

# City of Milford



## AGENDA

Monthly Council Meeting

July 14, 2014

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

### COUNCIL MEETING - 7:00 P.M.

Call to Order - Mayor Bryan W. Shupe

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

City Manager Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

Adoption/Ordinance 2014-08/Solid Waste Code Amendment/Chapter 193  
City Manager FY 2014-2015 Budget Message

New Business

2013 City of Milford Comprehensive Plan/PLUS Review and Comments  
Adoption/FY 2014-2015 Tax Warrant  
Bid Award/Wire Puller (Electric Department)  
Bid Award/Aerial w/Cab & Chassis (Electric Department)  
FY 2014-2015 Budget Adjustment/DBF Contract/PNC Bank/City Business Office Construction Administration  
Delaware Hospice/Alcohol Permit  
DMI Eat in the Street Event/Alcohol Permit  
Agreement/CGI Communications, Inc.  
First State Manufacturing/Independence Commons Business Park Parcel/Property Exchange\*  
Dr. Scott Hammer/Purchase Price/City of Milford Business Park Parcel\*  
C&C Drywall/Purchase Price/City of Milford Business Park Parcel\*  
FY 2014-2015 Budget Adjustment/City Billing Office (Former PNC Bank)/Kent County Impact Fees/Electric Reserves\*\*  
Delaware FOIA Training Date\*\*\*

Monthly Finance Report

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

**SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT  
NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED  
OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE**

# Milford Police Department



E. Keith Hudson  
Chief of Police



400 N.E. Front Street  
Milford, Delaware 19963

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: July 14, 2014

RE: Activity Report/June 2014

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## **Monthly Stats:**

A total of 700 arrests were made by the Milford Police Department during June 2014. Of these arrests, 215 were for criminal offenses and 485 for traffic violations. Criminal offenses consisted of 44 felonies and 171 misdemeanors. Traffic violations consisted of 164 Special Duty Radar, 6 Drunk-Driving offenses and 315 other charges.

Police officers investigated 54 accidents during the month (6 personal injury, and 48 property damage) and issued 176 written reprimands. In addition, they responded to 1230 various complaints including city requests and other agency assistance.

## **Monthly Activities:**

Recruit Miles Kosiorowski will graduate from the Delaware State Police Academy on July 11<sup>th</sup>. He officially reports to duty on Monday, July 14<sup>th</sup>.

Three officers participated in the Delaware Special Olympics Torch Run on June 5<sup>th</sup>. Because the run came through Milford, several patrol officers assisted with traffic control.

The K-9 Unit responded to 150 calls for assistant during June. They were utilized during 10 different incidents and 3 times as a precautionary presence on suspect(s) known to have fight or flight risks, in-progress domestic resulting in a large crowd and a residential hold-up alarm. The unit conducted 1 track on an armed robbery suspect and 6 sniffs for CDS.

The following items were located and subsequently seized as a direct result of the K-9 sniffs for CDS:

\$31,700 United States Currency  
228.2 grams of marijuana (\$4,564.00 street value)  
53 grams of powder cocaine (\$5,300.00 street value)\*\*

Telephone 302-422-8081

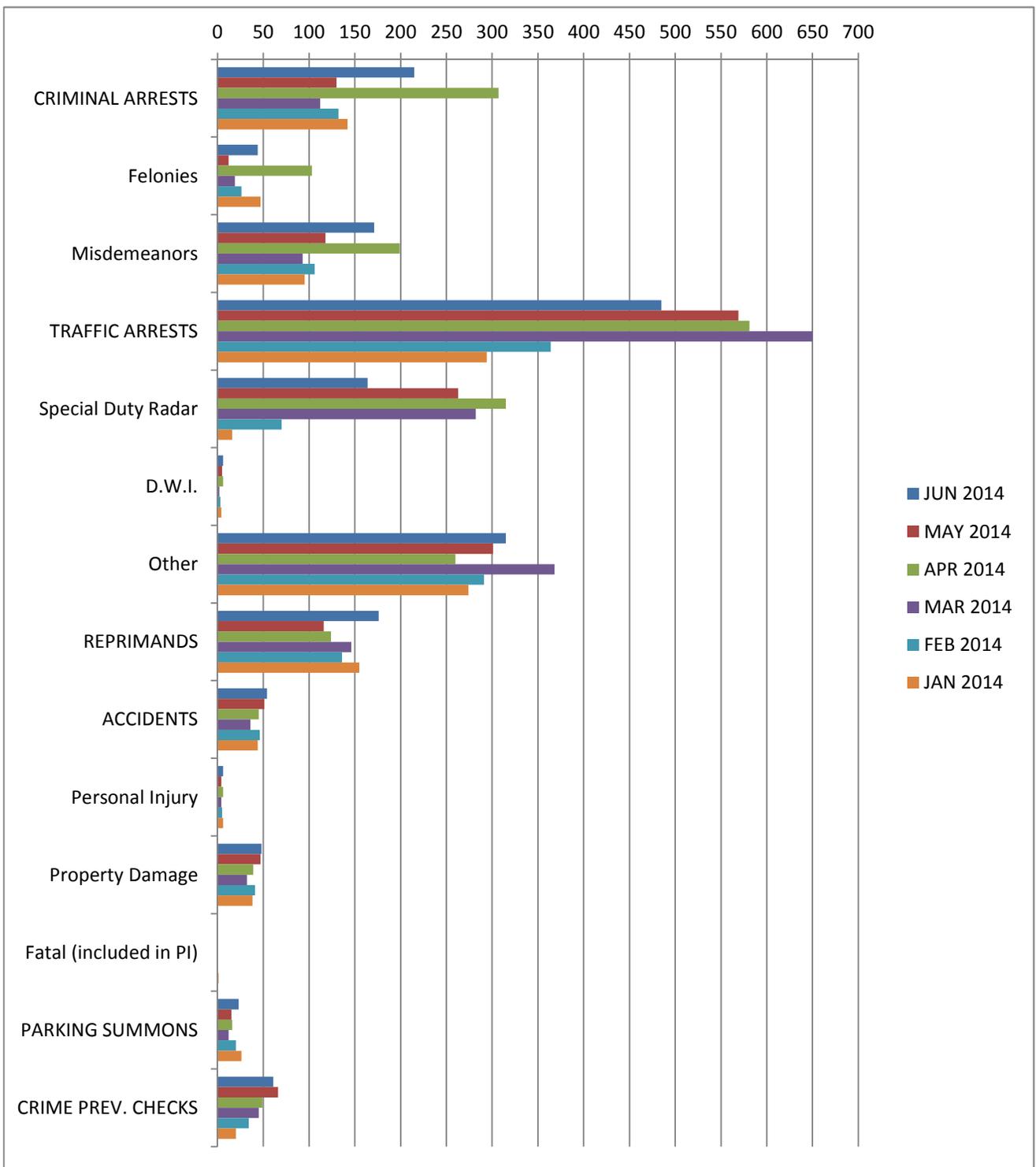
Facsimile 302-424-2330

\*\*Located within a hidden compartment in a suspect vehicle

A total of \$41,564.00 worth of currency and narcotics assets were seized during the month.

JUN 2014 ACTIVITY REPORT

	JUN 2014	TOTAL 2014	JUN 2013	TOTAL 2013
COMPLAINTS	1230	7117	1057	6392
CRIMINAL ARRESTS	215	1038	96	637
Felonies	44	251	18	141
Misdemeanors	171	782	78	496
TRAFFIC ARRESTS	485	2943	245	2222
Special Duty Radar	164	1110	88	529
D.W.I.	6	26	3	18
Other	315	1809	160	1681
REPRIMANDS	176	853	94	778
ACCIDENTS	54	276	43	290
Personal Injury	6	31	4	30
Property Damage	48	245	39	260
Fatal (included in PI)	0	1	0	0
PARKING SUMMONS	23	112	6	101
CRIME PREV. CHECKS	61	275	60	212
FINES RECEIVED	\$ 11,054.27	\$ 60,545.22	\$ 11,314.67	\$ 65,210.15





OFFICE OF THE CITY MANAGER  
RICHARD D. CARMEAN  
P 302.424.3712, F 302.424.3558

CITY HALL  
201 SOUTH WALNUT STREET  
MILFORD, DE 19963

## City Manager Report July 14, 2014

### **Administration**

The billing office renovation is progressing according to schedule. We had our first progress meeting and were advised by the contractor that completion should be by the end of October 2014. In removing the ceramic tile from the lobby area it was discovered that there was a terrazzo floor underneath the tile. This type flooring can be quite durable and attractive for high traffic areas. I have advised that if no significant damage is found after the tile removal we may consider just having the terrazzo remain.

I will probably be advertising in August for applications for the proposed planning/economic development position that was approved during the budget process. My intention is to stress the person's planning credentials, but to look for an individual who can market the city as a place to build or expand businesses that create jobs.

### **Streets & Solid Waste**

The assorted street projects will begin very soon. The successful bidder in those projects has been notified to begin. The North Washington Street sidewalks require new handicapped ramps to be installed at all the intersections along the areas of the street overlay. We did not receive any bids during the initial process on the sidewalk concrete work. We have now re-bid the work and should have a bid to bring to council at the August meeting.

### **Sewer & Water**

Bids will be received in the next few weeks for the water main that will run from our new well in the lot across from the rear parking lot of city hall to the soon to be constructed water treatment plant at #5 South Washington St. This will cause some disruption of traffic on South Washington Street between those two sites.

We will be replacing the generator at the 10<sup>th</sup> Street well. Bids should be in by next week. Our old one has been down for almost a year and luckily we had no prolonged outages during that time.

We are in the final planning stages for the new water treatment facility. I have asked DBF to assist me in estimating the costs of restrooms for the public being built during the construction of that project.

## **Electric**

The transformer that we moved from the Elks Lodge Road sub-station to the Rt. 14 sub-station was placed under load on Monday the 7<sup>th</sup>. It functioned properly with no loss in distribution to any customer.

We did experience some high winds resulting from hurricane Arthur, but there were no disruptions in service to our system.

PUBLIC NOTICE  
City of Milford  
Ordinance 2014-08

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Part II, General Legislation, Chapter 193 of the Code of the City of Milford entitled “Solid Waste”

Section II.

Amendments.

Chapter 193 entitled “Solid Waste” is hereby rescinded and replaced with a new Chapter 193 entitled “Solid Waste Management” to read as follows:

CODE OF THE CITY OF MILFORD  
PART II - GENERAL LEGISLATION

CHAPTER 193 - SOLID WASTE *MANAGEMENT*

*ARTICLE I. Miscellaneous Provisions*

*193-1. Mandatory Residential Collection. The maintenance of the public health, safety, sanitation and aesthetics requires that all residential properties in the City of Milford accept, arrange and pay for solid waste collection and disposal services in accordance with this chapter. Said mandatory service includes the collection of residential solid waste.*

*193-2. Non-Residential Services. Solid waste services through the City of Milford are optional for non-residential entities. Upon request containers may be provided, in accordance with the fee established in Section 193-11. Those opting not to utilize solid waste collection through the city shall be required to make arrangements for the disposal and/or collection of the same by a private collector/hauler at no cost to the city. The city reserves the right to restrict the services of a private hauler in order to promote the public health, safety and the general well-being of the community.*

*193-3. Containers Required. The city shall specify the type of container to be used for each specific collection. Use of any other type container than specified by the city is prohibited. Items piled alongside the container will not be picked up, nor will containers not provided by the city. If any container is lost or destroyed, another container shall be provided at cost to the customer.*

*193-4. Special Collections. Special collections will be held one week in the spring and one week during the fall of each year. Customers shall be able to put out additional items, including bulk items, during these weeks without an additional charge. Adequate notice of the special collection dates and details shall be provided to customers.*

193-5. Bills and Payments

- A. The rates as established shall be an assessment and shall be billed to the resident of the property on a monthly basis. All bills for service are due and payable each month for normal and additional services performed. Monthly charges, if not paid by the due date, shall accrue interest at the rate of 1 1/2% per month until paid.
- B. Bills are rendered for any indicated period of service, either special or monthly, and will show the proper charge as determined by the applicable rate schedule. Bills shall be considered as duly rendered when delivered at or mailed to the recorded address of the customer, as provided by him for that purpose. Non-receipt of a bill shall not constitute a waiver thereof. The city, on request, will issue a duplicate bill to the customer.
- C. The annual charge imposed under ordinance shall be a lien against the property served and shall be and remain a lien for ten years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance even though such other lien or liens may be of a date prior to the time of attaching of this lien. The City Manager shall have the same authorities, remedies and powers with respect to the collection of this charge as are provided for the collection of taxes.
- D. Any customer, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill within five days to the city for investigation.

#### 193.6. Violations and Penalties.

- A. *Unless otherwise prescribed herein*, Any person ~~or any officer of any firm or corporation~~ violating any of the provisions of ~~this article~~ Chapter 193 shall, upon conviction thereof before a Justice of the Peace, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs of prosecution.
- B. Every violation of this *chapter* shall be deemed a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

*193-7. Supplemental Regulations.* The City Manager is hereby authorized to make additional rules and regulations for the administration of the solid waste collection system, provided that such rule or regulation is not in conflict with the specific provisions of this *chapter* ~~article~~ and is in no way inconsistent with the established policies of the City Council.

## ARTICLE II ~~COLLECTION AND DISPOSAL~~ *SOLID WASTE*

### *193-8. Definitions*

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

*SOLID WASTE-Commonly referred to as trash or garbage, consisting of everyday items that are discarded which may include food wastes, containers and product packaging and other miscellaneous wastes from residential or commercial sources. Solid Waste does not include yard waste, inert waste such as construction debris, hazardous waste, toxic waste or medical waste.*

### *193-9. Unlawful Acts; Containment Required; Containers*

*It shall be unlawful to deposit or place any trash or garbage into any yard waste container or recycling container or on a city street or drainage gutter. Containers will be provided upon request. Multi-family dwellings may utilize a city approved dumpster.*

### **193-10. Collection Procedures**

#### **A. General.**

- (1) All collection of solid waste materials from residences ~~, apartment houses~~ and other approved establishments shall be by city public works crews or contractors hired or contracted by the City Manager.
- (2) It shall be unlawful for any person to place any solid waste container within any public utility easement or public way except on designated collection days at the curblineline. All containers shall be placed just behind the curblineline of the street abutting such property but shall not be placed where the containers will interfere with vehicular or pedestrian traffic.
- (3) Where solid waste is collected from the front or side street, containers shall be placed there no earlier than 3:00 p.m. of the day preceding the day of collection and not later than 7:00 a.m. on the scheduled day of collection and shall be removed to a point at the side or rear of the structure not later than 7:00 p.m. of the day of collection.
- (4) No solid waste, ~~trash, brush~~ or any other similar materials shall be placed in the street or on the sidewalk. No solid waste of any description shall be disposed of within the limits of the city in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this ~~article~~ *chapter* shall be a violation as prescribed in ~~Section 193-5~~ *herein*.

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

#### **C. Items ~~the City will not collect~~ *Prohibited*.**

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

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

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

§ 193-4. Containers.

- ~~A. The City shall provide containers to any person occupying a residence. The resident must use these containers in lieu of personal containers. Professional offices being served by the City shall also use City containers. Multi-family dwellings will utilize city approved dumpsters; refer to Section 193-5B, bulk collection. If any container is lost or destroyed, another container shall be provided at cost to the customer.~~
- ~~B-F. Reserved.~~
- ~~G. Any residential customer regularly placing trash in excess of the limits provided for in Section 193-4A, as determined solely by the City, shall be provided an additional container and billed the residential rate for each container provided by the City.~~

*193-11. Collection & Rate Schedule*

Rates shall be as follows:

- A. The city will collect solid waste as described in this Article II once every week.*
- B. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the city. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*
- C. Residential properties*
  - \$23.50 monthly - one container*
  - \$47.00 monthly - two containers*
- D. Non-Residential properties:*
  - \$23.50 monthly - one container*
  - \$47.00 monthly - two containers*
- E. Multi-family units (including apartment complexes).*
  - \$23.50 monthly - one container (per unit)*
  - \$47.00 monthly - two containers (per unit)*
- F. Individual containers at may be replaced with 3-cubic yard dumpster at City Manager's discretion.*

Code Number	Description	Monthly Rate
<b>Residential rates</b>		
01	Single family and multi-unit buildings with 12 units or less 1 x per week collection	\$23.50
<b>Commercial rates</b>		

CART	95-gallon 1 x per week collection	\$32.00
05	3-yard 2 x per week collection	\$80.00
06	Customer-owned 3-yard 3 x per week collection	\$192.00
07	3-yard 3 x per week collection	\$134.00
08	City-owned 3-yard 3 x per week collection	\$198.00

### ARTICLE III YARD WASTE

#### *193-12. Definitions.*

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

*YARD WASTE-Biodegradable waste consisting of leaves, grass clippings, twigs, small branches (less than four ft. in length), shrubbery, prunings and other garden material.*

#### *193-13. Unlawful Acts; Containment Required; Containers*

- A. It shall be unlawful to deposit or place any ~~leaves, grass trimmings, tree trimmings or other vegetative debris~~ *yard waste* or matter into any garbage container, recycling container *or on any* city street or *in a* drainage gutter.
- B. An additional yard waste container is available upon request. A one-time fee will be charged to the utility account. The fee is determined upon the size of container requested. The additional container is property of the City of Milford.
- |           |      |
|-----------|------|
| 95 Gallon | \$65 |
| 65 Gallon | \$60 |
| 35 Gallon | \$55 |

#### *193-14. Collection Procedures*

- A. The city will provide for the collection of ~~leaves, branches and tree trimmings~~ *yard waste* from April 1 through October 31 of each year, provided that such yard waste ~~refuse~~ is deposited into the yard waste containers *issued by the city.* ~~as provided for in Section 193-7.~~ Disposal of ~~leaves, branches and tree trimmings~~ *yard waste* that will not fit into the container shall be the responsibility of the property owner.
- B. The city will provide for loose leaf curbside collection from November 1 through January 31 in accordance with the following conditions:
- (1) Loose leaves shall be raked and placed behind the curb for removal by the city's leaf vacuum.
  - (2) Leaves must be free of stones, branches, brush and grass clippings or they will not be collected.
  - (3) It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.

#### ~~193-14~~ *15. Collection & Rate schedule.*

- A. The City will collect yard waste as described in Section 193-10A *14A* once every ~~other~~ *two* weeks.
- B. The loose leaf curbside collection as described in Section 193-10B *14B* will be collected once each week.
- C. ~~The City Manager shall divide the city into districts and shall schedule the collection of yard waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.~~ *The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*

~~§ 193-12. Violations and penalties.~~

~~Any person(s) or party violating any provision of this article shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined as follows:~~

- ~~A. First offense: not less than \$25 and not more than \$100.~~
- ~~B. Subsequent offenses: not less than \$50 and not more than \$250.~~

*ARTICLE IV RECYCLING*

*193-16. Definitions*

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

*RECYCLING-Trash including cardboard, glass bottles and jars (any color), junk mail and envelopes (all types), magazines and catalogs, metal cans (tin/steel/aluminum), milk jugs, bleach/detergent bottles and shampoo bottles, narrow-neck plastic bottles, newspapers and brown paper bags, paperboard (cereal/tissue boxes), plastic grocery bags, telephone and soft cover books, pizza boxes (free of food residue). Recycling materials does not include styrofoam (all types), hardback books (pages are acceptable, remove hard cover), light bulbs (all types), household batteries, electronics, broken glass/mirrors/window glass, empty aerosol spray cans, paint cans.*

*193-17. Unlawful Acts; Containment Required; Containers*

*It shall be unlawful to deposit or place any recycling material into any solid waste container or yard waste container or on any city street or in a drainage gutter.*

*193-18. Collection Procedures*

*The City will provide for the collection of recycling material, provided that such material is deposited into a recycling container provided by the city. Disposal of excessive material that will not fit into the container shall be the responsibility of the property owner.*

*193-19. Collection & Rate Schedule*

- A. The City will collect recycling material once every two weeks.*
- B. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*

*ARTICLE V. BULK ITEMS.*

*193-20. Definitions*

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

*BULK ITEMS-Trash other than regular household trash, such as furniture, appliances, large items lawn mowers, barbeque grills, hot water heaters, air conditions, televisions, doors, cabinets, kid's toys or excessive amounts of household trash placed in bags or boxes.*

*Note: Bulk items does not include materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste, rock, scrap building materials, appliances containing Freon or trash resulting from construction, remodeling or destruction of fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in the preparation for construction or landscaping, leaves, grass clippings, twigs, small branches, shrubbery, prunings and other garden material shall not be collected and removed by the city. Such materials will be removed by the owner.*

*193-21. Unlawful Acts.*

*It shall be unlawful to place any bulk material or any hazardous chemical on a city street or near a drainage gutter.*

*193-22. Collection Procedures*

- A. Customers are required to contact our Customer Service Department to schedule a pickup.*
- B. Excessive household trash shall be bagged or placed in boxes.*

*193-23. Collection & Rate Schedule*

- A. The bulk fee shall be determined on a sliding scale based on the amount of bulk trash or large items picked up from the residence as follows:*

*Trash- bagged or boxed:*

*1 - 5 small pieces      \$10*

*6 - 10 pieces            \$20*

*11 - 15 pieces          \$30*

*16 - 20 pieces          \$40*

*21-50 pieces            \$50*

*Over 50 pieces          TBD by supervisor*

*Large Items (appliance, furniture, miscellaneous items) \$10 per item*

*A minimum of at least \$10 will be billed for each pickup*

- B. The city will collect bulk material every Wednesday.*

- C. The city will not collect bulk material on weeks when a holiday occurs.*

*ARTICLE VI. Temporary Suspension of Services*

*193-24 Authority.*

- A. The Public Works Director may suspend trash and recycling (and yard waste when applicable) collection services on an owner-occupied residence only if the home is unoccupied for a minimum of three months.*

- B. A "Temporarily Suspend Garbage Service Application" must be completed in order to place the service on hold.
- C. A "Temporarily Suspend Garbage Service Application" must be received by the Public Works Department at least five business days prior to the start of the suspension period.
- D. The Solid Waste Department will collect the trash, recycling and yard waste (if applicable) containers at the start of the suspension and redeliver them on the expected date of return.
- E. The residence for which the suspension has been approved shall remain vacant during the suspension period.
- F. Service will automatically be reactivated at the end of the approved suspension period, unless a request for an additional period of temporary suspension has been requested and approved by the Public Works Director prior to the automatic reactivation. Failure to request an extension prior to the reactivation date will result in the resumption of the monthly solid waste fee. To continue a suspension of service after reactivation, a new "Temporarily Suspend Garbage Service Application" must be filed with the appropriate fee.
- G. When a suspension is active, the customer may not use any other city trash/recycling/yard waste services, including someone else's container or bulk service.
- H. No credit will be issued should customer fail to submit and complete the "Temporarily Suspend Garbage Service Application."
- I. Partial or retroactive payments of monthly fees are prohibited.

*193-25. Suspension Fee.*

- A. At the time of the suspension request, a service fee of \$35 will be charged for the removal, storage and redelivery of the containers.
- B. Service fee shall be paid at the time the "Temporarily Suspend Garbage Service Application" is submitted to the Public Works Department.

*193-26. Noncompliance, Violations and Penalties.*

- A. Noncompliance of this article will result in the immediate reactivation of the solid waste services.
- B. The account will be billed the full service fees for the entire suspension period and a \$100 account reconciliation fee assessed for noncompliance.
- C. Violations and Penalties set forth in Section 193-7 *5* shall also apply to Article ~~III~~ *VI*.

Section III.

Dates.

Introduction: June 23, 2014

Adoption (Projected): July 14, 2014



# DELAWARE SOLID WASTE AUTHORITY

Richard P. Watson, P.E., BCEE  
Chief Executive Officer

Robin M. Roddy, P.E., BCEE  
Chief Operating Officer

**Board of Directors**

Richard V. Pryor  
Chairman  
Ronald G. McCabe  
Vice Chairman  
Theodore W. Ryan  
Timothy P. Sheldon  
Tonda L. Parks  
Gerard L. Esposito  
Gregory V. Moore, P.E.

May 12, 2014

Richard Carmean  
City of Milford  
P.O. Box 159  
Milford, DE 19963

Dear Richard:

Enclosed please find the City of Milford's numbers for the month of April 2014.

**April 2014  
Weight in Pounds**

**MARSHALL STREET**

<b>SINGLE-STREAM TOTAL</b>	<b>OIL GALLONS</b>
13,164	425

**MILFORD COMMONS**

12,808	
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Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc  
Christie Murphy  
Attachments: City of Milford Curbside Totals

## CITY OF MILFORD CURBSIDE

APRIL 2014

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
4/3/2014	766343	7100-RC Single Strea	7000-Recommunity	City of Milford	3.94
4/3/2014	766346	7100-RC Single Strea	7000-Recommunity	City of Milford	4.02
4/10/2014	767187	7100-RC Single Strea	7000-Recommunity	City of Milford	4.1
4/11/2014	767267	7100-RC Single Strea	7000-Recommunity	City of Milford	7.58
4/11/2014	767268	7100-RC Single Strea	7000-Recommunity	City of Milford	6.6
4/17/2014	768107	7100-RC Single Strea	7000-Recommunity	City of Milford	3.74
4/17/2014	768117	7100-RC Single Strea	7000-Recommunity	City of Milford	4.83
4/24/2014	768989	7100-RC Single Strea	7000-Recommunity	City of Milford	4.7
4/24/2014	769007	7100-RC Single Strea	7000-Recommunity	City of Milford	4.23
4/25/2014	769060	7100-RC Single Strea	7000-Recommunity	City of Milford	3.22
4/28/2014	769432	7100-RC Single Strea	7000-Recommunity	City of Milford	3.61
				<b>TOTAL</b>	<b>50.57</b>



# DELAWARE SOLID WASTE AUTHORITY

Richard P. Watson, P.E., BCEE  
Chief Executive Officer

Robin M. Roddy, P.E., BCEE  
Chief Operating Officer

**Board of Directors**  
Richard V. Pryor  
*Chairman*  
Ronald G. McCabe  
*Vice Chairman*  
Theodore W. Ryan  
Timothy P. Sheldon  
Tonda L. Parks  
Gerard L. Esposito  
Gregory V. Moore, P.E.

June 6, 2014

Richard Carmean  
City of Milford  
P.O. Box 159  
Milford, DE 19963

Dear Richard:

Enclosed please find the City of Milford's numbers for the month of May 2014.

**May 2014  
Weight in Pounds**

**MARSHALL STREET**

<b>SINGLE-STREAM TOTAL</b>	<b>OIL GALLONS</b>
13,861	690

**MILFORD COMMONS**

13,548	
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Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc  
Christie Murphy  
Attachments: City of Milford Curbside Totals

1128 S. Bradford Street, P.O. Box 455, Dover, Delaware 19903-0455  
Phone: (302) 739-5361 Fax: (302) 739-4287

CITIZENS' RESPONSE LINE: 1-800-404-7080 [www.dswa.com](http://www.dswa.com)

Printed on Recycled Paper

**CITY OF MILFORD CURBSIDE RECYCLING  
MAY 2014**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
5/1/2014	769827	7100-RC Single Strea	7000-Recommunity	City of Milford	3.86
5/1/2014	769839	7100-RC Single Strea	7000-Recommunity	City of Milford	4.34
5/8/2014	770701	7100-RC Single Strea	7000-Recommunity	City of Milford	4.51
5/8/2014	770705	7100-RC Single Strea	7000-Recommunity	City of Milford	4.85
5/9/2014	770754	7100-RC Single Strea	7000-Recommunity	City of Milford	4.98
5/9/2014	770758	7100-RC Single Strea	7000-Recommunity	City of Milford	3.15
5/15/2014	771503	7100-RC Single Strea	7000-Recommunity	City of Milford	3.85
5/15/2014	771517	7100-RC Single Strea	7000-Recommunity	City of Milford	4.74
5/22/2014	772313	7100-RC Single Strea	7000-Recommunity	City of Milford	4.15
5/22/2014	772322	7100-RC Single Strea	7000-Recommunity	City of Milford	4.42
5/23/2014	772367	7100-RC Single Strea	7000-Recommunity	City of Milford	5.43
5/23/2014	772368	7100-RC Single Strea	7000-Recommunity	City of Milford	3.56
5/29/2014	773143	7100-RC Single Strea	7000-Recommunity	City of Milford	3.52
5/29/2014	773171	7100-RC Single Strea	7000-Recommunity	City of Milford	4.62
				<b>TOTAL</b>	<b>59.98</b>



# DELAWARE SOLID WASTE AUTHORITY

Richard P. Watson, P.E., BCEE  
Chief Executive Officer

Robin M. Roddy, P.E., BCEE  
Chief Operating Officer

## Board of Directors

Richard V. Pryor  
*Chairman*  
Ronald G. McCabe  
*Vice Chairman*  
Theodore W. Ryan  
Timothy P. Sheldon  
Tonda L. Parks  
Gerard L. Esposito  
Gregory V. Moore, P.E.

July 8, 2014

Richard Carmean  
City of Milford  
P.O. Box 159  
Milford, DE 19963

Dear Richard:

Enclosed please find the City of Milford's numbers for the month of June 2014.

### June 2014 Weight in Pounds

#### MARSHALL STREET

SINGLE-STREAM TOTAL	OIL GALLONS
23,163	675

#### MILFORD COMMONS

14,254	
--------	--

Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc

Christie Murphy

Attachments: City of Milford Curbside Totals

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**CITY OF MILFORD CURBSIDE RECYCLING**

7/9/2014

**JUNE 2014**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
6/5/2014	774089	7100-RC Single Strea	7000-Recommunity	City of Milford	4.37
6/5/2014	774110	7100-RC Single Strea	7000-Recommunity	City of Milford	4.97
6/6/2014	774137	7100-RC Single Strea	7000-Recommunity	City of Milford	4.34
6/6/2014	774139	7100-RC Single Strea	7000-Recommunity	City of Milford	4.48
6/12/2014	774934	7100-RC Single Strea	7000-Recommunity	City of Milford	3.97
6/12/2014	774940	7100-RC Single Strea	7000-Recommunity	City of Milford	5.06
6/19/2014	775766	7100-RC Single Strea	7000-Recommunity	City of Milford	3.82
6/19/2014	775768	7100-RC Single Strea	7000-Recommunity	City of Milford	4.26
6/20/2014	775839	7100-RC Single Strea	7000-Recommunity	City of Milford	4.72
6/20/2014	775840	7100-RC Single Strea	7000-Recommunity	City of Milford	4.13
6/26/2014	776691	7100-RC Single Strea	7000-Recommunity	City of Milford	3.74
6/26/2014	776702	7100-RC Single Strea	7000-Recommunity	City of Milford	4.9
					52.76

PUBLIC NOTICE  
City of Milford  
Ordinance 2014-08

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Part II, General Legislation, Chapter 193 of the Code of the City of Milford entitled “Solid Waste”

Section II.

Amendments.

Chapter 193 entitled “Solid Waste” is hereby rescinded and replaced with a new Chapter 193 entitled “Solid Waste Management” to read as follows:

CODE OF THE CITY OF MILFORD  
PART II - GENERAL LEGISLATION

CHAPTER 193 - SOLID WASTE *MANAGEMENT*

*ARTICLE I. Miscellaneous Provisions*

*193-1. Mandatory Residential Collection. The maintenance of the public health, safety, sanitation and aesthetics requires that all residential properties in the City of Milford accept, arrange and pay for solid waste collection and disposal services in accordance with this chapter. Said mandatory service includes the collection of residential solid waste.*

*193-2. Non-Residential Services. Solid waste services through the City of Milford are optional for non-residential entities. Upon request containers may be provided, in accordance with the fee established in Section 193-11. Those opting not to utilize solid waste collection through the city shall be required to make arrangements for the disposal and/or collection of the same by a private collector/hauler at no cost to the city. The city reserves the right to restrict the services of a private hauler in order to promote the public health, safety and the general well-being of the community.*

*193-3. Containers Required. The city shall specify the type of container to be used for each specific collection. Use of any other type container than specified by the city is prohibited. Items piled alongside the container will not be picked up, nor will containers not provided by the city. If any container is lost or destroyed, another container shall be provided at cost to the customer.*

*193-4. Special Collections. Special collections will be held one week in the spring and one week during the fall of each year. Customers shall be able to put out additional items, including bulk items, during these weeks without an additional charge. Adequate notice of the special collection dates and details shall be provided to customers.*

193-5. Bills and Payments

- A. The rates as established shall be an assessment and shall be billed to the resident of the property on a monthly basis. All bills for service are due and payable each month for normal and additional services performed. Monthly charges, if not paid by the due date, shall accrue interest at the rate of 1 1/2% per month until paid.
- B. Bills are rendered for any indicated period of service, either special or monthly, and will show the proper charge as determined by the applicable rate schedule. Bills shall be considered as duly rendered when delivered at or mailed to the recorded address of the customer, as provided by him for that purpose. Non-receipt of a bill shall not constitute a waiver thereof. The city, on request, will issue a duplicate bill to the customer.
- C. The annual charge imposed under ordinance shall be a lien against the property served and shall be and remain a lien for ten years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance even though such other lien or liens may be of a date prior to the time of attaching of this lien. The City Manager shall have the same authorities, remedies and powers with respect to the collection of this charge as are provided for the collection of taxes.
- D. Any customer, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill within five days to the city for investigation.

#### 193.6. Violations and Penalties.

- A. *Unless otherwise prescribed herein*, Any person ~~or any officer of any firm or corporation~~ violating any of the provisions of ~~this article~~ Chapter 193 shall, upon conviction thereof before a Justice of the Peace, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs of prosecution.
- B. Every violation of this *chapter* shall be deemed a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

*193-7. Supplemental Regulations.* The City Manager is hereby authorized to make additional rules and regulations for the administration of the solid waste collection system, provided that such rule or regulation is not in conflict with the specific provisions of this *chapter* ~~article~~ and is in no way inconsistent with the established policies of the City Council.

## ARTICLE II ~~COLLECTION AND DISPOSAL~~ *SOLID WASTE*

### *193-8. Definitions*

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

*SOLID WASTE-Commonly referred to as trash or garbage, consisting of everyday items that are discarded which may include food wastes, containers and product packaging and other miscellaneous wastes from residential or commercial sources. Solid Waste does not include yard waste, inert waste such as construction debris, hazardous waste, toxic waste or medical waste.*

### *193-9. Unlawful Acts; Containment Required; Containers*

*It shall be unlawful to deposit or place any trash or garbage into any yard waste container or recycling container or on a city street or drainage gutter. Containers will be provided upon request. Multi-family dwellings may utilize a city approved dumpster.*

### **193-10. Collection Procedures**

#### **A. General.**

- (1) All collection of solid waste materials from residences ~~, apartment houses~~ and other approved establishments shall be by city public works crews or contractors hired or contracted by the City Manager.
- (2) It shall be unlawful for any person to place any solid waste container within any public utility easement or public way except on designated collection days at the curblineline. All containers shall be placed just behind the curblineline of the street abutting such property but shall not be placed where the containers will interfere with vehicular or pedestrian traffic.
- (3) Where solid waste is collected from the front or side street, containers shall be placed there no earlier than 3:00 p.m. of the day preceding the day of collection and not later than 7:00 a.m. on the scheduled day of collection and shall be removed to a point at the side or rear of the structure not later than 7:00 p.m. of the day of collection.
- (4) No solid waste, ~~trash, brush~~ or any other similar materials shall be placed in the street or on the sidewalk. No solid waste of any description shall be disposed of within the limits of the city in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this ~~article~~ *chapter* shall be a violation as prescribed in ~~Section 193-5~~ *herein*.

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

#### **C. Items ~~the City will not collect~~ *Prohibited*.**

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

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

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

§ 193-4. Containers.

- ~~A. The City shall provide containers to any person occupying a residence. The resident must use these containers in lieu of personal containers. Professional offices being served by the City shall also use City containers. Multi-family dwellings will utilize city approved dumpsters; refer to Section 193-5B, bulk collection. If any container is lost or destroyed, another container shall be provided at cost to the customer.~~
- ~~B-F. Reserved.~~
- ~~G. Any residential customer regularly placing trash in excess of the limits provided for in Section 193-4A, as determined solely by the City, shall be provided an additional container and billed the residential rate for each container provided by the City.~~

*193-11. Collection & Rate Schedule*

Rates shall be as follows:

- A. The city will collect solid waste as described in this Article II once every week.*
- B. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the city. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*
- C. Residential properties*
  - \$23.50 monthly - one container*
  - \$47.00 monthly - two containers*
- D. Non-Residential properties:*
  - \$23.50 monthly - one container*
  - \$47.00 monthly - two containers*
- E. Multi-family units (including apartment complexes).*
  - \$23.50 monthly - one container (per unit)*
  - \$47.00 monthly - two containers (per unit)*
- F. Individual containers at may be replaced with 3-cubic yard dumpster at City Manager's discretion.*

Code Number	Description	Monthly Rate
<b>Residential rates</b>		
01	Single family and multi-unit buildings with 12 units or less 1 x per week collection	\$23.50
<b>Commercial rates</b>		

CART	95-gallon 1 x per week collection	\$32.00
05	3-yard 2 x per week collection	\$80.00
06	Customer-owned 3-yard 3 x per week collection	\$192.00
07	3-yard 3 x per week collection	\$134.00
08	City-owned 3-yard 3 x per week collection	\$198.00

### ARTICLE III YARD WASTE

#### *193-12. Definitions.*

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

*YARD WASTE-Biodegradable waste consisting of leaves, grass clippings, twigs, small branches (less than four ft. in length), shrubbery, prunings and other garden material.*

#### *193-13. Unlawful Acts; Containment Required; Containers*

- A. It shall be unlawful to deposit or place any ~~leaves, grass trimmings, tree trimmings or other vegetative debris~~ *yard waste* or matter into any garbage container, recycling container *or on any* city street or *in a* drainage gutter.
- B. An additional yard waste container is available upon request. A one-time fee will be charged to the utility account. The fee is determined upon the size of container requested. The additional container is property of the City of Milford.
  - 95 Gallon      \$65
  - 65 Gallon      \$60
  - 35 Gallon      \$55

#### *193-14. Collection Procedures*

- A. The city will provide for the collection of ~~leaves, branches and tree trimmings~~ *yard waste* from April 1 through October 31 of each year, provided that such yard waste ~~refuse~~ is deposited into the yard waste containers *issued by the city.* ~~as provided for in Section 193-7.~~ Disposal of ~~leaves, branches and tree trimmings~~ *yard waste* that will not fit into the container shall be the responsibility of the property owner.
- B. The city will provide for loose leaf curbside collection from November 1 through January 31 in accordance with the following conditions:
  - (1) Loose leaves shall be raked and placed behind the curb for removal by the city's leaf vacuum.
  - (2) Leaves must be free of stones, branches, brush and grass clippings or they will not be collected.
  - (3) It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.

#### ~~193-14~~ *15. Collection & Rate schedule.*

- A. The City will collect yard waste as described in Section 193-10A *14A* once every ~~other~~ *two* weeks.
- B. The loose leaf curbside collection as described in Section 193-10B *14B* will be collected once each week.
- C. ~~The City Manager shall divide the city into districts and shall schedule the collection of yard waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.~~ *The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*

~~§ 193-12. Violations and penalties.~~

~~Any person(s) or party violating any provision of this article shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined as follows:~~

- ~~A. First offense: not less than \$25 and not more than \$100.~~
- ~~B. Subsequent offenses: not less than \$50 and not more than \$250.~~

*ARTICLE IV RECYCLING*

*193-16. Definitions*

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

*RECYCLING-Trash including cardboard, glass bottles and jars (any color), junk mail and envelopes (all types), magazines and catalogs, metal cans (tin/steel/aluminum), milk jugs, bleach/detergent bottles and shampoo bottles, narrow-neck plastic bottles, newspapers and brown paper bags, paperboard (cereal/tissue boxes), plastic grocery bags, telephone and soft cover books, pizza boxes (free of food residue). Recycling materials does not include styrofoam (all types), hardback books (pages are acceptable, remove hard cover), light bulbs (all types), household batteries, electronics, broken glass/mirrors/window glass, empty aerosol spray cans, paint cans.*

*193-17. Unlawful Acts; Containment Required; Containers*

*It shall be unlawful to deposit or place any recycling material into any solid waste container or yard waste container or on any city street or in a drainage gutter.*

*193-18. Collection Procedures*

*The City will provide for the collection of recycling material, provided that such material is deposited into a recycling container provided by the city. Disposal of excessive material that will not fit into the container shall be the responsibility of the property owner.*

*193-19. Collection & Rate Schedule*

- A. The City will collect recycling material once every two weeks.*
- B. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*

*ARTICLE V. BULK ITEMS.*

*193-20. Definitions*

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

*BULK ITEMS-Trash other than regular household trash, such as furniture, appliances, large items lawn mowers, barbeque grills, hot water heaters, air conditions, televisions, doors, cabinets, kid's toys or excessive amounts of household trash placed in bags or boxes.*

*Note: Bulk items does not include materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste, rock, scrap building materials, appliances containing Freon or trash resulting from construction, remodeling or destruction of fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in the preparation for construction or landscaping, leaves, grass clippings, twigs, small branches, shrubbery, prunings and other garden material shall not be collected and removed by the city. Such materials will be removed by the owner.*

*193-21. Unlawful Acts.*

*It shall be unlawful to place any bulk material or any hazardous chemical on a city street or near a drainage gutter.*

*193-22. Collection Procedures*

- A. Customers are required to contact our Customer Service Department to schedule a pickup.*
- B. Excessive household trash shall be bagged or placed in boxes.*

*193-23. Collection & Rate Schedule*

- A. The bulk fee shall be determined on a sliding scale based on the amount of bulk trash or large items picked up from the residence as follows:*

*Trash- bagged or boxed:*

*1 - 5 small pieces      \$10*

*6 - 10 pieces            \$20*

*11 - 15 pieces          \$30*

*16 - 20 pieces          \$40*

*21-50 pieces            \$50*

*Over 50 pieces          TBD by supervisor*

*Large Items (appliance, furniture, miscellaneous items) \$10 per item*

*A minimum of at least \$10 will be billed for each pickup*

- B. The city will collect bulk material every Wednesday.*

- C. The city will not collect bulk material on weeks when a holiday occurs.*

*ARTICLE VI. Temporary Suspension of Services*

*193-24 Authority.*

- A. The Public Works Director may suspend trash and recycling (and yard waste when applicable) collection services on an owner-occupied residence only if the home is unoccupied for a minimum of three months.*

- B. A "Temporarily Suspend Garbage Service Application" must be completed in order to place the service on hold.
- C. A "Temporarily Suspend Garbage Service Application" must be received by the Public Works Department at least five business days prior to the start of the suspension period.
- D. The Solid Waste Department will collect the trash, recycling and yard waste (if applicable) containers at the start of the suspension and redeliver them on the expected date of return.
- E. The residence for which the suspension has been approved shall remain vacant during the suspension period.
- F. Service will automatically be reactivated at the end of the approved suspension period, unless a request for an additional period of temporary suspension has been requested and approved by the Public Works Director prior to the automatic reactivation. Failure to request an extension prior to the reactivation date will result in the resumption of the monthly solid waste fee. To continue a suspension of service after reactivation, a new "Temporarily Suspend Garbage Service Application" must be filed with the appropriate fee.
- G. When a suspension is active, the customer may not use any other city trash/recycling/yard waste services, including someone else's container or bulk service.
- H. No credit will be issued should customer fail to submit and complete the "Temporarily Suspend Garbage Service Application."
- I. Partial or retroactive payments of monthly fees are prohibited.

*193-25. Suspension Fee.*

- A. At the time of the suspension request, a service fee of \$35 will be charged for the removal, storage and redelivery of the containers.
- B. Service fee shall be paid at the time the "Temporarily Suspend Garbage Service Application" is submitted to the Public Works Department.

*193-26. Noncompliance, Violations and Penalties.*

- A. Noncompliance of this article will result in the immediate reactivation of the solid waste services.
- B. The account will be billed the full service fees for the entire suspension period and a \$100 account reconciliation fee assessed for noncompliance.
- C. Violations and Penalties set forth in Section 193-7 *5* shall also apply to Article ~~III~~ *VI*.

Section III.

Dates.

Introduction: June 23, 2014

Adoption (Projected): July 14, 2014



OFFICE OF THE CITY MANAGER

JUNE 23, 2014

To the Honorable Mayor and Members of the City Council:

I am pleased to present to you my proposed Fiscal 2014-2015 Budget for the City of Milford. This budget is for the period July 1, 2014 through June 30, 2015 and totals \$41,356,975.00.

This document will allow the citizens of Milford to better understand the costs of operations for all areas of the City. It also demonstrates how the revenues required for those operations are gathered and expended throughout the fiscal year.

Another very important function of this budget is that it provides a road map for the managerial needs of the City Manager and departments in the City. Within the budget certain spending parameters and revenue expectations are stated. This allows for perusal by management, Mayor and Council, and the citizens of Milford as to the efficiency of the activities of the City. While it is always necessary to make some changes to our budget throughout the year, it is a guideline as to what are the anticipated financial predictions for the year.

#### BUDGET OVERVIEW

This budget does not include any increases in property taxes, sewer rates, water rates or trash fees.

#### SUMMARY

There are certain things that cannot be accomplished through a barebones budget. This budget is presented absent any fat or hidden costs. Unless something changes financially in the future, such as tax and fee increases, or further cuts, the City will see very little expansion of services or civic improvements. This does not mean Milford will not remain a lovely place to reside with dependable infrastructure, adequate public safety, and other needed services. For several years management and Mayor and Council have been doing a laudable job of doing more with less. However, increased costs, even without increased services, are inevitable. It is our responsibility to run the City efficiently, but there has to be a balance between cost and positive change. I'm certain that the future leaders of the City will find a way to accomplish this challenge.

I want to thank Mayor and Council, Councilperson Pikus and his Finance Committee, our Finance Director, and other employees who worked with me to construct this financial document that will serve as a financial guide for the next 12 months. This will in all probability be my last budget message. It has been my pleasure to have been a part of the hard work that has kept our City financially viable for over 40 years. We have maintained an excellent credit rating with solid reserves, while giving citizens a level of service which is hard to match in municipal government.

*Richard D. Carmean*  
City Manager



**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION**

June 25, 2014

Mr. Gary Norris  
16273 John Rowland Trail  
Milton, DE 19968

RE: PLUS Review 2014-05-04, Milford Comprehensive Plan Amendment

Dear Mr. Norris,

Thank you for meeting with State agency planners on May 28, 2014 to discuss the proposed amendment to Milford's Comprehensive Plan.

According to the application, the City of Milford desires to amend the existing comprehensive plan to address zoning changes and the preparation of a Master Plan for the Northeastern area.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

***Certification Issues:***

**Office of State Planning Coordination – Contact David Edgell 739-3090**

- Chapter 12 is the Land Use and Annexation Plan. This portion of the plan appears to be drafted to replace and supersede Chapter 12 from the 2008 Comprehensive Plan. As such, it needs to clearly describe all of the neighborhood areas, as well as the two “Master Plan” areas that are included in the City. As written it is incomplete and unclear. This is a certification issue because all comprehensive plans must clearly indicate future land use both in the current municipal limits and in the annexation area. Here are some suggestions that will improve this chapter:
  - The 2008 Comprehensive Plan created four Neighborhood Areas: North, Town Center, Southeast, and Southwest. The intention of this Plan Amendment appears to be to create a fifth Neighborhood Area, the Northeast Neighborhood Area. This should be clearly stated in the beginning of this chapter.
    - **Northeast Neighborhood:** Create a new section for this area. Describe land uses, why it was created, the need for the master plan, and what the

City hopes to accomplish with the master plan. There are at least three paragraphs of text in the middle of page 29 that could be adapted for this section.

- **North Neighborhood:** Rewrite this section to acknowledge that the Northeast has been split off. Discuss land use, and take out references to land uses and other issues that are now in the Northeast. Also, the current text for the North Neighborhood includes mention of lands in Sussex County on the top of page 28. It does not appear that this area extends into Sussex County, please review.
  - **Town Center Neighborhood:** This Amendment does not have any discussion of the Town Center (except for major changes). Add a discussion of the land uses and land use issues in the Town Center. Because the eastern portions of the old Town Center Neighborhood are now in the Northeast Neighborhood, this text can focus on the downtown area even more.
  - **Southwest Neighborhood:** This Amendment does not have any discussion of the Southwest Neighborhood (except for major changes). Add a discussion of the land uses and land use issues in the Southwest.
  - **Southeast Neighborhood:** This section directs the reader to the Southeast Neighborhood Master Plan. This is good, and no changes are recommended.
- Update the Maps (Figure 14, 14A, 14B, 14C, and 14D) to reflect the new neighborhood boundaries.
  - The future land use maps all show a blank area for both the Southeast Neighborhood and the Northeast “Study Area.” This is fine for the Southeast Neighborhood since the master plan governs land use in that area. It will be fine for the Northeast as well once the master plan is in place. However, what happens between now and then? If the City intends to adopt a moratorium until the master plan is adopted then perhaps the blank land use will not be an issue. Otherwise, the plan must be revised to address future land use in this area in some way.
- The maps for this Amendment are of particularly poor resolution. The maps shown on the screen during the PLUS meeting were of much higher quality. It is necessary to be able to tell the land use of the individual parcels. On these maps the parcels are not even visible. The resolution of the maps must be improved to at least the level of quality of the maps shown during the PLUS meeting.
  - On the map series, the master plan areas (Southeast and Northeast) appear blank on the maps. There is a space in the legend that indicates there should be a color or pattern associated with those master plan areas. Perhaps it is not showing up due to the resolution issue. In any event, the legend and the maps must be revised so that this is visible.

- On Figure 6 it is necessary to add streets and parcels to the map. It is not possible to locate the historic districts without the reference that streets provide.
- The PLUS response letter for the previous application (PLUS 2013-04-02) is dated April 3, 2013. This date is before the actual PLUS meeting, which occurred on April 24, 2013. Did you mean April 3, 2014?
- There is a note on Figure 10 (and other maps) about the agricultural district in the North Neighborhood. According to the note the Ag District was subject to removal by the owners in March 2014. Please see the status update about these Ag Districts in the DDA comments later in this letter, and update the note accordingly.

***Recommendations:*** Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

**Office of State Planning Coordination – Contact David Edgell 739-3090**

- As discussed at the PLUS meeting, it is recommended that this document be formatted as an addendum to the existing comprehensive plan. The amendment should clearly indicate which chapters and sections of the comprehensive plan it replaces or supercedes.
- It is recommended that the amendment be reviewed and edited for grammar and punctuation before it is finalized and adopted.
- On page 6, add Table 5D where indicated.
- On page 6, starting at the third paragraph through page 7, should be updated with 2014 data about housing demand, building permits and construction trends through 2014. The current text discusses these housing market characteristics as of 2008.
- On page 8, add Table 5E where indicated.
- On pages 11 through 13, move the section on housing to the Housing section in Chapter 6.
- On page 12, list sources for the graphs.
- On page 13, graph at the top of the page, delete as this is the same as the first graph on page 12.
- On page 13, housing units in structure, this data should be in a table and there should be a paragraph accompanying it. Also provide the source (I assume it is Census 2010). This would be moved along with the other housing data to Chapter 5.
- On page 14, delete the graph as this is the same graph as on the top of page 10.

- On page 19, top of page, the text recommends that the GIS data sets developed in 2011 for redistricting should be made available to the Police Department. Was this data made available to them? Please update.
- On pages 23 and 24, there is a discussion about the Milford Central Academy and the Milford Middle School. I had heard that the Milford Middle School was to be demolished next year, and that the grade levels would be redistributed to other schools. Please verify the status of this issue with the District and update if necessary.
- On Figure 11, the name of the Banneker Elementary School is misspelled (as Bannicker).

#### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

- In Chapter 5, on Pages 5 and 6, DeIDOT recommends that the last paragraph under Redevelopment and the first paragraph under Housing need to be edited. There are some sentences that do not read well.
- In Chapter 7, in the first paragraph on Page 19, the Plan states that a potential site for a proposed fire substation is shown on “Map No. 10.” DeIDOT was unable to locate the property on Figure No. 10, Future Land Use, or any other figure. In looking for it, the “Map” numbers in the text do not correspond with the “Figure” numbers. Further, on many of the figures, it was difficult or impossible to see the roads and streets.
- Figures 10, 14D and 15 refer to the Northeast Master Plan Study Area, but DeIDOT was unable to find mention of the study or the area in the text of the Plan. Where is it addressed?
- None of the figures show future land uses for the Northeast Master Plan Study Area. DeIDOT understands that the City wishes to determine appropriate land uses through the preparation of the Study, but suggests that some interim guidance, perhaps the existing land uses, should be provided in the Plan for reference until the Study is complete. Alternatively, the Plan could recommend a moratorium on land use changes pending the results of the Study.
- With regard to the expansion of the Institutional zoning district associated with Milford Memorial Hospital, we recommend some changes to the street network. Specifically, DeIDOT recommends that Plum Street, which is an alley parallel to Walnut Street between Kings Highway and West Clarke Avenue, be improved and that it continue to be used to provide driveways and parking lot access for the buildings that front on Walnut Street, even as the uses of those buildings change. Doing so will help to preserve both traffic flow and the neighborhood character along Walnut Street.

Recognizing that Plum Street is a relatively long and narrow alley, with buildings close to the right-of-way line, DeIDOT has two suggestions for how it could better serve the properties

fronting on Walnut Street. First, Plum Street could be designated one-way. The street is presently about nine feet wide and situated in a right-of-way of about 12 feet. Widening it to provide a second lane, and thereby safely accommodate two-way traffic, would be difficult and expensive.

Second, Sussex Avenue could be extended south to connect to Plum Street. The right-of-way for this connection already exists and making the connection would reduce the distance one would need to travel along Plum Street to enter or exit one of the properties served.

- With regard to the expansion of the Commercial zoning district along the US Route 113 corridor, DelDOT reminds the City that there is no plan to widen or bypass this portion of the corridor, as there is from Hudson Pond south. The creation of a strip commercial district along an arterial highway necessarily means that there will be increased congestion for the length of that district.

If the City wishes to minimize that congestion, they should begin thinking about how access on the corridor should be managed and should identify conceptually in the Plan what they want to have occur in this regard. For example, the City could begin planning for a system of service roads along the backs of the lots that front on the east side of the highway, similar to what is planned on west side. As the agency responsible for managing access in the corridor, DelDOT would need to be involved in the planning of the service roads, but absent a State project to create the roads, the City would need to identify the need for them in their Plan and begin requiring rights-of-way and construction as the properties along the corridor develop.

**The Department of Natural Resources and Environmental Control – Contact Kevin Coyle 739-9071**

The vast majority of comments received were related to the Northeast Study Area. As such, DNREC would fully support the development of a Master Plan for the Northeast Study Area, following a process/format that was similar to the one employed for the 2011 Milford Southeast Neighborhood Master Plan.

- **Source Water Protection**

The Office of State Planning Coordination requested a review of the City's Comprehensive Plan Amendment to ensure that the comments of PLUS 2013-04-02 were addressed. The review found they were not.

There are no references to source water protection in the comprehensive plan amendment DNREC was given to review. However, the draft plan (2013 Comprehensive Plan Text – DRAFT) accessed at the City's website contains some of the required elements of source water requirements in 7 Del. C. 6082(b). However, they do not express an understanding of subject. The elements are still found in Book 1, Chapter 10, Environmental Issues, not in Chapter 9, City Infrastructure. DNREC recommends that the discussion of source water protection be moved to Chapter 9.

On page 40 of the 2013 Comprehensive Plan Text - DRAFT, Groundwater Resources, paragraph 3, the text references Map No. 13. Map 13 could not be found in the documents and Figure 13 shows transportation elements. Figure 3A, Natural Features, depicts wellhead protection and groundwater recharge areas. DNREC recommends reconciling the citations and nomenclature. Additionally, it is not DNREC regulations that require protection for source water protection areas; State Law, 7 Del. C. §6082, requires it.

On page 45, Excellent Recharge Areas, paragraph 5, the description of excellent recharge areas as “land on top of an aquifer” is inaccurate. However, the definition in the City’s Municipal Code is correct. Please reference § 230-4 of the Municipal Code for clarification.

On page 46, Environmental Plan, paragraph 5, the text states in part “participate in sanitary surveys to provide protection to wellheads”. Sanitary surveys are described under 16 Del. Admin. C., §4462, 1.12.1.2. They are not a wellhead protection element.

In addition, on page 46, Environmental Plan, paragraph 7 references the City’s land use ordinance for areas designated “Water Resource Protection Zone” for recharge areas and recharge areas for wells in the unconfined aquifer. The City uses the term “Source Water Protection District” in their ordinances. These regulations are to protect all sources of drinking water. DNREC recommends reconciling the citations and nomenclature.

The text also cites the City’s land use ordinance that limits impervious cover. Limits to impervious cover in source water protection areas are part of the City’s source water ordinance. DNREC recommends referencing Milford’s Municipal Code §230-19.5 for information to discuss the City’s goals and objectives related to the protection of the resource as a required element.

- **Wetlands, Buffers and Key Wildlife Habitat.** The proposed Northeastern Master Plan area appears to be bordered by wetlands associated with Swan Creek and Mispillion River. A review of our database indicates that the following State rare, federally listed or Species of Greatest Conservation Need (SGCN) occur within these wetlands:

Scientific Name	Common Name	Taxon	State Rank	State Status	SGCN Tier	Federal Status
<i>Lycaena hyllus</i>	Bronze Copper	Butterfly/ Skipper	S2		Tier 2	
<i>Catacoala dejecta</i>	Dejected underwing	Moth	S1			
<i>Darapsa versicolor</i>	Hydrangea sphinx	Moth	S1S3		Tier 2	
<i>Bolboschoenus novae-angliae</i>	Brackish bulrush	Flowering Plant	S1			

The Plan indicates that the City plans to preserve approximately 150 acres of riparian buffer along these waterways. However, without a map to identify the designated areas, it is difficult to provide comments and suggestions for improvements. In the absence of more specific

information, DNREC suggests preservation of as much of the wetlands as feasible. These wetlands are designated as Key Wildlife Habitat (KWH) in the Delaware Wildlife Action Plan (<http://www.wildlifeactionplans.org/delaware.html>) because they can support an array of plant and animal species.

Moreover, to protect the function and integrity of wetlands, a minimum 100-foot buffer should be left intact around the perimeter. This recommendation is based on peer reviewed scientific literature that shows an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. Upland buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle. Lot lines, roadways, and infrastructure should not be placed within this buffer zone. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms.

- **Forest Preservation.** In order to retain the ecological function of the forest blocks within the proposed Northeastern Master Plan area, fragmentation of existing forest blocks should be minimized as well. Forest fragmentation separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species. Preserving larger, connected areas of forest as open space will provide wildlife with needed food, water, shelter and places to raise young.
- **Sea Level Rise**  
Portions of the areas proposed for master planning for the Northeastern Area and the area on Route 113 north lay within an area that will be subject to direct and permanent inundation from sea level rise (<http://de.gov/slrmap>).

Sea levels in Delaware have risen by about a foot over the past century (NOAA, 2014). This rate of sea level rise is likely to accelerate in the coming decades as a result of global climate change and local subsidence. Accelerated sea level rise will result in permanent flooding of low-lying coastal areas and increased risk of flood damage during storms (DNREC, 2012).

#### Recommendations:

- The City should consider additional land use controls for the areas subject to 1.5 meter of sea level rise.
- To reduce the costs of providing infrastructure the City should consider not permitting roads, sewer or water to be extended into areas subject to 1.5 meter of sea level rise.
- The City should consider avoiding new structures within a mapped Sea Level Rise Area. Where such development cannot be avoided, new structures should be built with an additional 18 inches of freeboard to protect the health, safety and general welfare of people occupying and using the structures.

If you would like any additional information please contact Delaware Coastal Programs at (302) 739-9283.

References:

NOAA (National Oceanic and Atmospheric Administration). (2014). Mean Sea Level Trend, Lewes, DE. Retrieved from [http://tidesandcurrents.noaa.gov/sltrends/sltrends\\_station.shtml?stnid=8557380](http://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?stnid=8557380).

DNREC Delaware Coastal Programs. (2012). Preparing for Tomorrow's High Tide: Sea Level Rise Vulnerability Assessment for the State of Delaware. Dover, DE: Department of Natural Resources and Environmental Control. Retrieved from <http://de.gov/slrva>.

### **Department of Agriculture – Contact Milton Melendez 698-4534**

- As a general comment, the Department of Agriculture continues to support the concept of master planning for the city, and in general.
- Referring to Figure 10: Future Land Use map, please note the following updates to the annotation at the top of the map.
  - Parcel 5-00-162.00-01-68.00: This 232 +/- acre parcel is currently enrolled in the state's farmland preservation program (Project ID K-04-03-23#; Kimbowrosa District). The parcel is not permanently preserved, and will be eligible to be removed from the program July 6, 2019, provided the owner provides written notice to the Department at least 6 months prior to that date.
  - Parcel 5-00-173.00-02-07.00: This 22 +/- acre parcel is currently enrolled in the state's farmland preservation program (Project ID K-05-12-233A; Minner Expansion of the Kimbowrosa District). The parcel is not permanently preserved, and will be eligible to be removed from the program April 12, 2016, provided the owner provides written notice to the Department at least 6 months prior to that date.
  - Parcel 5-00-174.00-01-01.00: This 25 +/- acre parcel is currently enrolled in the state's farmland preservation program (Project ID K-06-03-233B; Swan Creek Expansion of the Kimbowrosa District). The parcel is not permanently preserved, and will be eligible to be removed from the program November 8, 2016, provided the owner provides written notice to the Department at least 6 months prior to that date.

### ***Approval Procedures:***

As described in this letter, there are a number of certification issues associated with this Plan Amendment. Once the Plan Amendment has been revised to address those certification issues (and hopefully the recommendations as well), please submit a draft to our office to review. Upon verification that these issues have been addressed, we will write you a letter to this effect. After receipt of our letter the City is welcome to have the plan adopted by the Planning Commission and Council.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of the Future Land Use Map as well as any text that is necessary to amend the comprehensive plan and describe the change.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink on a white background.

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Kent County  
Sussex County  
Gary Norris

# City of Milford



## GREETINGS:

The Charter of the City of Milford provides the following:

"Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, Signed by the Mayor and Attested to by the City Clerk, commanding the City Manager to make collection of Taxes as stated in the Tax Lists."

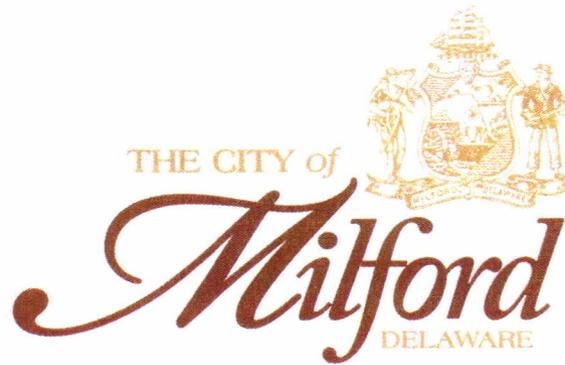
THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS AS FOLLOWS:

Assessed Per Billing Register	\$1,012,111,082
Exemptions	[205,392,900.00]
TOTAL ASSESSED VALUE	\$806,718,182.00
$\underline{\hspace{2cm}} \times .0046$	
ESTIMATED TAX PER PROPERTY VALUES	\$3,710,903.64
Senior Citizen Discount	[29,624.00]
<b>TOTAL TAXABLE (Fiscal Year 2014-2015)</b>	<b>\$3,681,279.64</b>

Adopted this 14<sup>th</sup> day of July 2014.

Mayor Bryan W. Shupe

Attest: \_\_\_\_\_  
City Clerk



ELECTRIC DEPARTMENT  
(302) 422-1110 FAX (302) 422-1117

180 VICKERS DRIVE  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

## **INVITATION TO BID**

Sealed bids for the latest model year “Wire Puller” will be received by the City of Milford at City Hall, 201 S. Walnut Street, Milford, Delaware until 2:00 p.m., local time, on Thursday, June 12, 2014, and then at said office publicly opened and read aloud.

Specifications are available at the City of Milford Public Works Facilities, 180 Vickers Drive, Milford, Delaware, or at Milford City Hall.

Mailing Address: City of Milford  
Attn: City Clerk  
201 South Walnut Street  
Milford, DE 19963  
(302) 422-6616

Bids must be clearly marked “***Sealed Bid –Wire Puller***”. Award of the bid will be made at the next regularly scheduled City Council meeting.

The City of Milford reserves the right to reject ANY AND ALL BIDS and to waive any informality within the bids.

Ad ID: 13869

Cost: \$44.38

Start: 06/14/14

Stop: 06/14/14

Class: 5500, State Public - Legal Notices

**INVITATION TO BID**

Sealed bids for the latest model year "Wire Puller" will be received by the City of Milford at City Hall, 201 S. Walnut Street, Milford, Delaware until 2:00 p.m., local time, on Thursday, June 19, 2014, and then at said office publicly opened and read aloud.

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Milford, DE 19963  
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The City of Milford reserves the right to reject ANY AND ALL BIDS and to waive any informality within the bids.  
13869 DSN 6/14/2014

## INFORMATION FOR BIDDERS

Bids for a latest model year **“Wire Puller”** will be received by the City of Milford at City Hall, 201 S. Walnut Street, Milford, Delaware until 2:00 p.m., Thursday, June 12, 2014, and then at said office publicly open and read aloud.

Each Bid must be submitted in a sealed envelope addressed to *City Clerk*, at Milford City Hall. Each sealed envelope containing a bid must be plainly marked on the outside as ***Sealed Bid-Wire Puller***, and the envelope should bear on the outside the name of the Bidder and his address. If forwarded by mail, the sealed envelope containing the Bid must be enclosed in another envelope addressed to the City of Milford at 201 South Walnut Street, Milford, DE 19963.

All Bids must be made on the required Bid form. All blank spaces for Bid prices must be filled in, in ink or typewritten, and the Bid form must be fully completed and executed when submitted. ***Two (2) copies of the Bid form and specifications including drawings/schematics are required!***

The City of Milford may waive any informalities or minor defects or reject any and all Bids. Any Bid may be withdrawn prior to the above scheduled time for the opening of the Bids or authorized postponement thereof. Any Bid received after the time and date specified shall not be considered. No Bidder may withdraw a Bid within 60 days after the actual date of the opening thereof. Should there be reasons why the contract cannot be awarded within the specified period of time, an extension may be granted by mutual agreement between the City of Milford and the Bidder.

Information obtained from an officer, agent, or employee of the City of Milford or any other person shall not affect the risks of obligations assumed by the Bidder or relieve him from fulfilling any of the conditions of the Bid Document.

Each Bidder is responsible for reading and being thoroughly familiar with the Bidding Documents. The failure or omission of any Bidder to do any of the foregoing shall in no way relieve the Bidder from any obligation in respect to his Bid.

It is the intent of the following specifications to set up minimum requirements for a latest model year **“Wire Puller”** that will be provided by the successful Bidder, as per the following specifications. The specifications must be considered as minimum requirements. If it is necessary to bid alternate equipment or take exceptions to these specifications as set forth, it must be stated so in the bid.

***\*Any reference to a model or brand name is only to denote quality and does not mean that equal equipment will not be considered.***

Each Bidder must clearly indicate whether or not his bid is in compliance with each item listed. Any Bidder found to have bid exceptions or alternates and has not indicated such may have his bid disqualified.

**Specifications Covering a Puller w/ (4) Rope Filled Cassettes & Payout Bracket**

<b><u>Item No.</u></b>	<b><u>Description</u></b>	<b><u>Unit</u></b>	<b><u>QTY</u></b>
<b>1570-B</b>	Puller with (4) Rope Filled Cassettes & Payout Bracket with (3) 10791 Simplex Rope Connectors-S/N Hot Dip Galvanized-S2321SAL	Each	1
<i>Exceptions:</i>			
<b>15310</b>	3/8" x 1800' Rope with Cassette Pulling Rope with Spliced Eyes Each End 20445-lb Breaking Strength Aluminum Cassette with Exterior Rope Eye Attachment and Nylon Inserts-20"OD x 5" ID x 11.5" W-6798ST	Cassette	1
<i>Exceptions:</i>			
<b>10780</b>	5/16" x 2200' Rope with Cassette Pulling Rope w/Spliced Eyes Each End 13700-lbs Breaking Strength Aluminum Cassette w/Exterior Rope Eye Attachment and Nylon Inserts-20"OD x 5"ID x 11.5"W-3445ST	Cassette	3
<i>Exceptions:</i>			
<b>Z1082</b>	Lengthen 3" x 4" x 3/16" Cargo Trailer		1
<i>Exceptions:</i>			
<b>16623</b>	Aluminum Tool Box w/Top and Side Doors 100" AL Tread-plate Tig Welded Includes Payout Bracket Attachment 46"L x 33"D x 55"H		1
<i>Exceptions:</i>			
<b>Z1295</b>	Customer Approval Drawing at Order Delivery/Freight	Each	1
<i>Exceptions:</i>			
<b>#PPO</b>	Special Rope Colors BLUE, RED, ORANGE, GREEN	Each	1
<i>Exceptions:</i>			

Proposal of: **Puller w/Rope Filled Cassettes & Payout Bracket**

To the City of Milford,

In compliance with the Invitation to Bid, Bidder hereby proposed to furnish one (1) latest model year Puller w/Rope Filled Cassettes & Payout Bracket in strict accordance with the specifications at the price stated below.

By Submission of this Bid, each Bidder certifies, and in the case of a joint Bid, each party thereto certifies as to his own organization, that this Bid has been arrived at independently without consultation, communication or agreement as to any matter relating to this Bid with any other Bidder or with any other competitor.

Bidder acknowledges receipt of the following (if any) Addendum: \_\_\_\_\_

---

**Bid Schedule**

**Make, Model, Year:** \_\_\_\_\_

▪ 1 – Wire Puller w/Filled Cassettes & Payout Bracket \$ \_\_\_\_\_ . \_\_\_\_\_  
**Total Net Bid Price** \$ \_\_\_\_\_ . \_\_\_\_\_

**Delivery Date:** \_\_\_\_\_

**Net Terms:** \_\_\_\_\_

Availability of parts and service will be a factor in acceptance of the bid. Location of Bidder's parts and service nearest specified delivery point for the equipment offered in this proposal:

\_\_\_\_\_

---

**Bidder Information:**

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

---

**\*Any reference to a model or brand name is only to denote quality and does not mean that equal equipment will not be considered.**

**City of Milford Electric  
Bid Tabulation**

2:00 p.m.  
Thursday, June 19, 2014

**Wire Puller**

<u>Bidder</u>	<u>Bid</u>	<u>Manufacturer</u>	<u>Delivery Terms</u>	<u>Exceptions</u>	<u>Trade-In Value</u>	<u>Total Bid Price</u>
1.) Sauber Manufacturing	\$61,115.00	Sauber 2014 Model 1570-B	12 Weeks	None	N/A	\$61,115.00
2.)						
3.)						
4.)						

Cab and Chassis Bid Award

June 24, 2014

*Michael R. Wigley, AIA, LEED AP  
Randy B. Duplechain, P.E.  
Charles R. Woodward, Jr., LS  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.  
Gerald G. Friedel, P.E.*

City of Milford  
201 S. Walnut Street  
Milford, Delaware 19963

Attn: Mr. Richard Carmean  
City Manager

RE: **PROPOSAL**  
Construction Phase Services  
Former PNC Bank Building Renovations  
119 S. Walnut Street, Milford, Delaware  
DBF #052154.F04

Dear Richard:

In response to our recent discussions, Davis, Bowen & Friedel, Inc. (DBF) is pleased to present this proposal for providing construction phase services for the above-referenced project. A description of our proposed scope of services and associated lump sum or estimated fees for each portion of the work is as follows:

A. CONSTRUCTION ADMINISTRATION SERVICES

Davis, Bowen & Friedel, Inc. will assist the City of Milford with contract administration services during the anticipated five (5) month project contract period. Our services shall include, but not be limited to, the following:

- Attendance at the pre-construction meeting between the Contractor, Sub-contractors and the City.
- Conducting progress meetings and issuing meeting minutes.
- Review of submittals, partial payment estimates and contractor change orders.
- Prepare punch list inspection report.
- Provide air monitoring for asbestos removal.
- Site visits and shop drawing review from the mechanical/electrical engineer.
- Arrange and perform final project inspection (all disciplines).
- Assist the City with the preparation and processing of contract closeout documents.

Estimated Fee: \$32,000.00

Mr. Richard Carmean  
June 24, 2014  
Page 2

We propose to perform the above-described work under on an hourly basis in accordance with the enclosed Schedule of Rates No. 44. Payment terms shall be in accordance with our attached rate schedule.

Should you find this proposal acceptable, please execute below and return one (1) copy to us for our files. Receipt of a signed copy will be considered as our authorization to proceed.

On behalf of Davis, Bowen & Friedel, Inc., we appreciate the opportunity to offer our services and look forward to continuing our work with you on this project. If you should have any questions or need additional information, please call.

Sincerely,



Michael Wheedleton, AIA  
Principal

Enc.

**ACCEPTED BY:**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name**

**DAVIS, BOWEN & FRIEDEL, INC. ("DBF")  
SCHEDULE OF RATES AND GENERAL CONDITIONS**

SCHEDULE NO. 44  
Effective June 1, 2006

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Senior Architect	\$135.00
Architect	\$105.00
Senior Landscape Architect	\$135.00
Landscape Architect	\$105.00
Senior Engineer	\$135.00
Engineer	\$105.00
Senior Planner	\$135.00
Planner	\$85.00
Construction Administrator	\$105.00
Traffic Engineer	\$105.00
Geologist	\$105.00
GIS Specialist	\$95.00
Senior Surveyor	\$135.00
Associate Surveyor	\$105.00
Surveyor	\$100.00
Senior Designer	\$100.00
Computer Graphics Designer	\$85.00
Designer	\$95.00
CADD I	\$80.00
CADD II	\$70.00
Computer Administrator	\$85.00
2 Man Field Crew	\$130.00
3 Man Field Crew	\$165.00
GPS Unit (1 man)	\$100.00
GPS Unit (2 man Crew)	\$140.00
GPS Unit (3 man Crew)	\$180.00
Resident Project Representative	\$70.00
Clerical	\$50.00
Travel	\$0.50
Direct Expense	Cost + 10%
Prints (In-house Reproduction)	\$2.50/sheet

GENERAL CONDITIONS

**INVOICES & PAYMENT**

Invoices are sent monthly or sooner if project is complete. Payment Terms: Net 30 days of invoice date. Any invoice not paid within 30 days shall bear interest at 1.0% per month (12% annually). If required to engage legal counsel to collect an overdue invoice, DBF shall be entitled to recover also its costs of collection, including counsel fees and expenses. DBF reserves the right to adjust its schedule of rates annually. Any such adjustments will be effective within 30 days after written notification to the client.

**TERMINATION OF CONTRACT**

Client may terminate this agreement upon seven days' prior written notice to DBF for convenience or cause. DBF may terminate this Agreement for cause upon seven days' prior written notice to client. Failure of client to pay invoices when due shall be cause for immediate suspension and ultimate termination of services, at DBF's sole discretion. This agreement may be terminated by either party for any reason with 30 days advance notice.

**LIMITATION OF LIABILITY**

Client agrees to limit DBF's liability related to any errors or omissions to a sum that shall not exceed the total professional fee for the project.

**INDEMNIFICATION**

Client and DBF each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives, from and against liability for all claims, losses, damages and expenses, including reasonable attorney's fees caused by the other's negligence. To the extent such claims, losses, damages or expenses are caused by the joint or concurrent negligence of client and DBF, the same shall be borne by each party in proportion to its negligence. This shall in no way affect the limitation of DBF's liability expressed in the preceding paragraph.

**FORCE MAJEURE**

Neither party shall be deemed in default of this Agreement to the extent that any delay or failure in the performance of its obligations results from any cause beyond its reasonable control and without its negligence.

**CONSTRUCTION PHASE SERVICES**

If this Agreement provides for any construction phase services by DBF, it is understood that the contractor, not DBF, is solely responsible for the construction of the project, and that DBF shall not be responsible for the acts or omissions of any contractor, subcontractor or material supplier; for safety precautions, programs or enforcement; or for construction means, methods, techniques, sequences and procedures employed by the contractor, its subcontractors or suppliers.

**OWNERSHIP OF DOCUMENTS**

All documents prepared or furnished by DBF pursuant to this Agreement, including electronic media, are instruments of DBF's professional service, and DBF shall retain an ownership and property interest therein. DBF grants client, during the period of DBF's service, a license to use such documents for the purpose of constructing, occupying and maintaining the project. Reuse or modification of any such documents by client or client's agents, without DBF's written permission, shall be at client's sole risk; and client agrees to indemnify and hold DBF harmless from all claims, damages and expenses, including attorneys' fees, arising out of such reuse by client or by others acting through or with the consent of client.

**USE OF ELECTRONIC MEDIA**

Copies of documents that may be relied upon by client are limited to the printed copies (also known as hard copies) that are signed or sealed by DBF. Files in electronic media format or text, data, graphic or other types that are furnished by DBF to client are only for convenience of client. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. When transferring documents in electronic media format, DBF makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, computer hardware or of a protocol differing from those in use by DBF during the period of this agreement.

**SUCCESSORS & ASSIGNS**

The client and DBF bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither party shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

**MISCELLANEOUS PROVISIONS**

Unless otherwise specified, this Agreement shall be governed by laws of the State in which the work is performed, and the courts of such State shall have exclusive jurisdiction over any disputes hereunder. Terms in this Agreement shall have the same meaning as those in AIA Document A201, General Conditions of the Contract for Construction, current as of the date of this Agreement. If this schedule is incorporated or referenced in an agreement with client, the terms of this schedule shall prevail in the event of any conflict with the terms of such agreement.

**REIMBURSABLE EXPENSES**

Other expenses known as direct expenses incurred in the interest of the project (including travel, toll communications, postage, delivery, photographs, subcontract engineering, testing or other consultants, renderings, models, etc.) will be billed monthly at DBF's actual cost plus ten percent.

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 77**  
**ALCOHOLIC BEVERAGES >>**

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**Chapter 77 ALCOHOLIC BEVERAGES**

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*[HISTORY: Adopted by the City Council of the City of Milford 6-11-2001 by Ord. No. 7-2001. Amendments noted where applicable.]*

§ 77-1. Public consumption.

§ 77-2. Public possession.

§ 77-3. Special events.

**§ 77-1. Public consumption.**

It shall be unlawful for any person to consume any alcoholic beverage or beverages upon any of the public streets, avenues, alleys, sidewalks, parks and similar public areas or in vehicles upon any of the above stated areas within the municipal boundaries of the City of Milford.

**§ 77-2. Public possession.**

It shall be unlawful for any person to possess in an open container any alcoholic beverage or beverages upon any of the public streets, avenues, alleys, sidewalks, parks and similar public areas or in vehicles upon any of the stated areas within the municipal boundaries of the City of Milford.

**§ 77-3. Special events.**

Alcoholic beverages may be sold and consumed at special events or gatherings in public places, upon application to and approval of the City Council.

# DELAWARE HOSPICE

Since 1982

*Newark Office*

16 Polly Drummond Center, 2nd Fl.  
Polly Drummond Shopping Center  
Newark, DE 19711  
302-478-5707  
FAX 302-479-2586

*Dover Office*

911 S. DuPont Hwy.  
Dover, DE 19901  
302-678-4444  
FAX 302-678-4451

*Milford Office*

Delaware Hospice Center  
100 Patriots Way  
Milford, DE 19963  
302-856-7717  
FAX 302-422-7315

*Pennsylvania Office*

1786 Wilmington/  
West Chester Pike, #100B  
Glen Mills, PA 19342  
484-259-0017  
FAX 302-479-2586

800-838-9800

[www.delawarehospice.org](http://www.delawarehospice.org)



The Joint Commission

June 26, 2014

City of Milford  
201 S. Walnut Street  
Milford, DE 19963

RE: Beer tasting at Delaware Hospice 5K

Delaware Hospice is having a 5K on July 9, 2014. We are having a beer tasting by Mispillion River Brewery from 5:30 till 8:00.

Because Chapter 77 of the Milford City Code prohibits the possession of open containers of alcoholic beverages and consumption of alcohol in any public area, we respectfully request Councils permission that tasting be permitted in this area for this special event.

A copy of our Gathering License is attached from the Alcoholic Beverage Control Commissioner.

The City of Milford's approval is requested. We also understand that the City approval is required in advance of the State of Delaware approval. We will strictly adhere to all rules and regulations going forward.

Sincerely,

Peggy Dolby  
Asst. Director of Development  
Delaware Hospice, Inc.



**Board of Directors**

**Officers**

SaraKate Hammer  
President

Irvin M. Ambrose  
Vice President

Robert G. Starkey  
Treasurer

Nancy Benson  
Secretary

**Members at Large**

Dan Bond  
Richard Carmean  
Mitch Edmondson M.D.  
Gary Emory  
Lisa Fitzgerald  
Walter Hepford  
Patricia Sparks

**Executive Director**

Lee Nelson

*DMI is a tax-exempt,  
non-profit organization  
as described in section  
501 c (3) of the IRS  
code for 1984, as  
amended*

To: City of Milford.

July 1, 2014

From: Downtown Milford, INC.

RE: Serving alcoholic beverages at the 'Eat in The Street' Event.

*Time: 5 p.m. - 8 p.m.*

Downtown Milford Inc is planning its 2014 Second Annual 'Eat in The Street' Event on Sunday September 21, 2014. The event will take place on South and North Walnut Street and in the Riverwalk Park. As part of the 100 guest formal sit down dinner, various alcoholic beverages will be paired with locally sourced and prepared dishes.

Because Chapter 77 of the Milford City Code prohibits the possession of open containers of alcoholic beverages and consumption of alcohol in any public areas, we respectfully request City Council's permission to serve alcoholic beverages in these areas for this special event. Those consuming alcohol would be restricted to a confined area as required by Delaware State Law.

An application for a 'gathering license' will be submitted to the State of Delaware Division of Alcohol and Tobacco Enforcement. We understand the State of Delaware requires city approval in advance of their approval. We will strictly adhere to all rules and regulations.

The City of Milford's approval is requested.

Regards,

Lee Nelson  
Executive Director

**PROPOSED INTRODUCTION LETTER PROVIDED TO LOCAL BUSINESSES  
ON CITY LETTERHEAD**

DATE

Dear Valued Business Owner:

The City of Milford is excited to announce a partnership with CGI Communications, Inc. to produce a series of online videos highlighting all our community has to offer its residents, visitors, and businesses.

Technology has changed the world and businesses must adapt or risk falling behind. For many businesses, getting noticed online is a challenge, particularly when competing with big brands with large marketing departments and seemingly endless marketing budgets. But more and more local companies are finding success cutting through the clutter with online video.

Statistics show that **video improves online visibility** and **drives more action** online than plain images and text. According to the BIA Kelsey Group, viewers engage more after watching a video, with clicks for more information increasing by 30-40% and phone inquiries by 16-20%.

With an easily viewable interface on the official city website ([www.cityofmilford.com](http://www.cityofmilford.com)) their video program will encourage viewers to learn more about area attractions, economic development opportunities, quality of life, and so much more. The City of Milford is dedicated to highlighting the advantages of living and working in our community, and we feel that this program can do just that!

CGI will be contacting you to educate you further on their digital marketing tools and how to enhance your online presence. We encourage you to consider participating in this program as it provides an exciting new opportunity to showcase your business and our community. If you have questions about this advertising opportunity, please contact me at (302) 424-3712 x309.

Best Regards,

Bryan Shupe  
Mayor



## **Frequently Asked Questions**

- ◆ **Who is CGI Communications, Inc.?**  
*Formed in 1988, CGI Communications, Inc. is the leading provider of high-impact marketing solutions to communities and small businesses. CGI is one of Upstate New York's top growth companies, receiving multiple Top 100 Awards in the Greater Rochester Area.*
- ◆ **Are there any hidden costs?**  
*No, there is never a point where your municipality will ever see an invoice for any services we provide.*
- ◆ **What if no businesses sign up for sponsorship?**  
*Even if zero sponsors participate, your Community will still receive the program at no cost. There is no threshold or minimum sponsorship requirement.*
- ◆ **How long is the production time line?**  
*The welcome video can be completed with in a few weeks. The entire video production is typically about 12 -14 weeks, but can vary depending on what time of year filming is preferred.*
- ◆ **What is the relationship between CGI and the United States Conference of Mayors and the National League of Cities?**  
*CGI works closely with the USCM and NLC to provide a myriad of digital marketing tools to showcase and promote individual municipalities nationwide. Our Community Showcase Program is an opportunity that both members and non-members can participate in.*
- ◆ **Who fulfills the sponsorship element of the Community Video Program?**  
*CGI takes care of all sponsorship fulfillment, however if your community would like to recommend businesses to have the first right of refusal, we encourage and welcome you to do so.*
- ◆ **Do we have a choice of what season we are filmed in?**  
*Absolutely! It is our goal to film municipalities in the season you feel best represents your community as a whole.*
- ◆ **Do we need an Official Representative in our Welcome video?**  
*Absolutely not! It is your community's choice on whether or not you would like to have a civic leader represented in the welcome video.*
- ◆ **Does our city have a choice in what type of establishments can participate in the sponsorship fulfillment?**  
*Of course! Your community has a say in the types of businesses that are featured. We simply need to know prior to the beginning of the sponsorship fulfillment campaign. For further information, please request CGI's Sponsor Policy.*
- ◆ **What is relocate.org?**  
*Relocate.org is the largest online community video network in the nation to assist those relocating. By partnering with CGI, your completed video program will be showcased on relocate.org at no cost to garner more exposure for your wonderful community.*
- ◆ **Is there a special rate for non-profit organizations that want to get involved?**  
*We provide a Community Organizations chapter that creates an opportunity for local non-profits to garner exposure on our program at no-cost.*

# The 2014 Community Showcase Video Program

CGI Communications, Inc.  
130 East Main Street, 5th Floor  
Rochester, NY 14604  
800-398-3029 phone  
866-429-8611 fax

Name: Christine Crouch  
Title: Deputy City Clerk  
Address: 201 S Walnut St.  
City, State, Zip: Milford, DE 19963  
Phone: (302) 424-3712  
Email: [ccrouch@milford-de.gov](mailto:ccrouch@milford-de.gov)  
Website: [www.cityofmilford.com](http://www.cityofmilford.com)

This agreement is between CGI Communications, Inc. ("CGI") and the City of Milford (the "City") and shall remain in effect from the date it is signed by both parties until the third anniversary of the date that the completed and approved Community Video Program is made available for viewing via a link on the [www.cityofmilford.com](http://www.cityofmilford.com) homepage, including any alternate versions of your homepage, for viewer access on different devices. Any termination or modification of this Agreement shall not take effect until the expiration of the current term.

## CGI shall provide a Community Video Program as follows:

- One Welcome video from your Mayor or other civic leader
- Up to 5 additional videos to showcase various aspects of your community (providing a total of six 1 minute community highlight videos)
- One Community Organization chapter to promote charities, nonprofits and community development organizations
- Script writing and video content consultation
- A videographer will come to your location to film video updates
- We reserve the right to use still images and photos for video production
- All aspects of video production and editing, from raw footage to final video including professional voiceovers and background music
- Final draft of Community Video Showcase content subject to your approval (up to 3 sets of revisions allowed). Any request for approval any revision, including final draft, shall be deemed approved if no response is received by us within thirty (30) days of request
- Patented OneClick™ Technology and encoding of all videos into multiple streaming digital formats to play on all computer systems, browsers, and Internet connection speeds; recognized player formats include WindowsMedia® and QuickTime®
- Store and stream all videos on CGI's dedicated server
- Businesses will be allowed to purchase various digital media products and services from CGI Communications and its company affiliates
- Business sponsors allowed on the perimeter of video panels
- Duration of sponsor participation will be one to two years. CGI Communications is solely responsible for annual sponsorship fulfillment including all related aspects of marketing, production, printing, and distribution
- Viewer access of the Community Video Tour from your website shall be facilitated by CGI Communications providing HTML source code for graphic link to be prominently displayed on the [www.cityofmilford.com](http://www.cityofmilford.com) website homepage, including any alternate versions of your homepage for different devices.
- eLocalLink will own copyrights of the master Community Video Tour
- The City will assume no cost or liability for this project and CGI will honor any request for termination of sales upon 30 day Notice and only if the City continuously provides the Community Video linkage from its Homepage for the duration of this contract

## Program Add-On:

- We will provide the SmartCast recording app and up to three Instant SmartCast video widgets to be placed on website, each with unlimited recording capabilities.

## The City of Milford shall:

- Provide a letter of introduction for the program on your organization's letterhead
- Assist with the content and script for the Community Video Tour
- Grant CGI the right to use organization's name in connection with the preparation, production, and marketing of the program
- Display the "Community Video Tour" link to be no less than 155 by 400 pixels prominently on the [www.cityofmilford.com](http://www.cityofmilford.com) homepage,, including any alternate versions of your homepage for different devices, for the term of this agreement
- Grant full and exclusive streaming video rights for CGI and its subsidiaries, affiliates, successors and assigns to stream all video content on Community Video Program and all related CGI Programs, including but not limited to its "Community Video Network"
- Represent and warrant that any and all photographs, videos, and other content it submits to us for use in any video or other production does not infringe on any third party's copyrighted material, trademark or other intellectual privacy or publicity rights and shall defend and indemnify us from any such claim or action

This Agreement constitutes the entire agreement of the parties and supersedes any and all prior communications, understandings and agreements, whether oral or written. No modification or claimed waiver of any provision shall be valid except by written amendment signed by the parties herein.

We, the undersigned, understand the above information and have full authority to sign this agreement.

The City of Milford, DE

Signature:

Name (printed):

Title:

Date:

CGI Communications, Inc.



Name (printed): Nicole Rongo

Title: Vice President of Marketing

Date: June 25, 2014

---

**From:** Dave Hitchens <dhitchens@firststatemfg.com>  
**Sent:** Wednesday, March 12, 2014 3:26 PM  
**To:** Richard D. Carmean  
**Subject:** FSM property used by City for public parking

Hi Dick and Welcome to your many e-mails---As we discussed over the weekend, FSM's banking partners and insurance brokers are no longer willing to accept the risk[s] and direct liabilities set forth by the agreement with the City which allows use of our lands for public parking associated with sports activities. That being said, we[FSM] desire to support the City's efforts in providing parking for recreational events. The option that we prefer to discuss involves an exchange of lands as a non-cash transition. I like your idea of meeting with you, Mayor Rogers and our Council representative to begin discussions concerning this matter. I'm available anytime next week to meet at our building so that they can see the property in question and review the property survey as to what a potential sub-division would look like. Thanks again for your consideration in this matter. Dave

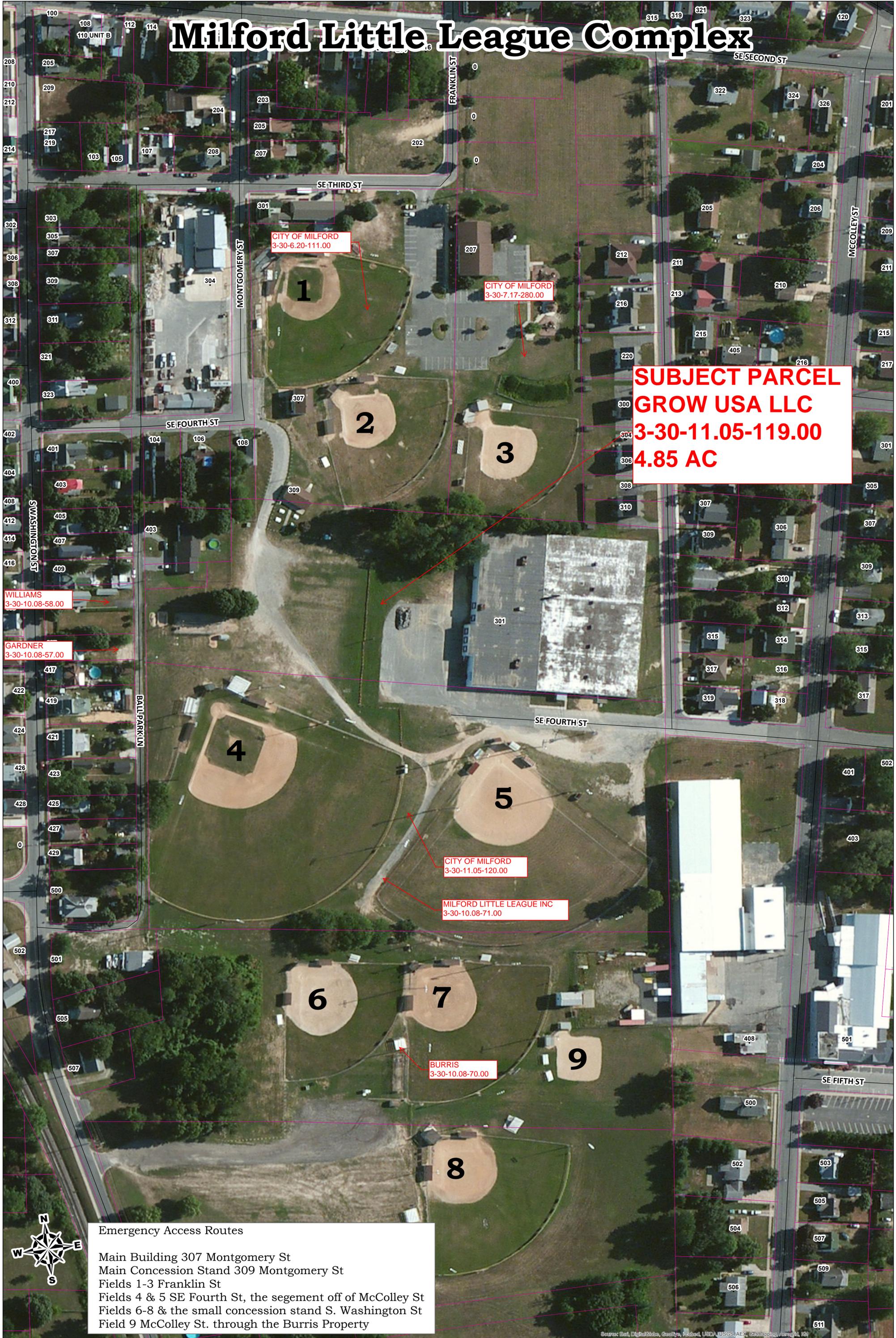
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No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2014.0.4336 / Virus Database: 3722/7189 - Release Date: 03/13/14

# Milford Little League Complex



CITY OF MILFORD  
3-30-6.20-111.00

CITY OF MILFORD  
3-30-7.17-280.00

**SUBJECT PARCEL**  
**GROW USA LLC**  
**3-30-11.05-119.00**  
**4.85 AC**

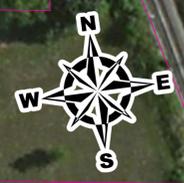
WILLIAMS  
3-30-10.08-58.00

GARDNER  
3-30-10.08-57.00

CITY OF MILFORD  
3-30-11.05-120.00

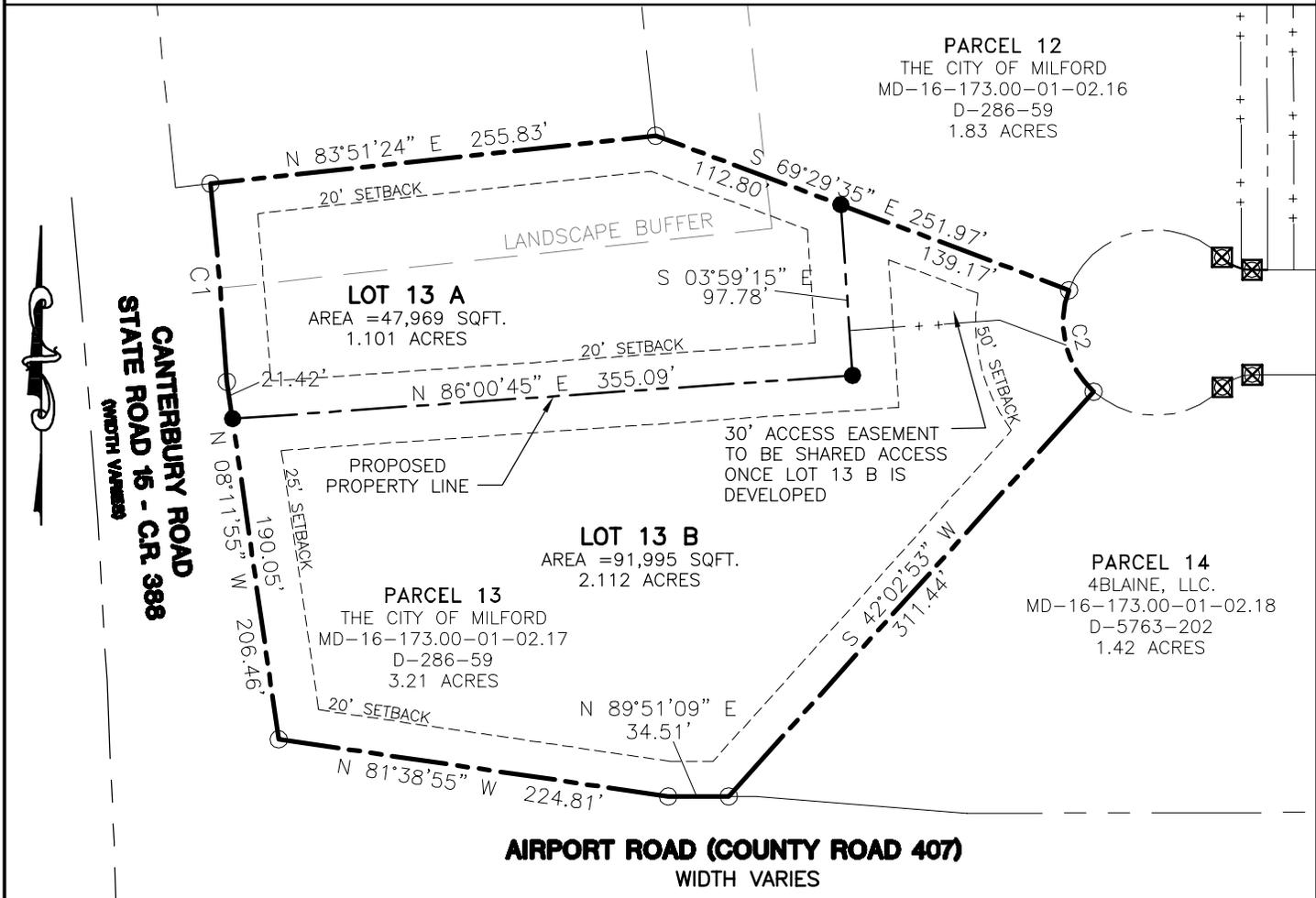
MILFORD LITTLE LEAGUE INC  
3-30-10.08-71.00

BURRIS  
3-30-10.08-70.00



Emergency Access Routes  
 Main Building 307 Montgomery St  
 Main Concession Stand 309 Montgomery St  
 Fields 1-3 Franklin St  
 Fields 4 & 5 SE Fourth St, the segment off of McColley St  
 Fields 6-8 & the small concession stand S. Washington St  
 Field 9 McColley St. through the Burris Property

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2550.00'	113.58'	113.58'	S 04°49'03" E	2°33'08"
C2	53.00'	63.33'	59.63'	S 13°43'21" E	68°27'31"



**ENGINEER'S STATEMENT**

I RANDY B. DUPLECHAIN, HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_ SEAL

**LEGEND:**

- IRON ROD & CAP SET
- IRON ROD & CAP FOUND
- ☒ CONCRETE MONUMENT FOUND

IF THE ENGINEER'S SEAL IS NOT RED, THE PLAN IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE STATEMENTS CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES.



**DAVIS,  
BOWEN &  
FRIEDEL, INC.** ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-9091  
MILFORD, DELAWARE (302) 424-1441

**MINOR SUBDIVISION  
LOT 13  
MILFORD INDEPENDENCE COMMONS  
MILFORD HUNDRED  
CITY OF MILFORD, KENT COUNTY, DELAWARE**

Date: 3/14/14 Scale: 1" = 100' Proj.No.: 052A019

# RESOLUTION

## **A Resolution Authorizing the City Manager of the City of Milford to Sell Land in the Greater Milford Business Park and Independence Commons**

WHEREAS, in 1998, the City of Milford purchased and subdivided 211 +/- acres of property on the north and south sides of County Road 409 (Airport Road and east side of State Route 15 (Canterbury Road) for economic development benefits; and

WHEREAS, the City of Milford initially sold the land for \$24,000 an acre; and

WHEREAS, an appraisal of the property was completed in 2006 and updated in 2008; and

WHEREAS, it has been deemed in the best interest of the City of Milford and its taxpayers to increase the price of land in accordance with this most recent assessment; and

WHEREAS, there shall be a Declaration of Covenants, Conditions, Restrictions and Easements, attached as Exhibit B, recorded for the subdivision in addition to being recorded with each deed; and

WHEREAS, no lot shall be resubdivided or resold without the specific consent of the majority of the Milford City Council, but shall remain as shown on the recorded plat; and

WHEREAS, City Council authorizes the Mayor to enter into a contract of sale, attached as Exhibit C, for the sale of the lots in the Greater Milford Business Park and Independence Commons; and

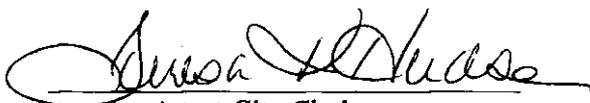
WHEREAS, prior to Site Plan Review by the City of Milford Planning Commission, the building(s) design and four-sided architectural elevation drawings must be approved by the Independence Commons Architectural Review Committee consisting of the City Manager, Assistant City Manager, City Planner and City Engineer; and

WHEREAS, any persons who have expressed a previous interest but are not in possession of a fully executed contract with the City of Milford may execute a contract based on the current sale price listed in Exhibit A; and

WHEREAS, this resolution supersedes any previous resolutions

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford:

- 1) An Appraisal has been completed establishing a reasonable market value for the properties.
- 2) Lots shall be offered for sale as stated herein Exhibit A.
- 3) City Council approves the Declaration of Covenants, Conditions, Restrictions and Easements attached as Exhibit B.
- 4) City Council authorizes the Mayor to enter into a contract of purchase and sale attached as Exhibit C for lots in Greater Milford Business Park and Independence Commons.
- 5) This Resolution shall supersede Resolutions passed by the majority of City Council on February 13, 2006 and March 12, 2007.

  
Attest-City Clerk

  
Mayor

RESOLVED THIS 22<sup>nd</sup> Day of September 2008.

# **Independence Commons**

## *Lot Prices*

Lot 4 - 11.52 ac - \$596,000.00

Lot 5 - 1.00 ac - \$125,000.00

Lot 7 - 1.00 ac - \$125,000.00

Lot 8 - 1.00 ac - \$125,000.00

Lot 9 - 1.00 ac - \$125,000.00

Lot 10 - 1.00 ac - \$125,000.00

Lot 11 - 1.00 ac - \$125,000.00

Lot 16 - 3.00 ac - \$270,000.00

Lot 18 - 1.69 ac - \$158,000.00

# CONTRACT OF PURCHASE AND SALE

(1) SELLER: CITY OF MILFORD  
of 201 South Walnut Street, Milford, DE 19963  
Telephone number: (302) 424-3712 Fax number: (302) 424-3558  
Federal Identification Number: 51-6000-177

hereby agrees to sell and convey unto:

(2) BUYER: COMPANY  
of  
Telephone number: Fax number:  
Federal Identification Number:

- (3) PROPERTY: Buyer(s) hereby agree to purchase from Seller(s) the property identified as: Parcel XX, INDEPENDENCE COMMONS, consisting of XX.XX +/- acres, upon the following terms and conditions:
- (4) PURCHASE PRICE: XX dollars (\$XX.00) Deposit: XX dollars (\$XX.00) deposit is paid by Buyer(s) to Seller(s) and held in escrow by Seller(s) until settlement and is applied to the Purchase Price at settlement unless the deposit is returned or forfeited.
- (5) SETTLEMENT: Final settlement shall be completed on or before the XX day of MONTH, 20XX, at which time possession shall be given to Buyer(s). It is expressly understood and agreed that if a longer time is necessary to secure a survey, or to prepare the necessary legal and financial settlement documents, then the date of settlement shall be extended for a reasonable time to affect these conditions.
- (6) TRANSFER TAX & COSTS: Tax exempt due to being a conveyance from a municipal corporation of The State of Delaware. Buyer(s) shall pay all settlement charges and lending costs including deed preparations and \$405 for survey and description necessary for deed preparation.
- (7) FORFEITURES: Should the Buyer(s) fail to make payments and/or settlement as specified above, the sums paid on account shall be retained by the Seller(s), who may elect to accept such sums either as liquidated damages or as part payment on the purchase price. If either Buyer(s) or Seller(s) default under this Contract of Purchase and Sale, such defaulting party shall be liable for any expenses incurred by the non-defaulting party, including attorney's fees in connection with this transaction and the enforcement of subject Contract of Purchase and Sale.

- (8) PRORATIONS: Taxes, special assessments, fuel, rent, water, sewer and other fixed charges are to be prorated as of day of settlement.
- (9) TITLE: Title is to be good and marketable, clear of all liens and encumbrances, except restrictions of record and existing easements, in case the title is found defective, the deposit money will be refunded and all legal expenses involved will be paid by the Seller(s).
- (10) RISK: The risk of loss or damage to said premises by fire, windstorm, or other casualty until settlement is assumed by the Seller(s).
- (11) INSPECTION: Buyer(s) represent that an inspection satisfactory to Buyer(s) has been made of the property and Buyer(s) agree to accept the property in its present surface and sub-surface condition.
- (12) ZONING: A copy of the Code of the City of Milford, Chapter 230-Zoning, Article III- Use and Area Regulations (Attachment A) defines the permitted uses and area requirements for the property.
- (13) SPECIAL TERMS:
- (14) SUCCESSORS AND ASSIGNS: This agreement shall be binding not only upon the parties themselves, but upon their heirs, executors, administrators, successors or assign as well.
- (15) ENTIRE AGREEMENT: This Contract of Purchase and Sale constitutes the entire agreement among the parties and may not be modified or changed except by written instruction executed by all parties.
- (16) COVENANTS AND RESTRICTIONS: This agreement is subject to important Restrictions and Covenants that apply to Independence Commons. A copy of these Restrictions is attached herein and is recorded in the Kent County Recorder of deeds (Doc#132697, Vol. 4655, Page #50). By entering into this contract, Buyer(s) acknowledges receipt of these Restrictions and their applications to the Property.

IN WITNESS WHEREOF, the Buyer(s) and Seller(s) have hereunto set their hands and seals,

**COMPANY**

\_\_\_\_\_  
Attest

\_\_\_\_\_(SEAL)  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date Commission Expires

**CITY OF MILFORD**

\_\_\_\_\_  
Attest/City Clerk

\_\_\_\_\_(SEAL)  
Mayor Joseph R. Rogers

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date Commission Expires

Code of the City of Milford  
Chapter 230-Zoning, Article III-Use and Area Regulations  
**ATTACHMENT A**

**§230-18**

OC-1 Office Complex District. [Added 7-9-1990]

In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

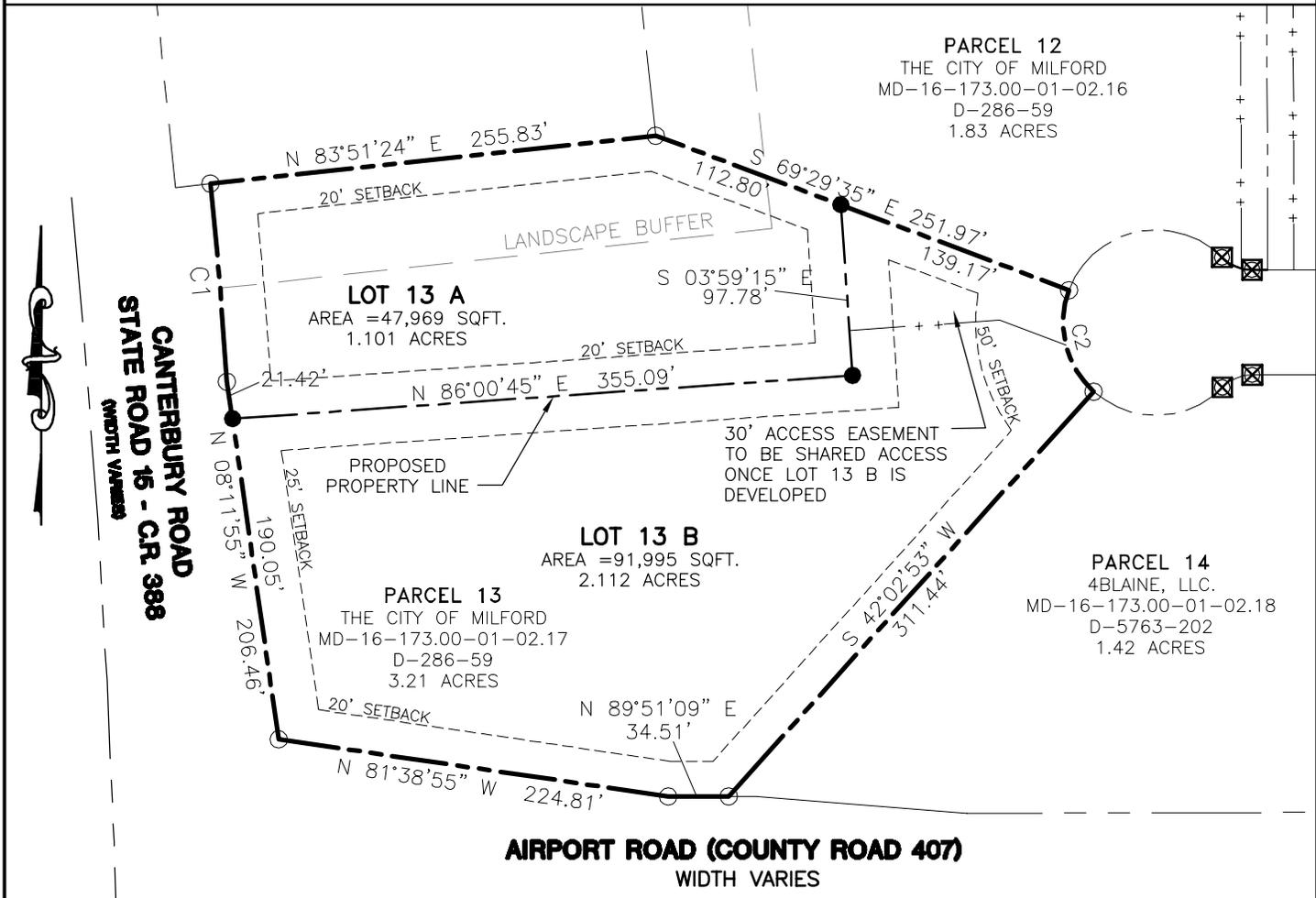
- A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
- B. Permitted uses. Permitted uses for the OC-1 District shall be as follow:
  - (1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.
  - (2) Television and radio studios (without towers).
  - (3) Professional schools (nonindustrial).
  - (4) Health centers and clinics (medical or dental).
- C. Prohibited uses. The following are expressly prohibited in an OC-1 District:
  - (1) Residence, except those in existence at the time of adoption of this section.
  - (2) Manufacturing of any kind.
  - (3) Bulk or wholesale storage or distribution centers.
- D. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:
  - (1) Charitable and philanthropic organizations.
  - (2) Day-care centers.
  - (3) Civic and/or conference centers.
  - (4) Indoor recreation (tennis, racquetball, handball, swimming, etc.).
  - (5) Private clubs or organizations.
  - (6) Medical/dental laboratories.
- E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.
  - (1) Accessory uses shall not be permitted without a principal use.
  - (2) The premises shall be suitably landscaped.
  - (3) All driveways shall meet width requirements of the State Fire Marshal's Office.
  - (4) Any uses not permitted, as previously listed, are prohibited.
  - (5) All internal roads, driveways and parking areas (for public, in-house employee or vehicular traffic) shall be paved.

- (6) All OC-1 District projects and proposals are subject to site plan review by the Planning Commission.
- (7) Exterior lighting will be adequately shielded from the view of all surrounding properties and streets.

F. Area and height regulations.

- (1) Minimum lot area shall be one acre.
- (2) Maximum lot coverage shall be 75%, with the remainder being that of grass and landscape areas.
- (3) Minimum lot width shall be 100 feet.
- (4) Maximum building height shall be 70 feet.
- (5) Minimum front yard setback shall be 50 feet.
- (6) Minimum side yard setback shall be at least 15 feet, with a total combined aggregate dimension of 40 feet.
- (7) Minimum rear yard setback shall be 25 feet.
- (8) Off-street parking. See Article IV of this chapter.
- (9) Landscape screening.
  - (a) There shall be a one-hundred –foot buffer from all residential areas or districts.
  - (b) Planted screening shall be at least six feet in height.
  - (c) There shall be a ten-foot buffer along all nonresidential lot lines.
  - (d) Each planted area of buffering shall:
    - [1] Retain natural vegetation.
    - [2] Be planted with indigenous evergreens, deciduous and ornamental trees or shrubs.
- (10) Sign requirements.
  - (a) A single sign facing each street from which access to the lot is provided announcing the name or logo (or both) of all establishments or businesses housed therein shall be allowed.
  - (b) The sign shall be applied to the wall of the building and shall not exceed 50 square feet.
  - (c) The sign shall not extend beyond the wall of the building upon which it is attached.
  - (d) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall be shielded from the view of adjacent properties or streets.
  - (e) One identification sign shall be allowed at each access point with an area of not more than eight square feet.
- (11) Accessory structures shall occupy no more than 10% of the lot area.
- (12) Accessory structures shall be located in the rear yard/lot area.
- (13) Accessory structures shall be located at least 25 feet from the rear lot line.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2550.00'	113.58'	113.58'	S 04°49'03" E	2°33'08"
C2	53.00'	63.33'	59.63'	S 13°43'21" E	68°27'31"



**ENGINEER'S STATEMENT**

I RANDY B. DUPLECHAIN, HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_ SEAL

**LEGEND:**

- IRON ROD & CAP SET
- IRON ROD & CAP FOUND
- ☒ CONCRETE MONUMENT FOUND

IF THE ENGINEER'S SEAL IS NOT RED, THE PLAN IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE STATEMENTS CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES.



**DAVIS,  
BOWEN &  
FRIEDEL, INC.** ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-9091  
MILFORD, DELAWARE (302) 424-1441

**MINOR SUBDIVISION  
LOT 13  
MILFORD INDEPENDENCE COMMONS  
MILFORD HUNDRED  
CITY OF MILFORD, KENT COUNTY, DELAWARE**

Date: 3/14/14 Scale: 1" = 100' Proj.No.: 052A019

CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	50.00'	61.91'	58.03'	S 54°22'53" W	70°56'31"	35.63'

PB 62/19

PROPERTY LINE  
PER PB 62-19

**AIRPORT ROAD  
COUNTY ROAD 407**

**CANTERBURY ROAD  
STATE ROUTE 15**

EXISTING 15'  
UTILITY EASEMENT

EXISTING 15'  
UTILITY EASEMENT

R.O.W. PER DELDOT  
CONTRACT #21-042-01

EXISTING 15'  
UTILITY EASEMENT

**CITY OF MILFORD  
MD-16-173.00-01-03.13  
D-534-124  
PARCEL D4  
1.258 ACRES**

**NOW OR FORMERLY  
CENTER FOR NEUROLOGY  
PROPERTIES, LLC  
MD-16-173.00-01-03.12  
D-388-93  
PARCEL D3**

**NOW OR FORMERLY  
JOHN R. STUMP  
MD-16-173.00-01-03.26  
D-466-05  
PARCEL D5**

IRON ROD W/ CAP FOUND  
**P.O.B.**

LINE	BEARING	DISTANCE
L1	N 55°11'25" E	17.54'
L2	N 89°51'08" E	113.90'
L3	N 86°32'21" E	86.52'
L4	N 86°07'15" E	160.10'

POINT (TYP)

**ROAD "X"**

50'

ENGINEER'S STATEMENT

I RANDY B. DUPLCHAIN, HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

IF THE ENGINEER'S SEAL IS NOT RED, THE PLAN IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE STATEMENTS CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES.

SIGNATURE: \_\_\_\_\_




DATE: 11/3/08 SEAL



**DAVIS, BOWEN & FRIEDEL, INC.**  
ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND 410-543-9091  
MILFORD, DELAWARE 302-424-1441

**BOUNDARY SURVEY  
PARCEL D4  
GREATER MILFORD  
BUSINESS COMPLEX  
CITY OF MILFORD, MILFORD HUNDRED  
KENT COUNTY, DELAWARE**

Date: **11/03/2008**

Scale: **1" = 80'**

# RESOLUTION

## **A Resolution Authorizing the City Manager of the City of Milford to Sell Land in the Greater Milford Business Park and Independence Commons**

WHEREAS, in 1998, the City of Milford purchased and subdivided 211 +/- acres of property on the north and south sides of County Road 409 (Airport Road and east side of State Route 15 (Canterbury Road) for economic development benefits; and

WHEREAS, the City of Milford initially sold the land for \$24,000 an acre; and

WHEREAS, an appraisal of the property was completed in 2006 and updated in 2008; and

WHEREAS, it has been deemed in the best interest of the City of Milford and its taxpayers to increase the price of land in accordance with this most recent assessment; and

WHEREAS, there shall be a Declaration of Covenants, Conditions, Restrictions and Easements, attached as Exhibit B, recorded for the subdivision in addition to being recorded with each deed; and

WHEREAS, no lot shall be resubdivided or resold without the specific consent of the majority of the Milford City Council, but shall remain as shown on the recorded plat; and

WHEREAS, City Council authorizes the Mayor to enter into a contract of sale, attached as Exhibit C, for the sale of the lots in the Greater Milford Business Park and Independence Commons; and

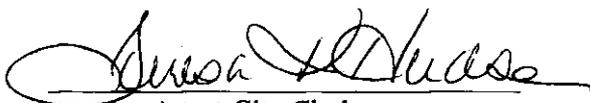
WHEREAS, prior to Site Plan Review by the City of Milford Planning Commission, the building(s) design and four-sided architectural elevation drawings must be approved by the Independence Commons Architectural Review Committee consisting of the City Manager, Assistant City Manager, City Planner and City Engineer; and

WHEREAS, any persons who have expressed a previous interest but are not in possession of a fully executed contract with the City of Milford may execute a contract based on the current sale price listed in Exhibit A; and

WHEREAS, this resolution supersedes any previous resolutions

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford:

- 1) An Appraisal has been completed establishing a reasonable market value for the properties.
- 2) Lots shall be offered for sale as stated herein Exhibit A.
- 3) City Council approves the Declaration of Covenants, Conditions, Restrictions and Easements attached as Exhibit B.
- 4) City Council authorizes the Mayor to enter into a contract of purchase and sale attached as Exhibit C for lots in Greater Milford Business Park and Independence Commons.
- 5) This Resolution shall supersede Resolutions passed by the majority of City Council on February 13, 2006 and March 12, 2007.

  
Attest-City Clerk

  
Mayor

RESOLVED THIS 22<sup>nd</sup> Day of September 2008.

# **Independence Commons**

## *Lot Prices*

Lot 4 - 11.52 ac - \$596,000.00

Lot 5 - 1.00 ac - \$125,000.00

Lot 7 - 1.00 ac - \$125,000.00

Lot 8 - 1.00 ac - \$125,000.00

Lot 9 - 1.00 ac - \$125,000.00

Lot 10 - 1.00 ac - \$125,000.00

Lot 11 - 1.00 ac - \$125,000.00

Lot 16 - 3.00 ac - \$270,000.00

Lot 18 - 1.69 ac - \$158,000.00

# CONTRACT OF PURCHASE AND SALE

(1) SELLER: CITY OF MILFORD  
of 201 South Walnut Street, Milford, DE 19963  
Telephone number: (302) 424-3712 Fax number: (302) 424-3558  
Federal Identification Number: 51-6000-177

hereby agrees to sell and convey unto:

(2) BUYER: COMPANY  
of  
Telephone number: Fax number:  
Federal Identification Number:

- (3) PROPERTY: Buyer(s) hereby agree to purchase from Seller(s) the property identified as: Parcel XX, INDEPENDENCE COMMONS, consisting of XX.XX +/- acres, upon the following terms and conditions:
- (4) PURCHASE PRICE: XX dollars (\$XX.00) Deposit: XX dollars (\$XX.00) deposit is paid by Buyer(s) to Seller(s) and held in escrow by Seller(s) until settlement and is applied to the Purchase Price at settlement unless the deposit is returned or forfeited.
- (5) SETTLEMENT: Final settlement shall be completed on or before the XX day of MONTH, 20XX, at which time possession shall be given to Buyer(s). It is expressly understood and agreed that if a longer time is necessary to secure a survey, or to prepare the necessary legal and financial settlement documents, then the date of settlement shall be extended for a reasonable time to affect these conditions.
- (6) TRANSFER TAX & COSTS: Tax exempt due to being a conveyance from a municipal corporation of The State of Delaware. Buyer(s) shall pay all settlement charges and lending costs including deed preparations and \$405 for survey and description necessary for deed preparation.
- (7) FORFEITURES: Should the Buyer(s) fail to make payments and/or settlement as specified above, the sums paid on account shall be retained by the Seller(s), who may elect to accept such sums either as liquidated damages or as part payment on the purchase price. If either Buyer(s) or Seller(s) default under this Contract of Purchase and Sale, such defaulting party shall be liable for any expenses incurred by the non-defaulting party, including attorney's fees in connection with this transaction and the enforcement of subject Contract of Purchase and Sale.

- (8) PRORATIONS: Taxes, special assessments, fuel, rent, water, sewer and other fixed charges are to be prorated as of day of settlement.
- (9) TITLE: Title is to be good and marketable, clear of all liens and encumbrances, except restrictions of record and existing easements, in case the title is found defective, the deposit money will be refunded and all legal expenses involved will be paid by the Seller(s).
- (10) RISK: The risk of loss or damage to said premises by fire, windstorm, or other casualty until settlement is assumed by the Seller(s).
- (11) INSPECTION: Buyer(s) represent that an inspection satisfactory to Buyer(s) has been made of the property and Buyer(s) agree to accept the property in its present surface and sub-surface condition.
- (12) ZONING: A copy of the Code of the City of Milford, Chapter 230-Zoning, Article III- Use and Area Regulations (Attachment A) defines the permitted uses and area requirements for the property.
- (13) SPECIAL TERMS:
- (14) SUCCESSORS AND ASSIGNS: This agreement shall be binding not only upon the parties themselves, but upon their heirs, executors, administrators, successors or assign as well.
- (15) ENTIRE AGREEMENT: This Contract of Purchase and Sale constitutes the entire agreement among the parties and may not be modified or changed except by written instruction executed by all parties.
- (16) COVENANTS AND RESTRICTIONS: This agreement is subject to important Restrictions and Covenants that apply to Independence Commons. A copy of these Restrictions is attached herein and is recorded in the Kent County Recorder of deeds (Doc#132697, Vol. 4655, Page #50). By entering into this contract, Buyer(s) acknowledges receipt of these Restrictions and their applications to the Property.

IN WITNESS WHEREOF, the Buyer(s) and Seller(s) have hereunto set their hands and seals,

**COMPANY**

\_\_\_\_\_  
Attest

\_\_\_\_\_(SEAL)  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date Commission Expires

**CITY OF MILFORD**

\_\_\_\_\_  
Attest/City Clerk

\_\_\_\_\_(SEAL)  
Mayor Joseph R. Rogers

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date Commission Expires

Code of the City of Milford  
Chapter 230-Zoning, Article III-Use and Area Regulations  
**ATTACHMENT A**

**§230-18**

OC-1 Office Complex District. [Added 7-9-1990]

In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

- A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
- B. Permitted uses. Permitted uses for the OC-1 District shall be as follow:
  - (1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.
  - (2) Television and radio studios (without towers).
  - (3) Professional schools (nonindustrial).
  - (4) Health centers and clinics (medical or dental).
- C. Prohibited uses. The following are expressly prohibited in an OC-1 District:
  - (1) Residence, except those in existence at the time of adoption of this section.
  - (2) Manufacturing of any kind.
  - (3) Bulk or wholesale storage or distribution centers.
- D. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:
  - (1) Charitable and philanthropic organizations.
  - (2) Day-care centers.
  - (3) Civic and/or conference centers.
  - (4) Indoor recreation (tennis, racquetball, handball, swimming, etc.).
  - (5) Private clubs or organizations.
  - (6) Medical/dental laboratories.
- E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.
  - (1) Accessory uses shall not be permitted without a principal use.
  - (2) The premises shall be suitably landscaped.
  - (3) All driveways shall meet width requirements of the State Fire Marshal's Office.
  - (4) Any uses not permitted, as previously listed, are prohibited.
  - (5) All internal roads, driveways and parking areas (for public, in-house employee or vehicular traffic) shall be paved.

- (6) All OC-1 District projects and proposals are subject to site plan review by the Planning Commission.
- (7) Exterior lighting will be adequately shielded from the view of all surrounding properties and streets.

F. Area and height regulations.

- (1) Minimum lot area shall be one acre.
- (2) Maximum lot coverage shall be 75%, with the remainder being that of grass and landscape areas.
- (3) Minimum lot width shall be 100 feet.
- (4) Maximum building height shall be 70 feet.
- (5) Minimum front yard setback shall be 50 feet.
- (6) Minimum side yard setback shall be at least 15 feet, with a total combined aggregate dimension of 40 feet.
- (7) Minimum rear yard setback shall be 25 feet.
- (8) Off-street parking. See Article IV of this chapter.
- (9) Landscape screening.
  - (a) There shall be a one-hundred –foot buffer from all residential areas or districts.
  - (b) Planted screening shall be at least six feet in height.
  - (c) There shall be a ten-foot buffer along all nonresidential lot lines.
  - (d) Each planted area of buffering shall:
    - [1] Retain natural vegetation.
    - [2] Be planted with indigenous evergreens, deciduous and ornamental trees or shrubs.
- (10) Sign requirements.
  - (a) A single sign facing each street from which access to the lot is provided announcing the name or logo (or both) of all establishments or businesses housed therein shall be allowed.
  - (b) The sign shall be applied to the wall of the building and shall not exceed 50 square feet.
  - (c) The sign shall not extend beyond the wall of the building upon which it is attached.
  - (d) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall be shielded from the view of adjacent properties or streets.
  - (e) One identification sign shall be allowed at each access point with an area of not more than eight square feet.
- (11) Accessory structures shall occupy no more than 10% of the lot area.
- (12) Accessory structures shall be located in the rear yard/lot area.
- (13) Accessory structures shall be located at least 25 feet from the rear lot line.

# **Independence Commons & Greater Milford Business Park**

## *Lot Prices*

Lot 4 - 11.52 ac - \$596,000.00

Lot 5 - 1.00 ac - \$125,000.00

Lot 7 - 1.00 ac - \$125,000.00

Lot 8 - 1.00 ac - \$125,000.00

Lot 9 - 1.00 ac - \$125,000.00

Lot 10 - 1.00 ac - \$125,000.00

Lot 11 - 1.00 ac - \$125,000.00

Lot 12 – N/A RESERVED

Lot 13 – N/A RESERVED

Lot 16 - 3.00 ac - \$270,000.00

Lot 18 - 1.69 ac - \$158,000.00

# RESOLUTION

## **A Resolution Authorizing the City Manager of the City of Milford to Sell Land in the Greater Milford Business Park and Independence Commons**

WHEREAS, in 1998, the City of Milford purchased and subdivided 211 +/- acres of property on the north and south sides of County Road 409 (Airport Road and east side of State Route 15 (Canterbury Road) for economic development benefits; and

WHEREAS, the City of Milford initially sold the land for \$24,000 an acre; and

WHEREAS, an appraisal of the property was completed in 2006 and updated in 2008; and

WHEREAS, it has been deemed in the best interest of the City of Milford and its taxpayers to increase the price of land in accordance with this most recent assessment; and

WHEREAS, there shall be a Declaration of Covenants, Conditions, Restrictions and Easements, attached as Exhibit B, recorded for the subdivision in addition to being recorded with each deed; and

WHEREAS, no lot shall be resubdivided or resold without the specific consent of the majority of the Milford City Council, but shall remain as shown on the recorded plat; and

WHEREAS, City Council authorizes the Mayor to enter into a contract of sale, attached as Exhibit C, for the sale of the lots in the Greater Milford Business Park and Independence Commons; and

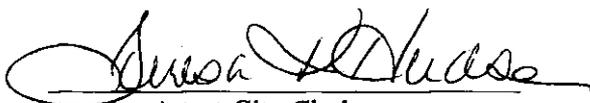
WHEREAS, prior to Site Plan Review by the City of Milford Planning Commission, the building(s) design and four-sided architectural elevation drawings must be approved by the Independence Commons Architectural Review Committee consisting of the City Manager, Assistant City Manager, City Planner and City Engineer; and

WHEREAS, any persons who have expressed a previous interest but are not in possession of a fully executed contract with the City of Milford may execute a contract based on the current sale price listed in Exhibit A; and

WHEREAS, this resolution supersedes any previous resolutions

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford:

- 1) An Appraisal has been completed establishing a reasonable market value for the properties.
- 2) Lots shall be offered for sale as stated herein Exhibit A.
- 3) City Council approves the Declaration of Covenants, Conditions, Restrictions and Easements attached as Exhibit B.
- 4) City Council authorizes the Mayor to enter into a contract of purchase and sale attached as Exhibit C for lots in Greater Milford Business Park and Independence Commons.
- 5) This Resolution shall supersede Resolutions passed by the majority of City Council on February 13, 2006 and March 12, 2007.

  
Attest-City Clerk

  
Mayor

RESOLVED THIS 22<sup>nd</sup> Day of September 2008.

## Independence Commons

### Projected Sales

1 acre lots - \$125,000.00 (7 total)

1.16 acre lot - \$135,000.00

1.42 acre lot - \$145,000.00

1.69 acre lot - \$158,000.00

1.83 acre lot - \$170,000.00

3 acre lot - \$270,000.00

3.05 acre lot - \$274,500.00 + \$50,000.00 premium= \$324,500

\$3.36 acre lot - \$302,500

11.52 acre lot - \$596,000.00

Total Revenue - \$2,976,000

# CONTRACT OF PURCHASE AND SALE

(1) SELLER: CITY OF MILFORD  
of 201 South Walnut Street, Milford, DE 19963  
Telephone number: (302) 424-3712 Fax number: (302) 424-3558  
Federal Identification Number: 51-6000-177

hereby agrees to sell and convey unto:

(2) BUYER: COMPANY  
of  
Telephone number: Fax number:  
Federal Identification Number:

- (3) PROPERTY: Buyer(s) hereby agree to purchase from Seller(s) the property identified as: Parcel XX, INDEPENDENCE COMMONS, consisting of XX.XX +/- acres, upon the following terms and conditions:
- (4) PURCHASE PRICE: XX dollars (\$XX.00) Deposit: XX dollars (\$XX.00) deposit is paid by Buyer(s) to Seller(s) and held in escrow by Seller(s) until settlement and is applied to the Purchase Price at settlement unless the deposit is returned or forfeited.
- (5) SETTLEMENT: Final settlement shall be completed on or before the XX day of MONTH, 20XX, at which time possession shall be given to Buyer(s). It is expressly understood and agreed that if a longer time is necessary to secure a survey, or to prepare the necessary legal and financial settlement documents, then the date of settlement shall be extended for a reasonable time to affect these conditions.
- (6) TRANSFER TAX & COSTS: Tax exempt due to being a conveyance from a municipal corporation of The State of Delaware. Buyer(s) shall pay all settlement charges and lending costs including deed preparations and \$405 for survey and description necessary for deed preparation.
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- (8) PRORATIONS: Taxes, special assessments, fuel, rent, water, sewer and other fixed charges are to be prorated as of day of settlement.
- (9) TITLE: Title is to be good and marketable, clear of all liens and encumbrances, except restrictions of record and existing easements, in case the title is found defective, the deposit money will be refunded and all legal expenses involved will be paid by the Seller(s).
- (10) RISK: The risk of loss or damage to said premises by fire, windstorm, or other casualty until settlement is assumed by the Seller(s).
- (11) INSPECTION: Buyer(s) represent that an inspection satisfactory to Buyer(s) has been made of the property and Buyer(s) agree to accept the property in its present surface and sub-surface condition.
- (12) ZONING: A copy of the Code of the City of Milford, Chapter 230-Zoning, Article III- Use and Area Regulations (Attachment A) defines the permitted uses and area requirements for the property.
- (13) SPECIAL TERMS:
- (14) SUCCESSORS AND ASSIGNS: This agreement shall be binding not only upon the parties themselves, but upon their heirs, executors, administrators, successors or assign as well.
- (15) ENTIRE AGREEMENT: This Contract of Purchase and Sale constitutes the entire agreement among the parties and may not be modified or changed except by written instruction executed by all parties.
- (16) COVENANTS AND RESTRICTIONS: This agreement is subject to important Restrictions and Covenants that apply to Independence Commons. A copy of these Restrictions is attached herein and is recorded in the Kent County Recorder of deeds (Doc#132697, Vol. 4655, Page #50). By entering into this contract, Buyer(s) acknowledges receipt of these Restrictions and their applications to the Property.

IN WITNESS WHEREOF, the Buyer(s) and Seller(s) have hereunto set their hands and seals,

**COMPANY**

\_\_\_\_\_  
Attest

\_\_\_\_\_(SEAL)  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date Commission Expires

**CITY OF MILFORD**

\_\_\_\_\_  
Attest/City Clerk

\_\_\_\_\_(SEAL)  
Mayor Joseph R. Rogers

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date Commission Expires

Code of the City of Milford  
Chapter 230-Zoning, Article III-Use and Area Regulations  
**ATTACHMENT A**

**§230-18**

OC-1 Office Complex District. [Added 7-9-1990]

In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

- A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
- B. Permitted uses. Permitted uses for the OC-1 District shall be as follow:
  - (1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.
  - (2) Television and radio studios (without towers).
  - (3) Professional schools (nonindustrial).
  - (4) Health centers and clinics (medical or dental).
- C. Prohibited uses. The following are expressly prohibited in an OC-1 District:
  - (1) Residence, except those in existence at the time of adoption of this section.
  - (2) Manufacturing of any kind.
  - (3) Bulk or wholesale storage or distribution centers.
- D. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:
  - (1) Charitable and philanthropic organizations.
  - (2) Day-care centers.
  - (3) Civic and/or conference centers.
  - (4) Indoor recreation (tennis, racquetball, handball, swimming, etc.).
  - (5) Private clubs or organizations.
  - (6) Medical/dental laboratories.
- E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.
  - (1) Accessory uses shall not be permitted without a principal use.
  - (2) The premises shall be suitably landscaped.
  - (3) All driveways shall meet width requirements of the State Fire Marshal's Office.
  - (4) Any uses not permitted, as previously listed, are prohibited.
  - (5) All internal roads, driveways and parking areas (for public, in-house employee or vehicular traffic) shall be paved.

- (6) All OC-1 District projects and proposals are subject to site plan review by the Planning Commission.
- (7) Exterior lighting will be adequately shielded from the view of all surrounding properties and streets.

F. Area and height regulations.

- (1) Minimum lot area shall be one acre.
- (2) Maximum lot coverage shall be 75%, with the remainder being that of grass and landscape areas.
- (3) Minimum lot width shall be 100 feet.
- (4) Maximum building height shall be 70 feet.
- (5) Minimum front yard setback shall be 50 feet.
- (6) Minimum side yard setback shall be at least 15 feet, with a total combined aggregate dimension of 40 feet.
- (7) Minimum rear yard setback shall be 25 feet.
- (8) Off-street parking. See Article IV of this chapter.
- (9) Landscape screening.
  - (a) There shall be a one-hundred –foot buffer from all residential areas or districts.
  - (b) Planted screening shall be at least six feet in height.
  - (c) There shall be a ten-foot buffer along all nonresidential lot lines.
  - (d) Each planted area of buffering shall:
    - [1] Retain natural vegetation.
    - [2] Be planted with indigenous evergreens, deciduous and ornamental trees or shrubs.
- (10) Sign requirements.
  - (a) A single sign facing each street from which access to the lot is provided announcing the name or logo (or both) of all establishments or businesses housed therein shall be allowed.
  - (b) The sign shall be applied to the wall of the building and shall not exceed 50 square feet.
  - (c) The sign shall not extend beyond the wall of the building upon which it is attached.
  - (d) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall be shielded from the view of adjacent properties or streets.
  - (e) One identification sign shall be allowed at each access point with an area of not more than eight square feet.
- (11) Accessory structures shall occupy no more than 10% of the lot area.
- (12) Accessory structures shall be located in the rear yard/lot area.
- (13) Accessory structures shall be located at least 25 feet from the rear lot line.

Code of the City of Milford  
Chapter 230-Zoning, Article III-Use and Area Regulations  
**ATTACHMENT A**

**§230-18**

OC-1 Office Complex District. [Added 7-9-1990]

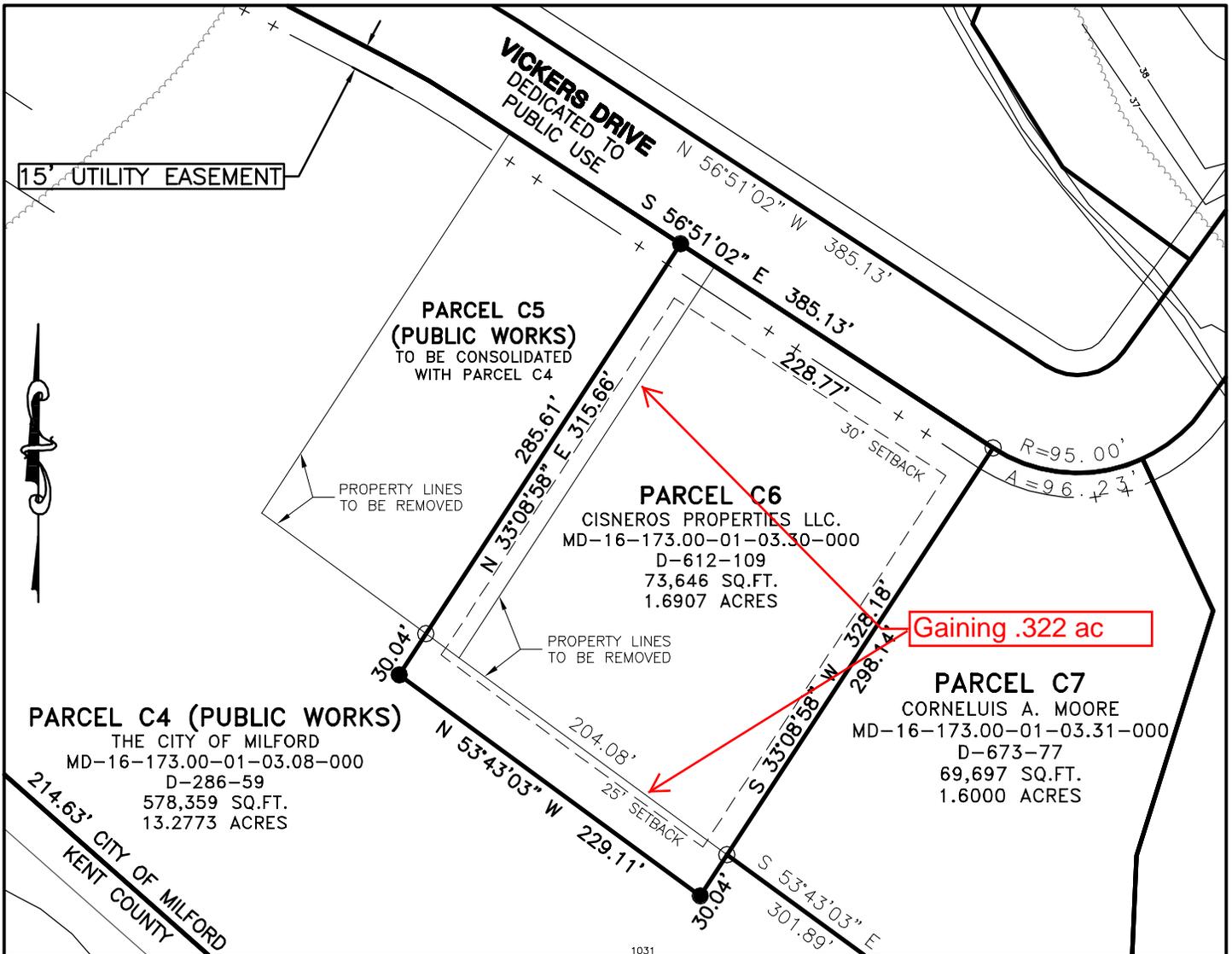
In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

- A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
- B. Permitted uses. Permitted uses for the OC-1 District shall be as follow:
  - (1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.
  - (2) Television and radio studios (without towers).
  - (3) Professional schools (nonindustrial).
  - (4) Health centers and clinics (medical or dental).
- C. Prohibited uses. The following are expressly prohibited in an OC-1 District:
  - (1) Residence, except those in existence at the time of adoption of this section.
  - (2) Manufacturing of any kind.
  - (3) Bulk or wholesale storage or distribution centers.
- D. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:
  - (1) Charitable and philanthropic organizations.
  - (2) Day-care centers.
  - (3) Civic and/or conference centers.
  - (4) Indoor recreation (tennis, racquetball, handball, swimming, etc.).
  - (5) Private clubs or organizations.
  - (6) Medical/dental laboratories.
- E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.
  - (1) Accessory uses shall not be permitted without a principal use.
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  - (5) All internal roads, driveways and parking areas (for public, in-house employee or vehicular traffic) shall be paved.

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F. Area and height regulations.

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    - [1] Retain natural vegetation.
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**ENGINEER'S STATEMENT**

I RANDY B. DUPLCHAIN, HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_ SEAL

**LEGEND:**

- IRON ROD & CAP SET
- IRON ROD & CAP FOUND
- ☒ CONCRETE MONUMENT FOUND

IF THE ENGINEER'S SEAL IS NOT RED, THE PLAN IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE STATEMENTS CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES.



SALISBURY, MARYLAND (410) 543-9091  
MILFORD, DELAWARE (302) 424-1441

**LOT LINE ADJUSTMENT**  
**PARCEL C6**  
GREATER MILFORD BUSINESS COMPLEX  
MILFORD HUNDRED  
CITY OF MILFORD, KENT COUNTY, DELAWARE

Date: 3/14/14 Scale: 1" = 100' Proj.No.: 052A019

# **Independence Commons & Greater Milford Business Park**

## *Lot Prices*

Lot 4 - 11.52 ac - \$596,000.00

Lot 5 - 1.00 ac - \$125,000.00

Lot 7 - 1.00 ac - \$125,000.00

Lot 8 - 1.00 ac - \$125,000.00

Lot 9 - 1.00 ac - \$125,000.00

Lot 10 - 1.00 ac - \$125,000.00

Lot 11 - 1.00 ac - \$125,000.00

Lot 12 – N/A RESERVED

Lot 13 – N/A RESERVED

Lot 16 - 3.00 ac - \$270,000.00

Lot 18 - 1.69 ac - \$158,000.00

# RESOLUTION

## **A Resolution Authorizing the City Manager of the City of Milford to Sell Land in the Greater Milford Business Park and Independence Commons**

WHEREAS, in 1998, the City of Milford purchased and subdivided 211 +/- acres of property on the north and south sides of County Road 409 (Airport Road and east side of State Route 15 (Canterbury Road) for economic development benefits; and

WHEREAS, the City of Milford initially sold the land for \$24,000 an acre; and

WHEREAS, an appraisal of the property was completed in 2006 and updated in 2008; and

WHEREAS, it has been deemed in the best interest of the City of Milford and its taxpayers to increase the price of land in accordance with this most recent assessment; and

WHEREAS, there shall be a Declaration of Covenants, Conditions, Restrictions and Easements, attached as Exhibit B, recorded for the subdivision in addition to being recorded with each deed; and

WHEREAS, no lot shall be resubdivided or resold without the specific consent of the majority of the Milford City Council, but shall remain as shown on the recorded plat; and

WHEREAS, City Council authorizes the Mayor to enter into a contract of sale, attached as Exhibit C, for the sale of the lots in the Greater Milford Business Park and Independence Commons; and

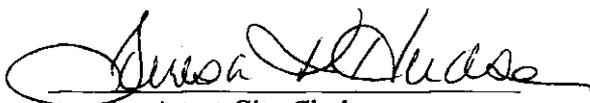
WHEREAS, prior to Site Plan Review by the City of Milford Planning Commission, the building(s) design and four-sided architectural elevation drawings must be approved by the Independence Commons Architectural Review Committee consisting of the City Manager, Assistant City Manager, City Planner and City Engineer; and

WHEREAS, any persons who have expressed a previous interest but are not in possession of a fully executed contract with the City of Milford may execute a contract based on the current sale price listed in Exhibit A; and

WHEREAS, this resolution supersedes any previous resolutions

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford:

- 1) An Appraisal has been completed establishing a reasonable market value for the properties.
- 2) Lots shall be offered for sale as stated herein Exhibit A.
- 3) City Council approves the Declaration of Covenants, Conditions, Restrictions and Easements attached as Exhibit B.
- 4) City Council authorizes the Mayor to enter into a contract of purchase and sale attached as Exhibit C for lots in Greater Milford Business Park and Independence Commons.
- 5) This Resolution shall supersede Resolutions passed by the majority of City Council on February 13, 2006 and March 12, 2007.

  
Attest-City Clerk

  
Mayor

RESOLVED THIS 22<sup>nd</sup> Day of September 2008.

## Independence Commons

### Projected Sales

1 acre lots - \$125,000.00 (7 total)

1.16 acre lot - \$135,000.00

1.42 acre lot - \$145,000.00

1.69 acre lot - \$158,000.00

1.83 acre lot - \$170,000.00

3 acre lot - \$270,000.00

3.05 acre lot - \$274,500.00 + \$50,000.00 premium = \$324,500

\$3.36 acre lot - \$302,500

11.52 acre lot - \$596,000.00

Total Revenue - \$2,976,000

PREPARED 7/08/14, 10:50:03  
CITY OF MILFORD

PAYMENTS DUE RECEIPT  
PROGRAM BP820L

-----  
APPLICATION NUMBER: 14-00100103 119 S WALNUT ST  
FEE DESCRIPTION AMOUNT DUE  
-----

SEWER-IMPACT KENT COUNTY	1971.00
TOTAL DUE	1971.00

Please present this receipt to the cashier with full payment.

PNC Renovations

FOIA Workshop – Possible Date Monday, August 11, 2014

**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: May 2014

Cash Balance - General Fund Bank Balance	\$2,454,062
Cash Balance - Electric Fund Bank Balance	\$6,499,861
Cash Balance - Water Fund Bank Balance	\$2,408,555
Cash Balance - Sewer Fund Bank Balance	\$732,047
Cash Balance - Trash Fund Bank Balance	\$399,971

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Solid Waste <u>Reserves</u>
Beginning Cash Balance	227,270	1,178,366	1,800,965	0
Deposits	21,628		4,607	
Interest Earned this Month	23	161	134	
Disbursements this Month	(78,034)		(41,667)	
Investments				250,000
Ending Cash Balance	\$170,887	\$1,178,527	\$1,764,039	\$250,000

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	2,200,272	5,042,964	3,368,680	10,458,549
Deposits				
Interest Earned this Month	126	315	214	406
Disbursements this Month	(211,411)	(83,903)	(7,473)	(4,065,783)
Investments	250,000			
Ending Cash Balance	\$2,238,987	\$4,959,376	\$3,361,421	\$6,393,172

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	1,145,145	\$783,508	\$318,923
Deposits			\$4,800
Interest Earned this Month	59	\$43	\$17
Disbursements this Month			
Investments			
Ending Cash Balance	\$1,145,204	\$783,551	\$323,740

INTEREST THROUGH THE ELEVENTH MONTH OF THE FISCAL YEAR:

General Fund	9,406	Water Fund	2,614
GF Capital Reserves	1,647	Water Capital Reserves	3,594
General Improvement Fund	414	Water Impact Fees	669
Municipal Street Aid	1,186	Sewer Fund	773
Real Estate Transfer Tax	1,482	Sewer Capital Reserves	2,497
Electric Fund	5,221	Sewer Impact Fees	484
Electric Reserves	8,473	Trash Fund	6,338
Electric Impact Fees	188		

TOTAL INTEREST EARNED TO DATE \$44,986

**REVENUE REPORT**

Page Two

Date: May 2014	AMOUNT BUDGETED	MTD	YTD	92% of Year Expended YTD%
ACCOUNT				
Budgeted Fund Balance	161,840	0	161,840	100.00%
General Fund Capital Reserves	103,443	0	103,443	100.00%
Property Transfer Tax-Police	500,000	41,666	458,333	91.67%
Real Estate Tax	3,621,090	919	3,658,024	101.02%
Business License	35,000	1,500	35,600	101.71%
Rental License	85,000	800	84,775	99.74%
Building Permits	80,000	580	42,603	53.25%
Planning & Zoning	14,821	485	19,433	131.12%
Grasscutting Revenue	28,458	2,371	26,087	91.67%
Police Revenues	315,000	17,229	197,279	62.63%
Misc. Revenues	282,260	4,189	160,544	56.88%
Transfers From	3,215,480	267,958	2,947,524	91.67%
<b>Total General Fund Revenues</b>	<b>\$8,442,392</b>	<b>\$337,697</b>	<b>\$7,895,485</b>	<b>93.52%</b>
Water Revenues	2,715,000	252,088	2,476,639	91.22%
Sewer Revenues	2,385,670	227,814	2,214,218	92.81%
Kent County Sewer	1,464,600	163,861	1,566,853	106.98%
Solid Waste Revenues	1,303,000	104,118	1,187,362	91.13%
Electric Revenues	25,588,450	1,817,277	22,961,671	89.73%
<b>TOTAL REVENUES</b>	<b>\$41,899,112</b>	<b>\$2,902,855</b>	<b>\$38,302,228</b>	<b>91.42%</b>
YTD Enterprise Expense		<b>103,874</b>		
YTD Enterprise Revenue		<b>103,467</b>		
LTD Carlisle Fire Company Building Permit Fund		<b>95,573</b>		

EXPENDITURE REPORT

Page Three

Date: May 2014

92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>City Manager</b>					
Personnel	418,663	\$26,834	376,998	90.05%	41,665
O&M	168,840	\$11,801	135,541	80.28%	33,299
Capital	0	\$0	0		0
<b>Total City Manager</b>	<b>\$587,503</b>	<b>\$38,635</b>	<b>\$512,539</b>	<b>87.24%</b>	<b>74,964</b>
<b>Planning &amp; Zoning</b>					
Personnel	125,100	\$4,709	82,440	65.90%	42,660
O&M	46,661	\$1,327	38,382	82.26%	8,279
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$171,761</b>	<b>\$6,036</b>	<b>\$120,822</b>	<b>70.34%</b>	<b>50,939</b>
<b>Code Enforcement &amp; Inspections</b>					
Personnel	143,785	\$10,676	122,473	85.18%	21,312
O&M	68,388	\$4,687	52,393	76.61%	15,995
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$212,173</b>	<b>\$15,363</b>	<b>\$174,866</b>	<b>82.42%</b>	<b>37,307</b>
<b>Council</b>					
Personnel	31,225	\$3,618	25,556	81.84%	5,669
O&M	46,150	\$3,120	39,715	86.06%	6,435
Council Expense	17,000	\$260	16,768	98.64%	232
Contributions	336,350	\$0	336,350	100.00%	0
Codification	4,000	\$0	2,249	56.23%	1,751
Employee Recognition	9,000	\$0	8,976	99.73%	24
Insurance	27,220	\$0	27,220	100.00%	0
Capital-Transfer to Reserves	61,840	\$0	61,840	100.00%	0
<b>Total Council</b>	<b>\$532,785</b>	<b>\$6,998</b>	<b>\$518,674</b>	<b>97.35%</b>	<b>14,111</b>
<b>Finance</b>					
Personnel	341,725	\$25,712	301,975	88.37%	39,750
O&M	52,465	\$7,293	46,370	88.38%	6,095
Capital	0	\$0	0		0
<b>Total Finance</b>	<b>\$394,190</b>	<b>\$33,005</b>	<b>\$348,345</b>	<b>88.37%</b>	<b>45,845</b>
<b>Information Technology</b>					
Personnel	176,860	\$8,444	98,560	55.73%	78,300
O&M	177,490	\$3,879	166,011	93.53%	11,479
Capital	50,000	\$7,149	49,907	99.81%	93
<b>Total Information Technology</b>	<b>\$404,350</b>	<b>\$19,472</b>	<b>\$314,478</b>	<b>77.77%</b>	<b>89,872</b>

**EXPENDITURE REPORT**

**Page Four**

Date: May 2014

92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Police Department</b>					
Personnel	3,791,065	\$275,748	3,125,919	82.45%	665,146
O&M	499,040	\$20,353	397,840	79.72%	101,200
Capital	107,810	\$0	107,498	99.71%	312
<b>Total Police</b>	<b>\$4,397,915</b>	<b>\$296,101</b>	<b>\$3,631,257</b>	<b>82.57%</b>	<b>766,658</b>
<b>Streets &amp; Grounds Division</b>					
Personnel	438,755	\$32,704	369,158	84.14%	69,597
O&M	379,635	\$15,855	302,945	79.80%	76,690
Capital	55,000	\$0	0	0.00%	55,000
Debt Service	45,560	\$0	44,068	96.73%	1,492
<b>Total Streets &amp; Grounds</b>	<b>\$918,950</b>	<b>\$48,559</b>	<b>\$716,171</b>	<b>77.93%</b>	<b>202,779</b>
<b>Parks &amp; Recreation</b>					
Personnel	519,805	\$44,479	432,793	83.26%	87,012
O&M	245,151	\$7,242	230,845	94.16%	14,306
Capital	57,809	\$0	57,122	98.81%	687
<b>Total Parks &amp; Recreation</b>	<b>\$822,765</b>	<b>\$51,721</b>	<b>\$720,760</b>	<b>87.60%</b>	<b>102,005</b>
<b>Total General Fund</b>					
<b>Operating Budget</b>	<b>\$8,442,392</b>	<b>\$515,890</b>	<b>\$7,057,912</b>	<b>83.60%</b>	<b>1,384,480</b>

EXPENDITURE REPORT

Page Five

Date: May 2014

92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Water Division</b>					
Personnel	300,425	\$23,053	270,609	90.08%	29,816
O&M	1,070,445	\$63,657	820,633	76.66%	249,812
Capital	525,000	\$0	14,568	2.77%	510,432
Debt Service	819,130	\$0	615,169	75.10%	203,961
<b>Total Water</b>	<b>\$2,715,000</b>	<b>\$86,710</b>	<b>\$1,720,979</b>	<b>63.39%</b>	<b>994,021</b>
<b>Sewer Division</b>					
Personnel	300,425	\$23,055	270,594	90.07%	29,831
O&M	1,063,445	\$52,162	1,076,804	101.26%	(13,359)
Capital	347,000	\$420	52,280	15.07%	294,720
Debt Service	689,400	\$0	536,887	77.88%	152,513
<b>Sewer Sub Total</b>	<b>\$2,400,270</b>	<b>\$75,637</b>	<b>\$1,936,565</b>	<b>80.68%</b>	<b>463,705</b>
Kent County Sewer	1,450,000	\$153,805	1,556,853	107.37%	(106,853)
<b>Total Sewer</b>	<b>\$3,850,270</b>	<b>\$229,442</b>	<b>\$3,493,418</b>	<b>90.73%</b>	<b>356,852</b>
<b>Solid Waste Division</b>					
Personnel	362,410	\$27,508	322,900	89.10%	39,510
O&M	775,590	\$50,064	673,231	86.80%	102,359
Capital	165,000	\$0	0	0.00%	165,000
<b>Total Solid Waste</b>	<b>\$1,303,000</b>	<b>\$77,572</b>	<b>\$996,131</b>	<b>76.45%</b>	<b>306,869</b>
<b>Total Water, Sewer Solid Waste</b>	<b>\$7,868,270</b>	<b>\$393,724</b>	<b>\$6,210,528</b>	<b>78.93%</b>	<b>1,657,742</b>
<b>Electric Division</b>					
Personnel	1,248,005	\$83,524	1,022,636	81.94%	225,369
O&M	1,693,265	\$117,988	1,411,891	83.38%	281,374
Transfer to General Fund	2,500,000	\$208,334	2,291,667	91.67%	208,333
Capital	1,005,950	\$0	9,161	0.91%	996,789
Debt Service	641,230	\$0	544,106	84.85%	97,124
<b>Electric Sub Total</b>	<b>\$7,088,450</b>	<b>\$409,846</b>	<b>\$5,279,461</b>	<b>74.48%</b>	<b>1,808,989</b>
Power Purchased	18,500,000	\$1,416,429	17,072,987	92.29%	1,427,013
<b>Total Electric</b>	<b>\$25,588,450</b>	<b>\$1,826,275</b>	<b>\$22,352,448</b>	<b>87.35%</b>	<b>3,236,002</b>
<b>TOTAL OPERATING BUDGET</b>	<b>\$41,899,112</b>	<b>\$2,735,889</b>	<b>\$35,620,888</b>	<b>85.02%</b>	<b>6,278,224</b>

**INTERSERVICE DEPARTMENTS REPORT**

Page Six

Date: May 2014

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	92% of Year Expended	UNEXPENDED BALANCE
				YTD%	
<b>Garage</b>					
Personnel	79,700	6,102	70,481	88.43%	9,219
O&M	66,355	900	54,813	82.61%	11,542
Capital	0	0	0		0
<b>Total Garage Expense</b>	<b>\$146,055</b>	<b>7,002</b>	<b>\$125,294</b>	<b>85.79%</b>	<b>20,761</b>
<b>Public Works</b>					
Personnel	185,195	14,791	165,445	89.34%	19,750
O&M	200,915	20,468	133,245	66.32%	67,670
Capital	27,100	0	25,499	94.09%	1,601
<b>Total Public Works Expense</b>	<b>\$413,210</b>	<b>35,259</b>	<b>\$324,189</b>	<b>78.46%</b>	<b>89,021</b>
<b>Billing &amp; Collections</b>					
Personnel	487,045	35,287	400,137	82.16%	86,908
O&M	242,120	12,042	211,961	87.54%	30,159
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$729,165</b>	<b>47,329</b>	<b>\$612,098</b>	<b>83.95%</b>	<b>117,067</b>
<b>City Hall Cost Allocation</b>					
Personnel	0	0	0		0
O&M	74,475	2,720	62,710	84.20%	11,765
Capital	0	0	0		0
<b>Total City Hall Cost Allocation</b>	<b>\$74,475</b>	<b>2,720</b>	<b>\$62,710</b>	<b>84.20%</b>	<b>11,765</b>

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
June 9, 2014

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, June 9, 2014.

PRESIDING: Mayor Bryan W. Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Shupe called the Monthly Meeting to order at 7:03 p.m.

#### INVOCATION & PLEDGE

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

#### APPROVAL OF MINUTES

Motion made by Mr. Grier, seconded by Mr. Pikus to approve the minutes of the April 14, April 16, May 12, May 15 and May 27, 2014 Council and Committee Meetings as submitted. Motion carried.

#### RECOGNITION

No special guests in attendance.

#### MONTHLY POLICE REPORT

Police Committee Chairman Morrow presented the police report on behalf of Chief Hudson. Mr. Pikus moved to accept the police report, seconded by Mr. Grier. Motion carried.

Mr. Gleysteen noted that the previous month's criminal arrests had doubled in comparison to the normal number reported. Chief Hudson explained that though he did not have the breakdown of April's arrests, he believes it was the result of a case or cases where a person was arrested on multiple charges. The statistics show the total number of charges and not the number of defendants arrested each month. However, he will follow-up and confirm what occurred in April.

#### CITY MANAGER REPORT

Mr. Carmean read into record the following report:

#### ADMINISTRATION

*Work has started at the PNC building which will soon be known as the City of Milford Business Office. Brad Dennehy and I did a final walk through on June 5<sup>th</sup> with the project manager.*

*There will be more change orders including security needs.*

*In addition, IT Manager Wes Banasan will oversee the software and hardware needs.*

*However, in the long run, even with the additional costs, it will be cheaper than the new building planned on South Washington Street. A drive-up window was not part of that design because there was not enough land at that site.*

*Mr. Portmann and I have been meeting with staff to discuss and prepare the city budget for Fiscal Year 2014-2015. We have met with Chief Hudson and the garage though we have not met with public works. Everyone has made every effort to keep costs as low as possible, but to continue our services at an acceptable level.*

#### *ELECTRIC*

*Our crews have begun removing the decorative lights near the Washington Street basketball courts so they can be powder coated due to the original finishes failing. These lamps will be refitted with LED lighting.*

*We experienced an outage on Monday, June 2, 2014 in the early evening when a fuse failed on McCoy Street and caused a breaker to open at the new substation. We believe a bird caused the problem which created the loss of electric to a section of the city. The breaker did not reset itself as it should. It was necessary for crews to reset it and close the breaker manually. The breaker is being repaired. The Elks Lodge Road Substation was down as we prepared to move one of our transformers. Because of that, we were carrying our entire load through the new substation.*

#### *STREETS*

*The curb and sidewalk work is proceeding on Southeast Front Street. I am still receiving complaints about the condition of the street due to the patches. For the most part, traffic has not been hindered by the work.*

*Street crews have been working in several areas of the city repairing storm grates. A number of grates settled due to severe winter temperatures. These catch basins can cause a traffic hazard if not lifted to a reasonable height with the street.*

#### *SEWER AND WATER*

*We will be replacing sewer laterals on Lemuel and Claude Streets. These two streets, located in the area of LuLu Ross School, have a high traffic volume because of the school. Both will be repaved this summer. Getting the trench work done early will allow appropriate time for the compaction of the fill material prior to paving. I have scheduled a pre-construction meeting on the water extension project from Route 1 to east city limits on Cedar Neck Road. This will provide the ability to deliver water to the annexed properties in the east areas.*

*I brought this matter before the council last fall.*

*I have met with the fire company a few times and they are pleased with the additional hydrants that will be added in the eastern part of city limits.*

*Mr. Morrow asked if the damage and related expenses caused by the outage on June 2<sup>nd</sup> are covered by the warranty considering it involved the new substation. Mr. Carmean verified there was no cost to the city because it was a faulty breaker.*

*Mr. Brooks reported that he was at Milford Little League and before the breaker blew, people were complaining they could smell something burning. He asked what the odor was; Mr. Carmean thought it was a bird that touched the primary and caused the fuse to blow. The smell may have been the bird being electrocuted. Mr. Brooks pointed out the ballpark is quite a distance from McCoy Street though the odor was evident. The city manager said it could have been that the fuse was on the same line as the ballpark. The short in the system may have been in the ballpark and McColley Street area as well.*

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

#### *COMMITTEE & WARD REPORTS*

*Nothing reported.*

## COMMUNICATIONS &amp; CORRESPONDENCE

Included in packet.

## UNFINISHED BUSINESS

*Ordinance 2014-08/Chapter 193/Solid Waste Code Amendment*

The city manager reported this is a clean up of our code which was needed as a result of the recent changes made in our collection procedures, recycling and yard waste. This will help our customers understand the rules and give our staff the authority to inform customers they are incorrect in how they are putting out trash or if they are using an improper can. He said it also eliminates commercial collection.

He noted the changes are in red and/or strikeouts.

Mr. Pikus said he received a lot of complaints about the confusion over our yard waste and leaf collection procedures. He understands we have a policy but it appears to both him and Mr. Gleysteen that only a few people understand the city policy.

Mr. Carmean said it has been slow getting our customers to understand the policy. He thought we would have a lot of trouble when we no longer permitted large bulk collection for commercial businesses. Overall, that went well even though a lot of customers willingly converted to the two-container process and had no problem with us removing their dumpster.

He agrees that many of our residents do not understand that yard waste must be in a designated container or we will not pick it up. This has caused the public works staff a lot of headaches and Mr. Dennehy is even considering picking up anything our customers put out. If that were done, we would need to purchase another truck and hire an additional crew. A claw truck would also have to be purchased because we cannot have our employees picking up excessive yard waste.

Mr. Carmean continues to observe little piles of loose debris all over town and stated that if we pick that up, we will be expected to pick up the fifty-foot piles left curbside. He said that should we decide to expand the service and collect everything, our fee will need to be increased.

The city manager emphasized that most trash services do not pick up yard debris. The customer is responsible for disposing of it through a landfill or transfer station as would be the case in Milford.

Mr. Carmean had a former councilman call him about a problem with yard debris. He agreed with the former councilman that our solid waste crews could have handled it better than they did. He said the yard debris had been placed in the proper container though it was slightly taller than what is allowed. He broke the branches up and placed them in the container though the trash truck drove away.

The former councilman also placed a second pile beside the container which he thought would not be picked up. His plan was to place the additional debris in the container after they emptied the container.

The city manager had the truck go back and pick the debris up.

He feels our employees need to think a little beyond the rules in certain situations. But to spot collect in some areas or on some days and not do it consistently, should not happen.

Mr. Pikus stated that he and a few council members receive an influx of complaints about yard debris. He asked if it would be worth purchasing a mechanical claw truck though he understand we would need to increase our fees. He pointed out that if the container is filled, because we only pickup every other week, they have to wait another two weeks. The customer then complains to them that their container has been out for two weeks.

Mr. Pikus asked if we can get an approximate price to add the additional crew needed to provide weekly pickup in addition to an increase in the monthly fee. Mr. Carmean said they looked at a claw truck which was almost \$200,000. We would also need to hire two more employees.

It was also pointed out that crews are expected to pick up large trees and branches sometimes after a resident has cleared an entire lot. Mr. Carmean said we will still need a few restrictions in place.

He will get council an estimate for the additional equipment and crew.

Mr. Brooks suggested that if a customer needs the claw truck, they be assessed an additional fee. In that manner, the residents using the service would pay for it and not the entire city. Mr. Pikus agreed that a lot of residents would never use that service.

Mr. Brooks said that if he has large limbs and a lot of debris, he hires a private contractor and pays for it.

Mr. Morrow noted that if he has more than can fit in the container, he puts it in the other containers, then rotates it back into the correct container after it is picked up.

Mr. Carmean likes the additional charge suggested by Mr. Brooks and feels that should be considered.

Ms. Wilson agrees she has received many complaints particularly after someone cleans their yard up and finds the debris will not fit into the container. She explained that once it is full and something is sticking out of the top, the crews will not pick it up. She questioned that practice considering the brush is still contained in the container.

When asked the restriction on height, Mr. Carmean stated forty-two inches.

Ms. Wilson said that her container was not picked up because they had placed the clippings on the bottom and put the branches on top which made them stick out though they were broken up. It also occurred with her neighbor who questioned why it had not been picked up. They pulled the containers back out two weeks later and the second time it was picked up.

The city manager explained that last week, he informed the trash crews that if the debris is in the can, it must be picked up. He personally observed a number of containers with limbs sticking out of the can by two or more feet. He has directed them to pick those containers up now.

Mr. Pikus questioned the possibility of leasing a vehicle for this purpose; Mr. Carmean said he is unaware of any place that would lease the vehicle. Mr. Pikus suggested contacting Asplundh who is our tree trimming company. Mr. Carmean agreed they would have that type truck.

He then said we could contract with a hauler because many times, the resident does not have the ability to transport the yard waste to the transfer station.

Mr. Pikus asked Mr. Carmean to look into what it would cost in personnel and equipment for the city to pick up the additional brush; Mr. Carmean said he will report back to council along with the cost of hiring an outside contractor.

The Solid Waste Ordinance will be prepared for introduction at the next meeting.

## NEW BUSINESS

### *Bid Award/Digger Derrick & Winch/Electric Department*

Sealed bids were received, publicly opened and read on May 15, 2014 for the latest model year Hydraulic Rotating Digger Derrick with a Turntable Winch. The following two bids were received:

Terex	\$244,430.64
Altec	\$276,779.00

The city manager recalled that last year before the budget hearings, he took the Public Works Committee out to the city barn to look at some old pieces of equipment. One was a digger truck and the other was a bucket truck. At that time, the committee agreed it was time to replace those vehicles.

Mr. Carmean explained the digger truck is used to set poles and dig holes.

Mr. Pikus asked if this is a four-wheel drive; Mr. Carmean stated yes. Mr. Pikus asked if a four-wheel drive is necessary. The city manager said it does not add that much to the price. He feels if the trucks were only used on concrete or a similar surface, it would not be necessary. Unfortunately, many times they need to back down into a ditch and the four-wheel drive is needed.

Mr. Brooks recalled this was approved during the budget hearings last June and asked how much was budgeted. Mr. Pikus believes \$250,000 was budgeted. Mr. Brooks pointed out it will be almost a year before we receive the truck. The city manager agreed noting that it should have been bid earlier in the year.

Mr. Brooks moved to award the bid for a 2015 Digger Derrick to Terex in the amount of \$244,430.64, seconded by Mr. Starling. Motion carried.

#### *Appointment and Reappointment of City of Milford Planning Commissioners*

Mayor Shupe reported that he has been talking to a resident who will meet with Planning Chairman James Burk and himself when he returns from vacation.

Mr. Brooks pointed out the terms of three commissioners expire in August and asked if they are interested in continuing to serve. Mayor Shupe said that is a good point which he will discuss with Chairman Burk at their meeting.

#### *FY 2013-2014 Budget Adjustment/Continuation of Electric Substation Project*

Mr. Carmean recalled that in 2008, the substation project was part of the \$15 million referendum. At that time, he knew the money borrowed would not pay for the entire substation. Council agreed to pay from reserves anything spent over the \$5.5 million approved by the residents.

He explained that since that time, a lot has changed with right-of-ways and we almost ended up with a potential litigation issue with another utility entity. In addition, the decision to install the large steel poles also increased the cost of the project. Right now, it could cost up to \$1.6 more than what was originally planned.

Mr. Pikus moved to transfer \$1,950,965 from electric reserves to finish paying off the debt of the substation, seconded by Mr. Gleysteen. Motion carried.

#### *FY 2013-2014 Budget Adjustment/Former PNC Bank Renovations-Billing Office*

Mr. Carmean reported that council previously approved a contract for renovations at the former PNC Bank in the amount of \$317,000 though \$300,000 was budgeted for the project. Also, the \$317,000 did not cover the cost of the related Davis, Bowen and Friedel (DBF) contract to oversee the project. Additional council approval is needed to fund the DBF fees.

The city manager asked for council approval for the additional \$17,000 needed to pay for the overage. Any additional DBF costs will need to be brought back before council and discussed.

Mr. Pikus noted that P.E. Erik Retzlaff of DBF was present. He asked an approximate cost for DBF to now oversee the renovations. Mr. Carmean feels we should use them but sparingly and only for the monthly progress meeting where they can check on the contractor every thirty days. He feels there is no need for an inspector from DBF to be on site eight to nine hours a day.

Mr. Pikus asked if the cost will be split between sewer, water and electric considering billing handles all those utilities. Mr. Carmean feels that should be a decision of council.

Mr. Pikus said once we receive an estimate it can be paid from the different accounts. He pointed out that our reserves are what keeps the city financially healthy. The city manager believes that if we can afford to keep outlandish amounts in the reserves, we should consider reducing our fees. He explained that we have not been adding to our reserves the last couple

years and they have remained level during that time. We have a balance whereby our customers are not putting funds in the reserves that are above and beyond the cost of operations. He feels we will still have healthy reserve which is why we were able to pull another \$2 million out of electric reserves to pay for the substation and to cover the costs for the PNC bank but most of all, for our ratepayers.

Some reserves such as the general fund reserves have been reduced lower than the city manager prefers. However, our electric, sewer and water reserves are in good shape. That allows us to utilize those funds for projects without raising rates.

Ms. Wilson asked if there are any city employees capable of overseeing the construction. Mr. Carmean said we will have our building inspector, in addition to himself, watch the construction as it progresses. The only problem is the monthly progress meetings which take only an hour to an hour and a half of sitting down with the architectural engineers. He wants to make sure those things are addressed because we have no one in house capable of evaluating structural work or heating and cooling systems.

The city manager pointed out the Southeast Front Street project is different and needs a full-time inspector on site.

Mr. Carmean is willing to assign someone to oversee the project, but would not want to hire a person to replace them. He agrees our employees could inspect the work, but that would require them to be on-site all the time. Once that project is over, we end up with a full-time employee with benefits who will no longer be busy. In those cases, it makes more sense to contract with DBF and allow their inspectors to represent us.

Ms. Wilson said she trusts the city manager's judgment but at the same time, recommends a cap be placed on the engineering services. Mr. Brooks said that because this is an old structure, we are going to find unexpected problems popping up.

Mr. Pikus moved to transfer \$17,000 from electric reserves to the PNC Bank renovation account, seconded by Ms. Wilson. Motion carried.

*Introduction-Ordinance 2014-09/Chapter 48/Abolish Parks and Recreation Commission*

Mayor Shupe introduced Ordinance 2014-09 adding that no vote will be taken this evening.

He stated as most of you know, we no longer have a Parks and Recreation Commission, so he recommends that ordinance be removed and replaced with a new Parks and Recreation Ordinance.

Mr. Carmean agreed the commission was abolished many years ago after he became city manager but was never officially removed from the books. At that time, he recommended and council approved the department be moved from under the commission's jurisdiction and placed under the city manager. The ordinance remained in the code and this will simply remove it.

The city manager noted that Ms. Hudson has discussed this ordinance with him and the Parks and Recreation Director.

*Introduction-Ordinance 2014-10/Chapter 165/Adds New Chapter/Parks and Recreation*

Mayor Shupe introduced Ordinance 2014-10 and advised that no vote is needed.

He explained that the ordinance covers the rental fees that have been charged by Parks and Recreation for a number years. It also establishes rules and regulations governing the operation and use of park and recreation facilities. Our charter requires an ordinance in order to charge fees for services and/or goods. Once adopted, we will comply with that requirement.

This came up as a result of some problems we were experiencing with people remaining in the parks throughout the night.

Though signs are posted saying the parks are closed from dusk to dawn, the courts prefer something more official on the books. The ordinance will state "All public parks, owned and operated by the City of Milford, shall be closed from sunset to sunrise daily, except where otherwise posted or permitted."

The mayor noted that one exception involves persons traveling by foot or bike to get from one side of Bicentennial Park to the other. Overall, the intent is to prevent people from congregating or grouping together in the parks between dusk and dawn.

Mr. Pikus agreed it is needed. Ms. Wilson pointed out this is not new and most of what is being proposed has been enforced for years. We are simply adding the language to the books.

*Introduction-Ordinance 2014-11/Chapter 176/Adds New Chapter/Public Peace and Good Order*

Mayor Shupe introduced Ordinance 2014-11 adding that no vote will be taken this evening.

He suggested council read through the ordinance noting that this also relates more or less, to loitering in the parks and people publicly going to the bathroom. State law reads that a person cannot be arrested for indecent exposure unless a police officer actually witnesses it. Most complaints are received from citizens and not the result of a police officer actually witnessing the act.

The mayor says this will address the problem by spelling out it is a prohibited act.

*Introduction-Ordinance 2014-12/Chapter 197/Streets and Sidewalks/Adds Article II/Miscellaneous Provisions*

Mayor Shupe introduced Ordinance 2014-12 noting that no vote will be taken this evening.

He explained the ordinance gives city officials the ability to temporarily close streets and sidewalks for public safety reasons. It also prohibits people from throwing, dropping or placing items in the streets and sidewalks.

The third section addresses throwing and kicking objects and playing games in the city streets.

When questioned, Chief Hudson confirmed that skateboarding is addressed in a separate ordinance; however, that was created and based on the skateboard park that was opened by the city several years ago.

Mr. Brooks reported he sees kids skateboarding throughout town.

Ms. Wilson noted that 197-18 could impact a number of areas in towns and in particular, children who do not have large backyards to play in.

Chief Hudson explained that this will protect the city and motorists throughout the city. He said that on many occasions the people in the street impede traffic and there is even more danger to the children playing in the street who could potentially be struck by a vehicle. Unfortunately motorists are increasingly encountering groups who won't stop their game and move for the motorists.

Mr. Carmean added that we will also be adding an ordinance that addresses sidewalks and whether stores can use the sidewalk to display merchandise and other items. The city cannot allow sidewalks be blocked even though they are owned by the property owner. He will be looking on how the city can control those situations. There have been problems reported in the downtown area and Mr. Pikus received a complaint about something that was put in front of one of the stores. He will be presenting that ordinance in the near future. That ordinance will also be added to this chapter.

Mr. Pikus explained that often when Downtown Milford has a program, there are items placed on the sidewalks. Unfortunately, the sidewalks cannot be blocked even though each building owns that sidewalk. He feels the businesses are responsible for keeping the sidewalk clear and clean and referenced the past winter and the number of snowfalls we had.

Mr. Pikus emphasized it is the land owners' responsibility and not the duty of the city.

Mr. Carmean reported that the city continues to extend its park system and throughout town, there are areas within walking distance that these children can play football, frisbee or whatever they wish to play.

Ms. Wilson said there are concerns with some stores using too much of the sidewalk and asked if the code officials should be contacted. The city manager said at this point, we do not have anything on the books. However, he will work on an ordinance which will include rules and enforcement procedures. He is sure sidewalks cannot be blocked and the rules are similar to that of a fire lane.

*Milford Vinyard Shipyard Property Offer/Sudler and Joan Lofland Owners*

Mayor Shupe announced that Sudler and Joan Lofland, owners of the Vinyard Shipyard, requested to meet with the city manager and himself about its future. They indicated they wanted the shipyard preserved because it was the last of the seven shipyards in Milford.

The owners offered to sell the shipyard and land to the city. He noted that the property is also between two separate areas of the Mispillion Riverwalk owned by the city and this could unite that walkway.

The mayor wants to gather a group of professionals, at the state and local level, to visit the shipyard with himself and discuss its benefit to the city. The group may include officials from the Division of Historical and Cultural Affairs, Tourism Office, Division of Education and Division of Natural Resources and Environmental Control. Locally, he would like to include Milford Museum, Milford Historical Society and the Chamber of Commerce.

He feels the Vinyard Shipyard has the potential, by highlighting our historical shipbuilding roots, to promote economic development and tourism throughout Milford, provide educational opportunity for local children in the state and continue to preserve the Mispillion River. He reiterated that purchasing this property would create a complete loop of our riverwalk.

This group, which he is asking for council approval to build, will investigate those benefits and any other manifest and latent effects of the offer by Mr. and Mrs. Lofland.

Ms. Wilson recalled when the city hired Consultant John Rhodes of Moran, Stahl & Boyer to address economic development. The shipyard was highlighted in his study so most of council is familiar with its history and tourism possibilities in the city. She is aware the riverwalk actually bypasses this property so purchasing it would allow us to extend the walk completely along the river.

She agrees we should consider what the city's role would be in this situation but believes the maintenance of the property, including its upkeep and maintenance must also be considered.

Mayor Shupe said that is something this group could provide answers to which is the reason he wants both state and local officials to consider the benefits and drawbacks. He would then report to council with their findings and more specific details.

The mayor confirmed the Loflands came to the city manager and him with the offer to sell the property to the City of Milford.

Mr. Pikus moved to approve Mayor Shupe proceed with his plans, seconded by Mr. Starling. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the tenth month of Fiscal Year 2013-2014 with 83% of the fiscal year having passed, 85% of revenues have been received and 78% of the operating budget expended.

He noted that some monies are being paid from our reserve accounts as council was informed would occur several months ago. Solid waste reserves are down to zero with the exception of \$250,000 in investments according to the finance committee chair.

Mr. Grier moved to accept the April 2014 Finance Report, seconded by Ms. Wilson. Motion carried.

ADJOURN

Mr. Pikus moved to adjourn the council meeting, seconded by Mr. Grier. Motion carried.

Meeting adjourned at 8:09 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
June 23, 2014

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, June 23, 2014.

PRESIDING: Mayor Bryan Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:02 p.m.

#### SWEARING IN OF COUNCILPERSON

At the May 5, 2014 Organization Meeting, the following report was provided by City Manager Carmean:

"The Special Election scheduled on June 14, 2014, to fill the remaining term of the First Ward Council Seat left vacant by the election of Mayor Shupe, is not required to be conducted due to only one person filing for the office. Christopher H. Mergner, is therefore deemed elected, and shall take the Oath of Office in this chambers on June 23, 2014."

Mayor Shupe announced the Honorable William J. Walls Jr. of the State of Delaware, Kent County Family Court, was present to administer the Oath of Office. With his hand on the bible, Councilman Christopher H. Mergner was sworn in as Councilperson of the First Ward.

After its conclusion, the newly appointed First Ward Council Member signed his Oath of Office.

Mayor Shupe welcomed Councilman Mergner stating he knows he will do a great job representing Ward One. The mayor stated he met with Mr. Mergner prior to him deciding to run for office. At that time, Mayor Shupe believed he was focused on helping to advance our business-friendly environment and helping increase Milford's attractiveness to young families.

He wished the councilman the best of luck adding he knows he will serve Milford well.

#### BOARD OF REVISION AND APPEAL HEARING

Mayor Shupe announced the Fiscal Year 2014-2015 Board of Revision and Appeal originally scheduled for this date was canceled as a result of all property tax appeals being satisfactorily resolved by the city's tax assessor.

#### PUBLIC HEARING

*Matt Feindt on behalf of Legal Owner Matthew & Jennifer Feindt  
Conditional Use & Minor Subdivision  
303 Pierce Street  
Tax Map MD-16-183.10-04-012.00*

Mayor Shupe reported that this matter was postponed due to some additional issues that came up during the related Board of Adjustment hearing. A new hearing date has been scheduled and council will see this application at a public hearing on July 28<sup>th</sup>.

Prior to that, the planning commission will review and make a recommendation at their July meeting.

#### INVOCATION AND PLEDGE

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

#### RECOGNITION

Councilman Starling reported that Councilwoman Wilson is having a surgical procedure tomorrow and asked that everyone keep her in their prayers.

#### COMMUNICATIONS

Included in packet.

#### UNFINISHED BUSINESS

##### *Appointment/Planning Commission*

Mayor Shupe advised that he has been in touch with Mike Yosifon of Knotts Landing and has asked him to consider filling the vacancy that currently exists on the planning commission.

The mayor reported that Mr. Yosifon is retired after more than forty years in the financial industry. The mayor is confident in his ability to assist the Planning Commission in overseeing land use and code changes specific to the subdivision and zoning of land.

The mayor will be meeting with Planning Commission Chairman Jamie Burk and Mr. Yosifon to discuss any concerns or questions he may have.

##### *Reappointment/Planning Commissioners*

Mayor Shupe noted that current Planning Commissioners Ed Holloway, Deborah O'Neill and Rae Mims' terms expire August 31, 2104. He is recommending another three-year term and asked for a motion from city council.

On motion by Mr. Pikus and seconded by Mr. Brooks, Commissioners Holloway, O'Neill and Mims were re-appointed to the Planning Commissioner for another three-year term. Motion carried.

Ms. Wilson asked the mayor to ensure the diversity of the commission when recommending new appointees; Mayor Shupe agreed that was important.

##### *Introduction/Ordinance 2014-08/Chapter 193/Solid Waste Code Amendment*

Mayor Shupe introduced Ordinance 2014-08 amending the city's Solid Waste Code (see attached).

He advised the ordinance is more or less revamping the solid waste code and will add the restrictions and guidelines that have been discussed and recently put into place. Most of the amended areas relate to recycling, yard waste and bulk pickup. It removes the commercial service though businesses still have the option of being provided two canisters in lieu of a dumpster they may have used previously.

The ordinance has been scheduled for adoption at the regular meeting of council in July.

##### *Adoption/Ordinance 2014-09/Chapter 48/Parks and Recreation Commission*

Mayor Shupe noted that the Parks and Recreation Commission has been inactive for numerous years. When Mr. Carmean became city manager, he placed the parks and recreation director and department under him which made the commission obsolete.

Mr. Brooks agrees the commission has been inactive for years and moved to adopt Ordinance 2014-09, seconded by Mr. Morrow:

*An Ordinance to amend the Code of the City of Milford by abolishing the Parks and Recreation Commission, Part 1, Administrative Legislation, Chapter 48, 'Parks and Recreation Commission'.*

*Whereas, the City Council of the City of Milford has analyzed and reviewed the dormant status of the Parks and Recreation Commission; and*

*Whereas, the City Council further believes that the citizens of the City of Milford will be better served if the Parks and Recreation Commission was abolished and duties pertaining to parks and recreation purposes and programs within the city be placed under the Parks and Recreation Department as authorized by the City Manager.*

**NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:**

*Section 1.*

*Chapter 48 of the Code of the City of Milford Code entitled "Parks and Recreation Commission" is hereby repealed and rescinded.*

*Section 2.*

*Chapter 48 of the Code of the City of Milford, is from the effective date following adoption of this ordinance, to be held reserved for future use by the City of Milford.*

*Section 3.*

*All ordinances, or parts of ordinances, which are inconsistent herewith are hereby repealed to the extent of their inconsistency.*

*Section 4. Dates.*

*Adoption 06-23-14*

*Effective 07-03-14*

Motion carried.

*Adoption/Ordinance 2014-10/Chapter 165/Adds New Chapter/Parks and Recreation*

Mayor Shupe advised that the previous code, related to Parks and Recreation, is being replaced with Ordinance 2014-10 which will create a new Chapter 165. The ordinance officially puts in place the rules and fees for rental of the parks and other facilities that have been assessed for several years.

We will comply with the charter which requires an ordinance before a fee is charged. This ordinance is the result of discussions relating to people remaining in the parks throughout the night. Though posted signs state the parks are closed dusk to dawn, an official ordinance is needed. When that issue was being addressed, it seemed an appropriate time to address the fees and rules for renting our parks and recreational facilities.

Mr. Pikus asked if there any signs posted on the Southeast Front Street side of the bridge; Chief Hudson confirmed there is a sign as you enter the park from that side.

Mr. Brooks moved to adopt Ordinance 2014-11, seconded by Ms. Wilson:

*Ordinance 2014-10  
Chapter 165-Parks and Recreation*

*WHEREAS, the City of Milford owns and maintains various parks and recreation facilities for the use and benefit of the public; and*

*WHEREAS, portions of such parks and facilities are made available for the exclusive use of individuals and groups; and*

*WHEREAS, the City of Milford has a need to establish a rules and rental fee schedule for use of City Parks and Recreational Areas and Facilities which are scheduled by the Milford Parks and Recreation Department.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. An Ordinance to Amend the Code of the City of Milford by Adding a New Chapter 165 entitled Parks and Recreation.*

*Section 2. Article I-General-is hereby added to read as follows:*

*Article I - General.*

*§ 1.01. Definitions.*

*Direct Route: The shortest and most direct path a person may travel to access the pedestrian bridge for the purpose of reaching the opposite side of the Bicentennial Park without any detour or additional stop in the park along the way.*

*Park area: All city parks, playgrounds, recreation fields and areas.*

*Parks and Recreation Director: City of Milford Parks and Recreation Director and any employee or designee thereof.*

*Permittee: Person granted and receiving approved permit.*

*Special event: Any outdoor meeting, activity, parade, gathering or group of persons, vehicles, or a combination thereof having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public property, place or building, which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any outdoor area of any public area or building which results in use preempting normal use otherwise to be made of the area by the general public or which deviates from the established use. The term "special event" shall not be construed to include a funeral procession.*

*§ 1.02. Fees.*

*Fees for permits and services required by this chapter shall be established by resolution of City Council.*

*§ 1.03. Enforcement.*

*(a) The Milford Police Department, Code Enforcement Officials and Parks and Recreation Director shall enforce this chapter.*

*(b) Any city employee authorized to enforce this chapter, as provided herein, has the authority to eject from a park facility any person in violation of this chapter or any other law.*

*Section 3. Article II-Parks and Recreation Rental Rules and Regulations-is hereby added to read as follows:*

*Article II. Parks and Recreation Rental Rules and Regulations*

*§ 2.01. Purpose.*

*The purpose of this article is to establish rules and regulations governing the operation and use of park and recreation facilities including established and designated park, picnic areas, buildings and shelters devoted to recreational purposes, athletic fields, bocce ball courts and other recreational areas and facilities, and the parking areas provided in connection*

*therewith which are located within the Milford City limits, for the end and purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purposes intended, and that the facilities may be conserved and protected for the public good.*

*§ 2.02. Hours.*

*All public parks, owned and operated by the City of Milford, shall be closed from sunset to sunrise daily, except where otherwise posted or permitted.*

*Exceptions.*

*(a) Bicentennial Park-Persons traveling by foot or bike from the Franklin Street area to the Northeast Front Street area, or reverse, shall only be by direct route and must immediately exit the park upon completion.*

*(1) Persons found congregating, standing, loafing or remaining in the park when required to take the direct route when the park is closed shall be considered in violation of this chapter.*

*(b) Parks owned by City of Milford but managed and operated by Milford Little League.*

*(c) Any other exception to the hours of operations shall require the approval of City Council.*

*(d) Notice of any permitted exception must be provided to the Milford Police Department.*

*Section 2.03. Rules and Regulations.*

*(a) Patrons shall remove all trash that is brought into the park.*

*(b) Dogs and other pets are not permitted in the parks during rentals or special events.*

*(c) Deposit shall be refunded only after buildings, grounds and/or equipment is inspected and found to be clean and without damage.*

*(d) No alcoholic beverages permitted. Refer to Chapter 77 of the City of Milford Code.*

*(e) The Parks and Recreation Director shall determine whether permittee is required to hire Special Duty Police Officers from the Milford Police Department.*

*(f) It is the responsibility of the permittee to rent portable restrooms if required.*

*(g) Noise levels must comply with Chapter 157 of the City of Milford Code.*

*(h) Special event hours are restricted to the following times:*

*(1) Monday-Saturday 9:00 a.m. to Dusk*

*(2) Sunday 1:00 p.m. - 6:00 p.m.*

*(i) Fire, health and safety regulations must be obeyed at all times.*

*(j) The Parks and Recreation Director reserves the right to refuse any application, revoke any approval of accepted application and/or cancel the proposed event which has been previously approved.*

*§ 2.04. Application*

*The Park, Pavilion or Equipment Reservation Application must be completed and signed by the applicant. Approval by the Milford Parks and Recreation Department is required.*

*§ 2.05. Hold Harmless Agreement*

*A Hold Harmless Agreement, releasing the City of Milford and its agents from all injury and liability of any kind arising from permittee's use and occupancy of city property must be signed by permittee and received by Milford Parks and Recreation Department before any permit will be issued.*

*Section 4. Article 111-Renting Prohibited-is hereby added to read as follows:*

*Article III. Renting Prohibited.*

*Facilities funded by a source other than the City of Milford shall not be rented for an exclusive use. Such facilities are considered open to the public and cannot be denied access.*

*Section 5. Article IV-Penalty for Violations-is hereby added to read as follows:*

*Article IV. Penalty for Violations.*

*Any person found violating any clause or provision of any section of this chapter shall be fined, not less than \$50.00 and not more than \$250.00, for each offense upon conviction thereof.*

*Section 6. Dates.*

*Adoption 06-23-14*

*Effective 07-03-14*

Motion carried.

*Adoption/Ordinance 2014-11/Chapter 176/Adds New Chapter/Public Peace and Good Order*

Mayor Shupe recalled this discussion at the previous meeting noting that the ordinance speaks for itself. The police continue to receive complaints about loitering in the park and associated problems such as people who are seen publicly going to the bathroom. The state code is interpreted that a person cannot be arrested for indecent exposure unless a police officer actually witnesses the act. Most complaints are received from civilians and not a result of an officer witnessing the act.

It was noted that Milford is one of very few towns in Delaware that does not have this ordinance on the books.

Motion made by Ms. Wilson to adopt Ordinance 2014-11, seconded by Mr. Starling:

*WHEREAS, the City Council of the City of Milford has the authority to pass regulations to protect the health and safety of its citizens; and*

*WHEREAS, the City Council desires to have and maintain a clean and safe community; and*

*WHEREAS, the City Council finds that it is in the public interest to prohibit public urination; and*

*WHEREAS, while state law prohibits indecent exposure, such exposure must be done in a lewd manner and the act of public urination or defecation does not uniformly constitute indecent exposure; and*

*WHEREAS, the City Council of the City of Milford finds that it is in the best interests of the public health, welfare, and safety to prohibit public urination and public defecation within the City of Milford.*

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1. AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD BY ADDING A NEW CHAPTER 176, Public Peace and Good Order.*

*Section 2. Article 1, Offenses Against Public Decency, is hereby added to read as follows:*

*Article I. OFFENSES AGAINST PUBLIC DECENCY*

*§176 -1. Public Urination and Defecation*

*§176 -1(a)-Definitions.*

*§176 -1(b)-Unlawful Act.*

*§176 -1(c)-Penalty for Violation.*

*§176 -1(a)- Definitions.*

*"Public Place" means an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, bike trails, driveways, parking lots, automobiles whether moving or not, vacant land and buildings open to the general public, including but not limited to those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them, and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.*

*§176 -1(b)-Unlawful Act.*

*A. It is unlawful for a person to urinate or defecate in public places, other than when using a toilet, urinal or commode located in a restroom, bathroom or other similar structure enclosed from public view.*

*B. The provisions of this chapter shall apply to any person over five years of age.*

*§176 -1(c)- Penalty for violation.*

*Any person who is found guilty of violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or a term of imprisonment of not more than ninety (90) days or both a fine and term of imprisonment.*

*Section 2. Dates.*

*Adoption 06-23-14*

*Effective 07-03-14*

Motion carried.

*Adoption/Ordinance 2014-12/Chapter 197/Streets and Sidewalks/Adds Article II/Miscellaneous Provisions*

Mayor Shupe noted that we are receiving complaints in various areas where kids, and in most cases teenagers and young adults, are playing games of sorts in the street which is an increasing problem for vehicles, pedestrians and area properties.

The problem has gotten worse with summer weather and Milford has nothing official on the books for our code officials and police officers to address the problem.

The ordinance also authorizes city officials to temporarily close streets and sidewalks as needed for public safety reasons and where utility work may be needed.

Mr. Grier confirmed this ordinance includes neighborhoods with cal-de-sacs where kids may be out in the street playing; Mr. Carmean stated yes. Mr. Mergner asked if this means no recreational games would be permitted in a cal-de-sac in the city.

Chief Hudson then explained that this ordinance is for the protection of the children and if the city allowed this to continue, the city would be liable should someone be injured as a result of this situation. He said there are occasions where people refuse to move from the street when a vehicle approaches. As Mayor Shupe stated, there have been actual situations where the participants are throwing balls over vehicles when they pass. Currently, city officials cannot remove a violator from the street and this gives them the authority if needed.

Ms. Wilson agrees it is needed but this is also difficult for her because there are numerous portable courts in the streets of her neighborhood. She sees children playing ball almost on a daily basis and recalls when she played ball in the street as a youngster.

She confirmed they would be asked to move if a complaint was made to the code official or police department. When asked if they would be asked to move only, Mr. Grier noted there is a fine that could also be assessed.

Chief Hudson explained the manner in which it would be handled was at the discretion of the officer and/or code official.

Mr. Brooks emphasized the need to consider the safety of the children. If someone is playing ball in the street and they lose concentration during the game which he says is very possible, they may not see a vehicle coming and they could end up being hit by that vehicle.

Mr. Morrow feels that though the complaints will be handled, this provides a level of enforcement and gives the police and code officials some teeth in these situations. Presently, if they are asked to move out of the street and they refuse, they cannot be forced. He does not believe our officers will go out and become the basketball police. Adopting this gives them something to use in case they will not voluntarily move.

Ms. Wilson understands the need and right to move someone if it is causing a problem. She is only concerned about the children that play in her neighborhood who have no other place to play. There are no basketball courts and playgrounds in that area. She also pointed out that many of these children do not have backyards or a garage where a basketball hoop can be hung. She understands the need for safety and always supports the police, but in this case, she is concerned about the children and has mixed feelings.

Mr. Pikus added there are existing problem areas where the children will not listen to a neighbor who has asked them to move. When the police are called and ask them to move out of the street, they often disband but once the police car leaves the area, they return.

Chief Hudson explained that the code official and the officers have searched for an ordinance that prevents this type of situation. Mr. Pikus feels it is a problem especially when someone ends up getting hurt or even damages another person's property. He said it is very possible a car window could be broken out and no one is willing to take the responsibility. He agrees something needs to be in place when these situations occur and there is a problem being caused.

Mr. Pikus does not believe they are going to focus on a ten-year-old child or require three or four little kids to pay a \$50 fine.

Ms. Wilson agrees but added it could involve a smart-mouthed kid that the police know play in the street all the time. She pointed out that each officer is different and has a different tolerance.

Ms. Wilson's only concern is this will prevent our kids from being kids without a lot of rules pushing them toward becoming an adult.

Mr. Pikus would hate for a child to be hit by a vehicle and the city end up liable.

Mr. Brooks said he had rules growing up and raised three children all of whom were not permitted to play in the street. In addition, he does not allow his dog to run loose to prevent the dog from being hit. He witnessed a cat being hit by a passing vehicle the other day and believes this would help prevent a child from being injured.

Ms. Wilson said she grew up in the projects at Banneker Heights and someone placed a basketball court there and that is where the children played every day. Because of that, she sees things in a different perspective and mainly because she has not always had a yard appropriate for a basketball court. When her children were little, she was able to move and provide them with a property that was more appropriate.

She is only considering those children who do not have a driveway or a sidewalk and does not want to forget them. She hopes the officers are a little sensitive in those situations though she clearly understands the need and agrees with what has been said.

Mr. Mergner does not understand the difference than a child riding their bike in the street. Mr. Morrow pointed out there are specific laws related to a person riding a bike in the street. Mr. Brooks agreed adding that they are required to ride with traffic, use hand signals and children must wear helmets.

Mr. Pikus moved to adopt Ordinance 2014-12, Chapter 197, seconded by Mr. Gleysteen:

*WHEREAS, Chapter 197 of the City of Milford Code governs street and sidewalks regulations in the city; and*

*WHEREAS, there is a need for miscellaneous regulations to be added to Chapter 197 to balance the requirements of public safety, code enforcement, our resident's right to quiet enjoyment and the health and safety of our city.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1.*

*A new Article II, entitled Miscellaneous Provisions, has hereby been added to Chapter 197 as follows:*

**ARTICLE II. MISCELLANEOUS PROVISIONS**

*197-15. Authority to temporarily close streets and sidewalks.*

*Both the city manager and/or designee and chief of police and/or designee shall have the authority to temporarily close streets, sidewalks or private entrances onto public streets to vehicular and pedestrian traffic when necessary for the public safety or convenience or to conduct work on streets or sidewalks.*

*197-16. It shall be unlawful for any person to cast, throw, drop, place, or otherwise cause or permit to be located upon, in, or about any public street, sidewalk, alley or any private or public property adjacent thereto, any litter, refuse, or debris.*

*(a) Exception.*

*Items permitted and regulated in Chapter 193.*

*197-18. Throwing and kicking objects and playing games in streets. It shall be unlawful for any person to throw, kick or project, in any manner whatsoever, any stone, ball or other object in the city streets, or to play or practice athletic games, pitching pennies and like games on the city streets, unless a specific area has been officially designated for those purposes by the city manager.*

*Section 2. Dates.*

*Adoption 06-23-14*

*Effective 07-03-14*

Motion carried.

NEW BUSINESS

*Adoption/Resolution 2014-10/Adoption of City of Milford FY2014-2015 Budget & Capital Plan*

Finance Chairman Pikus reported the Finance Committee met and reviewed the proposed budget on June 17<sup>th</sup> and June 18<sup>th</sup>. They are recommending a balanced budget for Fiscal Year 2014-2015 with no tax increase.

On motion by Chairman Pikus, seconded by Mr. Grier, the following resolution was introduced and adopted Resolution 2014 as follows:

**ADOPTING THE CITY OF MILFORD  
FISCAL YEAR 2014-2015 BUDGET & CAPITAL PROGRAM**

*WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2014-2015 were prepared and submitted to the City Council by the City Manager in accordance with Article VI Financial Procedures of the City Charter; and*

*WHEREAS, the City Council was presented with the proposed budget after the Finance Committee made a comprehensive study and review during meetings on June 17, 2014 and June 18, 2014; and*

*WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2014 and ending June 30, 2015.*

*NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of*

*Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Tax Assessment, Council, Police, Streets, Parks and Recreation and Engineering; and the Water Department, Sewer Department, Sanitation Department and Electric Department was adopted and approved as the budget of the City of Milford for Fiscal Year 2014-2015 in the following amounts:*

*Operations and Maintenance - \$37,691,325  
Debt Service - \$1,944,705  
Capital Program - \$1,720,945  
Total Expenditures - \$41,356,975*

*A copy of said budget is on file in the Office of the City Clerk as was passed and adopted by the Council of the City of Milford on the 23rd day of June 2014 by an 8-0 vote.*

Motion carried.

*Adoption/Resolution 2014-09/Parks and Recreation Permit & Service Fees*

Mayor Shupe noted that this resolution establishes fees which will allow the Parks and Recreation Department to collect those fees for permits and services. The resolution is required by Ordinance 2014-10 which was adopted earlier this evening.

Ms. Wilson moved to adopted Ordinance 2014-09, seconded by Mr. Starling:

*SECTION 1.02 OF CHAPTER 165 OF THE CITY OF MILFORD CODE  
ENTITLED PARKS AND RECREATION  
AUTHORIZES CITY COUNCIL, THROUGH RESOLUTION,  
TO ESTABLISH FEES AND CHARGES FOR  
PARKS AND RECREATION PERMITS AND SERVICES*

*RESOLUTION 2014-09  
Parks and Recreation Permit & Service Fees*

*WHEREAS, the Charter of the City of Milford provides that all administrative fees be set by Ordinance; and*

*WHEREAS, a user fee schedule currently utilized by Milford Parks and Recreation needs the approval of Milford City Council; and*

*WHEREAS, Chapter 165 of the City of Milford Code entitled "Parks and Recreation" authorizes City Council to establish fees through the adoption of a Resolution.*

*NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford, the following Parks and Recreation Permit and Service Fee Schedule is hereby authorized:*

*Parks and Pavilions: \$50 Deposit Required*

*Bicentennial Park Pavilion (located next to public parking lot on Northeast Front Street)  
\$50 Rental Fee*

*Memorial Park South (located along the Mispillion Riverwalk near Salvation Army and Calvary United Methodist Church off Southeast Second Street)  
\$75 Rental Fee*

*Optional:*

*+\$25 Rental Fee - Basketball Court*

*Marvel Square Park & Pavilion (located behind the Milford Parks & Recreation Department at 207 Franklin Street)  
\$75 Rental Fee*

*Riverwalk Basketball Court (Memorial Park South along the Riverwalk) (One Court)  
\$25 Rental Fee*

*Banneker Basketball Court & Park (Banneker School Park off of 4th Street & North Street  
(Two Courts)  
\$50 Rental Fee*

*FIELD NEAR BOYS & GIRLS CLUB \_\_\_\_\_  
(to be determined and approved by council at a later date)*

*BE IT FURTHER RESOLVED that the following Parks and Recreation Permit and Service Fee Schedule shall be effective  
June 23, 2014.*

Motion carried.

*Davis, Bowen and Friedel Proposal/NW Milford Water & Sewer System Evaluation*

Erik Retzlaff of Davis, Bowen and Friedel (DBF) stated that he met with City Manager Carmean and Public Works Director Brad Dennehy to review the proposed subdivisions expected to develop in the northwest section of Milford and in particular, the Amberwood, Homestead (old Fry farm) and the new Hickory Glen subdivisions. Mr. Retzlaff advised there are several proposed pump stations planned for that area and instead of adding three to four additional facilities, it was decided to evaluate and regionalize the system. This would expand the sewer and water utilities which they feel would be the best way to provide services to that area. He said this is similar to what was done in the southeast area in conjunction with the overpass work being done by the state.

They will determine what is needed and develop a phase approach based on the number of units proposed.

An application was submitted by DBF for funding assistance and \$15,000 has been approved from DNREC Wastewater Planning Grant.

Mr. Pikus confirmed the total evaluation cost is \$35,000 of which \$15,000 will be funded through DNREC. Mr. Retzlaff stated yes.

Mr. Pikus asked how many developments are in the area and asked if Baltimore Air Coil (BAC) would be included. Mr. Retzlaff reported that BAC has an existing pump station which will be accounted for. Amberwood and Homestead both are recorded subdivisions. Mr. Pikus asked if there are any plans for construction in either development; Mr. Retzlaff stated no but reiterated they are approved subdivisions.

When asked, Mr. Carmean said the Amberwood subdivision was approved in 2008 and Homestead was approved approximately the same time. Mr. Pikus expressed concern that nothing has occurred since that time.

Mr. Retzlaff reported the approved plans for the Amberwood subdivision show a pump station discharging to the existing US Cold Storage station, which is already too small. The approved plans for the Homestead subdivision show another pumping station whose discharge extended down Airport Road into the existing Milford Crossing pumping station, which currently flows to the gravity main in Masten Circle. Sewage flows from those subdivisions and any additional would have significant impacts downstream. Two areas already known to have limited capacities are the pipes crossing Route 113 and the force main discharging from the existing Truitt Avenue pumping station. He emphasized there could be a lot of downstream improvements required to provide sewer service to the number of potential units associated with the development of all the properties that have been annexed in recent years.

Mr. Grier asked how long the approvals are valid; Mr. Retzlaff said they still need to bring their final site plans to the city to secure a construction permit. At that time, the city will determine what sewer improvements are needed though sewer capacity cannot be reserved forever.

Mr. Pikus asked because the Fry Farm was approved back in 2008, will they need to reapply or will the approval be perpetual; Mr. Retzlaff explained once the plans are recorded the plan is final. However, sewer capacity cannot be determined until they request a construction permit.

Mr. Brooks then recalled the developer of the Fry Property abandoning the undeveloped land; Mr. Carmean agreed and added that he walked away from the project.

Mr. Grier asked if the study will be based on the subdivisions proposed for development versus its current agricultural condition. Mr. Retzlaff advised they will consider the approved zoning and maximum allowable density. They will use that to estimate the number of units that would contribute flow. From that point, they will revise a plan on how to get to the final phase or complete build out.

Mr. Pikus believes another tower will be needed in that area considering the number of large subdivisions proposed.

Mr. Retzlaff commented that as this area grows, a separate zone will be needed because the elevations are thirty to forty feet higher than around the river, which is only eight feet. A completely isolated distribution system with a separate tank will be required as a result.

Mr. Retzlaff recommends that city council back charge the developers who will benefit from the study.

Mr. Pikus confirmed that \$15,000 of the \$35,000 will be paid through the DNREC fund and indicated there are additional potential funding sources. Mr. Retzlaff then explained that a \$15,000 match from the city was needed to qualify for the \$15,000. He agrees the developers should be responsible for the city money that is needed.

Mr. Grier confirmed this will be paid through impact fees; Mr. Retzlaff stated yes. Mr. Carmean agreed that is the methodology used. Everything does not happen at the same time and typically one developer installs a pump station in order to be ready to proceed. However, they have no interest in paying for downstream improvements. If the plan is in place, the city can insist they pay toward the improvements or they should not be able to build. When another developer begins to develop, they can expect a payback. He emphasized the original cost is normally borne by the first developer.

Mr. Brooks noted that though this is a \$35,000 project and the city is receiving a \$15,000 grant, five years from now it will cost twice as much and the grant money may not be available. Mr. Pikus said to keep in mind, the \$15,000 is matched by \$15,000 so the city is really only \$5,000 short which can be paid from reserves.

Mr. Pikus moved to approve the Davis, Bowen and Friedel Proposal for the Northwest Milford Water & Sewer System Evaluation in the amount of \$35,000, seconded by Mr. Gleysteen. Motion carried.

Mr. Grier asked if the motion should include the requirement to recoup the money from these developers through impact fees. Mr. Rutt stated no, that is typically factored into the cost through the permitting process. Mr. Carmean agreed that is how it will be handled.

*Adoption/Resolution 2014-08/DBF/NW Milford Wastewater Study*

Mr. Retzlaff advised this is a requirement of the DNREC grant which requires the formal adoption of a resolution.

Mr. Grier moved to adopt the following resolution, seconded by Ms. Wilson:

*WHEREAS, the Mayor and Council of the City of Milford have approved a project to conduct a Regional Wastewater Planning Study for the Northwest Corridor of the City; and*

*WHEREAS, the State Department of Natural Resources and Environmental Control (DNREC) has funding available for such projects in their Wastewater Planning Matching Grant Program through the Clean Water State Revolving Fund (CWSRF) Non-Federal Administrative Account.*

*BE IT RESOLVED, the Mayor and Council of the City of Milford approve of submitting an application to the State Department of Natural Resources and Environmental Control for a Wastewater Planning Matching Grant to assist in funding the cost of the above-referenced regional planning study.*

Motion carried.

*Ratification/City of Milford 457(b) Deferred Compensation Plan*

Mr. Carmean recalled the city's 457(b) plan that has been in place since the early 1990's which started as a 457. The ratification was needed because the teamsters requested a copy of the document explaining the plan and associated benefits including contributions, loans, etc. The city was unable to provide the document due to a number of changes that have occurred over the years.

Mr. Morrow moved to ratify the updated City of Milford 457(b) Deferred Compensation Plan, seconded by Mr. Brooks. Motion carried.

*Introduction/Ordinance 2014-07/Matt Feindt & Jennifer Feindt/Conditional Use*

Mayor Shupe introduced the following ordinance and explained this relates to the Matt and Jennifer Feindt land use application whose public hearing this evening was postponed due to some additional issues needing to be addressed. This ordinance does reflect the amended application which is for a new public hearing date and potential approval by city on July 28<sup>th</sup>.

*Ordinance 2014-07*

*Matt Feindt on behalf of Legal Owner Matthew & Jennifer Feindt for a Conditional Use*

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING  
A CONDITIONAL USE TO ALLOW A SINGLE FAMILY SEMI-DETACHED DWELLING IN AN R-2 DISTRICT  
AT 303 PIERCE STREET, MILFORD, DELAWARE. TAX PARCEL MD-16-183.10-04-12.00*

*Whereas, the City of Milford Planning Commission reviewed the conditional use application at a Public Hearing on May 20, 2014; and*

*Whereas, the conditional use application will be considered by City Council at their June 23, 2014 meeting; and*

*Whereas, Ordinance 2014-07 will be reviewed by the Planning Commission on July 15, 2014 and a recommendation made to City Council; and*

*Whereas, Milford City Council will hold a Public Hearing on July 28, 2014 to allow for public comment and further review of the ordinance; and*

*Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a single family semi-detached dwelling as herein described.*

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

*Section 1. Upon the adoption of this ordinance, Matt Feindt on behalf of Legal Owner Matthew & Jennifer Feindt is hereby granted a Conditional Use Permit in accordance with the application, approved plans and any conditions set forth.*

*Section 2. Construction or operation shall be commenced within one year of the date of issuance of the permit or the conditional use becomes void.*

*Section 3. Dates.*

*Introduction to City Council: 06-23-14*

*Planning Commission Review & Public Hearing: 07-15-14*

*City Council Review & Public Hearing: 07-28-14*

ADJOURN

With no further business, Mr. Pikus moved to adjourn the meeting, seconded by Mr. Morrow. Motion carried.

The Council Meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

Attachment: Ordinance 2014-08 Solid Waste Code Amendment

PUBLIC NOTICE  
City of Milford  
Ordinance 2014-08

Notice is hereby given the following ordinance is currently under review by Milford City Council:

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Part II, General Legislation, Chapter 193 of the Code of the City of Milford entitled "Solid Waste"

Section II.

Amendments.

Chapter 193 entitled "Solid Waste" is hereby rescinded and replaced with a new Chapter 193 entitled "Solid Waste Management" to read as follows:

CODE OF THE CITY OF MILFORD  
PART II - GENERAL LEGISLATION

CHAPTER 193 - SOLID WASTE *MANAGEMENT*

*ARTICLE I. Miscellaneous Provisions*

*193-1. Mandatory Residential Collection. The maintenance of the public health, safety, sanitation and aesthetics requires that all residential properties in the City of Milford accept, arrange and pay for solid waste collection and disposal services in accordance with this chapter. Said mandatory service includes the collection of residential solid waste.*

*193-2. Non-Residential Services. Solid waste services through the City of Milford are optional for non-residential entities. Upon request containers may be provided, in accordance with the fee established in Section 193-11. Those opting not to utilize solid waste collection through the city shall be required to make arrangements for the disposal and/or collection of the same by a private collector/hauler at no cost to the city. The city reserves the right to restrict the services of a private hauler in order to promote the public health, safety and the general well-being of the community.*

*193-3. Containers Required. The city shall specify the type of container to be used for each specific collection. Use of any other type container than specified by the city is prohibited. Items piled alongside the container will not be picked up, nor will containers not provided by the city. If any container is lost or destroyed, another container shall be provided at cost to the customer.*

*193-4. Special Collections. Special collections will be held one week in the spring and one week during the fall of each year. Customers shall be able to put out additional items, including bulk items, during these weeks without an additional charge. Adequate notice of the special collection dates and details shall be provided to customers.*

### 193-5. Bills and Payments

- A. The rates as established shall be an assessment and shall be billed to the resident of the property on a monthly basis. All bills for service are due and payable each month for normal and additional services performed. Monthly charges, if not paid by the due date, shall accrue interest at the rate of 1 1/2% per month until paid.
- B. Bills are rendered for any indicated period of service, either special or monthly, and will show the proper charge as determined by the applicable rate schedule. Bills shall be considered as duly rendered when delivered at or mailed to the recorded address of the customer, as provided by him for that purpose. Non-receipt of a bill shall not constitute a waiver thereof. The city, on request, will issue a duplicate bill to the customer.
- C. The annual charge imposed under ordinance shall be a lien against the property served and shall be and remain a lien for ten years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance even though such other lien or liens may be of a date prior to the time of attaching of this lien. The City Manager shall have the same authorities, remedies and powers with respect to the collection of this charge as are provided for the collection of taxes.
- D. Any customer, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill within five days to the city for investigation.

### 193.6. Violations and Penalties.

- A. *Unless otherwise prescribed herein*, Any person ~~or any officer of any firm or corporation~~ violating any of the provisions of ~~this article~~ Chapter 193 shall, upon conviction thereof before a Justice of the Peace, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs of prosecution.
- B. Every violation of this *chapter* shall be deemed a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

*193-7. Supplemental Regulations.* The City Manager is hereby authorized to make additional rules and regulations for the administration of the solid waste collection system, provided that such rule or regulation is not in conflict with the specific provisions of this *chapter* ~~article~~ and is in no way inconsistent with the established policies of the City Council.

## ARTICLE II ~~COLLECTION AND DISPOSAL~~ *SOLID WASTE*

### *193-8. Definitions*

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

*SOLID WASTE-Commonly referred to as trash or garbage, consisting of everyday items that are discarded which may include food wastes, containers and product packaging and other miscellaneous wastes from residential or commercial sources. Solid Waste does not include yard waste, inert waste such as construction debris, hazardous waste, toxic waste or medical waste.*

### *193-9. Unlawful Acts; Containment Required; Containers*

*It shall be unlawful to deposit or place any trash or garbage into any yard waste container or recycling container or on a city street or drainage gutter. Containers will be provided upon request. Multi-family dwellings may utilize a city approved dumpster.*

### *193-10. Collection Procedures*

#### A. General.

- (1) All collection of solid waste materials from residences ~~, apartment houses~~ and other approved establishments shall be by city public works crews or contractors hired or contracted by the City Manager.
- (2) It shall be unlawful for any person to place any solid waste container within any public utility easement or public way except on designated collection days at the curblineline. All containers shall be placed just behind the curblineline of the street abutting such property but shall not be placed where the containers will interfere with vehicular or pedestrian traffic.
- (3) Where solid waste is collected from the front or side street, containers shall be placed there no earlier than 3:00 p.m. of the day preceding the day of collection and not later than 7:00 a.m. on the scheduled day of collection and shall be removed to a point at the side or rear of the structure not later than 7:00 p.m. of the day of collection.
- (4) No solid waste, ~~trash, brush~~ or any other similar materials shall be placed in the street or on the sidewalk. No solid waste of any description shall be disposed of within the limits of the city in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this ~~article~~ *chapter* shall be a violation as prescribed in ~~Section 193-5~~ *herein*.

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

#### C. Items ~~the City will not collect~~ *Prohibited*.

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

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

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

§ 193-4. Containers.

- ~~A. The City shall provide containers to any person occupying a residence. The resident must use these containers in lieu of personal containers. Professional offices being served by the City shall also use City containers. Multi family dwellings will utilize city approved dumpsters; refer to Section 193-5B, bulk collection. If any container is lost or destroyed, another container shall be provided at cost to the customer.~~
- ~~B-F. Reserved.~~
- ~~G. Any residential customer regularly placing trash in excess of the limits provided for in Section 193-4A, as determined solely by the City, shall be provided an additional container and billed the residential rate for each container provided by the City.~~

*193-11. Collection & Rate Schedule*

Rates shall be as follows:

- A. The city will collect solid waste as described in this Article II once every week.*
- B. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the city. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*
- C. Residential properties*
  - \$23.50 monthly - one container*
  - \$47.00 monthly - two containers*
- D. Non-Residential properties:*
  - \$23.50 monthly - one container*
  - \$47.00 monthly - two containers*
- E. Multi-family units (including apartment complexes).*
  - \$23.50 monthly - one container (per unit)*
  - \$47.00 monthly - two containers (per unit)*
- F. Individual containers at may be replaced with 3-cubic yard dumpster at City Manager's discretion.*

Code Number	Description	Monthly Rate
<b>Residential rates</b>		
01	Single family and multi unit buildings with 12 units or less 1 x per week collection	\$23.50
<b>Commercial rates</b>		

CART	95-gallon 1 x per week collection	\$32.00
05	3-yard 2 x per week collection	\$80.00
06	Customer-owned 3-yard 3 x per week collection	\$192.00
07	3-yard 3 x per week collection	\$134.00
08	City-owned 3-yard 3 x per week collection	\$198.00

### ARTICLE III YARD WASTE

#### *193-12. Definitions.*

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

*YARD WASTE-Biodegradable waste consisting of leaves, grass clippings, twigs, small branches (less than four ft. in length), shrubbery, prunings and other garden material.*

#### *193-13. Unlawful Acts; Containment Required; Containers*

- A. It shall be unlawful to deposit or place any ~~leaves, grass trimmings, tree trimmings or other vegetative debris~~ *yard waste* or matter into any garbage container, recycling container *or on any* city street or *in a* drainage gutter.
- B. An additional yard waste container is available upon request. A one-time fee will be charged to the utility account. The fee is determined upon the size of container requested. The additional container is property of the City of Milford.
- |           |      |
|-----------|------|
| 95 Gallon | \$65 |
| 65 Gallon | \$60 |
| 35 Gallon | \$55 |

#### *193-14. Collection Procedures*

- A. The city will provide for the collection of ~~leaves, branches and tree trimmings~~ *yard waste* from April 1 through October 31 of each year, provided that such yard waste ~~refuse~~ is deposited into the yard waste containers *issued by the city.* ~~as provided for in Section 193-7.~~ Disposal of ~~leaves, branches and tree trimmings~~ *yard waste* that will not fit into the container shall be the responsibility of the property owner.
- B. The city will provide for loose leaf curbside collection from November 1 through January 31 in accordance with the following conditions:
- (1) Loose leaves shall be raked and placed behind the curb for removal by the city's leaf vacuum.
  - (2) Leaves must be free of stones, branches, brush and grass clippings or they will not be collected.
  - (3) It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.

#### ~~193-14~~ *15. Collection & Rate* schedule.

- A. The City will collect yard waste as described in Section 193-10A *14A* once every ~~other~~ *two* weeks.
- B. The loose leaf curbside collection as described in Section 193-10B *14B* will be collected once each week.
- C. ~~The City Manager shall divide the city into districts and shall schedule the collection of yard waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.~~ *The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*

~~§ 193-12. Violations and penalties.~~

~~Any person(s) or party violating any provision of this article shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined as follows:~~

- ~~A. First offense: not less than \$25 and not more than \$100.~~
- ~~B. Subsequent offenses: not less than \$50 and not more than \$250.~~

*ARTICLE IV RECYCLING*

*193-16. Definitions*

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

*RECYCLING-Trash including cardboard, glass bottles and jars (any color), junk mail and envelopes (all types), magazines and catalogs, metal cans (tin/steel/aluminum), milk jugs, bleach/detergent bottles and shampoo bottles, narrow-neck plastic bottles, newspapers and brown paper bags, paperboard (cereal/tissue boxes), plastic grocery bags, telephone and soft cover books, pizza boxes (free of food residue). Recycling materials does not include styrofoam (all types), hardback books (pages are acceptable, remove hard cover), light bulbs (all types), household batteries, electronics, broken glass/mirrors/window glass, empty aerosol spray cans, paint cans.*

*193-17. Unlawful Acts; Containment Required; Containers*

*It shall be unlawful to deposit or place any recycling material into any solid waste container or yard waste container or on any city street or in a drainage gutter.*

*193-18. Collection Procedures*

*The City will provide for the collection of recycling material, provided that such material is deposited into a recycling container provided by the city. Disposal of excessive material that will not fit into the container shall be the responsibility of the property owner.*

*193-19. Collection & Rate Schedule*

- A. The City will collect recycling material once every two weeks.*
- B. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*

## *ARTICLE V. BULK ITEMS.*

### *193-20. Definitions*

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

*BULK ITEMS-Trash other than regular household trash, such as furniture, appliances, large items lawn mowers, barbeque grills, hot water heaters, air conditions, televisions, doors, cabinets, kid's toys or excessive amounts of household trash placed in bags or boxes.*

*Note: Bulk items does not include materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste, rock, scrap building materials, appliances containing Freon or trash resulting from construction, remodeling or destruction of fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in the preparation for construction or landscaping, leaves, grass clippings, twigs, small branches, shrubbery, prunings and other garden material shall not be collected and removed by the city. Such materials will be removed by the owner.*

### *193-21. Unlawful Acts.*

*It shall be unlawful to place any bulk material or any hazardous chemical on a city street or near a drainage gutter.*

### *193-22. Collection Procedures*

- A. Customers are required to contact our Customer Service Department to schedule a pickup.*
- B. Excessive household trash shall be bagged or placed in boxes.*

### *193-23. Collection & Rate Schedule*

- A. The bulk fee shall be determined on a sliding scale based on the amount of bulk trash or large items picked up from the residence as follows:*

*Trash- bagged or boxed:*

*1 - 5 small pieces      \$10*

*6 - 10 pieces            \$20*

*11 - 15 pieces          \$30*

*16 - 20 pieces          \$40*

*21-50 pieces            \$50*

*Over 50 pieces          TBD by supervisor*

*Large Items (appliance, furniture, miscellaneous items) \$10 per item*

*A minimum of at least \$10 will be billed for each pickup*

- B. The city will collect bulk material every Wednesday.*
- C. The city will not collect bulk material on weeks when a holiday occurs.*

## *ARTICLE VI. Temporary Suspension of Services*

### *193-24 Authority.*

- A. The Public Works Director may suspend trash and recycling (and yard waste when applicable) collection services on an owner-occupied residence only if the home is unoccupied for a minimum of three months.*

- B. A "Temporarily Suspend Garbage Service Application" must be completed in order to place the service on hold.
- C. A "Temporarily Suspend Garbage Service Application" must be received by the Public Works Department at least five business days prior to the start of the suspension period.
- D. The Solid Waste Department will collect the trash, recycling and yard waste (if applicable) containers at the start of the suspension and redeliver them on the expected date of return.
- E. The residence for which the suspension has been approved shall remain vacant during the suspension period.
- F. Service will automatically be reactivated at the end of the approved suspension period, unless a request for an additional period of temporary suspension has been requested and approved by the Public Works Director prior to the automatic reactivation. Failure to request an extension prior to the reactivation date will result in the resumption of the monthly solid waste fee. To continue a suspension of service after reactivation, a new "Temporarily Suspend Garbage Service Application" must be filed with the appropriate fee.
- G. When a suspension is active, the customer may not use any other city trash/recycling/yard waste services, including someone else's container or bulk service.
- H. No credit will be issued should customer fail to submit and complete the "Temporarily Suspend Garbage Service Application."
- I. Partial or retroactive payments of monthly fees are prohibited.

*193-25. Suspension Fee.*

- A. At the time of the suspension request, a service fee of \$35 will be charged for the removal, storage and redelivery of the containers.
- B. Service fee shall be paid at the time the "Temporarily Suspend Garbage Service Application" is submitted to the Public Works Department.

*193-26. Noncompliance, Violations and Penalties.*

- A. Noncompliance of this article will result in the immediate reactivation of the solid waste services.
- B. The account will be billed the full service fees for the entire suspension period and a \$100 account reconciliation fee assessed for noncompliance.
- C. Violations and Penalties set forth in Section 193-7 *5* shall also apply to Article ~~III~~ *VI*.

Section III.

Dates.

Introduction: June 23, 2014

Adoption (Projected): July 14, 2014