

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 14, 2010

A Special Council 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 14, 2010.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steven Johnson, Garrett Grier, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson
Finance Director Jeff Portmann

Call to Order

Mayor Rogers called the Special Council Meeting to order at 7:04 p.m.

Executive Session

Mr. Pikus moved to go into Executive Session pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements; and 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed, seconded by Ms. Wilson. Motion carried.

Mayor Rogers recessed the Council Meeting at 7:05 p.m. to go into a closed session.

Return to Open Session

City Council returned to Open Session at 8:06 p.m.

No action was needed as a result of the discussion that occurred in Executive Session.

Adjourn

Mr. Pikus moved to adjourn the Special Council Meeting, seconded by Mr. Morrow. Motion carried.

Special Council Meeting adjourned at 8:06 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

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

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 8:10 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Motion made by Mr. Pikus, seconded by Mr. Brooks to approve the minutes of the May 3, 10 and 24, 2010 meetings as presented. Motion carried.

RECOGNITION

David Rutt/Rotary Club

Mr. Rutt provided some background on the Can-Do Playground planned for the Tony Silicato Park. He said the project is a combination of Rotary Clubs from Seaford, Lewes and Milford and will be named Can-Do Playground at Milford.

He invited council to an informational meeting on June 23rd at Milford Boys and Girls Club from 6:30 to 8:30 p.m. Additional information was included in the council packet.

POLICE REPORT

Mr. Morrow noted that the police continue to be extremely busy adding they work round the clock. Mr. Morrow moved to accept Chief Hudson's report, seconded by Ms. Wilson. Motion carried.

CITY MANAGER REPORT

Mr. Baird read the following report into record:

**205/207 NW Front Street—Board of Appeals*

The Board of Appeals has been rescheduled from its original meeting date of June 23, 2010 to mid July to hear an appeal of the condemnation order of 205 & 207 NW Front Street. This hearing follows the condemnation order issued by the City Code Official and denial of the owner's appeal to the City Manager. This is the final appeals process outlined in the City's Building and Property Maintenance Codes, although the owner could have additional options through the State Courts.

**DelDOT Public Workshop—Wilkins Road/Rt. 30/Rt. 1*

DelDOT will be holding a public workshop on Monday, June 28 from 4:00 pm to 7:00 p.m. on the status of the overpass project at Wilkens Road and Rts. 1 & 30. At the workshop the public will be able to review and discuss the proposed safety improvements for the intersection. Current schedule for the project is final right-of-way plans to be completed fall 2010, construction to begin winter 2011. Attendees will have an opportunity to review display materials and provide comments to the DelDOT representatives present.

**Independence Commons Lot Sale*

The City has sold a 1.42 acre to 4Blaine, LLC for \$145,000 at the Independence Commons Business Park. The property will be home to a new dental office. Settlement is expected to occur on or before December 31, 2010. The City has had discussions with this party in the past, however, the buyer has indicated the recent tax and impact fee incentives are speeding up the process to purchase and proceed to plan approval and construction.

**Hearthstone/West Shores Utility Easements*

The City is working with owners of West Shores and Hearthstone Manor regarding the use of the utility easement that is necessary for West Shores to connect to City water, sewer, and electric utilities. The City's preferred option is that the Hearthstone Manor design be used within the easement as it not only serves the needs of Hearthstone Manor but also that of West Shores and is the preferred option for the City as it will be ultimately responsible for the ownership, maintenance and operation of the utilities upon their completion.

**Pedestrian and Bike Master Plan Advisory Committee*

The Parks and Recreation and Planning Departments are moving forward with the development of the Bike and Pedestrian Master Plan through a \$25,000 grant received from the State through the Land & Water Conservation Trust Fund. The City is seeking volunteers interested in serving on the advisory committee to provide input and direction on this project. The first meeting will be held on Tuesday, June 22, 2010 at 3:00 p.m. at City Hall.

COMMITTEE REPORTS

Public Works Committee

Mr. Baird advised the Public Works Committee met earlier this evening. A summary of the issues is on line.

Mr. Brooks asked the city manager to update council on the Washington Street Bridge.

City Engineer Mark Mallamo was present and reported the bridge is owned by the city who is responsible for maintenance and repair. DelDOT has coordinated with the city for two reasons. They have performed inspections the past two years and have assisted with load rating. He said the most important reason they are involved is for replacement funding. The bridge is over 70 years old and has reached its lifespan. The city can receive an 80% match from the federal government though it must come through DelDOT. Therefore, the project will be managed through DelDOT for those savings.

The city engineer advised there is one beam which is very corroded and will not carry heavy loads of traffic anymore. The entire bridge has nine beams so the load is distributed and the bridge is safe. To keep the beam from seeing accelerated deterioration, traffic will be diverted five feet off the bridge. Tomorrow, Mr. Mallamo will be installing some traffic delineators that will be glued down to the surface. He said the bridge can still accommodate two way traffic with two twelve-foot wide lanes and maintain a twenty-ton load rating which will take care of most of the traffic. He added that twenty tons can handle school buses and small delivery trucks.

He emphasized the delineators will help protect it for the two plus year course of design and replacement by keeping the traffic off that area.

Mr. Pikus noted a number of tractor trailers use Washington Street to access the southeast industrial area of Milford.

He asked if no heavy truck traffic signs should be installed. Mr. Mallamo said the street is currently posted at twenty tons. Additional signs have been ordered to be placed a block or so away from that street so the drivers are able to get a forewarning.

There is a sign in the area of the skating center which would direct vehicles to turn onto Park Avenue though generally the trucks continue. In speaking with the drivers, Mr. Mallamo said they indicate their GPS sends them in that direction.

Mr. Mallamo added that one of the issues is historic preservation as the bridge is on the DelDOT list as potentially historic though it is not on the national register. The historical aspect could require some additional time to the time line.

He explained the Highways for Life Program is a federal program that may be used to fund the bridge. He said it is very interesting to DelDOT right now because the federal government only wants one program per state. Washington Street is the bridge that was chosen for the program in Delaware.

The program has some different requirements and is a green program which means the bridge will be designed more efficiently and through the use of fewer raw materials.

He then advised they had a meeting this morning with historic preservation, some environmental departments, DelDOT and some private contractors who were approved for the Highways for Life Program in other states.

A letter will be sent to the federal government expressing our interest in the program. The city has budgeted for our portion of the bridge replacement. He is hoping that by December 2012, we would have a new bridge.

When asked if there are any stormwater outlets under the bridge, Mr. Mallamo answered no, the storm outlets are on the side. However, there are utilities which include the sanitary sewer force main adjacent to the bridge and overhead electric utilities and cable. In the bridge itself is a major trunk fiber optic line for Verizon.

Mr. Mallamo concluded by saying the bridge was built in 1934.

Community Cemetery Board

Ms. Wilson advised she spoke to Board Member Scott Sipple and asked if he would be interested in coming back and updating the new council members on the cemetery.

Mayor Rogers said he will follow up on that matter.

COMMUNICATIONS

Included in packet.

UNFINISHED BUSINESS

Adoption of Resolution 2010-7/City of Milford Charter Amendments

Mr. Pikus moved to adopt the following resolution, seconded by Mr. Morrow:

Resolution 2010-7

Amending the Charter of the City of Milford

A Resolution amending the City of Milford Charter, subject to approval of the Council of the City of Milford in accordance with Title 22, Chapter 8, Section 811 of the Delaware Code.

THE CITY OF MILFORD HEREBY ORDAINS:

WHEREAS, the Town of Milford was first incorporated on February 5, 1807; and

WHEREAS, on January 18, 1932, the Charter of the City of Milford, contained in Chapter 726, Volume 57, Laws of Delaware, entitled "An Act Changing the Name of the Town of Milford to 'The City of Milford' and Establishing a Charter Therefore" was consolidated into one complete act; and WHEREAS, since this time, the Charter has been amended seven times, with the last comprehensive review occurring in 1999; and WHEREAS, periodically, the Charter is reviewed to help ensure that it is current and that it properly reflects the overall direction of this community; and

WHEREAS, on August 25, 2008, the City Council appointed persons to a Charter Review Committee and charged the committee with reviewing and proposing amendments to the City of Milford Charter; and WHEREAS, following a series of meetings, the Charter Review Committee presented a draft of the proposed Charter to City Council on January 25, 2010 at a public meeting;

WHEREAS, the City Council has thoroughly and completely reviewed the proposal and after considering the amendments, the Council called for a Public Hearing to be held on April 26, 2010 at which time all citizens so desiring were afforded the opportunity to be heard; and WHEREAS, the City Council has henceforth considered the approval or rejection of various amendments to the Charter; and WHEREAS, City Council finds it to be in the public interest to declare the adoption of the amendments to the City's Charter, and to adopt the amended Charter, including the rearrangement and renumbering of various articles and paragraphs in the Charter authorized by the Charter.

NOW, THEREFORE, BE IT RESOLVED the City Solicitor of the City of Milford is authorized and directed to forward a copy of this Resolution and revised City of Milford Charter to members of the Delaware General Assembly and to seek the assistance and support of those members of the General Assembly for this City of Milford Charter Amendment.

BE IT FURTHER RESOLVED that the General Assembly of the State of Delaware is hereby requested, during its 2010 Session, to approve by no less than a two-thirds vote of all members elected to each branch, the amendment of the City Charter of the City of Milford, Delaware in the form and manner, attached hereto as Exhibit A.

Motion carried.

Appointment of City of Milford Planning Commissioner

Mayor Rogers does not have a firm commitment at this time and will have this added on next month's agenda.

NEW BUSINESS

Bid Approval/LED Lighting/Electric Department

The city manager reported that four bidders submitted bids for this project. This will retrofit the existing lights in the downtown area utilizing the \$50,000 grant received from the federal government as part of the Energy, Efficiency and Conservation Block Grant. In addition, the city has funded \$50,000 towards recoding the power coding on the poles where these will be refitted. Sixty lights will be refitted as a result.

We anticipate a four-year payback on the investment based on the energy savings and initial costs. This was initially proposed as a pilot program which aligns with some of the initiatives of the downtown group as well as Loflands Boatyard in the downtown area.

The recommendation is to award the bid to Wesco in the total amount of \$48,600.

When asked if they are local, Mr. Baird explained they are not though Wesco is the preferred contractor.

Ms. Wilson moved to award the LED Lighting bid to Wesco in the amount of \$48,600, seconded by Mr. Pikus. Motion carried.

Adoption of Resolution 2010-8/Thomas Annexation Request/Committee Investigation

A letter was received from property owner Walter N. Thomas II asking to annex approximately 72 acres of land. The property runs from the Milford-Harrington Highway back to Holly Hill Road and is contiguous to city property.

Mr. Pikus moved to adopt the Resolution 2010-8, seconded by Mr. Starling:

Annexation/Lands of Walter N. Thomas II
Tax Parcel MD-00-173.00-01-62.00-000
Tax Parcel MD-00-173.00-01-62.02-000
71.92 +/- Acres
Current Zone AC/Proposed Zone R-3

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owner and duly witnessed, requesting annexation into the City of Milford, land situated south of State Route 14 and north of County Road 447, Kent County, legally described as follows:

Tax Parcel 5-00-173.00-01-62.00-00001
64.362 Acres Parcel of land, Land of Walter N. Thomas, II
State Route 14, North of Delaware County Road 447, Kent County, Delaware.

BEGINNING for the same at a rebar and cap set at the intersection of the division line between the land conveyed by and described in a deed from Myra H. McIlvaine to Howard F. Morton and Phyllis Ann Morton dated July 31, 1959 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book C, Volume 22, Page 447 and the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas, II, dated November 4, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2521, Page 141 with the southern right of way of Delaware Route 14, eighty foot wide, thence binding on southern right of way of Delaware Route 14, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 62° 50' 42" East 327.57 feet to a rebar and cap set at the northwest corner of Lot 1 as shown on a plat entitled "Minor Subdivision Survey, prepared for Walter N. Thomas, II" and recorded among the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence leaving the southern right of way of Delaware Route 14 and binding on the outline of said Lot 1, the following five courses, viz
2. South 34° 44' 24" West 216.04 feet:
3. South 27° 21' 26" West 201.23 feet to a pin and cap (Adams-Kemp) heretofore set,
4. South 19° 39' 12" West 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
5. South 12° 05' 37" East 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. South 46° 57' 53" East 277.57 feet to a pin and cap (Adams-Kemp) heretofore set , and
7. North 35° 10' 24" East 511.09 feet to a pin and cap (Adams-Kemp) heretofore set at the end of the second or South 38° 58' West 176.57 foot line of a deed from Grace M. Thomas to Jon A. Thomas, dated August 23, 1991 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book H, Volume 50, Page 325, thence leaving the aforesaid Lot 1 and binding reversely on the second line of said deed,
8. North 33° 15' 46" East 176.56 feet to a one inch pipe heretofore set at the end of the second or North 53° 30' 00" West 209.79 foot line of a deed from Jardevtan Corporation to Patricia M. Marney, dated August 29, 2005 and

recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2375, Page 094, thence binding reversely on the second and first lines of the last mentioned deed, the following two courses, viz:

9. South 59° 28' 22" East 210.00 feet to a rebar heretofore set, and,

10. North 38° 06' 38" East 68.69 feet to a rebar and cap set on the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,

11. By a non-tangent curve to the right with a radius of 3397.87 feet and an arc length of 335.20 feet, said curve being subtended by a chord bearing South 55° 57' 09" East 335.07 feet to a rebar and cap set at the end of the fourth or North 60° 57' 00" East 185.32 foot line of a deed from Polly Hudson to Polly O'Day and Thomas O'Day, dated February 17, 2006 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2770, Page 302, thence binding reversely on said fourth line,

12. South 34° 04' 53" West 189.69 feet, thence binding in or near the center of a ditch, the following seventeen courses, viz:

13. South 32° 56' 39" West 9.00 feet,

14. South 36° 27' 16" West 51.77 feet,

15. South 38° 29' 07" West 65.98 feet,

16. South 36° 37' 41" West 48.90 feet,

17. South 34° 05' 59" West 61.05 feet,

18. South 27° 13' 27" West 37.39 feet,

19. South 21° 42' 17" East 77.94 feet,

20. South 30° 53' 41" West 71.70 feet,

21. South 47° 36' 00" West 43.38 feet,

22. South 49° 53' 24" West 69.97 feet,

23. South 47° 55' 06" West 69.19 feet,

24. South 74° 09' 47" West 37.17 feet,

25. South 47° 00' 07" West 94.01 feet,

26. South 33° 44' 05" West 66.74 feet,

27. South 30° 33' 37" West 62.79 feet,

28. South 31° 20' 18" West 58.11 feet,

29. South 47° 48' 37" West 161.09 feet to the end of the fourth or South 34° 26' 35" East 95.21 foot line of a deed from Walter N. Thomas to Jeffrey A. Thomas and Nancy J. Thomas, dated March 17, 2003 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 532, Page 030, thence binding reversely on the fourth, third, and in part on the third lines of the last mentioned deed, the following three courses, viz:

30. North 38° 12' 32" West 95.21 feet,

31. North 30° 51' 16" West 72.69 feet, and

32. South 14° 11' 36" West 774.23 feet to the center of County Road 447, thence binding in the center of County Road 447,

33. South 84° 32' 03" West 1295.05 feet to a boundary line agreement between the said land of Walter N. Thomas and Walter N. Thomas, II and the land conveyed and described in a deed from Wayne L. Hill to Wayne L. Hill, Trustee under the Revocable Trust Agreement of Wayne L. Hill dated 12/18/95, dated December 18, 1995 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 153, Page 274. thence binding on the boundary agreement line,

34. North 14° 56' 54" East 2255.01 feet to a ¾ inch pipe heretofore set at a common corner for the said land of Walter N. Thomas and Walter N. Thomas, II and the land conveyed by and described in a deed from David E. Baker and Shirley A. Baker to Robert E. Southard, III and Jeanette Ann Southard, dated May 5, 1976 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book R. Volume 30, Page 143, thence binding in part on the land of Robert E. Southard, III and Jeanette Ann Southard and binding in part on the land described and conveyed in a deed from Willard E. Zook and Virginia Zook to Donald L. Brittingham and Margaret E. Brittingham, dated June 21, 1984 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book L., Volume 39, Page 264 and binding in part on the aforesaid land of Howard F. Morton and Phyllis Ann Morton,

35. South 62° 52' 18" East 256.08 feet, thence binding reversely on the second or South 35° 30' West 430 foot line of the aforesaid Howard F. Morton and Phyllis Ann Morton deed,

36. North 27° 07' 42" East 422.47 feet, to the place of beginning.
CONTAINING 64.362 acres of land, more or less.

Tax Parcel 5-00-173.00-01-62.02-00001

7.556 Acre Parcel of Land, Land of Walter N. Thomas, II

State Route 14, North of Delaware County Road 447, Kent County, Delaware:

BEGINNING for the same at rebar and cap heretofore set on the southern right of way of Delaware Route 14, eighty foot wide, said rebar and cap being the northeast corner of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for, Walter N. Thomas, II, dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence binding on the outline of Lot 1, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 34° 44' 24" West 216.04 feet to a rebar heretofore set,
2. South 50° 16' 32" East 115.08 feet to a pin and cap (Adams-Kemp) heretofore set,
3. South 35° 10' 24" West 511.09 feet to a pin and cap (Adams-Kemp) heretofore set,
4. North 46° 57' 53" West 277.57 feet to a pin and cap (Adams-Kemp) heretofore set,
5. North 12° 05' 37" West 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. North 19° 39' 12" East 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
7. North 27° 21' 26" East 201.23 feet to intersect the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
8. South 62° 50' 42" East 505.54 feet to the place of beginning.

CONTAINING 7.556 acres of land, more or less, BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas, II, dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING ALL of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for, Walter N. Thomas, II, dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 107, Page 90, has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of four (4) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chairman Katrina Wilson, Douglas Morrow, S. Allen Pikus and Planning Commission Chairman Charles Rini.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

Adopted: June 14, 2010

Motion carried.

It was confirmed this property would become part of the fourth ward upon annexation.

Easement Agreements /North Front Street Sewer Project-Wilkerson, Atlantic Concrete, Sharp, Warfel

Mr. Baird advised that five agreements are currently being prepared. He anticipates verbal agreements from all five property owners and asked this be postponed to the next meeting.

He explained this will provide easements along Northeast Front Street where the county and city's joint sewer project is occurring.

Milford School District Agreement/Tennis Courts

Mr. Baird said he has been working with the school on an agreement to allow the public to use the tennis courts recently installed as part of the improvements at Milford High School.

The following agreement was then read into record by the city manager:

Agreement, dated this _____ day of _____, _____, by and between The City of Milford, a municipal corporation of the State of Delaware, hereinafter referred to as "CITY"

-AND-

Milford School District, hereinafter referred to as "DISTRICT"

WHEREAS, DISTRICT has constructed six new tennis courts at Milford High School; and,

WHEREAS, DISTRICT has installed six new MUSCO lights for school and community use of the tennis courts during evening hours; and,

WHEREAS, DISTRICT and CITY agree the installation of the new tennis courts and lights mutually benefit DISTRICT and the Milford community; and,

WHEREAS, DISTRICT and CITY have enjoyed a longstanding interdependent relationship that provides a healthy recreational and instructional outlet for the residents of our community and school district.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties hereto agree as follows:

- 1. DISTRICT will provide for public and community use, the six (6) new tennis courts located at the Milford High School.*
- 2. DISTRICT shall be responsible for the installation and regular maintenance and repair of the tennis courts, to include but not be limited to the surface, striping, netting, posts, and fencing.*
- 3. DISTRICT shall be responsible for the installation, maintenance and operation of the lighting system. This shall include the lighting system, wiring, meter pan and timing device for usage. CITY shall be responsible for the installation and maintenance of the electric meter and all electric usage charges for the tennis courts.*
- 4. DISTRICT shall have the exclusive use of the tennis courts during regular school hours or school sponsored events such as MHS tennis matches or any other event as determined by DISTRICT. The tennis courts shall be open for use by the public or CITY Parks and Recreation during all other times between the hours of 8:00 a.m and 10:00 p.m. DISTRICT and CITY may agree to modify the operating normal operating hours for the use of the tennis courts by the public and establish policies for public access.*
- 5. Both parties agree to indemnify each other from all claims by a third party for property damage or personal injury which may arise out of authorized activities of the other party while acting outside of their respective jurisdictions pursuant to this agreement.*
- 6. The term of the initial agreement shall be for one year, commencing on the date when executed by both parties. The agreement shall be automatically extended annually in subsequent years for a one year term, provided either party may terminate the agreement by providing written notice to the other party one year prior to the anticipated termination date.*
- 7. Both parties agree to review the agreement on an annual basis to assure that all parties are sufficiently*

benefiting and to allow an opportunity to introduce desirable modifications to this agreement.

The parties have incorporated in this Agreement their entire understanding. No modification or waiver of any terms of this Agreement shall be valid during the term of this agreement unless mutually modified by both parties in writing.

Mr. Baird advised the school district has taken affirmative action on the agreement and is waiting approval from council.

Mr. Brooks added that anyone that has not seen the tennis courts should take the time as they are beautiful.

When asked if there will be a charge, Mr. Baird said there will be no charge. For the minimal amount that a person would be charged, it was agreed it was not worth it and a timer was added instead.

Ms. Wilson asked the opinion of Parks and Recreation Director Gary Emory. Mr. Baird said he discussed this with Mr. Emory who was presented a copy. Mr. Emory was fully supportive noting this now allows him to offer tennis programs on behalf of the Parks and Recreation.

Mr. Adkins moved to approve the agreement, seconded by Mr. Brooks. Motion carried.

Adoption of Resolution 2010-9/Tax Appeal Hearing Scheduled

Mr. Pikus moved to adopt the Resolution 2010-9, seconded by Mr. Morrow:

WHEREAS, the provisions of Article X, Section 10.05 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment to be hung in two public places in the City of Milford and there to remain for the space of ten days for public information; and

WHEREAS, attached to said copies shall be notice of the day, hour and place that Council will sit as a Board of Revision and Appeal for said General Assessment.

NOW, THEREFORE, BE IT RESOLVED, that on Monday, the 12th day of July 2010 at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2010-2011 General Assessment.

Mayor Joseph Ronnie Rogers

Motion carried.

City of Milford Fiscal Year 2010-2011 Budget

Mr. Pikus read the following statement into record prepared by the finance committee into record:

The Finance Committee has presented the Mayor and City Council and citizens of Milford with a budget for Fiscal Year 2010-2011. It is a balanced budget. It does not remove funds from our reserves and does not include a tax increase nor does it take away from public safety or public services. The necessary changes through reductions, cutting expenses and extreme belt tightening enables our committee to present this budget to the City of Milford.

Mr. Pikus moved to adopt the Operating and Capital Budget for FY 2010-11, with all changes presented to council, to be implemented effective July 1, 2010. He added the City Manager will present his budget message at the next meeting.

Mr. Morrow concurred as a member of the finance committee and seconded the motion.

Motion carried by unanimous roll call vote.

Mayor Rogers thanked council for approving the budget noting it has been very difficult, but was necessary to pass a balanced budget, emphasizing there was no reserve funds used for this purpose. It was balanced as a result of some tough decisions that had to be made. In addition, no services will be cut and the tax rate will not be increased.

FINANCE REPORT

Through the tenth month of Fiscal Year 2009-2010 with 83% of the fiscal year having passed, 81.38% of revenues have been received and 75.55% of the operating budget expended.

Mr. Pikus reported the budget is tight and we are in restraints as department heads continue to be frugal. There are some sections that are underspent and some that are slightly overspent, but through good management and because of Jeff Portmann our Finance Director, things continue to run very smoothly.

Mr. Pikus moved to accept the April 2010 Finance Report, seconded by Mr. Morrow. Motion carried.

ADJOURN

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

The Council Meeting was adjourned at 8:49 p.m. by Mayor Rogers.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder