the integrity of the natural environment and endeavor to conserve the heritage of the built environment.

5.13 - City Planning Commission

Pursuant to State law, there is hereby established a Planning Commission for the City of Milford. The City Planning Commission shall consist of nine (9) members recommended by the Mayor and appointed by City Council.

5.14 – Board of Adjustment

There shall be a Board of Adjustment pursuant to the provisions of the Delaware Code. The Council shall, by ordinance, establish a Board of Adjustment and shall provide standards and procedures for such Board to hear and determine appeals from administrative decisions and petitions for variances in the case of peculiar and unusual circumstances which may be required by the Council or by law.

Article VI. Financial Procedures

6.01- Fiscal Year

The Fiscal year of the City shall be set by the City Council.

6.02- Submission of Budget Date

On or before the last day of the twelfth month of each fiscal year, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

6.03- Budget Message

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the manager deems desirable.

6.04- Operating Budget

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and

object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

6.05- Capital Program

(a) Submission to Council. The Manager shall prepare and submit to the Council a five-year capital program at the time the annual budget is submitted to City Council as defined in Section 6.02.

(b) Contents. The capital program shall include:

(1) A clear, general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

6.06- Council Action on Operating Budget

The Council shall adopt the operating budget on or before the last day of the twelfth month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts an operating budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

6.07- Council Action on Capital Program

Adoption. The Council, by resolution, shall adopt the capital program with or without amendment on or before the last day of the twelfth month of the current fiscal year.

6.08- Public Records

Copies of the budget and the capital program as adopted for the fiscal year are public records and shall be made available to the public through the Freedom of Information Act and the City of Milford website.

6.09- Amendments after Adoption

(a) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make by supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available un-appropriated revenues to meet such

appropriations, the Council may exercise short term borrowing authority as provided in Section 8.07 of this Charter.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of Appropriations. At any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by majority vote transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(e) Limitations: Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

6.10- Lapse Of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

6.11- Administration of Budget

(a) Work Programs and Allotments. At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments

of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He or she may revise such allotments during the year if they deem it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations.

b) Payments And Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his\her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he or she shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Article VII. Taxation, Assessors and Assessment of Taxes

7.01 - Not less frequently than every ten years, there shall be made a general assessment which shall be a true, just and impartial valuation and assessment of all the real property within the limits of the City.

7.02 - It shall be the duty of the City Manager to include supplemental assessments prepared by the assessor(s) for the purposes of adding property not included in the last assessment or increasing or decreasing the assessment value of property which was included in the last general assessment. In the year that a supplement assessment is made, the General Assessment then in force as modified by the supplemental assessment, shall constitute the assessment for the year.

7.03 - The City Manager shall make and deliver to the Council, as soon as the assessments are made, such number of copies as the Council shall direct.

7.04 - The real property of the City Assessor(s) shall be assessed by the Council.

7.05 - The City Tax Assessor shall notify the property owner in writing of any change in assessment.

7.06 - The Council shall, prior to a given date set by resolution in each year, cause a copy of the General Assessment as adjusted by the supplemental assessment as made in said year, to be hung in two public places in the City, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notice of the hanging up of the copies of the assessment and the places where the same are hung up and of the day, hour and place when the Council will sit as a Board of Revision and Appeal shall be published in at least one issue of a newspaper circulated in the City.

7.07 - At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

7.08 - The assessment, as revised and adjusted by the Council, shall be the basis for the levy and collection of the taxes for the City. If any taxable fails or neglects to perfect his or her appeal to the Board of Revision and Appeal, he or she shall be liable for the tax for such year as shown by the assessment lists.

7.09 - The Council shall also have the right to levy and collect taxes on all underground cables and utility installations, and upon all telephone, telegraph or power poles or other erections of like character erected or installed within the limits of the City, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same be included in or added to the City Assessment. In case the owner or lessee of such poles, erections, installations or appliances shall neglect or refuse to pay the taxes that may be levied thereon, the said taxes may be collected by the City in the same manner as other taxes, and upon continued non-payment, the Council shall have the authority to cause the same to be removed.

7.10 - The Council shall determine and fix a rate of taxation which with other anticipated revenue will produce approximately the amount of money necessary to defray the expenses of the City for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

7.11 - The limit of taxation for current expenses shall be that rate which, by estimation, will produce a sum not exceeding two (2) percent the assessed value of real property with improvements located in the City.

7.12 - (a) Not later than the second month of a new fiscal year, the City Manager shall make available to the Council a list containing the names of the taxables of the City and, opposite the name of each, the amount of his real property assessment, as well as the tax upon the whole of his assessment, and the rate per hundred dollars of assessed valuation. Attached to a tax list shall be a warrant, under the seal of the City of Milford, signed by the Mayor and attested by the City Clerk commanding the City Manager to make collection, when due, of the taxes as stated and set forth in the tax list.

(b) All taxes, when and as collected by the City Manager, shall be paid to or deposited to the credit of the City in banking institutions approved by Council.

(c) All taxes shall be due and payable on the date set by Council. To every tax not paid after the said date each year there shall be added and collected a penalty, for each month that the said tax remains unpaid. The penalty rate charged is to be set by Council through ordinance. Before exercising any of the powers herein given for the collection of taxes, written notices of the amount due shall be given to the taxable.

(d) All taxes assessed upon any real estate and remaining unpaid prior to a new tax year billing shall constitute a first lien against all real estates of the delinquent taxpayer situated within the limits of the City of Milford. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so assessed. The City Manager, in the name of the City of Milford, may institute suit before any Justice of the Peace within Kent County or Sussex County, or before the Alderman of the said City, or in the Court of Common Pleas in and for Kent or Sussex County, or in the Superior Court of

the State of Delaware, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas or in the Superior Court as the case may be.

(e) In addition, the City Manager, acting on behalf of the City, may pursue the sale of the lands and tenements of the delinquent taxpayer, or the lands of tenements of a delinquent taxpayer alienated subsequent to the levy of the tax and with the following conditions:

(1) No sale shall be approved by the Superior Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one (1) year from the date of the sale, within which time the owner, his heirs, executors or assigns, shall have the power to redeem the lands on payment to the purchase, his personal representatives, or assigns, of the costs, the amount of the purchase money and twenty percent (20%) interest thereon and the expense of having the deed prepared.

(2) After satisfying the tax due and the costs of expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the City of Milford, either to the credit of the owner, or in a manner by which the funds may be identified.

(3) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the owner as the case may be in the amount then customarily charged:

- To the Prothonotary for filing and recording Petition
- For filing and recording return of sale
- To the City Manager for preparing certificate
- For making sale of land
- For preparing and filing return
- For posting sale bills

In addition, the costs of printing handbills and publications of the advertisement of sale in a newspaper shall be chargeable as costs. The cost of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer.

(4) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

(f) In the event of the death, resignation or removal from office of the City Manager of the City of Milford, before the proceedings of the sale of land shall have been completed, his successor in office shall succeed to have all of his powers, rights and duties in respect to said sale. In the event of the death of the purchaser at such sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment or otherwise may refer to the Superior Court of the State of Delaware in and for Kent or Sussex County, a petition representing the facts and praying for an order authorizing and requiring the City Manager to have executed and acknowledged a deed conveying to the Petitioner the premises sold, or a just proportion thereof; and thereupon the Court may make such order touching the conveyance of the premises as shall be according to justice and equity.

(g) However, should the City Council so elect, the City Manager is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax, by the direction of the City Council, using any of those procedures specified for the sale of land for the collection of taxes on the part of the taxes for Sussex County or Kent County, and all such procedures and methods available for the sale of land, as aforesaid, as they are presently enacted and hereafter amended, are included herein and made a part hereof by reference in the statutes made and provided, substituting the City of Milford for Sussex County or Kent County therein.

(h) The provisions of this Section 7.12, other than the provisions of subsection (b) of this Section 7.12, shall apply to all special ad valorem taxes and special taxes levied by the City of Milford pursuant to Article IX of this Charter, provided that all references in this Section 7.12 to a tax list shall, for all purposes relating to such special ad valorem taxes and special taxes, be deemed to refer to the tax list

showing the amounts of special ad valorem taxes or special taxes levied against the real property within a special development district.

7.13 – Real Estate Transfer Tax

The City of Milford reserves the right to enact a Real Estate Transfer Tax by ordinance through the City Council. Any change to the Real Estate Transfer Tax must be in accordance to Delaware laws.

7.14- Assessment, Payment, and Collection of Taxes For New Construction

In the event that the Mayor and Council of the City of Milford desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so.

Article VIII. Borrowing of Money and Issuance of Bonds

8.01 - The City of Milford may borrow money and to secure the payment of the same, is hereby authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the City of Milford; or such other security or securities as the City Council shall elect, for the payment of the principal thereof and the interest due thereon.

All bonds or other kinds or forms of certificate or certificates of indebtedness issued by the City of Milford in pursuance hereof shall be exempt from all State, County or municipal taxes.

8.02 - This power or authority to borrow money may be exercised by the City of Milford to provide funds for, or to provide for the payment of, any of the following projects or purposes:

(a) Refunding any or all outstanding bonds or other indebtedness of the City at the maturity thereof or in accordance with any callable feature or provision contained therein;

(b) Meeting or defraying current annual operating expenses of the City in an amount equal to but not in excess of currently outstanding, due and unpaid taxes, water rents, license fees or other charges due the City and available, when paid, for meeting or defraying current annual operating expenses of the City;

(c) Erecting, extending, enlarging, maintaining and repairing any plant, building, machinery or equipment for the manufacture, supplying or distribution of gas, water, electricity, sewerage or drainage

system, or any of them, and the condemning or purchasing of any lands, easements and rights-of-way which may be required therefore;

(d) Constructing, paving, laying out, widening, extending, repairing and maintaining streets, lanes, alleys and ways, and the paving, constructing, laying out, widening, extending, repairing and maintaining of curbing and gutters along the same and the condemning or purchasing or any lands, easements or rights-of-way which may be required therefore;

(e) Any other purpose consistent with the promotion of health, education or the general welfare of the City of Milford.

8.03 - The power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness for any purpose above specified shall only exercise in the following manner:

The City Council shall adopt a resolution proposing unto the electors of the City that money be borrowed by the City for any of the above-named purposes. The resolution proposing the borrowing shall plainly set forth the following matters:

(a) The amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed;

(b) The rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid;

(c) The manner in which it is proposed to be secured;

(d) The manner in which it is proposed that it shall be paid or funded, or both;

(e) A short and clear description of the purpose or purposes for which the money or monies shall be used, and which description shall include the estimated cost of carrying out the purpose or purposes aforesaid; and

(f) A statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

8.04 - It shall then be the duty of the City Council to give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one issue of a

newspaper published in the City of Milford at least one week before the time fixed for said hearing and by posting copies thereof in five public places throughout the said City at least one week before the time fixed for said hearing.

At the time and place mentioned in such notice, the City Council shall sit in public session and at such public session, or an adjourned session thereof, shall vote upon a resolution giving its final authorization for the loan. If such resolution shall be adopted by the City Council, then the City Council shall pass a second resolution ordering and directing that a Special Election be held in the City of Milford not less than thirty (30) days nor more than sixty (60) days (as may be determined by the Council) after the date of the hearing and passage of the resolution authorizing the loan by the Council.

The purpose of such Special Election shall be to vote for or against the proposed loan.

The City Council shall give notice of the time and place for holding the said Special Election to all the electorate of the City of Milford by posting notices thereof in five public places in said City at least two weeks prior to the day fixed for the holding of such Special Election, and by publishing a copy of such notice once each week during those two weeks immediately preceding that week during which the day fixed for the holding of such Special Election shall fall in a newspaper generally circulated in the City of Milford. Such notice of the Special Election shall likewise contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, excepting a statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

The Special Election shall be conducted by an Election Board whose members shall be appointed or selected in the same manner and they shall have the same qualifications as hereinbefore provided in the case of annual elections of the City. At least five days prior to the date of the Special Election, the City Council shall cause to be prepared, printed and have available for distribution, a sufficient number of ballots: upon one-half of which ballot shall be printed the words "For the Proposed Borrowing" and upon the other half of said ballot shall be printed the words, "Against the Proposed Borrowing", and a box shall be provided after each and the voter instructed to place and "X" in the box provided after the choice he

wishes to cast his vote. If voting machines are used, in which case, the voting machines shall be arranged in a manner consistent with the requirements for paper ballots.

At such Special Election every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote.

The Inspector of the Election shall deposit all ballots in the ballot box provided for that purpose in the presence of the person casting such ballot; he or she, the said Inspector, first writing upon the outside of said ballot the number of votes being cast thereby by the person casting such ballot, unless voting machines are used. Immediately upon the closing of the polls, the Special Election Board shall count the votes for and against the proposed borrowing and shall announce the result thereof, and shall make a certificate under their hands of the number of votes cast for and the number of votes cast against the proposed borrowing and shall deliver such Certificate, in duplicate, to the City Council. One copy of the Certificate the Council shall enter in the minutes of the next meeting of the City Council and the other copy thereof shall be filed with the papers of the City Council.

8.05 - The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by the City Council after the special election.

The bond or bonds or certificates of indebtedness shall be offered at public or private sale as determined by the City Council. All bonds or certificates of indebtedness forming a single issue need not be offered for sale at a single sale but any given issue of bonds or certificates of indebtedness authorized as hereinbefore provided may be sold in whole or in part, from time to time and until the entire authorized issue be disposed of, as the City Council may deem most advisable.

The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal or such bond or bonds or certificate or certificates of indebtedness at the maturity

thereof together with the interest due or which may hereafter become due thereupon and, in a proper case or as recommended by bound counsel, it shall also provide a sinking fund therefore.

Unless any such bond or bonds or certificate or certificates of indebtedness shall otherwise provide therein, the faith and credit of the City of Milford shall be deemed to be pledged for the due payment of any such bond or bonds or certificate or certificate of indebtedness and interest thereon according to its terms when and after the same have been duly and properly executed, delivered and due value received therefore.

8.06- Refinancing Of Municipal Bonds

Notwithstanding the foregoing provisions of this Section, the City Council of the City of Milford may authorize by Resolution the refinancing of existing bonds or other obligations of the City, without the necessity of a Special Election; provided that the issue of the refinancing obligations results in a present value savings to the City. Present value savings shall be determined by using the effective interest rate on the refinancing obligations as the discount rate calculated based on the internal rate of return. The principle amount of the refinancing obligations may exceed the outstanding principle amount of the obligations to be refinanced.

8.07- Short Term Borrowing

Notwithstanding the foregoing provisions of this Section, City Council may authorize, by resolution, short term borrowing by the City without the necessity of a Special Election. The City of Milford may borrow money up to the amount of the annual tax billings. The borrowed money shall be for one of the following: operating deficits, emergencies declared by Council, and short term capital project funding. The money shall be paid back in no longer than five (5) years.

Article IX. Tax Increment Financing and Special Development Districts

9.01 - Tax Increment Financing and Special Development Districts

In addition to all other powers the City of Milford may have, and notwithstanding any limitation of law, the City of Milford shall have all powers and may undertake all actions for the purposes set forth

in, and in accordance with Delaware Code relating to the Municipal Tax Increment Financing Act and Delaware Code relating to Special Development Districts.

9.02 – Non-Recourse

Bonds are non-recourse to the City of Milford and shall only be paid from Tax Increment Financing and Special Development District [hereinafter 'TIF' and 'SDD' respectively] assessments permitted by Delaware Code. Bonds are non-recourse to property owners who purchase subject to a TIF or SDD. Property owners who purchase subject to a TIF or SDD shall only be responsible for TIF or SDD obligations determined by the individual assessment of their property.

Article X. Severance

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provision to other persons or circumstances shall not be affected thereby.

Article XI. Transitional Provisions

11.01- Officers and Employees

(a) Rights And Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

(b) Continuance of Officers and Employees. Except as specifically provided by this Charter, if at the time this Charter takes full effect, a City administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he vacate the office or position.

11.02- Departments, Offices and Agencies

(a) Transfer of Powers. If a City department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this Charter or, if the Charter makes no provision, as designated by the City Council.

(b) Property and Records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices or agencies designated by the Council in accordance with this Charter.

11.03- Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

11.04- State and Municipal Laws

In General, all City ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Delaware permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective, are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

11.05- Survival of Powers and Validations Sections

(a) All powers conferred upon or vested in the City of Milford by any Act or Law of the State of Delaware, not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the City of Milford as though herein fully set out.

(b) All ordinances adopted by the City Council of the City of Milford, or which are in force for the government of the City of Milford at the time of the approval of this Charter, are continued in force and effect as ordinances of the City of Milford until repealed, altered or amended under the provisions of this Charter, and the acts of the Council of the City of Milford and of the officials thereof as lawfully done or performed under the provisions of the Charter of the City of Milford or ordinance thereof, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.

(c) All taxes, fines, penalties, forfeitures, assessments or debts due the City of Milford and all debts due from the City of Milford, at the effective date of this Charter shall, respectively, be deemed due to or from the City of Milford and said obligations shall severally remain unimpaired until paid, and the power, right, and authority to collect taxes imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the Charter of the City of Milford immediately preceding the adoption of this Charter.

(d) The bonds heretofore given by or on account of any official of the City of Milford shall not be affected or impaired by the provision of this Act but shall continue in full force for the benefit of the City of Milford.

Article XII. Repealer

This Act shall operate to amend, revise and consolidate Chapter 726, Volume 57 Laws of Delaware entitled “An Act Changing the Name of ‘The Town of Milford’ to ‘The City of Milford’ and establishing a Charter therefore’ as amended in its entirety and by establishing a new Charter for the City of Milford to read as follows: The Act shall be deemed to be a public Act and the parts hereof shall be severable and, in the event any part or section hereof shall be held unconstitutional, such holding shall not in any way invalidate the remaining provisions of this Act.”

Section 2. The Charter shall become effective upon signature of the Governor.

Synopsis

This Charter replaces the current City of Milford Charter in its entirety. A Charter Committee, the Mayor and City Council, with participation from the public, met in numerous meetings beginning in September 2008 to reorganize and revise their charter. Most of the existing charter has remained the same though some revisions were made and the charter was reorganized. This bill is a result of that effort and the following summarizes those changes from the previous charter:

A table of contents delineating the articles has been included at the outset.

The Charter has been reorganized by changing the order of the articles, moving various sections to more appropriate articles and consolidating articles. The order of the articles is more logical. First, the territory and annexation procedures are set out, followed by the election process, the powers of the city, the form of government, the administration, then the financial articles involving taxing and borrowing, followed by various miscellaneous provisions.

The existing Charter had two articles for the power of the city with a structure article between and a separate article for the City Manager and other administrative appointments. Those appointed offices have now been combined into one article.

The election article was moved from Article IX to Article II.

The most significant substantive changes are as follows:

- The territory of Milford shall be established by an official map recorded in the appropriate county.
- The wards shall be delineated by official maps recorded in the appropriate county and by metes and bounds.
- Annexation procedures have been developed to include state requirements.
- Annexation agreements are recognized and annexed property designated to contiguous Wards when annexed.
- In the case of a special election for annexation, property owners within the property to be annexed are limited to one vote.
- Presently having no vote, the Vice Mayor will now qualify as a Councilperson while acting as Mayor for the purpose of establishing a quorum.
- Elections have been made consistent with state law.
- In the event of a tie vote for an elected office, a special election for that office will be held within thirty days.

- The deadline to file for Office of Mayor or Council Person changes from thirty to sixty days before the election.
- A criminal background check will be required on all candidates running for the Office of Mayor and Council Person.
- Filling vacancies for Mayor or Council have been clarified.
- The residency requirement for Mayor has changed from thirty days to two years.
- The residency requirement for City Council has changed from thirty days to one year.
- Allows five year capital budget to be submitted with annual budget and not three months in advance.
- Short term borrowing not to exceed the amount of annual tax billing was clarified to include aggregate borrowing and without special election.

City of Milford



Resolution 2010-7 Amending the Charter of the City of Milford

A Resolution amending the City of Milford Charter, subject to approval of the Council of the City of Milford in accordance with Title 22, Chapter 8, Section 811 of the Delaware Code.

THE CITY OF MILFORD HEREBY ORDAINS:

WHEREAS, the Town of Milford was first incorporated on February 5, 1807; and
WHEREAS, on January 18, 1932, the Charter of the City of Milford, contained in Chapter 726, Volume 57, Laws of Delaware, entitled "An Act Changing the Name of the Town of Milford to 'The City of Milford' and Establishing a Charter Therefore" was consolidated into one complete act; and
WHEREAS, since this time, the Charter has been amended seven times, with the last comprehensive review occurring in 1999; and
WHEREAS, periodically, the Charter is reviewed to help ensure that it is current and that it properly reflects the overall direction of this community; and
WHEREAS, on August 25, 2008, the City Council appointed persons to a Charter Review Committee and charged the committee with reviewing and proposing amendments to the City of Milford Charter; and
WHEREAS, following a series of meetings, the Charter Review Committee presented a draft of the proposed Charter to City Council on January 25, 2010 at a public meeting;
WHEREAS, the City Council has thoroughly and completely reviewed the proposal and after considering the amendments, the Council called for a Public Hearing to be held on April 26, 2010 at which time all citizens so desiring were afforded the opportunity to be heard; and
WHEREAS, the City Council has henceforth considered the approval or rejection of various amendments to the Charter; and
WHEREAS, City Council finds it to be in the public interest to declare the adoption of the amendments to the City's Charter, and to adopt the amended Charter, including the rearrangement and renumbering of various articles and paragraphs in the Charter authorized by the Charter.

NOW, THEREFORE, BE IT RESOLVED the City Solicitor of the City of Milford is authorized and directed to forward a copy of this Resolution and revised City of Milford Charter to members of the Delaware General Assembly and to seek the assistance and support of those members of the General Assembly for this City of Milford Charter Amendment.

BE IT FURTHER RESOLVED that the General Assembly of the State of Delaware is hereby requested, during its 2010 Session, to approve by no less than a two-thirds vote of all members elected to each branch, the amendment of the City Charter of the City of Milford, Delaware in the form and manner, attached hereto as Exhibit A.

Mayor Joseph Ronnie Rogers

City Clerk Teresa K. Hudson

Adopted: June 14, 2010

**City of Milford Electric
Bid Tabulation**

2:00 p.m.

HADCO LED Lights

Wednesday, June 2, 2010

<u>Bidder</u>	<u>Bid Per Unit</u>	<u>Manufacturer</u>	<u>Delivery Terms</u>	<u>Exceptions</u>	<u>Trade-In Value</u>	<u>Total Bid Price</u>
1.) Billows Electric Supply	\$806.00 Lumilock \$45.25 Twistlock Ring	HADCO	6 wks	None	N/A	\$51,075.00
2.) HD Supply	\$794.00 Lumilock \$45.00 Twistlock Ring	HADCO	3-4 wks	None	N/A	\$50,340.00
3.) Wesco	\$766.00 Lumilock \$44.00 Twistlock Ring	HADCO	6-8 wks	None	N/A	\$48,600.00
4.) United Electric Supply	\$781.25 Lumilock \$43.75 Twistlock Ring	HADCO	6-7 wks	None	N/A	\$49,500.00

Mr. Gary J. Norris, AICP
City Planner
City of Milford
201 South Walnut Street
Milford, DE 19963

Date: May 4, 2010

Subject: Property Annexation

Dear Mr. Norris:

It is our understanding that in order to annex a property into the City of Milford; a formal letter must be submitted to you requesting this action to take place. With this stated, and by virtue of this letter, we hereby formally request that the property be annexed into the City of Milford.

More specifically described, the property, located at 1335 Milford-Harrington Highway, consists of tax parcels 62.00 and 62.02, block no. 1, as shown on tax map 173.00 in the Milford Hundred of Kent County, Delaware. Currently the property is zoned AC in Kent County and is comprised of 71.92 acres of land. The property is contiguous to the City of Milford municipal boundary both to the north and south. Please refer to the enclosed City Annexation Exhibit for additional information including bearings and distances of the subject parcels and a location map. As indicated to you/Gary Norris via e-mails from Mr. Phillip Tolliver, P.E.; we are requesting an R-3 zoning designation in the City of Milford. As you know, the approved City of Milford comprehensive plan does include the subject property as an immediate annexation area.

As time is of the essence, we would respectfully ask that you expedite this process.

Should you have any questions or comments regarding this issue, please feel free to contact Mr. Phillip Tolliver, P.E. with Morris and Ritchie Associates, Inc. at 302-326-2200.



Witness

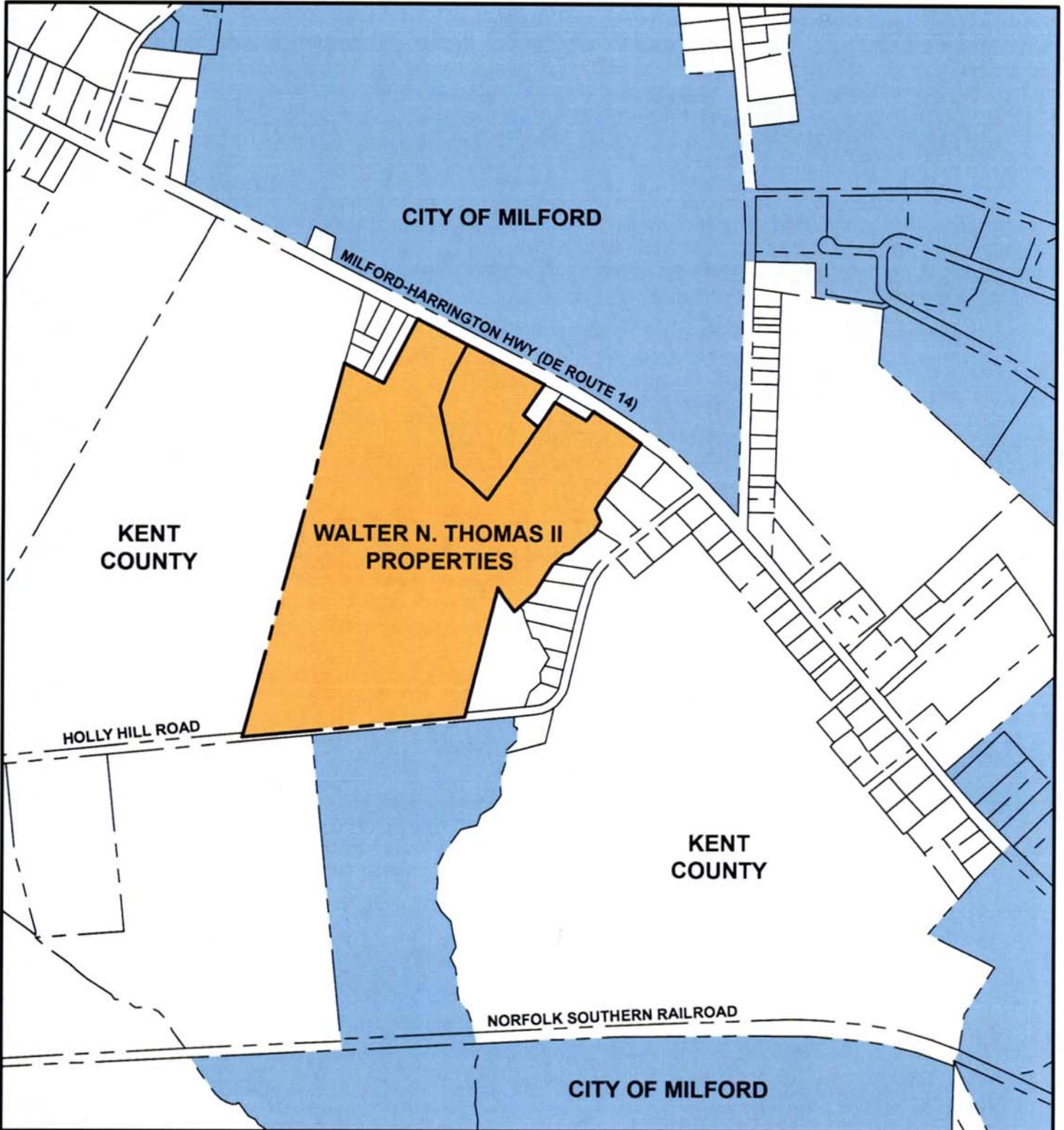
Very Truly Yours,



Mr. Walter N. Thomas II
Land Owner

c.c. Mr. Eric Dunn
Mr. Phillip L. Tolliver, P.E.

Proj #: 10-145
Rec'd 05.13.10 Clouch



MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 18 BOULDEN CIRCLE, SUITE 36
 WILMINGTON, DE 19720
 (302) 326-2200
 FAX: (302) 326-2399

MRA.GTA.COM
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PROPERTY LOCATION MAP

WALTER N. THOMAS II

KENT COUNTY, DELAWARE

SCALE: 1"=800'

DATE: 5/4/2010

DRAWN BY: MKB

DESIGN BY: MKB

REVIEW BY: PLT

JOB NO. : 16302.01

6
\$ 96.

Accepted for Filing in:
Kent County
Doc# 169421
On: May 12, 2010 at 01:02P

Tax Parcel Number MD-00-173.00-01-62.00-000
Doc# 169421
On: May 12, 2010

Prepared by/Return to:
Prickett, Jones & Elliott, P.A.
11 North State Street
Dover, Delaware 19901

NO TITLE SEARCH PERFORMED OR REQUESTED

DEED

THIS DEED, Made this Eleventh day of May, in the year of our LORD two thousand ten (2010).

BETWEEN, WALTER N. THOMAS, II, of 1335 Milford-Harrington Highway, Milford, Kent County, Delaware 19963, Party of the First Part,

AND

WALTER N. THOMAS, II, of 1335 Milford-Harrington Highway, Milford, Kent County, Delaware 19963, Party of the Second Part.

WITNESSETH, that the said Party of the First Part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said Party of the Second Part, his heirs and assigns:

ALL that certain farm, tract, piece, or parcel of land, with the improvements thereon erected, situated in Milford Hundred, Kent County and State of Delaware, on the south side of the public road leading from Milford to Harrington, and being more particularly described in accordance with a recent Boundary Plat Land of Walter N. Thomas, II, prepared by Morris & Ritchie Associates, Inc. dated May 3, 2010, as follows, to-wit:

BEGINNING for the same at a rebar and cap set at the intersection of the division line between the land conveyed by and described in a deed from Myra H. McIlvaine to Howard F. Morton and Phyllis Ann Morton dated July 31, 1959 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book C, Volume 22, Page 447 and the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas, II, dated November 4, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2521, Page 141 with the southern right of way of Delaware Route 14, eighty foot wide, thence binding on southern right of way of Delaware Route 14, as now surveyed, with

bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 62° 50' 42" East 833.11 feet to a rebar and cap set at the end of the fourth or North 40° 23' 12" East 216.01 foot line of a deed from Grace M. Thomas to Jon A. Thomas, dated August 23, 1991 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book H, Volume 50, Page 325, thence leaving the aforesaid southern right of way of Delaware Route 14 and binding reversely on the fourth, third and part of the second lines of said deed, the following three courses, viz:
2. South 34° 44' 24" West 216.04 feet to a rebar and cap set,
3. South 50° 16' 32" East 115.08 feet to a pin and cap (Adams Kemp) heretofore set, and
4. North 33° 15' 46" East 176.56 feet to a one inch pipe heretofore set at the end of the second or North 53° 30' 00" West 209.79 foot line of a deed from Jardevtan Corporation to Patricia M. Marney, dated August 29, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2375, Page 094, thence binding reversely on the second and first lines of the last mentioned deed, the following two courses, viz:
5. South 59° 28' 22" East 210.00 feet to a rebar heretofore set, and,
6. North 38° 06' 38" East 68.69 feet to a rebar and cap set on the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
7. By a non-tangent curve to the right with a radius of 3397.87 feet and an arc length of 335.20 feet, said curve being subtended by a chord bearing South 55° 57' 09" East 335.07 feet to a rebar and cap set at the end of the fourth or North 60° 57' 00" East 185.32 foot line of a deed from Polly Hudson to Polly O'Day and Thomas O'Day, dated February 17, 2006 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2770, Page 302, thence binding reversely on said fourth line,
8. South 34° 04' 53" West 189.69 feet, thence binding in or near the center of a ditch, the following seventeen courses, viz:
9. South 32° 56' 39" West 9.00 feet,

10. South 36° 27' 16" West 51.77 feet,
11. South 38° 29' 07" West 65.98 feet,
12. South 36° 37' 41" West 48.90 feet,
13. South 34° 05' 59" West 61.05 feet,
14. South 27° 13' 27" West 37.39 feet,
15. South 21° 42' 17" East 77.94 feet,
16. South 30° 53' 41" West 71.70 feet,
17. South 47° 36' 00" West 43.38 feet,
18. South 49° 53' 24" West 69.97 feet,
19. South 47° 55' 06" West 69.19 feet,
20. South 74° 09' 47" West 37.17 feet,
21. South 47° 00' 07" West 94.01 feet,
22. South 33° 44' 05" West 66.74 feet,
23. South 30° 33' 37" West 62.79 feet,
24. South 31° 20' 18" West 58.11 feet,
25. South 47° 48' 37" West 161.09 feet to the end of the fourth or South 34° 26' 35" East 95.21 foot line of a deed from Walter N. Thomas to Jeffrey A. Thomas and Nancy J. Thomas, dated March 17, 2003 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 532, Page 030, thence binding reversely on the fourth, third, and in part on the third lines of the last mentioned deed, the following three courses, viz:
 26. North 38° 12' 32" West 95.21 feet,

27. North 30° 51' 16" West 72.69 feet, and
28. South 14° 11' 36" West 774.23 feet to the center of County Road 447, thence binding in the center of County Road 447,
29. South 84° 32' 03" West 1295.05 feet to a boundary line agreement between the said land of Walter N. Thomas and Walter N. Thomas, II and the land conveyed and described in a deed from Wayne L. Hill to Wayne L. Hill, Trustee under the Revocable Trust Agreement of Wayne L. Hill dated 12/18/95, dated December 18, 1995 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 153, Page 274. thence binding on the boundary agreement line,
30. North 14° 56' 54" East 2255.01 feet to a ¼ inch pipe heretofore set at a common corner for the said land of Walter N. Thomas and Walter N. Thomas, II and the land conveyed by and described in a deed from David E. Baker and Shirley A. Baker to Robert E. Southard, III and Jeanette Ann Southard, dated May 5, 1976 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book R. Volume 30, Page 143, thence binding in part on the land of Robert E. Southard, III and Jeanette Ann Southard and binding in part on the land described and conveyed in a deed from Willard E. Zook and Virginia Zook to Donald L. Brittingham and Margaret E. Brittingham, dated June 21, 1984 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book L, Volume 39, Page 264 and binding in part on the aforesaid land of Howard F. Morton and Phyllis Ann Morton,
31. South 62° 52' 18" East 256.08 feet, thence binding reversely on the second or South 35° 30' West 430 foot line of the aforesaid Howard F. Morton and Phyllis Ann Morton deed,
32. North 27° 07' 42" East 422.47 feet, to the place of beginning.

CONTAINING 71.918 acres of land, more or less.

EXCEPTING THEREOUT AND THEREFROM the following described lands and premises:

ALL that certain lot, piece or parcel of land with the improvements thereon erected, situate, lying, and being in Milford Hundred, Kent County, State of Delaware; being all of Lot #1 as shown on a Minor Subdivision Survey Plan of Walter N. Thomas, II prepared by Adams-Kemp Associates, Inc., Professional Land Surveyors, dated September 24, 2009, revised on

October 14, 2009 and October 27, 2009, and recorded on November 25, 2009 in the Office of the Recorder of Deeds, in and for Kent County, Dover, Delaware, in Plot Book 107, Page 90, and being more particularly described as follows, to-wit:

BEGINNING for the same at rebar and cap heretofore set on the southern right of way of Delaware Route 14, eighty foot wide, said rebar and cap being the northeast corner of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for, Walter N. Thomas, II, dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 107, Page 90, thence binding on the outline of Lot 1, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 34° 44' 24" West 216.04 feet to a rebar heretofore set,
2. South 50° 16' 32" East 115.08 feet to a pin and cap (Adams-Kemp) heretofore set,
3. South 35° 10' 24" West 511.09 feet to a pin and cap (Adams-Kemp) heretofore set,
4. North 46° 57' 53" West 277.57 feet to a pin and cap (Adams-Kemp) heretofore set,
5. North 12° 05' 37" West 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. North 19° 39' 12" East 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
7. North 27° 21' 26" East 201.23 feet to intersect the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
8. South 62° 50' 42" East 505.54 feet to the place of beginning.

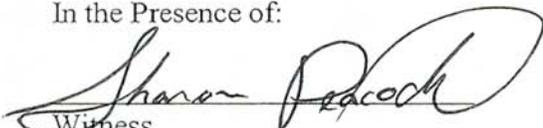
CONTAINING 7.556 acres of land, more or less.

The above premises are conveyed subject to covenants, conditions and restrictions of record, if any; such state of facts as an accurate survey and inspection of the premises will disclose, the operation and effect of any zoning laws, building restrictions imposed by public authority, and easements and public utility grants of record.

AND BEING part of the same lands and premises which were conveyed unto Walter N. Thomas and Walter N. Thomas, II, as joint tenants with the right of survivorship and not as tenants in common, by Deed of Walter N. Thomas, dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Dover, Delaware in Record BK-RE Vol. 2521, Page 141, Instrument Number 2005-34864. The said Walter N. Thomas departed this life on May 31, 2006 whereupon the said Walter N. Thomas, II became seized of the fee title in and to said lands and premises as surviving tenant by the entirety.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year aforesaid.

Signed, Sealed & Delivered
In the Presence of:


Witness


Walter N. Thomas, II

STATE OF DELAWARE

SS:

COUNTY OF KENT

BE IT REMEMBERED, that on this 11th day of May, A.D. 2010,, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Walter N. Thomas, II, party to this Indenture, known to me personally to be such, and he has acknowledged this Indenture to be his act and deed.

GIVEN under my hand and seal of office, the day and year aforesaid.


NOTARY PUBLIC

Name of Notary Public: Sharon L Peacock
Commission expires : 10-22-11





KENT COUNTY, DELAWARE

555 Bay Road, Dover, Delaware 19901-3615
 (302) 744-2300 -- FAX (302) 736-2279

Loc ID#
56160

"Serving Kent County With Pride"

PROPERTY INFORMATION

Planning and Building Permits Information

Reference # MD MILFORD HUNDRED **Card #** 1 of 1
Location ID 26506 **Map Number** 5-00-17300-01-6200-00001
Tax ID 26506 **Deed BVP** D 5402 0057 IS 0024 0260 D 2521 0141
Parcel ID 33105 **Property Code** P - PROPERTY

Current Owner **Property Location**
 THOMAS, WALTER N. II 1335 MILFORD HARRINGTON HWY
 1335 MILFORD-HARRINGTON HWY MILFORD , DE 19963
 MILFORD, DE 19963 **Zoning** AC **Acres** 67.30

Additional Owner

Sub-Division

Sales History		Liv.Sq.Ft	
Date	Price	Assessment	Total Rooms
5/12/10	10	Land 56,200	Bedrooms
0/00/00	0	Buildings 2,500	Full Bath
		Total 58,700	Half Bath

Tax Balance	.00	Last Billing Detail	History	Farm Info
Sewer Balance	.00	Sewer Account #	- 00	
Neighborhood #	00500	Coordinates	0486261 E 0337517 N	
Land Use		Lot Dimensions		
Living Units		School District	40	MILFORD
Class	Residen	Fire District	52	HOUSTON
Plat Book Pg	00000	Sewer District	00	NONE
Topography	Level	Ambulance District	42	CARLISLE (MILFORD)
Street or Road	Paved	Trash District		
Fronting	Residen	Light District		
Improvement	TRAILER	Tax Ditches	NONE	

Accepted for Filing in:
Kent County
Doc# 169422
Date: May 12, 2010 at 01:02P

Tax Parcel Number MD-00-173.00-01-62.02-000

Prepared by/Return to:
Prickett, Jones & Elliott, P.A.
11 North State Street
Dover, Delaware 19901

NO TITLE SEARCH PERFORMED OR REQUESTED

DEED

THIS DEED, Made this Eleventh day of May, in the year of our LORD two thousand ten (2010).

BETWEEN, WALTER N. THOMAS, II, of 1335 Milford-Harrington Highway, Milford, Kent County, Delaware 19963, Party of the First Part,

AND

WALTER N. THOMAS, II, of 1335 Milford-Harrington Highway, Milford, Kent County, Delaware 19963, Party of the Second Part.

WITNESSETH, that the said Party of the First Part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said Party of the Second Part, his heirs and assigns:

ALL that certain lot, piece or parcel of land with the improvements thereon erected, situate, lying, and being in Milford Hundred, Kent County, State of Delaware; being all of Lot #1 as shown on a Minor Subdivision Survey Plan of Walter N. Thomas, II prepared by Adams-Kemp Associates, Inc., Professional Land Surveyors, dated September 24, 2009, revised on October 14, 2009 and October 27, 2009, and recorded on November 25, 2009 in the Office of the Recorder of Deeds, in and for Kent County, Dover, Delaware, in Plot Book 107, Page 90, and being more particularly described as follows, to-wit:

BEGINNING for the same at rebar and cap heretofore set on the southern right of way of Delaware Route 14, eighty foot wide, said rebar and cap being the northeast corner of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for, Walter N. Thomas, II, dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book

107, Page 90, thence binding on the outline of Lot 1, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 34° 44' 24" West 216.04 feet to a rebar heretofore set,
2. South 50° 16' 32" East 115.08 feet to a pin and cap (Adams-Kemp) heretofore set,
3. South 35° 10' 24" West 511.09 feet to a pin and cap (Adams-Kemp) heretofore set,
4. North 46° 57' 53" West 277.57 feet to a pin and cap (Adams-Kemp) heretofore set,
5. North 12° 05' 37" West 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. North 19° 39' 12" East 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
7. North 27° 21' 26" East 201.23 feet to intersect the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
8. South 62° 50' 42" East 505.54 feet to the place of beginning.

CONTAINING 7.556 acres of land, more or less.

The above premises are conveyed subject to covenants, conditions and restrictions of record, if any; such state of facts as an accurate survey and inspection of the premises will disclose, the operation and effect of any zoning laws, building restrictions imposed by public authority, and easements and public utility grants of record.

AND BEING part of the same lands and premises which were conveyed unto Walter N. Thomas and Walter N. Thomas, II, as joint tenants with the right of survivorship and not as tenants in common, by Deed of Walter N. Thomas, dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Dover, Delaware in Record BK-RE Vol. 2521, Page 141, Instrument Number 2005-34864. The said Walter N. Thomas departed this life on May 31, 2006 whereupon the said Walter N. Thomas, II became seized of the fee title in and to said lands and premises as surviving tenant by the entirety.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year aforesaid.

Signed, Sealed & Delivered
In the Presence of:

Sharon L Peacock
Witness

Walter N. Thomas II (SEAL)
Walter N. Thomas, II

STATE OF DELAWARE

SS:

COUNTY OF KENT

BE IT REMEMBERED, that on this 11th day of May, A.D. 2010,, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Walter N. Thomas, II, party to this Indenture, known to me personally to be such, and he has acknowledged this Indenture to be his act and deed.

GIVEN under my hand and seal of office, the day and year aforesaid.

Sharon L Peacock
NOTARY PUBLIC

Name of Notary Public: Sharon L Peacock
Commission expires : 10-22-11





KENT COUNTY, DELAWARE

555 Bay Road, Dover, Delaware 19901-3615
 (302) 744-2300 -- FAX (302) 736-2279

LOC # 113420

"Serving Kent County With Pride"

PROPERTY INFORMATION

Planning and Building Permits Information

Reference # MD MILFORD HUNDRED Card # 1 of 1
 Location ID 104058 Map Number 5-00-17300-01-6202-00001
 Tax ID Deed BVP D 5402 0064 IS 0024 0260 D 2521 0141
 Parcel ID 103194 Property Code P - PROPERTY

Current Owner

THOMAS, WALTER N. II
 1335 MILFORD-HARRINGTON HWY
 MILFORD, DE 19963

Property Location

MILFORD HARRINGTON HWY
 MILFORD , DE 19963

Zoning AC

Acres 7.60

Additional Owner

Sub-Division

Sales History		Assessment		Liv.Sq.Ft	1,292.0000
Date	Price	Assessment	Total Rooms	6	
5/12/10	10	Land 13,900	Bedrooms	3	
11/15/05	0	Buildings 18,000	Full Bath	1	
		Total 31,900	Half Bath		

Tax Balance	.00	Last Billing Detail	History	Farm Info
Sewer Balance	.00	Sewer Account #	- 00	
Neighborhood #	00500	Coordinates	0486712 E 0338280 N	
Land Use	1	Lot Dimensions		
Living Units	NO	School District	40	MILFORD
Class	Residen	Fire District	52	HOUSTON
Plat Book Pg	0107 0090	Sewer District	00	NONE
Topography	Level	Ambulance District	42	CARLISLE (MILFORD)
Street or Road	Paved	Trash District		
Fronting	Residen	Light District		
Improvement	IMPROVED	Tax Ditches	NONE	

City of Milford
RESOLUTION 2010-8

Annexation/Lands of Walter N. Thomas II
Tax Parcel MD-00-173.00-01-62.00-000; Tax Parcel MD-00-173.00-01-62.02-000
71.92 +/- Acres
Current Zone AC/Proposed Zone R-3

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owner and duly witnessed, requesting annexation into the City of Milford, land situated south of State Route 14 and north of County Road 447, Kent County, legally described as follows:

Tax Parcel 5-00-173.00-01-62.00-00001
64.362 Acres Parcel of land, Land of Walter N. Thomas, II
State Route 14, North of Delaware County Road 447, Kent County, Delaware.

BEGINNING for the same at a rebar and cap set at the intersection of the division line between the land conveyed by and described in a deed from Myra H. McIlvaine to Howard F. Morton and Phyllis Ann Morton dated July 31, 1959 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book C, Volume 22, Page 447 and the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas, II, dated November 4, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2521, Page 141 with the southern right of way of Delaware Route 14, eighty foot wide, thence binding on southern right of way of Delaware Route 14, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 62° 50' 42" East 327.57 feet to a rebar and cap set at the northwest corner of Lot 1 as shown on a plat entitled "Minor Subdivision Survey, prepared for Walter N. Thomas, II" and recorded among the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence leaving the southern right of way of Delaware Route 14 and binding on the outline of said Lot 1, the following five courses, viz
2. South 34° 44' 24" West 216.04 feet:
3. South 27° 21' 26" West 201.23 feet to a pin and cap (Adams-Kemp) heretofore set,
4. South 19° 39' 12" West 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
5. South 12° 05' 37" East 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. South 46° 57' 53" East 277.57 feet to a pin and cap (Adams-Kemp) heretofore set , and
7. North 35° 10' 24" East 511.09 feet to a pin and cap (Adams-Kemp) heretofore set at the end of the second or South 38° 58' West 176.57 foot line of a deed from Grace M. Thomas to Jon A. Thomas, dated August 23, 1991 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book H, Volume 50, Page 325, thence leaving the aforesaid Lot 1 and binding reversely on the second line of said deed,
8. North 33° 15' 46" East 176.56 feet to a one inch pipe heretofore set at the end of the second or North 53° 30' 00" West 209.79 foot line of a deed from Jardevtan Corporation to Patricia M. Marney, dated August 29, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2375, Page 094, thence binding reversely on the second and first lines of the last mentioned deed, the following two courses, viz:
9. South 59° 28' 22" East 210.00 feet to a rebar heretofore set, and,
10. North 38° 06' 38" East 68.69 feet to a rebar and cap set on the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
11. By a non-tangent curve to the right with a radius of 3397.87 feet and an arc length of 335.20 feet, said curve being subtended by a chord bearing South 55° 57' 09" East 335.07 feet to a rebar and cap set at the end of the fourth or North 60° 57' 00" East 185.32 foot line of a deed from Polly Hudson to Polly O'Day and Thomas O'Day , dated February 17, 2006 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2770, Page 302, thence binding reversely on said fourth line,
12. South 34° 04' 53" West 189.69 feet, thence binding in or near the center of a ditch, the following seventeen courses, viz:

13. South 32° 56' 39" West 9.00 feet,
14. South 36° 27' 16" West 51.77 feet,
15. South 38° 29' 07" West 65.98 feet,
16. South 36° 37' 41" West 48.90 feet,
17. South 34° 05' 59" West 61.05 feet,
18. South 27° 13' 27" West 37.39 feet,
19. South 21° 42' 17" East 77.94 feet,
20. South 30° 53' 41" West 71.70 feet,
21. South 47° 36' 00" West 43.38 feet,
22. South 49° 53' 24" West 69.97 feet,
23. South 47° 55' 06" West 69.19 feet,
24. South 74° 09' 47" West 37.17 feet,
25. South 47° 00' 07" West 94.01 feet,
26. South 33° 44' 05" West 66.74 feet,
27. South 30° 33' 37" West 62.79 feet,
28. South 31° 20' 18" West 58.11 feet,
29. South 47° 48' 37" West 161.09 feet to the end of the fourth or South 34° 26' 35" East 95.21 foot line of a deed from Walter N. Thomas to Jeffrey A. Thomas and Nancy J. Thomas, dated March 17, 2003 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 532, Page 030, thence binding reversely on the fourth, third, and in part on the third lines of the last mentioned deed, the following three courses, viz:
 30. North 38° 12' 32" West 95.21 feet,
 31. North 30° 51' 16" West 72.69 feet, and
 32. South 14° 11' 36" West 774.23 feet to the center of County Road 447, thence binding in the center of County Road 447,
33. South 84° 32' 03" West 1295.05 feet to a boundary line agreement between the said land of Walter N. Thomas and Walter N. Thomas, II and the land conveyed and described in a deed from Wayne L. Hill to Wayne L. Hill, Trustee under the Revocable Trust Agreement of Wayne L. Hill dated 12/18/95, dated December 18, 1995 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 153, Page 274. thence binding on the boundary agreement line,
34. North 14° 56' 54" East 2255.01 feet to a $\frac{3}{4}$ inch pipe heretofore set at a common corner for the said land of Walter N. Thomas and Walter N. Thomas, II and the land conveyed by and described in a deed from David E. Baker and Shirley A. Baker to Robert E. Southard, III and Jeanette Ann Southard, dated May 5, 1976 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book R. Volume 30, Page 143, thence binding in part on the land of Robert E. Southard, III and Jeanette Ann Southard and binding in part on the land described and conveyed in a deed from Willard E. Zook and Virginia Zook to Donald L. Brittingham and Margaret E. Brittingham, dated June 21, 1984 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book L., Volume 39, Page 264 and binding in part on the aforesaid land of Howard F. Morton and Phyllis Ann Morton,
35. South 62° 52' 18" East 256.08 feet, thence binding reversely on the second or South 35° 30' West 430 foot line of the aforesaid Howard F. Morton and Phyllis Ann Morton deed,
36. North 27° 07' 42" East 422.47 feet, to the place of beginning.

CONTAINING 64.362 acres of land, more or less.

BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas, II, dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING currently known as tax map parcel 500-17300-01-6200-00001.

Tax Parcel 5-00-173.00-01-62.02-00001

7.556 Acre Parcel of Land, Land of Walter N. Thomas, II

State Route 14, North of Delaware County Road 447, Kent County, Delaware:

BEGINNING for the same at rebar and cap heretofore set on the southern right of way of Delaware Route 14, eighty foot wide, said rebar and cap being the northeast corner of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for, Walter N. Thomas, II, dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence binding on the outline of Lot 1, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 34° 44' 24" West 216.04 feet to a rebar heretofore set,
2. South 50° 16' 32" East 115.08 feet to a pin and cap (Adams-Kemp) heretofore set,
3. South 35° 10' 24" West 511.09 feet to a pin and cap (Adams-Kemp) heretofore set,
4. North 46° 57' 53" West 277.57 feet to a pin and cap (Adams-Kemp) heretofore set,
5. North 12° 05' 37" West 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. North 19° 39' 12" East 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
7. North 27° 21' 26" East 201.23 feet to intersect the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
8. South 62° 50' 42" East 505.54 feet to the place of beginning.

CONTAINING 7.556 acres of land, more or less, BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas, II, dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING ALL of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for, Walter N. Thomas, II, dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 107, Page 90,

BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas, II, dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING ALL of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for, Walter N. Thomas, II, dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 107, Page 90. BEING currently known as tax map parcel 5-00-17300-01-6202-000001,

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of four (4) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chairman Katrina Wilson, Douglas Morrow, S. Allen Pikus and Planning Commission Chairman Charles Rini.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

Mayor Joseph Ronnie Rogers

Attest: _____
City Clerk

Adopted: June 14, 2010

Easement Agreements

Deferred until 06/28/10 Council Meeting

AGREEMENT

Agreement, dated this _____ day of _____, _____, by and between The City of Milford, a municipal corporation of the State of Delaware, hereinafter referred to as "CITY".

-AND-

Milford School District, hereinafter referred to as "DISTRICT"

WHEREAS, DISTRICT has constructed six new tennis courts at Milford High School; and,

WHEREAS, DISTRICT has installed six new MUSCO lights for school and community use of the tennis courts during evening hours; and,

WHEREAS, DISTRICT and CITY agree the installation of the new tennis courts and lights mutually benefit DISTRICT and the Milford community; and,

WHEREAS, DISTRICT and CITY have enjoyed a longstanding interdependent relationship that provides a healthy recreational and instructional outlet for the residents of our community and school district.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties hereto agree as follows:

1. DISTRICT will provide for public and community use, the six (6) new tennis courts located at the Milford High School.
2. DISTRICT shall be responsible for the installation and regular maintenance and repair of the tennis courts, to include but not be limited to the surface, striping, netting, posts, and fencing.
3. DISTRICT shall be responsible for the installation, maintenance and operation of the lighting system. This shall include the lighting system, wiring, meter pan and timing device for usage. CITY shall be responsible for the installation and maintenance of the electric meter and all electric usage charges for the tennis courts.
4. DISTRICT shall have the exclusive use of the tennis courts during regular school hours or school sponsored events such as MHS tennis matches or any other event as determined by DISTRICT. The tennis courts shall be open for use by the public or CITY Parks and Recreation during all other times between the hours of 8:00 a.m and 10:00 p.m. DISTRICT and CITY may agree to modify the operating normal operating hours for the use of the tennis courts by the public and establish polices for public access.

5. Both parties agree to indemnify each other from all claims by a third party for property damage or personal injury which may arise out of authorized activities of the other party while acting outside of their respective jurisdictions pursuant to this agreement.
6. The term of the initial agreement shall be for one year, commencing on the date when executed by both parties. The agreement shall be automatically extended annually in subsequent years for a one year term, provided either party may terminate the agreement by providing written notice to the other party one year prior to the anticipated termination date.
7. Both parties agree to review the agreement on an annual basis to assure that all parties are sufficiently benefiting and to allow an opportunity to introduce desirable modifications to this agreement.

The parties have incorporated in this Agreement their entire understanding. No modification or waiver of any terms of this Agreement shall be valid during the term of this agreement unless mutually modified by both parties in writing.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed this ____ day of _____, _____.

Signed, Sealed and Delivered in the Presence of:

MILFORD SCHOOL DISTRICT

Witness

BY: _____

CITY OF MILFORD

Witness

BY: _____
Joseph R. Rogers
Mayor

City of Milford



RESOLUTION 2010-9

WHEREAS, the provisions of Article X, Section 10.05 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment to be hung in two public places in the City of Milford and there to remain for the space of ten days for public information; and

WHEREAS, attached to said copies shall be notice of the day, hour and place that Council will sit as a Board of Revision and Appeal for said General Assessment.

NOW, THEREFORE, BE IT RESOLVED, that on Monday, the 12th day of July 2010 at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2010-2011 General Assessment.

Mayor Joseph Ronnie Rogers

Attest: _____
City Clerk

Adopted: June 14, 2010

City of Milford



PUBLIC NOTICE

City of Milford Property Tax Appeals

Please be advised that on Monday, the 12th day of July 2010 at 7:00 p.m., the City Council of the City of Milford will sit in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, as a Board of Revision and Appeal in regard to the 2010-2011 City of Milford General Property Assessment.

Property owners wishing to appeal the value of their property under the 2010-2011 General Assessment must contact John Darsney, Land Management Data Manager, City of Milford Public Works Facility at 302-424-3712 Extension 314 by 12:00 noon on Friday, July 2, 2010.

Copies of the 2010-2011 General Assessment are posted for public information at Milford City Hall, 201 South Walnut Street, Milford, Delaware and at the Milford Public Library, 11 Southeast Front Street, Milford, Delaware.

Issued this 3rd day of June 2010 pursuant to Article 10 of the Charter of the City of Milford, Delaware.

David W. Baird
City Manager

Posted 06/03/10

FY 2010-2011 Budget

SEE Attachment

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: APRIL 2010

Cash Balance - General Fund Bank Balance	\$2,206,472
Cash Balance - Electric Fund Bank Balance	\$2,680,537
Cash Balance - Water Fund Bank Balance	\$495,272
Cash Balance - Sewer Fund Bank Balance	\$378,190
Cash Balance - Trash Fund Bank Balance	\$507,963

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Water Bond Escrow</u>
Beginning Cash Balance	476,268	609,444	739,900	412,739
Deposits			105,054	
Interest Earned this Month	89	115	151	19
Disbursements this Month	(4,259)		(43,333)	
Investments			1,600,000	
Ending Cash Balance	\$472,098	\$609,559	\$2,401,772	\$412,758

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	1,163,714	1,964,646	1,660,790	4,291,218
Deposits				
Interest Earned this Month	7,617	7,689	7,634	22,825
Disbursements this Month		(483)	(402,093)	(300)
Investments	500,000	1,750,000	1,500,000	5,000,000
Ending Cash Balance	\$1,671,331	\$3,721,852	\$2,766,331	\$9,313,743

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>
Beginning Cash Balance	10,392	10,909	4,701
Deposits	5,988	3,165	1,200
Interest Earned this Month			
Disbursements this Month			
Investments	850,000	\$625,000	\$250,000
Ending Cash Balance	\$866,380	\$639,074	\$255,901

INTEREST THROUGH THE TENTH MONTH OF THE FISCAL YEAR:

General Fund	13,590	Water Fund	3,916
GF Capital Reserves	15,255	Water Bond Escrow	211
General Improvement Fund	2,185	Water Capital Reserves	23,025
Municipal Street Aid	3,200	Water Impact Fees	3,821
Real Estate Transfer Tax	12,243	Sewer Fund	1,933
Electric Fund	20,212	Sewer Capital Reserves	22,544
Electric Reserves	70,948	Sewer Impact Fees	2,877
Electric Impact Fees	1,095	Trash Fund	2,318

TOTAL INTEREST EARNED TO DATE \$199,373

REVENUE REPORT

Page Two

Date: APRIL 2010	AMOUNT BUDGETED	MTD	YTD	83% of Year Expended YTD%
ACCOUNT				
Budgeted Fund Balance	239,600	14,200	239,600	100.00%
General Fund Capital Reserves	104,600	0	104,600	100.00%
Property Transfer Tax-Capital	184,300	0	153,706	83.40%
Property Transfer Tax-Police	520,000	43,333	433,333	83.33%
Real Estate Tax	2,929,600	3,421	2,914,256	99.48%
Business License	48,000	1,350	32,350	67.40%
Rental License	62,500	2,350	86,750	138.80%
Building Permits	40,000	2,297	24,918	62.30%
Planning & Zoning	40,000	700	32,659	81.65%
Misc. Revenues	342,575	14,155	205,864	60.09%
Transfers From	3,215,480	267,956	2,679,566	83.33%
Police Revenues	305,000	8,366	148,915	48.82%
Engineering & Inspection Fees	50,000	1,480	34,720	69.44%
Total General Fund Revenues	\$8,081,655	\$359,608	\$7,091,237	87.74%
Water Revenues	2,160,130	179,912	1,863,815	86.28%
Sewer Revenues	2,264,970	549,163	1,889,809	83.44%
Kent County Sewer	1,600,000	110,678	1,114,825	69.68%
Solid Waste Revenues	1,015,000	39,730	851,428	83.88%
Solid Waste Rebate	48,000	0	46,988	97.89%
Solid Waste Budgeted Fund Balance	112,065	0	0	0.00%
Electric Revenues	28,225,431	1,967,313	22,547,335	79.88%
TOTAL REVENUES	\$43,507,251	\$3,206,404	\$35,405,437	81.38%
YTD Enterprise Expense		83,750		
YTD Enterprise Revenue		68,378		
LTD Carlisle Fire Company Building Permit Fund		20,065		

EXPENDITURE REPORT

Page Three

Date: APRIL 2010

83% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	378,310	\$40,926	309,171	81.72%	69,139
O&M	136,390	\$19,611	89,934	65.94%	46,456
Capital	0	\$0	0		0
Total City Manager	\$514,700	\$60,537	\$399,105	77.54%	115,595
Planning & Zoning					
Personnel	157,435	\$18,713	125,709	79.85%	31,726
O&M	66,105	\$2,605	32,994	49.91%	33,111
Capital	0	\$0	0		0
Total P, C & I	\$223,540	\$21,318	\$158,703	71.00%	64,837
Code Enforcement & Inspections					
Personnel	205,390	\$13,490	130,390	63.48%	75,000
O&M	45,205	\$5,796	27,009	59.75%	18,196
Capital	0	\$0	0		0
Total P, C & I	\$250,595	\$19,286	\$157,399	62.81%	93,196
Tax Department					
Personnel	71,940	\$7,758	\$56,949	79.16%	14,991
O&M	24,020	\$147	\$9,951	41.43%	14,069
Capital	0	\$0	\$0		0
Total Tax Department	\$95,960	\$7,905	\$66,900	69.72%	29,060
Council					
Personnel	30,150	\$3,194	26,932	89.33%	3,218
O&M	59,800	\$3,865	42,464	71.01%	17,336
Capital-Green Acres	100,000	\$0	100,000	100.00%	0
Council Expense	12,000	\$209	11,994	99.95%	6
Contributions	268,000	\$140,000	268,000	100.00%	0
Codification	2,500	\$0	0	0.00%	2,500
Employee Recognition	8,000	\$0	6,357	0.00%	1,643
Community Events	10,000	\$0	0	0.00%	10,000
Insurance	16,920	\$0	10,831	64.01%	6,089
Total Council	\$507,370	\$147,268	\$466,578	91.96%	40,792
Finance					
Personnel	360,565	\$39,770	292,449	81.11%	68,116
O&M	63,300	\$4,385	30,441	48.09%	32,859
Capital	0	\$0	0		0
Total Finance	\$423,865	\$44,155	\$322,890	76.18%	100,975
Information Technology					
Personnel	219,275	\$23,954	179,162	81.71%	40,113
O&M	160,360	\$77,646	132,271	82.48%	28,089
Capital	86,300	\$1,610	54,567	63.23%	31,733
Total Information Technology	\$465,935	\$103,210	\$366,000	78.55%	99,935

EXPENDITURE REPORT

Page Four

Date: APRIL 2010

83% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,369,535	\$352,533	2,717,034	80.64%	652,501
O&M	413,525	\$25,462	302,710	73.20%	110,815
Capital	112,200	\$318	96,467	85.98%	15,733
Total Police	\$3,895,260	\$378,313	\$3,116,211	80.00%	779,049
Streets & Grounds Division					
Personnel	397,975	\$39,104	320,652	80.57%	77,323
O&M	344,850	\$26,438	263,035	76.28%	81,815
Capital	0	\$0	0		0
Debt Service	46,720	\$0	41,671	89.19%	5,049
Total Streets & Grounds	\$789,545	\$65,542	\$625,358	79.20%	164,187
Parks & Recreation					
Personnel	460,730	\$46,864	356,549	77.39%	104,181
O&M	229,515	\$14,515	198,805	86.62%	30,710
Capital	110,000	\$0	110,000	100.00%	0
Total Parks & Recreation	\$800,245	\$61,379	\$665,354	83.14%	134,891
Engineering & Inspections					
Personnel	160,825	\$17,573	129,690	80.64%	31,135
O&M	43,815	\$4,138	32,815	74.89%	11,000
Capital	0	\$0	0		0
Total Engineering & Inspections	\$204,640	\$21,711	\$162,505	79.41%	42,135
Less Interdepartmental Revenue	(\$90,000)	(\$7,500)	(75,000)	83.33%	(15,000)
Net Engineering & Inspections	\$114,640	\$14,211	\$87,505	76.33%	27,135
Total General Fund					
Operating Budget	\$8,081,655	\$923,124	\$6,432,003	79.59%	1,649,652
Budgeted General Fund Balance					
City Hall Renovations	149,188	\$751	\$78,621	52.70%	70,567

EXPENDITURE REPORT

Page Five

Date: APRIL 2010

83% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	244,770	\$28,380	196,925	80.45%	47,845
O&M	1,137,400	\$121,660	828,671	72.86%	308,729
Capital	45,000	\$0	0	0.00%	45,000
Debt Service	732,960	\$0	447,741	61.09%	285,219
Total Water	\$2,160,130	\$150,040	\$1,473,337	68.21%	686,793
Sewer Division					
Personnel	246,115	\$28,368	196,904	80.00%	49,211
O&M	1,304,255	\$152,109	1,265,192	97.00%	39,063
Capital	35,000	\$0	4,352	12.43%	30,648
Debt Service	679,600	\$0	249,433	36.70%	430,167
Sewer Sub Total	\$2,264,970	\$180,477	\$1,715,881	75.76%	549,089
Kent County Sewer	1,600,000	\$109,525	1,115,665	69.73%	484,335
Total Sewer	\$3,864,970	\$290,002	\$2,831,546	73.26%	1,033,424
Solid Waste Division					
Personnel	322,265	\$28,403	246,820	76.59%	75,445
O&M	662,800	\$56,777	536,446	80.94%	126,354
Capital	190,000	\$0	0	0.00%	190,000
Total Solid Waste	\$1,175,065	\$85,180	\$783,266	66.66%	391,799
Total Water, Sewer Solid Waste					
	\$7,200,165	\$525,222	\$5,088,149	70.67%	2,112,016
Electric Division					
Personnel	1,110,695	\$110,134	864,218	77.81%	246,477
O&M	1,931,106	\$193,920	1,382,673	71.60%	548,433
Transfer to General Fund	2,500,000	\$208,333	2,083,333	83.33%	416,667
Capital	515,520	\$0	37,947	7.36%	477,573
Debt Service	668,110	\$0	298,110	44.62%	370,000
Electric Sub Total	\$6,725,431	\$512,387	\$4,666,281	69.38%	2,059,150
Power Purchased	21,500,000	\$1,423,143	16,684,748	77.60%	4,815,252
Total Electric	\$28,225,431	\$1,935,530	\$21,351,029	75.64%	6,874,402
TOTAL OPERATING BUDGET					
	\$43,507,251	\$3,383,876	\$32,871,181	75.55%	10,636,070

INTERSERVICE DEPARTMENTS REPORT
Page Six

Date: APRIL 2010

83 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Billing & Collections					
Personnel	428,105	45,781	339,117	79.21%	88,988
O&M	162,500	13,091	103,874	63.92%	58,626
Capital	0	0	0		0
Total Billing & Collections	\$590,605	58,872	\$442,991	75.01%	147,614
Garage					
Personnel	137,260	13,426	112,356	81.86%	24,904
O&M	29,040	1,099	20,730	71.38%	8,310
Capital	0	0	0		0
Total Billing & Collections	\$166,300	14,525	\$133,086	80.03%	33,214
Meter Department-Water					
Personnel	123,455	12,486	103,811	84.09%	19,644
O&M	93,585	12,831	52,786	56.40%	40,799
Capital	60,500	10,390	57,914	95.73%	2,586
Total Billing & Collections	\$277,540	35,707	\$214,511	77.29%	63,029
Meter Department-Electric					
Personnel	236,435	25,236	194,093	82.09%	42,342
O&M	122,405	6,238	61,787	50.48%	60,618
Capital	32,000	30,281	32,079	100.25%	(79)
Total Billing & Collections	\$390,840	61,755	\$287,959	73.68%	102,881
Public Works					
Personnel	0	0	0		0
O&M	143,480	9,628	115,500	80.50%	27,980
Capital	0	0	0		0
Total Billing & Collections	\$143,480	9,628	\$115,500	80.50%	27,980

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
May 3, 2010

The Annual Organization Meeting of Milford City Council was held May 3, 2010 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware.

PRESIDING: Vice Mayor Katrina E. Wilson

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

Mayor-Elect Joseph Ronnie Rogers

Council-Elect Garrett Grier, III and S. Allen Pikus

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

CALL TO ORDER

Vice Mayor Wilson called the Monthly Meeting to order at 7:30 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Vice Mayor Wilson then recognized outgoing First Ward Councilman Michael Spillane and former Second Ward Councilman John Workman who resigned early in April due to relocating to Lewes, Delaware. She expressed her appreciation for the work and accomplishments of the councilmen adding they spent many hours volunteering during their tenure.

ELECTION REPORT

City Manager David Baird then read the following results of the 2010 City of Milford Election:

“On behalf of the Board of Elections for the City of Milford, I am reporting the certified results of the April 24, 2010 City of Milford Annual Election to be as follows:

In the Mayor’s Race, a total of 1,304 persons voted, with Daniel Marabello receiving 575 votes and Joseph Ronnie Rogers receiving 729 votes. Joseph Ronnie Rogers will begin his two-year term as Mayor of the City of Milford this date, May 3, 2010.

In the 1st Ward—a total of 512 persons voted with Garrett L. Grier III receiving 364 votes and Michael D. Spillane receiving 148 votes. As a result, Garrett L. Grier III has been elected to serve a two-year term as Council Representative of the 1st Ward beginning this date, May 3, 2010.

In the 2nd Ward—a total of 354 persons voted with R. Mark Christensen receiving 83 votes and S. Allen Pikus receiving 271 votes. As a result, S. Allen Pikus has been elected to serve a two-year term as Council Representative of the 2nd Ward to begin this date, May 3, 2010.

Given 3rd Ward Councilperson Owen S. Brooks, Jr. and 4th Ward Councilperson Katrina E. Wilson each ran unopposed,

an Election for those Offices was not required with each beginning their two-year terms this date, May 3, 2010.”

Vice Mayor Wilson then introduced the Honorable Justice Randy J. Holland of the Delaware Supreme Court who was present to swear in the Mayor-Elect and new and re-elected members of City Council.

The Mayor Elect’s wife, Ruth, then held their family bible while Justice Holland administered the Oath of Office to her husband. Following the swearing in procedure, the Oath of Office was signed by Mayor Rogers.

Vice Mayor Wilson then officially turned the gavel over to the newly elected Mayor Rogers.

SWEARING IN

Vice Mayor Wilson announced the Honorable Randy J. Holland of the Delaware Supreme Court was present to swear in the Mayor and new and re-elected members of City Council.

Before the swearing in, Justice Holland advised this is the week Law Day is celebrated around the United States and the commitment of the United States to the rule of law and to democracy. He said the Oath of Office being administered to the newly elected mayor and council members is the same taken by the governor and every other elected official. He said what is significant during the oath of office is these officials will acknowledge that the power of their office flows from the people they are privileged to represent. He noted the wording was taken from our first constitution in 1776. America declared our independence from England on July 4, 1776 and Delaware wrote its first constitution in September of 1776. When this country broke away from England, we substituted the democracy based on the people.

Justice Holland stated that today, as we have this transition in government, the same thing we have been doing for over two hundred years is based on the will and the power of the people.

Justice Holland then administered the Oath of Office to Joseph R. Rogers while his wife, Ruth, held the bible for her husband during the swearing-in ceremony. Following, Mayor Rogers signed the Oath of Office.

Mayor Rogers then thanked God, his wife and son and daughter-in-law in addition to his supporters for allowing him to return to this office. He thanked the large number of electors who voted and pledged to those present, that he, along with this council, will try do the absolute best for all of Milford. He said he looks forward to everyone working together for the betterment of the city.

He also recognized his two sisters, Joyce Cline and Barbara Moore.

Justice Holland then administered the Oath of Office to newly elected Councilman Garrett L. Grier III and S. Allen Pikus, along with re-elected Council Members Owen Brooks, Jr. and Katrina Wilson. Rose Brooks and Darrell Wilson shared bibles with their spouses during the ceremony.

After the swearing in procedure concluded, the newly elected and re-elected Council Members signed their Oaths of Office.

Certificates of Office, certified by the City of Milford Board of Election, were then presented to the newly elected officials.

Mayor Rogers then thanked Justice Holland for taking a moment from his busy schedule to handle this very special ceremony this evening. He expressed what an honor it is that Justice Holland is willing to administer the oath of office not only because he is from Milford, but he was the city solicitor at the time Mayor Rogers was first elected.

Vice Mayor Nomination

Mayor Rogers then opened the floor to nominations for Vice Mayor. Mr. Starling nominated Ms. Wilson, with Mr. Adkins seconding the motion.

Mr. Pikus moved the nominations be closed, seconded by Mr. Adkins. Both motions carried with no one opposed.

Ms. Wilson expressed her appreciation for councils' confidence in again choosing her as Vice Mayor.

Mayor Rogers then recognized Councilman Pikus. Mr. Pikus recalled in 1972 when Mayor Rogers was first elected to council, he took the place of his Uncle Ben Orkin who vacated that seat when the districts were realigned. He then acknowledged Mr. Orkin's widow Ellan Orkin and his other aunt, Dorothy Sinner.

The mayor then expressed praise for the City Election Board and asked that they stand. Board Members Tamela Mallamo, Joanne Leuthauser and Phyllis Fox received a round of applause from the audience. He emphasized how critical the board is to the success of the election by ensuring the operation runs smoothly.

Mayor Rogers also acknowledged former City Manager Richard Carmean for his forty plus years of dedicated and caring service to the city and thanked him for his continuing support.

Mayor Rogers concluded the meeting by stating he looks forward to working with city council, the city manager, chief of police and city staff and encouraged the input of the citizens.

Mayor Rogers then declared the Organization Meeting adjourned at 7:53 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 10, 2010

On Monday, May 10, 2010, a Public Comment Session was scheduled in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting. The purpose of the informal session is to allow the public to speak about issues of interest that impact the City of Milford.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

With no one signed up to speak, no Comment Session was held.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 10, 2010

The Regular 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, May 10, 2010.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:30 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Motion made by Mr. Adkins, seconded by Mr. Morrow to approve the minutes of the April 12, 2010 and April 26, 2010 council meetings as presented. Motion carried.

RECOGNITION

Mayor Rogers presented Chief Hudson with the following two proclamations:

Proclamation 2010-1/Police Officer Memorial Week

WHEREAS, the Congress and President of the United States have designated May 14, 2010 as Peace Officers' Memorial Day and the week in which it falls as National Police week; and

WHEREAS, the members of the law enforcement agency of Milford, Delaware play an essential role in safeguarding the rights and freedoms of Milford, Delaware; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Milford Police Department unceasingly provide a vital public service.

NOW, THEREFORE, I, Joseph Ronnie Rogers, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, call upon all citizens of Milford, Delaware, and upon all patriotic, civic and educational organizations to observe the week beginning May 9, 2010 as Police Week during which time all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens in the City of Milford.

I further call upon all citizens of Milford, Delaware, to observe May 14, 2010 as Peace Officers' Memorial

Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this Tenth day of May in the Year of our Lord Two Thousand and Ten.

Mayor Joseph Ronnie Rogers

Proclamation 2010-2/National Missing Children's Day

WHEREAS, May 25th has been declared National Missing Children's Day; and

WHEREAS, the Missing Children Act of 1982 was the first federal law to address this issue, and in 1983, President Ronald Reagan proclaimed the first Missing Children's Day; and

WHEREAS, Families and friends of missing children join together to plan events in communities across America to raise public awareness about the issue of missing children; and

WHEREAS, Children are our most valuable asset, our link to the future and their protection and safety deserve our utmost attention and priority; and

WHEREAS, according to the United State Department of Justice, an average of 2,185 children are reported missing to law enforcement daily and locating and returning these children to their homes is a statewide, national and international objective; and

WHEREAS, in addition to the already existing crimes against children, we now have a serious additional threat due to the expansion of Internet technology; and

WHEREAS, In connection with Missing Children's Day, the National Center for Missing and Exploited Children has created a program, "Take 25," to heighten awareness of children's safety issues; and

WHEREAS, The Take 25 campaign encourages law enforcement, parents, and educators to take 25 minutes to talk to children about ways to be safer, and encourages an ongoing dialogue with children about safety.

WHEREAS, The City of Milford shows its commitment to the improved safety and recovery of missing children by our participation in the Interstate Advisory Council for Missing and Exploited Children.

NOW, THEREFORE, I, Mayor Joseph Ronnie Rogers, on behalf of Milford City Council, do hereby proclaim May 25, 2010 as MISSING CHILDREN'S DAY in the City of Milford.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 10th day of May in the Year of our Lord Two Thousand and Ten.

Mayor Joseph Ronnie Rogers

Proclamation 2010-6/Elks Youth Month

In attendance to accept the following proclamation were Exalted Ruler Gary L. Thompson, Youth Committee Chairman Bob Glasco and Co-Chair David McGowan of the Milford Elks Lodge:

WHEREAS, the Benevolent and Protective Order of Elks has designated the month of May as Youth Month to honor America's Junior citizens for their accomplishments and to give fitting recognition of their services to Community, State and Nation; and

WHEREAS, Milford Lodge #2401 will sponsor an observance during the month in tribute to the Junior Citizens of this community; and

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these Young People who represent the Nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to develop those qualities of character essential for future leadership, and go forth to serve America; and

WHEREAS, to achieve this worthy objective, we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship.

NOW, THEREFORE, I, Joseph Ronnie Rogers, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, do hereby proclaim the month of May 2010 as YOUTH MONTH in the City of Milford and urge all Departments of Government, Civic, Fraternal and Patriotic Groups, and our Citizens generally, to participate wholeheartedly in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 10th Day of May in the Year of our Lord Two Thousand and Ten

Mayor Joseph Ronnie Rogers

Mayor Rogers acknowledged the community services performed by the Elks throughout the year and most notably their support of the youth in Milford which includes four scout groups.

Later in the evening, on behalf of Milford Elks, Exalted Ruler Thompson thanked Mayor Rogers for the proclamation and continued assistance and excused themselves so they could attend another meeting.

MONTHLY POLICE REPORT

Mr. Morrow moved to accept the monthly report submitted by Chief Hudson, seconded by Mr. Pikus. Motion carried.

Mr. Pikus noted that the report shows a reduction in accidents as well as a number of other areas in comparison to last year. He said that is a sign our police chief and the police department are doing their job.

CITY MANAGER REPORT

City Manager Baird then read the following report into record:

Personal Announcement

Mr. Doug Burns began employment with the City as a Code Enforcement Officer on May 3, 2010. Mr. Burns brings experience in the building and property maintenance fields and has previous experience as a code official with the Kent County Levy Court. This position has been vacant and the new rental fee enacted last year was to pay for the additional code official.

Spring Clean-Up Week

Spring Clean-Up will be the Week of May 10-14. In the event of inclement weather, it will be extended through the following week and conclude on May 21. Residents may place bulky items at their point of collection by 7:00 a.m. each morning. During this week no bulk scheduling is necessary. City Crews will collect furniture, appliances, large items, tires, excessive trash, yard waste, bagged leaves, and bundled limbs at no extra charge during this week. Additional information is available on the City's website at www.cityofmilford.com

2009-10 Budget (Finance Goal)

Budget preparations for the upcoming Fiscal Year are underway and each of you has been sent a copy of the proposed capital budget for next year and the ensuing five years. Preliminary meetings with each of the department meetings have been held and a review of their initial budget requests is underway. City Council Budget Meetings are tentatively scheduled for the evenings of June 1 and June 3 beginning at 5:00 p.m.

SCAT Meeting

Scat will be meeting in Milford on Wednesday, June 2nd at Abbotts Grill which is the reason the budget hearing was moved to June 3rd.

Stormwater Projects (Streets Goal)

Christiana Excavating has completed the stormwater repairs on Marshall Street that were approved by City Council at your April 12, 2010 meeting. Additionally, City crews completed repairs to the stormwater pipe on NW Front Street that were a result of damage from approximately 15 years ago during the Streetscaping project when the pipe was unknowingly damaged during the installation of electric and cable lines. While making the stormdrain repairs, City personnel were able to relocate the electric and cable lines and make repairs to abandoned old water service lines that were leaking underground. Completing the work in-house saved the City between \$50,000 and \$60,000.

High School Tennis Courts (Parks & Recreation Goal)

I am in conversation with the Milford School District regarding the development of an agreement that will cover community use of the tennis courts in the evening hours and the operation of the lights during these times. The agreement will be presented for council approval at a near future meeting. During the construction at the High School Campus, the District installed six new tennis courts and a new lighting system.

Washington Street Bridge (Engineering Goal)

DelDOT has informed the City that it has moved up the priority list enough to qualify for Federal Grants at an 80% Federal 20% Local allocation. The City's portion of the funding has been included in the Proposed Capital Budget for FY10-11. DelDOT is scheduled to conduct another inspection on May 7, 2010. Staff will continue to work with DelDOT and the State Historic Preservation Office on this project and a more detailed presentation will be made to City Council as further information becomes available

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

COMMITTEE REPORTS

Committee Assignments

Mayor Rogers distributed copies of the 2010 Committees assignments as follows:

<p>Annexation Committee Katrina Wilson* Doug Morrow Skip Pikus PC Chair Chuck Rini</p> <p>Community Affairs Committee Steve Johnson* James Starling Jason Adkins</p>	<p>Economic Development Committee Garrett Grier* Doug Morrow James Starling</p> <p>Finance Committee Skip Pikus* Doug Morrow Garrett Grier</p> <p>Parks & Recreation Committee Jason Adkins* Steve Johnson Owen Brooks</p>	<p>Police Committee Doug Morrow* Katrina Wilson Skip Pikus</p> <p>Public Works Committee Owen Brooks* Katrina Wilson Jason Adkins</p> <p>*Chairperson</p>
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The mayor encouraged all council members to attend any committee meeting regardless of if they are a member or not.

Mr. Pikus moved to confirm the mayor's committee assignments as presented, seconded by Mr. Morrow. Motion carried.

COMMUNICATIONS

None.

UNFINISHED BUSINESS

Adoption of Resolution/Adopting City of Milford Charter Amendments

Mr. Pikus recommended deferring action on the amended charter until the next council meeting and asked for a briefing of the changes. Mayor Rogers agreed more time was needed to review the changes.

Mr. Willard explained a synopsis at the end of a bill summarizes the changes and a bill of this side should include a detailed summarization. He has a draft of about eight bullets and the city clerk has added to that list.

He said the bill should be provided to the general assembly as quickly as possible so it can be approved this session which ends June 30th. Mr. Baird confirmed the plan is to have Senator Gary Simpson and Representatives George Carey and Bob Walls sponsor the bill.

Mr. Adkins asked the purpose of postponing action and suggested discussing it now so a final draft could be approved at the next meeting. Mr. Pikus explained that he only received this on Thursday and needs some additional review time.

The city solicitor stated that he is a senate attorney and recommends it be presented as soon as possible. Though they typically review and approve them quickly, the legislators are in session this week, off for two and then back for four weeks. Mr. Willard also encouraged the new members to call or e-mail him with any questions.

Mayor Rogers added he is willing to call a special meeting to adopt the amendments, if needed.

Mr. Pikus moved to defer action until the May 24, 2010 meeting, seconded by Mr. Morrow. Motion carried.

NEW BUSINESS

Century Engineering Agreement/Carpenter Pit Road Bridge Extension

Mr. Baird provided some brief background on the project. He stated that back in October of 2008, City Council entered into three agreements in relation to the Carpenter Pit Road Bridge Extension. The first was with the Department of Transportation for a Community Transportation Fund grant in the amount of \$120,000; the second agreement was with Lighthouse Christian Center which permitted the city to serve as the pass-thru on the project up to \$120,000. Anything above that would become the responsibility of Lighthouse Christian Center. The third item was an agreement with Century Engineering to do the engineering and permitting work to widen the bridge. Construction was not included.

The city manager said to date, \$55,481.50 was spent which leaves a balance of \$64,518.85. The work on the initial proposal has been completed and came in under the engineer's estimate. Based on where the project stands at this point, there is no need to proceed with the additional \$22,000 on the first contract.

The proposal this evening is for future road widening associated with the approaches to the bridge. Their proposal comes to a total of \$64,241.95. With this proposal and the initial proposal, the funds remaining of the \$120,000 are \$276.90.

Mr. Baird recalled that the bridge was installed at the wrong angle. It was originally designed to be a two-lane bridge but could only be utilized with one-lane. Completing the work associated with the road widening will allow the Army Corp of Engineers and DelDOT permitting to be done. As a result, any future development will move ahead at a much faster pace.

The city manager was unable to get a final confirmation from Pastor Andrus that Lighthouse Christian would be responsible should the proposal exceed the engineer's estimate. Therefore, he suggests a contingency be added that Lighthouse Christian Center is able to move forward but must fund any additional costs as was initially agreed.

He recommends we proceed with the proposal from Century Engineering as presented, contingent upon the agreement with Lighthouse Christian Center.

Mr. Brooks confirmed the north end of Carpenter Pit Road will be utilized for two-way traffic as was originally planned; Mr. Baird stated yes. Mr. Pikus then asked for verification that the north end involves wetlands which would require DNREC involvement; the city manager explained it would involve the Army Corp of Engineers. Mr. Pikus also asked for confirmation that any construction of those roads are the responsibility of Lighthouse Christian; Mr. Baird answered either Lighthouse Christian or the developer of that property. His impression is Lighthouse Christian plans to sell one or two commercial pad sites that are still available.

Mr. Pikus asked who will maintain the bridge and road upon completion. Mr. Baird stated it will be a state-owned bridge with the state maintaining the roadway from New Wharf Road on the north end heading south to the entrance of Lighthouse Estates (residential development) which is the split between state and city responsibilities. Mr. Pikus also confirmed the remainder of Carpenter Pit Road leading to Tenth Street is the city responsibility. Mr. Baird added the agreements state it would be transferred to the city from DelDOT for improvements to that section of Carpenter Pit Road based upon the development.

When asked where the city boundary line is, Chief Hudson advised the north side of the Webb farm on Route 113.

Mr. Morrow moved to approve the agreement contingent upon the Lighthouse Church acknowledgment that anything over \$120,000 is their responsibility as was originally agreed, seconded by Mr. Starling. Motion carried by unanimous roll call vote.

Mr. Pikus votes yes based on the contingency.

Mr. Brooks stated he is pleased the road and bridge are being widened to allow for two-way traffic.

Introduction of Ordinance 2010-7/Taxation/Chapter 204/Exemption

Introduction of Ordinance 2010-8/Sewer/Chapter 185/Impact Fee Exemption

Introduction of Ordinance 2010-9/Water/Chapter 222/Impact Fee Exemption

Introduction of Ordinance 2010-10/Electrical Standards/Chapter 192/Impact Fee Exemption

Mr. Adkins advised he has been working with the city manager on this issue since last fall. He said based on our current economic climate, what can be done as a city to let interested persons know we are open to business. He said they understand a lot of businesses are in trouble and are putting things off until the economy turns around. That is why he discussed how to facilitate future growth in Milford and referenced the quote 'if you don't grow, you die'. They also got together with Downtown Milford to discuss the matter.

Mr. Adkins said they are presenting different ways to incentivize businesses and individuals to make an investment in Milford.

Mr. Adkins feels that with this new council, it is a great time to say that Milford is open for business again by offering these incentives to help. He explained the ordinance is a one time tax abatement on any expansion of a current business. He feels it will not cost the city money and will only delay additional income the city would not receive without this. He then asked Mr. Baird to detail the proposals.

Mr. Baird explained that Ordinance 2010-7 provides a tax exemption for new improvement to residential and commercial properties that result in an increase to their tax assessment. It would be a one time exemption offered the first year after the certificate of occupancy is granted and would only apply to the assessed value of a new improvement.

The city manager explained there are limits of \$1,000 on residential properties and up to \$5,000 on commercial properties. He emphasized the exemption is only for the first year; the city would receive the full tax revenue beginning in year two.

Mr. Baird referenced his memo explaining Ordinance 2010-8, 9 and 10 waive sewer, water and electric impact fees from the effective date of the ordinance through December 31, 2010. The sewer and water impact fees are proposed to be

capped at 5 EDU's. There is no cap placed on the electric impact fee.

The current and proposed impact fees charged by the city are as follows:

Water: \$1,996 until June 30, 2010 \$2,075 effective July 1, 2010
Sewer: \$1,055 until June 30, 2010 \$1,097 effective July 1, 2010
Electric: Single phase 200 amp service--\$600; 400 amp service--\$1,200

The adoption of these ordinances will create a significant opportunity for individuals and businesses to make an investment in Milford.

Examples of Potential Savings:

A single family home constructed in the city after July 1, 2010 with an assessed value of 200,000 will save \$4,692 in fees and first year taxes.

A 4,000 square foot multi-use office building constructed in the city after July 1, 2010 with improvements assessed at \$334,900, a 3.2 EDU allocation and a 400-amp electric service will save \$12,503 in fees and the first year taxes.

Mr. Baird added that he and Mr. Adkins are trying to create an environment where people want to make an investment in Milford. Making that investment will put people to work not only during the initial construction phase, but also in permanent jobs when those businesses open up. It will also encourage people to live in the community and buy homes which will be added to the tax rolls and increase our utility revenues.

He further explained that though these may appear as large numbers, it is a small price to pay for the long term returns that will come should people take advantage of this opportunity.

Mr. Morrow asked how this is being communicated in addition to our website, local newspapers, Downtown Milford and Chamber of Commerce. Mr. Baird is planning television news stories to promote these incentives. He also referenced the Delaware Economic Development Officer (DEDO) which is one of the biggest sales groups in the state. Currently, he is meeting with them every three to four weeks to discuss these opportunities.

Mr. Adkins added that as far as the impact fee waiver, the initial period is only through December 31, 2010. At that point, it will be judged and could be extended. He also noted there will be a time limit on new construction to prevent putting up a couple blocks of foundation, getting the waiver, and then waiting another five years to complete the project.

He added that the city manager has worked very hard developing these ordinances. They spent a great deal of time talking to various businesses.

Mr. Baird said this also has the ability to piggyback other possible incentives. Mr. Adkins explained there is a DEDO web program that helps lending for small businesses. They had discussed setting up a point of contact in the city and anyone interested in investing in Milford would be provided this person's name whose duty would be to direct them to the web program or Milford's incentive package.

Mr. Pikus asked if a press release has been prepared. Mr. Baird said that was his plan depending on council action.

When asked about projects already in the pipeline, Mr. Baird explained the impact fees and tax exemption are based on the date they apply for a building permit. If they are in the planning stages, they are still eligible. Those who have already applied for a permit are not eligible.

The impact fee deadline is December 31st; the tax exemption will be in place until June 30, 2011. The city manager explained that knowing the impact fee was the larger value is the reason for the six-month period. At that time, council would then evaluate its success.

Mayor Rogers agrees this is a great incentive noting the Economic Development Committee he added this year. He has

several ideas he hopes to work on with the committee with the intent to bring back to council. Those ideas will fall in line with this concept.

The city manager then referenced an amendment he is recommending noting to prevent someone from pulling permits and not beginning construction. In that case, they would have received the benefit of the incentive though it would defeat the purpose of the ordinance.

Therefore, the following amendment is recommended:

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

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

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.

Mr. Adkins said he and Mr. Baird were discussing the six-month requirement for single family residential though he feels some lead way may be needed. He suggests it be left to the city manager’s discretion to ensure it is an ongoing project.

Mr. Baird asked if council wishes to add the amendment to the ordinance.

Mr. Grier agrees there are several factors that could impact a project. If the six months comes and goes, depending on weather and other permits, some discretion may be needed for an additional month or two. Mr. Baird offered to address that as part of the amendment.

It was confirmed that impact fees are collected at the time the building permit is issued. Mr. Willard is unsure if the city manager’s discretion is a good idea specifically when dealing with taxes and recommends an actual time be specified. If nothing else, it could be made a longer period. He explained that all persons must be treated equally when taxes are involved. A bright line must be established and this should not be made discretionary to prevent any arguments that people are being treated differently.

Mr. Baird said he and Mr. Willard will work to come up with the appropriate language before the ordinance is adopted in two weeks.

Scott Angelucci, President of Downtown Milford, Incorporation commends council for looking at this package stating they have been working on this for sometime and are pleased it is finally coming into fruition. This is part of what Main Street is about and is a way to encourage businesses to develop and move into the downtown area.

Public Comment Session

Mr. Brooks said he is recommending council return to the old way of doing business by allowing people in the audience to comment on a matter when it is being discussed and eliminate the public comment session. He did an inventory and during the past five months, there have been eleven people that spoke. Of those, six spoke about what was on the agenda that night. He thinks those comments should be heard during the council discussion. The other five spoke about Comcast, ward problems, Shawnee flooding and speeding. He feels that residents should be able to speak about any topic on the agenda. He is confident that Mayor Rogers can properly run the meetings while handling and controlling anyone who wishes to speak. He does suggest a speaker should be restricted to a certain time and recommends nothing over three minutes. He recalled Delaware League Executive Director George Wright always advocating a time limit of three minutes and anything longer is a sign the presiding officer has lost control of the meeting.

Mr. Morrow agrees with Councilman Brooks. He feels it will add more meaning to what the public has to comment on. He feels there is a breakdown in communication when the public comments on something and council is unable to

respond. He is also confident that Mayor Rogers will be able to handle the speakers in this situation.

Mr. Adkins asked how someone would be able to speak about something that is not on the agenda; Mr. Morrow said that is against state law and FOIA only allows discussion on items on the agenda. However, he recommends they contact their councilperson or city manager to have that item addressed or added to an upcoming agenda.

Mayor Rogers said he wants the public to be able to comment about items on the agenda. If it is not on the agenda, they can ask that it be addressed at an upcoming workshop through the city manager, mayor or their council representative. He does not want the public to think council is taking something away from them because the intent is to open the line of communication between council and the public. He agrees that FOIA only allows those items on the agenda to be discussed. However, this will allow the public to become more involved in council meetings. He emphasized that it will need to be handled in a professional manner and agrees that a time restriction should be added to prevent the meeting from getting out of hand.

Mr. Starling agrees that during the public comment session, council took some unnecessary shots. He recalled that formal presentations were also given which he felt was inappropriate. He agrees that should be eliminated and is comfortable with the mayor having the discretion to allow the public to comment as needed during the meeting.

Mayor Rogers also added that he will not allow a person from making accusations against council or an employee which could result in legal action being taken. In such a case, that person should be allowed to defend themselves though it should not become an argument.

Mr. Pikus pointed out that often many questions or concerns expressed during the comment session were answered during the meeting. He agrees it is the public's right to ask a question.

The city solicitor cautioned council that certain items, by law or code, require a public hearing for public comment. He said it is important that public comment period begin and end during a specific time and any comments are on record. Any additional discussion could impact councils' decision and taint the record. Those instances are properly noticed and those in favor or opposition are heard. If it later appears as unfinished business, public comment cannot be taken again regardless of a policy that permits a person to speak anytime during a meeting.

Mr. Brooks moved to remove the public comment session and instead allow those in attendance speak on items on the agenda, when Mayor Rogers permits and no longer than three minutes, with the exception of those that require a public hearing. Mr. Morrow seconded the motion.

Robert Connelly of 107 Barksdale Court, Hearthstone Manor, said he objects to councils' position. He feels it takes away the public's right to speak at a council meeting.

Mr. Brooks explained he is trying to help the citizens and is opening up the communications.

Mr. Connelly said he trying to figure out what the city loses by inviting the public to speak at one time and talk with only individual council members. He says council is asking him to become a lobbyist.

Mr. Pikus disagreed with Mr. Connelly stating they are trying to open the meeting to the public and not close it. If there is an issue on the floor concerning an ordinance and involves some kind of presentation, the way it is now, the public can only speak for fifteen minutes before the meeting, What Mr. Brooks and Mr. Morrow are trying to do is to allow public input during a discussion about a specific problem. After the presentation is completed, the mayor has the ability to recognize someone who wishes to speak. In his opinion, this gives the public a voice.

Mr. Connelly argued that will only apply to agenda items. He asked why council would not want to hear from the public once or twice a month about an item they are concerned about that is not on the agenda. In his opinion, it is contrary to what the whole country was founded on. He said he grew up in an area that had town hall meetings where anyone could speak about anything. He said that while some got raucous, no one was hurt or sued. They had more community activity than he has seen in his three and a half years in Milford. He does not understand why this is being done.

Mr. Pikus explained that over the twenty plus years that Mayor Rogers, Mr. Brooks and Mr. Morrow have sat on council, there were many opportunities for the citizens to speak. He reminded Mr. Connelly that he has two council members that were elected to represent him who are extremely willing to listen to him.

Mr. Connelly said this will not allow him to bring a solution to a problem that none of the council may have thought about. Mr. Pikus encouraged him to take it to his councilperson just as people do with their state senator and representative. In those instances, people are not permitted to go to the general assembly to individually speak about a problem.

Mr. Connelly believes council is sending a message to the public that council does not really want to hear from its residents and instead leave them along to run the city as they wish.

Mr. Brooks again explained that this will allow the public to speak about different items. Mr. Connelly reiterated the public will only be permitted to speak about what is on the agenda and not what the public wants to talk about.

Mayor Rogers explained that by law, council is only permitted to discuss what is on the agenda. He said an item can be added to the workshop agenda for a more open discussion.

Mr. Connelly said then he would have to come to workshops which he feels the mayor is asking a lot from the citizens.

Mr. Starling recalled that several times during the public comment session, inappropriate comments were made to individuals. He also remembered that many times, derogatory remarks were made about council members. In those instances, council was not permitted to respond which was an unfair process in his mind.

Mr. Connelly feels council is strong enough to take some criticism now and then. He said he has made his point that he disagrees with council.

Motion then carried by the following 5-2 vote:

Yes-Grier, Pikus, Brooks, Morrow, Starling

No-Johnson, Adkins

Mr. Johnson sees both ways and is unsure if there is a common ground where both can be done. In a regular council meeting, there would an opportunity to allow people to speak and at a workshop if necessary, there could be an open forum during the first fifteen minutes. No, he stated he does not want to be like Harrington though there is nothing wrong with Harrington.

Mr. Grier stated he is voting yes with all due respect to Mr. Connelly. Mr. Grier's opinion is that dialogue is good and if council is discussing a matter in which Mr. Connelly he feels strongly for or against, at that time, he can now step up and voice his opinion. He thinks this change will benefit both council and our residents.

Mr. Pikus votes yes emphasizing that council members are accessible as are all representatives of the state from the top level to the bottom level. He feels this will open the meeting to comments when discussing a particular subject. This will encourage people to talk about the subject which he thinks is extremely important. In his opinion, it is the opposite of what Mr. Connelly is stating and council is encouraging the public to speak. He feels Mr. Connelly's comment is an inaccurate statement and takes exception to it.

Mr. Adkins said he has been back and forth on this. He feels there can be an open dialogue during the session while keeping the public comment session. He agrees that a lot of what we hear is something council is unable to answer to. Some of the things he has heard in that fifteen comment period are things that may not have been brought to a councilperson. He does not know what will happen in the future. For those reasons, he is voting no.

Mr. Brooks votes yes and believes this will give the people more of a chance to speak during the meeting versus the fifteen minute public comment session. Those that are here will have an opportunity to speak when discussing the different topics. The other way, council was not permitted to respond during the fifteen minute session.

Mr. Morrow also votes yes. In his experience, they had more public input the way it used to be versus adding the public comment session over the last two and a half years.

Mr. Starling sees it another way. When a person has something to talk about or has some concerns, he believes most people will call their councilperson. They can bring it back to council for that person or try to take care of it. He sees this as a benefit and votes yes.

MONTHLY FINANCE REPORT

Mr. Morrow reported that through the ninth month of Fiscal Year 2009-2010 with 75% of the fiscal year having passed, 74.72% of revenues have been received and 68.43% of the operating budget expended.

He advised the police revenues are down though that is a grant or timing issue. However, they are controlling costs and are below the 75% mark. Overall, the city is taking in more than they are spending.

Mr. Morrow reiterated the Finance Committee will meet June 1st and June 3rd beginning at 5 p.m. to prepare for next year's budget.

With no further questions or comments, Mr. Morrow moved to accept the March 2010 Finance Report, seconded by Mr. Pikus. Motion carried.

ADJOURN

With no additional business, Mr. Pikus moved to adjourn the Monthly Meeting, seconded by Mr. Starling. Motion carried.

The Monthly Meeting was adjourned by Mayor Rogers at 8:48 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 24, 2010

Milford City Council held Public Hearings on Monday, May 24, 2010 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Captain Dion Brooks and Recorder Christine Crouch

COUNSEL: City Solicitor Timothy Willard

Mayor Rogers called the Public Hearings to order at 7:03 p.m.

Minor Subdivision & Conditional Use

Bob Nash Associates, Incorporated on behalf of Matthew & Jennifer Feindt

302 Carlisle Lane

Tax Map 3-30-7.17.138.00; 3-30-7.17.145.00

Area of Petition .8181 +/- Acres

Adoption of Ordinance 2010-6

(Ms. Wilson not in attendance for this hearing.)

City Planner Norris reported this application is for a minor subdivision and conditional use for two duplexes or four units and the conversion of an existing building previously used as a drycleaning business. It meets all conditions of the subdivision and zoning ordinance. The planning commission recommended approval of both the subdivision and conditional use by a vote of 7-0.

Bob Nash, representing Matthew and Jennifer Feindt, informed council this will improve the area and renovations have already begun. The intent of the minor subdivision was to allow the duplexes to be sold individually. There are four lots, in addition to the residual lot for the existing two-story building. Currently, utility plans are being finalized with the Public Works Department.

The mayor then opened the floor for public comment; no one responded. The public comment portion was then closed.

Mr. Morrow moved for approval of the minor subdivision and conditional use application as presented, seconded by Mr. Brooks. Motion carried by a unanimous roll call vote.

Ordinance 2010-1

An Ordinance to Amend Chapter 230, Zoning Code of the City of Milford Relating to Article VI - Signs

Adoption of Ordinance 2010-1

Ms. Wilson arrived at this time.

Planner Norris reported the planning commission has worked diligently to revise the sign section of the city zoning ordinance. Numerous discussions have taken place over a period of time; input has also been obtained from the Chamber of Commerce.

The planner noted that this section of the code addresses EMB's (electronic messaging board signs). Presently, those requests go before the Board of Adjustment. To render that, the planning commission is recommending an amendment to regulate the signs which would only be permitted in the C-3 zoning district. Messages or graphics are prohibited from changing within eight seconds. The owner would coordinate with local authorities to display appropriate emergency

messages as needed. Each sign on a state-mandated roadway would need to comply with all Delaware Department of Transportation rules and regulations.

Planning Chairman Chuck Rini thanked the local businessmen who were involved in the subcommittee noting the end result was well worth the effort.

Mr. Pikus confirmed this type of sign currently exists at the middle school and asked how many are now in the city; Mr. Norris estimated six. Mr. Norris advised that any application meeting the rules and regulations would be issued a permit but again emphasized they are only permitted in C-3. Those in another zoning district will still have to go before the BOA.

Mr. Adkins asked if the existing signs are required to comply with the eight-second delay; Mr. Norris stated no because they would be grandfathered.

Mayor Rogers asked for public comment; no one responded. The floor was then closed for comment.

Mr. Pikus moved to adopt Ordinance 2010-1, seconded by Mr. Grier. Motion carried by a unanimous 8-0 roll call vote.

*Reconsideration-Change of Zone R-2 to C-3 - Lynn & Karen McColley
600 N.E. Tenth Street & 819 N.E. Front Street
Present Use Residential & Agricultural; Proposed Use Highway Commercial
Tax Map MD-16-174.19-01-01.00; MD-16-174.19-01-01.01;
MD-16-174.19-01-03.00; MD-16-174.19-01-04.00; MD-16-174.19-01-11.00
Adoption of Ordinance 2009-14*

Planner Norris recalled the planning commission's recommendation to approve was by a vote of 4 to 1 and advised the zoning is consistent with the 2008 Comprehensive Plan.

Bill Bachman represented the McColley application and noted that Lynn, Karen, Will and Sarah McColley were present. He advised their intent is to rezone the balance of the Sunnybrae property to C-3. Mr. Bachman also recognized several people present to support the application including Planning Chair Chuck Rini, Businessman David Kenton, Former Councilman Vaughn Webb and Businessmen Dan Kimmel, Butch Elzey, Rich Willey and Mike Kirby.

Mr. Bachman provided some background for the property advising that in February 2002, the McColleys purchased the Sunnybrae estate. They have worked on making the estate a more attractive place for citizens throughout the state. There are various social gatherings at the mansion including chamber mixers, business training sessions and research events. He said the McColleys have supported the local economy by using various businesses at these events.

He stated that most recently, the McColleys are working as a partner with Kent County by allowing easements and rights of ways to permit the sewer to cross the Sunnybrae property. He added the new system is scheduled to be installed in mid 2011.

Mr. Bachman said the McColleys are actively pursuing a state college/university for the Sunnybrae site. The mansion could be used as an administration building with dorms and classrooms built around it. He feels that would also complement the new Milford Academy. This would create new jobs for our residents and produce revenue for the city and higher educational opportunities in Milford. He believes this would make Milford a recession proof city similar to Newark as the University of Delaware has done there.

He then acknowledged the proposed zoning that complies with the 2008 City of Milford Comprehensive Plan which was approved and signed by Governor Jack Markell on July 7, 2009.

Mr. Bachman noted that the Sunnybrae site is completely surrounded by commercial properties including Silicato-Wood Properties, Hitchens Tire Company, Warfel Construction, Atlantic Concrete, Milford Brick, Perdue Poultry, KSI, IG Burton, Milford High School and the future Milford Academy.

He said it is also important to note that with the recent commercial development in the east, the widening of Tenth Street has made it much safer for vehicles pulling onto the highways. He and the McColleys feel the state has done a great job improving that intersection.

Mr. Bachman understands the strongest objective to the proposed zoning change is the traffic issue. He said it cannot be overstated that the approval for a zoning change will not, in anyway, increase traffic on Northeast Tenth Street. After the approval, the property will continue to be used for agricultural purposes and special events. However, the change of zone will attract owners that will bring jobs to Milford who may otherwise overlook the property because it is zoned residential.

Mr. Bachman emphasized that before any construction occurs and the next step is taken, it will go before council for additional approvals. Business owners who are interested in the property will bring funds to help solve the traffic issues that are currently present. Without the funds, it will be a long time before the needed improvements are made and will further delay investments for the construction of any overpass.

He brought some articles from concerned citizens and referenced one from the Greater Milford Political Action Committee dated April 19, 2010. He said the letter states that during the past two years, the Milford Greater area has experienced a lack of business development. The city's growth has remained relatively dormant compared to Millsboro and feels that Milford needs a more proactive, with forward thinking, city leadership and one that acts in support of our current businesses and encourages future growth. He feels that the zone change to C-3 of Sunnybrae will move in that direction.

Mr. Bachman noted this is the second time this has been before council and asked that council vote yes with the proposal.

He also then reviewed the various platforms of the candidates recently voted into office and their support of business and economic development.

Mr. Pikus said he is very pro-business and supports as much business as the city is able to get. Though he was not on council at the time, he recalls when the DelDOT planner was here to comment on the project. He remembers Ralph Reeb discussing the access road going through the Silicato development which will belong and be controlled by the state when it is turned over. He added that Route 14 is a state maintained road and Tenth Street is controlled and maintained by the city. At that time, Mr. Reeb stated there would be no entrances permit issues until the overpass and traffic were able to access state roads.

Mr. Pikus asked that once the entire property is developed, how will that traffic exit if there is no access onto any of the state roads.

Mr. Bachman explained that currently there is no developer that has expressed any interest in the estate property. Once that occurs and before it goes before council, a traffic study would be required.

Lynn McColley of 416 N.E. Tenth Street then stated that he previously discussed this issue with Mr. Pikus at which time he agreed to support the commercial zoning. He agreed with Mr. Pikus that Ralph Reeb had indicated it could be a few years before the overpass was built though there has been a great deal of progress. The one at Dover Air Base is complete and work has started on the one at Frederica. He said to expedite this, the C-3 should be approved to allow a buyer to find it more attractive. We would then work with them to provide funds for the overpass. He said developers have heard rumors it is very tough for this council to approve an application, but if it is already passed, they will work on purchasing it. Their plans would then be brought before council for action. He said growth is needed to bring jobs to Milford.

Mr. Pikus asked if access is possible to the Sunnybrae property from the Silicato road; Mr. McColley said yes. Mr. McColley explained Mr. Silicato paid for the road himself and the developer that purchases the property would reimburse him for part of the road. He advised there are three existing entrances—one at Sunnybrae, an entrance at 927 N.E. Front Street and an entrance off Crapper Lane.

Mr. Pikus referenced the entrance off Route 14 which is a state owned road. Mr. McColley responded there are four

entrances that exist—at Sunnybrae, between the McColley and Tappan property at 819 N.E. Front Street (brick home), 927 N.E. Front Street and one at Crapper Lane. He noted that a portion of Sunnybrae is already zoned C-3.

Mr. Pikus reiterated that according to Mr. Reeb, the overpass on Route 14 is projected sometime between 2013 and 2015 and has not even been drawn yet. Also, the lack of funding that currently exists for such projects within the state should be considered. Mr. Pikus said his concern is if the property is developed over the next three years, how will vehicles enter and exit.

Mr. McColley explained that if a buyer came in with a new set of plans, by the time it gets to the planning commission and the state (noting the state has a waiting list), there are already existing entrances. Mr. Pikus pointed out they are currently used by residential properties zoned R-1. Mr. McColley recalled the trailer park that existed in the area which he feels was commercial because vehicles went in and out of it all the time.

Mr. Pikus said if the state says no entrances until the overpass is done, which was confirmed by Mr. Baird, and no entrances would be granted on any state roads, would traffic exit onto Tenth Street; Mr. McColley said they are not talking about traffic and are only asking for a C-3 zone at this time. Once they get that, the developer would meet with Ralph Reeb and his staff to determine how this could be done. He said if they are willing to provide \$2 million to build that overpass, he feels the state would expedite their funds because it is a cost sharing project. That, in his opinion, would be the fastest way to solve the traffic problems, which he understands is a concern of Mr. Brooks.

Mr. Pikus asked for confirmation the overpass would be cost sharing by the developer; Mr. McColley referenced the Lingo-Townsend situation in Lewes. He said those developers wanted to put up a 500,000 square foot mall. They went to Ralph Reeb, met with him and drew up their plans. They agreed to provide \$11 million of their own money to pay for the infrastructure and roads and whatever else was needed. Mr. Reeb agreed to proceed. Mr. Pikus stated the project was turned down.

Mr. McColley said he only wanted to use that as an example and stressed that roads and traffic is a mute point at this time. He said when the change of zone is approved tonight, Sunnybrae will have the same amount of traffic entering and exiting with the same fields being cultivated. Mr. McColley said that in the future, if a new university is developed which will bring new jobs, everyone will be happy.

When asked if there has been a traffic study done, Mr. McColley said it has been done, but it is a mute point. They are not dealing with traffic at this time. He is only concerned with C-3 to make the property more attractive to a developer. Once the contract is signed, they will draw up the new plans and meet with DelDOT and discuss a three-year deal.

Mr. Pikus stated he agrees, but traffic flow has got to be addressed. He said if there is no access onto any state roads, as was stated at a previous meeting by DelDOT, then no entrance permits will be issued until the overpass is done. He asked if Mr. McColley is able to market that land before the overpass is done.

Mr. McColley said he also owns 70 acres off Buck Road and the State of Delaware came in and closed the road onto Route 1 without any notification. IG Burton has been trying to get another entrance for a long time. Silicato came in and started to develop and was granted an entrance and exit. A lot of people said that no one was able to get an entrance onto Route 1 though Silicato did. Therefore, he feels it is possible. He reiterated all they want is a C-3 zone to create more jobs. He compared Milford to Millsboro and Smyrna and noted those towns are growing and businesses are moving there which is resulting in jobs and revenues.

When questioned, Mr. McColley said he has told the state that if they want a right-of-way through his property, he is willing to talk to the city manager. If they want a right-of-way, they will provide a couple of acres for an easement thru this land or whatever suits them. He said the county has already surveyed and at 927, which is the white house with a barn behind it, they are going through it with city water and sewer and the house will be torn down for a road.

Mr. McColley said his intent is to attract a buyer to purchase the land, pay for the road and help buy some of the infrastructure for the overpass. This will then allow businesses as has been done in Smyrna and Millsboro. Mr. McColley reiterated the platform of candidates during the recent election was to bring businesses and jobs to Milford. He

emphasized the change of zone will not increase traffic there tomorrow.

Mr. Pikus noted that he is still supportive of his platform but feels questions need to be answered to ensure the projects are done correctly and safely.

Mr. Adkins noted this is a large area of land and asked if there is a general plan for the whole area or does Mr. McColley plan to subdivide the property into smaller plats. Mr. McColley said if someone wants ten acres, they are flexible and would agree to subdivide it. That developer would then need to apply which means the new application would have to come back before council for approval. Right now, they want to do what is best for Milford and businesses.

Mr. Adkins said for the record, if someone wants to subdivide off ten acres, council is going to want to see something for the entire area as far as traffic.

Mr. McColley added they would love to keep forty acres for the mansion because they feel it is a big part of Milford. Many people believe it is the best property in Milford though he wants to do what is best for the town. If they were able to do that, they would take the other fifty acres and develop it into something though they prefer a college which would make Milford recession proof.

Mr. Brooks recalled Mr. McColley telling him at his house that they only wanted to change the zone to C-3 and then sell the property in two years. At that time, Mr. Brooks informed Mr. McColley that Ralph Reeb said nothing would be done to that property until the overpass was built. He said Mr. Reeb also indicated he had informed Mr. McColley of that intent, which Mr. McColley admitted to in the conversation. Mr. McColley said he does not recall that; Mr. Brooks referred to the minutes that reflect it.

Mr. McColley recalled that Ralph Reeb met with Dennis Silicato and he and his wife. They talked about improving the streets and they told Mr. Reeb they were flexible and wanted to work with DeIDOT. He agreed that Mr. Reeb spoke with them numerous times.

Mr. Brooks said he wants to discuss traffic. There will be approximately 1,000 vehicles coming from the Lighthouse Church development, additional traffic will be generated from the Silicato development once the Royal Farms, Grotto Pizza, hotel and whatever has been constructed and now an additional eighty acres will be made commercial and sold to the first developer that comes along. At this point, no one knows what will end up there though there are many high volume uses permitted in a C-3 zone.

Mr. Brooks asked how all those vehicles will be able to access Route 1. He said that currently, local traffic is unable to get on Route 1 from Tenth Street or Route 14.

Mr. McColley answered that first of all, vehicles are speeding down Tenth Street. He suggests that maybe the police need to patrol Tenth Street a little more. He thinks that with the Silicato development, Tenth Street has been widened which allows more visibility which makes it safer and more open.

Mr. Brooks pointed out that the only area of Tenth Street that was widened is where it opens onto Route 1; no other area has been widened. The balance of the street is very narrow and because of that, 'no parking' signs are not even needed. If a vehicle parked there, it would block half the street.

Mr. McColley explained that once a developer purchases the property, they will have to go to DeIDOT with a traffic plan that may require Tenth Street to be widened. He said a lot of those houses have a twenty foot right-of-way and DeIDOT may use part of that as he claimed they did on his property. He indicated they do not have to ask for permission; they simply widen the road and take the property.

He explained that no one from DeIDOT contacted them and suddenly one day, they found part of their fence was torn down. They then saw scrapers and other equipment widening the road. But they understand that is part of growth. He said that once they finalize the development at Sunnybrae, he expects DeIDOT to widen Tenth Street. At that time, he expects that fence to be moved back twenty feet in order to provide a wider and safer street.

Mr. Brooks emphasized that will not stop speeders and additional traffic from using Tenth Street. He stressed Tenth Street is unable to handle any additional traffic stressing there is difficulty handling what currently exists.

Mr. McColley agreed with Mr. Brooks stating the school has now doubled in size. He thinks the new football field and tennis courts are gorgeous though it will require some new infrastructure if Tenth Street needs to be widened.

Mr. McColley pointed out that former Superintendent Bob Smith came to the city with the plans. Mr. Smith has copies of traffic studies that were done. The streets were designed to handle the appropriate traffic according to Mr. McColley.

Mr. Brooks recalled when Kent County Commissioner Eric Buckson reported to council that the Tenth Street and Route 1 intersection was classified as 'just barely passing'. Commissioner Buckson added that when the Silicato development was completed, it would not pass. He feels that is a problem.

Mr. McColley explained that problem will be solved when someone purchases part of the Sunnybrae property and will then meet with DelDOT and a new traffic count will be required. Recommendations will be made to widen the street, do more infrastructure and build the overpass. He said that will add a developer who will share the costs of the new overpass and will expedite the project and move it up.

Mr. Brooks said the plan to design the overpass is for 2015 as was noted in an article published in yesterday's newspaper. Mr. McColley said that is as of today, but is subject to change. He added that if Lingo and Townsend came to Milford and met with he and his wife and offered to buy their property because they were unable to do it in Lewes and they already have \$11 million set aside for new infrastructure, a new Tenth Street could be constructed which would widen the street and make it safer. He said that would bring jobs to Milford people and provide a better economy.

Ms. Wilson said she understands and respects the questions and concerns. She said she also understands councils' job is to ensure a land application meets the criteria. In this case, the planning department and commission has agreed it does meet the city requirements. Therefore, she feels council is obligated to make a decision. She believes it is the goal of Mr. McColley that his project enhance our community and bring jobs and revenues to the city. She also understands that DelDOT has a responsibility to work out those traffic issues before anything can be developed at this site. The council has no control over what the state does in relation to traffic. However, the city needs to continue meeting with them to have input so everyone agrees what will benefit the town, though our concerns need to be expressed.

Mayor Rogers then opened the floor for public comment.

Emmett Venett of 810 N.E. Tenth Street, Woodshaven, advised he is a taxpayer and voter in the city because he owns rental properties. He said he is present to represent the neighboring community of Woodshaven. He recalled a meeting that was held during which time it was considered what impact this commercial endeavor would have. He said the residents in Woodshaven are very concerned. He said it is not that they do not appreciate what Mr. McColley has done nor what Sunnybrae has meant in the historical sense of this city.

Mr. Venett said the issue is that the city, in the past, may have made some hasty decisions which resulted in their community of 175 families having a drastic change in the way they go to work, to school, to town and the way they come home. He said vehicles are no longer able to come out of Milford on Tenth Street and cross over into Woodshaven. Vehicles now must go another mile to get to their residences. He also understands a number of their residents have already been ticketed because they went straight across.

He appreciates growth and jobs but noted that growth must be done correctly. He referenced the industrial park which was done extremely well. In that case, jobs were created and the infrastructure and roads were planned extremely well. However, he feels the city should be careful about rubber stamping projects and being intimidated by a plan. He said that when a plan is submitted, the city has the right to make changes. If additional information is needed, a decision can be deferred.

He also pointed out a hundred acre development Mr. Fannin is developing on the south side, another sixty acres on the Geyer property and ten acres at Walmart that have not proceeded.

Mr. Venett said it is not as if council has not exhibited a pro-stance for growth. The city has and many developments have been successful. In this case, he feels a hasty decision has been detrimental to Woodshavens' quality of life. He feels this perspective should be considered as well.

Sam Johnson of 104 N.E. Tenth Street said he knows Mr. McColley and thinks highly of him. However, no one on his street has received a notice that this was going to be heard tonight. He disagrees with Mr. Bachman who never mentioned the residential area that borders to the west directly up to Sunnybrae. That neighborhood has been there and he, personally, has lived there almost forty-six years. He said Mr. McColley indicated the street can be widened twenty feet. If that is done, both Mr. Brooks and his home will be on top of the street; some will be even closer. He likes the idea of what Mr. McColley is going to do, but he does not like not knowing what is being planned on the land.

Mr. Johnson feels that before council approves something, the plans should be presented, otherwise anything permitted in the C-3 zone will be allowed. There is a great deal of traffic on that road which has increased tremendously the past couple of years. As a result, vehicles are no longer able to cross that intersection and instead must go south and then make a u-turn to go north to into Woodshaven. That has impacted the residents from the life they have known for many years.

He does not understand why the residents were not notified and referenced the city's policy that requires it. The concern is they will not receive any future notices that something else may occur.

Mr. Johnson reiterated his concern for increased traffic. He said he was told one time if something was developed there, traffic would have to access it from Route 14 which he also prefers. He recalled Mr. McColley's statement there are three existing entrances and one is on Tenth Street. He said no additional traffic is needed and anyone that parks on that street, takes their own life into their own hands when entering or exiting their vehicle.

David Kenton said he is a resident of Milford and does not have a special interest though he is a commercial realtor with property at the Mispillion Marina. He stated he is supportive of Mr. McColley's operation.

Mr. Kenton believes it was explained well and good reasons given for the C-3 zoning request. He is simply saying that nothing can happen on the property until an adequate subdivision comes before council. He said from everything he read, the city really wants traffic to go to New Wharf Road/Route 14 and go to the overpass where the interchange is planned. It was his impression the Silicato road was a temporary road until the overpass was constructed. He also agrees with Mr. McColley, which he has seen through his business, that people can expedite an interchange because of growth.

He added that if this area was entirely residential, Mr. Kenton would have some concern. Instead it is surrounded by a chicken eviscerating plant, concrete plant and a school which has tripled in size. Therefore, some growth can be expected. He alluded to Ms. Wilsons' comments that council do what Milford is allowed to do and allow DeIDOT do what they need to.

He believes in the McColley plan for some sort of institutional or commercial development and DeIDOT knows how to properly provide entrances from these roadways.

Mr. Kenton noted that for the past ten years, the Woodshaven residents have been told by DeIDOT that traffic would have to go to New Wharf Road. He agrees that though N.E. Tenth Street is convenient, DeIDOT will eventually put in the overpass and interchange and is where traffic will be directed. He feels the one hundred acres the McColleys have will be a good addition to Milford. Therefore, he supports the change.

Sandra Webb of Lewes, Delaware, said she knows the McColleys and what they are trying to do is attract a higher learning institution. She is a commercial realtor also and she is unable to attract any interested developer without the zoning in place. She explained that is the number one criteria and noted that other towns are also trying to get their business. Those towns will have their zoning ready which will be easier to encourage economic development to their areas. The development plan for approval comes after that.

Butch Elzey of Jenkins Pond Road, Milford, stated if no access is possible to Route 1, how did Fred Hertrich obtain

access. It is his understanding they are getting an additional entrance. He said if all this traffic is a big deal, how was the Silicato development approved. He said it appears the McColley site is an island with the majority of his land surrounded by commercial and industry. If the C-3 zone is approved, the city can then require him to do other things before it is developed. Council will be the judge and jury to decide what can be done at that point.

Mr. Elzey recently catered an event at Sunnybrae noting it is a beautiful site. He feels this zoning will attract new businesses which Milford needs. He is very supportive of the C-3 and any traffic problems need to be addressed by DelDOT.

Mr. Brooks pointed out it appears the high school has been forgotten and reminded council it has more than 1,000 students, many of whom drive to school. Besides that fact, they are also inexperienced drivers. He does not feel these streets should be used for these students to learn to drive because of the heavy traffic. He went to a Positive Growth Alliance meeting at Carlisle Fire Hall. He recalled Ed McMahon, Community Planner Expert, stating that when you plan a city, you place a high school in the middle of a residential area.

Mr. Brooks confirmed with City Planner Norris that was an appropriate plan.

Jim Clendaniel, Vice President of Woodshaven Association, said he was present to back Mr. Vennett, who did not state he was the president of the association, and that a vote was taken for the association, which he believes is on record.

When no one else indicated they wished to speak, the mayor then closed the floor to public comments and asked for a motion by council.

Ms. Wilson moved for approval of the change of zone as presented in the application from R-2 to C-3 as was reviewed and endorsed by the city planner and planning commission. Mr. Adkins seconded the motion.

Motion carried by the following 5-3 vote:

Mr. Johnson stated we all want to see development that will bring jobs to the city and a lot of things happen for the good. At this time, council has been told by Mr. Reeb from DelDOT that it would be in the city's best interest not to add any more development to that area. The last time they came to the city, they made it very clear what their wish was. If there were no concerns such as safety or traffic, he could consider this and possibly override it. But with the concerns this body has for safety, he has to vote no.

Mr. Grier said this is a very tough issue for him. He sees both sides of the argument but is going to vote yes simply because of what he has read from the minutes of the November 23, 2009 meeting. At that time, Ralph Reeb stated very clearly that the overpass needed to be in place as well as the service road to Front Street before anything could be developed to begin with. In his opinion, that will take care of the traffic issue. Also, city council has control over the next step and any site plan and subdivision will need to be approved again. Though it is tough, he will vote yes.

Mr. Pikus said from the conversations he has had with the state, the city planner and city manager, he has definite concerns about the traffic flow. He said he does not recall the entire conversation Mr. McColley is alluding to. However, the city will maintain control as far as any future development on those streets. He is confident there will be control over the entrances and exits through the State of Delaware. However, the comprehensive plan does call for a C-3 zone for that area. Mr. Pikus agrees it is very difficult because safety is his main concern in addition to concerns about the lack of economic development. He is going to vote yes for the zoning change. His concerns will always be for the safety aspect but he must look on the positive side of what Mr. Reeb has assured him needs to be done. He also spoke with a higher authority and was able to get some positive response from that person at DelDOT, who should be there for at least three more years. But it needs to be watched very closely and therefore, he will vote yes.

Mr. Adkins said he also appreciates the traffic concerns at Woodshaven. He stated that a lot of damage has been done in Woodshaven with the prior development. He also thinks this will expedite the overpass on Route 14 which could make their lives a little easier. He very much appreciates the concerns on Tenth Street. As Ms. Wilson had stated earlier, he agrees this is only the zoning aspect. The planning phase is still to come. With the size of the property, its location and

surrounding commercial properties, he believes there is great potential. He lends his full support to the idea of a college or university coming to Milford and agrees it would be a huge addition. Personally, he prefers to see a master plan for the entire ninety acres before he would be willing to approve any individual lot there and would like that statement on record. He feels that if it were to be divided into smaller lots that were being approved one by one, that could become a mess unless there was a master plan. He stated that for the record, any buyer that comes in and separates the land, will need to be asked to address that concern. He votes yes.

Mr. Brooks votes no stating that the University of Delaware and other colleges sound good, but he heard the same story about two years ago from another developer and those plans never materialized. He votes no and hopes there are no accidents and no kids are hurt in this area.

Mr. Morrow agrees this is a very tough decision adding he, too, supports growth and new business. It was passed by the planning commission, is in the city's comprehensive plan and overall, it would be good for the city if we were able to control traffic or had a plan in place. Both Mr. Brooks and he have concerns about the safety of the residents in the third ward and the traffic impact from a commercial development will simply be too much for Tenth Street or New Wharf Road at this time. So at this time, he has no choice but to vote no.

Mr. Starling said he has listened to both sides of this argument. Mr. McColley has asked for a change of zone to C-3 only to move forward. He agrees there are traffic problems all over town. Just yesterday, he and his wife wanted to go out to dinner. They live just off Route 113 and they observed three or four hours of cars backed up on that highway. There is additional traffic with vehicles from the high school which includes 11th and 12th graders driving to school eight months a year. He agrees our roads are going to get even more crowded but will vote yes so they can proceed.

Ms. Wilson votes yes based on the fact that the comprehensive plan, city planner and planning commission all supporting the change of zone to commercial.

Mayor Rogers announced the motion passed by a 5-3 vote.

The Mayor then adjourned the Public Hearings at 8:15 p.m.

Respectfully submitted,

Teresa K. Hudson, CMC
City Clerk/Transcriber

*MILFORD CITY COUNCIL
MINUTES OF MEETING
May 24, 2010*

A 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, May 24, 2010.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins,
Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Captain Dion Brooks and Recorder Christine Crouch

COUNSEL: City Solicitor Timothy Willard

Mayor Rogers called the Council Meeting to order at 8:15 p.m.

Correspondence

The mayor asked Recorder Christine Crouch to read the following letter into record:

Mayor Rogers,

My name is Joan King, and I am a Milford native.

I have felt for some time I would like to write and inform you as to the exceptional city workers I have had the pleasure to interact with.

Denise and Susan are in the utility billing department. While not having the most pleasant of topics to discuss, we do consistently work out some compromise acceptable to everyone. I am grateful to them.

Recently, I was cleaning up a property/yard on South East Front Street. I was taking debris to the curb and, again, whether it was trash day or not, it was picked up. One day, there were some heavy logs in the back yard; I had not yet moved everything to the street. Four workers stopped, loaded up what was on the street and, then, went behind the property and helped me pick up the rest. Four nameless fellows who did an incredibly kind thing when they could just as easily have ridden by.

I was living temporarily at 400 Pierce Street in Milford. There was a tree close to the street that a city worker realized might pull down some power lines if it fell during a storm. Within a week, the men came and took it down. No, I don't know his name.

I also have had opportunity to interface with Mr. Brad Dennehy and CC Dennis. I had a question about a basement which, there again, they could have told me was outside of their job duties. Instead, they came, looked at it and gave, what I felt, to be very good guidance in resolving the situation.

I am grateful to each of these individuals and hope they will recognize themselves in this letter. Having been a public servant for almost a third of my life, I know all too well the thankless nature of some of these jobs. But, please know, that in these situations mentioned above, each of you has gone beyond what you had to do in making Milford a better place. Thank you, again, to each one.

Joan King

May 14, 2010

Mayor Rogers noted that council typically hears negative remarks and felt that a positive letter about our employees was something he wanted included in the council minutes.

Appointment of City of Milford Planning Commissioner

Mayor Rogers advised this matter will be deferred until the next meeting after some further discussions.

Cypress Hall Commercial Extension/Preliminary Major Subdivision

Timothy Metzner, Project Manager of Davis, Bowen and Friedel submitted a letter on behalf of Shawnee Farm, LLC

clarifying the status of this project.

It noted that after the preliminary extension was granted on June 9, 2009, the contract between the prospective businesses and owner was abandoned. A buyer was interested in the site though not in the design of the original site plan. Working with the owner, DBF revised the site plan and a contract was secured. DBF then began the application process with the City of Milford, but tabled the application at the owner's request just prior to the public hearing because the buyer wanted to renegotiate the contract. A revised contract could not be agreed upon and the buyer walked away from the project and the application was withdrawn. The owner is now requesting the city revert back to the original application that received preliminary approval on June 9, 2008 which is current to date.

City Planner Norris advised the planning commission reviewed the request and recommended it be granted by a vote of 7 to 0.

Mr. Brooks moved to approve the extension, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

Adoption of Ordinance 2010-7/Taxation/Chapter 204/Exemption

Mr. Adkins moved to adopt Ordinance 2010-7, seconded by Mr. Pikus:

ORDINANCE 2010-7

WHEREAS, the City desires to encourage the building of residential and commercial structures within the City limits; and,

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent employment, expands the City's tax base, and increases the use of City utilities.

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 204 of the Code of the City of Milford, entitled Taxation, is hereby amended to include a new Article to read as follows:

ARTICLE II—EXEMPTION OF NEW IMPROVEMENTS ADDED TO PROPERTY

§204-6 Eligibility for new improvement exemption of real property taxes.

The exemption shall apply to any improvement to any property (residential, commercial, industrial, etc.) located within the City limits that results in an increase in the improvement assessment as contained in the City's General Assessment Records. The building permit for the said improvements must be submitted to the City prior to June 30, 2011. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this Article.

§204-7 Amount of the exemption.

The amount of the exemption shall be determined by subtracting the improvement assessment value prior to the new construction from the improvement assessment value following the new construction.

§204-8 Application of the exemption and limitations.

The dollar amount of the exemption shall be multiplied by the property tax rate in the first full tax year following the issuance of a certificate of occupancy by the City. The dollar amount of the exemption shall be limited to a maximum of \$1,000 for residential properties and limited to a maximum of \$5,000 for all other properties. The exemption shall only be good for one year immediately following the issuance of a certificate of occupancy.

§204-9 Appeals.

An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.

Section 2. This article shall be deleted from the Code of the City of Milford one year after the expiration of the exemption eligibility period.

Section 3. Dates

Adoption May 24, 2010

Effective June 3, 2010

Motion carried.

*Adoption of Ordinance 2010-8/Sewer/Chapter 185/Impact Fee Exemption
Adoption of Ordinance 2010-9/Water/Chapter 222/Impact Fee Exemption
Adoption of Ordinance 2010-10/Electrical Standards/Chapter 192/Impact Fee Exemption*

The city manager noted that the amendment requested at the last council meeting has been included in each of these three ordinances. That amendment requires construction be completed for single family residential in six months and multi-family and commercial in twelve months in order to be eligible for the exemption.

Mr. Adkins moved to adopt the following three ordinances, seconded by Mr. Pikus:

ORDINANCE 2010-8

WHEREAS, the City desires to encourage the building of residential and commercial structures within the City limits; and,

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent jobs, expands the City's tax base, and increases the use of City utilities.

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, shall be amended to add a subsection D to read as follows:

§185-24 D. The sewer impact fee described in §185-24C shall be waived for all permits issued between June 3, 2010 and December 31, 2010. 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 during this period.

§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:

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

§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 2. Dates.
Adoption Date: 05-24-10
Effective: 06-03-10*

Synopsis: During the time this Ordinance is in effect, whose dates are specified herein, there shall be a moratorium upon the collection of City Sewer Impact Fees, whose terms are defined in §185-24C, except as provided herein.

ORDINANCE 2010-9

WHEREAS, the City desires to encourage the building of residential and commercial structures within the City limits; and,

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent jobs, expands the City's tax base, and increases the use of City utilities.

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §222-31 of the Code of the City of Milford, entitled Water, shall be amended to add a subsection I to read as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued between June 3, 2010 and December 31, 2010. The waiver shall be for a maximum of 5 EDUs per project.

§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

§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 2. Dates. Adoption Date: 05-24-10
Effective: 06-03-10

Synopsis: During the time this Ordinance is in effect, whose dates are specified herein, there shall be a moratorium upon the collection of City Water Impact Fees, whose terms are defined in §222-31H, except as provided herein.

ORDINANCE 2010-10

WHEREAS, the City desires to encourage the building of residential and commercial structures within the City limits; and,

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent jobs, expands the City's tax base, and increases the use of City utilities.

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 119 of the Code of the City of Milford, entitled Electrical Standards, shall be amended to add a section to read as follows:

The electric impact fee established under this Chapter shall be waived for all permits issued between June 3, 2010 and December 31, 2010.

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
---------------------------	----------

<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

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 2. Dates.

Adoption Date: 05-24-10

Effective: 06-03-10

Synopsis: During the time this Ordinance is in effect, whose dates are specified herein, there shall be a moratorium upon the collection of City Electric Impact Fees, whose terms are defined in the Electric Tariff of Chapter 119, except as provided herein.

Motion carried with no one opposed.

Adoption of Resolution/Adopting City of Milford Charter Amendments

When asked for comments, Mr. Pikus questioned the following change:

4.09 - Action Requiring an Ordinance

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

(a) Adopt or amend an administrative code; ~~or establish, alter or abolish any City department, office or agency;~~

Mr. Pikus feels council needs to have this discretion and suggested the deleted language remain. Mr. Morrow agreed.

Synopsis

It was confirmed the synopsis was complete and summarizes the major changes in the charter. In addition, when Mr. Willard submits the bill to the general assembly, a tracked copy will be available for anyone wishing to review it.

4.06- Qualification for Mayor and City Council

(a) No person shall be eligible for election as Mayor unless he or she is a citizen of the United States of America, a bona fide resident of the City of Milford and has continuously resided therein for a period of one year preceding the day of the election, is over the age of ~~twenty-one (21)~~ eighteen (18) years prior to the day of the election, has not been convicted of a felony and is nominated therefore, as hereinafter provided

(b) No person shall be eligible for election as a City Council member unless he or she is a citizen of the United States of America, a bona fide resident of the Ward in the City of Milford where they are seeking election and has continuously resided therein for a period of one year preceding the day of the election, is over the age of ~~twenty-one (21)~~ eighteen (18) years prior to the day of the election, has not been convicted of a felony and is nominated therefore, as hereinafter provided.

Mr. Morrow then pointed out some additional candidate requirements were added to comply with those in the state municipal election law. He said that while considering many situations that occur today, he feels we would be remiss if we did not require a background check be done on candidates. He pointed out that little league, pop warner and schools require them. He believes it would be appropriate and advantageous to the city. A background check would expose some serious criminal convictions that may otherwise be overlooked until a situation occurred where it may be too late.

Solicitor Willard advised that Delaware Code has various sections with this in it. Though he is unable to quote the best language, he will review the code and subsequently add what he feels is most appropriate to 4.06 (a) and (b).

Mr. Starling referenced the residency requirement to run for mayor or council that was changed from 30 days to

one year and suggested it be changed to five years. He feels it is important to be familiar with the city and it takes that long for someone moving here to become acquainted and really familiarize themselves with the area.

Mr. Willard is aware the Supreme Court has ruled against some residency requirements for voters but is unfamiliar with such limitations for elected officials. If council agrees it should be changed, he will research the five years for any related case law. Mr. Starling urged him to check into it.

After some further discussion, Mr. Starling recommended it be changed from thirty days to two years.

Solicitor Willard asked if procedurally, would the candidate have the background check done when they filed or have it completed beforehand. Mr. Morrow feels it should become part of the candidate packet.

When asked how these amendments will affect the charter being presented for this general assembly session, Mr. Willard explained the legislators return to session on Monday. Mr. Willard explained that it goes to committee first, then to the general assembly.

Council agreed that Mr. Willard should prepare the revised document to include those changes discussed this evening. He advised that he will add the new language, present it to the city manager for him to provide to council. This will keep the process moving.

Ms. Wilson then added her thoughts on the vice mayor voting. She feels that when a council person is residing over a council meeting as the vice mayor, he or she should be allowed to vote as a representative of their ward. This was previously discussed and the decision was to leave the charter as it is currently written. When asked for Mr. Brooks' opinion, Mr. Brooks stated he has no problem either way.

The city solicitor said if the consensus of council is to allow the vice mayor to vote, that language needs to be added. Currently, the mayor does not vote though the charter is silent.

Ms. Wilson said over the past four years, she has voted and according to how the charter is interpreted, that was against the law. Mr. Willard pointed out that was the interpretation of Mr. Fuqua at the time. Mr. Willard added that his initial instinct is that the vice mayor should vote because they were elected by their constituents to represent them in a voting manner. They only fill in for the mayor in a procedural manner for the purpose of running the meetings.

Planning Commission Chuck Rini then confirmed that if a matter goes before council and ends in a 4-4 vote (the mayor is absent), that item is defeated because it did not receive the majority vote. It was confirmed that in that case, the matter does not pass and cannot be tabled until the next meeting.

It was then agreed to allow the solicitor to make these changes and present the document to the general assembly.

Mr. Pikus moved for approval of the charter with the previous amendments as were discussed and such changes are to be made by the solicitor for presentation to the general assembly, seconded by Ms. Wilson. Motion carried with no one opposed.

Mr. Morrow commended the Charter Committee and former Chairman Mike Spillane noting there was a lot of work put into this. Mayor Rogers agreed adding the group was very thorough in their review.

FY 2009-10 Budget Amendment/Legal Fees

Mr. Baird requested that \$25,000 for legal costs be transferred from General Fund/Fund Balance 101-0000-399.10.00 to Council/Legal Expense 101-1110-411.30.20.00. He stated that our policy allows our insurance company to make settlement on a legal case. This involved a \$40,000 claim in which the city is responsible for the \$25,000 deductible.

The city manager added there are still some questions about whether this even occurred on city property, but this

payment will keep us current on our insurance claim.

Mr. Adkins stated that as a previous insurance agency, generally there is not much of a savings by increasing a deductible to that degree and asked that it be looked into. Mr. Baird said that is already being done.

When asked if the insurance company has some obligation to confer, Mr. Willard suggested he and Mr. Baird look into the matter more before the check is mailed.

Mr. Starling asked why council is no longer being informed of legal issues as they were in the past. The mayor agreed council should be advised of all legal actions and in most cases, the mayor and council are specifically named. Mr. Willard added there are ethical obligations to inform the client of the case. As he stated, he and Mr. Baird are looking into how this occurred.

Mr. Baird said on this particular case, the city received notification of the claim though they were unaware of the settlement until the bill was received for the \$25,000. Mr. Baird confirmed they will review it before the check is mailed.

In order to pay the deductible, Mr. Pikus moved to approve the budget transfer, seconded by Mr. Adkins.

Mr. Brooks asked if we should wait until the city manager and city solicitor looked into this. Mr. Baird said the city is contractually obligated to pay the deductible, per our contract, though he will continue to pursue it because we disagree with the charge.

Motion carried.

Civic Plus Agreement/City Website

Mr. Baird referred to the standard three-year agreement for Civic Plus who specialize in government websites. He advised there are a number of sites they maintain with other Delaware towns. Those towns were contacted and all came back with extremely positive recommendations. He reported that significant changes will be made to our website over the next few months. The agreement is for \$8,600 annually which is in line with our budgetary position.

When asked if the price was negotiable, Mr. Baird said this has been negotiated based on their initial proposal. Mr. Brooks confirmed it was in the budget.

Mr. Grier asked how this rate compares to our current carrier; Mr. Baird answered approximately \$1,000 more per year. He noted the services and support they provide are more than worth the price we are currently paying.

Mr. Pikus asked if the old company bid on the project; Mr. Baird explained that we moved away from the old company because of their lack of service and their product not meeting our current needs.

Mr. Pikus moved for approval of the Civic Plus Agreement, seconded by Ms. Wilson. Motion carried with no one opposed.

FY 2010-2011 Budget

Mr. Pikus then read the following statement into record:

The finance committee and all members of city council have received the proposed budget for FY 2010-2011.

In a few days, the finance committee will begin working on this budget and welcome you to attend the meetings where they will be spending many hours reviewing it with a fine tooth comb. The economics today are not what they used to be. We would like to see them come back but our expenses will be looked at very, very closely. Cuts will have to be made. Decisions and changes may have to be made, some of which may not be very popular. Unfortunately, that is what council is charged to do. We are elected as councilpersons to be the overseers and watchers of the city's dollars.

We will work with our city manager, finance director and department heads to assure the citizens the City of Milford will be run like a business. We are a \$40 million a year plus entity which should be run like a business.

This is the pledge the finance committee will make. He considers the finance committee to be all members of council which he feels is important. We will work as hard as we can to come up with a good, balanced and fair budget.

The mayor announced he has moved the workshop session up and the executive session will follow in order to allow those present to hear the public business. Council will recess the current meeting and return upon the conclusion of the workshop for the executive session.

Mr. Pikus moved to recess the council meeting to go into the workshop session, seconded by Mr. Adkins. Motion carried. The meeting was recessed at 8:50 p.m.

The council meeting resumed at 9:15 p.m.

Executive Session -Executive Session-Pursuant to 29 Del. C. §10004(b)(2)Preliminary discussions on site acquisitions for publicly funded capital improvements.

Ms. Wilson moved to go into Executive Session reference 29 Del. C. §10004(b)(2) preliminary discussions on site acquisitions for publicly funded capital improvements, seconded by Mr. Starling. Motion carried.

Mayor Rogers recessed the Council Meeting at 9:16 p.m. to go into a closed session.

Return to Open Session

Council returned to open session at 9:48 p.m.

Executive Session

No action required.

ADJOURN

Mr. Adkins moved to adjourn the Council Meeting, seconded by Ms. Wilson. Motion carried.

Mayor Rogers adjourned the Monthly Council Meeting at 9:49 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 24, 2010

The City Council of Milford met in Workshop Session on Monday, May 24, 2010 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins,
Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Captain Dion Brooks and Recorder Christine Crouch

COUNSEL: City Solicitor Timothy Willard

The Workshop Session convened at 8:50 p.m.

Ward District Realignment/Current Code

City Manager David Baird reported that this was discussed a few weeks ago and he needed concurrence of city council to make sure it was agreed on how to proceed.

During the charter review, it was determined that both the current charter and the proposed charter require election districts be contiguous. A situation arose where it was determined the Meadows of Shawnee was not contiguous with the third ward. Previously there had been discussions that Mr. Willard and Mr. Baird move forward to gather some options to be presented to council for their consideration. The intent was to make sure those recommendations were brought back for consideration in October so a final decision could be made by city council in November. That would allow current officials and candidates who were considering running for office to have adequate time to adjust to any modifications made to the election wards.

Mr. Baird advised that city council is charged with the responsibility of establishing the election wards. He wants to make sure that is the consensus of this council.

Mayor Rogers said he feels that redistricting is required and he sees a need for a better balance of the wards in relation to population. He feels it is important to the citizens that each ward is equally represented. Currently, one ward is much larger which gives them both some advantages and some disadvantages.

Mr. Brooks agrees and recalled that the last time it was done, the city solicitor, at that time, provided approximately six different scenarios. Mr. Fuqua provided a recommendation which is the one that was approved by council.

Mr. Morrow asked if all four wards will be redesigned, Mayor Rogers said there is only one area that needs to be addressed now because it is not contiguous with the balance of the ward. Mr. Brooks noted it will impact at least two wards.

Mr. Adkins asked if this major overhaul will be done before the census is completed. Mr. Baird answered the census figures will not impact this change. The charter states that each district must contain as nearly as possible the same number of qualified voters in districts, but districts shall not differ in population by more than ten (10) percent of the population in the smallest district created.

According to Mr. Baird, the current voter registration lists and number of residential units will be considered. By that point, we should start seeing some of the preliminary numbers coming out of the census as far as numbers of persons per household which he expects to remain at 2.3.

City Solicitor Willard explained the wards may not have to be redrawn, but they must comply constitutionally which means they are equal and contiguous. There is a problem with the one island which was a mistake and contrary to the

charter and federal law. The charter currently allows a fifth ward to be created or the rearrangement of wards upon an annexation which he feels caused this problem. Though it was not done in a timely fashion, it is his and the city manager's goal to correct this and in this case, move that portion of the third ward that is not contiguous which he does not feel will be a huge endeavor.

Next year in 2011, the wards can be revisited after the census is completed.

Ms. Wilson likes the idea the number of units will be considered instead of just using population numbers. She noted the number of people in Milford who are not registered which throws those numbers off.

Mayor Rogers agreed stating there are still a large number of people still on our voter registration who are no longer eligible for one reason or another. He also recommends that when new residents move into Milford and sign up for utilities, they be advised and given information on how to register to vote in city elections.

Follow-up information will be provided by Mr. Willard and Mr. Baird.

Solid Waste & Recycling Issues

The following memo was presented from City Manager Baird:

DSWA TIPPING FEES

As we have discussed, DSWA will increase its landfill tipping fee per ton from \$61.50 to \$80.00 effective July 1, 2010. In addition to this increase, the \$10.00 per ton rebate currently offered by DSWA will be reduced to \$4.00 per ton. This results in an increase of \$77,286 (47.5%) in tipping fees paid by the City for the fiscal year beginning July 1, 2010.

Over the past few months, municipal representatives that provide garbage collection (Milford, Dover, Bethany Beach, Rehoboth Beach, Newark, New Castle, and Wilmington) have been meeting with DSWA officials to explore alternatives to the large increase. After reviewing DSWA financial statements and other documents, we did concur that the increase can be justified by DSWA. Options we proposed included a five-year agreement that would allow for a more gradual phase in of the rates and a specific municipal rate since we are required by law to take our waste to DSWA, while private haulers do not have the same requirement. These and others were not acceptable to DSWA.

The DSWA option did not provide any rate relief as they would not agree to establish a separate rate for its municipal customers. The DSWA option calls for an \$8.00/ton deferral in year one that will be repaid in year 3 of the contract. This option will allow the City of Milford to also defer passing that cost along to our residents until year 3 of the proposed contract with DSWA. The old saying "you can pay me now, or pay me later" applies here.

Options regarding the rate structure will be discussed in more detail during the budget hearings on June 1 and 3.

RECYCLING

Earlier this month, the General Assembly passed SB234 that requires DSWA to cease curbside recycling collection and requires municipal and private haulers to provide the service. The City is currently under contract with DSWA through July 31, 2010 for curbside recycling at a cost of \$1.00/collection/household.

The City's options for complying with the law are to continue to contract recycling services or to collect it utilizing our existing solid waste personnel. While we can realistically expect to see prices between \$1.00-\$1.50/collection/household from a private contractor, after a thorough evaluation of our operations and these options, the staff and I have determined it to be in the City's best interest to collect the recycling ourselves.

This option works well for the City as we are able to incorporate the recycling collection utilizing our existing personnel and equipment. We are also planning to maintain the Thursday as the collection day for recycling.

SOLID WASTE & RECYCLING

While comparing the recycling collection costs, it was determined the City's recycling costs will be more costly than that of a private contractor. However, the difference was removed once we evaluated the combined costs of solid waste and recycling. By collecting both solid waste and recycling, the City should be able to offset year one of the tipping fee increase imposed by DSWA.

Mr. Baird advised that these options will be considered over the next couple of weeks. A lot more detail on rates will be discussed during the budget hearings. He feels it will have a significant impact on city finances.

The city manager noted that several municipalities met with DSWA and after a review of their financial documents, determined that their rate increase is justified. They have discussed possible ways to address the 47.5% increase in year one and considered if it could be spread out.

Several options were considered. One was a five-year agreement that would allow a more gradual increase; the possibility of DSWA offering a specific municipal rate was another option.

Mr. Baird reminded council that the law requires municipalities to conduct business with DSWA. Private haulers have other choices. Those choices were not acceptable to DSWA for a number of reasons with the major being their immediate need for a rate increase which is why they were reluctant to go beyond a three-year term not knowing what could occur later.

The city manager stated they did offer a deferral and are proposing an \$8 per ton deferral in year one. That would even out to a zero deferral in year two with that \$8 coming back in year three.

Mr. Baird referred to a chart (see attached) showing the current costs, the three-year contract and a comparison of the municipal option which includes the \$8 deferral with their standard agreement option. By taking the deferral, the increase drops from 47.5% to 32% which is significant but an approximate \$37,000 savings. In year two, the increase would be 14.7%. In year three, the increase would be 12.8%. The overall costs are projected to increase from \$241,000 today to \$412,000 in year three. For comparison purposes, those assumptions were based on the annual tonnage collected in the city remaining the same over those three years.

He noted the city will be paying the same amount of \$1,096,056 with either option over the three-year term. This calculates to more than \$300,000 per year needed to make those payments.

Mr. Baird and Mr. Portmann both agree that taking the deferral the first year is preferred because it equates to a zero interest loan for two years, but also provides some relief to our rate payers. They believe that anything to offset costs right now is good for the city and the residents as well.

The other option is to pay the full amount in the first year which is a significant increase to cover the cost.

On recycling, the city is considering using city staff for this service. The city manager feels this can be done without increasing our labor force or making any significant capital changes because of our current collection schedule. Minor modifications will be needed to the work structure our solid waste employees follow today. Thursday would become the recycling day because it is currently the lightest day for collections. In that manner, everything will remain the same.

When asked how holidays would be handled, Mr. Baird explained the flexibility we have because of Thursdays would be diminished as the four-day collection period becomes a five-day collection period. Some route adjustment would be needed and some additional overtime incurred by those employees. Those numbers would be factored into the budget as part of the solid waste and recycling budget for the upcoming year.

Ms. Wilson questioned that no one else would need to be hired to provide this new service even to replace individuals who are no longer here. Mr. Baird reported it is a full crew with the exception of one temporary employee which he will be discussing in the budget process. From a staffing level, he said there are enough employees though it is being

subsidized with a part-time person. He has talked to those workers and they feel they can take on this challenge. He also understands the first year will be a trial period with an option to reconsider our position next year.

The city manager added that if you compare the numbers for recycling side by side, it would be in the city's best interest to contract it out. However, when you package the solid waste and recycling together, it makes sense for the city to proceed.

Mr. Morrow asked the percentage of households recycling; Mr. Baird said that we have slightly over 4,200 trash customers and 1,981 recycled at the last count. There is 50% participation though we are only seeing about 6% utilization from what is being collected from a tonnage standpoint.

Mr. Baird explained the numbers on recycling really do not work even if the deferred option was considered. The net cost in year one is \$68 a ton. We are collecting just under 500 tons a year which diverts about \$30,000 a year from the landfill. Currently, our contract prices are \$45,000 to DSWA. Therefore, recycling does not pay for itself which is one of the reasons DSWA wanted out and was subsidizing between \$3.5 to \$4 million a year. The new bill passes that subsidy to the municipals.

Recyclables are being collected at the transfer station in Milford which prevents a lot of hauling time. In addition, DSWA has agreed to accept those recyclables at no cost for the first three years. After that, there will most likely be a cost added.

He advised there is a requirement the city provide curbside recycling whether it is directly from the city or through an outside contractor. For the residents, it remains a voluntary program.

DSWA owns the recyclable cans and will be giving them to the municipals or private haulers. They will continue to provide cans to new customers who subscribe until July 31st. After that, some of the small start-up costs, including the cans fees, will be passed on.

There have been discussions about DSWA equipment and vehicles that may be available to purchase after July 31st.

Part of the Senate Bill 234, which is tied in with the bottle bill, allows those dollars to be put into a fund to provide low interest loans and grants to companies that provide recycling services. The city will qualify as one of those eligible entities to help with the start up costs associated with the recycling. However, Mr. Baird does not expect it to be a sustainable fund because it may phase out over the two to three-year period.

He emphasized there is a lot of uncertainty in regard to solid waste and recycling rates over the next couple of years.

With no further business, the Workshop Session concluded at 9:15 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Transcriber

Attachment

CITY OF MILFORD MEMORANDUM

TO: Mayor & City Council
FROM: David W. Baird, City Manager *DWB*
SUBJECT: Solid Waste and Recycling
DATE: May 17, 2010

DSWA TIPPING FEES

As we have discussed, DSWA will increase its landfill tipping fee per ton from \$61.50 to \$80.00 effective July 1, 2010. In addition to this increase, the \$10.00 per ton rebate currently offered by DSWA will be reduced to \$4.00 per ton. This results in an increase of \$77,286 (47.5%) in tipping fees paid by the City for the fiscal year beginning July 1, 2010.

Over the past few months, municipal representatives that provide garbage collection (Milford, Dover, Bethany Beach, Rehoboth Beach, Newark, New Castle, and Wilmington) have been meeting with DSWA officials to explore alternatives to the large increase. After reviewing DSWA financial statements and other documents, we did concur that the increase can be justified by DSWA. Options we proposed included a five year agreement that would allow for a more gradual phase in of the rates and a specific municipal rate since we are required by law to take our waste to DSWA, while private haulers do not have the same requirement. These and others were not acceptable to DSWA.

The DSWA option did not provide any rate relief as they would not agree to establish a separate rate for its municipal customers. The DSWA option calls for an \$8.00/ton deferral in year one that will be repaid in year 3 of the contract. This option will allow the City of Milford to also defer passing that cost along to our residents until year 3 of the proposed contract with DSWA. The old saying "you can pay me now, or pay me later" applies here.

Options regarding the rate structure will be discussed in more detail during the budget hearings on June 1 and 3.

RECYCLING

Earlier this month, the General Assembly passed SB234 that requires DSWA to cease curbside recycling collection and requires municipal and private haulers to provide the service. The City is currently under contract with DSWA through July 31, 2010 for curbside recycling at a cost of \$1.00/collection/household.

The City's options for complying with the law are to continue to contract recycling services or to collect it utilizing our existing solid waste personnel. While we can realistically expect to see prices between \$1.00-\$1.50/collection/household from a private contractor, after a thorough evaluation of our operations and these options, the staff and I have determined it to be in the City's best interest to collect the recycling ourselves.

This option works well for the City as we are able to incorporate the recycling collection utilizing our existing personnel and equipment. We are also planning to maintain the Thursday as the collection day for recycling.

SOLID WASTE & RECYCLING

While comparing the recycling collection costs, it was determined the City's recycling costs will be more costly than that of a private contractor. However, the difference was removed once we evaluated the combined costs of solid waste and recycling. By collecting both solid waste and recycling, the City should be able to offset year one of the tipping fee increase imposed by DSWA.

DSWA Tipping Fee Comparison
Municipal Proposal vs. Standard Option
2010-2013

Annual Tonage Used for Both Options: 4,684

	DSWA Municipal Option		Standard Agreement Option	
	Cost per ton	Cost	Cost per ton	Cost
Current Costs				
Tipping Fee	\$ 61.50	\$ 288,066.00	\$ 61.50	\$ 288,066.00
Rebate	\$ (10.00)	\$ (46,840.00)	\$ (10.00)	\$ (46,840.00)
Net Cost	\$ 51.50	\$ 241,226.00	\$ 51.50	\$ 241,226.00
Year 1 (July 2010-June 2011)				
Tipping Fee	\$ 80.00	\$ 374,720.00	\$ 80.00	\$ 374,720.00
Rebate	\$ (4.00)	\$ (18,736.00)	\$ (4.00)	\$ (18,736.00)
Deferred Cost	\$ (8.00)	\$ (37,472.00)	\$ -	\$ -
Net Cost	\$ 68.00	\$ 318,512.00	\$ 76.00	\$ 355,984.00
		32%		47.57%
Year 2 (July 2011-June 2012)				
Tipping Fee	\$ 82.00	\$ 384,088.00	\$ 82.00	\$ 384,088.00
Rebate	\$ (4.00)	\$ (18,736.00)	\$ (4.00)	\$ (18,736.00)
Deferred Cost	\$ -	\$ -	\$ -	\$ -
Net Cost	\$ 78.00	\$ 365,352.00	\$ 78.00	\$ 365,352.00
		14.70%		2.63%
Year 3 (July 2012-June 2013)				
Tipping Fee	\$ 84.00	\$ 393,456.00	\$ 84.00	\$ 393,456.00
Rebate	\$ (4.00)	\$ (18,736.00)	\$ (4.00)	\$ (18,736.00)
Deferred Cost	\$ 8.00	\$ 37,472.00	\$ -	\$ -
Net Cost	\$ 88.00	\$ 412,192.00	\$ 80.00	\$ 374,720.00
		12.80%		2.56%
TOTAL COST OVER 3 YEARS		\$ 1,096,056.00		\$ 1,096,056.00

DSWA Tipping Fee Comparison
Municipal Proposal vs. Standard Option
2010-2013

Annual Tonage Used for Both Options: 4,684

	DSWA Municipal Option		Standard Agreement Option	
	Cost per ton	Cost	Cost per ton	Cost
Current Costs				
Tipping Fee	\$ 61.50	\$ 288,066.00	\$ 61.50	\$ 288,066.00
Rebate	\$ (10.00)	\$ (46,840.00)	\$ (10.00)	\$ (46,840.00)
Net Cost	\$ 51.50	\$ 241,226.00	\$ 51.50	\$ 241,226.00
Year 1 (July 2010-June 2011)				
Tipping Fee	\$ 80.00	\$ 374,720.00	\$ 80.00	\$ 374,720.00
Rebate	\$ (4.00)	\$ (18,736.00)	\$ (4.00)	\$ (18,736.00)
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		32%		47.57%
Year 2 (July 2011-June 2012)				
Tipping Fee	\$ 82.00	\$ 384,088.00	\$ 82.00	\$ 384,088.00
Rebate	\$ (4.00)	\$ (18,736.00)	\$ (4.00)	\$ (18,736.00)
Deferred Cost	\$ -	\$ -	\$ -	\$ -
Net Cost	\$ 78.00	\$ 365,352.00	\$ 78.00	\$ 365,352.00
		14.70%		2.63%
Year 3 (July 2012-June 2013)				
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Deferred Cost	\$ 8.00	\$ 37,472.00	\$ -	\$ -
Net Cost	\$ 88.00	\$ 412,192.00	\$ 80.00	\$ 374,720.00
		12.80%		2.56%

TOTAL COST OVER 3 YEARS \$ 1,096,056.00 \$ 1,096,056.00

**CITY OF MILFORD
PLANNING COMMISSION**

*Minutes of Meeting
January 19, 2010*

A workshop meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, January 19, 2010.

PRESIDING: Chairman Charles Rini

IN ATTENDANCE: Commissioners Kim Stevenson, Marvin Sharp, George Pilla, Jamie Burk, Archie Campbell

ALSO: City Planner Gary J. Norris, AICP, Recording Secretary Christine Crouch

The workshop was called to order at 6:00 pm.

Mr. Norris introduced Mr. James Galvin and Ms. Juanita Wieczoreck of the Kent MPO who were present to provide training on Regional Transportation for the Planning Commission.

Mr. Galvin and Ms. Wieczoreck provided a power point presentation which will be included in the minutes.

Following a brief answer and question period, Mr. Norris confirmed the next workshop training will be held March 9, 2010 regarding proposed changes to the subdivision and zoning ordinance. March 16, 2010 at 6:00 pm will also be a workshop.

Respectfully submitted,



Christine R. Crouch

Department Administrative Assistant/Recording Secretary

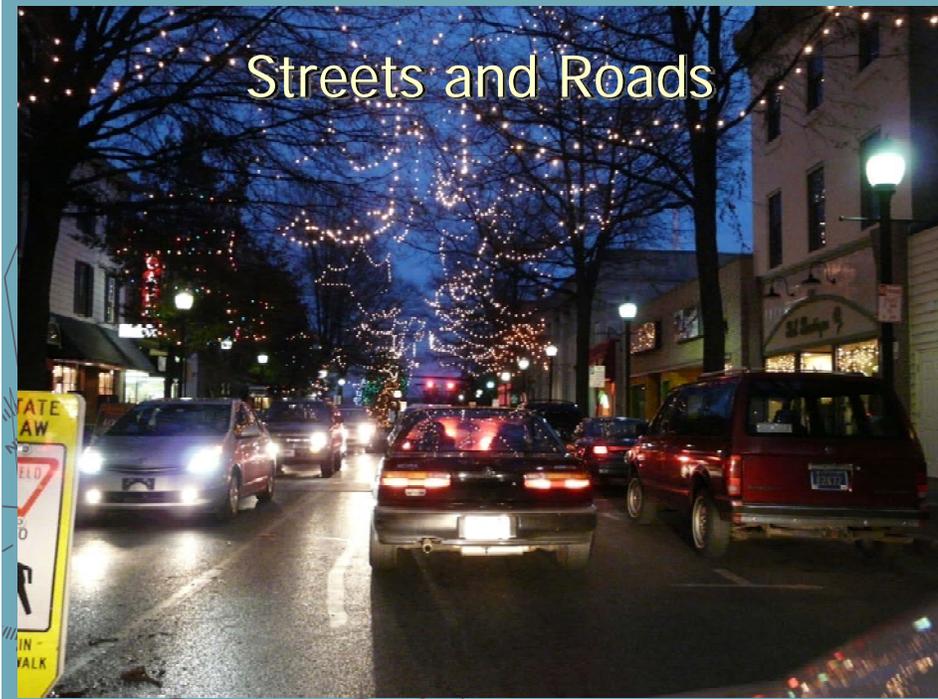
Transportation/Land Use Integration

Milford Planning Commission

January 20, 2010



Streets and Roads





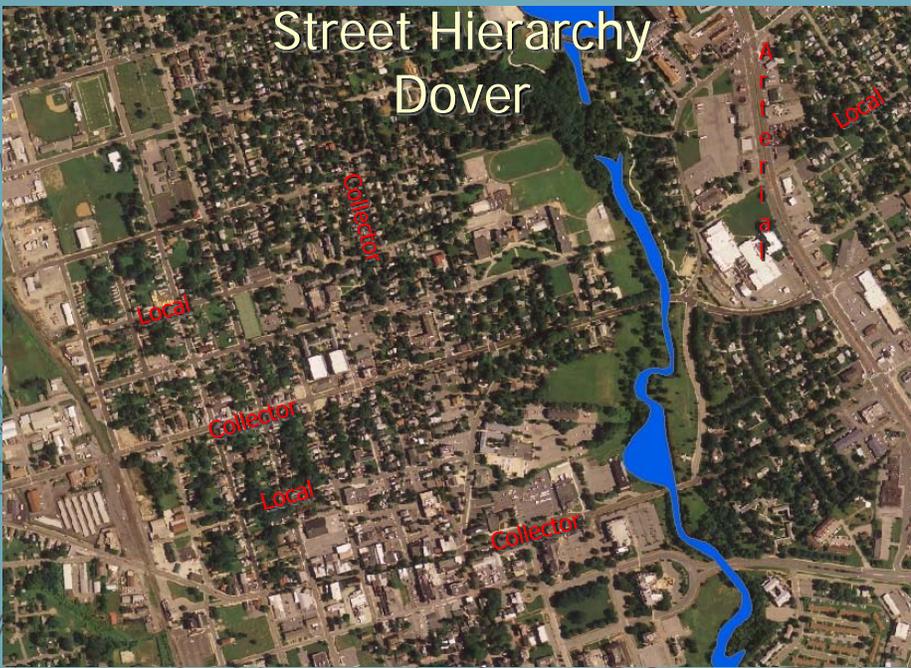
Transit Service

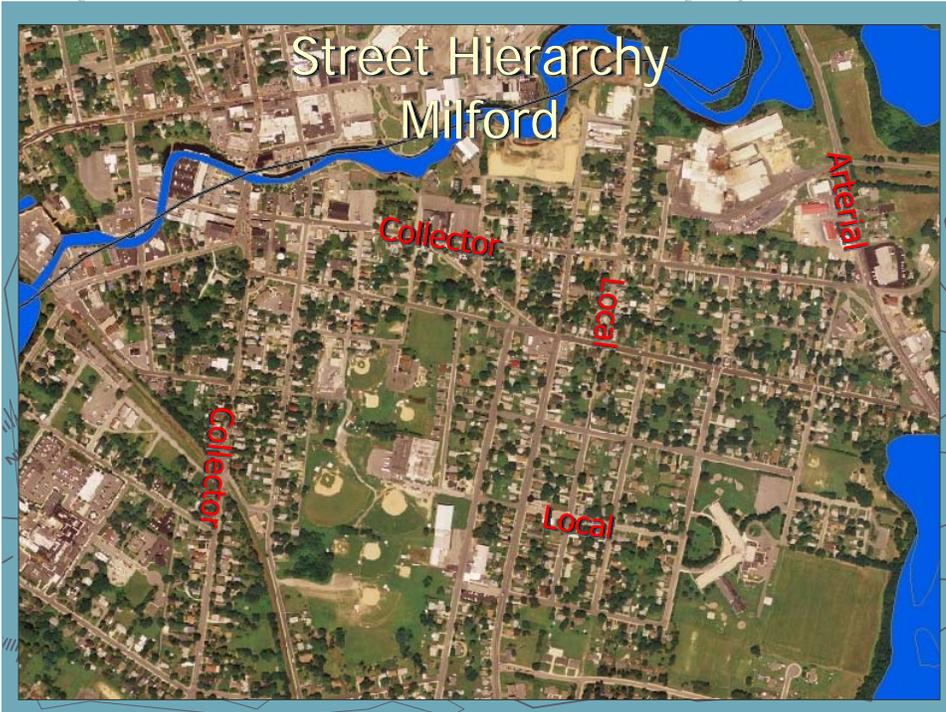


Pedestrians



Bicycles

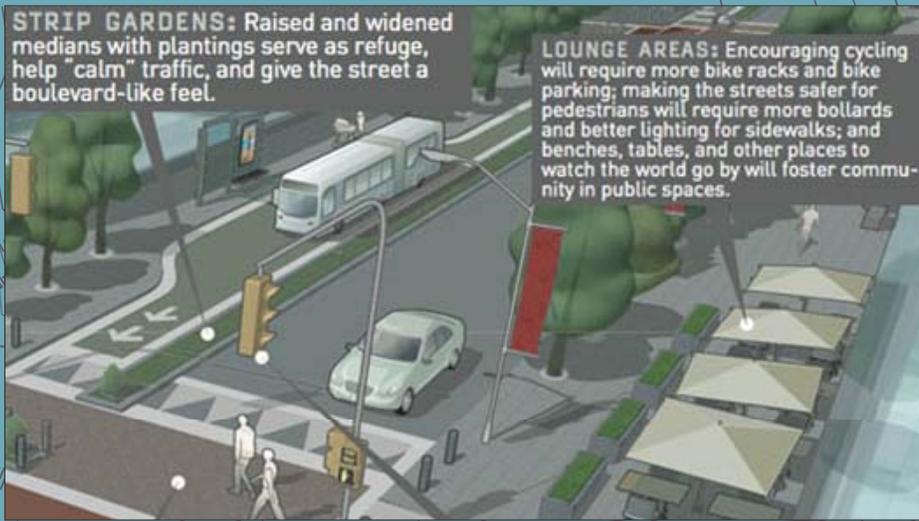




Complete Streets

STRIP GARDENS: Raised and widened medians with plantings serve as refuge, help "calm" traffic, and give the street a boulevard-like feel.

LOUNGE AREAS: Encouraging cycling will require more bike racks and bike parking; making the streets safer for pedestrians will require more bollards and better lighting for sidewalks; and benches, tables, and other places to watch the world go by will foster community in public spaces.



Complete Street



Complete Streets in DE

Executive Order Number Six - Creating a complete streets policy

WHEREAS, walking is the most fundamental mode of physical transportation; and

WHEREAS, bicycling promotes healthier lifestyles; and

WHEREAS, walking and bicycling are simple fitness activities that can prevent disease, improve physical health and assist in fostering mental well-being; and

WHEREAS, by walking and bicycling you help to reduce greenhouse gas emission by reducing the time you spend in your car; and

WHEREAS, my administration, along with the Delaware Department of Transportation, promotes the walkability and bicycle friendliness of communities through principles such as context sensitive design, mobility-friendly design, mixed-use and infill developments; and

WHEREAS, the Delaware Department of Transportation has developed user friendly design standards for pedestrian, bicycle, and transit facilities; and

WHEREAS, a Complete Streets Policy means deliberately planning, designing, building, and maintaining streets for all modes of transportation;

August 24, 2009

Walkable Community Workshops



Urban Design



Sprawl



Sidewalks



Short Blocks



Mixed Use



Density



Transit Oriented Development



MPO Process

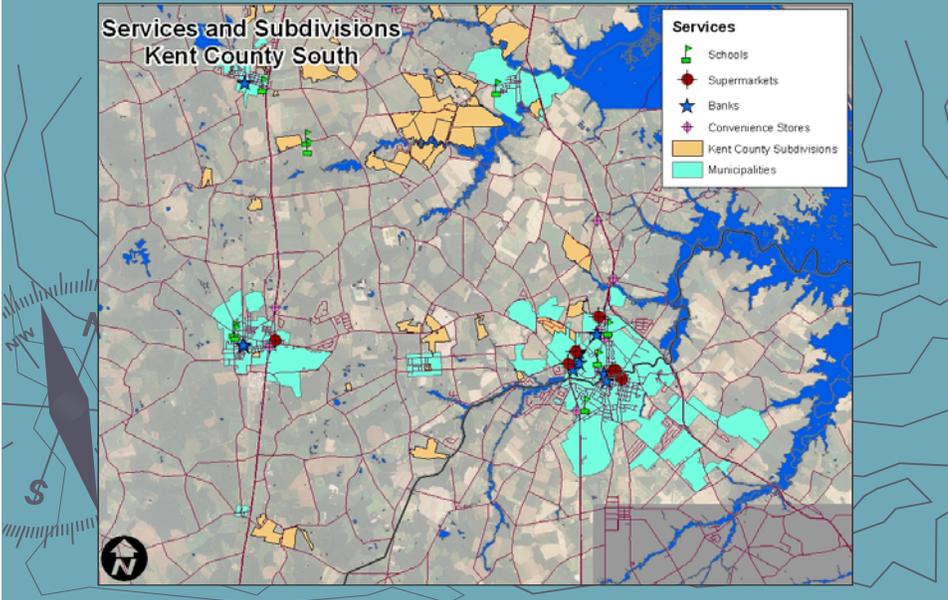
The collage features several elements: a map of Delaware with the Dover/Kent County area highlighted in white; the Dover/Kent County MPO logo with a sunburst icon; a photograph of a traffic jam on a highway; a photograph of a bus; a photograph of a motorcycle; and a photograph of a group of people riding a red bicycle.

MPO Process

The Dover/Kent County MPO is central Delaware's voice for transportation issues.

The image shows a busy highway with traffic. In the foreground, there are several cars, including a white SUV and a silver SUV. In the background, there is a truck and a bus. Overhead signs indicate directions for AFB, Camden, and Seaford. A sign for 'FRIDAY' is also visible on the right side of the road.

Milford VMT



**CITY OF MILFORD
PLANNING COMMISSION**

*Minutes of Meeting
January 19, 2010*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, January 19, 2010.

PRESIDING: Chairman Charles Rini
IN ATTENDANCE: Commissioners Kim Stevenson, Marvin Sharp, George Pilla, Jamie Burk, Archie Campbell
ALSO: City Planner Gary J. Norris, AICP, Recording Secretary Christine Crouch
COUNSEL: City Solicitor Timothy Willard

Mr. Rini called the meeting to order at 7:03 pm noting Mr. Gleysteen, Mr. Kramlich and Mrs. McColley were absent.

Appointment of Officers

A motion by Mr. Pilla was seconded by Mrs. Stevenson to appoint Mr. Rini as Chairman, Mrs. Stevenson as Vice-Chair and Mr. Burk as secretary. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes for the November planning commission meeting were approved as submitted by a motion from Mr. Pilla, seconded by Mr. Campbell. A motion by Mrs. Stevenson, seconded by Mr. Burk, to approve the December planning commission minutes passed unanimously.

Unfinished Business -

Chairman Monthly Update

Mr. Rini confirmed everyone received a yellow postcard announcing the APA Conference.

Mr. Rini confirmed everyone received a letter from Mr. Conley regarding billboard signs.

On 12/07/09 Mr. Rini attended a meeting with Mr. Willard, Mr. Norris, and Mr. Baird to discuss the possibility of Kent-Sussex Auto applying for a site plan and conditional use for their site on NE Tenth Street. He asked Mr. Willard to elaborate on that issue.

Mr. Willard explained, for those that were not on the commission at the time, Kent Sussex Auto owns property behind their business and had applied for a site plan and conditional use for apartments to be constructed. The issue of density came up during the planning commission hearing. The commission wanted a lower number of units than what was proposed and denied the application. The applicant then appealed the planning commission and was heard by the BOA. The BOA agreed with the commission and denied the application. The applicant then appealed to the superior court, who moved it to chancery court and it is now back in superior court to be heard. Mr. Rutt, the applicant's attorney, has asked if the planning commission would review the plans again, if they are amended and from what Mr. Willard understands, they have lowered the density. The meeting adjourned with the consensus being the planning commission would review the plans with no prejudice to the previous plans that were submitted.

Mr. Rini confirmed the commission was receptive to changing the order of the agenda.

New Business -

Annexation of lands of Beverly Ann Thawley

Review and Recommendation of Zoning for Annexation

**9.28 +/- Acres fronting on the northwesterly right of way line of Country Road 206, also known as Cedar Neck Road, and on the northeasterly right of way line of State Route One Tax Map 3-30-11.00-70.03; Currently AR District, Proposed C-3 District
Adoption of Resolution PC10-001; Adoption of Ordinance 2009-21**

Ms. Beverly Thawley and Mr. Brad Dugan were present to represent the application.

Mr. Norris gave a brief description of the location and confirmed it conforms to comprehensive plan. He then briefly explained the process an application goes through for annexation.

Mr. Rini called for public comment:

Mr. William Phillips of 20950 Surrey Court in Knollac Acres objected to commercial use outside his back door. The intersection of Rt 30 and Rt 1 already has enough accidents as well.

Mr. Norris explained the planning commission is only looking at whether the application conforms to the comprehensive plan and recommending to City Council based on that. If the property is approved and annexed, then when it is developed the planning commission and city council will hold additional public hearings.

Mr. Phillips asked if all of Knollac Acres development didn't want it annexed, what could they do. Mr. Willard explained this body is only looking at the zoning, not whether to annex, but encouraged Mr. Phillips to attend the city council meeting.

Mr. Phillips asked if when the owner is ready to build and go back through the process before the commission and council, will the neighbors have a say then. Mr. Willard replied not really because so long as the development is done according to the code and is a permitted use, there would be no reason to deny it. When the comprehensive plan was being reviewed for changes by the commission and during the hearings to adopt it, no one came out and opposed this as commercial property. That would have been the time to voice objection.

Mr. Brad Dugan of 100 Causey Ave is the applicant's son. He stated the chances of Wawa going there is about the same as his chances of winning Miss America. The whole point in the annexation is that a few years back DelDOT took, through eminent domain, acreage from their farm, which was zoned agricultural, in order to create a stormwater pond that is nothing but a mosquito habitat. The reason for annexing the property is so that it will change the zone to commercial and when DelDOT comes back to "take" more property for the interchange in that location, they will have to pay more money for it.

With no further comments, Mr. Rini closed the public hearing.

Mr. Sharp pointed out that if this property is developed in the county, commissioners that do not live around the area are deciding what will affect the neighbors. At least if it's annexed there are nine citizens from this city on this commission and understand the affects of development to the neighbors.

A motion by Mr. Sharp, seconded by Mrs. Stevenson, to adopt resolution PC10-001 was approved with the following votes:

Yes-Stevenson, Sharp, Pilla, Campbell, Burk, Rini

No- None

A motion by Mrs. Stevenson, seconded by Mr. Pilla, to recommend approval of ordinance 2009-21 was approved with the following votes:

Yes-Stevenson, Sharp, Pilla, Campbell, Burk, Rini

No- None

Amendment to City of Milford Electronic Signage Requirements/Chapter 230; Zoning Code

Mr. Rini informed the commission the Chamber of Commerce emailed the City and asked for the removal of this item from agenda so they could have their subcommittee review it; however because of where the item is in the process of being reviewed and approved it will not be removed.

He then gave a brief history of project and how it has been sent to a planning commission subcommittee to be discussed and we are now looking at a draft. The next step is to change the draft into an ordinance and have public hearings on it.

Mr. Rini requested one change be made. In the definition of Animation, please include “crawling” to the traveling horizontally statement.

A motion by Mr. Burk to draft an ordinance of this amendment was seconded by Mr. Campbell. Motion carried unanimously following a poll of the commission.

Review and Recommendation Ordinance 2009-17/Chapter 230; Zoning Code/Open Space**Review and Recommendation Ordinance 2009-18/Chapter 200; Subdivision Code/Open Space**

Mr. Rini explained these two items will be combined for review.

Mr. Norris asked Mr. Gary Emory, the Parks and Recreation Superintendent, to speak regarding Open Space in the City as it relates to the Parks and Recreation Department.

Mr. Emory explained he and Mr. Norris have met several times to discuss the City’s open space. He stated greenways are to protect and trailways are to connect. His goal would be to connect our wonderful greenway to future development. The spine or anchor of which is the Riverwalk. Recently when he and Mr. Norris met to discuss square footage, Mr. Emory asked to have it doubled. He stated the City of Milford is well on our way to creating a model community and provided the commission with some literature.

Mr. Rini stated Mr. Emory is referring to city open space versus the planning commission talking about open space in private developments. He asked what Mr. Emory’s opinion is on the “buy out” option for open space, where a developer can pay a fee in lieu of providing open space.

Mr. Emory replied that those funds were collected when the building boom was going on, but those funds were never realized by the Parks and Rec Dept, which to him means it didn’t work. He continued he would like to see at least a connector to the Master Parks and Rec plan, or open space in the development.

Mr. Rini asked if there is a master plan map the commission could use to see how the development could connect? Mr. Emory said a grant has been applied for to create that and it is looking like we might get the money, but will know until February.

Mr. Campbell asked if Mr. Emory agrees with the subdivision of eight or more lots as being a fair threshold. Mr. Emory explained he is not really sure because he is not as well versed with subdivisions and relies on Mr. Norris’s expertise in that area.

Mr. Rini suggested holding the ordinances until Mr. Emory has the master plan ready, but Mr. Emory explained that could take a year or more to create. Mr. Norris explained he would review new plans with Mr. Emory via the DAC where he can provide comments which get passed along to the commission.

Mr. Willard left at 8:04 pm.

Mr. Baird, the City Manager, came to the podium and stated he wanted to compliment what Mr. Emory said. What he struggled with was whether these ordinances did a good job of what Mr. Emory just explained. Is this ordinance going to help meet the goals we've envisioned? Right now, the developer has only one option. They must provide open space. It does not offer any options. Maybe add the connection option Mr. Emory suggested, and the "buy out" option.

Mr. Rini questioned how the city would ensure the Parks and Rec Dept actually got the money? Last time the dept didn't get to them. Mr. Baird explained the dollars were collected but used for the Boys & Girls Club because that is what council decided to do with the money. If establishing a fee in lieu of option, then the commission also needs to establish the intent of that funding. Mr. Rini confirmed all of those dollars are gone now. Mr. Baird explained the city Parks and Rec Dept asked for things like a larger gym for Parks & Rec to use, etc and the city paid approximately \$527,000 for those items we asked for.

Mrs. Stevenson explained open ended options are very confusing for developers, and it causes problems for enforcement with the planning commission. It allows for favorites to be played and possible lawsuits. Mr. Baird conceded there is merit to that issue, but supports the theory of the master plan having been developed to support when options can be used, or the buy out, or the connection to the greenway/trails.

Mr. Rini stated he would like to see as many options available to developers as possible. He suggested the developer choose an option, and city give specifics on the option, i.e. for the "buy out" option during the first five years of building permits issued for that development the P&R fee is \$X and thereafter the P&R fee is \$X.

Mr. Rini called for public comments. Hearing none he closed the public hearing.

Mr. Norris asked the commission if they would like to table the items until a specific date so we know whether Mr. Emory received money for the master plan. Mr. Rini suggested March.

Mr. Rini made a motion to defer both ordinances until the March meeting at which time Mr. Norris will report funding status, and Mr. Emory and Mr. Baird will report on an appropriate fee in lieu of structure. Motion was seconded by Mr. Campbell. Motion carried unanimously.

Review and Recommendation Ordinance 2009-22/Chapter 230; Zoning Code/Billboards

Mr. Rini stated he has a problem with the definition of a billboard. Mr. Norris explained he provided Mr. Willard with a revised definition, but has not heard back on his opinion.

A motion to table Mr. Pilla until March meeting was seconded by Mr. Campbell. Motion carried unanimously.

New Business -

City Planner Monthly Report

Mr. Norris thanked the commissioners for attending the training workshop this evening. He appreciates their dedication to their position as a commissioner and the City.

A proposed revision to the zoning ordinance regarding what a shopping center is and new parking requirements may be coming to the commission in the near future. He explained the BOA recently met regarding a variance from the codes parking requirements and these items were discussed.

Mr. Norris explained since revising the subdivision and zoning codes is part of what the commission does, he recommends a meeting be held to solely discuss those things and what the commission feels should be addressed. This would have to be a separate meeting from the usual third Tuesday of the month. The commissioners agreed it is prudent. The commission agreed to holding a workshop on March 9th at 6:00 pm.

With no further business, a motion to adjourn by Mrs. Stevenson was seconded by Mr. Burk. The meeting adjourned at 8:37 pm.

Respectfully submitted,

A handwritten signature in black ink that reads "Christine Crouch". The signature is written in a cursive, flowing style.

Christine R. Crouch

Department Administrative Assistant/Recording Secretary

*CITY OF MILFORD
PLANNING COMMISSION
Minutes of Meeting
March 9, 2010*

A workshop of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, March 9, 2010.

PRESIDING: Chairman Charles Rini
IN ATTENDANCE: Commissioner George Pilla
ALSO: City Planner Gary J. Norris, AICP, Recording Secretary Christine Crouch

Mr. Rini called the meeting to order at 6:03 pm noting all Planning Commissioners except Mr. Pilla were absent which means there is no quorum. He stated Mr. Campbell had already called notifying him he would be late.

Mr. Norris stated according to the Comprehensive Plan, which is included in the handout he provided, one of the strategies was to review and revise the existing subdivision and zoning codes, which is why this meeting was scheduled. The Planning Commission is charged with updating chapters 200 and 230, per the comprehensive plan, which the Commission adopted. Over the last 6 months, the Commission has discussed signage changes, open space, etc. Mr. Norris emphasized one of the reasons the workshop was scheduled was to discuss those possible changes at a dedicated time. He personally feels the proposed ordinances would make the city better and since there is a lag in building, and foresees it returning at some point, now is the optimal time to review and adopt those changes.

Mr. Campbell arrived at 6:07. Mr. Rini stated an email just arrived from Mrs. Stevenson stating she would be unable to make it due to personal reasons.

Mr. Rini felt no business should be conducted without a quorum since the meetings are public meetings. At next week's meeting, Mr. Norris will do a brief overview of what he was to discuss tonight. He believes a direction needs to be set in looking at the ordinances with the intent of getting the changes hashed out and adopted instead of dragging on and having to discuss several at each regular meeting.

Mr. Rini adjourned the meeting at 6:10pm.

Following is the handout Mr. Norris provided to be discussed at the March 16th meeting. Items to be noted are highlighted in yellow.

[§200 - SUBDIVISION OF LAND](#)

[§ 200-1.](#) - Purpose.

These regulations are adopted in order to promote and protect the public health, safety, convenience and general welfare; ensure the orderly growth and development of the City, the conservation, protection and proper use of land and adequate provision for housing, recreation, circulation, utilities and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces.

[§ 200-2.](#) - Title.

These regulations shall be known and may be cited as the "City of Milford, Delaware, Land Subdivision Regulations."

[§ 200-3.](#) - Definitions.

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

ALLEY — A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

COMMISSION — The Planning Commission of the City of Milford, Delaware.

OPEN SPACE — Areas of land designated for public or private recreational use, limited to such items as parks, plazas, landscaped areas, gardens, walkways and trails, organized sporting event areas and passive recreational areas. Wetlands or stormwater management facilities or drainage easements cannot be counted as open space. Flagpole areas, medians, signage areas or required front, side, or rear yards of proposed residential developments cannot be counted as open space.

PLAT — The final drawing on which the subdivision plan is presented to the City Council for approval and which is submitted to the County Recorder of Deeds for recording.

PROPERTY OWNERS' ASSOCIATION — An association established by the subdivider as a non-stock corporation to provide for the perpetual maintenance of the common property in the subdivision.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, gas pipelines, and water line, sanitary storm sewer, and other similar uses.

ROADWAY — The paved portion of the street primarily used for vehicular traffic.

- A. ARTERIAL STREET and HIGHWAY — A street primarily used for fast and/or heavy traffic.
- B. COLLECTOR STREET — A street carrying traffic from minor streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.
- C. MINOR STREET — A street primarily used for access to the abutting properties.
- D. MARGINAL ACCESS STREET — A minor street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.
- E. DEAD-END STREET or CUL-DE-SAC — A street closed at one end and having only one connection with any other street.
- F. HALF STREET — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN — The current specifications regulating subdivision design and construction as adopted by the City.

STREET — All land between property lines, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way lane, place, court or any similar term.

SUBDIVIDER — Any person, firm, corporation, partnership or association or duly authorized agent who or which shall apply to the Commission for approval of the layout of any subdivision.

SUBDIVISION — The division or redivision of any tract of land into two or more lots or parcels for immediate or future sale or for building development.

SUBDIVISION, MINOR — Any subdivision fronting on an existing street, not involving any new street or road, not involving the extension of any municipal water or wastewater mains, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the development plan, **Official Map**, Chapter 230, Zoning, or this chapter; limited to four lots.

SUPERBLOCK — An oversize residential block wherein private open spaces, closed to automobile traffic, are provided for the common use of all residents in the block.

§ 200-4. - Application procedure.

A. Preliminary approval.

- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.
- (3) The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions or recommendation of denial, the application shall be scheduled to be heard by the City Council.
- (4) City Council shall grant preliminarily approval of the application with or without conditions, deny the application, or table the application.
- (5) Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.

B. Final approval.

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.
- (3) The Planning Commission shall review the application and provide either a recommendation of final approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.
- (4) City Council shall approve the application with or without conditions, deny the application, or table the application.
- (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.
- (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.

- (7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.
- (8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

§ 200-5. - General requirements and design standards.

The following shall be deemed to be minimum requirements and may be varied or waived by the Commission only under circumstances set forth in §200-6:

A. Streets.

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
 - (a) Public convenience and safety.
 - (b) Proposed uses of the land to be served by said streets.
 - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the **Official Map**, as approved or adopted by the Commission.
 - (d) Topography and other land features.
- (2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.
- (3) Minor streets shall be laid out so as to discourage their use by through traffic.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
- (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
- (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.
- (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.
- (8) The creation of dead-end or loop streets and superblocs will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.
- (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
- (10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.
- (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet

on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.

(12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.

(13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.

(14) Right-of-way widths.

(a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

Street Type (feet)	Right-of-Way Roadway (feet)	
Arterial	80 to 110	As required by DeIDOT
Collector	60	28
Minor, for townhouses and apartments	60	30
Minor, for other residences	50	25
Dead-end	50	22
Marginal access	30	16
*Alley	20	12

Note:

* If utilities are present in an alley, the City reserves the right to modify the minimum right-of-way and roadway widths.

(b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.

(15) Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided.

Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.

(16) Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of 76 feet and a street right-of-way diameter of 100 feet.

(17) Street names.

(a) Street names shall be selected so as not to duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission. It is recommended that all new streets shall be named in the following manner:

General direction	Long	Short (under 1,000 feet)
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes or Circles

(b) Arterial streets shall be named "boulevards."

(18) Street grades shall not exceed 5%.

(19) Street grades shall be not less than 0.5% wherever feasible.

(20) Changes in street grades shall be connected by vertical curves of suitable length.

(21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.

(22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.

B. Sidewalks and curbs.

(1) Sidewalks shall be required in all subdivisions on both sides of the street. Sidewalks shall have the following widths:

(a) In residential subdivisions: four feet unless otherwise specified.

(b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.

(2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.

(3) All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.

C. Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.

D. Blocks.

(1) The lengths, widths and shapes of blocks shall be determined with due regard to:

(a) The provision of building sites suitable to the needs of the type of use contemplated.

(b) Zoning requirements as to lot sizes and dimensions.

(c) The control, safety and convenience of pedestrian and vehicular traffic.

(d) The characteristics of topography.

(2) Block length shall not exceed 1,200 feet.

(3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.

(4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.

(5) Alleys shall be provided if required by the City Engineer.

E. Lots.

(1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.

(2) Lot sizes shall conform to the requirements of Chapter 230, Zoning.

(3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in Chapter 230, Zoning.

(4) Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.

(5) All lots in a subdivision shall have frontage on a public street.

(6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.

(7) Side lot lines shall be at right angles or radial to street lines.

(8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.

(9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.

F. Parks, playgrounds, open spaces, school sites and natural features.

(1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.

(2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code.² In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.

Editor's note— 2. Editor's Note: See Ch. 230, Zoning.

(3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.

(4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.

G. General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.

H. Improvements.

(1) In major subdivisions the following improvements are required:

(a) Paved streets.

(b) Street signs.

(c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.

(d) Sidewalks.

(e) Streetlighting.

(f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.

(g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.

(h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.

(i) Water mains, culverts, storm sewers and sanitary sewers.

- [1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.
 - [2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
 - [3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.
- (j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.
- (k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.
- (2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.
 - (3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.
 - (4) The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, Planning and zoning fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

§ 200-6. - Variances and waivers.

Applicants may request, at the time of application submission, the varying or waiving of requirements of Chapter 200, and the Planning Commission may, at its discretion, recommend to City Council the varying or waiving of said requirements and request conditions that substantially secure the objectives of the requirements so waived. Upon the findings of the City Council that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the City Council may vary or waive said requirements, provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the Official Map, Chapter 230, Zoning, the Development Plan or this chapter. In varying or waiving certain requirements, the City Council may specify such conditions at will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

Mr. Willard provided the following:

Ordinance 2010-

Amend Chapter 200-4 B as follows:

- (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. [Failure to record the final plat within 90 days of final plat approval shall be subject to 200-4B \(7\) herein.](#) Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.
- (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
- (7) ~~Failure to~~ Recording the approved [final](#) plat within one year [but after 90 days](#) from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again [and shall be subject to a filing fee attributed for every month after the 90 days that the final plat has not been recorded.](#)
- (8) Failure to record the approved plat ~~in more than~~ [within](#) one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

From the Comprehensive Plan:

1. ECONOMIC DEVELOPMENT

VISION: The City of Milford is dedicated to providing a quality living and working environment that will ensure a balanced mix of commercial development and employment opportunities, that serve its residents, and promotes its image as a desirable and economically stable community.

OBJECTIVES	IMPLEMENTATION STRATEGIES	PARTICIPANTS	TIME FRAME FOR COMPLETION
GOAL 1: Make the City of Milford an attractive environment for economic development by maintaining and improving the quality of life in the City.			
Objective 1.1 Recognize that agricultural and associated business are intimately tied to many of the City's large employers and product producers.	Strategy 1.1.1 Develop policies and/or programs to encourage this arrangement.	City Council Planning Commission Delaware Dept of Agriculture	Mid Term
Objective 1.2 Support state and county programs that keep farming profitable such as agricultural preservation and transfer of development rights.	Strategy 1.2.1 Review and revise existing zoning and land development requirements.	City Council Office of State Planning Planning Commission Delaware Dept of Agriculture	Mid Term

Objective 7.4 Maintain and update the zoning map as well as work with Kent and Sussex Planning Offices and the Office of State Planning in coordinating GIS Data, annexations, zoning, rezoning, and tax parcel numbering.	Strategy 7.4.1 Meet at least four times a year with both Kent County and Sussex County Planning Departments to discuss options for partnerships between these governmental organizations, as well as annexations, zonings, rezoning, and other issues of concerns.	Kent County Sussex County Planning Department Planning Commissions	Ongoing
Objective 7.5 Update the zoning ordinance to reflect the objectives of the City's Comprehensive Plan.	Strategy 7.5.1 Develop a procedure to update the Zoning Ordinance to reflect the City's Comprehensive Plan.	Planning Department Planning Commission City Council	Mid Term
Objective 7.6 Refer to the Comprehensive Plan for rezoning and annexation agreements.	Strategy 7.6.1 Develop a procedure regarding a rezoning or annexation that the Comprehensive Plan should be reviewed and consulted prior to approval.	Planning Department Planning Commission City Council	Ongoing

Respectfully submitted,



Christine R. Crouch
Department Administrative Assistant/Recording Secretary

CITY OF MILFORD
PLANNING COMMISSION

Minutes of Meeting
March 16, 2010

A training session for the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, March 16, 2010.

PRESIDING: Chairman Charles Rini

IN ATTENDANCE: Commissioners Marvin Sharp, Kim Stevenson, Jamie Burk, Karen McColley, Archie Campbell

ALSO: City Planner Gary J. Norris, AICP, Recording Secretary Christine Crouch

The training session was called to order at 6:10 pm. Mr. Norris introduced Ms. Janelle Cornwall, the City Planner for the City of Dover and Mr. Jim Galvin of the Kent MPO.

Mr. Norris asked Ms. Cornwall how long it took her to adopt the revised sign ordinance Dover now has in place. Ms. Cornwall explained she worked on this ordinance for six months and it was finally adopted by Council in October 2009.

When asked if the local chamber of commerce or area businesses were involved in the drafting, Ms. Cornwall explained she held a public meeting and invited several developers in the area, multiple sign companies and of course the general public. At no point did the chamber of commerce become involved though.

Ms. Cornwall provided a power point presentation that explained the various types of signage and described where each type is allowed and how she, as the reviewer of the permits, determines if they are compliant. She explained the reason for the revised sign ordinance was due to the numerous Board of Adjustment applications being received for signage. It was obvious a change in the ordinance needed to take place. She also explained when a sign is put up without a permit, the Code Enforcement Official issues a fine, which in this case is double the permit fee. So if the permit would have cost \$15 prior to installing a sign, the price would be \$30 to include the fine for not obtaining a permit prior to installation.

According to Ms. Cornwall, the City of Dover issues temporary sign permits as well for either 45 or 60 days. They then must be removed for a period of time and can be re-applied for. Convenience stores cannot have any more than three signs in their windows for items for sale in the store.

Mr. Pilla arrived at 6:37 pm.

The revised ordinance also allows for the Planning Commission to approve the location only of the proposed signage during a project's site plan review.

In regards to signs that became legal non-conforming once the sign ordinance was changed, there is no time period in which they must come into compliance. Instead, if the property has a change in use, builds an addition to the building of 20% or more, or if the exterior renovation is changed by 75% or more, the sign must then be changed and brought into compliance.

The Planning Commission was pleased with Ms. Cornwell's explanation of how Dover has dealt with many of the same issues Milford is working on right now and thanked her for her presentation.

Mr. Gleysteen arrived at 6:55 pm.

With no further discussion, the meeting adjourned at 6:58 pm.

Respectfully submitted,

Christine Crouch

Christine R. Crouch

Department Administrative Assistant/Recording Secretary

Sign Regulations

Janelle Cornwell, AICP
Planner II
City of Dover, DE



Overview

- Complete update in 2001.
 - Removed signs from each section of Zoning Ordinance.
- Recently updated in October 2009:
 - Clarify issues.
 - Allow for additional options in sign types.
 - Reduce the number of sign applications to the Board of Adjustment.
 - Grant more flexibility to staff and Planning Commission.

Sign Types

- Freestanding Signs:
 - Monument Signs
 - Pylon Signs
 - Post and Panel Signs
 - Post Signs
- Wall Signs:
 - Wall Signs
 - Awning Signs
 - Projecting Signs
- Window Signs

Sign Types cont. – Freestanding

- Monument Signs



Sign Types cont. - Freestanding

- Pylon signs



Sign Types cont. – Freestanding

- Post and Panel



Sign Types cont.- Freestanding

- Post signs



Sign Types cont. – Wall signs

- Wall signs



Sign Types cont. – Wall signs



Sign Types cont.- Wall signs

- Awnings



Sign Types cont. – Wall signs

- Projecting Signs



Sign Types cont. – Window signs

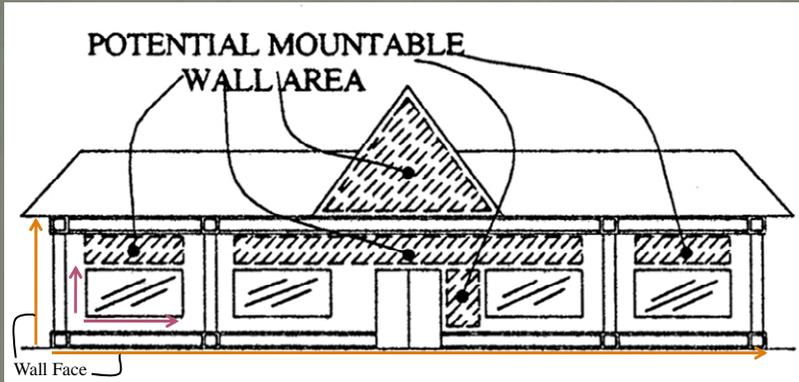


Sign Table

City of Dover, Delaware SIGN TABLE									
Use Specific	Road Type	Permitted Signs Sign Type	# Permitted	Max Size	Max Height	% of Wall**	Setback (R.O.W)	Exclusion Zone	
Residential Uses and Non-Residential Uses in Residential Districts	Single-Family Detached/Semi-detached	All Streets	Signs permitted in § 4.5 only						
	Professional Office	All Streets	Post or Monument	1	≤ 5 S.F.	5'	N/A	5'	N/A
	Subdivisions	All Streets	Wall &	1/entrance	12 S.F.	4'	N/A	5'	50'
	Multi-family residential uses Manufactured home parks	All Streets	Monument or post and panel #	2 /entrance	24 S.F.	20'	≤ 15%	N/A	N/A
Non-Residential Uses adjacent to Residential Districts or uses	Places of Worship Daycare Centers Approved Conditional Uses Educational/Institutional All other approved Non-residential Uses	Urban Principal Arterial	Wall &	1/entrance	32 S.F.	30'	≤ 15%	N/A	N/A
		Arterial	Monument or post and panel #	1/entrance	32 S.F.	7'	N/A	10'	50'
		Arterial	Pylon**	1/entrance	32 S.F.	30'	N/A	30'	200'
	Minor Arterial	Wall &	1/entrance	24 S.F.	30'	≤ 10%	N/A	N/A	N/A
		Monument or post and # OR	1/entrance	24 S.F.	7'	N/A	10'	50'	50'
		Post****	1/entrance	6 S.F.	7'	N/A	5'	25'	25'
Local/Collector	Wall &	1/entrance	16 S.F.	20'	≤ 5%	N/A	N/A	N/A	
	Monument or post and panel # OR	1/entrance	16 S.F.	7'	N/A	10'	50'	50'	
	Post****	1/entrance	6 S.F.	7'	N/A	5'	25'	25'	
Non-Residential Non-Residential Districts	Urban Principal Arterial	Wall &	1/entrance	No max	30'****	≤ 15%	N/A	N/A	
		Monument or post and panel #	1/entrance	63 S.F.	10'	N/A	10'	50'	
		Pylon OR*	1/entrance	75 S.F.	30'	N/A	15'	150'	
	Urban Minor Arterial	Wall &	1/entrance	100	30'	N/A	31'	150'	
		Monument or post and panel # OR	1/entrance	32 S.F.	30'	≤ 15%	N/A	N/A	
		Post****	1/entrance	8 S.F.	7'	N/A	10'	25'	
Local/Collector	Wall &	1/entrance	32 S.F.	30'	≤ 15%	N/A	N/A		
	Monument or post and panel # OR	1/entrance	32 S.F.	7'	N/A	10'	50'		
	Post	1/entrance	8 S.F.	7'	N/A	10'	25'		

* Denotes that an additional wall sign may be permitted (added in lieu of a free-standing pylon sign).
 ** No Wall mounted sign shall exceed more than 50% of the Mountable Wall Area as defined in 44D2.
 *** Sign height may be increased by the Planning Commission as a part of the Architectural Review of a Side Development Plan Approval process; however, the sign height may not exceed the building height. The proposed height shall complement the architecture of the building as determined by the Planning Commission.
 **** Post Sign would be in lieu of a monument sign or post and panel sign.
 # Location of monument/post and panel signs may be approved by the Planning Commission as a part of a Site Development Plan approval process.

Sign Percentages



- 50% Mountable Wall Area
- 5%-15% Wall Face
- 30% Window Area

Exclusion Zone



Changeable Copy Signs

- 70% of overall sign area.
- Integrated into sign.
- Change once every 15 seconds.
- No flashing, animation, or any other movement.



Changes to Sign Table

- Give the Planning Commission the ability to approve the location of a monument or post and panel sign as a part of the Site Development Plan review process.
 - The location of the sign is approved as a part of the Site Plan.
- Give the Planning Commission the ability to approve height of wall sign as a part of the architectural review of the Site Development Plan review process .
 - The location of the wall sign may exceed permitted height if it determined to be in keeping with the architecture of the building per the Planning Commission



Miscellaneous Changes

- Give the City Planner the ability to allow the movement of signs to different sides of a building if a site is permitted more than one wall sign.
 - These situations have had to go to the Board of Adjustment to allow for a sign they are permitted to be moved to a different side of the building.





Temporary Signs

- Time Period
 - 15 days 45
 - 30 days 60



A-Frame sign in Downtown Area

- Restrictions on location



Signs permitted without a permit

- For sale or lease signs. Max 32 SF.
- Contractor name, architect, etc. Max 32 SF.
- Directional Signs under 3 SF.



Preservation of Significant signs.

- Allow for the preservation of signs that have a historic aspect or have some type of cultural significance.



Comprehensive Unified Sign Plans

- Provides Planning Commission flexibility with size, number, etc. of sign on the property.
 - Major shopping center.
 - Parcels with 3 or more buildings.
 - Parcels with over 600 ft. of Urban Principal Arterial frontage.
 - Dover Downs
 - Dover Mall
 - Dover Mart Shopping Center
 - Car Dealership



Non-Conforming Signs

- Compliance :
 - 75% exterior renovation
 - 20% addition
 - Change of use

Questions ?

**CITY OF MILFORD
PLANNING COMMISSION**

*Minutes of Meeting
March 16, 2010*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, March 16, 2010.

PRESIDING: Chairman Charles Rini
IN ATTENDANCE: Commissioners Kim Stevenson, Marvin Sharp, George Pilla, Jamie Burk, Karen McColley, Archie Campbell, Dirk Gleysteen
ALSO: City Planner Gary J. Norris, AICP, Recording Secretary Christine Crouch
COUNSEL: City Solicitor Timothy Willard

Mr. Rini called the meeting to order at 7:07 pm and explained the training session before this meeting is part of a monthly training program the commission is involved in where they ask people who are proficient in certain topics to come to the commission and speak. This is part of upgrading the commission's education. Mr. Rini noted one vacant seat remains open from Mr. Kramlich's resignation. The vacancy has been mentioned to City Council twice and was on their agenda. He believes they are seeking a candidate from Ward 1, instead of he assumes the most qualified candidate.

APPROVAL OF MINUTES

The minutes for the January 19, 2010 planning commission meeting were approved as submitted by a motion from Mrs. Stevenson, seconded by Mr. Campbell.

Mr. Rini then adjusted the order of the agenda to accommodate the public in attendance.

NEW BUSINESS

[Davis, Bowen & Friedel on behalf of Shawnee Farm LLC; Project 09-132](#)
[Conditional Use and Preliminary Site Plan to be known as Cypress Hall Commercial](#)
[Southwest corner of State Rt 36, Seabury Ave Extended and US Rt 113](#)
[Tax Map 1-30-3.00-261.00 \(portion of\); Area of Petition 9.79 +/- acres; C-3 Zoning](#)
[Adoption of Resolution PC10-002; PC10-003](#)

Mr. Tim Metzner was present to represent the application. Mr. Norris explained a letter requesting the project be tabled at tonight's meeting until the April meeting was received today. Mr. Norris saw no problems with the commission accommodating the request.

Mr. Rini asked if that would put them past any deadlines. Mr. Norris was not aware of any issues relating to deadlines.

Mr. Rini stated this is the property that was going to be the box store that people thought Lowe's would be going in and now there may be something else going in. This project was due to have comments from the audience tonight and explained to the people in the audience that would like to talk about this item that it is being tabled tonight and heard again in April. He is willing to allow people to come up and talk about it tonight and give them a few seconds at the podium because they were present tonight, but the public hearing will be left open for the April meeting for comments to be heard then as well. He felt this would be fair to those in the audience that wanted to speak.

Mr. Rini called for public comment. No one came forward.

Mr. Rini called for a motion to table this project until the April meeting.

Mr. Pilla moved to table the project until April 20, 2010, seconded by Mrs. Stevenson. After polling the commission the motion carried unanimously.

John Tracey on behalf of CCM Koelig LLC; Project 08-013
Extension of a Preliminary Major Subdivision to be known as Wickersham
Johnson Rd
Tax Map 3-30-16.00-5.00; 40.69+/- acres; R-3 Zoning
Adoption of Resolution PC10-004

Mr. John Tracey with Young, Conoway, Stargate & Taylor was present to represent the application. He was here this time last year, seeking the first extension for this project. The primary reason for that extension is the City is coming up with an overall sewer and water plan for that area and he was unable to progress because that plan has not been finalized. Since that time, two things have happened. First, there was a collective meeting of developers, property owners, the City and others in August or September of last year to try to generate some momentum towards finalizing the plan, although nothing further has occurred after that. In addition, the City has annexed the property to this project's immediate North, which is a commercial site on Rt1 signaling a further intent to want to do things in this area. Construction drawings have been submitted by his client in hopes of spurring some conclusions in regard to sewer, but none have been forthcoming as of yet. This brings the project to the time period where another extension is necessary. He does know his clients have spoken to Randy Duplechain of Davis, Bowen & Friedel, who he understands is the City's Engineer, about some alternatives that would allow this project to get moving so the plans can be finished and be recorded. His client does want to get moving on this project and start building.

Mr. Norris concurred with Mr. Tracey.

Mr. Sharp asked where the location of the property is. Mr. Tracey replied at the intersection of Johnson Road and Rt 1.

Mr. Rini stated he knows when this project goes to council, they will ask if the project has extreme hardship conditions and asked for greater elaboration on those as well as maybe project what might be seen happening between now and when the extension would end.

Mr. Tracey replied the hardship is waiting on the City to making a decision with regard to how to provide utilities to that area. The only reason they have not moved forward with a final subdivision plan is because no decision has been made on utilities. He would find it difficult to deny an extension when the applicant has been doing everything it can to move a project forward, but being unable to do so due to lack of direction from the City.

Mr. Rini asked what the time table would be upon receiving a decision from the City on utilities. Mr. Tracey would like to say less than six months. DelDOT and Fire Marshal approval is still necessary though.

Mr. Tracey asked if the City has given Mr. Tracey a time table on the utilities. Mr. Tracey replied not to his knowledge. He reiterated the meeting in the fall with the group of area property owners is the last he has heard from the City.

Mr. Norris had no additional information to offer as far as the time table goes and confirmed Mr. Tracey is correct in the issues that have prevented the project from progressing to final approval and recordation.

Mr. Rini called for public comment. No one came forward.

Mr. Pilla confirmed no site work has begun.

Mr. Rini asked if Mr. Tracey needs a full year extension. Mr. Tracey felt that would be the safest time period.

Mr. Rini stated Council's opinion is to keep on top of these extensions because contact can be lost in a year's time. Mr. Tracey stated they have been in very good contact over the past year.

A motion by Mr. Campbell to recommend a one year extension of the preliminary major subdivision, Resolution PC10-004 was seconded by Mr. Burk. Following a poll of the commission, the motion carried unanimously.

Mr. Rini confirmed with Mr. Willard the extension will be valid until March 23, 2011.

[Ordinance 2010-1/Chapter Zoning Code/EMB Sign/Public Hearing](#)

Mr. Norris began by stated the planning commission has reviewed this extensively for the last six months. It was introduced to City Council and has since been pared down per the commission's comments. He recommendation is to make a recommendation to City Council.

Mr. Rini called for public comment. No one came forward.

Mr. Rini stated the Commission did a lot of work on this ordinance and came up with something that was not mentioned at all in the code that needed to be there. He thinks the commission cooperated with not only the people in the City but also the outside business world. Under Mr. Sharp's guidance a subcommittee was created worked with the downtown business association and worked well with them which is a sign of working in the right direction in the future.

Mrs. McColley made a motion to recommend approval of Ordinance 2010-1 to City Council, seconded by Mr. Burk. The motion carried with the following votes:

Yes-Pilla, Sharp, Stevenson, Campbell, McColley, Burk, Rini

No- Gleysteen believes they should be permitted in the C1 and C2 districts.

UNFINISHED BUSINESS

[Review and Recommendation Ordinance 2009-17/Chapter 230; Zoning Code/Open Space](#)

Mr. Rini stated Ordinance 2009-17 and 2009-18 will be discussed together and voted separately.

[Review and Recommendation Ordinance 2009-18/Chapter 200; Subdivision Code/Open Space](#)

Mr. Norris noted the commission has reviewed these ordinances extensively. To his recollection Mr. Emory spoke to the commission and was in favor of the ordinances. Mr. Norris's recommendation is to recommend approval of the ordinances to City Council for approval and adoption.

He asked if Mrs. Stevenson was still interested in more options be made available to developers. Mrs. Stevenson explained she wants it clearly written as to when the fee in lieu of open space can be utilized. After discussing the changes to the ordinance, it was determined that option was removed from the ordinance to prevent that option from being used.

The discussion then turned to whether to use eight units or lots as the threshold for requiring recreational uses in an R3 district. Open space will be required no matter how many lots or units are created, but currently the ordinance reads that any subdivision creating eight or more lots will require recreational uses. After discussing

the option of increasing the number, Mr. Rini asked each commissioner if they were comfortable with fifteen units or lots being the “magic” number. Each commissioner felt that was fair.

Mrs. McColley motioned to recommend approval of Ordinance 2009-17 to council, seconded by Mr. Pilla. Motion carried unanimously following a poll of the commission.

Mrs. Stevenson made a motion to recommend approval to council Ordinance 2009-18 with amendments to the number of units or lots to be fifteen instead of eight, seconded by Mr. Gleysteen. Motion carried unanimously following a poll of the commission.

[Review and Recommendation Ordinance 2009-22/Chapter 230; Zoning Code/Billboards](#)

Mr. Rini explained the information for this ordinance was accidentally stapled to the back of Ordinance 2009-18. Commissioners found the information in their packets. He stated this has come back up for review and the last time it was before this body it was tabled until this meeting because there was so much on the commissioners agenda. He remembered directing Mr. Norris to obtain additional information from the state and area municipalities to better help the commissioners determine what would be suitable.

Mr. Norris explained Mr. Willard had prepared this ordinance because of the court decision against the City regarding a billboard. Mr. Willard prepared a definition and also there was language added stating billboards are prohibited. At a previous meeting Mr. Norris was directed by the Commission to provide the commission with additional information regarding billboards. That information has been provided from the State, Seaford and Dover. It is up to the Commission if they want to allow billboards and if so, what requirements they would meet.

Mr. Rini stated at the last council meeting one of the council members asked why the commission wasn't working on this and instead working on electronic signs first. Mr. Rini spoke at the podium and explained the electronic message board signs were not in the codes either and since it was discovered first and the commission was going into great detail about it. The same way the commission is handling the open space requirements.

The way he understands it, the five year comprehensive plan requires the planning commission to look through all of the ordinances and to make recommendations to council on how they may be amended. He believes once Mr. Norris gets to his monthly report, he will highlight what was to be accomplished at last week's workshop and to go into more detail on it.

Mr. Rini's first objections to the billboard ordinance was the initial definition and the way it came out. He was personally not satisfied with where it came from, who it came from, why it came from, knowing that he is a firm believer that the reviewing of these start with the planning commission and should not have come from the council itself and given us a direction just because they had a problem with a legal issue.

This example that is before the commission tonight he went over several times and there is a lot of preamble stuff right off the top, Section 1. All of that is generalization is in the code and charter and that is why Milford is here, and all of our jobs. To see an extensive billboard ordinance like they have in Dover was stretching it. He personally feels that we do need look at not only the billboard signs but per the comprehensive plan all of the ordinances to get them into better shape. That may not necessarily mean changing them, it may be to streamline them though.

He stated he again has the open position in believing in the less regulations we have, the more opportunity we have to sit down with a developer on a case to case basis and tell them what the commission wants as far as design goes, frontage, elevations, sign packages, parking lots, landscaping. He recently sat in on a DAC

meeting with Mr. Norris on a proposed shopping center and it seems like when you go into a friendly negotiation, you wind up being able to accomplish a lot more on both sides than if there were hard core restrictions that would create a wall that you would have to jump over to reach agreements with.

With that said, he still feels he has a lot of problems with the way this billboard ordinance is coming and the Dover version seems to be extremely difficult for him to swallow right now. Those are his comments.

Mr. Gleysteen commented the distance between signs being 2000' he is fine with, but not having double faced, front to back, billboards doesn't make sense. We could end up with two on one side of the street but facing different directions. There are some things in here that are just too restrictive.

Mr. Rini agreed that was one of the things that bothered him.

Mr. Campbell stated he's not good with billboards and he doesn't like them in residential areas. Mr. Rini explained they would be in C3. Mr. Gleysteen added that if the property is within 2000' of a residential zoned property they would not be permitted. Mr. Norris explained that is how what is before the commission has been drafted, but that is up for being changed, if the commission desires.

Mr. Rini reminded the commission this is a draft based on Seaford and Dover's ordinances.

Mrs. McColley felt both sides of the billboard should be used so the public doesn't have to look at unfinished billboard sides. Mr. Sharp agreed for the fact the cost of the billboards can be very high.

Mr. Rini also pointed out the definition of a billboard needs to be addressed. The sign that was in question during the litigation he didn't believe was a billboard. When he thinks of a billboard, he sees a big pole with a 20' x 40' sign on it. Technically the first definition made any sign a billboard and technically that's probably correct.

Mr. Sharp agreed stating the first thing the commission needs to do is define a billboard. Mr. Norris pointed out there is another definition that has been proposed in the included documentation and a size can be added to the definition.

Mr. Rini again referred to the first definition given from City Council that bothered him a lot was that billboards is any sign that advertises any activity or location. It kept saying any this or any that. That could have wiped out any commercial sign in the City of Milford.

Mr. Willard stated he actually drafted that definition and Mr. Rini replied he knew that. Mr. Willard continued it was intended to get the ball rolling. What distinguishes a billboard is something that advertises off premises. If the notes are reviewed, it will be seen how that was argued. A sign in general is one that advertises what is being sold there or what is going on there on that premises. That is how a billboard is different. Mr. Rini stated then the key is off premises.

Mrs. McColley would also like to see a size requirement added to the definition. Mr. Rini agreed. He stated if there is a business that is generating a great amount of revenue and income for the City of Milford and it's off the main drag, he thinks they should also be entitled to be able to get out there and put up some signage that would bring in the beach traffic and tourists, etc. to their location from say Rt 1 to Rt 113. There are needs for billboards. He wants something written that controls them and thinks the Commission needs to review the aesthetics of them, the beauty of it that the City is trying to maintain, and again a billboard that is one sided with one side being rotten wood showing he is not in favor of. If one is put up, both sides should be used.

This is a guideline that has been provided and he would like to know what the Commission would like to do with it. Study it some more? Table it until next month?

Mr. Rini continued by stating he believes Mr. Norris's information regarding the Comprehensive Plan as it relates to the Commission reviewing ordinance changes will be beneficial to the Commission, specifically the billboard ordinance.

Mrs. McColley noted currently the zoning code does not allow billboards at all and the proposed changes would allow them in a C3 district. Mr. Norris confirmed she was correct and elaborated by stating it was the City's position that billboards were to be prohibited in all zones; however now the Commission will be reviewing the ordinance and proposing what they believe is appropriate.

Mr. Rini stated his interpretation is the City tried to make a stand on a particular item and had to go to litigation to find out that we really didn't have anything specifically spelled out about billboards. He thinks under Mr. Norris's leadership under the five year comp plan that we would have gotten around to the fact that billboards was not clarified in the code and would have studied it and come up with something to address it. Just because the litigation was here, he feels that Council got a little pushy to get something done quickly.

Mr. Campbell asked if anyone else had heard that Downtown Milford Inc was going to try to get a sign on Rt 1 that advertises the Riverwalk, which would be considered a billboard if the definition does not allow off premises advertising. How would that be allowed?

Mr. Norris's opinion is, which is probably different from Mr. Willard's, is that a municipality cannot disallow billboards. They can be regulated, but they cannot be prohibited. He suggests they be regulated by size and location. Mr. Campbell agrees with that.

Mr. Rini stated he might be a little critical on this topic, but he does sit in on all the council meetings and especially the last two council meetings have been extremely upsetting to him. So that's why he feels this way. He asked for suggestions on what to do with the billboard ordinance.

Mr. Campbell wanted to hear Mr. Norris's comments regarding the Comp Plan and then break it down like the commission did with open space and go back forth during conversations.

Mr. Rini suggested tabling the billboard ordinance until the May meeting. Mr. Willard explained it can be tabled and felt Mr. Norris and he could work on it together until then to incorporate the suggestions that have brought forth this evening.

Mr. Rini stated at the last council meeting, Mr. Norris was being quizzed and Mr. Rini spoke up. The way the comments were going, it felt like the council wanted the commission to do away with EMB signs and concentrate on billboards instead. Why is the commission doing all this other work when a certain person or people felt this particular topic was paramount to anything else the commission could be doing. Mr. Rini felt that since the commission was working on the EMB for six months and open space requirements for a long time, they come first. If there was a safety issue involved of course things could be re-prioritized.

Mr. Sharp agreed by explaining sometimes the commission takes longer than what seems necessary, but it's because the commission wants to get it right. If the commission is not moving fast enough, then they have the right to make changes when they vote on it. It's important that the commission get it right. Mrs. McColley agreed.

Mr. Rini did not want to send this item to subcommittee and instead suggested if the business community wanted to send the commission a copy of their suggestions that would be fine and the commission would be open to it.

Mr. Rini asked the commission to write up their ideas regarding billboards and have them ready for the May meeting to discuss. Mrs. McColley and Mr. Sharp both suggested working on this item next month also. Mr. Rini then directed the commission to bring a list of suggestions, after reading what Mr. Norris provided, to next month's meeting to discuss. Mr. Rini reiterated to not email one another with ideas. That could be a violation of FOIA. If there is something a member wants the group to review, email it to Mrs. Crouch and she will send to the commission. Mrs. Crouch asked that items to be included in next month's packet be emailed to her no later than April 1, 2010.

No action taken on this agenda item.

CITY PLANNER MONTHLY REPORT

Mr. Norris explained last week there was a workshop session for the planning commission, but because there were only three members in attendance which was not a quorum, no meeting was held. According to the Comprehensive Plan, the Planning Commission is charged with reviewing the subdivision ordinance and zoning ordinance and making any changes or suggestions for changes for Council's approval. Mr. Norris highlighted some sections in last week's handout for the commission to review. Those included the time allowed from approval to recordation of Final Subdivisions, the sidewalk requirements, connectivity for schools and subdivisions, shade trees, and official map.

Of particular interest to Mr. Norris is the time allotted between approval from City Council for a final subdivision until recordation. Mr. Willard agreed the language is ambiguous and felt Mr. Norris and he would draft a revision for consideration.

Mr. Rini pointed out the words "official map" is being discussed in the Charter Review Subcommittee and he interested in the outcome of that. He asked Mr. Willard to keep the commission abreast of those discussions.

Mr. Norris added the commission is doing well abiding by the code as it relates to the zoning ordinance and the subdivision ordinance and encouraged them to keep up the good work. He asked if the commission had any other items they would like to review in those codes.

With no further business, a motion to adjourn by Mrs. Stevenson was seconded by Mr. Pilla. The meeting adjourned at 8:42 pm.

Respectfully submitted,



Christine R. Crouch

Department Administrative Assistant/Recording Secretary

**CITY OF MILFORD
PLANNING COMMISSION**

*Minutes of Meeting
April 20, 2010*

A training session for the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, April 20, 2010.

PRESIDING: Chairman Charles Rini

IN ATTENDANCE: Commissioners Kim Stevenson, Jamie Burk, Karen McColley, Archie Campbell, George Pilla

ALSO: City Planner Gary J. Norris, AICP, Recording Secretary Christine Crouch

The training session was called to order at 6:10 pm. Mr. Norris introduced Ms. Kate Layton and Mr. Jim Galvin of the Kent MPO.

Mr. Galvin welcomed the commissioners by stating so far the group has discussed big concepts, for example the information he presented for transportation, very specific concepts like the discussion regarding signage in the City of Dover, and tonight the commission is being asked to look at their own community and how walkable it is.

Before Ms. Layton does her presentation though, Mr. Galvin wanted to tell the commission the MPO is in negotiations with a national planning consultant to offer services in Kent County. They did it to be able to have them participate in a neighborhood study that the MPO is doing. Trying to figure out what the neighborhood should look like based on its location near a transit center. But the MPO is going to be offering it to all communities in the MPO.

With that said, there is one more training session scheduled for May regarding open space, but this national consultant will be able to fill in some blanks if the City is interested. If this commission is interested in this, please let Mr. Norris know and he will speak to the MPO about it.

Ms. Layton introduced herself and explained tonight's presentation is just going to give everyone a taste about walkable communities. Tomorrow is a full presentation where there is a walk around the neighborhood, and then come back to the City to discuss what the group found. The reason for this topic is because the planning commission is a key player in how walkable communities are made, such as sidewalks being built and overall decisions of the overall community. This is food for thought. The walk around will start around 5:30 here at City Hall.

Ms. Layton then reviewed a power point presentation for the commission. Following the presentation, Ms. Layton opened the floor for questions and comments.

Mr. Norris asked what the status of the complete streets for Delaware and please explain to the commission what complete streets is.

Ms. Layton explained the complete streets project opens up the concept of roads being accessible to all users, not just cars, but bikes, wheelchairs, pedestrians, etc. It would mean lanes for cars as well as lanes for safe passage for bicyclist, walkers, wheelchairs, etc. Mr. Norris further explained it would mean in the right of way there would be sidewalks, multi-modal path and lanes for vehicle traffic.

Ms. Layton stated the Governor's ordinance on walkable communities, which is the complete streets project, has been signed and DelDOT is putting some finishing touches on it.

Mr. Norris asked what impact that will have on municipalities like Milford that have DeIDOT streets in their municipality and future development.

According to Ms. Layton, development along a DeIDOT street would have to comply with complete streets. She will verify from DeIDOT that retrofitting will be involved as well. Mr. Galvin explained the only issue that Milford and other municipalities may face is that the complete streets executive order applies to state maintained roads. In municipalities, the executive order does not apply. He feels it is incumbent upon the Planning Commission here to look at the concept and see if it makes sense to have it apply to city maintained streets as well.

Mr. Pilla questioned whether a re-paving of a street would qualify as a project that would require complete streets. For example, a narrow two-lane street in Milford. Mr. Galvin was not sure how that would work. In the example Mr. Pilla gave, there is a two-lane driving path and curbs and sidewalks on each side. One option would be for the City to buy a larger right of way on each side of the property to fit the multi-modal path in. That would be very expensive. Another option would be to shrink the driving lanes by a foot on each side, which would provide a two foot wide multi modal path.

Mrs. McColley could not see how reducing the width of the travel lanes would provide adequate space for larger vehicles that normally travel the roads now. Mr. Galvin provided the alternative, albeit expensive, of the City purchasing additional right of way lands.

Mr. Pilla argued the costs associated with improving State or City maintained roads to bring them into compliance with the complete streets concept would be incredible.

Mr. Rini asked if DeIDOT is considering restricting traffic to one way streets in order to accomplish this concept. Mr. Galvin felt they were not, but each street is unique. In a street like Walnut, because it's a main corridor, it would not be feasible.

Mrs. McColley was in support of the walkable community project and felt the commission was asking all of these questions because they are the type of questions the public are going to ask.

Mr. Norris thanked the Planning Commission for upholding their duty and responsibility to require sidewalks when projects have come before them, per the ordinance. Mr. Galvin agreed that the most important part of making all of this possible is by paying attention when a project comes before the commission to ensure they are adhering to the code.

Discussion continued regarding locations where sidewalks exist and do not as well as who maintains the sidewalks in municipalities in Delaware.

Mr. Galvin stated the entire concept of walkable communities and complete streets is an evolutionary one. It will take many years for all streets to come into compliance because it will not be required until improvements are made, similar to the City requiring sidewalks when improvements to the property are made. There will be places where a piece of land will have a sidewalk that seems to go nowhere, but once the land next door is improved upon to a certain threshold, the sidewalks will match up.

Mr. Norris requested the MPO send out their list of tips for reducing the ozone issues.

The commission thanked Ms. Layton and Mr. Galvin for the presentation and overall felt it was a good concept.

With no further discussion, the meeting adjourned at 6:58 pm.

Respectfully submitted,

A handwritten signature in black ink that reads "Christine Crouch". The signature is written in a cursive, flowing style.

Christine R. Crouch

Department Administrative Assistant/Recording Secretary

**CITY OF MILFORD
PLANNING COMMISSION**

*Minutes of Meeting
April 20, 2010*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, April 20, 2010.

PRESIDING: Chairman Charles Rini
IN ATTENDANCE: Commissioners Kim Stevenson, George Pilla, Jamie Burk, Karen McColley, Archie Campbell, Dirk Gleysteen
ALSO: City Planner Gary J. Norris, AICP, Recording Secretary Christine Crouch
COUNSEL: City Solicitor Timothy Willard

Mr. Rini called the meeting to order at 7:02 pm noting everyone was in attendance except Mr. Sharp.

APPROVAL OF MINUTES

The minutes for the March 16, 2010 planning commission training session and regular monthly meeting were approved as submitted by a motion by Mr. Campbell, seconded by Mrs. McColley.

CHAIRMAN MONTHLY REPORT

Mr. Rini called the commission's attention to a letter sent in from Kurt and Sandra Hutson on Shawnee Rd regarding the first item under unfinished business, Cypress Hall Commercial. With that said, Mr. Rini changed the order of the agenda to discuss the first item under unfinished business, then discuss new business, then the remainder of the items under unfinished business.

UNFINISHED BUSINESS

Davis, Bowen & Friedel on behalf of Shawnee Farm LLC; Project 09-132/Public Hearing
Conditional Use and Preliminary Site Plan to be known as Cypress Hall Commercial
Southwest corner of State Rt 36, Seabury Ave Extended and US Rt 113
Tax Map 1-30-3.00-261.00 (portion of); Area of Petition 9.79 +/- acres; C-3 Zoning
Adoption of Resolution PC10-002; PC10-003

A letter was submitted, which was included as part of the planning commission packet, by Davis, Bowen and Friedel on behalf of their client stating the application is withdrawn. Mr. Rini reminded the commission last month the applicant requested the item be tabled. Mr. Rini questioned Mr. Norris as to what the future steps for the project would be. In Mr. Norris' opinion, since the application has been withdrawn, the applicant would have to start over again with the process, first with preliminary site plan and then final site plan. Any new development would start anew.

NEW BUSINESS

Bob Nash Associates on behalf of Matthew & Jennifer Feindt; Project 10-137
Conditional Use and Final Minor Subdivision
302 & 320 Carlisle Lane
Tax Map 3-30-7.17-138.00 & 3-30-7.17-145.00; Area of Petition 0.8181 +/- acres; R-3 Zoning
Adoption of Resolution PC10-005; PC10-006

Bob Nash of Bob Nash Associates was present to represent the application. Mr. Nash explained the application before the commission is for a final minor subdivision and conditional use. There are two parcels of land on the north side of Carlisle Lane, one of which was a commercial establishment and the other parcel is vacant. The applicant is subdividing into duplex facilities. The subdivision shows a minimum of 44' of road frontage, which complies with the code, if the duplexes are sold to individual owners. The sewer line is shown on the

plan, as well as water and electric. The existing two story building is now being converted into an upper and lower duplex.

Mr. Norris asked for an explanation as to why a conditional use is being applied for. Mr. Nash understood according to the code a conditional use was necessary in order to have the duplexes in this zoning district. Mr. Norris agreed.

Regarding the proposed lateral sewer line, Mr. Norris stated from each unit a line goes out to the street, but then goes into one lateral about 10' from the right of way. He asked if that is correct. Mr. Nash replied yes so that one cut will be made in the street.

Mr. Norris feels this would be an improvement to the neighborhood judging from walking the neighborhood.

Mrs. McColley asked what the plans for the existing building are and how the parking is being met for the project. Mr. Nash reiterated it will be a duplex, albeit unconventional because it is upper and lower with separate entries. The required parking is 2.5 spaces per unit, and they are providing 3.0 spaces per unit, which is shown on the plans.

Mr. Pilla confirmed sidewalks will be installed if not existing.

Mrs. Stevensen described worries with chemicals at this site because the existing building was at one time a dry cleaning establishment. Mr. Nash confirmed the chemical issues have been checked out and the architect assures him everything is fine. Mr. Campbell asked if there were any tanks in the ground at this site. Mr. Nash stated no, they were in the back room of the building. The drums have been removed and now the back room is being removed. Mr. Campbell asked if any inspection for leakage into the ground was performed. Mr. Nash confirmed DNREC did inspect the ground.

Mr. Rini called for public comment.

Mr. and Mrs. Roberto and Janet Perez of 307 Carlisle Lane stated they are concerned with the availability of parking on SE Front St and Carlisle Lane. They are the pastors of La Roca Church which is on SE Front Street and their parish, which is approximately 25 cars on Mondays and Thursdays, not including visitors on Tuesdays, Saturdays or Sundays, park along these streets. They are in support of the renovations though. They questioned if there is sufficient parking for the proposed duplexes and their visitors. Mr. Norris replied the applicant for the duplexes has met the requirement of the city's zoning ordinance for off street parking.

He then asked if the church has off street parking available. Mrs. Perez explained they had an agreement with Calvary Church, when they owned the vacant lot in question, to use it but the church does not have their own off street parking. Mrs. Perez explained people are parking in front of the church and the Perez' residence, but that is only enough parking for about nine cars. If Calvary is not having services, La Roca Church guest can use their parking lot too.

Mr. Rini reiterated the proposed duplexes are providing the required amount of off street parking, which is what the code requires. Mrs. Perez was concerned about the duplex residence visitors though. If those visitors don't fit in the off street parking, they will take up parking on the street and that is what her church guests use.

Mr. Norris explained it's a public street and anyone can utilize available parking. Mrs. Perez stated she understood but because her visitors use the street for parking there will not be enough room. There are plenty of children in the area and Carlisle is already a problematic street where people speed and so is SE Front Street. These children must cross the street.

Mr. Rini understood Mrs. Perez's concerns however the City cannot tell people they cannot park on a public street. The proposed duplexes are meeting the requirements of the code, specifically the off street parking. The duplexes should be an improvement to the neighborhood.

With no further public comment, Mr. Rini closed the public hearing.

With a motion by Mrs. Stevenson, seconded by Mr. Gleysteen, Resolution PC10-005 to approve the conditional use to allow duplexes was unanimously approved with the following votes:

Yes- Stevenson, Pilla, Gleysteen, Campbell, McColley, Burk, Rini

No- no votes

With a motion by Mrs. McColley, seconded by Mr. Campbell, Resolution PC10-006 to approve the final minor subdivision was unanimously approved with the following votes:

Yes- Stevenson, Pilla, Gleysteen, Campbell, McColley, Burk, Rini

No- no votes

Bob Nash Associates on behalf of Cornelius Moore; Project 10-138
Final Site Plan for D&N Bus Service
140 Vickers Drive
Tax Map MD-16-173.00-01-3.31 +/- acres; BP Zoning
Adoption of Resolution PC10-007

Mr. Bob Nash with Bob Nash Associates was present to represent the application. He explained this site is in the Milford Business Park down the street from the City Public Works Department, next door to the drywall company. Approval from the conservation district has been obtained, as well as the Fire Marshal's office. Plans were submitted to the City Engineer, Mr. Mallamo, but no reply has been received.

The site plan shows parking for about 24 buses. The future building of 7200 square feet is well into the future. The buses are currently located near the former Fisherhawke site. There are three movable shed on that site which will be moved to this site to store various items. There will be no maintenance onsite, other than a concrete pad in front of buildings A and B to be used for inspecting the breaks on the buses. Any repairs to the breaks however are done off site.

The conservation district approval required green technology be used on this site, so there is a filter strip, which is essentially a grass strip, along the easterly side of the property. This will filter pollutants from the site out and then drainage filters into the wetlands before getting to the ponds.

Mr. Norris had no questions.

Mr. Campbell asked who maintains the filter strip. Mr. Nash explained the property owner maintains it. It is cut at a height of three to six inches.

Mrs. Mccolley asked if there are any fuel tanks on site. Mr. Nash replied yes, there is a 1000 gallon above ground tank.

When asked about fencing on the site, Mr. Nash stated a 6' tall chain link fence would surround the property.

Mr. Rini called for public comment. Hearing none, he closed the public hearing.

Mrs. Stevenson asked if the city requires asphalt to be installed instead of the proposed stone. Mr. Norris was unsure. He felt the stone would be better, in environmental terms. Mrs. Stevenson agreed and was in favor of the stone.

With a motion by Mr. Burk, seconded by Mrs. McColley, Resolution PC10-007 to approve the final site plan was unanimously approved with the following votes:

Yes- Stevenson, Pilla, Gleysteen, Campbell, McColley, Burk, Rini

No- no votes

UNFINISHED BUSINESS

Review and Recommendation Ordinance 2009-22
Chapter 230: Zoning Code
Billboards

PUBLIC NOTICE
PLANNING COMMISSION & CITY COUNCIL PUBLIC HEARINGS
City of Milford Zoning Chapter Amendment
Ordinance 2009-22

AN ORDINANCE TO AMEND CHAPTER 230 OF THE MILFORD CODE RELATING TO BILLBOARDS.
The City of Milford hereby ordains as follows:

Section 1.

An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled Zoning Code.

Section 2.

Amends §230-4, Definitions and Word Usage, by adding ‘*Billboards*’ and the following definition:

***OPTION 1: BILLBOARDS** - Any sign that advertises any activity or location that is not the tax parcel on which the sign is placed.*

OR

***OPTION 2: BILLBOARDS:** A billboard is an off-premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.*

***FASCIA SIGN:** A sign mounted on a wall that identifies the business.*

***FREESTANDING SIGN:** A sign that is supported by more than one column, uprights or braces attached to the ground and is generally solid from the ground to the top of the sign.*

***HANGING/PROJECTING SIGN:** A sign which is mounted to a wall that projects perpendicular from the wall.*

***ILLUMINATED SIGN:** Any sign which is internally lit.*

***MARQUEE:** A section of a sign which has space for manually movable letters; allowed as part of a Monument Sign or Freestanding Sign in a C3 zone only, not to exceed 32 square feet or a ratio of 4:8.*

***MOBILE SIGN:** A sign that is not permanently embedded or stationary and can be moved either via a vehicle, chassis, trailer or person and is generally considered portable.*

***MONUMENT SIGN:** Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.*

***WALL OR MAILBOX SIGN:** A sign that identifies the address of the residence or occupant located on either the residence or mailbox.*

Section 3.

OPTION 1: Amends §230-24, Permitted and Prohibited Signs, (B), Signs **prohibited** in all zoning districts, by amending and adding:

(9) **Flags (other than United States flags)**, banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures. *Temporary sign* allowance shall be determined by the Code Official.

(11) Mobile Signs.

(12) Billboards.

OR

OPTION 2: Amends §230-26, General Standards, by adding (D), Billboards.

BILLBOARDS are permitted in the C-3 zoning district provided they meet the following requirements.

Billboards shall only be erected in the C-3 Zoning District within the boundaries of the City of Milford and must meet any State of Delaware Requirements. (Or in a specific section of the C-3 Zoning District).

Such billboards as may be permitted by this Ordinance shall conform to the following:

Height: All billboards shall be no greater than 28 feet in height.

Size: All billboards shall be no greater than 300 square feet in area and only one billboard shall be permitted on each billboard structure. Double faced billboards and stacking of billboards are not permitted.

Lighting: No billboard shall be so illuminated that it cast light rays on adjacent property.

Spacing: All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in question.

No billboard shall be erected within two thousand feet of an existing billboard on either side of the highway.

No billboard shall be constructed within two thousand feet of an interchange, intersection at grade, or safety rest area.

No billboard shall be constructed within two thousand feet of any residential unit.

OR

OPTION 3: Amends §230-26, General Standards, by adding (D), Billboards as a **Conditional Use** in C-3 Zoning District.

BILLBOARDS are permitted in the C-3 zoning district as a Conditional Use provided they meet the following requirements.

Billboards shall only be erected in the C-3 Zoning District within the boundaries of the City of Milford and must meet any State of Delaware Requirements. (Or in a specific section of the C-3 Zoning District).

Such billboards as may be permitted by this Ordinance shall conform to the following:

Height: All billboards shall be no greater than 28 feet in height.

Size: All billboards shall be no greater than 300 square feet in area and only one billboard shall be permitted on each billboard structure. Double faced billboards and stacking of billboards are not permitted.

Lighting: No billboard shall be so illuminated that it cast light rays on adjacent property.

Spacing: All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in question.

No billboard shall be erected within two thousand feet of an existing billboard on either side of the highway.

No billboard shall be constructed within two thousand feet of an interchange, intersection at grade, or safety rest area.

No billboard shall be constructed within two thousand feet of any residential unit.

OR

OPTION 4: Amends §230-26, General Standards, by adding (D), Billboards as a **Special Exception** in C-3 Zoning District.

Billboards shall only be erected in the C-3 Zoning District within the boundaries of the City of Milford and must meet any State of Delaware Requirements. (Or in a specific section of the C-3 Zoning District).

Such billboards as may be permitted by this Ordinance shall conform to the following:

Height: All billboards shall be no greater than 28 feet in height.

Size: All billboards shall be no greater than 300 square feet in area and only one billboard shall be permitted on each billboard structure. Double faced billboards and stacking of billboards are not permitted.

Lighting: No billboard shall be so illuminated that it cast light rays on adjacent property.

Spacing: All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in question.

No billboard shall be erected within two thousand feet of an existing billboard on either side of the highway.

No billboard shall be constructed within two thousand feet of an interchange, intersection at grade, or safety rest area.

No billboard shall be constructed within two thousand feet of any residential unit.

Section 4.

Amends §230-26, General standards, Sign Chart, as follows:

City of Milford
Sign Types and Allowable Dimensions and Restrictions

Zoning Dist	Wall or Mailbox (residence/occupant ID)		PROPOSED: Wall or Mailbox		Freestanding (mounted on posts(s))		PROPOSED: Monument & Freestanding		Fascia: Commercial (wall, roof edge, etc) (of wall square feet)		PROPOSED: Fascia		Hanging/Projecting (extended from wall) (square feet)		PROPOSED: Hanging/Projecting		Marquee (movable letters)		Illuminated (non-flashing)		EMB		Mobile (mounted, trailer, etc)		Billboard (outdoor advertisement)		PROPOSED: Billboard	
	Ht	Sq Feet	Ht, Sq Ft		Ht	Sq Feet	Ht, Sq Ft					Sq Ft			Ht	Sq Feet	Ht	Sq Feet	Sq Ft									
R-1	42"	2	10', 2'		N/A	N/A	48", 4' *		N/A	5%	N/A	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	
R-2	42"	2	10', 2'		N/A	N/A	48", 4' *		N/A	5%	N/A	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	
R-3	42"	2	10', 2'		N/A	N/A	48", 4' *		N/A	5%	N/A	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	
R-8	42"	2	10', 2'		N/A	N/A	48", 4' *		N/A	5%	N/A	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	
C-1	42"	2	42", 2'		48"	4	6', 32'		10%	10%	15	Prohibited	48"	9	48"	4	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited		
C-2	N/A	N/A	42", 2'		48"	4	48", 9'		10%	10%	20	Prohibited	48"	9	48"	4	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited		
C-3	N/A	N/A	42", 2'		28"	225	20', 225'		10%	10%	20	Prohibited	40"	48	28"	225	32 and ratio of 4:8	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited		
H-1	N/A	N/A	42", 2'		25'	70	10', 70'		5%	5%	N/A	Prohibited	N/A	N/A	28"	70	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited		
OC-1	N/A	N/A	42", 2'		28"	225	6', 70'		5%	5%	N/A	Prohibited	40"	48	28"	225	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited		
I-1	N/A	N/A	42", 2'		28"	200	20', 200'		5%	5%	N/A	Prohibited	40"	48	28"	200	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited		
I-2	N/A	N/A	42", 2'		28"	200	20', 200'		5%	5%	N/A	Prohibited	40"	48	28"	200	Prohibited	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited		

**An additional two feet may be added to the square footage of the sign for each 5' of road frontage the property has above 80', not to exceed a 32 square foot sign.*

Section 5.

Introduction to City Council: 11-23-09

Planning Commission Public Hearing: 12-15-09

City Council Public Hearing & (Projected) Adoption Date: 12-28-09

Projected Effective Date: 01-07-10

Mr. Rini reminded the commission has been dealing with this ordinance for some time now, with the help of Mr. Norris and Mr. Willard. There are also definitions of all the sign types included in this ordinance, however it appears that may need to be a separate ordinance.

Mr. Norris reiterated there are options the commission needs to decide upon. First being a definition of a billboard, then whether to prohibit them all together, allow them in a C3, have them as a conditional use in a C3 or have them as a special exception in a C3.

Mr. Rini reminded the commissioners at the last meeting, the assignment was to come to this meeting with their ideas on billboards. He wanted to go around the table and see what everyone came up with, starting with Mrs. Stevenson.

Mrs. Stevenson stated she doesn't have a big problem with billboards. She likes the light has to be on the billboard and not on adjacent property and she would prefer not to have digital billboards allowed. Her definition of a billboard is a freestanding, large structure, 300 sq feet type of sign.

Mr. Pilla stated non-electronic, permanently placed, maintenance issues need to be addressed also. He doesn't want confuse a 4x8 sign as a billboard either. He feels a billboard should be defined by size, not location.

Mr. Gleysteen asked about the distance between billboards. He was in favor of 1500 feet between billboards on the same side of the road.

Mr. Campbell felt 2000 feet or more between billboards would be appropriate. He also thought a billboard would be 25-30 feet in the air as a freestanding sign.

Mrs. McColley was in favor of digital billboards, due to the ease of changing the text. The electronic signage requirements were specified in Ordinance 2010-1 already. She also was in favor of double sided billboards.

Mr. Burk was fine with a 2000 foot distance between billboards, but stated he is not a big fan of LED signs. He also believes billboards are the freestanding large signs.

Mr. Rini explained he has seen new billboards that are electronic and change every few minutes to a whole new sign. It is not an LED or brightly illuminated. It looks just like a normal paper type of billboard, but changes so it's obviously electronic. He was very impressed with this technology. Mr. Rini prepared his thoughts and submitted them below:

BILLBOARD: An "OFF-PREMISES SIGN"

HISTORY: The interstate highway system was built largely during the Eisenhower administration, and the billboard industry had been booming ever since. In 1958, Congress had passed a highway bill that gave states an extra half percent in funding if they controlled billboards, but the incentive appeared ineffectual in stopping highways from being blanketed with billboards.

HIGHWAY BEAUTIFICATION ACT OF 1965: The eventual bill was a compromise between the White House and the Outdoor Advertising Association of America. It stated that billboards would be banned "except in those areas of commercial and industrial use."

DEFINITION ONLINE:

A "bill" is a written or printed advertisement posted or otherwise distributed to announce an event of interest to the public.

Function: noun Date: 1851 : a flat surface (as of a panel, wall, or fence) on which bills are posted; specifically : a large panel designed to carry outdoor advertising

<http://www.merriam-webster.com/dictionary/billboard>

n.

1. A panel for the display of advertisements in public places, such as alongside highways or on the sides of buildings.

2. The advertisement or message posted on such a panel.

3. An introductory list of highlights from the program or text that follows, as in a broadcast or magazine.

n.

Nautical: A ledge on the bow of a ship on which the bill of an anchor rests when the anchor is secured to the cathead.

OFF-PREMISES SIGN: A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.

NEW BILLBOARDS: New billboards, as may be permitted by this ordinance, shall conform to the height, size, lighting, and spacing requirements prescribed by this ordinance.

New billboards shall be constructed of durable material and kept in good condition and repair. Any billboard which is allowed to become dilapidated and considered by the City of Milford to constitute a nuisance shall be removed at the expense of the owner or lessee of the property on which it is located.

No more than one double faced billboard shall be permitted per location, with no more than one advertisement per side.

LOCATION: Billboards must be set back 50 feet from the street right-of-way.

No billboard shall be closer than 1500 foot radius from another billboard.

SIZE: All billboards shall be no greater than 300 square feet.

Billboards shall be no more than 35 feet in height.

LIGHTING: Floodlighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated thereby.

Flashing lights are expressly prohibited; flashing means any method of conveyance produces or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

No billboard shall be placed to face abutting residential communities.

Mr. Rini explained his findings and confirmed what the other commissioners felt should be included in this ordinance.

Mr. Norris asked what the commission wants to do in terms of billboard approvals. Permitted and prohibited are self explanatory, conditional use means they would come before the commission and council, special exception would go before the Board of Adjustment.

Mr. Campbell asked what would happen if a billboard became dilapidated. Mr. Norris explained it would fall under the property maintenance code and the Code Enforcement Officer would handle the repair or replacement times.

Mr. Rini confirmed the commission wants billboards in only C3 zoning districts. As far as size goes, the commission felt 384 square feet maximum size was appropriate. Mr. Rini asked Mr. Willard if a minimum size needed to be addressed as well.

Mr. Willard replied it depends on how it would be reviewed. After hearing what the commission has said on sizes, it seems logical to define a minimum size as well.

Mr. Rini confirmed with the commission the minimum size could be 200 square feet and maximum of 400 square feet. Mr. Willard clarified the commission is stating any sign over 200 square feet up to 400 square feet would be classified as a billboard and billboards are not allowed anywhere except in a C3 zoning district, and in C3, this is how we approve them.

The commission agreed the definition would include the size minimum and maximum and allow a maximum of one advertisement per side.

The commission further agreed to have signs as a conditional use in a C3 zoning district.

Mr. Willard asked for a copy of what Mr. Rini had typed up so that he and Mr. Norris could take their notes from this meeting, along with Mr. Rini's ideas and draft a revised ordinance. Mr. Willard wanted to look at the definition closer also. Mr. Rini wants the revised ordinance for the next meeting, but only to include the billboard issues. The other types of sign definitions and chart should be removed and put into separate ordinance.

A motion to defer action until the May planning commission meeting was made by Mrs. McColley and seconded by Mr. Pilla. Motion carried unanimously.

This item has been reviewed by the Commission and is scheduled to be heard before City Council on April 26, 2010.

Subdivision and Zoning Code review

Mr. Norris has provided a copy of Chapter 200 of the Code with highlighted items that the commission may or may not wish to address.

Specifically is page three, §200-4 Application Procedure. Under Final Approval, item 5, it talks about what happens to a final approval of a subdivision if it is not recorded.

Mr. Willard has drafted a draft ordinance that reads as follows:

*Ordinance 2010-
Amend Chapter 200-4 B as follows:*

- (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. **Failure to record the final plat within 90 days of final plat approval shall be subject to 200-4B (7) herein.** Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.*
- (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.*
- (7) ~~Failure to~~ Recording the approved **final** plat within one year **but after 90 days** from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again **and shall be subject to a filing fee attributed for every month after the 90 days that the final plat has not been recorded.***
- (8) Failure to record the approved plat ~~in more than~~ **within** one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.*

Mr. Willard felt this was ready for the commission to comment and then have Council introduce it.

Mr. Rini's opinion was that the subdivider be locked in to a simple 90 day recordation requirement. According to what he has heard from Mr. Norris, 90 days is ample time to file a recordation of a subdivision.

Mr. Norris had reviewed Sussex County and Georgetown's policy and found subdividers had 90 days to record or the approval was void.

Mr. Rini asked the commission their thoughts on changing this section of the code to allow simply 90 days to record the subdivision or it would be void. All were in favor. Mr. Willard will revise this draft and send it back to the commission next month, then it will introduced to Council.

Mr. Norris then directed the commission's attention to the section of the subdivision ordinance that gives the planning commission power to require communities to be more walkable to schools, shopping centers, playgrounds etc, which is what was discussed in this evenings training session.

The majority of the remainder of what was highlighted in this document has been addressed by earlier ordinances the commission has recommended to city council. Mr. Norris wanted to bring the commission's attention to parts of the code though.

Mr. Norris commended the planning commission's work on subdivisions as they come before them in adhering to the subdivision code of the city. They are doing a good job of asking applicants to stick to what is in the code.

CITY PLANNER MONTHLY REPORT

Mr. Norris informed the commission the Delaware/Maryland APA conference will be held May 5 – 7 in Dover. He included a paper copy of information to the commissioners in their packets for their information.

Mr. John Laurent of 34 General Torbert Drive came to the podium and stated he is not a big fan of billboards. He did not hear any discussion of a radius from road signs, i.e. speed limit signs. He also did not know if there was a correlation between a billboard and the signage on a building. He would not want to see the Bucs football backboard considered a billboard. He then thanked the commission for the opportunity to speak and commended them on their work.

Mr. Rini explained Mr. Laurent was at the last Council meeting asking the mayor about the vacant planning commission seat. Mr. Rini invited him to this meeting to see what the meetings are about.

With no further business, a motion to adjourn by Mrs. McColley was seconded by Mr. Burk. The meeting adjourned at 8:26 pm.

Respectfully submitted,



Christine R. Crouch

Department Administrative Assistant/Recording Secretary