

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
February 27, 2012

The Milford City Council held a Public Hearing on Monday, February 27, 2012 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to hear the application of:

First State Signs, Incorporated on behalf of Key Properties Group for a Conditional Use  
Tax Parcel 3-30-11.00-405.00  
Adoption of Ordinance 2012-01/Conditional Use/Key Properties Group/Billboards

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

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

City Solicitor David Rutt, Esquire

Mayor Rogers called the Public Hearing to order at 7:00 p.m.

City Planner Norris reported that by a vote of 7-0, the planning commission recommended the conditional uses be approved. Mr. Norris advised that six years ago, billboards were not permitted in the city. The planning commission then worked for nine months to come to a compromise that would revise the city's zoning ordinance. He noted that council decided to allow billboards as a conditional use in the C-3 zoning district.

He then referenced an e-mail he forwarded to City Solicitor David Rutt requiring the relocation of one billboard because of an increase in the right-of-way for the overpass at Wilkins Road and State Route 1. He asked whether the application could be considered at this time.

City Solicitor Rutt explained the e-mail was from DeIDOT and indicated that until the right-of-way issues were resolved, a permit would not be issued for this location. However, he feels that council can consider both billboards though permits cannot be obtained from DeIDOT until the issues are resolved.

Mr. Rutt further explained that if the billboards are approved, the applicant is still required to go through a permitting process. DeIDOT would grant the final permits. However, it can be discussed and voted on this evening.

Mr. Grier pointed out that he did not realize that this area was part of Matlinds Estates and the council minutes state that billboards are not permitted on this parcel.

Mr. Rutt advised that he went back to the site plan, which was later amended in 1995. There is a note on the site plan that states the triangular piece is not part of Matlinds Estates subdivision. When Matlinds was annexed, that parcel number was shown as a lot in the subdivision. In his opinion and as far as the city is concerned, this parcel remains part of the Matlinds Estates subdivision.

Dale McCallister of First State Signs then reported that he applied for two billboards on the parcel as is being presented. He advised they checked with DeIDOT when applying. He agrees they have to obtain a state permit as well as a city permit. However, the city permit must be obtained before the DeIDOT permit. In his conversations with DeIDOT, there were no objections. Tonight is the first he has heard the billboard would need to be moved because they have not set the right-of-way sign. He said that whatever needs to be done to appease both parties, will be done.

He explained that the location will be staked before the DeIDOT permit is issued. Once they review them, they will provide the engineered-sealed drawings into the city, dig the foundations and then have them inspected. He agrees this is a unique

parcel because of the overpass. He was not called and asked his opinion until the owners were informed an overpass was coming in. Mr. McCallister feels the highest and best use of this property is the billboards.

He was not informed about the Matlinds Estates issue either nor about the prohibition of billboards during the annexation process. As a result, Attorney Jim Griffin is present to address that issue.

Mr. McCallister then provided an artist rendering of what the billboards will look like when traveling from the south. The rendering was also shown to the planning commission. He noted that the one billboard would be elevated due to the height of the overpass.

Also noted were the billboards on the Silicato property which are approximately 35-36 feet tall with the exception of the new 28-foot billboard.

He feels the Key Property billboards are in keeping with the character of the neighborhood when the heights are considered. In addition, they will meet all DeIDOT requirements.

Mr. Pikus asked if the changes in distance between signs and signs widths will relocate the signs; Mr. McCallister advised there is a 25-foot DeIDOT setback from the property line and 300 feet between the boards which this exceeds. As a result, this will not affect the distance between the boards.

When asked the distance from other signs, Mr. McCallister advised there are none for on-premise advertising signs though DeIDOT regulations apply to off-premise signs. He reported that the federal government began to control billboards through the Lady Bird Johnson Highway Beautification Act in the 1960's. Most stringent controls were also added through state laws. Delaware's restrictions cannot vary—there is a minimum 25-foot setback, depending on elevation, and whether they are in the city or in the county. He noted there are varied DeIDOT and federal requirements for billboards. In a city, they can be as little as 100 feet apart; on a state-maintained road, there is a required distance from an interchange.

He emphasized there are a number of rules established by the federal government, state and local municipalities for billboards.

Mr. McCallister noted that the act includes restrictions such as the change of zone on a property for the sole use of a billboard. He said that came up in Milford back in the 1980's with the Silicato property. He recalled his property was annexed into the city with no zoning. Silicato was required to get a federal interpretation to put up a billboard and it was determined the property had been zoned commercial to allow the placement of the pumping station across the street.

He emphasized that the feds set the tone, the states then add their restrictions and the municipalities go from there.

Mr. Carmean confirmed that the 25 feet Mr. McCallister referenced is from the right-of-way line. Mr. McCallister agreed.

The city manager then advised that the city was just notified that DeIDOT was taking another 60 feet of right-of-way which would require the sign to be 85 feet back. Mr. McCallister said DeIDOT will spot the right-of-way which the majority of times is the property line.

Mr. McCallister said he believes the 60-foot setback is on the south end of the property and not the Route 1 side; Mr. Rutt said DeIDOT did not designate the exact point. Mr. McCallister responded by stating the billboards will be placed in accordance with their requirements regardless of how much land they need. Therefore, all setbacks will be met.

He said that as the buildable area gets smaller, the number of uses on that property becomes less. By taking more property and building the overpass higher, there is less property than can be seen and fewer things that will fit on the property.

Mr. Grier asked if they were aware that no billboards were allowed on this site; Mr. McCallister stated he was unaware of that until this past Friday and is the reason Mr. Griffin is in attendance.

Jim Griffin of Griffin and Hackett, P.A. asked for questions from council. Mr. Grier repeated his last question noting that in 2003 when Matlinds Estates was annexed into the city, billboards were prohibited on that site. He asked Mr. Griffin why they believe the city would allow billboards in 2012. Mr. Griffin said there has been a long history. It appears that parcel 405 was annexed along with several other properties. It was part of Matlinds Estates at the time the other parcels were physically in Matlinds. They just happened to be in the same annexation resolution.

Mr. Griffin admitted he had seen the notes stating that no billboards were permitted on the site. It is referenced in the annexation committee minutes and the planning commission minutes though he is unable to find it mentioned in the annexation resolution adopted by council. He also agrees it is part of the committee meeting minutes though that was before the vote was taken to annex.

Mr. Grier referenced the June 30, 2003; Mr. Griffin pointed out that is not the meeting when council adopted the resolution annexing the property. Mr. Griffin had asked Mr. Rutt for a copy of the annexation resolution this evening, though no copy was available. He then stated that in 2008, his client received a letter from the former city manager stating the two billboards presently on the property had to be removed. They wrote back stating they respectfully believe that Mr. Fannin had a right to keep them there. They then negotiated with the city for over a year. In February 2009, the city filed criminal charges against Key Properties. It went through a hearing in the JP Court which resulted in a not guilty verdict of one violation because the city had issued a permit for the sign. However, they were found guilty of a violation on the second sign. That decision was then appealed to the Court of Commons Pleas. After a trial during which time the city presented their evidence, Mr. Griffin made a motion for a judgment of acquittal. Judge Beauregard then ruled the city's code (in 2009) did not define the word 'billboard'. As a result, she dismissed all the charges granted by a judgment of acquittal which meant his client was found not guilty.

Judge Beauregard stated that the wording in an ordinance must be clear when criminal charges are filed.

Mr. Griffin noted that the ordinance has since been updated and the amendment to the ordinance defers to the state regulations on outdoor advertising which permits billboards. He said when the criminal prosecution occurred, it involved the same question Mr. Grier asked Mr. Griffin about the meaning of the wording in the minutes that state "billboards not permitted on this site". He then read the criminal violations filed against his client: "Count 1a Misdemeanor: Key Properties Group on or about the 20<sup>th</sup> day of November 2008 did fail to remove to separate billboards located on Sussex County tax parcel 405 after being notified to remove them in violation of the annexation resolution dated July 14, 2003". He said that after the city spent approximately \$15,000, the court ruled his client was not guilty because the code lacked a clear definition. Therefore, the judge would not enforce the annexation resolution in a situation where it was not defined and not prohibited.

Mr. Grier pointed out that has since been resolved and the code now contains a definition for billboards which requires a conditional use. The code states a conditional use cannot have an adverse effect on neighboring properties which in this case is Matlinds Estates. In his opinion, council will determine whether or not these billboards will have an adverse effect on those residences.

Mr. Griffin stated there are presently a number of billboards in the city including Route 1 and Route 113. He recalled that during that case, they photographed those billboards and found many similar to those that exist on the Silicato parcel. In addition, most were put up at a time when billboards were prohibited in the city.

Mr. Grier said he did not disagree with the Silicato billboards because there were not adjacent residents who could sit in their homes or on their porches and have to look directly at the billboards. Mr. Griffin argued that the history of the city has not been consistent with regard to parcel 405. He said that is in addition to the amount of money the city spent to take his client to court to try to find him guilty of putting up a billboard. He said that Mr. Grier is referring to regulations discussed in an annexation meeting in July 2003. However, in July of 2007, the city granted his client a permit to install a billboard on parcel 405. He asked if they were prohibited in 2003, why did his client receive a permit in 2007 for a billboard.

Mr. Griffin said if there was a regulation that applied evenly to everyone in the city and in the case of the owners of C-3 lands where billboards are prohibited or limited, his client could live with that. However, he is not willing to live with a special regulation that allows everyone else in a C-3 zone to have a billboard with the exception of Key Properties.

He said that would be specific legislation telling someone they could not use their land for a purpose for which it is zoned and permitted.

City Manager Carmean then asked if Mr. Griffin is claiming the two small signs are billboards or some other type sign; Mr. Griffin said when the city took criminal action against Key Properties in 2009, the city said they were billboards. Mr. Carmean recalled that when the permit was pulled, it was considered advertising for Hearthstone Manor but did not appear to be billboards. Mr. Griffin said no one knows because the code did not define billboards at the time.

Mr. Carmean asked if Mr. Griffin is also contending that his property is not part of Matlinds Estates; Mr. Griffin said he does not know and is only stating it was annexed in the same resolution. Mr. Carmean recalled that every property owner had a vote during the annexation process and at that time, they requested a PUD to allow that property to have a commercial zoning. The balance of the properties are R-1. He said what occurred later is Route 30 was extended which separated this parcel from the subdivision.

Mr. Griffin said at the time, he was not representing his client. However, Mr. Rutt said that when he reviewed the subdivision plan, parcel 405 did not appear to be within the boundaries of the plotted subdivision though it was part of the same annexation resolution.

He continued by stating that his client needs to be treated as any other owner in a C-3 property. Under the orderly process that has been established, it went to public hearing before the planning commission and of the seven members, there was a unanimous vote to favorably recommend to council. Mr. McCallister informed Mr. Griffin that he had been told that DelDOT had no problem with the application. However, they did not receive the e-mail Mr. Rutt referred to; his understanding is that DelDOT is allowing council to consider this though it will still need state approval and the most southern billboard will need to be moved to the north.

Mr. Carmean asked what part Mr. Griffin feels the conditional use plays in this matter and whether the conditional use parameters should be considered on whether or not this creates a problem for adjoining properties and weighs it against Mr. Silicato's billboards. He asked if the Silicato billboards back up to a residential or commercial area. He feels the intent of the conditional use is to consider those issues.

Mr. Griffin said for the most part, many of those considerations are subjective. One person driving down the road who lives in Milford may say it does not devalue any property and another may feel the opposite. He said it is very subjective as to whether property values would be impacted. He said someone feels the sign would be illuminated at night, that could have an effect on a property.

Though he is not the technical person, Mr. Griffin said that Mr. McCallister can speak to lighting and casting of shadows or beams on another person's property. He agrees that at night, no one will see the sign though they may see a glow though he doubts that with today's technology, illumination would interfere with someone who was not driving down the road. To motorists, the lights cannot cause interference. He does not believe these are electronic message boards which could interfere with the safety of driving and is not the case.

The reason he came was to provide some history and explain the 2003 statement and the annexation committee minutes.

Mr. Griffin stated that he is sure that based on what the public has to say, if permitted, he would like to come back with some follow-up comment.

Ms. Wilson explained that she is trying to put everything in perspective noting she was a member of the annexation committee at the time Mr. Griffin referenced. She knows they discussed allowing no billboards and is aware that is in the minutes. However, she also knows that since then billboards are now only permitted with a conditional use. Therefore,

each application requires a conditional use review which means it must be looked at individually. One application cannot be compared to another application because the conditions are different in each area. She is looking at this and its impact on surrounding individuals and homes. She emphasized that in this case, there is a neighborhood that would be impacted versus commercial properties in other situations. Sometimes it is difficult to compare though she hopes council understands the purpose of a conditional use.

Mr. Pikus referenced the action previously that taken that no billboards would be permitted on this site. He asked Mr. Rutt if that still holds true today; Mr. Rutt said in his opinion it does. He also explained that this property was brought to the city by Mr. Fannin and as part of the documentation filed, this specific parcel was identified as being part of Matlinds Estates and was part of the annexation request. On the city tax maps, it is shown as being part of Matlinds Estates.

The solicitor again referenced the billboards stating that what Mr. Griffin alluded to is a criminal matter. Today, this is a civil matter which is a totally different burden of proof and a different type of action.

Mr. Rutt continued by saying that in looking back on these notes, on April 21, 2003, on pages five and six, billboards are discussed. On page twelve, Mr. O'Neill made a motion that no billboards were permitted on parcel 405 (item 7). On June 30, 2003, it was brought before city council and there was discussion regarding the annexation. It pointed out that 51% of the property owners had to vote favorably for the annexation. The property owners included all the people owning property within Matlinds Estates and this parcel. One page two of the June minutes, it again indicates the commercial uses would require a future site plan and 'no billboards are permitted at the site'. One page six, council agreed to annex Matlinds Estates with the conditions requested and would go to a vote with those conditions. Mr. Ellison then made a motion to proceed with the annexation which would be decided by a favorable vote of annexation by the residents. The motion passed unanimously.

Mr. Rutt does not have the information provided to the residents as part of the vote. However, he feels it can be surmised that those conditions were part of the vote since that was part of the discussion.

A special election followed and on September 8, 2003, it was recorded that 44 Matlinds Estates residents participated in the special election where 39 voted in favor and 5 against. As a result, Matlinds Estates was annexed into the city.

He reiterated he does not have the actual notice though all the minutes leading up to this point indicate a special election was to be held based on the conditions set forth. It would be his opinion there is a valid ordinance which Mr. Griffin is referring to which is different from amending the zoning code. However, as a condition of the annexation, there were conditions discussed and agreed upon during which time Mr. Fannin was present.

Mr. Pikus asked if when the city changed its sign regulations and adopted the state regulations, does that change this; Mr. Rutt answered no, it only states that if a property is zoned C-3 and there is a request for billboards, they had to comply with DelDOT regulations. But it did not say at the time of amendment, that any prior restrictions on annexations are hereby voided.

Mr. Gleysteen asked Mayor Rogers to question Planning Commission Chairman Chuck Rini; Mayor Rogers granted permission.

Mr. Gleysteen then stated that council weighs heavily on the planning commission's recommendation and it was noted earlier that the commissioners voted unanimously in favor of recommending this to council. He asked if the planning commission was aware of the information from the 2003 minutes and whether that was part of their deliberations. Chairman Rini confirmed that information was not available at the planning commission meeting. He explained the commissioners review the application by looking at the merits of the established guidelines. He said the applicant goes through a process which includes receiving approval or comments from all related state agencies and a utility review, engineer review, etc. They must then provide letters of no objection in order to proceed.

Mr. Rini also said that Mr. Norris stated the city council kept it as a conditional use but changed the definition that the planning commission worked on for eight months which coincided with the DelDOT regulations. He stated that it came

down to whether this applicant met the requirements legally established in our code that states it meets DeIDOT's position. To them, DeIDOT provided a letter of no objection which meant it met all DeIDOT regulations on billboards.

Mayor Rogers then opened the floor for public comment. He asked for anyone to speak who is in favor of the application.

No one responded.

He then asked for any persons who are opposed to the application to address council.

Michael Spillane of 20 Clearview Drive then stated that he was involved with this issue from the beginning. In 2007, he went out and talked to residents to encourage them to vote. The residents in Matlinds Estates said they would help him win if he helped them with parcel 405. He was not familiar with it, but told them he would after he won. He said that everyone in Matlinds Estates signed a petition saying that no billboards were allowed on parcel 405.

Mr. Spillane then followed up with the state, county and city. He looked up the deeds and related documents. He found that parcel 405 was part of the development before Route 30 split the property. He agrees with City Solicitor Rutt on what occurred in 2003. Mr. Spillane then read the city code which states that when land is annexed and a condition is added such as no billboards are permitted, it runs with the land. He said even if the code is changed, that condition remains with the land. The same applies if it were sold.

Though Mr. Spillane attempted to resolve this at the time Dan Marabello was mayor, he did not get anywhere. He continued to show council the documents and kept adding to his files. He indicated that council finally agreed to go to court. He said if Mr. Rutt was involved at that time, he does not believe the city would be in this position today.

He agrees we need to address the four signs that currently exist there. He said that Country Life Homes/Key Properties paid for four signs. The state confirmed there are four signs though the city only issued a permit for one sign. He has the supporting documents if anyone wishes to review it.

He said the other three signs need to come down emphasizing they are billboards. He agrees we had to go to court to determine what a sign is versus a billboard. According to Mr. Spillane, in 2003, there were signs on the code sheet which included free standing signs.

Mr. Spillane said the land was annexed at which time billboards were prohibited. Therefore, the billboards being requested should not be approved and the existing signs need to be removed.

He reiterated he has all the documents which prove they are not permitted.

Mr. Spillane then addressed the planning commission. He said he looked it up on the internet and there are no related documents including the court case. As a result, he came to the city last Thursday to talk about it and provided the documents that are in the packet.

He referenced the planning commission and stated that no one is doing their job because people need to go back and read what has been done. Mr. Spillane said someone cannot come on board and say we are going to start here and go on without knowing the problems in the past. He asked if anyone knew we had to go to court and he heard we spent over \$30,000 though some people say \$15,000.

Mr. Spillane said we need to make sure when we give something to planning board everything is included. He feels there should be a lot more paperwork in the packet that what they are seeing. He has more documents in his car and at his house.

He said the city needs to apologize to Matlinds Estates and asked that council not approve the billboards and remove the signs that currently exist. Mr. Spillane reiterated that the \$15 permit should never have been issued for the one sign by the city. He said Country Life Homes went to the state and applied for four signs that were never approved by the city.

Frank Bason of 400 Matthew Circle, Matlinds Estates stated he was elected to the Homeowners' Association since its inception. He said that prior to voting on annexation, they were promised by Councilman James O'Neill and City Planner Karen Brittingham that no billboards would be allowed on parcel 405. He said that is one of the reasons they voted in favor of the annexation.

Mr. Bason said it is not just a quality of life issue; it also devalues their properties. They are deeply concerned and hope that every council member will ask themselves if they want this in their backyard and would they want to go home and look at this tonight. He emphasized the height exceed the city code requirement of 28 feet as will. Instead, this sign will be 45 to 48 feet by 60 feet. He said that is not what they are used to seeing at the Silicato property.

He asked council to consider this and deny this application.

Gary Long of 201 Matthew Circle, Matlinds Estates, then stated that he attended the planning commission meeting. It appeared to him from the statements made by the planning commissioners when they voted to recommend approval of the conditional use that they did not understand their role in the process. At least one member voiced reluctance. Several indicated they voted yes because the applicant met DeIDOT requirements and/or the city had not established standards even though the commission had submitted standards to council who refused to adopt them. However, the erection of billboards in a C-3 district is not permitted by right and the application can be denied or conditions set.

He said the city's zoning ordinance states that a conditional use is a use which is not appropriate in a particular zoning district as a matter of right but may be suitable in certain locations within the district only when specific conditions or requirements prescribed for such cases within this chapter are met. Conditional uses are allowed or denied by city council after recommendation by the planning commission.

Mr. Long said that perhaps the commission was swayed by the applicant's statement, as was stated again tonight, that in his professional opinion, the highest and best use for this parcel at the present time in this economy is still to install these two billboards. He would not expect him to recommend anything else since his company derives their income from renting sign space. He expects that if someone were to ask representatives of Wawa or Royal Farms for their perspective, they would say the best use is for convenience stores with fuel pumps.

From Mr. Long's perspective, the best use would be woodlands. Trees that absorb the carbon dioxide emitted from passing vehicles and shield Matlinds Estates from noise and light pollution. At the present time, there is one large billboard adjacent to Matlinds Estates which illuminates an area approximately 500 feet around it. If this application is approved, it would allow three large billboards within three-tenths of a mile.

He requests council take one of the following actions in order of preference:

- 1) Deny this application on grounds it is not appropriate for this parcel due to the close proximity of the established residential neighborhoods.
- 2) Return this application to the planning commission for reconsideration with direction to apply conditions acceptable to the residents of nearby neighborhoods or take suggestions from the audience tonight and approve the application with conditions agreed upon by the people assembled.

Mr. Long further stated that his understanding of the statements made at the planning commission are correct, they spent eight months studying this and came up with what they felt were rules for regulation of billboards but city council decided not to adopt their regulations and instead went with state requirements.

He said he asked the planning commission if they were familiar with the state requirements on billboards and they were unable to answer the question. He asked if council understands what they adopted when they said to install billboards and the state (DeIDOT) regulations that had to be followed.

Mr. Long said you know what they say. They say nothing.

He advised that land use regulations are a purview of city council and not DeIDOT. He believes Sussex County just won a lawsuit against the state because DNREC tried to usurp their land use regulations.

Mr. Long referenced Title 17, Chapter 11, Regulation of Outdoor Advertising which defines outdoor advertising to include, among other things, billboards. Application, issuance of permit section states that no permit shall be issued for the erection or construction of any sign which would be in violation of local law or ordinance at the time application is filed. He explained that if council rejects this application, they are unable to get a permit from DeIDOT. He said the role of land use planning has been turned over to DeIDOT though they say they cannot apply any of that because it's in the purview of the city.

He said they have a section on location and condition of advertising regulated which includes the billboard that sets the requirements and restrictions. A sign cannot be erected in the right-of-way or within 25 feet of any public playground, school or church if visible from any portion of same.

Mr. Long said the next one was discussed and involves inside curbs or at railroad crossings or highway intersections as such would obstruct or interfere with the view of a train, locomotive, streetcar or other vehicle. It states it would have to come down if it became obsolete or not secured or in bad repair.

According to Mr. Long, there are no regulations on size, height, color or what the sign may say. He stated that is a purview of land regulation and purview of city council.

Mr. Long also found that the city has good regulations on signs in districts other than C-3 and specifically background colors and lighting not shining on other areas. He said there is an existing sign at the end of the neighborhood that used to have a dark blue background and yellow lettering. They reversed that and upgraded the sign which has now become a large reflecting pool with lighting projecting into the air at least 500 feet away from the sign.

He said if there are no regulations on the size, reflectivity or illumination into a residential neighborhood, and instead depends on DeIDOT to regulate it, we are in a world of hurts.

He invited anyone to view this any night. Mr. Long spoke with people who live three houses away who had to purchase heavy duty curtains to keep the lights out of their bedrooms. As a result, these billboards are not needed.

Mr. Johnson asked that in order to allow every person to speak, would it be possible to limit each person to three to four minutes per person.

Mr. Rutt stated yes and he recommends that council ask anyone who wishes to speak, not repeat things that have already been stated. If they have something new to add, then they should speak.

David Markowitz of 8 East Thrush Drive, Meadows at Shawnee, stated that at past meetings, council approved conditional uses based on the planning commission's approval. He said council always relied on their decision before making a decision.

Mr. Markowitz attended the planning commission meeting, among others where everyone heard the same thing. He said that the planning commission voted to approve the request, not because of the merits of the request, but because in the minds of the members of the board, they had no choice. They were very specific when polled on their vote as to why they had no choice. They pointed at council because council made the decision that C-3's could have billboards. He said the commissioners implied that they had no choice which was backed by some of their comments when the vote was taken.

Mr. Markowitz indicated there was not much discussion about the size and height. Nor was there any discussion about Section 230-48, Criteria for Evaluation in Conditional Uses. There was no discussion about the presence of adjoining similar uses and whether that should be looked at. He said an adjoining district in which the use is permitted could be argued because the use is not permitted in the adjoining district. There is a need for the use in the area proposed as established by the comprehensive plan. He does not think anyone would argue there is a need for the billboards in this

section. There is sufficient area to screen the conditional use from the adjacent different uses. He does not think anyone will argue that is going to happen because there is not a sufficient area to screen the conditional use from the adjacent different uses.

He said that most important, the use will not detract from permitted uses in the district. Mr. Markowitz said he does not think anyone would argue that placing billboards there is not going to detract from the permitted uses in the district since houses are the permitted use.

It seems to him those points should have been the focus of the planning commission's discussion though it never came up. Their opinion was they had no choice because council made them do it.

He is not making light of the commission's activity though they truly believed that as is proven in their minutes of that meeting.

He feels that anyone who does not think billboards will not affect the property values of the closest homes should look on line at Scenic American Newsletter, Beyond Aesthetics: How Billboards Affect Economic Prosperity. It was written by Jonathan Snyder an urban planner from Philadelphia with a master's in city planning from the University of Pennsylvania. He had the cover page and end page which provides a summary... 'across these multiple measures, billboards were found to have negative financial and economic impacts'. In Philadelphia, there is a statistically significant correlation between real estate values as measured by sale price and proximity to billboards.

Mr. Markowitz said this is the only study he found that states billboards have a negative effect on property values.

Mr. Markowitz also does not understand how the planning commission came to the conclusion they could also approve a size in excess of the state regulations.

He reiterated that it made no sense when each member voted and stated they were doing so because they had no choice. He said there was no correction stated from the planning commission chairman or anyone else. He hopes that given all this information, he hopes council will vote no.

City Solicitor Rutt asked Mr. Long and Mr. Markowitz to provide copies of the articles they referenced in their statements so that they are part of the record for this meeting.

Mayor Rogers asked if anyone else from the public wished to speak; no one responded. The public hearing was then closed.

Mr. Grier then stated that it is his personal opinion, a conditional use is based on individual situations which council must review on a case by case basis. After considering the discussions during the annexation period as well as the criteria required to allow a conditional use, in his opinion and in this situation, this would have an adverse effect on Matlinds Estates. He then moved that the conditional use to allow billboards be denied which was seconded by Mr. Brooks.

Mr. Rutt then stated there was a reference by Mr. Long regarding the lack of regulations. He agreed that was addressed at the planning commission hearing. He had been in contact with DeIDOT who kept referring him to the statue. DeIDOT even asked him to submit a FOIA request to get copies of regulations though he was finally able to obtain them. He explained the regulations are broken down into various types of signs. He is unsure exactly what type sign this will be though he believes it was an outdoor advertising sign. The state regulations, which the conditional use is based on for outdoor advertising signs, has specific language and requirements. First, is the size which states "the maximum size for any outdoor advertising signs shall be 1,200 square feet with a maximum height of 25 feet and maximum length of 60 feet".

He asked council take that into consideration when reviewing the application noting that in this case, both signs are higher.

Mr. Rutt added that the statute also has requirements for lighting and spacing which he does not believe were addressed. He emphasized that the state regulations contain specific criteria.

The solicitor then stated the other issue is the city ordinance has criteria for evaluation of a proposed conditional use. When council votes, they need to take the criteria into account. He asked that council articulate their reason for voting yes or no on the motion. In addition, council should consider if there was any evidence of record concerning this and how that evidence applies to the criteria---the presence of adjoining similar uses and the adjoining district in which the use is permitted, whether there is a need for the use in the area proposed as is established by the comprehensive plan, sufficient area to screen the conditional use from adjacent different uses, whether the use will detract from permitted uses in the district and if sufficient safeguards, such as traffic control, parking, screening and setbacks can be implemented to remove potential adverse influences on adjoining uses.

Mr. Rutt directed council to state their reasons at the time they vote and talk about whatever evidence has been presented and how it applies to the criteria for conditional uses.

Motion then carried by the following 8-0 unanimous roll call vote:

Mr. Johnson stated he is voting yes and that he has voted against every billboard that has ever come before this council. He voted against the billboard issue when council agreed to allow billboards in a C-3 district. He appreciates Mr. Carmean more every day because when he was city manager the first time, billboards were prohibited and council did not have to answer questions about what prohibited meant. He is taking into consideration our neighbors noting that Milford is a community and we need to look out for each other. As far as this is concerned, he does not see how having billboards will benefit our community and neighborhood and he does not feel it is appropriate for this location.

Mr. Grier said he is also voting yes. When considering the criteria for evaluation that Mr. Rutt alluded to, the presence of adjoining similar uses is not there and adjoining district in which the use is permitted which he states--not necessarily. Is there a need for the use in the area proposed as established by the comprehensive plan; his opinion is no. Is there sufficient area to screen the conditional use from adjacent different uses--he said absolutely when considering where they live adding he can see it from his driveway. The use will not detract from permitted uses in the district and sufficient safeguards such as traffic control, parking, screening and setbacks cannot be implemented. He feels there is enough to argue against allowing this when considering all the criteria. Therefore, he votes yes.

Mr. Pikus stated that several comments were made, some to the negative of the city planning commission. He feels we have an excellent planning commission with capable members who volunteer their time to the city. He feels they should have had more information which was not rendered to them. It is obvious they did not have all the information that council received in its packet. He noted that Mr. Long made a good statement and Mr. Markowitz had some good thoughts about letting the planning commission review it again in order to see everything. He reiterated that we have a very qualified and excellent planning commission and wants it known that council is very proud of them. He is voting to accept the denial although his first preference would be to turn it back to the planning commission as was recommended. He would rather see it go back to them to allow them to cover their bases regarding the discussions that took place during the annexation years ago which obviously still stands and is not superseded by any state regulations. Therefore, he has no choice but to deny the application and votes yes.

Mr. Gleysteen votes yes. He said in light of the 2003 annexation discussions, for him this does not get to the point of the conditional use. It seems to him it is an inappropriate request for a provision that was previously denied and agreed to. Even if it did, in light of the overall public sentiment against this, he votes yes.

Mr. Brooks votes yes and noted the annexation motions back in 2003. He said he also considered the size of the billboard, the adjoining uses, the needs for the use and similar uses in adjoining areas and sufficient safeguards. He has voted against billboards since day one as well and was very pleased when the Board of Adjustment had control over billboards. It was presented to him that once it did not fall under the Board of Adjustment's jurisdiction, billboards needed to be added to our code in order to control them. He found out two months later, we were not going to control it though he feels we need complete control over them. Therefore, he votes yes. He said he keeps asking where Lady Bird Johnson is today.

Mr. Morrow votes yes. He does not see how this meets any of the criteria needed for a conditional use as stated by previous members. He also feels what is more important is when we annexed this land, no billboards were allowed. He feels it should not have come before council at all. Therefore, he votes yes.

Mr. Starling votes yes noting that he went out to look at the situation. They had markers in place and from the looks at it, the people that live in the neighborhood behind this location do not want it and he agrees with them. They would look out their front windows at billboards every day and therefore, votes yes.

Ms. Wilson votes yes based on it not meeting the criteria in place to allow conditional uses. She is also basing her vote on the annexation committee meeting in 2003. She said the intent at the time was never to allow billboards and there was a great deal of discussion at it then. She feels based on the outcry of the public and individuals who live in that neighborhood, it would be very intrusive for them and votes yes.

Mayor Rogers said he was also concerned about the minutes from 2003 which state that no billboards are permitted. He hopes this will put the issue to rest and assured those present, they are willing to listen to their comments and concerns.

*Davis, Bowen and Friedel, Incorporated on behalf of the City of Milford requesting the Minor Subdivision  
Northeast side of Milford-Harrington Highway, 400 feet northwest of Williamsville Road  
Tax Parcel MD-16-173.00-01-06.01*

City Planner Gary Norris advised this is a simple two-lot subdivision off Route 14 for the proposed Solar Farm. Milford's Planning Commission recommended approval by a vote of 6-0.

When asked for public comments, no one responded. The public hearing was closed.

Mr. Pikus moved for approval of the minor subdivision on property currently owned by the City of Milford, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

With no further business, the public hearing session was adjourned by Mayor Rogers at 8:24 p.m.

Respectfully submitted,



Terri K. Hudson, CMC  
City Clerk

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*February 27, 2012*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, February 27, 2012.

PRESIDING:           Honorable Mayor Joseph Ronnie Rogers

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

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

City Solicitor David Rutt

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 8:24 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests were in attendance.

COMMUNICATIONS

All communications included in packet.

UNFINISHED BUSINESS

*Planning Commission Vacancies and Appointments*

Mayor Rogers advised that he was informed today that Jason James is interested in returning to the planning commission. Ms. Wilson then moved to appoint Jason James as a Planning Commissioner, seconded by Mr. Starling. Motion carried.

Mayor Rogers advised that he will make the second appointment at the March meeting which will bring the commission to its full complement of nine members.

*Adoption of Ordinance 2012-02/Establishment of a Workforce Development Commission*

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD BY ADDING A NEW CHAPTER ENTITLED  
WORKFORCE DEVELOPMENT COMMISSION.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

## Section 1.

Amend the City of Milford Code by adding a new Chapter entitled Workforce Development Commission to read as follows:

-1. Establishment.

There is hereby established a commission to be known as the "City of Milford Commission of Workforce Development," hereinafter referred to as the "Commission."

-2. Membership; Appointment; Terms of Office.

The Commission shall be comprised of nine members, one of said members to be the Mayor or designee, one of said members to be the Milford School District Superintendent or designee and seven of said members to be appointed, all to serve without pay. Recommendations will be forwarded to the Mayor for appointments, subject to confirmation by City Council. All members shall be residents of the Milford School District or employed therein. Following the time of their initial appointment, Commissioners shall be appointed or reappointed at the next Annual Organizational Meeting. Thereafter, terms will be for one year beginning on the date of each subsequent Organization Meeting.

-3. Removal.

Members of the Commission may be removed by the majority vote of City Council for substantial neglect of duty, misconduct or a violation of the Code of the City of Milford.

-4. Chairman; Officers; Vacancies.

The Commission shall elect a Chairman, Vice-Chairman or any other officers deemed necessary. Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

-5. Meetings and Records.

The Commission shall hold meetings at a fixed and regular time in the Council Chambers at Milford City Hall. Meeting shall be open to the public per 29 Del. Code, Chapter 100 (Freedom of Information Act "FOIA") and 29 Del. Code, Chapter 5 (State Archives). Proper notification must be given and minutes generated. All records of the Commission shall be kept at City Hall in accordance with state law.

-6. Sub and Adhoc Committees; Members.

Creation and establishment of any advisory group, board or panel must be approved by City Council. Non-Commission members will be appointed as required in \_\_-2. Said groups are subject to the procedural requirements of FOIA.

-7. Rules of Procedure.

Roberts Rules of Order shall apply to the conduct of the Commission meetings.

-8. Powers and Duties.

It shall be the duty of the Commission to:

- A. Create an environment that would give the student an opportunity to develop marketable job skills and a work history to successfully compete in the job market upon graduation from Milford High School.
- B. Participate in the growth of an educational fund to be made available to the student upon graduation.
- C. Help the student learn what is expected of an employee in a business environment.
- D. Give the student an opportunity to acquire a sense of pride in earning an income.
- E. Collaborate with the school district to monitor and evaluate the effectiveness of the program.
- F. Monitor the financial aspects of the program, including but not limited to, donations and disbursements.
- G. Partner with local business and industry to develop a viable network of employment opportunities for the student participants.

-9. Consultation with Outside Sources.

In carrying out its duties, the Commission shall collaborate with various groups interested in the problem of concern to the Commission, including but not limited to federal, state and county governments, public and private organizations and civic groups working in the field of workforce development and jobs programs.

-10. Recommendations and Reports.

The Commission shall present its recommendations to the City Council as deemed necessary. At the first official meeting following the annual organizational meeting of the Council, the Commission shall present a detailed report of its work from the preceding year.

-11. Contracts.

The Commission is not authorized to enter into any contract or agreement with any public or private organization but shall recommend such course of action to the Mayor and City Council in order to carry out its assigned tasks.

-12. Functions Limited. The Commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies.

Section 2. Dates.

Introduction: 02/13/12

Adoption: 02/27/12

Effective: 03/08/12

Motion carried (see \* for later amendment to above ordinance.)

NEW BUSINESS

*Appointment of Workforce Development Commissioners*

Mayor Rogers submitted the following names for appointment to the Workforce Development Commission:

Ronnie Rogers	Mayor/ City Council
Sharon Kanter	Superintendent of Milford Schools
William Pilecki	Workforce Development Committee
Dave Markowitz	Workforce Development Committee
Fred Rohm	Milford Chamber of Commerce/ Business Owners
Irv Ambrose	Downtown Milford Inc./Business Owners
Dottie Vuono	Milford Ministerial Association/ Churches
Grant Curtis	Milford Lions Club/ Service Organizations
Michael Ashton	Bayhealth/ Major Employer

Ms. Wilson asked if there were any minority members; William Pilecki advised that half the group are members of the existing Economic Development Advisory Panel. In addition, he has reached out to the churches and service organizations to solicit their involvement.

Ms. Wilson feels that because this commission will be working with high school students, it is important to have a balance or more diverse group. She recommends some minority representation be considered.

Mr. Pilecki noted that the group will be changing as it is reappointed annually. He asked that Ms. Wilson provide him with a name between now and July at which time the members will be reviewed.

Mr. Starling agrees with Ms. Wilson explaining the importance of providing this information to the black churches in our

area.

Mr. Pilecki advised that he met with Rev./Doctor Jeanel Starling to discuss a new member on this commission. Mr. Pilecki said he also addressed Milford Ministerial and asked for their recommendation. He advised that Reverend/Deacon Dottie Vuono's name was submitted to him. He reiterated that new members can be added annually. Right now, this is a timely matter and to prolong the issue may not allow enough time to have the students hired for the summer.

Mr. Starling asked Mr. Pilecki to request that Reverend/Deacon Vuono provide information to all churches in the organization so that everyone is informed. Mr. Pilecki said his impression was the Milford Ministerial represented all Milford churches. Ms. Wilson explained that unfortunately, a lot of the children that need employment are not affiliated with the churches. As a result, it is critical this group reaches out to all races. To accomplish that, she feels a minority member should be added.

She asked if it was possible to add another member. City Solicitor Rutt then referenced the ordinance that was just adopted and specifically states the commission will have nine members.

Mr. Pilecki explained that the former city manager designated the membership which includes four members of EDAP's Workforce Development Group.

He advised the commission will make recommendations to the city as to which children should be brought into the program. Mr. Pilecki emphasized that those recommendations can be challenged by city council as they will make the ultimate decision.

Ms. Wilson stressed the need to have a fair representation of our entire community.

Mr. Pilecki agreed noting the guidance department at the high school is very involved in the program and should be familiar with all students.

Council then agreed that two more members should be added to the commission. The ordinance currently states the commission is comprised of nine members which includes the mayor/designee, school superintendent/designee and seven members to be appointed. Because the members must be confirmed by city council, the seven members must be voted on.

Mr. Rutt advised the ordinance has been approved though a motion can be made to reconsider the ordinance and amend the number of members in paragraph 2.

Mr. Pikus then moved to reconsider \*Ordinance 2012-02/Establishment of a Workforce Development Commission and amend paragraph 2 and specifically the number of members as follows:

-2. Membership; Appointment; Terms of Office.

The Commission shall be comprised of ~~nine~~ *eleven* members, one of said members to be the Mayor or designee, one of said members to be the Milford School District Superintendent or designee and ~~seven~~ *nine* of said members to be appointed, all to serve without pay. Recommendations will be forwarded to the Mayor for appointments, subject to confirmation by City Council. All members shall be residents of the Milford School District or employed therein. Following the time of their initial appointment, Commissioners shall be appointed or reappointed at the next Annual Organizational Meeting. Thereafter, terms will be for one year beginning on the date of each subsequent Organization Meeting.

Motion seconded by Mr. Johnson. Motion carried.

Mr. Brooks then moved to appoint Ms. Wilson as a member of the Workforce Development Commission (to represent City Council), seconded by Mr. Morrow. Motion carried.

*FY2011-12 Budget Amendment/Parks and Recreation/Goat Island Nature Trail*

Parks and Recreation Gary Emory stated he is requesting council consider using \$200,000 in the Green Acre Fund toward the Goat Island Nature Trail project Phase 22 of the Mispillion Greenway. If approved, the city will be eligible to apply for \$800,000 in additional funds through DelDOT's Transportation Enhancement Program. That program requires the city provide a 20% local match.

The project was ready to proceed with the design concept plan following its initial approval. The total cost is estimated to be \$1 million with the 80/20 match.

Finance Director Jeff Portmann had confirmed the Green Acres funds met the eligibility requirements for the request which relate to open space acquisition and development.

The budget concept plans and an article Mr. Emory submitted to the media are included in the packet.

He then referenced a drawing showing the 22<sup>nd</sup> phase. This will tie Silver Lake to Goat Island and complete the greenway over a 1.5 mile area. He estimates the project will take two years to complete.

Mr. Emory advised that they are presently asking for a Request for Expression of Interest for Designs from firms. The next step will be for his committee to select a design firm which will occur this spring. The design process will then take six months once the bidding process begins. The construction phase will take one year to complete.

Mr. Johnson asked that council consider refunding the Green Acres program at some point in the future.

Mr. Johnson then moved that the \$200,000 in the General Fund Green Acres Reserve Account be used for the Goat Island Trail Project, seconded by Mr. Starling. Motion carried with no one opposed.

*FY2011-12 Budget Amendment/Electric Department/Rate Design Analysis*

City Manager Carmean advised that the rate design analysis needed for the economic development rate and lowering of electric rates recently approved was not part of this year's budget. The study was performed by Consultant Jay Kumar.

Electric Superintendent Rick Carmean submitted the following request:

*It has come to my attention that the Electric Department's consultant fees (Economic & Technical Consultants) are exceeding what was budgeted for this fiscal year (\$20,000.00). These fees are for the Rate Design-Revenue Analysis that is ongoing.*

*We respectfully request an increase of \$40,000 to the Electric Department's Billing line item (Account 205-5050-432-60-16) to cover not only the last two months of fees (November 2011 & December 2011), but the remaining second half of the fiscal year. We were unaware that this study would be conducted and did not budget appropriately for it.*

*After talking with Jay Kumar, it was determined that it will take approximately \$10,000.00 to finish the Rate Study-Revenue Analysis, roughly \$15,000.00 to cover current outstanding bills (November 2011, December 2011, January 2012), \$10,000.00 to cover logistics and review of the Rate Study. This request includes an additional \$5,000.00 to cover any miscellaneous items.*

Mr. Pikus moved to approve \$40,000 be transferred from the Electric Reserves into Account 205-5050-432-60-16, seconded by Mr. Johnson. Motion carried by unanimous roll call vote.

*Resolution 2012-02/Borrowing Approved*

Mr. Carmean advised that this is the final resolution submitted by our Bond Counsel for the Washington Street Water Plant project.

Mr. Pikus moved for approval of the following resolution, seconded by Mr. Johnson:

*A RESOLUTION PRESCRIBING THE DETAILS, FORM OF AND PROVIDING FOR THE SALE BY THE CITY OF MILFORD OF ITS \$4,000,000 GENERAL OBLIGATION BOND TO FINANCE OR RE-FINANCE THE COSTS OF CERTAIN IMPROVEMENTS TO THE CITY'S DRINKING WATER SYSTEM*

*WHEREAS, the City of Milford, Delaware (the "City"), a municipal corporation of the State of Delaware, pursuant to 72 Del. Laws Ch. 148 (as amended, the "City Charter"), resolutions adopted by the City Council on October 10, 2011 and October 17, 2011 (the "Resolutions"), a Public Hearing held on October 17, 2011 (the "Public Hearing") and a favorable election conducted on November 19, 2011 (the "Special Election") (collectively, the City Charter, the Resolutions, the Public Hearing and the Special Election are referred to as the "Authorizing Acts") authorized the borrowing of up to \$4,000,000 to (i) finance or reimburse the City for the costs of certain improvements to the City's drinking water facilities including, but not limited to, demolition and reconstruction of the Washington Street Water Plant and office building, and (ii) pay the costs of issuance of the Bond (as defined herein) (collectively, the "Project");*

*WHEREAS, the Authorizing Acts provided that the City may issue its general obligation bonds in the aggregate principal amount of up to \$4,000,000 for the Project (the "Bond");*

*WHEREAS, the City has received a commitment for a loan of \$4,000,000 from Delaware Department of Health & Social Services, Division of Public Health ("Health and Social Services") to finance the Project; and*

*WHEREAS, pursuant to a Resolution adopted October 10, 2011, the City gave notice of its intention to borrow up to \$4,000,000 through the issuance of its general obligation bonds for the Project and established a Public Hearing to be held on October 17, 2011; and*

*WHEREAS, notice of such Public Hearing was properly advertised and posted as required by the City Charter; and*

*WHEREAS, having conducted the Public Hearing in accordance with the City Charter, the City adopted a Resolution determining to proceed with the proposed borrowing and established a Special Election for the purpose of voting for or against the proposed borrowing on November 19, 2011; and*

*WHEREAS, such Special Election was held on November 19, 2011 and results were in favor of the proposed borrowing for the Project; and*

*WHEREAS, notice of such Special Election was properly advertised and posted as required by the City Charter; and*

*WHEREAS, the City now wishes to establish the form of the bond, the time of payment with respect thereto, the interest rate thereon, the series thereof, the maturity thereof, the registration therefor, the call features thereon and all other relative and appurtenant matters pertaining thereto, and to authorize the issuance of the Bond as provided herein;*

*NOW THEREFORE:*

*THE MILFORD CITY COUNCIL RESOLVES AS FOLLOWS:*

*Section 1. The City of Milford, Delaware (the "City") shall issue its general obligation bond in a maximum aggregate principal amount not to exceed \$4,000,000 (the "Bond") for the purpose of financing or reimbursing the City for costs of the Project.*

*Section 2. The full faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Bond. The principal of, premium, if any, and interest on the Bond, if not paid from other sources, shall be paid by ad valorem taxes levied on all real property subject to taxation by the City without limitation as to rate or amount.*

*Section 3. The Bond shall be dated as of the date of closing on the sale of the Bond (the "Closing") and shall be designated, "City of Milford, Delaware \$4,000,000 General Obligation Bond (Improvements to Drinking Water System Project) Series 2012-SRF." Interest on the Bond shall be one percent (1%) per annum. During construction of the Project, interest on the principal amount drawn and outstanding will be due and payable in semi-annual payments commencing on September 15 2012. Upon Project completion, Health and Social Services will forgive 35% of the principal due and owing. The remaining principal outstanding and unpaid shall be amortized over a twenty (20) year period and shall be due in semi-annual installments. If the City has not (i) drawn from the loan proceeds at least 10% of the Project costs as set forth in the Financing Agreement between the City and Health and Social Services to be dated as of the date of Closing on the Loan (the "Financing Agreement"), or (ii) provided a notice to proceed, as required by the Financing Agreement, a penalty of 1% of the total principal amount of the Loan may be imposed at the discretion of Health and Social Services.*

*Section 4. The Bond shall be in fully registered form and the Bond shall contain a recital that it is issued pursuant to 72 Del Laws, Chapter 148, as amended. The Bond shall be signed by the Mayor by his manual signature or a facsimile thereof and countersigned by the manual signature of the City Clerk of the City. The official seal of the City shall be imprinted in facsimile or impressed on the Bond.*

*Section 5. The Bond shall be prepayable or redeemable in whole or in part at any time without penalty. In the event that the Bond is called for redemption prior to maturity, notice thereof shall be given by first class mail, postage prepaid to the registered owner thereof at the address shown on the registration books not more than (60) days nor less than (30) days prior to the date fixed for redemption. The Bond will cease to bear interest on the specified redemption date provided funds for its redemption are on deposit at the place of payment on the redemption date as shall be more fully set forth in the Bond.*

*Section 6. The money raised by the issuance of the Bond, after the payment of charges and expenses connected with the preparation, sale and issuance thereof, shall be expended only for the purposes authorized in the Authorizing Acts and herein.*

*Section 7. The power to negotiate any other forms of documents, execute any documents, and the power to take any further action and do all things necessary, with respect to the sale, issuance and delivery of the Bond is hereby delegated to the Mayor and the City Clerk of the City subject to the provisions of the Authorizing Acts and this Resolution.*

*Section 8. The power to execute any documents, and the power to take any further action and do all things necessary, with respect to the sale, issuance and delivery of the Bond is hereby delegated to the Mayor, City Manager and the City Clerk of the City subject to the provisions of the Authorizing Acts and this Resolution.*

Motion carried.

#### *DSWA Community Cleanup Program*

Mr. Carmean advised that Representative Harvey Kenton offered \$750 of his Community Cleanup Initiative Program be designated for Milford Spring Clean up Week. It will be credited toward the tonnage costs incurred by the city that week.

Mr. Starling moved to accept the funding for this purpose, seconded by Mr. Morrow. Motion carried.

#### *2012 Spring Clean Up Week*

Mr. Carmean advised we are continuing to work on the Yard Waste Ordinance. Once a recommendation is agreed upon, he will provide the information to city council.

The city manager also advised that Blessing Compost plans a free give away on a future Saturday at which time they will bring a tractor load of products (compost, potting soil) to provide city customers. More information will follow.

Council members then agreed the city's Spring Clean Up Week will begin April 16, 2012. In the case of inclement weather, it will be moved to the following week.

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

Mr. Brooks moved to go into Executive Session reference legal advice and action, seconded by Mr. Morrow. Motion carried.

Mayor Rogers recessed the Council Meeting at 8:54 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

*Return to Open Session*

City Council returned to Open Session at 9:21 p.m.

*Executive Session Matter*

No action needed.

ADJOURN

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

The Council Meeting adjourned at 9:22 p.m.

Respectfully submitted,



Terri K. Hudson, CMC  
City Clerk/Recorder