

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
March 10, 2008*

The Regular Monthly Meeting of Milford City Council was held in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware on Monday, March 10, 2008.

PRESIDING:           Honorable Mayor Joseph R. Rogers

IN ATTENDANCE:    Councilpersons Irvin Ambrose, John Kramlich, John Workman, Clifford Crouch, Douglas Morrow, Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

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

COUNSEL:            City Solicitor Timothy Willard

Mayor Rogers called the meeting to order at 7:34 p.m. Following the Pledge of Allegiance, Councilman Starling gave the invocation.

*APPROVAL OF MINUTES*

Mr. Brooks moved for approval of the February 11 and 25, 2008 minutes as presented, seconded by Ms. Wilson. Motion carried.

*RECOGNITION*

*Presentation to Carlisle Fire Company*

Mayor Rogers presented a check to Carlisle Fire Company President Chuck Coverdale in the amount of \$150,000 and thanked the fire company for their dedication and untiring service to the community.

*Presentation to Retired Police Captain Christian Plack*

Mayor Rogers presented Retired Captain Plack with a gold watch in honor of 27 years of service to Milford Police Department. The mayor provided some highlights of his career and wished him continued success with his new position as a State of Delaware Magistrate.

Captain Plack thanked council for the gift and friendships over the years, as well as Chief Hudson for formally honoring him this past July.

Captain Plack's wife Debbie was also present.

*Introduction of Milford Police Recruits Robert Costlow & Jay Davidson*

Chief Hudson introduced Milford's newest police recruits who graduated from the Delaware Police Training Academy on February 8, 2008. They have since completed their administrative duty phase of their training and are now assigned to the road under the supervision of a training officer.

*MONTHLY POLICE REPORT*

Mr. Morrow moved for acceptance of the monthly police report submitted by Chief Hudson, seconded by Mr. Brooks. Motion carried.

*CITY MANAGER'S REPORT*

Mr. Carmean submitted the following report for March:

#### *ADMINISTRATION*

*Work continues on City Hall. As I expected, there has been a need for change orders as we progress with the project.*

*Fortunately, most are minor and will not significantly increase the overall costs. Our construction manager remains confident we are on schedule for completion in late April.*

*We have ordered another drop box for City Hall. The one we have moved to our present location will remain here.*

*Councilperson Brooks questioned the status of budget billing for our customers that council has discussed on several occasions. I have asked Business Office Manager Denise Barnes to begin work with our software providers to get this program in place. This idea has been on hold for sometime because of the instability in our electric rates. Since it now appears we have a power purchase contract for several years, which will result in more stable rates, it should be possible to initiate that program.*

#### *SEWER AND WATER*

*Assistant City Manager David Baird is meeting with one of our largest users of water to discuss a water conservation capital improvement project they are considering. The city supports any effort of conservation.*

*Mr. Baird is also working with Beth Durham of Downtown Milford on the Northeast Front Street sewer upgrades. Ms. Durham is coordinating with the city to assure our utility projects in the downtown area blend with any Streetscapes plan.*

#### *STREETS AND SOLID WASTE*

*As I reported last month, our crews are working on preventive maintenance projects such as pot holes and cracking road surfaces. This work will be continuing into the spring.*

*City Engineer Mark Mallamo is overseeing the Lakeview Avenue storm water collection system project and in particular, the area in front of L.D. Caulk Company. There has been a significant indentation in that roadway for the last few years, but several attempts to fix the surface have unfortunately failed. We will actually repair the large transmission pipe that is leaking and settling beneath the road itself. This needs to be completed prior to DELDOT beginning their work on Lakeview Avenue.*

The city manager reported that council is still expected to be back in city hall for the May meeting.

Mr. Carmean then explained the utility budget billing process which was put on hold for longer than expected because of fluctuating electric rates. A solid history of the past 12-months is required to implement the program in order to calculate the next year's payments. Budget billing allows a customer to pay their bill in equal monthly installments. Traditional month-to-month bills can vary greatly from season to season; budget billing allows a customer to make the same monthly payment year round. The concern was the once-a-year reconciliation bill at the end of the year. He said the stability of rates with the new contract has allowed this to be considered again. The goal is to have this optional program in place by fall or in early 2009.

The billing department is still working on a system which would divide customers into four billing periods and allow varied due dates. This would lessen the once a month chaos created on due date and allow the work to be spread out throughout the month. The downside would be the first billing period could be more or less than a normal monthly bill, but from that point on, the bills should cover the normal 30-31 day period.

Public notices will be provided informing customers of this change.

#### *COMMITTEE REPORTS*

Ms. Wilson recently attended a Delaware League Meeting where competition in the telemedia market was discussed. She hopes Milford will welcome the other companies now providing internet, telephone and cable including Verizon in order to keep consumer prices at a more reasonable rate.

The city manager believes our contract with Comcast is long term, but agrees we have a noncompetitive agreement so other companies can be considered.

Mayor Rogers reported that Mr. Workman, Assistant City Manager Baird and he attended the Scat Steering Committee on Friday.

Mr. Kramlich attended the last planning commission meeting and reported that eight of the nine commissioners were in attendance.

### *COMMUNICATIONS*

Mayor Rogers made the following announcements:

Milford Senior Center is celebrating its 35<sup>th</sup> Anniversary Gala on Saturday, March 15<sup>th</sup>. The city is purchasing tickets; please follow-up with Ms. Hudson if you plan to attend.

Delaware Hospice is holding an Open House at their new facility in Independence Commons on Saturday, March 15<sup>th</sup> from 10 to 1 p.m.

The Annual Mayor's Prayer Breakfast will be held Saturday, March 29<sup>th</sup> at the Milford Senior Center. Tickets are now available. Council members who wish to attend should contact Ms. Hudson.

### *UNFINISHED BUSINESS*

Randy Duplechain of Davis, Bowen and Friedel, Incorporated was present on behalf of the applications. Mr. Duplechain informed council the Plan of Services has been accepted by State Planning. A copy was included in the packet.

Ms. Wilson moved for adoption of the following ordinance, seconded by Mr. Crouch.

*Land of Silicato-Wood Partnership, LLC (Dennis E. Silicato Acting on Behalf of Owner of Record)*

#### *Adoption of Zoning Ordinance*

Ordinance 2008-4

Annexation/Land of: Silicato-Wood Partnership, LLC  
(Dennis E. Silicato Acting on Behalf of Owner of Record)  
Tax Map No. MD-00-174.00-02-50.01-000

An Ordinance to Amend the Zoning Designation of that certain tract of land, situate and being in Milford Hundred, Kent County, and the State of Delaware, comprising some 2.236 acres, more or less, said property and land now or formally of Silicato-Wood Partnership, LLC, to be annexed into the City of Milford by resolution adopted by the City Council of Milford, Delaware.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the owners thereof have petitioned the City Council to annex the same into the City of Milford, and  
WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed to and become part of the City of Milford and a zoning classification is required, and  
WHEREAS, the land owned by Silicato-Wood Partnership, LLC, to be annexed, Tax Map No. MD-00-174.00-02-50.01-

000 is currently zoned by Kent County as "RS-1" Single Family Residential, and WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission and that after a due hearing as provided by law, the Zoning Commission made its recommendation to City Council, and WHEREAS, after a Public Hearing held on February 25, 2008, and after considering the previous recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. That the following described land situated in Kent County, Delaware:

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southwesterly side of State Route 1, and being located in the Milford Hundred, Kent County, Delaware, as shown on a plot entitled "Lot Line Adjustment of the Lands of State of Delaware Parcel 4", said piece or parcel of land being more particularly described as follows: BEGINNING at an iron rod and cap set at a point formed by the intersection of the southwesterly right-of-way line of State Route 1, 300 feet wide, with the southeasterly line of lands of, now or formerly, Dennis E. & Carolyn E. Silicato, as recorded in the Office of Recorder of Deeds, Deed Book N-38, Page 259,

- 1) Thence, leaving said Silicato lands and coincident with said right-of-way line of State Route 1, South 49 degrees 50 minutes 54 seconds East 367.13 feet to an iron rod and cap set at a point along the northerly boundary line of lands, now or formerly, State of Delaware, as recorded in said Office of the Recorder of Deeds in Deed Book H-26, Page 152,
- 2) Thence, leaving said right-of-way line of State Route 1 and coincident with said new property line of State of Delaware lands, South 40 degrees 09 minutes 06 seconds West 533.62 feet to a concrete monument found along the southerly boundary line of lands, now or formerly, Dennis E. & Carolyn E. Silicato, as recorded in the Office of Recorder of Deeds, Deed Book N-38, Page 259,
- 3) Thence, coincident with said Silicato lands, the following 2 courses and distances, North 05 degrees 52 minutes 31 seconds East 386.56 feet to a concrete monument found,
- 4) Thence, North 05 degrees 15 minutes 02 seconds East 261.17 feet to the point and place of beginning, containing 2.236 acres of land, more or less, shall be, upon final approval of its annexation into the City of Milford, classified under the Zoning Ordinance of the City of Milford and zoned Highway Commercial (C-3).

Date Adopted: March 10, 2008

Motion carried.

*Adoption of Resolution/Final Annexation*

Mr. Crouch moved for adoption of the following resolution, seconded by Mr. Workman:

Annexation/Land of: Silicato-Wood Partnership, LLC (Dennis E. Silicato Acting on Behalf of Owner of Record)  
Tax Map No. MD-00-174.00-02-50.01-000  
Requested Zoning: C-3

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City as described herein:

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southwesterly side of State Route 1, and being located in the Milford Hundred, Kent County, Delaware, as shown on a plot entitled "Lot Line Adjustment of the Lands of State of Delaware Parcel 4", said piece or parcel of land being more particularly described as follows: BEGINNING at an iron rod and cap set at a point formed by the intersection of the southwesterly right-of-way line of State Route 1, 300 feet wide, with the southeasterly line of lands of, now or formerly, Dennis E. & Carolyn E. Silicato, as recorded in the Office of Recorder of Deeds, Deed Book N-38, Page 259,

- 1) Thence, leaving said Silicato lands and coincident with said right-of-way line of State Route 1, South 49 degrees 50 minutes 54 seconds East 367.13 feet to an iron rod and cap set at a point along the northerly boundary line of lands, now

or formerly, State of Delaware, as recorded in said Office of the Recorder of Deeds in Deed Book H-26, Page 152,  
2) Thence, leaving said right-of-way line of State Route 1 and coincident with said new property line of State of Delaware lands, South 40 degrees 09 minutes 06 seconds West 533.62 feet to a concrete monument found along the southerly boundary line of lands, now or formerly, Dennis E. & Carolyn E. Silicato, as recorded in the Office of Recorder of Deeds, Deed Book N-38, Page 259,  
3) Thence, coincident with said Silicato lands, the following 2 courses and distances, North 05 degrees 52 minutes 31seconds East 386.56 feet to a concrete monument found,  
4) Thence, North 05 degrees 15 minutes 02 seconds East 261.17 feet to the point and place of beginning, consisting of 2.236 +/- acres of land,

and having considered the recommendation of the Committee appointed to investigate said annexation; having held a Public Hearing on February 25, 2008 on said annexation; having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code and whether or not to proceed with the proposed annexation; having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code; the City of Milford, hereby determines as follows:

Now, Therefore, Be It Resolved, that this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on March 10, 2008, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Motion carried.

*Land of: State of Delaware (Department of Transportation Planning Director Ralph Reeb Acting on Behalf of Owner of Record)*

#### *Adoption of Zoning Ordinance*

Ms. Wilson moved for adoption of the following ordinance, seconded by Mr. Starling:

Ordinance 2008-5

Annexation/Land of: State of Delaware/

Department of Transportation Planning Director Ralph Reeb Acting on Behalf of Owner of Record

Tax Map No. MD-00-174.00-02-50.00-000

An Ordinance to Amend the Zoning Designation of that certain tract of land, situate and being in Milford Hundred, Kent County and the State of Delaware, comprising some 10.313 acres, more or less, said property and land now or formally of the State of Delaware, to be annexed into the City of Milford by resolution adopted by the City Council of Milford, Delaware.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the State of Delaware Department of Transportation has stated in a letter dated August 24, 2007 signed by Ralph Reeb, Planning Director, there is no objection to the annexation of same into the City of Milford, and

WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed to and become part of the City of Milford and a zoning classification is required, and

WHEREAS, the land owned by the State of Delaware, to be annexed, Tax Map No. MD-00-174.00-02-50.00-000 is currently zoned by Kent County as "RS-1" Single Family Residential, and

WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission and that after a due hearing as provided by law, the Zoning Commission made its

recommendation to City Council, and

WHEREAS, after a Public Hearing held on February 25, 2008, and after considering the previous recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. That the following described land situated in Kent County, Delaware:

ALL that piece of parcel of land, hereinafter described, situate, lying and being on the northwesterly side of North Front Street and being located in Milford Hundred, Kent County, Delaware, as shown on a plat entitled "Annexation Survey of the lands of N.K.S. Distributors, Inc. & State of Delaware", as recorded in the Kent County Office of the Recorder of Deeds; said piece or parcel being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northwesterly right-of-way line of North Front Street, width varies, with the southwesterly right-of-way line of State Route 1, 300 feet wide,

1) Thence, leaving said State Route 1 and coincident with said right-of-way line of North Front Street, South 34 degrees 35 minutes 05 seconds West 222.95 feet to a point along the northeasterly line of lands, now or formerly, N.K.S. Distributors, Inc., as recorded in the said Office of the Recorder of Deeds, Deed Book H-26, Page 152,

2) Thence, leaving said right-of-way line of North Front Street and coincident with said N.K.S., North 64 degrees 29 minutes 37 seconds West 1235.69 feet to a concrete monument found at a point on the southeasterly line of other lands, now or formerly, State of Delaware, as recorded in said Office of the Recorder of Deeds in Deed Book H-26-152,

3) Thence, leaving said N.K.S. lands and coincident with said other State of Delaware lands, North 40 degrees 09 minutes 06 seconds East 533.62 feet to an iron rod and cap set at a point on the southwesterly right-of-way line of said State Route 1, 4) Thence, leaving said other State of Delaware lands and coincident with said right-of-way of State Route 1, South 49 degrees 52 minutes 58 seconds East 1173.91 feet to the point and place of beginning, containing 10.313 acres of land, more or less, shall be, upon final approval of its annexation into the City of Milford, classified under the Zoning Ordinance of the City of Milford and zoned Highway Commercial (C-3).

Motion carried.

*Adoption of Resolution/Final Annexation*

Ms. Wilson moved for adoption of the following resolution, seconded by Mr. Crouch:

Annexation/Land of: State of Delaware

Department of Transportation Planning Director Ralph Reeb Acting on Behalf of Owner of Record)

Tax Map No. MD-00-174.00-02-50.00-000

Requested Zoning: C-3

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City as described herein:

ALL that piece of parcel of land, hereinafter described, situate, lying and being on the northwesterly side of North Front Street and being located in Milford Hundred, Kent County, Delaware, as shown on a plat entitled "Annexation Survey of the lands of N.K.S. Distributors, Inc. & State of Delaware", as recorded in the Kent County Office of the Recorder of Deeds; said piece or parcel being more particularly described as follows:

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1) Thence, leaving said State Route 1 and coincident with said right-of-way line of North Front Street, South 34 degrees 35 minutes 05 seconds West 222.95 feet to a point along the northeasterly line of lands, now or formerly, N.K.S. Distributors, Inc., as recorded in the said Office of the Recorder of Deeds, Deed Book H-26, Page 152,

2) Thence, leaving said right-of-way line of North Front Street and coincident with said N.K.S., North 64 degrees 29 minutes 37 seconds West 1235.69 feet to a concrete monument found at a point on the southeasterly line of other lands, now or formerly, State of Delaware, as recorded in said Office of the Recorder of Deeds in Deed Book H-26-152,

3) Thence, leaving said N.K.S. lands and coincident with said other State of Delaware lands, North 40 degrees 09 minutes 06 seconds East 533.62 feet to an iron rod and cap set at a point on the southwesterly right-of-way line of said State Route 1,

4) Thence, leaving said other State of Delaware lands and coincident with said right-of-way of State Route 1, South 49 degrees 52 minutes 58 seconds East 1173.91 feet to the point and place of beginning, consisting of 10.313 +/- acres of land,

and having considered the recommendation of the Committee appointed to investigate said annexation; having held a Public Hearing on February 25, 2008 on said annexation; having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code and whether or not to proceed with the proposed annexation; having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code; the City of Milford, hereby determines as follows:

Now, Therefore, Be It Resolved, that this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on March 10, 2008, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Motion carried.

*Land of: NKS Distributors, Incorporated (Christopher Tigani Acting on Behalf of Owner of Record)*

*Adoption of Zoning Ordinance*

Mr. Morrow moved for adoption of the following ordinance, seconded by Ms. Wilson:

Ordinance 2008-6

Annexation/Land of: NKS Distributors, Incorporated  
(Christopher Tigani Acting on Behalf of Owner of Record)  
Tax Map No. MD-00-174.00-02-57.01-000

An Ordinance to Amend the Zoning Designation of that certain tract of land, situate and being in Milford Hundred, Kent County, and the State of Delaware, comprising some 2.902 acres, more or less, said property and land now or formally of the State of Delaware, to be annexed into the City of Milford by resolution adopted by the City Council of Milford, Delaware.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the owners thereof have petitioned the City Council to annex the same into the City of Milford, and

WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed to and become part of the City of Milford and a zoning classification is required, and

WHEREAS, the land owned by the State of Delaware, to be annexed, Tax Map No. MD-00-174.00-02-57.01-000 is currently zoned by Kent County as "RS-1" Single Family Residential, and

WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission and that after a due hearing as provided by law, the Zoning Commission made its recommendation to City Council, and

WHEREAS, after a Public Hearing held on February 25, 2008, and after considering the previous recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. That the following described land situated in Kent County, Delaware:

ALL that piece of parcel of land, hereinafter described, situate, lying and being on the northwesterly side of North Front Street and being located in Milford Hundred, Kent County, Delaware, as shown on a plat entitled "Boundary Survey of the lands of N.K.S. Distributors, Inc.", as recorded in the Kent County Office of the Recorder of Deeds; said piece or parcel being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northwesterly right-of-way line of North Front Street, width varies, with the southwesterly line of lands of, now or formerly, State of Delaware, as recorded in said Office of the Recorder of Deeds in Deed Book H-26, Page 152,

1) Thence, leaving said State of Delaware lands and coincident with said right-of-way line of North Front Street, the following 2 courses and distances, South 34 degrees 07 minutes 50 seconds West 103.37 feet to a point,

2) Thence, South 32 degrees 40 minutes 52 seconds West 3.63 feet to a point on the northeasterly line of lands of, now or formerly, Lynn A. & Karen Kimmel McColley, as recorded in said Office of the Recorder of Deeds in Deed Book D-631, Page 171,

3) Thence, leaving said right-of-way line of North Front Street and coincident with said McColley lands, North 64 degrees 23 minutes 27 seconds West 1178.51 feet to an iron rod and cap set at a point on the easterly line of other lands of, now or formerly, Lynn A. & Karen Kimmel McColley, Trustees, as recorded in said Office of the Recorder of Deeds in Deed Book D-483, Page 55,

4) Thence, leaving said McColley lands and coincident with said other McColley lands, North 03 degrees 49 minutes 24 seconds East 111.58 feet to a concrete monument found at a point on the southwesterly line of said State of Delaware lands,

5) Thence, leaving said other McColley lands and coincident with said State of Delaware lands, South 64 degrees 29 minutes 37 seconds East 1235.69 feet to the point and place of beginning, containing 2.902 acres of land, more or less, shall be, upon final approval of its annexation into the City of Milford, classified under the Zoning Ordinance of the City of Milford and zoned Highway Commercial (C-3).

Motion carried.

*Adoption of Resolution/Final Annexation*

Mr. Crouch moved for adoption of the following resolution, seconded by Mr. Morrow:

Annexation/Land of: NKS Distributors, Incorporated  
(Christopher Tigani Acting on Behalf of Owner of Record)  
Tax Map No. MD-00-174.00-02-57.01-000  
Requested Zoning: C-3

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City as described herein:

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1) Thence, leaving said State of Delaware lands and coincident with said right-of-way line of North Front Street, the following 2 courses and distances, South 34 degrees 07 minutes 50 seconds West 103.37 feet to a point,

2) Thence, South 32 degrees 40 minutes 52 seconds West 3.63 feet to a point on the northeasterly line of lands of, now or formerly, Lynn A. & Karen Kimmel McColley, as recorded in said Office of the Recorder of Deeds in Deed Book D-

631, Page 171,

3) Thence, leaving said right-of-way line of North Front Street and coincident with said McColley lands, North 64 degrees 23 minutes 27 seconds West 1178.51 feet to an iron rod and cap set at a point on the easterly line of other lands of, now or formerly, Lynn A. & Karen Kimmel McColley, Trustees, as recorded in said Office of the Recorder of Deeds in Deed Book D-483, Page 55,

4) Thence, leaving said McColley lands and coincident with said other McColley lands, North 03 degrees 49 minutes 24 seconds East 111.58 feet to a concrete monument found at a point on the southwesterly line of said State of Delaware lands,

5) Thence, leaving said other McColley lands and coincident with said State of Delaware lands, South 64 degrees 29 minutes 37 seconds East 1235.69 feet to the point and place of beginning, consisting of 2.902 +/- acres of land,

and having considered the recommendation of the Committee appointed to investigate said annexation; having held a Public Hearing on February 25, 2008 on said annexation; having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code and whether or not to proceed with the proposed annexation; having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code; the City of Milford, hereby determines as follows:

Now, Therefore, Be It Resolved, that this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on March 10, 2008, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Motion carried.

#### *NEW BUSINESS*

#### *Transfer of Lease of Milford Kiwanis Building to Milford Community Band*

Mr. Workman confirmed the agreement will allow the Community Band to take over the remainder of the time as noted in the lease agreement with the Kiwanis Club.

A clarification was requested regarding the statement in the letter which said Milford Community Band would be taking over the ownership. Mr. Carmean advised the lease covers the land which is owned by the city; but the building belongs to the Kiwanis Club. The land will be leased from the city and the Kiwanis Club donated the building to Milford Community Band.

Mr. Willard explained a copy of the Agreement of Lease between the City and the Kiwanis Club was included in the packet. The intent is to change the Kiwanis Club to Milford Community Band which would be executed under the exact terms. Because the Kiwanis Club has an interest because they hold the existing lease, the lease would be assigned to Milford Community Band with the Kiwanis Club consenting. The solicitor's recommendation is to do this through an Assignment of Lease.

Mr. Morrow made a motion to approve the transfer of the land lease from the Kiwanis Club to Milford Community Band with the appropriate paperwork prepared by the city solicitor, seconded by Ms. Wilson. Motion carried by unanimous roll call vote.

#### *Introduction of Ordinance 2008-3/Electric Tariff Amendment/Medical Priority Regulations*

*PUBLIC NOTICE*  
*CITY OF MILFORD ORDINANCE NO. 2008-3*  
*Amendment to Chapter 119/Electric Tariff*

*Notice is hereby given an amendment to the City of Milford Code will be presented to Milford City Council at their Monthly Meeting at Delaware Rural Water Association 210 Vickers Drive, Milford, Delaware on Monday, March 10, 2008 beginning at 7:30 p.m.*

*ORDINANCE 2008-3*

The ordinance was introduced for council review and comments:

*Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 119, thereof, entitled Electrical Standards, for the Purpose of Establishing Regulations for Medical Priority Customers.*

*Now, Therefore, the City of Milford hereby ordains:*

*Section 2.*

*Chapter 119, Section 15, City's Right to Discontinue Service, Subsection B, is hereby amended read as follows:*

*§119-15 B. Service Disconnection During the Heating Season*

*Heating Season is defined as that portion of the calendar year extending from November 15th to March 31st. A Dwelling Unit is defined as one or more rooms arranged for the use of one or more individuals as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities. No Dwelling Unit shall have service disconnected if the temperature is 32 degrees Fahrenheit or less at 10:00 A.M. on the day service is to be terminated. Service may be terminated, when in the sole judgment of the City, an emergency situation exists which requires the termination of service. During the heating season no service shall be disconnected for nonpayment of past charges without a minimum of seventy-two (72) hour notice being given to the occupant of intention to so terminate electric service. In no event shall such termination occur between 12:00 Noon on any Friday and 10:00 A.M. on the succeeding Monday. Should Friday be a legal City holiday, the last preceding business day shall be substituted for Friday. Should Monday be a City holiday, the next succeeding business day shall be substituted for Monday. (DELETE No service shall be disconnected if any occupant of a Dwelling Unit shall be so ill that termination of service shall adversely affect his health or recovery, which has been certified by a statement from a licensed physician and received by any employee of the City empowered to collect bills. During the heating season notification to a landlord of intention to discontinue service for nonpayment of past charges by a tenant shall be mailed on the same day that notification is given to tenant.)*

*Section 3.*

*Chapter 119, Section 15, City's Right to Discontinue Service, Subsection B, is hereby amended by adding a new subparagraph to read as follows:*

*§119-15 B (1). Medical Priority Policy*

*The City shall have a policy relating to customers with a medical priority status. The policy shall address the qualifications, terms and conditions of the medical priority program and the responsibilities of the City and the Customer. This policy shall be an administrative policy and may be amended by the City Manager.*

*Section 4.*

*Dates.*

*Introduction Date: March 10, 2008*

*Adoption Date: March 24, 2008*

*Effective Date: April 3, 2008*

*A complete copy of the Code of the City of Milford is available by request at the City of Milford Ronnie Vickers Public Works Facility, 180 Vickers Drive, Milford, Delaware, 19963 or by accessing the website [cityofmilford.com](http://cityofmilford.com).*

*CITY OF MILFORD  
MEDICAL PRIORITY STATUS TERMS AND PROCEDURES*

- 1. Customers of the City of Milford Electric System with a statement from their doctor indicating electric service is required to maintain medical equipment in the home that is critical to the life, health and well being of the customer. This statement will need to be provided on an annual basis and shall provide the minimum power requirements for all critical medical equipment.*
- 2. Upon receiving a statement from their doctor, eligible customers will need to come to City Hall to speak with the Billing department so the billing department can explain the medical priority program to them. (Current medical priority participants will need to come into City Hall to address 2 & 3)*
- 3. The customer will need to sign a statement acknowledging the program has been explained to them and they understand the terms of the program. A copy of the terms of the program will be provided to the customer.*
- 4. It is the responsibility of the customer enrolled in the medical priority program to remain current on all electric charges.*
- 5. If the account becomes delinquent, at the 30-day past due point and again at the 60-day past due point, customers enrolled in the program will be provided with a list of social service/community agencies that they can contact regarding eligibility for assistance with their utility bills.*
- 6. Customers enrolled in the program that have past due amounts in excess of 30 days shall have a load limiting device installed on their service. The load limiting device will be installed for no more than 60 days. At the time the load limiting device is installed, the customer will be informed of the installation and the 60-day limitation.*
- 7. The load limiting device will be removed and full service restored upon payment of the entire balance of the electric bill.*
- 8. The load limiting device will be removed at the expiration of the 60-day period and service disconnected if full payment of the utility bill has not been received by the City. The City will provide notification of the expiration of the 60 day period and pending disconnect by posting the property via hand delivered notice, door tag, or other similar form of notification seven business days prior to the removal of the load limiting device and disconnection of the service.*
- 9. The medical priority program only covers disconnection of service for nonpayment and does not provide coverage from outages associated with acts of God or nature or the normal course of operation and maintenance of the electrical system.*
- 10. Please be advised, in the event of power failure, the City of Milford Electric Department will make it a priority to restore power to those with a Medical Priority status first. However, it is ultimately the customer's responsibility to have a back-up plan, such as an alternative power source (generator), or a safe place to go in the event of a major disaster or event that can cause power to fail for long periods of time. If this happens, please call 911 to arrange transportation of the nearest hospital where proper care can be administered.*

*I acknowledge that the above Medical Priority Terms and Procedures have been explained in detail to me by a representative of the City of Milford.*

*Signature*

Mr. Carmean said this ordinance resolves a long-standing conflict by establishing a procedure for dealing with delinquent electric customers who have special medical needs. If switching off power in a home puts a person's life in danger by shutting off their medical equipment, the city's current policy is not to disconnect though they have not paid their bills. As a result, there are many customers in this situation that have taken advantage by refusing to pay their bill. It has gotten to the point it is costing the city thousands of dollars. He is hoping this ordinance will provide some guidance and address

some of these cases.

He estimated that over the last few years, the city has lost between \$45,000 and \$50,000 to customers who obtain medical exemptions and then stop paying their electric bills.

The new regulations give the city clearly defined steps to follow when dealing with delinquent customers who depend on medical equipment. The law would allow the city to install load limiters to restrict the amount of power a home can use, and the ability to disconnect the account completely after 60 days of nonpayment.

Ms. Wilson, who works for a medical facility, agrees this is a problem. In her office, one letter is issued per year. The letter states that the patient has a medical problem and uses a particular piece of medical equipment, but does not state they do not have to pay their electric bill. She explained the purpose is only to notify the electric company that the patient has a medical condition and needs the medical equipment; the letter also states that her company is not responsible for any bill. The patient is directed to turn the letter in, not for the purpose of taking care of a delinquent bill, but to alert the electric company in case of a power outage. This puts them on a priority list in the case of an outage. Ms. Wilson agrees that people abuse this.

Ms. Wilson noted there are similar situations with the phone company. The phone company provides enough service to allow calling out only. They find many people trying to abuse that policy as well.

Mr. Carmean said that renters are another problem because it is even more difficult for the city to recoup money from a renter. If it involves a property owner, a lien can always be put against the property.

Mr. Willard agrees the ordinance is a good tool. He has discussed some of these delinquent accounts with city staff and recalled one account was up to \$6,000. He recommends the ordinance which will clarify the city's procedure so that everyone involved will understand how it works.

The ordinance is scheduled for adoption at the March 24<sup>th</sup> council meeting

*Lease Agreement-Salvation Army, City of Milford and Milford Museum*

Mr. Ambrose advised that Milford Landmarks and Museums Commission Chairman Dave Kenton suggested murals be painted on the six panels of the outside wall of the Salvation Army on the Southeast Front Street side of their building.

Mr. Kenton discussed this with the Salvation Army and who, in turn, asked the city sign a license agreement which stating the city will oversee and maintain the mural project.

According to Mr. Ambrose, it was agreed the city would in no way be financially responsible for any part of this project. Mr. Kenton felt the project could be funded through donations by way of the museum.

After speaking with the city solicitor and Mr. Kenton, it was decided the city will sign the agreement, but assign the responsibility to the Milford Landmarks and Museums Commission. The Salvation Army has already sent a signed copy.

Mr. Willard advised that after he spoke with Mr. Ambrose about this issue, he prepared a document which assigns all the rights, title obligation, liabilities and interests in this license agreement to the City of Milford Landmarks and Museums Commission.

The commission gave Mr. Kenton permission to sign on their behalf.

Mr. Ambrose explained the murals will be shipyard and related neighborhood scenes during the 19<sup>th</sup> century. Anyone with any other ideas should contact Mr. Kenton.

Ms. Wilson asked that all people be represented and asked that these murals reflect all people particularly if the city is

going to put its seal of approval on it.

Mr. Ambrose moved that the city accept the Salvation Army License Agreement with the Assignment Agreement from the City of Milford to Milford Landmarks and Museums Commission, seconded by Ms. Wilson. Motion carried by unanimous roll call vote.

#### *Relocation of City Hall Staff*

Mr. Carmean said when a recent article came out about city hall staff permanently relocating to the business park on Airport Road because of space issues at city hall, he has since been contacted by several people. He has now reconsidered his position on the move and is asking council to rethink what needs to be done in the future.

He wants to quell the rumor the city is spending \$1.5 million for an office for the city manager and city clerk. Most of the remodeling will accommodate the public needs; the most recent budget change was for audio visual aids to enable the public to more easily and comfortably see the presentations.

Mr. Carmean said for years, there has been a great deal of discussion about how city hall had outgrown the facility in addition to the fact that our council chambers was unable to hold the larger crowds that sometimes attended planning and council meetings. One of the first priorities was to expand the lobby and council chambers which will now accommodate approximately one hundred spectators. It was agreed the mayor's office would remain downtown along with small satellite offices for the city manager and city clerk. A conference room will be used for executive sessions and possibly for small meetings. The water mediation problem is also being addressed. The basement will house a fairly large meeting room and an elevator will be added to meet ADA standards.

The city's IT department will also have offices in the basement and will finally have adequate room to store their computer equipment.

Mr. Carmean said his job is to manage the operations and finances in this community. From that standpoint, the best solution was to move city hall personnel out to the business park. He feels that everyone housed in the same facility has worked well. He likes the idea of a one-service point though he agrees it is not in the middle of town and is out of the way for many residents.

One of the people he has discussed this with was President Mitch Crane of Downtown Milford. Mr. Crane was contacted by some of the business owners who believe their business was affected after city hall left the downtown area. He said that another of his responsibilities is to maintain a vibrancy and a vitality in the downtown area. The city has worked hard with the downtown trying to make improvements.

He pointed out that even if city hall remains at the business park, another building will be required as the current set up is only temporary.

Mr. Carmean is now considering a freestanding building at the South Washington side of the city hall parking lot which will leave city hall as it is presently planned. The building would be slightly larger than the finance department building.

There have been a number of suggestions made including putting one cashier there, which will not work because of leave time, lunches, supervision issues, etc. If council decides to do this, the entire billing staff will be moved back to city hall. Some of the other operational staff will also be considered.

The mayor, city manager, city clerk and a receptionist would work out of city hall. To accomplish this, additional funding will be needed to cover personnel costs. Some land acquisition in this area must also be considered for parking.

According to the city manager, this should not cost much more than the cost of the building which was to be constructed at the business park. However, he will obtain the difference in the two locations and provide that to council at a later date.

He reiterated a number of people want the government presence maintained downtown. The city manager would work out of city hall and the assistant city manager would work out of the public works facility and manage the utility issues on a day to day operational basis. Planning and zoning is still being considered but at the present time, the code enforcement official would most remain at public works because he works closely with the other superintendents.

The main goal is to take the business operations back downtown. Though managerially and dollar wise, it is not the best solution, but as an investment in the downtown, it should be considered.

Mayor Rogers feels that city hall is a compliment to the downtown area. He agrees it is a place where city business is conducted and with the right planning, some of the city hall employees could be moved back. However, he does not feel that all of them should be moved back, though definitely the finance and billing departments. He is concerned about our computer staff and knows they need a larger work area. The lower level will adequately accommodate them.

The mayor agrees that some additional land is needed for parking. He agrees that things have worked well with the staff in one facility, but with Assistant City Manager Baird at the public works facility to oversee daily operations, he is confident that will work out as well.

Mr. Crouch prefers going to the business park to pay his bill because of the adequate parking area which makes access much easier. Nor does he have any difficulty paying his bill once he is inside. He is in and out within a couple of minutes and actually prefers the setup.

Mr. Crouch said the second thing is we are not talking about what is going on right this minute. This town will be here 200 years from now and he is unsure there is enough room downtown to accommodate the growth city hall will need. He thinks we should consider what is most cost effective.

Mr. Brooks recalled the city manager stating several times that he has a better handle on what is going on in this city with every department where they are now. Mr. Crouch agrees that is what we should be looking at. He agrees we need a viable downtown and need to work hard on that. But this should be handled by what is best for the city instead of once again slicing up our services and moving people in different directions. If the city had several acres downtown to accommodate future growth needs, he would agree. But another building will result in three separate buildings; he believes the more the city can consolidate, the better off the city is.

Mr. Brooks agreed that additional land will definitely be needed for additional parking.

Ms. Wilson agrees with Mr. Crouch. She said the city manager has made a comparison over the past several months and it appears to work from a management point as well as for the staff. Ms. Wilson asked why change something that is working well. It has taken a long time to get to this point with the renovation of city hall having been discussed for many years. The public asked for a larger council chambers and this accommodates that request. She feels that should be the priority of city hall. She, too, feels that a comparison should be done. However, it is important to keep in mind there have been parking problems for years and bringing additional staff and another building will require more parking needs. Instead, we are taking away part of the parking lot which makes no sense to her.

She feels the focus should be to accommodate the public who wish to attend the council meetings. The couple of offices that are part of the plan only make sense and are needed particularly when meetings are taking place. It appears to her that all of a sudden, we are second guessing ourselves because a few people do not agree.

Mr. Ambrose said he respectfully disagrees and believes that a viable operational city hall during the day is extremely important. He agrees it was a managerial nightmare when Mr. Carmean was located in city hall and the other departments were at the business park. However, with Mr. Baird on board and his position being responsible for public works, he would remain out here to oversee those operations. He feels the citizens need to be able to get to city hall with a minimum of fuss. A person must have a car to get to the city office out here. If you do not have the ability to drive or have to depend on someone else for a ride, it becomes a hardship. If you live in town, a person can always find a way to get to city hall. Though another building will cut out more parking, he feels land acquisition must be considered to solve that problem.

He wants city hall to be an operational building daily and not just during council and planning commission meetings. Staff needs to be available to discuss bills and residents should be able to talk to the city clerk and the city manager.

Mr. Workman stated that city hall is always in the center of town and is the core of town business. He said we are asking businesses to come into the downtown and it would be difficult to continue that if the city staff does not operate out of the city hall except for meetings. City hall draws people into the core of our town and citizens need to know that is where they come to take care of their business. He noted that we need to listen to our constituents; everyone that has called him has asked why the city is putting all of this money into a building only to be used for meetings which does not make sense to him.

Mr. Kramlich said that at this point, he is going to sit on the fence because this is the first he has heard of an additional building be added to the city hall area. He agrees with the points made by Mr. Crouch, Mr. Workman and Mr. Ambrose. He sees the practicality of having staff downtown where residents can pay their bills and talk to employees if they so wish. He has also heard concerns about the money being spent on a building being used just for meetings; however, it will be used for more than just city council. He agrees with Mr. Brooks concern that there is a problem with parking now.

However, the statement that was made about keeping city hall downtown because it is easier to get to does not make total sense to him. Mr. Kramlich pointed out the public works facility is only a half mile from Walmart which it appears all of our citizens have the ability to get to. But he also understands the business park is not as central because it is not in the middle of the downtown. He is unsure at this point which is the best option. If we can obtain some additional land downtown, he would certainly be willing to consider that. But at this point, he is willing to listen to both sides.

Mr. Morrow suggests that Mr. Carmean document a plan. He also understands both sides of this argument. There are employees the general public does not deal with and they could remain at the business park. However, the city manager, planning and zoning staff and billing people should be downtown in order to maintain a downtown presence. He requested the city manager to provide a plan with more detail of which employees will be where and who will be responsible for what duties. Today with e-mails and other electronic equipment, it works almost like a virtual city.

Mr. Morrow asked the city manager to come back with a more definite plan.

Mayor Rogers agrees that both options should be considered more thoroughly and a financial comparison done. However, the city should have a presence with its employees downtown, regardless of who moves back to city hall. Mr. Carmean's job is to decide what is best for the community. He has had a lot of senior citizens and people living on that side of town that feel the Walnut Street site is much more convenient and they do not want to drive to the business park. In addition, it is more expensive to drive today with the increase in gas prices.

Mr. Crouch pointed out that the residents of Knotts Landing, for example, have to get in their cars and drive downtown. The residents of Orchard Hill and Hearthstone will also have to drive regardless of whether business is conducted downtown or in the business park. The city is more than just in the downtown area. He asked how many residents actually live close enough to regularly walk to city hall and pay their light bill. Milford is bigger than what we used to think was mainly downtown Milford. We have outlying communities with large numbers of residents. He feels we need to consider all of this before a decision can be made. He is basing his opinion on this being an investment in the future, for many years to come. When the architect drawings were initially presented, only one extra office could be added to the city hall plan. In that case, city hall would have outgrown the facility in approximately three years.

Mayor Rogers said that city hall will be completed in May; that will allow enough time to evaluate the possibility of adding the extra building here and possibly acquire some additional land. Some future discussions will be needed on the subject.

Mr. Carmean responded that the downtown merchants want people to get in their car and drive to city hall because they feel it brings them downtown. They do not see any benefit of the people getting in their car and driving out to public works. They believe that when they come through town, they may see a shop and decide to stop and get a cup of coffee or stop to show in the antique store. Their point is that city hall brings people into the downtown.

Mr. Crouch wants downtown to be made desirable through other ways so that people will want to come downtown for those reasons regardless of whether they are paying their bill once a month or not.

Mr. Carmean agreed referring to the Mainstreet Program which will make the downtown more viable on its own level so that people are present on weekends and weekdays. He feels this does not need to be decided tonight but wants to know

whether council wants him to put more time into it. The dollars must also be considered. He is not changing his mind managerially because being in the business park was the best setup. But he is asking whether council for some direction in this matter.

Council agreed that Mr. Carmean should continue to work on the option and return with some later answers and recommendations.

#### *FINANCE REPORT*

Mr. Ambrose advised that through the sixth month of Fiscal Year 2007-2008 with 58% of the year having passed, 65.39% of revenues have been received and 55.31% of the operating budget expended.

It was noted that the line item for city hall renovations was moved below the operating budget to prevent impacting the other operating figures.

After a brief review of the report, Mr. Ambrose moved for approval of the January report, seconded by Mr. Crouch. Motion carried.

Mr. Brooks referred to a previous statement that solid waste had picked up some additional commercial customers; Mr. Ambrose responded that he may have misunderstood and perhaps the commercial customers were being charged a higher fee.

#### *City of Milford Signs*

Mayor Rogers recommended the city manager have the wooden Milford City limit signs repainted. .

Mr. Brooks then advised that many of the city street signs are unreadable and need maintenance. Mayor Rogers suggested the street superintendent review the signs and make appropriate recommendations.

Mr. Workman advised that he made copies of the signs that needed attention in his ward and submitted them to the city manager who took care of all of them very quickly though they had to be sent out.

#### *Historic Preservation Ordinance*

Mr. Ambrose asked the status of the ordinance because of the needs of Downtown Milford. They need some advanced notice to prepare to address the concerns expressed at their last board meeting.

Assistant City Manager David Baird advised council the city planner is working on the amendments that were recommended by city council. Once those changes are implemented, it will again be presented to council.

#### *Executive Session*

Motion made by Mr. Crouch to go into Executive Session reference a potential land acquisition, seconded by Ms. Wilson. Motion carried.

Mayor Rogers recessed the council meeting at 9:00 p.m. to go into Executive Session to conduct a discussion regarding land acquisition.

#### *Return to Open Session*

City Council returned to open session at 9:12 p.m.

Mr. Crouch moved to proceed according to the decision made in Executive Session, seconded by Mr. Workman. Motion carried.

*Adjourn*

Mayor Rogers adjourned the Monthly Meeting at 9:13 p.m.

Respectfully submitted,

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

Terri K. Hudson, CMC  
City Clerk/Recorder