

MILFORD CITY COUNCIL
: MINUTES OF MEETING
May 12, 2008

The Regular Monthly Meeting of Milford City Council was held in the Meeting Room of the Delaware Rural Water Association Facility, 210 Vickers Drive, Milford, Delaware on Monday, May 12, 2008.

PRESIDING: Honorable Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, 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: Solicitor Timothy Willard

Mayor Marabello called the meeting to order at 7:30 p.m. Following the Pledge of Allegiance, Councilman Starling gave the invocation.

APPROVAL OF MINUTES

Mr. Crouch moved for approval of the April 14 and 28, 2008 and May 5, 2008 minutes as presented, seconded by Mr. Workman. Motion carried.

RECOGNITION

Resolution/Honoring Mayor Joseph Ronnie Rogers

Mayor Marabello read the following resolution into record:

WHEREAS, Joseph Ronnie Rogers has served the City of Milford with distinction as a member of City Council since April of 1972; and

WHEREAS, in April of 1982, he was elected by the citizens of the City of Milford to serve as Mayor, thus becoming the longest-serving mayor in the history of the City of Milford and the State of Delaware; and

WHEREAS, during those years, he exhibited exemplary dedication to the best interests of his community by working tirelessly for the betterment of its economic, cultural, and aesthetic development; and

WHEREAS, Mayor Roger's alliance with local and state leaders consistently enabled him to find ways to protect the city's interests and preserve the quality of life in Milford; and

WHEREAS, under his leadership, the City of Milford has enjoyed mutually beneficial relations and prosperity with its neighboring communities and gained recognition beyond its boundary throughout the state; and

WHEREAS, Mayor Roger's vision and ability to provide opportunities for recreational enjoyment and assistance in recruiting prospective employers have made Milford a better place to live, work and raise a family; and

WHEREAS, the members of Milford City Council, past and present, who have served with Mayor Joseph Ronnie Rogers, wish to state and reflect their deep respect and pleasure at having had an opportunity to work with him; and

WHEREAS, Mayor Rogers left the Office of Mayor on May 5, 2008, leaving his beloved city a legacy of fiscal responsibility, forward-looking development and strong and able leadership; and

WHEREAS, in honor of his immeasurable contributions as a public servant, the City Council is directing the Council Chambers of the newly renovated Milford City Hall at 201 South Walnut Street, Milford, Delaware be named the "Joseph

Ronnie Rogers Council Chambers”.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Milford, adopts this Resolution in honor of Mayor Joseph Ronnie Rogers this 12th day of May 2008. Likewise, the Council calls upon all citizens of the City of Milford to recognize and thank Mayor Rogers and his family for their tremendous effort and personal sacrifice for the well being of the City of Milford and wish he and his family the very best in their future endeavors.

I, Daniel Marabello, 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 a majority of all the elected members of the City Council of the City of Milford at its monthly meeting held on May 12, 2008.

Mayor Daniel Marabello

Mr. Ambrose moved to adopt the resolution honoring Mayor Rogers, seconded by Mr. Crouch. Motion carried.

Proclamation 2008-5/National Police Week

Mayor Marabello read the following proclamation into record:

WHEREAS, the Congress and President of the United States have designated May 15, 2008 as Peace Officers’ Memorial Day and the week in which it falls as National Police week; and

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

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

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

NOW, THEREFORE, I, Daniel Marabello, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, call upon all citizens of Milford, Delaware, and upon all patriotic, civic and educational organizations to observe the week beginning May 11, 2008 as Police Week during which time all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens in the City of Milford.

I further call upon all citizens of Milford, Delaware, to observe May 15, 2008 as Peace Officers’ Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

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

Mayor Daniel Marabello

Mr. Crouch moved for adoption of the proclamation, seconded by Mr. Starling. Motion carried.

The mayor then presented the proclamation to Chief Keith Hudson who thanked him on behalf of the men and women of Milford Police Department.

Proclamation 2008-6/Memorial Day & Milford Veterans Poppy Sale Days

Mayor Marabello read the following proclamation into record:

WHEREAS, the Veterans Affairs Organizations have adopted the Poppy as their commemorative symbol; and

WHEREAS, the memorial Poppy, assembled by disabled veterans, pays respectful tribute to those killed in war and also benefits living veterans and their families; and

WHEREAS, public donations for Poppies fund rehabilitation programs within each local community that benefit veterans and their families.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Milford, Delaware, hereby proclaims May 22 through May 24, 2008 to be Milford Veterans Affairs Poppy Sales Days in the City of Milford and encourages all citizens to recognize the merits of this cause by contributing to its support through the donation of funds for Poppies as symbols of appreciation for the sacrifices of our nation's honored dead.

AND, BE IT FURTHER RESOLVED, that as Mayor of the City of Milford, Delaware, I, Daniel Marabello, do hereby proclaim and declare that Memorial Day be observed on Monday, May 26, 2008 in this City. Due reverence and honors will be given to those valiant veterans who gave their lives in defense of this great Nation so that we may remain free. It is urged that we all join together in honoring them for their supreme sacrifice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this Twelfth Day of May in the year of our Lord Two Thousand and Eight.

Mayor Daniel Marabello

Motion made by Mr. Crouch to adopt the proclamation, seconded by Mr. Morrow. Motion carried.

The mayor then presented the proclamation to Jim Baker, Ruth Scott, Richard Scott and John Roberts. The public was invited to participate in the Memorial Day Ceremony on Memorial Day at 9:30 a.m. A parade to Odd Fellows Cemetery on North Walnut Street will follow.

Proclamation 2008-7/Elks Lodge 2401 Youth Week

Mayor Marabello read the following proclamation into record:

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

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

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

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

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

NOW, THEREFORE, I, Daniel Marabello, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, do hereby proclaim the week beginning May 11, 2008 as

YOUTH WEEK

in the City of Milford and urge all Departments of Government, Civic, Fraternal and Patriotic Groups, and our Citizens generally, to participate wholeheartedly in its observance.

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

Mr. Workman moved for adoption of the proclamation, seconded by Mr. Starling. Motion carried.

The mayor presented the proclamation to Elks Exalted Ruler George Andrae and Elks, Boy Scouts and Venture Crew Representatives Bob Glasco, Rachel Esposito, Heather Blew, Bob Blew, Jr., Gussie Lindale, Adam Hulsteine, Matt Klein and Tim Rust.

POLICE REPORT

Mr. Morrow moved for approval of the monthly police report submitted by Chief Hudson, seconded by Ms. Wilson. Motion carried.

Mr. Crouch noted the additional information included in the report thanking Mr. Morrow and Chief Hudson.

With no further comments, the motion carried.

CITY MANAGER REPORT

City Manager Carmean reviewed the report submitted by Assistant City Manager David Baird:

Lakeview Ave/Causey Avenue Road Improvements

The city is completing improvements to the storm drains on Lakeview Avenue in anticipation of DELDOT's resurfacing and ADA sidewalk improvements on Route 36 from Route 113 to Walnut Street. In addition, the railroad crossing on Causey Avenue will be closed to vehicular and pedestrian traffic while it is being rebuilt. Work on both projects is expected to begin in June.

Work on Southeast Front Street from Walnut Street to Rehoboth Boulevard will take place in the summer of 2009. The city is completing survey work along Southeast Front Street so that curbing and sidewalk improvements may be made in conjunction with the street improvements.

New Water Well

The new water well recently went on-line and has increased the city's water production capacity by 400 g.p.m. This improvement will help the city continue to meet our peak demands during the summer months.

Comprehensive Land Use Plan Update

City Planner Gary Norris will be presenting the Vision, Goals, Objectives and Strategies to the council for discussion at the council meeting on June 9. The city is required to complete its five-year update of the Comprehensive Land Use Plan in 2008.

City Hall Renovations

Progress on the renovations to city hall continue. The contractor has provided a completion date for the week of June 23.

FOP Negotiations

Management will be meeting with representatives of the FOP on Tuesday, May 13 to begin discussions regarding a new contract. Every effort is being made by both parties to complete the negotiations as soon as possible. The current contract expires on June 30, 2008.

Electric Circuit Extension

Electric Crews have been working on an extension of a circuit to improve the efficiency of the system. The line extends between Shawnee Acres/Hearthstone and extends over to Beaver Dam Road to Southeast Front Street. It is estimated that completing the work using city crews will save approximately \$200,000 over the cost of an outside contractor.

Annual Budget

Staff is continuing to develop the annual operating and capital budget for FY2009. Work on the budget should be completed within the next few weeks and upon completion, will be presented to city council for its consideration and adoption prior to June 30, 2008.

Mr. Carmean then recognized Mr. Baird for preparing the report this month.

Mr. Spillane asked why some of the electric poles were being replaced between Hearthstone and Shawnee Acres. Mr. Baird advised this was the project discussed in the City Manager's Report. The circuit is being extended to improve overall efficiency of the system. The circuit is being extended between Hearthstone and Shawnee Acres, up Rehoboth Boulevard to Beaver Dam Road and back into the city on Cedar Beach Road. This will improve operations on the current system and will provide additional benefits once a new substation is constructed. That will allow mirrored systems on each side of the river with numerous interconnections.

Mr. Spillane then asked if there is a potential site for the substation. Mr. Baird explained it has been narrowed down to three potential sites though nothing has been finalized because we are still in negotiations with Delmarva Power for connection. They are about 80% through their approval process; once that is completed, the city should be able to finalize the agreement. At the same time, the city is trying to keep transmission costs down though the site of the substation will have a huge impact.

Mr. Spillane confirmed the replacement of poles was not because of the additional homes being built at Hearthstone. Mr. Baird further elaborated there is very little of Hearthstone that is fed off the aerial between Hearthstone and Shawnee Acres. Mr. Spillane's main concern was if the poles were being replaced to the advantage of Hearthstone, the contractor should be held financially responsible and not the city.

Mr. Carmean explained that Hearthstone is served by an underground service that extends through the main entrance and feeds underground.

Mr. Crouch moved to accept the city manager report, seconded by Mr. Workman. Motion carried.

COMMITTEE REPORTS

Mr. Workman reported that Mayor Roger's banquet will be held Wednesday, July 9th at the Milford Senior Center beginning at 6:00 p.m. Tickets can be purchased for \$30 per person and should be available before the Memorial Day weekend. Additional information will follow.

The city manager advised that letters will be sent to other communities and elected officials though the emphasis is on those people in Milford that want to attend. The \$30 includes the cost of the meal and the rent of the building. Anything left will go toward a gift for Mayor Rogers and his wife.

Ms. Wilson received a letter from the Family Outreach Multipurpose Community Center, Incorporated. She reported that though the center is located in Lincoln, every year they have an outreach event at Banneker School. It is scheduled for July 18th and 19th. This is joint effort and they are already working with Parks and Recreation though they will contact the city office with additional details.

Mr. Crouch advised that Assistant Manager Baird requested he go to New Jersey last week to attend an expo for the base realignment and closing group who are considering areas to relocate. He represented the City of Milford distributing materials on behalf of the community.

Mr. Crouch was extremely appreciative of Delaware State University for allowing him to use their table and share their space to be able to distribute this information appropriately.

COMMUNICATIONS

Mayor Marabello announced the following two parade permits have been issued:

Milford Senior High School	Senior Cruise	May 16	12 Noon to 1:30 p.m.
American Legion Post 3	Memorial Day	May 26	10:00 a.m. to 12 Noon

UNFINISHED BUSINESS

Adoption of Ordinance 2008-7/Amendments to Chapter 92, Numbering of Buildings; Chapter 138, Grass, Weeds and Vegetation, Chapter 145 Housing Standards, Chapter 174, Property Maintenance and Adoption of 2006 International Property Maintenance Code

Assistant City Manager Baird advised this ordinance was introduced at the April 28th council meeting. He reminded council this is an update of the property maintenance code for the city. What is proposed is to repeal a number of ordinances of which have all been incorporated into this single property maintenance code. He explained this updates our code to the 2006 International Property Maintenance Code which is a consolidation of the BOCA and Southern Building Code.

He reported it is very detailed though very similar to our current ordinances. The major changes are in the enforcement end and follow up actions clearing defining the roles and responsibilities of the property owners and the code enforcement official of the city.

Assistant Manager Baird said that in Section 174-2, there are several local amendments proposed to the code.

Mr. Brooks then confirmed there is a state law that prohibits personal signs being posted on utility poles. He advised there are many poles in the Southeast Second Street area that contain postings particularly on weekends.

Mr. Baird explained that is not included in the property maintenance code but can be addressed as a separate issue by any city official of the street department, code enforcement or police department.

Mr. Crouch moved for adoption of Ordinance 2008-7 as presented, seconded by Mr. Morrow.

When called for questions, Mr. Spillane stated he has not had enough time to review everything at this time and asked if the adoption of this ordinance can be postponed until he had sufficient time to consider this ordinance.

Mr. Ambrose explained this has been an ongoing process involving the code and building officials for numerous months. He has been working with them through Mr. Baird in relation to several properties in the Ward I area. He feels it is very important this be acted upon so that immediate action can be taken as soon as possible.

Mr. Morrow noted that when a new council person comes on board, this situation occurs. There are a number of ongoing

issues all the time that cannot be continuously held up. The intent is not to slow the process down because of a change in council. This has been thoroughly reviewed by our professionals and this final document provides what is needed to address these problems. He respects Mr. Spillane's concern, but feels this needs to be adopted.

Mr. Carmean added that if Councilman Spillane finds there are faults or problems with the ordinance, it can be changed at that time. An adopted ordinance can always be changed as is frequently done with our zoning ordinance. If council decides to adopt it, additions, deletions or changes can be proposed at a later date by way of the same process.

Mr. Spillane said he prefers to read it completely and also would like to talk to a couple of people. At that point, he would be able to make a good evaluation or better recommendation.

City Solicitor Willard suggested Mr. Spillane abstain if he is uncomfortable because he has not had enough time to review the ordinance.

Motion then carried by a unanimous roll call vote.

Mr. Carmean then asked if council wanted city employees and police officers to address the pole posting issue by tearing the signs down or by contacting people and warning them not to post the notices again.

Mr. Brooks explained that he and Mr. Carmean have talked about this for years noting that Mr. Carmean has even personally removed the signs at times. It is his understanding that state law prohibits placing signs on utility poles. He is concerned that once these signs are posted on the poles, they remain there for several days, after a yard sale, for example. He feels some type of action should be taken.

Mr. Carmean agrees the signs create litter problems, are unsightly and often create a public safety problem because drivers will often read them from their vehicles.

Mr. Morrow asked that Chief Hudson relay this concern to his police officers.

Mr. Carmean said that the city needs to make it public that if a sign is posted, it will be torn down.

Cypress Hall/Letter for Reconsideration

City Solicitor Tim Willard referred to a request from Bruce Geyer asking for reconsideration of a zoning decision made at the April 28th council meeting. The zoning code, section 230-58(F) provides for an applicant to ask for reconsideration which was done after the last hearing by letter. The reason stated was that the public hearing should have been closed.

Mr. Willard recapped the events involving the Cypress Hall application. In the March meeting, council had a public hearing at which time the matter was tabled. At that time, the applicant was directed to provide additional information from soil conservation and DELDOT. At the last meeting, additional letters responding to these matters were provided. At that time, two individuals were recognized who commented on those subjects in addition to other issues.

The question was whether the public hearing should have been closed which Mr. Willard feels is a legitimate question. When a public hearing is closed, it must be made clear that the public comment period is closed. The minutes from that meeting were unclear as to whether that was done. It was tabled and additional information requested; whether the public hearing was still open or only open to address those specific issues was not clarified. He said the reality is there was the forum of a public hearing that night. The agenda listed it under old business and the record is unclear.

Mr. Willard also reported there was a subsequent meeting on the matter that followed which included DELDOT officials and some council members, which was also brought to his attention by the applicants' counsel.

For those two reasons, they have asked for reconsideration. He advised that if council wants the matter revisited for these reasons, a motion to reconsider would have to be entertained. If that were passed, it would rescind the last decision. He also recommended that same motion should call for another public hearing. Scheduling another public hearing protects

the opposition and the applicant's right to have all matters aired before a final decision is made.

Mr. Willard has discussed the application for reconsideration with the applicant's attorney who is comfortable with another public hearing to clear the record. Council can then decide on the merits of the case and it will not be tainted for anyone involved.

Mr. Workman asked that if council tabled the public hearing, does that mean the public hearing was never closed. Mr. Willard explained that counsel for the applicant has pointed to a procedure showing that tabling is the equivalent of closing a public hearing. Mr. Willard believes that could be debatable. He reiterated the best way to handle this is for council to make it very clear the record is closed or the record is open. If the record is kept open, it is for a specific reason.

Mr. Willard said he does not have a definitive answer for Mr. Workman. In this particular record, he feels it is unclear.

Mr. Willard reconfirmed he has spoken with the applicant's attorney who wants another public hearing so that a decision can be made as soon as possible. Their interest is to make sure councils' decision is legally sound.

Mr. Crouch then verified that another public hearing meets all of councils' responsibilities and obligations to both parties.

Ms. Wilson stated that when the applicant presented their plan, it was tabled so they could address two additional issues. They returned with that information and instead of a decision being made, it became an open forum with additional comments made. If that did not happen and those two issues addressed with council voting, that would have ended the matter regardless of the vote.

Mr. Willard said that because of the way this happened, should someone else want to comment or respond, that person would have a legitimate complaint that the record should have been open for them as well. In fairness to the public, it should have been made clear the public hearing was closed. He stressed this is the best way to correct what occurred.

Mr. Morrow verified there was a letter submitted for reconsideration, which is allowed in the zoning code.

Mr. Carmean pointed out the reconsideration can also be requested by a member of council; Mr. Willard believes that is correct.

Mayor Marabello said that considering both attorneys agreed and there is no opposition from the applicant for this slight delay, this will ensure there are no future challenges. He agrees with the advice of our attorney.

The mayor then referenced the letter of reconsideration written to Mr. Carmean, stating their tenants are having second thoughts about the municipal climate in the City of Milford. He wants to go on record stating that Milford does have a favorable climate for commercial development.

Mr. Workman made a motion to reconsider the Cypress Hall Project and schedule another public hearing as soon as possible, seconded by Mr. Crouch. Motion carried by a unanimous roll call vote:

McColley Annexation/Waiver Request

The city manager recalled the request from Lynn and Karen McColley regarding a previous zoning request on 70 acres east of Route 1. Prior to that hearing, they withdrew that request. At that time, council decided to hold the funds which would be used toward a new zoning application. Since that time, they have decided to annex their lands behind the Sunnybrae Mansion and are asking to apply these funds toward those annexation fees.

However, they have since paid the full annexation fee in order to start the process. Mr. Carmean suggests the money that is left from the initial zoning request in addition to any administrative costs be applied toward the annexation fee. Any fee remaining will be returned to the McColleys. He explained this is not a refund but a swap out for the money paid last week because the city is not in the business of refunding fees on zoning and annexation requests. Once the application is submitted, the work begins and the money is encumbered as far as he is concerned. But in this case, he believes they

have paid double and the balance should be refunded.

Ms. Wilson moved that the money left from the rezoning application be applied toward the cost of the new annexation application and the balance be refunded to the McColleys, seconded by Mr. Brooks. Motion carried.

Resolution/University of Delaware/Milford Yes Campaign Support

Mayor Marabello reminded council that David Stevenson is trying to get support for a possible four-year college in Sussex County from the University of Delaware and asked for support from the city.

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

Now, Therefore, Be It Resolved by the Mayor and Council of the City of Milford, in Council met:

WHEREAS, the University of Delaware was originally founded in 1743 and moved to Newark, Delaware in 1765; and

WHEREAS, today the main campus remains in Newark with satellite campuses in Dover, Wilmington, Lewes and Georgetown; and

WHEREAS, the Mayor and Council of the City of Milford support the University of Delaware in its efforts to build a four-year college in Sussex County; and

WHEREAS, welcome the choice of the Greater Milford Area as that location.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Milford pledge ourselves to assist in the creation of said college and that the official site for the college be within the Greater Milford, Delaware Area.

I, Daniel Marabello, 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 a majority of all the elected members of the City Council of the City of Milford at its monthly meeting held on May 12, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford be affixed this 12th day of May, Two Thousand and Eight.

Mayor Daniel Marabello

Mr. Crouch said he is in favor of this resolution and he will be very pleased if the University of Delaware comes to Milford. However, Milford is developing a relationship with Delaware State Universities who have offered the city a great deal of assistance in developing a communication package for economic development. As he mentioned earlier, they assisted him in New Jersey and feels they are developing a real relationship. He does not want them to feel we are abandoning them in that relationship with this motion. He will vote in favor of this for the benefits of a residential school. However, he wants to emphasize this does not in anyway preclude Milford from continuing to work closely with Delaware State University.

Motion carried.

NEW BUSINESS

Easement for Louise Miles Property/207 South Walnut Street

Mr. Carmean explained there has been a lot of correspondence between the city manager and Ms. Miles over the past year or so. She has also contacted several council members during that time. He reported that at one time the city entered into an agreement with the previous owner that they could utilize two parking spaces in the rear of city hall adjacent to their property. At the time the city hall renovations and addition to city hall were being planned, Mr. Carmean felt those parking

spaces needed to be addressed. Ms Miles was contacted and informed those spaces were not guaranteed. Because she is planning to sell her house, she wanted to pass those two parking spots in perpetuity to the buyer of the home. He did not feel the city was permitted to do that.

The city manager feels Ms. Miles has the right to an easement behind her property. Her backyard at one point was used as a parking area for the residence and that area utilized as an ingress and egress for longer than the law requires. He feels we can legalize the right for the property owner to use a portion of our land as an entrance to get to the back of her property. The proposed easement is included in the packet.

Mr. Carmean also asked council to consider purchasing the property. Mayor Marabello and Mr. Carmean discussed this several months ago. At that time, he agreed that any property that becomes available around city hall area should be considered. He has also discussed it with many council members noting that city hall could still be in this location two hundred years from now. Therefore, any property that becomes available at a reasonable cost, should be considered.

He then asked council to allow him to discuss the possible purchase of her home. He does not want a motion because the cost and appraisal will have to be brought back to council.

The city manager explained that the two parking spaces used by this property owner are no longer available. Ms. Miles wants access to the rear of her property. If not, she could open her back yard gate and park in that area. This easement will not guarantee any parking on city property but guarantees the right to cross the city property to access her property.

Solicitor Willard explained that when he spoke with her attorney Walter Feindt, proposed the easement. He questioned the two parking spaces that appear on the survey; Mr. Carmean explained that was her initial request.

Mr. Willard recommends those two parking spaces be removed to ensure we are on the same page as her attorney as this is misleading. He explained that the license agreement that previously existed is a much less permanent form of right to use the property. Language should be added about how egress and ingress would work and possibly include the number of vehicles as well.

Mr. Carmean asked that the agreement include wording that the easement could be moved in case a future building was added to the site. That would not take away their right to an easement, but would allow protection if it were necessary to move.

Mr. Willard agreed noting that a recent survey is required which Mr. Carmean indicated the city has.

Mr. Workman is concerned that once we provide her the easement and right of way, that space will need to be kept open. In realty, he feels she will still have the right to the parking lot. He asked what will happen if we have a big meeting and it becomes necessary for a car to park in this area. He asked if she will have the right to call the police and have the vehicle towed. Mr. Carmean said it will need to be posted that no parking will be allowed behind her residence. Mr. Workman asked for assurance that posting will be done to prevent any possible problems as a result of this easement.

Mr. Crouch moved for approval of the easement with changes as needed and drafted by the city solicitor, seconded Ms. Wilson. Motion carried by a 7-0 vote.

Mr. Ambrose abstained because of a professional relationship he has with Ms. Miles regarding his private property.

Council agreed the city manager pursue any property that becomes available in the area of city hall including the Miles property and another property recently listed on South Washington Street.

Mr. Carmean suggested that become an operational and ongoing duty of the city manager and when a property becomes available, it be brought back to council.

The city manager confirmed the Schobelock purchase will be finalized when the funds are received from the school land purchase and expects settlement to occur the end of this month. He advised that some money will need to be taken from

reserves, but will be replaced once the city sells the property to the school. The appraisals are in place for the school.

DSWA Agreement for Curbside Bi-Weekly Service

A copy of the proposed agreement was included in the council packet. Assistant Manager Baird noted the change from weekly collection to every other week. The price will remain at \$1 a week and the \$4 monthly fee will be reduced to \$2. The last agreement was for a one year term beginning August 1, 2007 and expiring July 31, 2008. This proposal is for a two-year term to expire July 31, 2010.

Mr. Brooks advised that the city added \$70,000 to the budget the last two years to pay for this program and asked what may be needed this year.

Mr. Baird said that based on our current participation, that number would be cut in half and the city would save between \$36,000 and \$38,000 a year. If participation increases, that savings will be reduced because the city will pay for more participants.

Mr. Brooks recalled the Delaware League Meeting when recycling and solid waste was discussed which is increasing to \$3 a ton.

Based on the numbers Mr. Baird has seen, he expects the city to continue subsidizing recycling as is done now. Instead of \$6,000 to \$7,000 a month, it should be approximately \$3,000 to \$4,000 a month.

He agreed there is proposed state legislation that would make recycling mandatory. However, Mr. Baird noted there has been several proposals over the years in one form or another. There continues to be a lot of political debate between the general assembly and the Delaware Solid Waste Authority.

Mr. Carmean feels that we are maintaining the costs of the collection of our rubbish and recycling to our constituents. With the increasing costs of diesel fuels and insurances, he feels maintaining that cost is a success in comparison to an increase.

Mr. Baird pointed out one of the reasons solid waste is putting this on the table is because they are not covering their costs on recycling and are trying to find ways to reduce them.

Mr. Workman feels the city has failed to educate our citizens about the way the city can save money in this program. He also believes we need to work with DSWA and use their materials to prove why it is important to recycle. He feels we have a great program but have failed in communicating that to our citizens. His opinion is if more residents understood how this could benefit the citizens and future generations, more people would participate.

Mr. Ambrose agrees with Mr. Workman. He reported that he sees a great deal of overflow in the cans and in particular, gigantic milk cartons, laundry detergent bottles and cases of beer bottles. He thinks someone needs to knock on these people's door and inform them that if they do not begin to recycle, another can will be issued at an additional cost of \$22 a month. In addition to filling their can, they also add bags of trash. He believes that one-third to one-half of what they put out for pickup is recyclable. He agrees we need additional education.

Mr. Crouch agrees but referred to the recycling report showing we now have more than 50% households participating. With a good educational program, that could increase to 75%. He recalled the beginning numbers were approximately 30%. Each report shows a slight increase. With an educational program, it will increase even more.

Ms. Wilson is in agreement noting she did not support recycling initially because she did not want it to be mandatory. She is pleased people have that choice. Two years ago, she suggested some type of forum where people could learn more about recycling. Perhaps a power point presentation could be done at the fire hall for our residents. In her neighborhood alone, she has seen a substantial increase in recycling. She supports the idea and would like that type of program to be set up.

When asked how the biweekly recycling would work, Mr. Baird said it is his understanding the entire city would be done

every other week. Mr. Brooks said the last time this was tried, one side of town was picked up one day and the other side another day. He feels we need to find a way to remind people of the pickup week as weekly pickups were much easier to remember.

Mayor Marabello then confirmed that our current recycling numbers have a savings of about \$2,500 in solid waste costs at approximately \$30,000 a year. The biweekly recycling costs will only be about half the costs or \$3,500 which is a \$500 differential at this point. Mayor Marabello asked how council feels about mandatory recycling as he is used to having where he previously lived.

Mr. Brooks said that Delaware League does not approve of mandatory recycling. Mr. Ambrose does not feel it should be mandatory because we are getting more and more big brotherish. However, he believes it will eventually be taken out of the city's hands when the state makes it mandatory. As long as we have control, he prefers it stay voluntary.

Mr. Crouch does not feel it should be mandatory but action needs to be taken against anyone abusing the system and overloading their cans. Those persons need to be charged accordingly. Mr. Baird agreed that was discussed last year.

Mr. Carmean said this is all well and good, but this nation has a lot of people who like to rebel against government. Often, if you push people, they will dig their heels in harder. He agrees that the city needs to get tougher on the people abusing it by making them pay the additional \$22 a month along with an educational program. He agrees we have not been hard enough on those people putting out extra bags. He feels enforcement should be done initially. Once they are charged the extra \$22 a month, they will request a recycling can fairly quickly.

Mr. Ambrose feels this should be easy for the solid waste crews who do the same routes every week. They are aware of who puts out extra trash over and over again. They only need to make a note of the address. Someone from management would then contact them and give them an ultimatum.

Ms. Wilson believes they are charging extra for people with large loads.

Mr. Workman is not in favor of making it mandatory. However, he feels if these people are not fined, it defeats the purpose and still needs to be monitored. Though we have increased to 50%, an educational program needs to be put in place to make a difference. He agrees that delivering another can will help, and though that was talked about, something actually needs to be done. Once people see that happening, it will at least make them think.

Mr. Morrow agrees that enforcement and education are needed.

Mr. Crouch moved for approval of the two-year Delaware Solid Waste Authority Agreement with biweekly collection, seconded by Mr. Morrow. Motion carried with no one opposed.

Award of Bid/250 KW Generator/Public Works

Bids for a replacement backup generator for the Seabury Avenue Water Treatment Plant were duly advertised and four sealed bids opened on Thursday, April 24, 2008. The following bids were received:

Curtis Engine and Equipment	\$63,845
Zober Contracting Services	\$76,296
GenServe, Incorporated	\$79,917
Nickle Electrical Company	\$95,400

Mr. Baird informed council \$80,000 was budgeted for the project. After a review of the bids, it is recommended the bid be awarded to Curtis Engine and Equipment.

Motion made by Mr. Crouch, seconded by Mr. Ambrose and carried that the bid be awarded to Curtis Engine and Equipment in the amount of \$63,845.

Participation in Delaware Community Appreciation Group

Mr. Crouch advised that Butch Elzey spoke to the Rotary Club a couple of weeks ago. Mr. Elzey is trying to raise money to benefit the wounded soldiers at Walter Reid Hospital. He recalled when City Council provided financial aid to victims of Hurricane Katrina in Louisiana and Mississippi a couple of years ago. In this case, a barbeque, entertainment and other support is provided to our wounded veterans at Walter Reid Hospital. This Milford group has had tremendous success and Mr. Crouch feels it is appropriate to offer our help in this endeavor.

Mayor Marabello asked the city manager to comment. Mr. Carmean recalled the resolution adopted several years ago that prohibited council from making donations to outside groups. However, on occasion, council has provided financial support in cases of devastation and unique situations. Milford did provide aid to the relief fund for communities affected by Hurricane Katrina as did many other towns and cities. This is for wounded soldiers and because we are an electric community, we could use those funds in the form of a promotion for the City of Milford. He agrees it is very difficult to say no to something that benefits these men and women at Walter Reid Hospital who were seriously injured while fighting for our country.

Mr. Crouch moved that support for this event be given in the amount of \$3,000, seconded by Mr. Workman. Motion carried by unanimous roll call vote, which was followed by a round of applause by members of the public.

Out of School Christian Block Party

Pastor C.L. Harris of Windows of Heaven Ministries requested permission for a block party in the back open area behind 203 Northeast Front Street which is the address of their church. The letter referred to their successful block party held last year in which there were no issues or problems.

Chief Hudson advised that last year's block party was held at another church site on Second Street. Because of the location they are requesting, he had one of his officers contact the wife of Pastor Harris because this site involves the property of three other locations including Milford Shopping Center and its rear entrance off East Street. At that time, it was determined that none of the impacted businesses had been contacted. Before an area can be closed off, it has always been a policy that any business or residence is contacted before permission is granted to close an area off.

Mr. Workman said that if this approved, barricades need to be delivered by city employees the night before the event to prevent having them brought in at the last minute.

Chief Hudson asked that action on this matter be postponed until contact with church officials can be made and additional information obtained.

The city manager agreed that permission cannot be given particularly if ingress and egress are blocked to the shopping center.

Mr. Crouch moved that this matter is postponed until further information can be obtained, seconded by Ms. Wilson. Motion carried.

Head Start Block Party

A letter from Head Start was received requesting a portion of Truitt Avenue and Northwest Sixth Street be blocked off for an End of the Year Celebration at 518 North Church Street.

The request did not include a date, but Mr. Starling and Chief Hudson both agreed this is normally held the end of May. Mr. Starling advised that Truitt will not need to be blocked off, only Northwest Sixth Street from Head Start to West Street. The parking area and front yard of Mount Enon Church is used and barricades provided by the city to block the streets.

Because the event is expected to occur prior to the next council meeting, it was agreed that Mr. Starling obtain the date

and coordinate the event with Chief Hudson and the city street department. Chief Hudson informed council the event has been ongoing for several years without incident and involves approximately half a block of which Head Start is the only building on the street.

Mr. Starling moved for approval of the Head Start block party, seconded by Mr. Morrow. Motion carried.

City Planning Commission/Planning Liaison

City Manager Carmean advised the planning commission liaison position is vacant due to Councilman Kramlich no longer being on council.

When Mayor Marabello asked Mr. Spillane if he would be interested in filling that vacancy, Mr. Spillane questioned the exact role on the commission because Councilman Kramlich did not actively participate in their discussions. Solicitor Willard explained that the planning commission ordinance does not identify a planning liaison. However, section 57-4 addresses ex-officio members and states "The Mayor and City Manager shall be ex officio members of the Planning Commission and may exercise all of the powers of the regular members; provided, however, that an ex officio member may not hold an office on the commission and shall have no right to vote on matters coming before the commission."

Mr. Carmean is unsure when this liaison was first appointed, but believes the mayor asked for them to serve on his behalf as an ex-officio member.

It is Mr. Workman's opinion that this council member acts as council's eyes and ears to ensure the commission follows the procedures and policies required by the city charter. Though they do not comment, they are present to make sure the commission is doing their job and doing it correctly. Mr. Workman said as an example, to ensure the commissioners attend meetings on a regular basis. That person could also assure the terms of each commissioner are applied though that has not been done in the past but is a requirement of the charter.

Ms. Wilson advised she served in that position as a liaison and the intent was not to police the planning commission. They are strictly there to observe and bring back any vital information to council. They have the right to make their own rules and determinations though council has final approval. She disagrees this position is a monitor of sort and does not believe any of the former liaisons took that role.

Mr. Crouch recalled that a question came up about council attending a planning commission hearing at which time the city solicitor advised at that time it was not a good idea.

Solicitor Willard advised the planning commission is also established by state law in addition to the city charter. The scheme is to have an independent body who has a quasi-judicial legislative review of matters before them. When he first came to Milford, he was curious about the ex-officio members, but has not researched it to determine whether other Delaware towns allow this. He did research of participation by council members sometime ago, which is why he brought that concern to council. The reason for council not participating in the planning commission hearings is respect for the independence of their process. When they hear a matter, the public record should be the report of the planning commission and should indicate their decision or recommendation.

He asked for additional time to investigate the ex-officio member issue in relation to other towns.

Mr. Willard advised that an ex-officio member is able to exercise all the powers of regular members though they cannot vote. He believes that if council asked him if they could attend and participate in the planning commission meetings, Mr. Willard would answer no. In the case of this liaison, it is his understanding the mayor appointed this position as his replacement as an ex-officio member.

Mr. Workman expressed concern that the term of each member is three years and that reappointments have not been done as is required by the ordinance.

Mr. Starling suggested that Mayor Marabello determine the needs of the planning commission. Mr. Crouch advised the

ordinance addresses a three-year term of the commissioners and council either appoint or not appoint these commissioners every three years.

Mr. Workman asked the commissioners start with a clean slate and council reappoint them all at the next meeting for a three year term. Mr. Ambrose feels they should have staggered terms to prevent reappointment of all members coming up at the same time.

Mayor Marabello will review the terms of the commissioners and asked this matter be deferred one month.

Mr. Carmean suggested the Planning Commission Recorder Christine Crouch track the terms of the commissioners and advise when the appointments need to be made.

Ms. Wilson moved that this matter be postponed until next month's meeting to allow time for the mayor to research the matter, seconded by Mr. Workman. Motion carried.

FINANCE REPORT

Mr. Ambrose advised that through the ninth month of Fiscal Year 2007-2008 with 75% of the year having passed, 80.75% of revenues have been received and 70.31% of the operating budget expended. The report did have an incorrect heading on page two.

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

EXECUTIVE SESSION

Motion made by Mr. Crouch to go into executive session reference personnel matters, seconded by Mr. Morrow. Motion carried.

Mayor Marabello recessed the council meeting at 9:27 p.m. to go into executive session to conduct a discussion regarding personnel matters.

Return to Open Session

City council returned to open session at 10:15 p.m.

Ms. Wilson moved to confirm the vote taken on the personnel matters as discussed in the executive session, seconded by Mr. Starling. Motion carried by the following vote:

Yes-Ambrose, Crouch, Brooks, Morrow, Starling, Wilson
No-Spillane, Workman

ADJOURN

Mr. Ambrose moved to adjourn the monthly meeting, seconded by Mr. Crouch. Motion carried. The Monthly Meeting of Council adjourned at 10:16 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder