

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 23, 2012

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, July 23, 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 7:03 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests were in attendance.

COMMUNICATIONS & CORRESPONDENCE

All communications included in packet.

UNFINISHED BUSINESS

Adoption of Ordinance 2012-12/Chapter 1-General Provisions/Standard Late Fee

The city manager recalled this ordinance being introduced at the last council meeting. This will allow a late fee to be assessed on payments not received on time. The finance director asked that a penalty of one percent per month be applied on all unpaid monies due the city. Any late fees related to utilities, taxes, etc. will remain specific to the amount noted in that individual code.

Mr. Grier moved to approve the following ordinance, seconded by Mr. Pikus:

WHEREAS, the City of Milford recognizes a need to amend various fees from time to time.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS AS FOLLOWS:

Section 1. Chapter 1, General Provisions, Article II-General Penalty, of the Code of the City of Milford is hereby amended by adding a new section, Standard Late Fee, to read as follows:

§1-12. - Standard Late Fee

Unless otherwise indicated in the Code of the City of Milford, all unpaid monies due the City of Milford are subject to a penalty of 1% per month for each month or fraction thereof during which said money remains unpaid.

Section 2. All other fees and late fees established in the Code of the City of Milford shall remain unchanged.

*Section 3. Dates.**Introduction: July 9, 2012**Adopted: July 23, 2012**Effective: August 2, 2012*

Mr. Gleysteen voted yes noting it is reasonable and any private business would be charging this rate or higher.

Motion carried by unanimous roll call vote.

Utility Bills

Mr. Carmean reported that our billing department is still waiving late fees on utility bills as our customers adjust to the amended billing cycles.

Mr. Starling advised that a number of customers have been treated unfairly because they are unable to pay back-to-back bills they received. They were told that once they received their notice and their bills remained unpaid, they would be disconnected.

The city manager asked Mr. Starling to tell these residents to contact him. He said he has been forwarded an exorbitant number of calls for this or similar situations even though the office manager has the discretion to make this type decision. He also noted that a number of customers will not ask for a payment arrangement and end up being disconnected as a result.

Mr. Brooks pointed out that bills in the past were always due on a set date (15th). Since the change, a bill may be due on the 9th one month and the 6th the next month; he asked if it is possible to make the due dates the same day each month. For example, due dates would be the 7th, 15th, 27th and 30th.

The city manager explained the problem on our end is that the four due dates are scheduled on Mondays (first Monday, second Monday, etc.) Tuesday is the reread date when staff is sent out to read a meter if something appears to be wrong or out of the ordinary. Thursdays are always disconnect days and the bills are sent out on Friday. We can go with fixed dates though it makes scheduling the work load difficult within the department.

Mr. Brooks explained it is difficult for our customers to budget when the due date is different each month. He feels it will be an easier adjustment if the due date fell on the same day each month.

Mr. Carmean said he believes it can be done once we begin outsourcing our bills. That will relieve our staff from running the bills through the machine, stuffing the envelopes and traveling to Dover to mail them.

Mr. Brooks noted the benefit of receiving an e-mail notification before he receives his paper bill. Mr. Carmean agreed stating that we are encouraging that practice and if customers wish, they can also be notified by e-mails or a phone call.

The city manager reported that we continue to work with our customers emphasizing that he has canceled several disconnect days. Last week no one was disconnected because of the heat.

He is confident it will work eventually though the first month or two will be rough as we were warned by other municipalities who transformed from monthly to weekly billing.

Re-Introduction of Ordinance 2011-28/Chapter 193-Solid Waste/Yard Debris

Mr. Carmean then (re)introduced the following ordinance. He advised that a conflict was reported with the yard waste ordinance previously presented for introduction. As a result, the entire solid waste ordinance was rewritten and additional amendments proposed. Both ordinances were then incorporated into one.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 193, THEREOF, ENTITLED SOLID WASTE, HEREBY AMENDS §193--1 DEFINITIONS AND ARTICLE I--COLLECTION AND DISPOSAL AND ARTICLE II--YARD WASTE.

Chapter 193-Solid Waste

Section 1. Chapter 193 is hereby amended by moving ‘Article I-Collection and Disposal’ below §193-1 as indicated.

~~Article I-Collection and Disposal~~

Section 2. §193-1, entitled Definitions, is hereby amended by deleting the terms as indicated and by adding a definition for Yard Waste.

§193-1. Definitions.

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

~~EXTRA HEAVY — Collected four times per week.~~

~~HEAVY-Collected three times per week.~~

~~LIGHT- Collected two times per week.~~

~~1. Editor's Note: The definition of "medium," which immediately followed this definition, was repealed 10-11-2004 by Ord. No. 2004-10.~~

YARD WASTE-- The part of solid waste consisting of leaves, grass clippings, twigs, small branches (less than 4 feet in length), shrubbery, prunings and other garden material.

Article I-Collection and Disposal

Section 3. §193-2 is hereby amended by standardizing descriptions and reducing twice a week collection for Commercial Carts to one collection.

§193-2. Rate schedule.

Rates shall be as follows:

Code Number	Description	Monthly Rate
Residential Rates		
01	Single-family, [includes multiunits (12 and below)] weekly collection <i>single-family & multi-unit buildings with 12 units or less</i> <i>1 x per week collection</i> <i>bi-weekly recycling</i>	\$23.50
Commercial Rates		
CART	95-Gallon, 2/week <i>95-gallon</i> <i>2 1 x per week collection</i>	\$32.00

05	3-yard, 2/week, light 3-yard 2 x per week collection	\$80.00
06	Customer-owned, 3-yard, 3/week, heavy customer-owned 3-yard 3 x per week collection	\$192.00
07	3-yard, 3/week, medium 3-yard 3 x per week collection	\$134.00
08	City-owned, 3-yard, 3/week, heavy city-owned 3-yard 3 x per week collection	\$198.00
09	4-yard, 3 x week, extra heavy	\$454.00

Section 4. §193-3 is hereby amended by removing word “therefor” in §193-3C.

§193-3. - Bills and payment.

A. The City shall provide for the collection of solid waste to every residential property owner. Disposal of solid waste for other than residential customers shall be either by the City of Milford or by private commercial haulers who meet all requirements under Chapter 193.

B. The rates as established shall be an assessment and shall be billed to the resident of the property on a monthly basis. All bills for service are due and payable each month for normal and additional services performed. Monthly charges, if not paid by the due date, shall accrue interest at the rate of 1 1/2% per month until paid.

C. Bills are rendered for any indicated period of service, either special or monthly, and will show the proper charge ~~therefor~~ as determined by the applicable rate schedule. Bills shall be considered as duly rendered when delivered at or mailed to the recorded address of the customer, as provided by him for that purpose. Non-receipt of a bill shall not constitute a waiver thereof. The city, on request, will issue a duplicate bill to the customer.

D. The annual charge imposed under ordinance shall be a lien against the property served and shall be and remain a lien for 10 years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance even though such other lien or liens may be of a date prior to the time of attaching of this lien. The City Manager shall have the same authorities, remedies and powers with respect to the collection of this charge as are provided for the collection of taxes.

E. Any customer, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill within five days to the City for investigation.

Section 5. §193-4 is hereby amended by striking language as indicated, repealing §193-4B, §193-4C, §193-4D, §193-4E and §193-4F, renumbering §193-4G to §193-4B and correcting minor grammatical errors.

§193-4. - Containers.

A. The City shall provide containers to any person occupying a residence. The resident must use these containers in lieu of personal containers. ~~All trash will be put in this container with only an occasional bag or two beside it.~~ Professional offices being served by the City shall also use City containers. ~~Multifamily~~ *Multi-family* dwellings will utilize city-approved dumpsters; refer to §193-5B Bulk Collection. If any container is lost or destroyed, another container shall be provided at cost to the customer.

~~B. Solid waste containers shall be watertight with a fitted cover and constructed of a solid and durable grade of metal or plastic material. Plastic bags may be used as solid waste containers, provided that they conform to the requirements of Subsection G of this section.~~

~~C. Underground containers are prohibited for use in the city.~~

~~D. All containers (except plastic bags) shall be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle and shall not exceed 30 gallons.~~

~~E. Containers shall not contain any inside structures, such as bands or reinforcing angles, or anything within the container to prevent the free discharge of the contents. Containers that have deteriorated or that have become damaged to the extent that the covers will not fit securely or that have ragged or sharp edges capable of causing injury shall be condemned by the city, and if such containers are not replaced after notice to the owner or user, such containers will be removed by the city.~~

~~F. Plastic bags shall be constructed of a material and in a manner sufficiently adequate in strength and weight to keep contents from rupturing the bag. All plastic bags shall be secured at the top to prevent spillage.~~

G. B. Any residential customer regularly placing trash in excess of the limits provided for in §193-4A, as determined solely by the City, shall be provided an additional container and billed the residential rate for each container provided by the City.

Section 6. §193-5 is hereby amended by striking language as indicated, repealing §193-5A(5) and §193-5A(6) and correcting minor grammatical errors.

§193-5. - Collection procedure.

A. General.

(1) All collection of solid waste materials from residences, apartment houses and other approved establishments shall be by City public works crews or contractors hired or contracted by the City Manager.

(2) It shall be unlawful for any person to place any solid waste container within any public utility easement or public way except on designated collection days at the curblin. All containers shall be placed just behind the curblin of the street abutting such property but shall not be placed where the containers will interfere with vehicular or pedestrian traffic.

(3) Where solid waste is collected from the front or side street, containers shall be placed there no earlier than 3:00 p.m. of the day preceding the day of collection and not later than 7:00 a.m. on the scheduled day of collection and shall be removed to a point at the side or rear of the structure not later than 7:00 p.m. of the day of collection.

(4) No solid waste, trash, brush or any other material shall be placed in the street or on the sidewalk ~~in such a manner as to obstruct or interfere with vehicular or pedestrian traffic~~. No solid waste of any description shall be disposed of within the limits of the City in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this article shall be a violation as prescribed in § 193-8.

~~(5) Where the quantity of brush set out for collection is excessive, the City Manager shall determine the amount of brush to be collected at any one time, the day of collection and any other matters pertaining to brush collection. Rubbish or trash consisting of small, loose items shall be placed in approved containers. Brush or tree trimmings for pickup shall be cut in lengths not to exceed four feet.~~

~~(6) Bulk disposal of boxes or cartons must be broken down and bundled. No bundle shall exceed 50 pounds in weight.~~

B. Bulk collection. Owners of ~~multifamily~~ multi-family units desiring to utilize containers for bulk storage may do so, provided that the container and the placement of the container is approved by the City Manager or his designated representative. In no case shall the container be in excess of three cubic yards' capacity.

C. Items the City will not collect.

- (1) The scope of the service rendered by the City in the collection and removal of solid waste materials is intended to serve the needs of dwelling units, professional offices and their directly related activities. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste.
- (2) Rock, scrap building materials, appliances containing freon or other trash resulting from construction, remodeling or destruction by fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in preparation for construction or landscaping shall not be collected and removed by the City. ~~as a regular service~~. Such materials will be removed at the expense of the owner.
- (3) Tires will not be collected by the city. Items too bulky or heavy to be removed during the regular City collection may, at the discretion of the City Manager, be removed by the City after special arrangements have been made by the owner.
- (4) The placing of leaves in the streets of the City is prohibited.

D. Frequency and routes of collection. The City Manager shall divide the City into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.

(1) All special collections will be on Wednesdays:

- (a) Bulk or large items, including appliances and furniture ~~and excessive amounts of brush~~, will be collected on Wednesdays.
- (b) Customers are required to contact our Solid Waste Department to schedule a time for a Solid Waste employee to determine the cost of this service.
- (c) Upon agreement, the special collection fee will be placed on the customer's monthly utility statement.

(2) Additional special collections may be announced.

Section 7. §193-6 is hereby amended by repealing §193-6A and §193-6B to be EFFECTIVE JUNE 30, 2013.

~~§193-6. - Commercial hauling of solid waste:~~

~~A. All vehicles used in the collection of solid waste shall have enclosed bodies or shall have bodies covered with a tarpaulin or canvas cover. All vehicles used for the collection of solid waste containing garbage or other putrescible matter shall have watertight metal bodies or metal-lined bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding and shall be maintained in good repair. The name of the owner of the vehicle shall be displayed in a prominent and legible manner on both sides of all vehicles used in the collection and transportation of solid waste within the City of Milford. There will be no commercial vehicles allowed to collect on Sundays. Collection will be done Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m. only. Any special commercial pickups outside of these collection dates and times must be approved by the City Manager or his designee.~~

~~B. License and inspection of commercial vehicles. Each vehicle used by a commercial collector of solid waste shall be licensed annually by the City of Milford. Each company shall be responsible for a self inspection of its vehicles. The inspection is to include seals and hoses. Upon receipt of the list of vehicles to be registered, the City will issue stickers to be displayed in a prominent and legible manner on both sides of all vehicles used in the collection and transportation of solid waste within the City of Milford. The annual fee to receive a sticker is \$150 for the first two vehicles and \$10 for each additional vehicle. All commercial vehicles must be in compliance with these inspection requirements by July 1 of each year.~~

Section 8. §193-7 of Chapter 193 is hereby renumbered to §193-6.

~~§193-7.~~ 193-6. - Supplemental regulations.

Section 9. §193-8 of Chapter 193 is hereby renumbered to §193-7 and amended by removing and updating obsolete language.

~~§193-8.~~ 193-7. - Violations and penalties.

A. Any person or any officer of any firm or corporation violating any of the provisions of this article shall, upon conviction thereof before a ~~District Magistrate~~ *Justice of the Peace*, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs of prosecution.

B. Every violation of this article shall be deemed a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

Section 10. §193-8C is hereby deleted and repealed in its entirety to be EFFECTIVE JUNE 30, 2013.

~~C. For every vehicular offense after the first, and upon conviction thereof, in addition to any penalty, the collector's license shall be revoked for 30 days.~~

Article II-Yard Waste

Section 11. §193-9 of Chapter 193 is hereby renumbered to §193-8 and amended by deleting and adding thereto the following language:

~~§193-9.~~ 193-8. Unlawful Acts; Containment Required.

It shall be unlawful to deposit or place any leaves, grass trimmings, tree trimmings or other vegetative debris or matter into *any garbage container, recycling container, or* a City street or drainage gutter. Said materials shall be deposited in adequate containers ~~receptacles or confined in such a manner as to prevent said material from being blown or washed into adjoining yard areas or streets~~ *except as allowed in §193-9.*

Section 12. §193-10 of Chapter 193 is hereby renumbered to §193-9 and amended by deleting and adding thereto the following language:

~~§193-10.~~ 193-9. - Containers. Leaves, grass clippings, tree trimmings, shrubbery or other garden and yard waste or matter for collection by the City shall *only* be placed in *an approved yard waste container provided by the City of Milford. Containers will only be provided to those residents who request one.* ~~adequate containers so as to confine said materials, except as allowed in § 193-11. The container shall not exceed 30 gallons in capacity.~~

Section 13. §193.11 of Chapter 193 is hereby renumbered §193-10.

~~§193-11.~~ 193-10. Loose Leaf Curbside Collection.

Section 14. §193-10, entitled Loose Leaf Curbside Collection is hereby deleted and repealed.

~~§ 193-10. - Loose leaf curbside collection:~~

- ~~1. Loose leaves may also be raked and placed behind the curb for removal by the City's leaf vacuum at no additional cost.~~
- ~~2. Leaves must be free of stones, branches, brush and grass clippings or they will not be collected in this manner.~~
- ~~3. It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.~~

Section 15. §193-10 of Chapter 193 is hereby amended by adding a new §193-10, entitled Collection Procedures, to read as follows:

§193-10. – *Collection Procedures.*

- A. *The City will provide for the collection of leaves, branches and tree trimmings from April 1 through October 31 of each year, provided that such refuse is deposited into the yard waste containers as provided for in §193-9. Disposal of leaves, branches and tree trimmings that will not fit into the container shall be the responsibility of the property owner.*
- B. *The City will provide for loose leaf curbside collection from November 1 through January 31 in accordance with the following conditions.*
 1. *Loose leaves shall be raked and placed behind the curb for removal by the City's leaf vacuum,*
 2. *Leaves must be free of stones, branches, brush and grass clippings or they will not be collected.*
 3. *It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.*

Section 16. A new §193-11 is hereby added, entitled Collection Schedule, to read as follows:

§193-11. – *Collection Schedule.*

- A. *The City will collect yard waste as described in §193-11A once every other week.*
- B. *The loose leaf curbside collection as described in §193-11B will be collected once each week.*
- C. *The City Manager shall divide the City into districts and shall schedule the collection of yard waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*

Section 17. §193-12 of Chapter 193 will remain the same.

193-12. Violations and penalties.

Section 18. Dates.

Re-Introduction to Council: 07-23-12

Adoption by Council: 08-13-12

Ordinance will become effective ten days after adoption unless otherwise stated.

If adopted, Section 7 and Section 10 of this ordinance shall become effective June 30, 2013.

Adoption is scheduled for the regular meeting in August.

Recommendations/Amendments to Sign Ordinance

Mr. Grier asked that this item be postponed until the August meeting. He received a copy of the proposed changes recommended by the city planner when he arrived for the meeting.

Mr. Grier moved to postpone action until the August meeting, seconded by Mr. Pikus. Motion carried.

Property Tax Appeal-Jacob H. Roosa III/903 Roosa Road

The city manager recalled the appeal submitted by Jay Roosa who requested the value be reduced from \$35,000 to \$12,000 because it is being farmed. Because it does not have the agricultural exemption through Kent County, it did not qualify in the city.

Mr. Carmean stated that Mr. Roosa will need to apply to Kent County for the farmland assessment exemption.

City Solicitor Rutt referenced Delaware Code which states that any property designated for agricultural purposes for county taxes, must be accepted by the municipality. It was tabled during the appeal hearing to ascertain the county's status. It

has since been determined the parcel has not been designated agricultural for tax purposes by Kent County.

Mr. Carmean stated that Mr. Roosa does not want his value reduced and instead wants to be tax exempt. He suggested that the property be removed from the tax rolls.

Council recommended a three-month period be allowed for Mr. Roosa to obtain his farmland assessment exemption. In the meantime, the city manager suggests removing the parcel from the tax rolls. If approval is not obtained, it would then be reconsidered.

Mr. Pikus moved to remove the property from the tax rolls for a three-month period, seconded by Ms. Wilson. Motion carried.

NEW BUSINESS

Introduction of Economic Development Director/Stephen Masten

After several months of application reviews and interviews, Mr. Carmean was pleased to introduce Stephen Masten, Economic Development Director who began his employment today.

Mr. Masten said he is happy to be on board and working with the city. He worked with Sussex County for more than thirty years and a majority of that time was with economic development. He has already started a list of businesses that our residents want and will begin meeting with the local businesses. His goal is to attract businesses that will support our youth, our current population and just move things forward.

Mr. Masten's office is in the lower level of city hall. It was also noted he will be reporting to the city manager.

Mr. Pikus advised that Mr. Masten is a longtime resident of Milford and the second ward. His wife taught many children in the Milford School District.

Mr. Carmean said the committee recommended three applicants. All agreed that Mr. Masten was the best choice because he was a resident and familiar with the area and economic development. His contact list is expansive which will be a benefit to the city.

FY2012-2013 Budget Amendment/City Administration/Salaries & Wages/Economic Development Consultant FY2012-2013 Budget Amendment/New Line Item Added/Economic Development Expenses

The city manager submitted the following budget transfer for council consideration:

Request is to transfer \$81,000 from Council Expense Line Item 101-1110-411-68-34 to City Administration. Of that, \$66,865 will be transferred to cover the costs of his salary and benefits and \$14,135 transferred to Account 101-1010-413-67-14 for expenses.

Mr. Carmean advised that the expense account will cover the costs of traveling to trade shows to market Milford and entice businesses to our community.

Mr. Pikus recalled when council earmarked the Wawa proceeds for purchase of lands for economic development. The finance committee and city manager agreed it was important to cover the costs of an economic development director who

will possibly address the purchase of lands which ties in with the intent. The balance of the money will remain in the account for its original purpose.

Mr. Pikus moved to transfer \$81,000 from Council Expense Line Item 101-1110-411-68-34 to City Administration with \$66,865 being transferred into a salary and benefit line item and \$14,135 transferred to account 101-1010-413-67-14 for expenses, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

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)(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. Pikus moved to go into Executive Session reference discussions on personnel and legal matters, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 7:33 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Open Session

Council returned to open session at 8:43 p.m.

Executive Session Matters

Mr. Pikus moved to place the personnel matter on the August 13th agenda, seconded by Mr. Johnson. Motion carried with no one opposed.

ADJOURN

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

Meeting adjourned at 8:45 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 23, 2012

The City Council of the City of Milford met in Workshop Session on Monday, July 23, 2012 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 Steven 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 E. Keith Hudson and
City Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

The Workshop Session convened at 8:45 p.m.

Reserved Parking Space Request/Silicato Nelson Shopping Center

City Manager Carmean recalled the request from Delaware Fitness Center and Pelican Bar to allow designated parking spaces for their businesses in the adjacent parking lot.

Public Works Committee Chairman Brooks advised he has no problem with designating the front fourteen or so parking spaces that abut the shopping center. His recommendation is based on the fact those particular parking spaces are actually part of the shopping center parcel. However, the parking lot that is owned by the city will remain open to the public without any special designation.

Mr. Brooks said he has been riding through the parking lot on a regular basis. The owner of Delaware Fitness indicates that the parking lot is completely full two days a week. However, Mr. Brooks has always found one or two parking spaces available even when it appears to be full. However, the available spots are not necessarily in front of these two businesses.

Mr. Carmean noted that the parking lot is used to some extent during the week by the senior center. On the other hand, if one of their patrons arrive and find the parking lot full, they have to find alternative parking as well.

Mr. Pikus agrees with Mr. Brooks that we are unable to designate specific parking spaces within the public parking lot. If we designated spaces for one business, we would need to do that for other businesses whose patrons use the public parking lots. He recalled a similar situation when a business leased the old JC Penney building and wanted the parking lot by M&T Bank privatized.

Mr. Brooks also noted that because the parking spaces are on private land, the businesses are responsible for buying and installing these signs.

Based on their letter of request, a question arose about whether the parking spaces were part of the city lot.

Mr. Pikus is confident the deed to the property included the parking spaces. He recalled when Gene Nelson and Frank Silicato purchased the land and built the shopping center, the area in front was included and was blacktopped. He emphasized that these private parking spaces actually butt up against the city parking lot.

Mr. Brooks said that if the land belongs to the city, the parking spaces cannot be designated for private use; however, if it is determined they are part of the shopping center parcel, the store owners need to be informed they can use them for their businesses. However, the signage will be at their cost.

Council recalled when those spaces were signed 'for customer parking only'.

City Solicitor Rutt will review the deed and follow up with council.

With no further business, the Workshop Session of Council concluded at 8:57 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Terri K. Hudson". The signature is written in a cursive, flowing style.

Terri K. Hudson, MMC
City Clerk/Recorder