City of Milford

CITY COUNCIL AGENDA

July 27, 2015 - 7:00 P.M.

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

PUBLIC HEARINGS

Edwin M. Mow/Change of Zone/R1 to OB1
505 Lakeview Avenue/Tax Map and Parcel 1-30-3.07-120.00
Adoption/Ordinance 2015-08

Masten Medical LLC/Change of Zone/R1 to OB1
509 Lakeview Avenue/Tax Map and Parcel 1-30-3.07-122.00
Adoption/Ordinance 2015-09

Perdue Real Estate Holdings Inc./Change of Zone/C3 to I2
N. Rehoboth Boulevard/MD-16-183.07.01-01.00
Adoption/Ordinance 2015-07

Amending 2008 City of Milford Comprehensive Plan/SE Master Plan
Adoption/Ordinance 2015-06

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

- Proclamation 2015-18/Social Security 80th Anniversary Signing

Communications

Unfinished Business

- Introduction/Ordinance 2015-13/Chapter 193-Solid Waste Code/Fee Increase
- Introduction/Ordinance 2015-14/Appendix B/Electric Rules and Regulations
- Rescind Resolution 2015-13**
- Adoption/Amended Resolution 2015-13/Authorize Indebtedness for Improvements to Sewer System**
- Adoption/Resolution 2015-15/Authorize Indebtedness for Improvements to Sewer System**
- Adoption/Resolution 2015-16/Changing Special Election Date
- City of Milford Charter Review/Appointment of Committee

New Business

McCrone Contract Change Order/Hearthstone Design***

MSD/MPD MOU Agreement Amendment

FY2015-2016 Budget Adjustment/Police Department/SRO Funding

St. John the Apostle Church/Oktoberfest 2015/Chapter 77/Alcohol Waiver

Greater Kent Committee/Semi-Annual Dues*

Adoption Resolution 2015-17/Appointment/DEMEC Director & Alternate Director*

USDA Tourism Feasibility Study/University of Delaware's HRIM/City Match/Funding Source****

Executive Session

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation (Easement Issue)
Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Employee Issue)

Hammond Easement Payment/Funding Source

Employee Evaluation

Adjourn

WORKSHOP

Call to Order - Mayor Bryan Shupe

Solid Waste Ordinance Review-Yard Waste

Review/Training & Travel Policy

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.

030415 0325155 052915 060415 061825 070215 071315 071415 071615 *072115 Added upon Receipt **072215 Late Addition Pertinent Info Received (Bond Attorney) ***072315 Late Addition Receipt of Info from City Planner ****Late Addition Requested by Mayor

Land Use Application Cover Sheet

File Name: Dr. Edwin M. Mow

File Number: 15-218

CITY OF MILFORD
Date Stamp
MAY 28 2015
RECEIVED

Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

Specify Type of Land Use Application to be submitted (check all that apply):

☐ Preliminary Site Plan	☐ Preliminary Major Subdivision	☐ Final Minor Subdivision
☐ Final Site Plan	☐ Final Major Subdivision	☐ Variance/Appeal
☒ Change of Zone	☐ Conditional Use	☐ Annexation

Please Type or Print Legibly

Property Owner: Edwin M. Mow			Phone: 302-270-5456
Address: PO Box 165			Cell: 302-270-5456
City: Milford	State: DE	Zip: 19963	Fax: N/A
E-Mail: N/A			
Applicant Name and Company:			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Surveyor or Engineer:			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Site Address: 505 Lakeview Avenue			Zoning: R-1
Tax Map & Parcel Number (s): 1-30-3.07-120.00			Acreage: 0.59
Brief Description of Proposal:			

I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: _____ Date: 5/28/15

Signature of Applicant: _____ Date: 5/28/15

REVISED: 01.2014

Change of Zone Application

CITY OF MILFORD
MAY 28 2015
Date Stamp
RECEIVED

File Name: Dr. Edwin M. Mow

File Number: 15-208

A Land Use Application for a Change of Zone is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

Requested Zoning: OB-1 **Comprehensive Plan Designation:** Employment

REQUIRED ITEMS

- ☐ 1. Land Use Application Cover Sheet.
- ☐ 2. A full legal description of the property.
- ☐ 3. Fifteen folded copies of a site plan (no larger than 11" x 17"), drawn to scale, showing:
  - A. Date, scale and north arrow;
  - B. Existing and proposed right-of-ways and improvements;
  - C. Existing and proposed utilities;
  - D. Existing natural features;
  - E. Existing and proposed structures and other improvements;
  - F. The location of proposed parking;
  - G. All structures, natural features and other improvements on abutting property.
- ☐ 4. Application fee.

For Staff Use ONLY	
Verified	Waived
WFP	
	WFP

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: 5-28-2015 Date:

Signature of Applicant: Date: 5/28/15

FOR STAFF USE ONLY

	DAC	Planning Commission	City Council	BOA
	n/a	06.16.15	06.22.15	n/a
Owner				
Contact				
Applicant				

REVISED: 01.2014

201 South Walnut Street – Milford, DE 19963
Phone: 302.424.3712 Fax: 302.424.3558 www.cityofmilford.com

PLANNING DEPT REVIEW REPORT

LANDS OF EDWIN M. MOW
PROJECT # 15-218
CITY OF MILFORD, SUSSEX COUNTY, DE

Land Use Application: Change of Zone-From: R1 To: OB-1
Land Use Cover Sheet attached.

Tax Map & Parcel: 1-30-3.07-120.00

Property Location: Situated on the west side of Lakeview Avenue between School Place and West Clarke Avenue.

Present Use: Medical Office
Proposed Use: Same

This report is prepared for the Planning Commission for their review and deliberation of the referenced project during their meeting of June 16, 2015 and for the City Council for their review and deliberation of the referenced project during their meeting of June 22, 2015.

Project Overview:

Process: The Code of the City of Milford Chapter 230-Zoning stipulates that changes of zone shall be reviewed by the Planning Commission for recommendation to City Council. (§230-58, §230-59)

Comprehensive Plan Compliance:
Pursuant to Delaware Code, Title 22-Municipalities; Section 702-Comprehensive Development Plan, when reviewing a change of zone application, the proposed zoning must comply with the Future Land Use Map in the City's most recently adopted Comprehensive Plan which is the 2008 Comprehensive Plan, as amended and adopted by City Council on July 11, 2011.

Upon review of the Future Land Use Map (see attached) the proposed OB-1 zoning was not compliant with the Future Land Use Map.

The City of Milford submitted a request to change the Future Land Use Map from Low Density Residential to Employment with the Office of State Planning. The amendment was reviewed during the May 2015 PLUS meeting with no major comments.

Code Review
Chapter 230-Zoning
/Definitions and Word Usage: n/a

/Use and Area Regulations: Meets with use and area regulations per §230-19.

/Off Street Parking and Loading: n/a

/Landscape Screening: n/a

PLANNING DEPARTMENT RECOMMENDATION TO PLANNING COMMISSION:

A motion to approve resolution PC15-006 and recommend approval of ordinance 2015-08 for approval which will approve the change of zoning upon the adoption of an amended comprehensive plan.

CITY OF MILFORD
PLANNING COMMISSION

RESOLUTION NO. PC15-006

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD, DELAWARE RECOMMENDING TO CITY COUNCIL OF THE CITY OF MILFORD THE APPROVAL OF A CHANGE OF ZONE FOR EDWIN M. MOW AT 505 LAKEVIEW AVENUE FROM R1 TO OB1 (0.59 ACRES) TAX MAP 1-30-3.07-120.00

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on June 16, 2015; and,

WHEREAS, by a vote of recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following conditions:

1. An amendment to the comprehensive plan be adopted by City Council prior to the change of zone taking place.

APPROVED: _____ SIGNED: _____

Archie Campbell, Planning Commission Chairman

Christine Crouch, Deputy City Clerk

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the following ordinance is under review by the Milford Planning Commission and Milford City Council as indicated below:

Ordinance 2015-08

Edwin M. Mow for a Change of Zone

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 0.59 +/- acres of real property from R1 (Single Family Residential) to OB1 (Office Building) at 505 Lakeview Avenue, Milford, Delaware. Present Use: Doctor's Office. Proposed Use: Same. Tax Map and Parcel: 1-30-3.07-120.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on June 16, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section l. Upon the adoption of this ordinance, tax map and parcel 1-30-3.07-120.00, owned by Edwin M. Mow located at 505 Lakeview Avenue, is hereby zoned OB1.

Section 2. An amendment to the Future Land Use Map of the Comprehensive Plan indicating the property as employment zoned future land use will be adopted prior to the property record card being amended to indicate the OB1 zoning.

Section 3. Dates.
Planning Commission Review & Public Hearing: June 16, 2015
City Council Introduction: June 8, 2015
City Council Public Hearing: June 22, 2015
Adoption: June 22, 2015
Effective: July 2, 2015
This ordinance shall take effect and be in force ten days after its adoption.

Additional information may be obtained by contacting the Planning Department at Milford City Hall at 302-424-3712 or by accessing the city website at www.cityofmilford.com.

Published: Beacon, 060315

City of Milford

PUBLIC NOTICE
CITY OF MILFORD PLANNING COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, June 16, 2015 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to consider the following matter:

> Edwin M. Mow for a Change of Zone of 0.59 +/- acres of real property from R1 (Single Family Residential) to OB1 (Office Building) at 505 Lakeview Avenue, Milford, Delaware. Present Use: Doctor's Office. Proposed Use: Same. Tax Map and Parcel: 1-30-3.07-120.00

All interested parties are hereby notified to be present for the review and recommendation by the Planning Commission to City Council. Final action will be taken by City Council.

If unable to attend, written comments will be accepted up to one week prior to the hearing. Anyone with questions or comments should call the Planning Department at 302.424.3712.

By: Christine Crouch
Deputy City Clerk

Published: Beacon, 060315

City of Milford

PUBLIC NOTICE
CITY OF MILFORD CITY COUNCIL HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, June 22, 2015 at 7:00 p.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, to take final action upon the matter of:

> Edwin M. Mow for a Change of Zone of 0.59 +/- acres of real property from R1 (Single Family Residential) to OB1 (Office Building) at 505 Lakeview Avenue, Milford, Delaware. Present Use: Doctor's Office. Proposed Use: Same. Tax Map and Parcel: 1-30-3.07-120.00

All parties of interest are hereby notified to be present and to express their views before a final decision is rendered.

If unable to attend, written comments will be accepted up to one week prior to the hearing. Anyone with questions or comments should call the Planning Department at 302.424.3712.

By: Christine Crouch
Deputy City Clerk

Published: Beacon 060315

PUBLIC NOTICE

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Ordinance 2015-08

Edwin M. Mow for a Change of Zone

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 0.59 +/- acres of real property from R1 (Single Family Residential) to OB1 (Office Building) at 505 Lakeview Avenue, Milford, Delaware. Present Use: Doctor's Office. Proposed Use: Same. Tax Map and Parcel: 1-30-3.07-120.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on June 16, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section l. Upon the adoption of this ordinance, tax map and parcel 1-30-3.07-120.00, owned by Edwin M. Mow located at 505 Lakeview Avenue, is hereby zoned OB1.

Section 2. An amendment to the Future Land Use Map of the Comprehensive Plan indicating the property as employment zoned future land use will be adopted prior to the property record card being amended to indicate the OB1 zoning.

Section 3. Dates.
Planning Commission Review & Public Hearing: June 16, 2015
City Council Introduction: June 8, 2015
City Council Public Hearing: June 22, 2015
Adoption: June 22, 2015
Effective: July 2, 2015
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Published: Beacon, 060315

Land Use Application Cover Sheet

File Name: Masten Medical, LLC

File Number: 15-219

CITY OF MILFORD
Date Stamp MAY 28 2015
RECEIVED

Instructions for Applicants:
Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

Specify Type of Land Use Application to be submitted (check all that apply):

- ☐ Preliminary Site Plan
- ☐ Final Site Plan
- ☒ Change of Zone
- ☐ Preliminary Major Subdivision
- ☐ Final Major Subdivision
- ☐ Conditional Use
- ☐ Final Minor Subdivision
- ☐ Variance/Appeal
- ☐ Annexation

Please Type or Print Legibly

Property Owner: Masten Medical, LLC			Phone: 422-4581
Address: 509 Lakeview Avenue			Cell:
City: Milford	State: DE	Zip: 19963	Fax:
E-Mail:			
Applicant Name and Company:			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Surveyor or Engineer:			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Site Address: 509 Lakeview Avenue			Zoning: R-1
Tax Map & Parcel Number (s): 1-30-3.07-122.00			Acreage: 1.09
Brief Description of Proposal:			

I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: [signature], Manager Date: 5/28/15

Signature of Applicant: [signature] Date: 5/28/15

REVISED: 01.2014

Change of Zone Application

CITY OF MILFORD
Date Stamp
MAY 28 2015
RECEIVED

File Name: Masten Medical, LLC

File Number: 15-219

A Land Use Application for a Change of Zone is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

Requested Zoning: OB-1 **Comprehensive Plan Designation:** Employment

REQUIRED ITEMS

For Staff Use ONLY	
Verified	Waived
WRP	
	WRP
	↓

- ☐ 1. Land Use Application Cover Sheet.
- ☐ 2. A full legal description of the property.
- ☐ 3. Fifteen folded copies of a site plan (no larger than 11" x 17"), drawn to scale, showing:
  - A. Date, scale and north arrow;
  - B. Existing and proposed right-of-ways and improvements;
  - C. Existing and proposed utilities;
  - D. Existing natural features;
  - E. Existing and proposed structures and other improvements;
  - F. The location of proposed parking;
  - G. All structures, natural features and other improvements on abutting property.
- ☐ 4. Application fee.

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: [signature] Date: 5/28/15

Signature of Applicant: [signature] Date: 5/28/15

FOR STAFF USE ONLY

	DAC	Planning Commission	City Council	BOA
	n/a	06.16.15	06.22.15	n/a
Owner				
Contact				
Applicant				

REVISED: 01.2014

PLANNING DEPT REVIEW REPORT

MASTEN MEDICAL, LLC.
PROJECT # 15-219
CITY OF MILFORD, SUSSEX COUNTY, DE

Land Use Application: Change of Zone-From: R1 To: OB-1
Land Use Cover Sheet attached.

Tax Map & Parcel: 1-30-3.07-122.00

Property Location: Situated on the west side of Lakeview Avenue between School Place and West Clarke Avenue.

Present Use: Medical Office
Proposed Use: Same

This report is prepared for the Planning Commission for their review and deliberation of the referenced project during their meeting of June 16, 2015 and for the City Council for their review and deliberation of the referenced project during their meeting of June 22, 2015.

Project Overview:

Process: The Code of the City of Milford Chapter 230-Zoning stipulates that changes of zone shall be reviewed by the Planning Commission for recommendation to City Council. (§230-58, §230-59)

Comprehensive Plan Compliance:
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Code Review

Chapter 230-Zoning
/Definitions and Word Usage: n/a

/Use and Area Regulations: Meets with use and area regulations per §230-19.

/Off Street Parking and Loading: n/a

/Landscape Screening: n/a

PLANNING DEPARTMENT RECOMMENDATION TO PLANNING COMMISSION:

A motion to approve resolution PC15-007 and recommend approval of ordinance 2015-09 for approval which will approve the change of zoning upon the adoption of an amended comprehensive plan.

CITY OF MILFORD
PLANNING COMMISSION

RESOLUTION NO. PC15-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD, DELAWARE RECOMMENDING TO CITY COUNCIL OF THE CITY OF MILFORD THE APPROVAL OF A CHANGE OF ZONE FOR MASTEN MEDICAL LLC AT 509 LAKEVIEW AVENUE FROM R1 TO OB1 (1.09 ACRES) TAX MAP 1-30-3.07-122.00

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on June 16, 2015; and,

WHEREAS, by a vote of recommended approval of the application.

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1. An amendment to the comprehensive plan be adopted by City Council prior to the change of zone taking place.

APPROVED: _____ SIGNED: _____

Archie Campbell, Planning Commission Chairman

Christine Crouch, Deputy City Clerk

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Ordinance 2015-09

Masten Medical LLC for a Change of Zone

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WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on June 16, 2015; and

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WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

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Section 3. Dates.
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Published: Beacon, 060315

City of Milford

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By: Christine Crouch
Deputy City Clerk

Published: Beacon, 060315

City of Milford

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By: Christine Crouch
Deputy City Clerk

Published: Beacon 060315

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NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section l. Upon the adoption of this ordinance, tax map and parcel 1-30-3.07-122.00, owned by Masten Medical LLC located at 509 Lakeview Avenue, is hereby zoned OB1.

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Section 3. Dates.
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Published: Beacon, 060315

Land Use Application Cover Sheet

File Name: Perdue Real Estate Holdings Inc

File Number:

Date Stamp

Instructions for Applicants:
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Specify Type of Land Use Application to be submitted (check all that apply):

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☐ Final Site Plan	☐ Final Major Subdivision	☐ Variance/Appeal
× Change of Zone	☐ Conditional Use	☐ Annexation

Please Type or Print Legibly

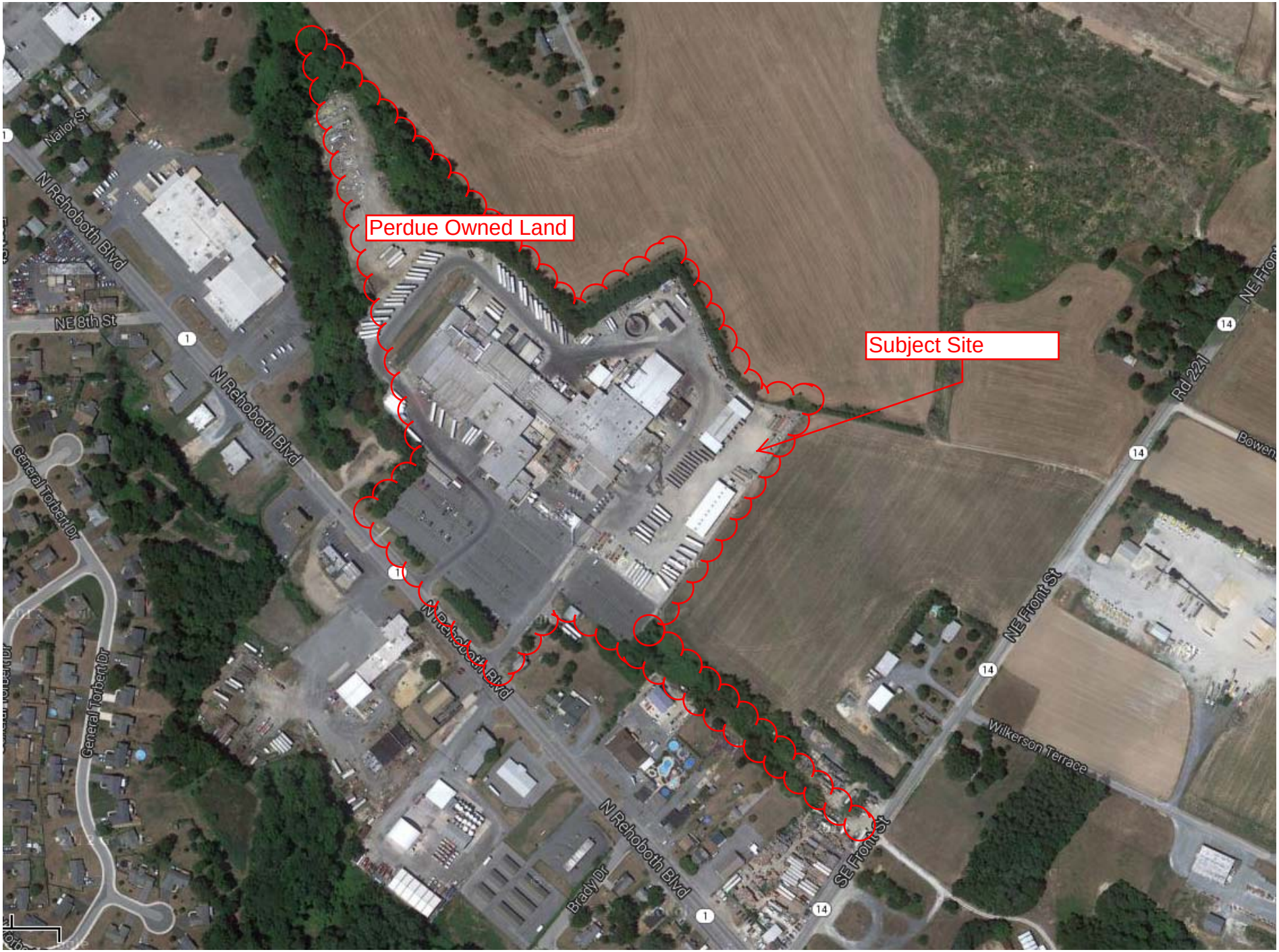
Property Owner: Perdue Real Estate Holdings Inc			Phone:
Address: PO Box 1537			Cell:
City: Salisbury	State: MD	Zip: 21802	Fax:
E-Mail:			
Applicant Name and Company: Veronica Faust, Morris James LLP			Phone: 302-260-7281
Address: 402 Rehoboth Ave			Cell:
City: Rehoboth Beach	State: DE	Zip: 19971	Fax: 302-727-5886
E-Mail: vfaust@morrisjames.com			
Surveyor or Engineer: McCrone			Phone: 410-548-1492
Address: 119 Naylor Mill Rd, Ste 6			Cell:
City: Salisbury	State: MD	Zip: 21801	Fax: 410-548-2055
E-Mail:			
Site Address: N Rehoboth Blvd			Zoning: C3
Tax Map & Parcel Number (s): MD-16-183.07-01-01.00			Acreage: 2.60 +/-

Brief Description of Proposal:
Change of zone from C3 to I2 in order to combine three parcels with chicken processing plant located on them. Will also bring into compliance with 2008 Comprehensive Plan.

I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: _____ Date:

Signature of Applicant: _____ Date:


Perdue Owned Land
Subject Site
Nailor St
N Rehoboth Blvd
NE 8th St
General Torbert Dr
Brady Dr
NE Front St
SE Front St
Rd 221
Wilkerson Terrace
Bowen
1
14

PLANNING DEPT REVIEW REPORT

PERDUE REAL ESTATE HOLDINGS INC
PROJECT # 15-217
CITY OF MILFORD, KENT COUNTY, DE

Land Use Application: Change of Zone-From: C3 To: I2
Land Use Cover Sheet attached.

Tax Map & Parcel: MD-16-183.07-01-01.00

Property Location: Situated on the east side of N Rehoboth Blvd (Business Rt 1), north of the NE Front Street (Rt 14) and N Rehoboth Blvd (Business Rt 1) intersection.

Present Use: Chicken processing plant
Proposed Use: Same

This report is prepared for the Planning Commission for their review and deliberation of the referenced project during their meeting of June 16, 2015 and for the City Council for their review and deliberation of the referenced project during their meeting of July 27, 2015.

Project Overview:

Perdue received site plan approval by the Planning Commission on July 15, 2014 (Project Number 14-208) at which time they were notified to combine four of their six parcels which contain a chicken processing plant because the plant footprint(s) cross parcel boundaries.

Of the four parcels to be combined, one is zoned C3 and three zoned I2. In order to combine the parcels, a change of zone is required for the one 2.60 ac parcel as to avoid split zoning. Should the change of zone be approved by City Council, the Planning Department will approve the lot combination and the plans must be recorded.

Process: The Code of the City of Milford Chapter 230-Zoning stipulates that changes of zone shall be reviewed by the Planning Commission for recommendation to City Council. (§230-58, §230-59)

Comprehensive Plan Compliance:
Pursuant to Delaware Code, Title 22-Municipalities; Section 702-Comprehensive Development Plan, when reviewing a change of zone application, the proposed zoning must comply with the Future Land Use Map in the City's most recently adopted Comprehensive Plan which is the 2008 Comprehensive Plan, as amended and adopted by City Council on July 11, 2011.

Upon review of the Future Land Use Map (see attached) the proposed I2 zoning is not compliant with the Future Land Use Map.

It should be noted there are several property owners who have requested in writing to have their future land use designation changed in the comprehensive plan. The planning department will be undertaking revisions to the comprehensive plan in the near future to accommodate such requests.

Code Review
Chapter 230-Zoning
/Definitions and Word Usage: n/a

/Use and Area Regulations: Meets with use and area regulations per §230-17.

/Off Street Parking and Loading: n/a

/Landscape Screening: n/a

PLANNING DEPARTMENT RECOMMENDATION TO PLANNING COMMISSION:

A motion to approve resolution PC15-005 and recommend approval of ordinance 2015-07 for approval which will approve the change of zoning upon the adoption of an amended comprehensive plan.

§ 230-17. - I-2 General Industrial District.
[Added 7-9-1990]

In an I-2 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 the I-2 General Industrial District shall be to provide locations for the development of large or heavy manufacturing, warehousing, wholesale and research establishments, which may include those that may produce some objectionable conditions, and also to concentrate the more intensive industrial uses in areas that would least impact neighboring zoning districts or uses.

B. Permitted uses. Permitted uses for the I-2 District shall be as follows:
   (1) All items allowed in the I-1 District.
   (2) Heavy manufacturing, assembling, converting, altering, finishing, cleaning or any other processing, handling or storage of products or materials, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.
   (3) Research, design and development laboratories.
   (4) Wholesale storage and warehousing.
   (5) Building contractors' yards.
   (6) Large public utility facilities, or major uses thereof.

C. Prohibited uses. The following are expressly prohibited in an I-2 District:
   (1) Residences.
   (2) Manufacturing uses involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals: carbide, ammonia, aniline dyes, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, gelatin, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); soaps, including fat rendering; and starch.
   (3) Dumps, junkyards, automobile salvage and dismantling plants/yards, public storage areas or operations for the storage or resale of used automotive or other machine parts.
   (4) Operations involving slaughterhouses, stockyards or slag piles.
   (5) Quarries, stone crushers, screening plants and all associated uses.
   (6) The following processes: nitrating of cotton or other materials; magnesium foundry; milling or processing of flour; large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; distillation of wood or bones; and reduction and processing of wood pulp and fiber, including paper mill operations and sawmills.
   (7) Storage of explosives and bulk or wholesale storage of gasoline above ground.

D. Conditional uses. The following uses are permitted in the I-2 District in accordance with the provisions within Article IX (conditional use portion) of this chapter:
   (1) Airfields or airpark facilities.
   (2) Tractor-trailer storage and parking facilities.
   (3) Farm machinery and truck manufacture, sales, storage and repairs.
   (4) Fertilizer storage and distribution centers.
   (5) Heating, ventilating, cooling and refrigeration manufacturing.
   (6) Trash compaction: transfer station and solid waste management system, not to include hazardous waste.
   (7) Recycling or collection facilities for paper, glass, plastics and metal.

(8) Grain storage and processing.

(9) Meat processing, chicken processing and seafood processing.

(10) Aluminum recycling and smelting (small scale).

(11) Food and vegetable cleaning, canning and freezing.

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) Any uses not permitted, as previously listed, are prohibited.

(3) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except in areas approved by the Planning Commission during the site plan review hearing.

(4) In a planned industrially zoned I-2 District, no building/structure, accessory structure or sign shall be located closer than 250 feet to any existing nonindustrial district boundary.

(5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.

(6) Fencing is required in any and all areas which would pose a threat to public safety and the security of the facility. All fencing shall be properly maintained.

(7) All front yard areas shall be maintained in a neat and attractive condition. All side and rear yard areas shall be kept uncluttered and free from any conditions that would constitute a safety hazard for employees or anyone visiting the site.

(8) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(9) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks or chimneys and internal combustion engines must comply with the requirements set forth by the DNREC, State of Delaware.

(10) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of DNREC, State of Delaware.

(11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.

(12) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(13) The proposed use shall not endanger the surrounding facilities or communities to the possibility of fire or explosion. All uses shall comply with state regulations which control or govern their operation. There shall be no allowances for the storage of radioactive materials or those materials deemed to be toxic or dangerous.

(14) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties.

(15) All I-2 District projects and proposals are subject to site plan review by the Planning Commission.

F. Area and height regulations.

(1) Minimum lot area shall be 2 1/2 acres.

(2) Maximum lot coverage shall be 50%, with the remainder being that of grass and landscaped areas. Parking

areas shall be landscaped.

(3) Minimum lot width shall be 150 feet.

(4) Maximum building height shall be 50 feet.

(5) Minimum front yard setback shall be 75 feet.

(6) Minimum side yard setback shall be 50 feet.

(7) Minimum rear yard setback shall be 50 feet.

(8) Off-street parking. See Article IV of this chapter.

(9) Landscape screening. See Article V of this chapter.

(10) Sign requirements. See Article VI of this chapter.

(11) Accessory structures shall occupy no more than 10% of the lot area.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall be located at least 50 feet from the rear lot line.

CITY OF MILFORD
PLANNING COMMISSION

RESOLUTION NO. PC15-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD, DELAWARE RECOMMENDING TO CITY COUNCIL OF THE CITY OF MILFORD THE APPROVAL OF A CHANGE OF ZONE FOR PERDUE REAL ESTATE HOLDINGS INC AT N REHOBOTH BLVD FROM C3 TO I2 (2.60 ACRES) TAX MAP MD-16-183.07-01-01.00

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on June 16, 2015; and,

WHEREAS, by a vote of recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following conditions:

1. An amendment to the comprehensive plan be adopted by City Council prior to the change of zone taking place.

APPROVED: _____ SIGNED: _____

Archie Campbell, Planning Commission Chairman

Christine Crouch, Deputy City Clerk

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the following ordinance is under review by the Milford Planning Commission and Milford City Council as indicated below:

Ordinance 2015-07

Perdue Real Estate Holdings Inc for a Change of Zone

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 2.60 +/- acres of real property from C3 (Highway Commercial) to I2 (General Industrial) at N Rehoboth Blvd, Milford, Delaware. Present Use: Chicken processing Plan. Proposed Use: Same. Tax Map and Parcel: MD-16-183.00-01-01.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on June 16, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on July 27, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section l. Upon the adoption of this ordinance, tax map and parcel MD-16-183.00-01-01.00, owned by Perdue Real Estate Holdings Inc, located at N Rehoboth Blvd, is hereby zoned I2.

Section 2. An amendment to the Future Land Use Map of the Comprehensive Plan indicating the property as industrial zoned future land use will be adopted prior to the property record card being amended to indicate the I2 zoning.

Section 3. Dates.
Planning Commission Review & Public Hearing: June 16, 2015
City Council Introduction: July 13, 2015
City Council Public Hearing: July 27, 2015
Adoption: July 27, 2015
Effective: August 6, 2015
This ordinance shall take effect and be in force ten days after its adoption.

Additional information may be obtained by contacting the Planning Department at Milford City Hall at 302-424-3712 or by accessing the city website at www.cityofmilford.com.

Published: Beacon, 051315

City of Milford

PUBLIC NOTICE
CITY OF MILFORD PLANNING COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, June 16, 2015 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to consider the following matter:

> Perdue Real Estate Holdings Inc for a Change of Zone of 2.60+/- acres from C3 (Highway Commercial) to I2 (General Industrial). Property is located N Rehoboth Blvd, Milford Delaware. Present Use and Proposed Use: Chicken processing Plant. Tax Map MD-16-187.01-01.00

All interested parties are hereby notified to be present for the review and recommendation by the Planning Commission to City Council. Final action will be taken by City Council.

If unable to attend, written comments will be accepted up to one week prior to the hearing. Anyone with questions or comments should call the Planning Department at 302.424.3712.

By: Christine Crouch
Deputy City Clerk

Published: Beacon, 051315

City of Milford

PUBLIC NOTICE
CITY OF MILFORD CITY COUNCIL HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, July 27, 2015 at 7:00 p.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, to take final action upon the matter of:

> Perdue Real Estate Holdings Inc for a Change of Zone of 2.60+/- acres from C3 (Highway Commercial) to I2 (General Industrial). Property is located N Rehoboth Blvd, Milford Delaware. Present Use and Proposed Use: Chicken processing Plant. Tax Map MD-16-187.01-01.00

All parties of interest are hereby notified to be present and to express their views before a final decision is rendered. If unable to attend, written comments will be accepted up to one week prior to the hearing. Anyone with questions or comments should call the Planning Department at 302.424.3712.

By: Christine Crouch
Deputy City Clerk

Published: Beacon 051315

Milford Comprehensive Plan

Figure 10

Future Land Use

These parcels are enrolled in an Agricultural Preservation District (APD) which will be subject to possible removal by the owners in March 2014. The City of Milford may consider these parcels for annexation when and if the APD is removed by the owners, but only with the property owners consent. A plan amendment will be required unless five years have passed between the date of plan certification and the application for annexation. If annexation is considered under these criteria the future land use will be considered residential.

Legend

- City Boundary
- County Boundary
- Urban Growth Boundary
- Water
- Downtown

Future Land Use

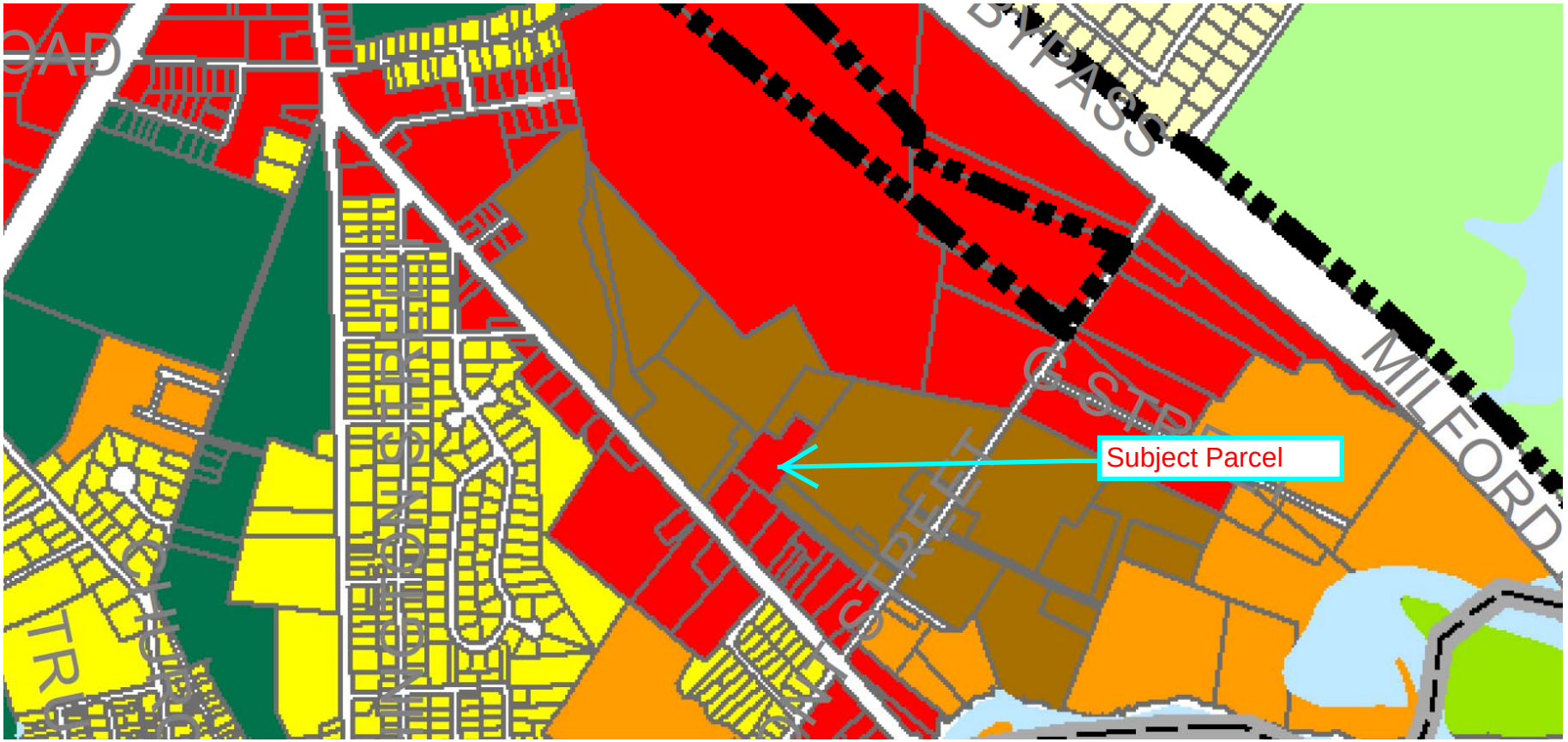
- Business Park
- Government
- Employment
- Highway/Commercial
- Proposed Highway/Commercial
- Industrial
- Institutional
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Open Space
- Proposed Institutional
- Proposed Open Space
- Transfer Station
- Proposed Employment
- Privately Owned
- Proposed Thompsonville Intersetion

0 4,000 8,000 Feet

1 inch = 4,000 feet

Data Sources:
Roads - DELDoT
State, County, Municipal Boundaries - State of Delaware
Future Land Use - City of Milford

File Name: R:\DE_Milford\20611641\GIS_job\Mapping\MapJ_Future_Land_Use.mxd
November 3, 2008

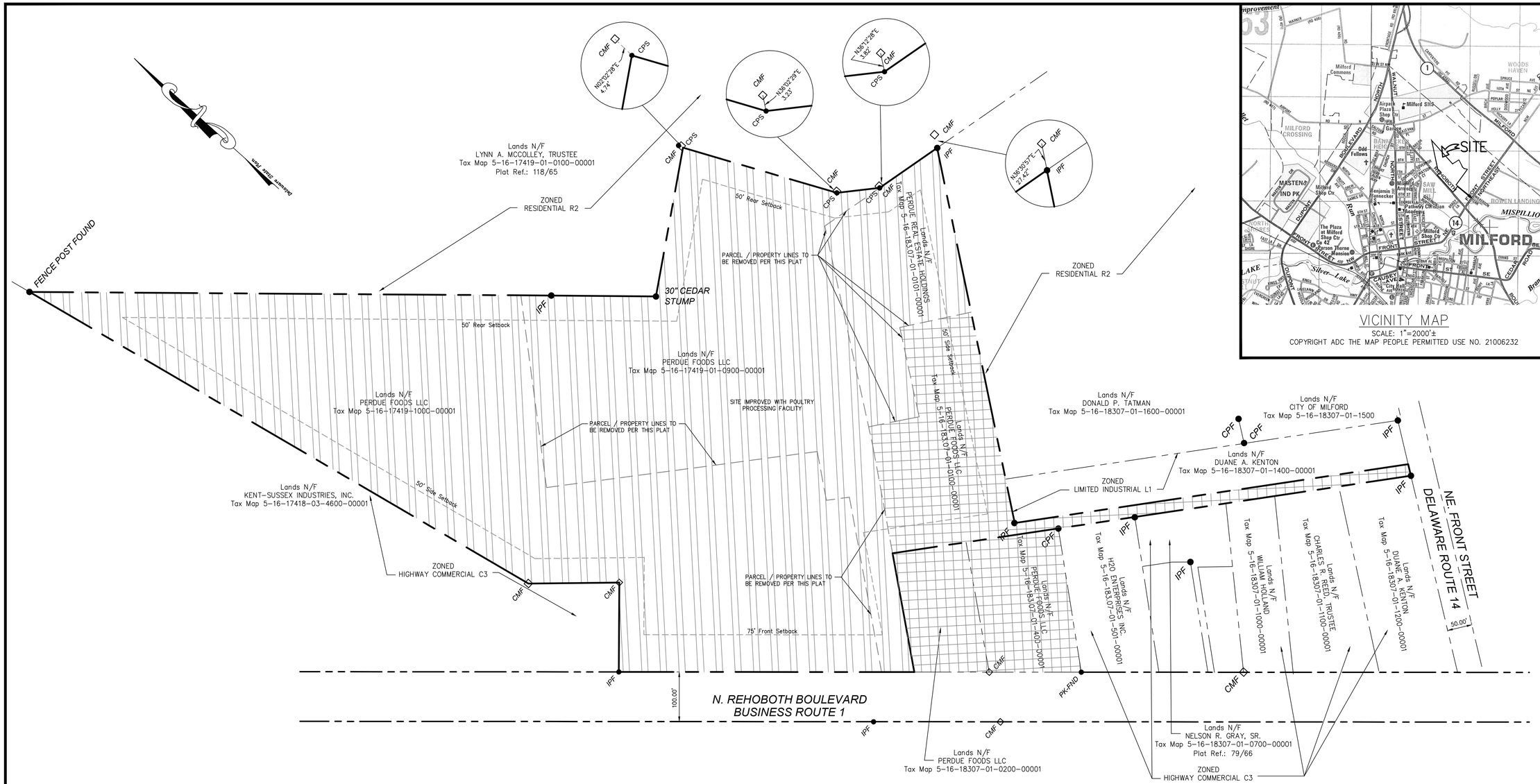


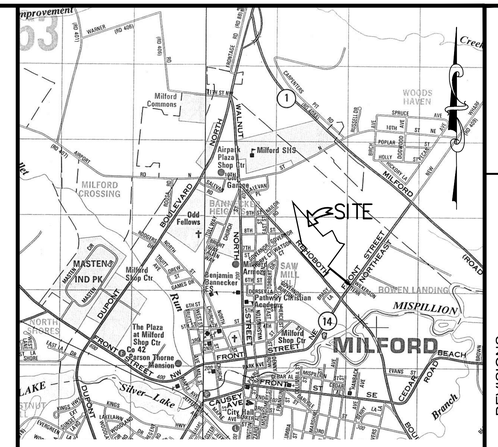
Downtown

Future Land Use

- Business Park
- Government
- Employment
- Highway/Commercial
- Proposed Highway/Commercial
- Industrial
- Institutional
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Open Space
- Proposed Institutional
- Proposed Open Space
- Transfer Station
- Proposed Employment
- Privately Owned
- Proposed Thompsonville Intersetion

Taken from Milford Comprehensive Plan, Figure 10, Future Land Use





VICINITY MAP

SCALE: 1"=2000'±

COPYRIGHT ADC THE MAP PEOPLE PERMITTED USE NO. 21006232

ZONING

GENERAL INDUSTRIAL I2

HIGHWAY COMMERCIAL C3

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)

1 inch = 100 ft.

SITE DATA:

1. OWNERS:
   PERDUE FOODS LLC
   P.O. BOX 1537
   SALISBURY, MD 21802

2. TAX MAP & PARCELS:
   5-16-17419-01-1000-00001 – DEED REF.: 450/212 & 145/180
   5-16-17419-01-0900-00001 – DEED REF.: 450/212 & 145/180
   5-16-18307-01-0101-00001 – DEED REF. 450/212 & 145/180
   5-16-18307-01-0100-00001 – DEED REF. 450/212 & 145/180

3. PROPERTY IS ZONED GENERAL INDUSTRIAL (I-2)
   SETBACKS:
   FRONT = 75'
   SIDE = 50'
   REAR = 50'
   MAX. BUILDING HEIGHT = 50'

4. PROPERTY IS IN FLOOD ZONE X (UNSHAED) – AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP NUMBER 10005C0041J, MAP REVISED JANURARY 6. 2005.

5. HORIZONTAL DATUM – DELAWARE STATE PLAN, NAD83/2011

LEGEND

PROPERTY LINE	
RIGHT OF WAY LINE	
SETBACK LINE	
CONCRETE MONUMENT FOUND	CMF
CAPPED PIN FOUND	CPF
IRON PIPE FOUND	IPF
PK NAIL FOUND	PK-FND

OWNER'S CERTIFICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF PARCELS 2.00, 3.00 AND 5.00 AS SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME IN MY ACT AND DESIRE THE PLAN TO BE SUBDIVIDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

NAME / TITLE
PERDUE FOODS, LLC
31149 OLD OCEAN CITY ROAD, SALISBURY, MD 21804

DATE

SURVEYOR'S CERTIFICATION

I, DONALD G. GROWER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES.

DONALD G. GROWER, DEL. P.L.S. NO. 0734 DATE

REVISIONS

REV. #	DATE	DESCRIPTION

SEAL

DATE

MCCRONE
Engineering ● Environmental Sciences
Construction Services ● Land Planning & Surveying
ANNAPOLIS ● CENTREVILLE ● ELKTON ● SALISBURY
119 NAYLOR MILL ROAD, SUITE 6
SALISBURY, MD 21801
PHONE 410-546-1492 * FAX 410-546-2055
www.mccrone-inc.com

Copyright © 2015

DATE:	4/23/15
JOB NUMBER:	D2140026
SCALE:	1"=100'
DRAWN BY:	ML
DESIGNED BY:	MB
APPROVED BY:	DGG
FOLDER REFERENCE:	

PLAT FOR PERDUE FOOD LLC
FOR
PERDUE FOODS LLC
CITY OF MILFORD

MILFORD HUNDERD
KENT COUNTY, DELAWARE
Prepared For: PERDUE FOODS LLC

SHEET NO.: 1

FILE NO.: 2140026-zoning-plat

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the following ordinance is under review by the Milford Planning Commission and Milford City Council as indicated below:

Ordinance 2015-07

Perdue Real Estate Holdings Inc for a Change of Zone

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 2.60 +/- acres of real property from C3 (Highway Commercial) to I2 (General Industrial) at N Rehoboth Blvd, Milford, Delaware. Present Use: Chicken processing Plan. Proposed Use: Same. Tax Map and Parcel: MD-16-183.07-01-01.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on June 16, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on July 27, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section l. Upon the adoption of this ordinance, tax map and parcel MD-16-183.07-01-01.00, owned by Perdue Real Estate Holdings Inc, located at N Rehoboth Blvd, is hereby zoned I2.

Section 2. An amendment to the Future Land Use Map of the Comprehensive Plan indicating the property as industrial zoned future land use will be adopted prior to the property record card being amended to indicate the I2 zoning.

Section 3. Dates.
Planning Commission Review & Public Hearing: June 16, 2015
City Council Introduction: July 13, 2015
City Council Public Hearing: July 27, 2015
Adoption: July 27, 2015
Effective: August 6, 2015
This ordinance shall take effect and be in force ten days after its adoption.

Additional information may be obtained by contacting the Planning Department at Milford City Hall at 302-424-3712 or by accessing the city website at www.cityofmilford.com.

Published: Beacon, 051315

PUBLIC NOTICE

Notice is hereby given the following ordinance is under review by the
Milford Planning Commission and Milford City Council for adoption as so noted:

Ordinance 2015-06

AMENDING AND ADOPTING BY ORDINANCE THE SOUTHEAST MASTER PLAN
INCLUDED IN THE 2008 CITY OF MILFORD COMPREHENSIVE PLAN

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Muncipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted via Ordinance 2011-15 a Comprehensive Plan update on July 11, 2011 to include the addition and implementation of the Southeast Master Plan, and

WHEREAS, the Southeast Master Plan requires revisions to account for physical changes and potential development in the Southeast Planning Area which have occurred in both the built and natural environments of the community; and

WHEREAS, the City of Milford City Manager has prepared and consulted with the Office of State Planning an amendment of the Southeast Master Plan to articulate an amended the overall vision for the Southeast Planning neighborhood's future; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the Southeast Master Plan amendment on June 16, 2015 and did recommend approval and adoption of the amendment of the Southeast Master Plan included in the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the amendment of the Southeast Milford Master Plan included in the 2008 Comprehensive Plan on July 27, 2015 at which time the amendment of the Southeast Master Plan included in the 2008 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended Southeast Master Plan included in the 2008 Comprehensive Plan is hereby adopted on July 27, 2015 and made effective as the Southeast Master Plan included in the Comprehensive Plan for Milford on this 6th day of August 2015.

Planning Commission Review & Public Hearing: June 16, 2015
City Council Introduction: June 22, 2015
City Council Review & Public Hearing: July 27, 2015
Adoption: July 27, 2015
Effective: August 6, 2015
This ordinance shall take effect and be in force ten days after its adoption.

Additional information may be obtained by contacting the Planning Department at Milford City Hall at 302-424-3712 or via the Planning Department page on the City website at www.cityofmilford.com.

Published: Beacon, 051315

City of Milford

PROCLAMATION 2015-18

80th Anniversary of the Signing of the Social Security Act

WHEREAS, On August 14, 1935, President Franklin D. Roosevelt signed the Social Security Act into law; and

WHEREAS, Social Security is a social insurance program under which workers earn coverage for retirement survivors and disability benefits by paying Social Security taxes on their earnings; and

WHEREAS, Social Security serves as vital financial protection for working men and women, children those with disabilities and the elderly; and

WHEREAS, Social Security also administers the Supplemental Security Income program, which is funded by general revenues and provides cash assistance to aged, blind and disabled persons who have very limited means; and

WHEREAS, The Social Security program is the cornerstone of economic protection on which workers can build a comfortable retirement through pensions, insurance, savings and other income; and

WHEREAS, Social Security is committed to providing the American public choices for conducting business with the agency. The Social Security website offers online services, applications, and program information for beneficiaries, employers and the public; and

WHEREAS, *my Social Security* allows people quick, convenient, and secure access to their personal Social Security record. A personal *my Social Security* account is a valuable source of information beginning in employees' working years and continuing throughout the time they receive Social Security benefits; and

WHEREAS, The City of Milford recognizes the importance of Social Security benefits to the welfare of its citizens and joins the Social Security Administration in celebrating its past and in building its future;

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, do hereby proclaim on Friday, August 14, 2015 the City of Milford joins the Nation in celebrating the 80th anniversary of the signing of the Social Security Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 27th day of July 2015.

Mayor Bryan W. Shupe

Attest:

From: Kimberly Schlichting [mailto:kschlichting@demecinc.net]
Sent: Monday, July 13, 2015 8:41 AM
To: Terri Hudson; Rick Carmean
Cc: Victoria Sweetman; Stephanie Dove; Scott Lynch
Subject: Distributed Generation Rate Cost & Design Training

Dear Members ~

After surveying our members, DEMEC will offer a one day training session regarding Cost of Service and Rate Designs for Distributed Generation on **Thursday, October 15, 2015**. (Outlook Calendar Invite to follow.)

This training session will focus on industry trends, issues with current residential rate structures and how to properly value distributed generation.

Individuals that would benefit from this session are decision makers, council/board members, utility committee members, and involved staff.

What: Cost of Service and Rate Designs for Distributed Generation

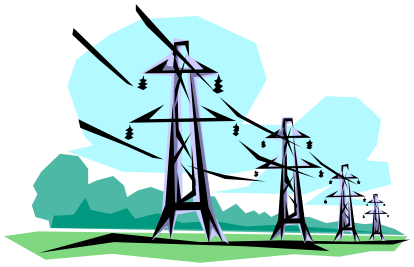
Location: Delaware Municipal Electric Corporation – Training Room
22 Artisan Drive
Smyrna, DE 19977

Date: Thursday, October 15, 2015

Time: 9:00 am – Start time
Noon – 12:30 – Lunch at DEMEC Offices (DEMEC will have lunch brought in.)
4:00ish - End time

Attached is an agenda. Let me know if there are additional items you would like addressed. Please distribute the agenda to your decision makers, council/board members, utility committee members, and involved staff.

Kimberly Schlichting
Senior Vice President
Operations & Power Supply
DEMEC, Inc.
(302)653-2733



Cost of Service and Rate Designs for Distributed Generation

Delaware Municipal Electric Corporation
Training Room
22 Artisan Drive
Smyrna, DE 19977

October 15, 2015 (Thursday)
9:00am – 4:00pm

Speaker: Mark Beauchamp, Utility Financial Solutions, President

Customer installed generation is changing how the electric industry is pricing services. Historically electric rate structures assumed all customers' electrical usage would be provided by the local electric utility and rates were not structured to recover the appropriate investments in infrastructure to accommodate standby costs for distributed generation. In the new industry environment, these existing rate structures often fall short in the proper recovery of costs and result in over or under charging distributed generation customers.

Topics for Discussion:

This session will focus on industry trends and issues with current residential rate structures, how to use avoided power supply costs to properly value distributed generation, as well as the following topics:

- Using information from a cost of service study to assist with proper pricing
- Determining the role of a monthly customer charge
- Designing rate structures for roof top solar installations that recover a customer's usage of the distribution system
- Understanding the purpose of standby rates and developing rates that recover distribution and generation investments
- Why net metering tends to under or over value electricity provided by a customer
- Determining whether installation of community solar is appropriate for your utility
- Determining the value of the customer's generation
- Current weaknesses of residential rate structures
- Potential reliability issues from distributed generation and roof top solar
- Industry rate trends for customer sited generation



Mark Beauchamp, CPA, CMA, MBA
President

Mark is President of Utility Financial Solutions, LLC and has over 30 years of experience in the industry. He is a consultant that provides cost of service studies and special rate designs for utilities throughout the country, Canada, Guam and the Caribbean. He has also served as an expert witness in rate cases. He teaches the basic, intermediate and advanced cost of service courses for American Public Power Association (APPA) as well as other agencies across the nation. Mark is recognized as a national expert in his field and often speaks at conferences and presents to industry organizations.

Individuals that would benefit from this session include decision makers, council/board members, utility committee members, and involved staff and engineers.

RSVP as soon as possible (for planning purposes) but no later than October 1, 2015

RSVP to:
Kimberly Schlichting, DEMEC Senior VP
kschlichting@demecinc.net
or
(302) 653-2733

WHEREAS, the Solid Waste Department is currently in need of increased revenue to offset additional expenses related to operational and maintenance costs; and

WHEREAS, In order to ensure the continued financial viability of the City of Milford's Solid Waste funds, City Council approved the recommended rate adjustments at the time Resolution 2015-08 was adopted; and

WHEREAS, A fifty-cent monthly increase will be added each fiscal year to the Solid Waste fee, for three years, beginning in FY 2015-2016.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §193-11 - Collection and Rate Schedule of the Solid Waste Management Code is hereby amended to read as follows:

§193-11- Collection and rate schedule.

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 provided to all customers and any changes thereto.

C. Residential properties:
~~$23.50 monthly - one container~~

Effective:
July 1, 2015 - $24.00 monthly - one container
July 1, 2016 - $24.50 monthly - one container
July 1, 2017 - $25.00 monthly - one container

D. Non-residential properties:
~~$23.50 monthly - one container~~

Effective:
July 1, 2015 - $24.00 monthly - one container
July 1, 2016 - $24.50 monthly - one container
July 1, 2017 - $25.00 monthly - one container

E. Multi-unit rental complex.
~~$23.50 monthly - one container per unit or three-cubic-yard dumpster(s).~~

Effective:
July 1, 2015 - $24.00 monthly - one container per unit or three-cubic-yard dumpster(s)
July 1, 2016 - $24.50 monthly - one container per unit or three-cubic-yard dumpster(s)
July 1, 2017 - $25.00 monthly - one container per unit or three-cubic-yard dumpster(s)

Section 2. Dates
Adopted: August 10, 2015
Effective Date: As Stated

APPENDIX 1 – FEE SCHEDULE (Section 22)

Connection Charges[1]
New Service/Account - Residential and Non-Residential..... $50.00
Account Transfer (Administrative Fee)-Residential and Non-Residential..... $50.00
(Reference Section 8.2 and 8.3) includes Temporary Service

Re-connection charges for non-payment[2]
During hours of operation for non- payment.....$50.00
Outside hours of operation for non-payment..... $100.00

Re-connection charges for other than non-payment[2]
During hours of operation (Sec 16.5)..... $50.00
Outside hours of operation (Sec 16.6)..... $100.00

Temporary Service Charges (Sec 3.7)
Flat charge for Standard Facilities (includes installation and removal)
1. Single phase underground or aerial service..... $150.00
2. Single phase aerial service with two spans of wire.....$350.00
3. Single phase aerial transformer, ground, and primary connection..... $600.00
4. Three phase aerial transformer bank, ground, and connection..... $1,500.00

Charges for other facilities will be based on a case by case basis. (Final determination by Finance Dept.)

Deposit Charges
Residential Renter
The greater of two-twelfths of the average annual estimated bill or minimum $250.00
-or-
Property owner guarantees, in writing, 100% payment in the case of delinquency.....$0
(Sec 4. 2. A)

Residential Property Owner[3]..... $0
(Sec 4. 2. B)

Commercial [4]
The greater of two-twelfths of the average annual estimated bill or min..... $500.00
(Sec 4.3)

Interest Rate on Deposits.....To be determined by Finance Dept.
Deposit Return Request Processing Fee.....20% of Deposit (not to exceed $15.00)

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1 Connection charges are NOT refundable.
2 Business hours and hours of operation are listed in Section 1.9.
3 A residential property owner may be required to pay an advance usage fee if his or her account becomes delinquent. See Section 4, 2-B.

Green/ Renewable Energy Fund Rate.....Applicable Rate
(Sec 23)

Returned Check Fee..... $50.00
(Sec 5.5)

Late Payment Charge.....1.5% per month on Balance Due
(Sec 5.2)

Facility Inaccessibility Fee.....$50.00
(Sec 14.3) (Plus actual cost to City to mitigate inaccessibility)

Service Call Fee Metering.....$65.00/Call
(Sec 9.1)

Service Call Fee Electric Crew.....$150.00/Hour/Call
(Sec 9.1)

Budget Billing Fee (Sec 5.8)

For Residential Customers	$1.00/Month
For SGS and MGS Customers	$5.00/Month
For all Others	$10.00/Month

Electrical Impact Fees (Sec 4.5)
Residential Single Phase Service (120/240 Volt Service)
(.012 X Service Size) = ESU X $250.00 = IMPACT FEE

Commercial Three Phase Service (120/208 Volt Service)
(.024 X Service Size) = ESU X $250.00 = IMPACT FEE

Commercial Three Phase Service (277/480 Volt Service)
(.055 X Service Size) = ESU X $250.00 = IMPACT FEE

Industrial Three Phase Service (120/208 Volt Service)
(.03 X Service Size) = ESU X $250.00 = IMPACT FEE

Industrial Three Phase Service (277/480 Volt Service)
(.069 X Service Size) = ESU X $250.00 = IMPACT FEE

One ESU is equal to six (6) kW of residential on-peak demand.

CITY OF MILFORD
Ordinance 2015-14
Amends Electric Rules and Regulations

AN ORDINANCE OF THE CITY OF MILFORD AMENDING THE CITY OF MILFORD CODE, SECTION 22, APPENDIX 1, ELECTRIC RATES AND REGULATIONS, BY REPEALING THE DEPOSIT RETURN REQUEST PROCESSING FEE AND BUDGET BILLING FEES.

WHEREAS, City Council previously adopted Ordinance 2015-10 on June 22, 2015 which imposed a new Deposit Return Request Processing Fee and a new Budget Billing Fee; and

WHEREAS, City Council finds this is not in the best interest of the City of Milford Electric Customers nor is it cost effective when comparing associated costs required to implement.

NOW, THEREFORE, BE IT RESOLVED, Appendix B-City of Milford Electric Rates, Appendix 1 and Regulations is hereby amended by rescinding and removing the following language:

Section 1. APPENDIX 1 – FEE SCHEDULE (Section 22)

~~Deposit Return Request Processing Fee.....20% of Deposit (not to exceed $15.00)~~

~~Budget Billing Fee (Sec 5.8)~~

~~For Residential Customers~~	~~$1.00/Month~~
~~For SGS and MGS Customers~~	~~$5.00/Month~~
~~For all Others~~	~~$10.00/Month~~

Section 2. DATES.
Introduction: July 27, 2015
Adoption (Projected): August 10, 2015

LOAN RESOLUTION
CITY OF MILFORD RESOLUTION 2015-13

A RESOLUTION OF THE City Council

OF THE Milford, City Of

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Milford, City of
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

$600,000 and & 00/100

pursuant to the provisions of The City Charter ; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S .C. 1921 et seq.) in the planning. financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

I. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.

2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).

3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1 , "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of $10,000.

4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.

5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.

7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.

8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.

9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.

10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 05 72 -012/. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed$ _____
under the terms offered by the Government; that the Mayor_____
and City Manager of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent_____

IN WITNESS WHEREOF, the _City Council_____ of the Milford, City of_____ has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____, _____ day of _____

Milford, City Of_____

(SEAL) By _____
Bryan Shupe

Attest: Title Mayor_____

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the Milford, City Of_____

hereby certify that the City Council_____ of such Association is composed of

_____ members, of whom, _____constituting a quorum, were present at a meeting thereof duly called and

held on the_____ day of _____ ; and that the foregoing resolution was adopted at such meeting

by the vote shown above, I further certify that as of _____
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____

_____

Title _____

RUS BULLETIN 1780-27

APPROVED
OMB. No. 0572-0121

LOAN RESOLUTION

(Public Bodies)

A RESOLUTION OF THE City Council

OF THE City of Milford

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Sewer

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Milford
(Public Body)
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Six Hundred Thousand & 00/100

pursuant to the provisions of the City of Milford Charter; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning. financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of $10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed $ 1,000,000.00

under the terms offered by the Government; that the Mayor

and Interim City Manager of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the City Council of the City of Milford has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this Monday, the 27th day of July 2015

(SEAL)

By _____
Bryan Shupe

Attest:

Title Mayor

_____
Teresa Hudson
Title City Clerk

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the City of Milford

hereby certify that the City Council of such Association is composed of

_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and

held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting

by the vote shown above, I further certify that as of _____ ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____

_____

Title _____

RUS BULLETIN 1780-27

APPROVED
OMB. No. 0572-0121

LOAN RESOLUTION

(Public Bodies)

A RESOLUTION OF THE City Council

OF THE City of Milford

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Sewer

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Milford
(Public Body)
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Six Hundred Thousand & 00/100

pursuant to the provisions of the City of Milford Charter; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning. financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of $10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed $ 1,000,000.00

under the terms offered by the Government; that the Mayor

and Interim City Manager of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the City Council of the

City of Milford has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this Monday , the 27th day of July 2015

(SEAL) By _____

Bryan Shupe

Attest: Title Mayor

Teresa Hudson

Title City Clerk

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the City of Milford

hereby certify that the City Council of such Association is composed of

_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and

held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting

by the vote shown above, I further certify that as of _____ ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____

_____

Title _____

City of Milford

Resolution
2015-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE ("City Council") DECLARING A VACANCY IN THE OFFICE OF CITY COUNCIL MEMBER AND CALLING A SPECIAL ELECTION TO FILL SUCH VACANCY FOR THE UNEXPIRED TERM; ESTABLISHING THE DATE AND TIME FOR CANDIDATE FILING DEADLINE AND VOTER REGISTRATION DEADLINE.

WHEREAS, Article IV Council Government-Composition, Qualifications, Vacancies and Procedure, of the Charter ("Charter") of the City of Milford states that the Office of a Councilperson shall become vacant upon death, resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the Ward in which he/she resided at the time of the election; and

WHEREAS, the Charter further states that at the time of the vacancy, if the remainder of the unexpired term is six months or greater than six months, the election authorities shall call a special election to fill the vacancy for the remainder of the unexpired term and the special election shall be held not sooner than twenty (20) days nor later than thirty (30) days following the vacancy; and

WHEREAS, this Resolution hereby rescinds Resolution 2015-14, previously adopted by City Council on July 13, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILFORD:

SECTION 1-VACANCY
On July 13, 2015, City Council declared a vacancy in the Office of City Council, Second Ward.

SECTION 2-SPECIAL ELECTION
City Council orders a Special Election for the City of Milford on Tuesday, September 1, 2015 from 7:00 a.m. until 7:00 p.m. at Milford City Hall, 201 South Walnut Street, Milford, Delaware, for the purpose of electing a Second Ward Council Member to serve the remaining of the unexpired term of that office. The candidate receiving a majority of the votes cast shall be declared elected to such office.

SECTION 3-SECOND WARD CANDIDATE DEADLINE
Interested qualified candidates from the Second Ward shall file a petition for the vacant seat no later than 4:30 p.m. on Monday, August 3, 2015.

SECTION 4-VOTER REGISTRATION REQUIRE/DEADLINE
To be eligible to vote in this Second Ward Special Election, qualified residents and property owners, determined by Article II Nominations and Elections of the Charter, who have not registered to vote in City of Milford elections must register at Milford City Hall, 201 South Walnut Street, Milford, Delaware, no later than 4:30 p.m. on Monday, August 3, 2015.

SECTION 5-ABSENTEE BALLOTS
Registered voters who wish to obtain an absentee ballot should contact Milford City Hall at 302-424-3712.

Mayor Bryan W. Shupe

Adopted July 27, 2015

City Clerk_____

Office of the Registrar of Regulations
Legislative Council,
State of Delaware

Milford

Table of Contents

Article I. Incorporation, Territory and Annexation
Article II. Nominations and Elections
Article III. Powers of the City – Council and Mayor
Article IV. Council Government
Article V. Administration and Appointees
Article VI. Financial Procedures
Article VII. Taxation, Assessors ad Assessment of Taxes
Article VIII. Borrowing Of Money and Issuance of Bonds
Article IX. Tax Increment Financing and Special Development Districts
Article X. Severance
Article XI. Transitional Provisions
Article XII. Repealer

Article I. Incorporation, Territory and Annexation

1.01 - Incorporation

The inhabitants of the City of Milford ("the City") within the corporate limits hereinafter defined in this Charter or as hereafter extended as hereinafter provided, shall be and constitute a body politic and corporate, and shall be known and identified as the City of Milford.

1.02 - Territorial Limits

The boundaries of the City of Milford are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office for Kent County and for Sussex County in the State of Delaware (official recorded copies to be kept by the City Clerk) as presently exists and as hereinafter amended:

In addition to the aforesaid, the Territorial Limits of the City of Milford shall also include all lands annexed by the City of Milford pursuant to Section 1.04 of this Charter. The Council may, at any time hereafter, cause a survey and plot to be made of the City, and the survey and plot, when made and approved by the Council, shall be recorded in the offices of the Recorders of Deeds in and for both Kent and Sussex Counties, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record shall be evidence in all courts of law and equity in this State.

1.03 - Wards

The City of Milford shall be divided into four wards and a map entitled "Official Ward Map, Milford, Delaware" will delineate the ward boundaries with legal descriptions of each ward attached and kept on file in the Office of the City Clerk. The official ward map shall be identified by the signature of the Mayor, be attested by the City Clerk and bear the seal of the City. The map, legal descriptions and any future changes shall be recorded in both Kent and Sussex County within a reasonable time after the effective date of the amendment approved by City Council. City Council shall adopt the official map and any future amendments by ordinance.

The City Council may provide for a fifth Ward and re-arrange the boundaries of the four Wards provided for herein, in the event of annexation or re-apportionment as hereinafter set forth.

1.04 - Annexation

The City may from time to time extend its boundaries through the process of annexation in accordance with Delaware Code and the following procedures shall apply:

(a) All the property owners of the territory contiguous to the then existing corporate limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, may request the City Council to annex that certain territory in which they own property.

(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefore.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.

(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council. Within sixty (60) days of the final recommendation by the Planning Commission, City Council shall hold a public hearing to consider the annexation and zoning application.

(5) Following the public hearing and subject to the acceptance of the Plan of Services, City Council may then pass a resolution annexing such territory to the City of Milford. Such resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. If the resolution fails to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

(6) Prior to the resolution being considered, an ordinance that is conditioned on the approval of the annexation application must be adopted to establish a zoning district for the property to be annexed.

(7) If the resolution receives a favorable vote for annexation, the City Council shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the favorable vote for annexation by the City Council. The territory considered for annexation shall be considered to be a part of the City of Milford from the time of recordation. The failure to record the description of the plot within a specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable vote of the City Council.

(b) If five (5) or more property owners, but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, shall request the City Council to annex that certain territory in which they own property.

(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.

(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefore.

(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.

(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council.

(5) Within sixty (60) days of the recommendation by the Planning Commission, a resolution shall then be considered by City Council proposing to the property owners and residents of both the City of Milford and the territory proposed to be annexed that the City proposes to annex certain territory to its then limits and territory.

Said resolution shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council.

The resolution shall contain a description of the territory proposed to be annexed, requested zoning and shall fix a time and place for a public hearing on the subject of the proposed annexation and zoning. The resolution shall be printed in a newspaper having a general circulation in the City of Milford at least one (1) week prior to the date set for the public hearing, or, at the discretion of the City Council, the said resolution shall be posted in four (4) public places both in the City of Milford and in the territory proposed to be annexed.

(6) The resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

(7) Within sixty (60) days following the public hearing, and upon the acceptance of the Plan of Services by the State of Delaware, the City Council may pass a resolution annexing such territory to the City of Milford, subject to the approval of the property owners in the territory to be annexed. Said approval or disapproval shall be signified at a Special Election as set forth hereinafter. The resolution of the City Council to annex the territory must be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council.

(8) In the event that the resolution does not receive an affirmative vote by two-thirds (2/3) of all the elected members of the City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date the resolution failed to receive the required affirmative vote.

(9) Following the affirmative vote but in no event later than thirty (30) days after said resolution has been approved, the City Council shall order a Special Election to be held not less than thirty (30) nor more than sixty (60) days after said affirmative resolution has been passed on the proposed resolution.

(10) The notice of the time and place of the said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in the City of Milford, or, at the discretion of the City Council, the said notice may be posted in four (4) public places, both in the City of Milford and in the territory proposed to be annexed at least fifteen (15) days prior to the date set forth for the said Special Election.

(11) At the Special Election, every property owner, whether an individual, partnership or a corporation in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney duly executed. In the event that an individual holds a Power of Attorney, duly executed and acknowledged, specifically authorizing the said individual to vote for the owner of a property held by a partnership or by a corporation at the said Special Election, a duly authenticated Power of Attorney shall be filed in the Office of the City Manager of the City of Milford. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election for such partnership or for such corporation. Property owners in the area proposed to be annexed shall have only one vote regardless of the number of parcels owned.

(12) The City Council of the City of Milford may cause either voting machines or paper ballots to be used in the Special Election, the form of the ballot to be printed as follows:

[ ] For the proposed annexation

[ ] Against the proposed annexation

(13) The Mayor of the City of Milford shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated as the Presiding Officer. Voting shall be conducted in a public place as designated by the resolution calling the Special Election. The polling place shall be open from twelve noon, prevailing time, until eight o'clock in the evening, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.

(14) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof. The Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the City Council. Said Certificate shall be filed with the papers of the City Council. In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the proposed annexation.

(15) In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one hundred eighty (180) days from the date of the said Special Election.

(16) If a favorable vote for annexation shall have been cast, the City Council of the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be part of the City of Milford from the time of recordation. The failure to record the description or the plat within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.

(c) Annexation Agreement.

Notwithstanding any provision herein to the contrary, where, pursuant to §1.04(a) or (b) of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the City, such petition may be made contingent upon an annexation agreement with the City which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities and public improvements. In the event the City Council approves such an agreement and votes to accept a petition under this §1.04 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure.

The resolutions and notices adopted by the City Council shall recite that the proposed annexation includes and is subject to an annexation agreement. The resolution and ballots, if an election is required, annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by specific reference. An annexation agreement may be modified or amended by mutual agreement of the petitioner and the City Council at any time prior to the resolution adopted by City Council annexing the land into the City of Milford, or prior to the resolution ordering the special election pursuant to §1.04 of this Charter. In any event, the Annexation Agreement shall run with the land and be recorded with the annexation resolution.

(d) Property shall be designated to a contiguous ward(s) when annexed into the City pursuant to Article I.

Article II. Nominations and Elections.

2.01- City Elections

(a) The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of 12 noon and 8:00 p.m. at such places as shall be determined by the Council and in accordance with State law. Except that, in any year when the fourth Saturday in April falls between Good Friday and Easter Sunday, the annual municipal election shall be held on the third Saturday of April. 78 **Del. Laws**, c. 4

(b) The election shall be held under the supervision of an Election Board, consisting of no less than three nor more than five electors of the City to be appointed by the Council. The Election Board shall be Judges of the election and shall decide upon the legality of the votes offered.

(c) A clerk from each respective Ward will be assigned to verify the identity and residence of each prospective voter within their election district that intends to vote on the day of the municipal election. The clerk shall obtain this information from the alphabetical list of registered voters provided for this purpose. Those persons not properly registered shall not be permitted to vote at that particular election and become eligible only after being qualified before the next registration deadline. City Council shall appoint an election clerk(s) for each Ward in which there is a contest.

(d) Every person who resides within the City of Milford boundaries for at least thirty (30) days prior to the registration deadline or natural persons owning property within the City of Milford at least thirty (30) days prior to the registration deadline, and who are over the age of eighteen (18) years, shall be entitled to one vote at said annual municipal election or special election; provided, however, that the Council may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite to voting at the annual election. A Corporation, Partnership, Limited Partnership or other legally created entity is prohibited from registering and voting as a non-resident property owner unless property within the City is titled in an individual name.

(e) It is the responsibility of those registered voters who own property in more than one Ward to declare at least sixty (60) days prior to the election which Ward they will vote in on the day of the election. In the event that a person owns property(s) in the City in addition to their place of residency, he or she may vote once only where he or she resides.

(f) Upon the close of an annual municipal election or special election, the votes shall be counted and read publicly. The person having the highest number of votes, for each office, shall be declared duly elected in accordance with State law, and shall continue in office during the terms for which they are chosen, or until their successors are duly elected and qualified.

(g) The Election Board shall enter in a book to be provided for that purpose, a minute of the election containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of Election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of law or equity. All ballots cast, in the event paper ballots are used, and all tabulations of votes from voting machines, if used at said election, and all other records of election shall be preserved in the Custody of the City Clerk for a period of time as required by State law.

(h) Any vacancy in the Election Board shall be filled by the electors present at the time of the annual election, by naming from the electors present, such person or persons as shall be necessary to fill such vacancy.

(i) In the event of a tie vote for any office, a Special Election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the Special Election is determined.

(j) Not less than sixty (60) days prior to the Annual Election, all candidates for the office of City Councilperson shall file with the City Manager a nominating petition, stating the name of the candidate, the office for which he or she is nominated, and shall be signed by not less than ten (10) registered voters in the Ward in the City of Milford in which the candidate resides. Nominations for the Office of Mayor shall be filed with the City Manager not less than sixty (60) days prior to the Annual Election and shall contain the name of the candidate, the office for which he or she is nominated and shall be signed by not less than ten (10) registered voters in the City of Milford.

2.02 - Emergency election postponement; declaration.

After consultation with the City of Milford Board of Elections, the City Clerk of the City of Milford may issue a declaration postponing the date of an election as the result of civil disorder, a natural disaster, a state of emergency or any other catastrophic event. Once the declaration is issued, the affected election is postponed. The City Clerk shall promptly set a date on which the postponed election will be held. The date of the postponed election shall not be later than fourteen calendar days after the original date of the election.

2.03- Absentee Ballot Procedures

Absentee voting in the City of Milford is in accordance with State law.

2.04 - Voting Machines for Local Office and Mayor and Council Ballots

(A) VOTING

(a) Voting machines for Mayor and City Council Elections. The City of Milford shall conduct all elections for local office using voting machines that the Department of Election of the State of Delaware provides.

(b) Names on Ballots. The Department of Elections shall prepare the voting machines for the election of members of a Municipal Government by listing the names of all certified candidates submitted by the municipality in alphabetical order by last name without political party or other designation.

2.05 - Ballots for Ordinances and Charter Amendments

An ordinance or Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such questions shall appear, in the following order, the words "yes" and "no" and to the left of each a square in which by making a cross (X) the voter may cast his vote.

2.06 - Voting Machines for Referenda and Annexation Elections

The Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

2.07- Council Districts; Adjustment of Districts

(a) Number of Districts. There shall initially be four City Council districts to be known as Wards.

(b) Districting Commission. The City Council shall comprise the districting commission.

(c) Report; Specifications. By the first day of January of the second year following the decennial census, the districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the Council district boundaries to comply with these specifications:

(1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets or other natural boundaries or survey lines as required.

(2) Each district shall contain as nearly as possible the same number of qualified voters and Districts shall not differ in population by more than ten (10) percent of the population in the smallest district created. The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the Clerk, the report shall be treated as an ordinance introduced by a Council member.

(d) Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that the summary, including both the map and descriptions of the recommended districts, must be published in two newspapers of general circulation in the City of Milford, no less than one month prior to its adoption.

(e) The Commission may, but is not required to, establish five Wards instead of four, with two Councilpersons to be elected from each Ward.

(f) Enact Ordinance. The Council shall adopt the ordinance at least six months before the next regular City election.

(g) Effect of Enactment. The new Council districts and boundaries, as of the date of enactment, shall supersede previous Council districts and boundaries for all the purposes of the next regular City election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all Councilpersons elected at the regular City election take office.

ARTICLE III. Powers of the City – Council and Mayor

3.01- Enumerated Powers

The City of Milford shall have all powers possible for a city to have under the constitution and laws of this State as fully and completely as though they are specifically enumerated in this Charter. Without limiting the scope of the foregoing provision, the City is specifically empowered as follows:

(a) The City shall have the power to acquire lands, tenements, real property or interests therein by condemnation for the purpose of providing sites for public buildings, parks, sewers, sewage disposal or electric plants or the erection or construction of lines or conduits for the transmission of electricity, water, gas or sewerage, or for any other municipal purpose, whether within or without the limits of the City, and the procedure therefore shall be as contained in the Revised Code of Delaware 1953, as amended. The City of Milford may transmit electric, gas and/or water from the plant or plants owned and operated by said City to places or properties beyond the limits of said City and upon such terms, charges and conditions that the Council may determine and approve.

(b) The Council is vested with authority on behalf of the City to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the City provided. Notwithstanding anything herein to the contrary, public competitive bidding shall not be required under any of the following circumstances:

(1) A contract for any service to be rendered by the State of Delaware or any political subdivision thereof.

(2) A contract for professional services.

(3) A contract which is less than Thirty Thousand Dollars ($30,000). Such a contract shall not be for a portion of a project or proposal that would otherwise require bidding. The aggregate amount shall not exceed Thirty Thousand Dollars ($30,000).

(c) The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the City.

(d) All formal contracts shall be signed by the Mayor with the Seal of the City attached and attested by the City Clerk.

(e) The Council shall have the power and authority to anticipate revenue by borrowing upon the faith and credit of the City of Milford in accordance with the provision of Article VIII of this Charter.

(f) The Council shall have the authority to establish and maintain a pension system for employees of the City of Milford, to be paid to such employees, or dependents, in such amounts, at such times, and in accordance with such rules and regulations as the City Council shall from time to time resolve or decree.

(g) Notwithstanding any of the provisions of Section 3.01 and without complying with the competitive bidding procedures described herein, the City of Milford may enter into any contract necessary or desired in connection with a TIF District or a special development district created or designated by the City of Milford pursuant to Article IX of this Charter except a contract in which the City of Milford is directly contracting for the procurement of the labor or material for public improvements for the benefit of such district, provided that the foregoing exception shall not apply to development or similar type contracts between the City of Milford and an owner of real property in such district when the contract is generally for the transfer by the owner to the City of Milford of the work performed and the cost of labor or material provided by such owner for the benefit of such district.

3.02- Construction

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers of the Charter shall not be construed as limiting in any way the general power stated in this article.

3.03- Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with anyone or more states or civil divisions or agencies thereof or the United States of America of any agency thereof.

3.04- Investigations

The Council may make investigations into the affairs of the City and the conduct of any City Department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor, punishable by a fine of not more than $500.00, or by imprisonment for not more than ten (10) days, or both.

3.05 - Independent Audit

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council shall, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the State makes such an audit, the Council may accept it as satisfying the requirements of this Section. Council must review and accept each annual audit.

3.06 – Mayor - General Powers

The Mayor shall be the executive of the City and shall preside at meetings of the Council, but shall have no vote except in case of a tie. The Mayor shall execute on behalf of the City all agreements, contracts, bonds, deeds, leases and other documents authorized by Council necessary to be executed. The Mayor or his/her designee shall countersign all orders, checks and warrants authorized by Council; and shall have all and every power conferred and perform the duties imposed upon him by this Charter and the ordinances of the City. The Mayor may appoint such committees as he deems necessary for the proper administration of City Council.

3.07 - Vice Mayor

At the annual organizational meeting, the Council shall also elect by a majority vote of the entire Council a Vice-Mayor who shall act as Mayor during the temporary absence or inability of the Mayor, and while so acting, shall be vested all the powers and authority of the Mayor. The Vice Mayor shall qualify as a Councilperson while acting as Mayor for the purpose of establishing a quorum.

3.08 - General Powers and Duties

All powers of the City shall be vested in the Council, except as otherwise provided by law or this Charter and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Article IV. Council Government – Composition, Qualifications, Vacancies and Procedure

4.01 Composition of Government

The government of the city and the exercise of all powers conferred by this charter except as otherwise provided herein, shall be vested in an elective body called the Council, consisting of a Mayor and eight (8) Councilpersons. Whenever the word "Mayor" is used, it shall refer solely to the Mayor. Whenever the word "Council" is used it shall refer to the eight (8) Councilpersons. The government of the City of Milford and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in a Mayor and a City Council. The City Council shall consist of not more than ten (10) members. Two of the members of the City Council shall reside in that portion of the City known and described as the First Ward, two in that portion known as the Second Ward, two in that portion known as the Third Ward and two in that portion known as the Fourth Ward. In the event a Fifth Ward is created, two members of Council shall reside in that portion of the City known and described as the Fifth Ward. The Mayor and Councilpersons shall each serve for a term of two years.

4.02 Annual Organizational Meeting.

At seven o'clock (7:00) p.m. on the second Monday following the annual election, the Mayor and Council shall meet at the Council Chamber and shall assume the duties of their offices after being first duly sworn or affirmed to perform their duties with fidelity and in accordance with the Charter of the City.

4.03 - Compensation and Expenses

The Council may determine the annual salary of Councilpersons and the Mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilpersons elected at the next regular election, provided that such election follows the adoption of such

ordinance by at least six months. Councilpersons and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office.

4.04- Prohibitions

(a) Except where authorized by law, no Mayor or Councilperson shall hold any other City office or employment during the term for which he or she was elected to the Office of Mayor or Council, and no former Mayor or Councilperson shall hold any compensated appointive City office or employment until two (2) years or more after the expiration of the term of office for which he or she was elected.

(b) Appointments and removals. Neither the Mayor, Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the Mayor or Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purposes of inquiries and investigations under Section 4.08, the Mayor or Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Mayor or Council nor its members shall give orders to any such officer or employee, either publicly or privately.

4.05 - Vacancies, Forfeiture of Office; Filling of Vacancies

(a) Vacancies.

(1) The Office of the Mayor shall become vacant upon death, resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the City.

(2) The Office of a Councilperson shall become vacant upon death resignation or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the Ward in which he/she resided at the time of the election.

(b) Forfeiture of Office. A Councilperson shall forfeit his or her office if he or she (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, or (3) is convicted of a crime involving moral turpitude.

(c) Filling of Vacancies. If a vacancy occurs in the Council and the remainder of the unexpired term is less than three (3) months, the vacancy shall be filled in the next general election. If a vacancy occurs in the Council and the remainder of the unexpired term is less than six (6) months but more than three (3) months, the Council may within 45 days of the vacancy occurring, by a majority vote of all of its remaining members, appoint a qualified person to fill the vacancy until the person elected at the next regular election takes office. If at the time a vacancy occurs the remainder of the unexpired term is six (6) months or greater than six (6) months, the election authorities shall call a special election to fill the vacancy for the remainder of the unexpired term. The special election shall be held not sooner than twenty (20) days nor later than thirty (30) days following the occurrence of the vacancy and shall be otherwise governed by the provisions of Article VII. Notwithstanding the requirement that a quorum of the Council consists of five members, if at any time the membership of the Council is reduced to less than five, the remaining members may, by majority action, appoint additional members to raise the membership to five.

4.06 - Qualification for Mayor and City Council

(a) No person shall be eligible for election as Mayor unless he or she is a citizen of the United States of America, a bona fide resident of the City of Milford and has continuously resided therein for a period of two (2) years preceding the day of the election, is over the age of eighteen (18) years prior to the day of the election, has not been convicted of a felony, submits a criminal background check of the person's entire criminal history record from the State Bureau of Identification, and is nominated therefore, as hereinafter provided.

(b) No person shall be eligible for election as a City Council member unless he or she is a citizen of the United States of America, a bona fide resident of the Ward in the City of Milford where they are seeking election and has continuously resided therein for a period of one year preceding the day of the election, is over the age of eighteen (18) years prior to the day of the election, has not been convicted of a felony, submits a criminal background check of the person's entire criminal history record from the State Bureau of Identification, and is nominated therefore, as hereinafter provided.

(c) The Mayor shall be eligible to serve in such elected office unless he or she does not continue to be a resident of the City during his or her respective term(s) of office nor shall any member of Council be eligible to serve in such elected office unless they continue to be a resident of their Ward during their respective terms of office.

(d) If a Council member files and runs for Mayor, and is elected before his or her Council term has expired, the elected Mayor's Council seat shall be considered vacant when the elected Mayor is sworn in on the second Monday following the date of the election.

4.07- Judge of Qualifications

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this Section shall be subject to review by the Superior Court.

4.08 - Procedure

(a) Meetings. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held in compliance with State law and may be on the call of the Mayor or of four or more members. All meetings shall be public; however, the Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matters permitted by State Law.

(b) Rules and Journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record. Unless or until other rules are adopted, the Council shall follow Roberts Rules of Order and parliamentary procedure.

(c) Voting. Voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the journal. Five members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section 4.05(c), shall be valid or binding unless adopted by the affirmative vote of four or more members of the Council.

4.09 - Action Requiring an Ordinance

The Council is hereby vested with the authority to enact ordinances or resolutions (resolution includes actions taken upon motion whether by roll call or voice vote and whether or not the Resolution has been prepared as a writing) relating to any subject within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, beauty, health, safety, convenience and property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

(a) Adopt or amend an administrative code or establish, alter or abolish any City department, office ore agency;

(b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(c) Levy taxes, except as otherwise provided in Article VII with respect to the property tax levied by adoption of the budget;

(d) Grant, renew or extend a franchise;

(e) Regulate the rate charged for its services by a municipal utility;

(f) Authorize the borrowing of money;

(g) Sell or lease or authorize the sale or lease of any asset of the City if its value is equal to or greater than 1/5 of 1% of the assessed value of all real property within the corporate limits.

(h) Amend or repeal any ordinance previously adopted; and

(i) Change of zone or conditional use of land.

Acts other than those referred to in the preceding may be done either by ordinance or by resolution.

4.10 - Ordinances in General

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Milford hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate the matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) Procedure. An ordinance may be introduced by the Mayor, any member of City Council or the City Manager at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to the Mayor, each Council Member and to the City Manager. An ordinance shall be placed on the agenda for introduction and for adoption by title; the introduction and the adoption may not be on the same meeting date. As soon as practicable after adoption of any ordinance, the Clerk shall have it published together with a notice of its adoption.

(c) Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of ten (10) days after adoption or at any later date specified therein.

(d) "Publish" Defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the City:

(1) A brief summary of the Ordinance, and

(2) The places where complete copies of it have been filed and the times when they are available for public inspection.

4.11 - Emergency Ordinances

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any municipal utility for its services or authorize the borrowing of money except as provided in subsection 6.09(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to Subsection 6.09(b), shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

4.12 - Codes of Technical Regulation

(a) The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(b) The requirements of Section 4.10 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(c) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Clerk pursuant to Subsection 4.13(a).

(d) Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

4.13 - Authentication and Recording, Codification Printing

(a) Authentication and Recording. The City Clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the Council.

(b) Codification. The Council shall provide for the continual preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Delaware, and such codes of technical regulations and other rules and regulations as the Council may specify. The compilation shall be known and cited officially as the Code of the City of Milford. Copies of the Code may be furnished to City officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

(c) Printing of Ordinances and Resolutions. The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and Charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Code of the City of Milford and at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproductions and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Delaware, or the codes of technical regulations and other rules and regulations included in the Code.

ARTICLE V. Administration and Appointees

5.01 - Form of Government

The form of government established by this charter shall be known as the "Council-Manager" form.

5.02 - City Manger - Appointment; Qualifications and Compensation

The Council shall appoint a City Manager for an indefinite term. He need not be a resident of the City or state at the time of his appointment but may reside outside the City while in office only with the approval of the Council. The City Council may enter into an employment contract with the City Manager. An employment contract with a City Manager shall be in writing and shall specify the conditions of employment.

5.03 - City Manager - Removal

The Council shall remove the Manager from office in accordance with the following procedures and those conditions contained in the City Manager's employment contract:

(a) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.

(b) Within five days after a copy of the resolution is delivered to the Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing.

(c) The Council may adopt a final resolution of removal, which may be effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one. The Manager shall continue to receive his salary until the effective date of a final resolution of removal.

5.04 - Acting City Manager

By letter filed with the City Clerk, the Manager shall designate, subject to the approval of the Council, a qualified City administrative officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

5.05 - Powers and Duties of the City Manager

The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the Council for the administration of all City affairs placed in his charge or under this Charter. He or she shall have the following powers and duties:

(a) He or she shall appoint, and when he deems it necessary for the good of the service, suspend or remove City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He or she may authorize any administrative officer, who is subject to his direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office or agency.

(b) He or she shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(c) He or she shall attend all Council meetings and shall have the right to take part in discussion but may not vote.

(d) He or she shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(e) He or she shall prepare and submit the annual budget and capital program to the Council.

(f) He or she shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) He or she shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(h) He or she shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.

(i) He or she shall perform such other duties as are specified in this Charter or may be required by the Council.

5.06 - City Clerk - Appointment and Duties

The Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, maintain a permanent record of all Council proceedings and documents, manage the City's elections, act as the custodian of the City Seal, affixing it to all documents, records, contracts and agreements requiring a seal and attesting to same by signature and perform other duties as are assigned to him or her by this Charter or by the Council.

5.07 - City Solicitor

At the Annual organization meeting, the City Council shall appoint a City Solicitor who shall be removable at the pleasure of the City Council either with or without due cause as stated. It shall be his, her or its duty to give legal advice to the Council and other officers of the City and to perform other legal services as may be required by the City of Milford. The City Solicitor may be an individual licensed to practice law in the State of Delaware or may be a Delaware law firm any member of which can perform the duties of the City Solicitor.

5.08 - Police Department

The Council shall appoint a Chief of Police for an indefinite term and fix his compensation. The terms of his employment shall be contained in an employment contract

(a) It shall be the duty of the Council to appoint a Chief of the City Police and such number of subordinates as the Council may deem wise. The Council shall, from time to time, make rules and regulations (which may be proposed by the Chief of Police) as may be necessary for the organization, government and control of the Police Force. The police shall preserve peace and order, and shall compel obedience within the City limits to the ordinances of the City and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe. After the initial Chief of City Police and the initial subordinates are appointed in accordance with the terms of this Charter, thereafter, any subsequent Chiefs of Police shall be appointed by the City Council, but any subsequent subordinates shall be hired or fired by the then Chief of Police.

(b) Each member of the Police Force shall be vested, within the City limits and within one mile outside of said limits, with all the powers and authority of a state peace officer, and in the case of the pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

(c) The Chief of Police shall be responsible to Council and shall be removed from office in accordance with the provisions of State law and the following procedures:

(1) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Chief of Police from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Chief of Police.

(2) Within five (5) days after a copy of the resolution is delivered to the Chief of Police, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Chief of Police may file with the Council a written reply not later than five (5) days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Chief of Police, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

(4) The Chief of Police shall continue to receive his salary until the effective date of a final resolution of removal.

(5) By letter filed with the City Clerk, the Chief of Police shall designate, subject to approval of the Council, a qualified police officer to exercise the powers and perform the duties of the Chief of Police during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Chief of Police shall return or his disability shall cease.

(d) The Chief of Police shall:

(1) Administer, direct and supervise the operation of the police department.

(2) Prepare and submit an annual budget and capital program to the City Manager. This shall then be placed by the City Manager into the Annual Budget and Capital Program for Council approval.

(3) Attend all Council Meetings and shall have the right to participate in any discussion of police concern, but shall have no vote.

5.09 - City Holding Cells

The Council may maintain a holding cell for the City, which shall be used as a place for the temporary detention of persons accused of violations of law or ordinances for a reasonable time, in cases of necessity, prior to transport to a detention facility, hearing and trial or arraignment.

5.10 - City Alderman

(a) At the next regular meeting following the Annual Organization Meeting, the Council may appoint an Alderman and an Acting Alderman.

(b) The Alderman may or may not be a resident of the City of Milford and shall have his office at some convenient place within the limits of the City of Milford, as designated by City Council. He or she shall be sworn or affirmed to perform the duties of his office with fidelity by the Mayor. In the event of his absence from the City or, if for any cause he or she may be unable to perform the duties of his office, the Council is authorized to appoint an Acting Alderman with the same powers, jurisdiction and authority.

(c) He or she shall have jurisdiction over and cognizance of all breaches of the peace and other violations of the ordinances of the City of Milford, to hold trial, to imprison offenders, and to impose and enforce fines, forfeitures and penalties as may be prescribed by the ordinances of the City.

(d) He or she shall be under the direct supervision of the City Manager. The prison in either Kent or Sussex County may be used for the imprisonment of offenders under the provisions of this Charter.

(e) Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the City. Upon neglect or

failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars ($500.00), or imprisoned for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Superior Court.

(f) At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the City. He shall pay all such moneys to the City within ten (10) days after making report to the Council, or for failure to make payment to the City for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as herein above provided.

(g) The Alderman shall keep a docket in which all his official acts shall be entered.

(h) The Acting Alderman may or may not be a resident of the City of Milford; shall keep a separate docket, and in the absence or inability of the Alderman shall have all the powers of the Alderman as herein provided.

5.11 - Finance Department

There shall be a City Finance Department which shall be directed and supervised by an officer of the city who shall have the title of Finance Director. The Finance Director shall be appointed and supervised by the City Manager. The Finance Director shall have the duties of chief financial officer of the City of Milford, but may delegate such duties to subordinates under his direction. He or she shall pay out any monies upon check signed by two members of either Mayor or City Council or their designee. He or she shall keep a true accurate and detailed account of all monies received and all monies paid out by the city in all its activities and for all its departments, offices and agencies; shall preserve all vouchers and financial records, but under a records disposal program and schedule approved by the Council, may periodically destroy such records and vouchers. He or she shall make such reports at such times as the City Manager and Council shall direct and which will keep the Council, City Manager and the public informed of the financial condition of the city.

5.12 - Planning Department

There shall be a planning department, which shall be directed and supervised by a City Planner. The City Planner shall be appointed, supervised and removed by the City Manager. The City Planner shall have the following responsibilities:

(a) To advise the City Manager on any matter affecting the physical development of the city;

(b) To formulate and recommend to the City Manager a comprehensive land use plan and modification thereof;

(c) To review and make recommendations regarding proposed actions of the Council in implementing the comprehensive development plan;

(d) To advise and seek advice from the planning commission in the exercise of his or her responsibilities and in connection therewith, to provide it necessary staff assistance;

(e) To review and make recommendations regarding proposed actions of the Council in annexations;

(f) To strive to give citizens the opportunity to have a meaningful impact on the development of plans;

(g) To protect the integrity of the natural environment and endeavor to conserve the heritage of the built environment.

5.13 - City Planning Commission

Pursuant to State law, there is hereby established a Planning Commission for the City of Milford. The City Planning Commission shall consist of nine (9) members recommended by the Mayor and appointed by City Council.

5.14 – Board of Adjustment

There shall be a Board of Adjustment pursuant to the provisions of the Delaware Code. The Council shall, by ordinance, establish a Board of Adjustment and shall provide standards and procedures for such Board to hear and determine appeals from administrative decisions and petitions for variances in the case of peculiar and unusual circumstances which may be required by the Council or by law.

Article VI. Financial Procedures

6.01- Fiscal Year

The Fiscal year of the City shall be set by the City Council.

6.02- Submission of Budget Date

On or before the last day of the twelfth month of each fiscal year, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

6.03- Budget Message

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the manager deems desirable.

6.04- Operating Budget

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

6.05- Capital Program

(a) Submission to Council. The Manager shall prepare and submit to the Council a five-year capital program at the time the annual budget is submitted to City Council as defined in Section 6.02.

(b) Contents. The capital program shall include:

(1) A clear, general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

6.06- Council Action on Operating Budget

The Council shall adopt the operating budget on or before the last day of the twelfth month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all

items in it prorated accordingly, until such time as the Council adopts an operating budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

6.07- Council Action on Capital Program

Adoption. The Council, by resolution, shall adopt the capital program with or without amendment on or before the last day of the twelfth month of the current fiscal year.

6.08- Public Records

Copies of the budget and the capital program as adopted for the fiscal year are public records and shall be made available to the public through the Freedom of Information Act and the City of Milford website.

6.09- Amendments after Adoption

(a) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make by supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available un-appropriated revenues to meet such appropriations, the Council may exercise short term borrowing authority as provided in Section 8.07 of this Charter.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of Appropriations. At any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by majority vote transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(e) Limitations: Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

6.10- Lapse 0f Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

6.11- Administration of Budget

(a) Work Programs and Allotments. At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He or she may revise such allotments during the year if they deem it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations.

(b) Payments And Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his\her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it

becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he or she shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Article VII. Taxation, Assessors and Assessment of Taxes

7.01 - Not less frequently than every ten years, there shall be made a general assessment which shall be a true, just and impartial valuation and assessment of all the real property within the limits of the City.

7.02 -It shall be the duty of the City Manager to include supplemental assessments prepared by the assessor(s) for the purposes of adding property not included in the last assessment or increasing or decreasing the assessment value of property which was included in the last general assessment. In the year that a supplement assessment is made, the General Assessment then in force as modified by the supplemental assessment, shall constitute the assessment for the year.

7.03 -The City Manager shall make and deliver to the Council, as soon as the assessments are made, such number of copies as the Council shall direct.

7.04 -The real property of the City Assessor(s) shall be assessed by the Council.

7.05 -The City Tax Assessor shall notify the property owner in writing of any change in assessment.

7.06 - The Council shall, prior to a given date set by resolution in each year, cause a copy of the General Assessment as adjusted by the supplemental assessment as made in said year, to be hung in two public places in the City, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notice of the hanging up of the copies of the assessment and the places where the same are hung up and of the day, hour and place when the Council will sit as a Board of Revision and Appeal shall be published in at least one issue of a newspaper circulated in the City.

7.07 -At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

7.08 -The assessment, as revised and adjusted by the Council, shall be the basis for the levy and collection of the taxes for the City. If any taxable fails or neglects to perfect his or her appeal to the Board of Revision and Appeal, he or she shall be liable for the tax for such year as shown by the assessment lists.

7.09 -The Council shall also have the right to levy and collect taxes on all underground cables and utility installations, and upon all telephone, telegraph or power poles or other erections of like character erected or installed within the limits of the City, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same be included in or added to the City Assessment. In case the owner or lessee of such poles, erections, installations or appliances shall neglect or refuse to pay the taxes that may be levied thereon, the said taxes may be collected by the City in the same manner as other taxes, and upon continued non-payment, the Council shall have the authority to cause the same to be removed.

7.10 -The Council shall determine and fix a rate of taxation which with other anticipated revenue will produce approximately the amount of money necessary to defray the expenses of the City for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

7.11 -The limit of taxation for current expenses shall be that rate which, by estimation, will produce a sum not exceeding two (2) percent the assessed value of real property with improvements located in the City.

7.12 (a) Not later than the second month of a new fiscal year, the City Manager shall make available to the Council a list containing the names of the taxables of the City and, opposite the name of each, the amount of his real property assessment, as well as the tax upon the whole of his assessment, and the rate per hundred dollars of assessed valuation. Attached to a tax list shall be a warrant, under the seal of the City of Milford, signed by the Mayor and attested by the City Clerk commanding the City Manager to make collection, when due, of the taxes as stated and set forth in the tax list.

(b) All taxes, when and as collected by the City Manager, shall be paid to or deposited to the credit of the City in banking institutions approved by Council.

(c) All taxes shall be due and payable on the date set by Council. To every tax not paid after the said date each year there shall be added and collected a penalty, for each month that the said tax remains unpaid. The penalty rate charged is to be set by Council through ordinance. Before exercising any of the powers herein given for the collection of taxes, written notices of the amount due shall be given to the taxable.

(d) All taxes assessed upon any real estate and remaining unpaid prior to a new tax year billing shall constitute a first lien against all real estates of the delinquent taxpayer situated within the limits of the City of Milford. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so assessed. The City Manager, in the name of the City of Milford, may institute suit before any Justice of the Peace within Kent County or Sussex County, or before the Alderman of the said City, or in the Court of Common Pleas in and for Kent or Sussex County, or in the Superior Court of the State of Delaware, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas or in the Superior Court as the case may be.

(e) In addition, the City Manager, acting on behalf of the City, may pursue the sale of the lands and tenements of the delinquent taxpayer, or the lands of tenements of a delinquent taxpayer alienated subsequent to the levy of the tax and with the following conditions:

(1) No sale shall be approved by the Superior Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one (1) year from the date of the sale, within which time the owner, his heirs, executors or assigns, shall have the power to redeem the lands on payment to the purchase, his personal representatives, or assigns, of the costs, the amount of the purchase money and twenty percent (20%) interest thereon and the expense of having the deed prepared.

(2) After satisfying the tax due and the costs of expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the City of Milford, either to the credit of the owner, or in a manner by which the funds may be identified.

(3) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the owner as the case may be in the amount then customarily charged:

To the Prothonotary for filing and recording Petition.

For filing and recording return of sale

To the City Manager for preparing certificate

For making sale of land

For preparing and filing return

For posting sale bills

In addition, the costs of printing handbills and publications of the advertisement of sale in a newspaper shall be chargeable as costs. The cost of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer.

(4) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

(f) In the event of the death, resignation or removal from office of the City Manager of the City of Milford, before the proceedings of the sale of land shall have been completed, his successor in office shall succeed to have all of his powers, rights and duties in respect to said sale. In the event of the death of the purchaser at such sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment or otherwise may refer to the Superior Court of the State of Delaware in and for Kent or Sussex County, a petition representing the facts and praying for an order authorizing and requiring the City Manager to have executed and acknowledged a deed conveying to the Petitioner the premises sold, or a just proportion thereof; and thereupon the Court may make such order touching the conveyance of the premises as shall be according to justice and equity.

(g) However, should the City Council so elect, the City Manager is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax, by the direction of the City Council, using any of those procedures specified for the sale of land for the collection of taxes on the part of the taxes for Sussex County or Kent County, and all such procedures and methods available for the sale of land, as aforesaid, as they are presently enacted and hereafter amended, are included herein and made a part hereof by reference in the statutes made and provided, substituting the City of Milford for Sussex County or Kent County therein.

(h) The provisions of this Section 7.12, other than the provisions of subsection (b) of this Section 7.12, shall apply to all special ad valorem taxes and special taxes levied by the City of Milford pursuant to Article IX of this Charter, provided that all references in this Section 7.12 to a tax list shall, for all purposes relating to such special ad valorem taxes and special taxes, be deemed to refer to the tax list showing the amounts of special ad valorem taxes or special taxes levied against the real property within a special development district.

7.13 – Real Estate Transfer Tax

The City of Milford reserves the right to enact a Real Estate Transfer Tax by ordinance through the City Council. Any change to the Real Estate Transfer Tax must be in accordance to Delaware laws.

7.14- Assessment, Payment, and Collection of Taxes For New Construction

In the event that the Mayor and Council of the City of Milford desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so.

Article VIII. Borrowing of Money and Issuance of Bonds

8.01 -The City of Milford may borrow money and to secure the payment of the same, is hereby authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the City of Milford; or such other security or securities as the City Council shall elect, for the payment of the principal thereof and the interest due thereon.

All bonds or other kinds or forms of certificate or certificates of indebtedness issued by the City of Milford in pursuance hereof shall be exempt from all State, County or municipal taxes.

8.02 -This power or authority to borrow money may be exercised by the City of Milford to provide funds for, or to provide for the payment of, any of the following projects or purposes:

(a) Refunding any or all outstanding bonds or other indebtedness of the City at the maturity thereof or in accordance with any callable feature or provision contained therein;

(b) Meeting or defraying current annual operating expenses of the City in an amount equal to but not in excess of currently outstanding, due and unpaid taxes, water rents, license fees or other charges due the City and available, when paid, for meeting or defraying current annual operating expenses of the City;

(c) Erecting, extending, enlarging, maintaining and repairing any plant, building, machinery or equipment for the manufacture, supplying or distribution of gas, water, electricity, sewerage or drainage system, or any of them, and the condemning or purchasing of any lands, easements and rights-of-way which may be required therefore;

(d) Constructing, paving, laying out, widening, extending, repairing and maintaining streets, lanes, alleys and ways, and the paving, constructing, laying out, widening, extending, repairing and maintaining of curbing and

gutters along the same and the condemning or purchasing or any lands, easements or rights-of-way which may be required therefore;

(e) Any other purpose consistent with the promotion of health, education or the general welfare of the City of Milford.

8.03 -The power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness for any purpose above specified shall only exercise in the following manner:

The City Council shall adopt a resolution proposing unto the electors of the City that money be borrowed by the City for any of the above-named purposes. The resolution proposing the borrowing shall plainly set forth the following matters:

(a) The amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed;

(b) The rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid;

(c) The manner in which it is proposed to be secured;

(d) The manner in which it is proposed that it shall be paid or funded, or both;

(e) A short and clear description of the purpose or purposes for which the money or monies shall be used, and which description shall include the estimated cost of carrying out the purpose or purposes aforesaid; and

(f) A statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

8.04 -It shall then be the duty of the City Council to give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one issue of a newspaper published in the City of Milford at least one week before the time fixed for said hearing and by posting copies thereof in five public places throughout the said City at least one week before the time fixed for said hearing.

At the time and place mentioned in such notice, the City Council shall sit in public session and at such public session, or an adjourned session thereof, shall vote upon a resolution giving its final authorization for the loan. If such resolution shall be adopted by the City Council, then the City Council shall pass a second resolution ordering and directing that a Special Election be held in the City of Milford not less than thirty (30) days nor more than sixty (60) days (as may be determined by the Council) after the date of the hearing and passage of the resolution authorizing the loan by the Council.

The purpose of such Special Election shall be to vote for or against the proposed loan.

The City Council shall give notice of the time and place for holding the said Special Election to all the electorate of the City of Milford by posting notices thereof in five public places in said City at least two weeks prior to the day fixed for the holding of such Special Election, and by publishing a copy of such notice once each week during those two weeks immediately preceding that week during which the day fixed for the holding of such Special Election shall fall in a newspaper generally circulated in the City of Milford. Such notice of the Special Election shall likewise contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, excepting a statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

The Special Election shall be conducted by an Election Board whose members shall be appointed or selected in the same manner and they shall have the same qualifications as hereinbefore provided in the case of annual elections of the City. At least five days prior to the date of the Special Election, the City Council shall cause to be prepared, printed and have available for distribution, a sufficient number of ballots: upon one-half of which ballot shall be printed the words "For the Proposed Borrowing" and upon the other half of said ballot shall be printed the words, "Against the Proposed Borrowing", and a box shall be provided after each and the voter instructed to place and "X" in the box provided after the choice he wishes to cast his vote. If voting machines are used, in which case, the voting machines shall be arranged in a manner consistent with the requirements for paper ballots.

At such Special Election every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote.

The Inspector of the Election shall deposit all ballots in the ballot box provided for that purpose in the presence of the person casting such ballot; he or she, the said Inspector, first writing upon the outside of said ballot the number of votes being cast thereby by the person casting such ballot, unless voting machines are used. Immediately upon the closing of the polls, the Special Election Board shall count the votes for and against the proposed borrowing and shall announce the result thereof, and shall make a certificate under their hands of the

number of votes cast for and the number of votes cast against the proposed borrowing and shall deliver such Certificate, in duplicate, to the City Council. One copy of the Certificate the Council shall enter in the minutes of the next meeting of the City Council and the other copy thereof shall be filed with the papers of the City Council.

8.05 -The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by the City Council after the special election.

The bond or bonds or certificates of indebtedness shall be offered at public or private sale as determined by the City Council. All bonds or certificates of indebtedness forming a single issue need not be offered for sale at a single sale but any given issue of bonds or certificates of indebtedness authorized as hereinbefore provided may be sold in whole or in part, from time to time and until the entire authorized issue be disposed of, as the City Council may deem most advisable.

The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal or such bond or bonds or certificate or certificates of indebtedness at the maturity thereof together with the interest due or which may hereafter become due thereupon and, in a proper case or as recommended by bound counsel, it shall also provide a sinking fund therefore.

Unless any such bond or bonds or certificate or certificates of indebtedness shall otherwise provide therein, the faith and credit of the City of Milford shall be deemed to be pledged for the due payment of any such bond or bonds or certificate or certificate of indebtedness and interest thereon according to its terms when and after the same have been duly and properly executed, delivered and due value received therefore.

8.06- Refinancing Of Municipal Bonds

Notwithstanding the foregoing provisions of this Section, the City Council of the City of Milford may authorize by Resolution the refinancing of existing bonds or other obligations of the City, without the necessity of a Special Election; provided that the issue of the refinancing obligations results in a present value savings to the City. Present value savings shall be determined by using the effective interest rate on the refinancing obligations as the discount rate calculated based on the internal rate of return. The principle amount of the refinancing obligations may exceed the outstanding principle amount of the obligations to be refinanced.

8.07- Short Term Borrowing

Notwithstanding the foregoing provisions of this Section, City Council may authorize, by resolution, short term borrowing by the City without the necessity of a Special Election. The City of Milford may borrow money up to the amount of the annual tax billings. The borrowed money shall be for one of the following: operating deficits, emergencies declared by Council, and short term capital project funding. The money shall be paid back in no longer than five (5) years.

Article IX. Tax Increment Financing and Special Development Districts

9.01 - Tax Increment Financing and Special Development Districts

In addition to all other powers the City of Milford may have, and notwithstanding any limitation of law, the City of Milford shall have all powers and may undertake all actions for the purposes set forth in, and in accordance with Delaware Code relating to the Municipal Tax Increment Financing Act and Delaware Code relating to Special Development Districts.

9.02 – Non-Recourse

Bonds are non-recourse to the City of Milford and shall only be paid from Tax Increment Financing and Special Development District [hereinafter 'TIF' and 'SDD' respectively] assessments permitted by Delaware Code. Bonds are non-recourse to property owners who purchase subject to a TIF or SDD. Property owners who purchase subject to a TIF or SDD shall only be responsible for TIF or SDD obligations determined by the individual assessment of their property.

Article X. Severance

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provision to other persons or circumstances shall not be affected thereby.

Article XI. Transitional Provisions

11.01- Officers and Employees

(a) Rights And Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

(b) Continuance of Officers and Employees. Except as specifically provided by this Charter, if at the time this Charter takes full effect, a City administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he vacate the office or position.

11.02- Departments, Offices and Agencies

(a) Transfer of Powers. If a City department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this Charter or, if the Charter makes no provision, as designated by the City Council.

(b) Property and Records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices or agencies designated by the Council in accordance with this Charter.

11.03- Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

11.04- State and Municipal Laws

In General, all City ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Delaware permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective, are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

11.05- Survival of Powers and Validations Sections

(a) All powers conferred upon or vested in the City of Milford by any Act or Law of the State of Delaware, not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the City of Milford as though herein fully set out.

(b) All ordinances adopted by the City Council of the City of Milford, or which are in force for the government of the City of Milford at the time of the approval of this Charter, are continued in force and effect as ordinances of the City of Milford until repealed, altered or amended under the provisions of this Charter, and the acts of the Council of the City of Milford and of the officials thereof as lawfully done or performed under the provisions of the Charter of the City of Milford or ordinance thereof, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.

(c) All taxes, fines, penalties, forfeitures, assessments or debts due the City of Milford and all debts due from the City of Milford, at the effective date of this Charter shall, respectively, be deemed due to or from the City of Milford and said obligations shall severally remain unimpaired until paid, and the power, right, and authority to

collect taxes imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the provisions of this Charter, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the Charter of the City of Milford immediately preceding the adoption of this Charter.

(d) The bonds heretofore given by or on account of any official of the City of Milford shall not be affected or impaired by the provision of this Act but shall continue in full force for the benefit of the City of Milford.

Article XII. Repealer

This Act shall operate to amend, revise and consolidate "An Act to Reincorporate the City of Milford", being Chapter 148, Volume 72, Laws of Delaware, and the several amendments and supplements thereto. The Act shall be deemed to be a public Act and the parts hereof shall be severable and, in the event any part or section hereof shall be held unconstitutional, such holding shall not in any way invalidate the remaining provisions of this Act. 72 **Del. Laws**, c. 148; 76 **Del. Laws**, c. 199; **77 Del. Laws**, c. 405, § 1

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July 27, 2015

- Heartstone Manor Contract Amendment for Utility Value Engineering for Phases 5, 7-13

  As discussed in the April City Manager's supplemental report, the former City Manager and the Solicitor had been addressing the unresolved recordation of Phases 5, 7-13 in Hearthstone Manor. Progress continues to be made and Phases 7 & 9 should be ready for recordation in the near future. This will allow Key Properties Group to proceed with construction. The underlying issues relate to Right-of-Way dedication time lines, easements and "approved" construction documents.

  The City's contractual engineer and former City Manager reviewed the construction documents associated with these phases approved by the previous in house City Engineer and determined that value engineering was necessary to avoid unnecessary expenses in construction as well as long term maintenance of roads and utilities. The former manager recommended and City Council approved a temporary time and material contract with McCrone with a not to exceed limit of $17,500 to be funded out of enterprise fund reserves.

  McCrone approached the former City Manager prior to his resignation with a request for an additional $9,600 to complete full design of water and sewer related sheets through permitting. All revised permit fees would be paid for by the developer. City Management recommends approval of the contract amendment with a not to exceed limit to $27,100 to be funded out of enterprise fund reserves to complete the work.

Approval/Hearthstone Manor/Utility Value Engineering/Phases 5, 7-13

Mr. Medlarz advised that he, along with the city solicitor, have been working on this issue. Presently, phases 5 and 7-13 are unrecorded. The city has been working with the developer to move the two most urgent phases (7 and 9) along as quickly as possible in order to have property sales which result in transactions.

He explained that he and the former City Manager Carmean did not want to piecemeal this together. He said a lot of the problems in the past had to later be presented to council to resolve because of the manner in which the plans were being piecemealed. If they had been properly approved and recorded, with the appropriate notes beginning on day one, council would not have gone through what they did.

The city manager verified there will be notes on the drawings henceforth. Those notes, which may state that the easement will be fixed or a right-of- way must be dedicated for public use, will be on the recorded document. He said it makes no difference whether it is built now or ten years from today, but the appropriate right-of-ways will be in place so that the utilities can be installed as they should be.

Mr. Medlarz fully supports all the documents recorded with the proper notes.

He emphasized that right of way dedication is important and time lines are important. Easements are also important but less important than full right of way dedications which are the city's best line of defense.

He said that including easements may be more complex. The easier approach is to go with right of way dedication.

The second issue relates to the approved construction documents. As he previously stated, this strictly deals with the recordation documents. Pending are the construction plans that were approved by the previous in-house city engineer. Another problem is the city code does not have an expiration and these documents were approved five years ago.

After reviewing the documents, Mr. Medlarz would not build it if he were the owner. If he was the utility, he would not want to accept it. He said there were a number of things not designed as they should have been. There was a great reluctance on the developer's part to reopen them. He understands their concerns because the city may only ask for things we want and not do anything on the issues that need to be addressed by the developer.

For example, he can see more than 1,000 feet of parallel duplicate sewer lines with duplicate caps. He saw dozens of meter locations that need to be combined because the city will eventually end up with them which means we will have to maintain them forever.

He said there are fire service connections that are dead-end lines which will give the city nothing but trouble.

The implementation as designed will cause unnecessary expense in the construction as well as the long term maintenance of said utilities and roads. The city cannot legally require Key Properties Group to revise the documents so we are proposing a joint approach. The city would retain the design services of McCrone, Incorporated on an interim basis to identify and quantify any deficiencies and allow a determination by Key Properties Group to fund the value engineering of the changes.

Mr. Medlarz recommends approval of a temporary time and material contract with McCrone, not to exceed $17,500, to be funded out of enterprise fund reserves. Key Properties Group has agreed to this approach.

Mr. Pikus asked if this will enable the developer to continue with his plans; Mr. Medlarz said it identifies the issues. In just the two to three hours he reviewed the documents, he found about a dozen areas where improvement were needed. This will result in a cost savings on some, but not all. In the end, the Key Properties group engineers, as well as himself, will have to present this to the owner. The owner will have to make a decision on whether to fund the full engineering design in the long run or take the short road and do something that would not be in the best interest to either party.

Mr. Pikus said we will have to eventually accept it; Mr. Medlarz said the city does not want to take a design that has problems. Mr. Mergner asked if because there is no expiration date, can the city require them to correct it; Mr. Pikus answered that is correct.

Mr. Pikus said it is almost a necessity for the city to do this. Mr. Medlarz disagrees emphasizing that twenty years from now, council will ask who approved this plan. He said this is totally councils' discretion.

The city manager reported that two neutral engineers made a list of recommendations that should be implemented. However, that decision will have to be made by Key Properties.

He explained in more detail that Key Properties has agreed to consider these recommendations though it is a no lose situation for them. Mr. Pikus said this puts this picture in a positive manner to continue.

Mr. Medlarz emphasized that he hopes this is a win-win though it could be a lose-lose and more for the city. He said if nothing else, it will identify the issues.

Mr. Pikus moved to approve the McCrone Utility Engineering Services Agreement for Hearthstone Manor Phases 5, 7-13, seconded by Ms. Wilson. Motion carried.

McCRONE
ENGINEERS · SURVEYORS · PLANNERS

RETURN TO OFFICE CHECKED BELOW BY: April 17, 2015 (date)

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Annapolis, MD 21401
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FAX 410-758-2464

DELAWARE
302-730-4600

☐ **ELKTON**
Upper Chesapeake Corp Center
107 Chesapeake Blvd . Suite 104
Elkton, MD 21921
410-398-1550
FAX 410-398-5845

☑ **SALISBURY**
119 Naylor Mill Road
Building 1, Ste 6
Salisbury, MD 21801
410-548-1492
FAX 410-548-2055

STANDARD CONTRACT

CLIENT INFORMATION

Client: City of Milford

☐ Corp. (State)_____ ☐ Partnership (State) _____ ☐ LLC ☐ Individual

Address: 201 South Walnut Street
Milford City Hall

City Milford State DE Zip 19963

Ordered by Hans Medlarz Title City Manager

Authorized Rep. Hans Medlarz

Home Phone _____ Bus. Phone 302-424-3712

Fax Number _____ Cell Phone 302-363-4516

E-Mail hmedlarz@milford-de.gov

Date Ordered	April 6, 2015
Project #	D2150027
Fldr. Ref.	
Invoice Type	Hourly
Billing Terms	Monthly
Billing Contact	K. Scott Aja, P.E.
FEE $	Rate Schedule
RETAINER $	0.00
Proj. Manager #	5524
Project Type	050

Open End Agreement ☐ Start Date _____ End Date _____

(If Open End Agreement,skip down to Scope of Work)

LOCATION

State DE Co. Sussex Dist. _____

Tax Map _____ Grid _____ Parcel _____

Street / House No. _____

Town / Area Milford

Subdivision Name Hearthstone Manor

Lot # _____ Block _____

Section _____ Plat Ref. _____

Coord X _____ Coord Y _____

PROJECT

Name of Project Hearthstone Value Engineer

Owner Key Properties Group

Address _____

Deed/Will/Plat Ref. _____

Special Instructions _____

SCOPE OF WORK

Value engineering services as referenced in an email from Mr. Hans Medlarz to K. Scott Aja on April 6, 2015 on an hourly basis. Attached is the rate schedule for professional services and costs.

Approved by City Council 4/13/2015 with NTE limit of $ 17,500.

Authorization:

I / We authorize McCrone to proceed and I/We agree to the terms and conditions set forth herein and on the attached "McCrone Standard Contract Terms and Conditions" (dated February 4, 2014).

4/14/2015 _____
DATE CLIENT SIGNATURE (Authorized Rep.)

HANS MEDLARZ, CITY MANAGER
CLIENT NAME (Print or Type)

04/06/15 _____
DATE McCRONE REP. SIGNATURE

K. Scott Aja, P.E., Executive Vice President
McCRONE REP. (Print or Type)

_____ _____
DATE CLIENT SIGNATURE (Authorized Rep.)

_____
CLIENT NAME (Print or Type)

REV 3/20/2015

MCCRONE CONSULTANT CONTRACT FOR PROFESSIONAL SERVICES TERMS AND CONDITIONS

McCrone is contracting with the Consultant set forth on the first page of this Contract for professional consulting services as an independent consultant and contractor for McCrone for the part of the Project set forth on the first page of this Contract. Consultant is not a partner nor joint-venturer with nor an employee of McCrone nor of the Owner of the Project.

I. CONSULTANT'S RESPONSIBILITIES. Consultant shall be responsible for the following:

A. Consultant shall provide for McCrone the professional consulting services described in the Scope of Work attached hereto (the "Services") within the time periods specified. Services will be paid for by McCrone as set forth in the fee section of the Contract.

B. Consultant shall, at Consultant's own expense, obtain all data and information necessary to the performance of Consultant's Services. Consultant represents that it is duly licensed (if necessary), skilled, and experienced in providing similar services on projects similar to this Project, and acknowledges that McCrone has relied on this representation. Consultant shall perform the Services in accordance with a standard of care consistent with applicable industry practices and shall dedicate personnel sufficient in quantity and skill to perform the Services within the timeframe set forth in this Contract. Consultant acknowledges that time is of the essence of this Contract and that McCrone's business interests may suffer substantial losses if the Services are not completed in a timely fashion. Consultant hereby accepts and confirms that the time specified is reasonable for the full completion of the Services. Consultant recognizes that the services of McCrone and others involved in the Project are dependent upon the timely performance of Consultant's services. Consultant shall perform such services in the same character, timing and sequence as McCrone is required to perform services. The dates by which the various aspects of Consultant's basic services are to be completed are set forth in the Scope of Work.

C. Consultant represents that it is knowledgeable about all applicable codes, rules, and regulations as may apply to or be relevant to the Services and Documents in the jurisdiction in which the Project is located and that Consultant and the Services and Documents delivered by Consultant shall comply with such codes, rules, and regulations. In the event of any breach or defect by Consultant, Consultant shall bear all resulting costs incurred by McCrone, including without limitation the cost of correcting the Documents and remedying any work or services performed by others in reliance on any non-conforming Documents or Services. Notwithstanding the foregoing, nothing in this paragraph shall be construed as a limitation on any other remedies that McCrone may have under law in the event of a breach of this Contract, inclusive without limitation of the foregoing requirement.

D. Consultant shall furnish additional services in addition to the services called for in the Scope of Work, if authorized in writing in advance by McCrone. As additional services are requested by McCrone, this Contract will be supplemented to describe the additional services and methods of compensation therefor.

E. Consultant shall at Consultant's expense furnish McCrone five (5) copies of all progress reproductions and information required by McCrone for performance of McCrone's services under its contract with Owner, or for review of Consultant's services while in progress. Consultant shall also provide monthly progress reports to McCrone. All of Consultant's communications to or with the Owner or McCrone's other consultants shall be through and with the knowledge of McCrone.

F. Consultant confirms that it is engaged by McCrone as an independent contractor. Consultant shall perform the Services without material direction from McCrone or Owner, and the means and methods Consultant employs to provide the Services are matters entirely within Consultant's discretion and control. All persons engaged in the performance of the Services shall be employees or agents of Consultant or its sub-consultants. Consultant shall be solely responsible for the payment of all taxes and benefits required by law for said employees or agents, without liability to McCrone or Owner, and Consultant shall defend and hold McCrone and Owner harmless from and against any damages, costs, or other liabilities directly or indirectly suffered or incurred by McCrone or Owner as a result of a breach of the foregoing representation.

II. PAYMENTS TO CONSULTANT

A. McCrone shall pay Consultant for services rendered under the Scope of Work as more particularly described in the Fee and Method of Payment sections on the first page of this Contract. Payment to Consultant is subject to the condition precedent of McCrone's receipt of payment from Owner for work that includes Consultant's services, meaning that McCrone will pay Consultant if McCrone is paid by Owner. Consultant agrees to share with McCrone the risk of non-payment by Owner. In the event of non-payment by Owner McCrone shall assign to Consultant the right to sue Owner in Consultant's own name to recover from Owner fees due to Consultant for Consultant's work on Owner's Project.

B. In addition to the payments provided for in the Fee and Method of Payment sections, McCrone shall pay Consultant the actual cost of all reimbursable expenses listed in the Reimbursable Expense Allowed section on the first page of this Contract. Payment shall be made in accordance with the method of payment specified on the first page of this contract but subject to the condition precedent that McCrone has first been paid by Owner for reimbursable expenses that includes Consultant's services. Reimbursable expenses will only be reimbursed at cost, with no mark-up, and must be supported by receipts. All federal, state, and local taxes are included in the Fee, and Consultant shall be solely responsible for paying all such taxes to the appropriate taxing authorities.

C. Consultant may submit monthly statements for basic and additional services rendered and for reimbursable expenses incurred (as agreed upon). When compensation is on the basis of lump sum for part of the Project, the statements will be based upon Consultant's estimate of the portion of the total services actually completed at the time of billing. If McCrone objects to any statement submitted by Consultant, McCrone will make reasonable efforts to so advise Consultant within 30 days of receipt of the bill. McCrone will bill Owner monthly on account of Consultant's services and expenses and will pay Consultant within thirty (30) days after McCrone has received payment from Owner on account thereof, and payment by Owner is an express condition precedent to McCrone's obligation to pay Consultant.

III. TERMINATION

Consultant's obligation to provide services under this Contract may be terminated by Consultant upon 7 days' written notice to McCrone if through no fault of Consultant McCrone substantially fails to perform in accordance with the terms hereof. This Contract may be terminated by McCrone, with or without cause, upon 7 days' written notice to Consultant. In the event of any termination, Consultant will be paid for services rendered to the date of termination plus unpaid reimbursable expenses, if any, but only after McCrone has been paid by Owner. This Contract will terminate automatically upon

Consultant Initials: _____

Date: _____

termination of McCrone's Contract with the Owner. If McCrone's contract with the Owner is terminated McCrone will promptly notify Consultant of such termination.

IV. RECORDS

Records of Consultant's direct labor costs, payroll costs and reimbursable expenses pertaining to this part of the Project shall be kept in conformance with generally accepted accounting principles and with standard market software and shall be made available to McCrone on request. Consultant shall maintain all design calculations on file in legible form. A copy of all design calculations shall be delivered to McCrone and the originals shall not be disposed of by Consultant without first making them available to McCrone and not until after sixty (60) days' prior written notice has been given to McCrone. Consultant's records and design calculations will be available to McCrone for examination and audit at any time during normal business hours. All documents or other deliverables prepared by or for Consultant during or in connection with the performance of the Services under this Contract, including without limitation original drawings, estimates, computer files, programs, specifications, field notes, data, and reports ("Consulting Documents"), shall be the property of McCrone. At the completion of the Services or upon any termination of this Contract, Consultant shall deliver to McCrone the originals of all Consulting Documents.

V. INDEMNIFICATION AND INSURANCE

A. Consultant shall defend, indemnify, and hold harmless McCrone and Owner, together with their respective subsidiaries, affiliates, successors and assigns, and the directors, officers, and employees of each of them ("Indemnified Parties") from and against all claims, liabilities, damages, fines, penalties, and costs of any nature (including reasonable attorneys' fees), arising out of or resulting from Consultant's Services and work or a breach of this Contract or a negligent act, error or omission in the rendering of the Services by Consultant or its sub-consultants.

B. Throughout the term of this Contract and continuing thereafter until the expiration of the applicable statute of limitations, Consultant and its sub-consultants shall maintain, at their sole expense, insurance coverage from insurance companies reasonably acceptable to McCrone in the following types and amounts.

Commercial General Liability Insurance	$1,000,000 combined single limit
Automobile Liability Insurance	$1,000,000 single limit
Worker's Compensation	Statutory Requirements
Umbrella	$1,000,000
Professional Liability Insurance	$1,000,000 per occurrence/aggregate

The Commercial General Liability policy shall include independent consultant and contractor's liability and contractual liability covering Consultant's indemnity obligations set forth herein. The coverage limits for such policy may be achieved through any combination of primary, excess, or umbrella policies. Moreover, the Commercial General Liability Insurance and Automobile Liability Insurance policies shall: (i) be written in occurrence form and not claims made form; (ii) name the Indemnified Parties and any lenders with respect to the Project as additional insureds; and (iii) be endorsed to provide that the coverage will be primary and not contributory to such insurance as may be carried by such parties. Consultant and its insurer(s) waive their rights of subrogation against McCrone, Owner, the Indemnified Parties, and their respective insurers. Prior to commencing the Services, Consultant shall deliver to McCrone certificates of insurance evidencing all of the coverages required herein and any renewals thereafter, and the certificates shall provide that such insurance shall not be canceled or materially changed without thirty (30) days' advance written notice to Owner.

C. In the event that McCrone or Owner are not named as additional insureds on Consultant's professional liability insurance policy, then in the event of a third-party claim alleging professional negligence, all named Indemnified Parties may provide and pay for their own defenses. However, if Consultant is found liable for such third-party claim, then Consultant shall reimburse all named Indemnified Parties for their defense costs. Consultant's indemnity obligations shall survive termination of this Contract and shall apply regardless of the theory of liability.

VI. CONTROLLING LAW

This Contract is to be governed by the laws of the State of Maryland.

VII. ASSIGNMENT

Neither this Contract nor any rights or duties hereunder may be assigned or delegated by Consultant to any other person without the express written consent of McCrone.

VIII. DELEGATION OF DUTIES

If in this Contract it is stated that the basic services of Consultant are to be performed by one or more specified individuals within Consultant's organization, only the individuals so specified shall perform services hereunder and their duties shall not be delegated to any other individual or entity without the written consent of McCrone. If not so stated, Consultant may employ such other consultants, associates, and subcontractors, as Consultant may deem appropriate for assistance in the performance of services hereunder.

IX. ARBITRATION

It is further agreed that, in the event of claims or disputes arising from this Contract or from the services provided herein, upon McCrone's election within its sole discretion such claims or disputes shall be submitted to arbitration in Annapolis under the rules of the American Arbitration Association. Consultant having carefully considered the matter and consulted with counsel at its discretion, hereby freely and knowing waives the right to trial by jury. If McCrone is the prevailing party in any dispute McCrone shall be entitled to an award of reasonable attorneys' fees and related costs.

X. INTEGRATION

This Contract, together with any Exhibits attached, constitutes the entire agreement between McCrone and Consultant, and supersedes all prior written or oral understandings. This Contract and said Exhibits may only be amended, supplemented, modified, or canceled by a written instrument counter-signed jointly by both McCrone and Consultant.

XI. SEVERABILITY

If any clause, sentence, part or parts of this Contract or any section thereof shall be declared by any court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining parts of this Contract or of any section thereof. McCrone may delay or forebear enforcing any or all of its rights under this Contract without being deemed to be a waiver of rights.

XII. ACCEPTANCE

This contract shall be null and void if not accepted by Consultant and returned to the designated office of McCrone within 30 days.

{2/4/14}

Consultant Initials: _____

Date: _____

McCRONE

ENGINEERS • SURVEYORS • PLANNERS

SCHEDULE OF HOURLY RATES AND LIST OF REIMBURSABLE EXPENSES

RATE per Hour	PERSONNEL
$185.00	Principal
$135.00	Project Manager
$110.00	Project Engineer
$90.00	Design Engineer
$110.00	Landscape Architect
$123.00	Surveyor
$95.00	CADD Designer
$85.00	CADD Technician
$135.00	Survey Crew
$58.00	Clerical

REIMBURSABLE EXPENSES:

Mileage	$0.575/mile
Postage	At Cost + 10%
Couriers	At Cost + 10%
Long Distance Calls	At Cost + 10%
24" x 36" B/W Prints	$3.00 each
24" x 36" Color Prints	$21.00 each
30" x 42" B/W Prints	$4.00 each
30" x 42" Color Prints	$24.00 each
Outside Printing Services	At Cost + 10%
24" x 36" Mylars	$12.00 each
8 ½" x 11" B/W Copies	$.20 each
8 ½" x 11" Color Copies	$1.00 each
8 ½" x 11" Color Photo	$2.00 each
11" x 17" Color Copies	$2.00 each
CD's or DVD's	$7.50 each
Concrete Monuments	$20.00 each
Fiberglass Posts	$4.00 each
Rebars	$3.00 each
Stakes	$2.00 each
Hubs	$1.50 each

Rates Good until 06/30/15 Corporate Annual Review

McCRONE
ENGINEERS ▪ SURVEYORS ▪ PLANNERS

CONTRACT AMENDMENT

Project Name:	Hearthstone Value Engineering	Client Name:	City of Milford
Contract Date:	April 13, 2015	Address:	201 S. Walnut St., City Hall
			Milford, DE 19963
McCrone Job No.:	D2150027	Phone No.:	302-424-3712
C.A. Date:	June 24, 2015	Fax No.:	
C.A. No.:	1	Email:	hmedlarz@milford-de.gov

All work performed under this Contract Amendment is subject to the McCrone Contract Terms & Conditions.

McCrone is directed to make the following changes:

Descripton of Change (s):

We are requesting a contract amendment for an additional $9,600.00 to complete the redesign for Phases 5, 8, 10, 11, 12 & 13 and submit to the state agencies for reapproval. The agencies include the DE State Fire Marshal, DNREC - Surface Water Discharge Section for the sewer and Department of Health and Social Services, Division of Public Health and Office of Engineering for water mains. Any review costs or fees are not included herein.

Reason for Change: Engineering redesign of City water and sewer to reduce quantity of pipe and reduce future City maintenance costs.

Net Increase for Contract Amendment No.: 1 **$ 9,600.00**

Prior Contract Price: **$ 17,500.00**

Contract Total with all Amendments: **$ 27,100.00**

Accepted By:

Client (Authorized Signature)	Print Name, Title	Date
McCrone Rep. (Authorized Signature)	K. Scott Aja, P.E., Executive Vice President	06/24/15
	Print Name, Title	Date

Rev. 3/20/15

MILFORD SCHOOL DISTRICT

906 Lakeview Avenue Milford, Delaware 19963-1799

(302) 422-1600 FAX (302) 422-1608

Phyllis Kohel, Ed.D
Superintendent

Sylvia Henderson, Ed.D.
Director of Student Support

Sara Croce
Chief Financial Officer

Paul Walmsley, Ed.D.
Director of Personnel

Laura L. Manges, M.ED.
Director of Special Education

Travis Moorman, M.ED
Director of Teaching/Learning

Glen Stevenson, Ed.D
Supervisor of Ground/Maintenance

MEMORANDUM

TO: Bryan Shupe, Mayor

FROM: Phyllis Kohel, Superintendent

DATE: July 16, 2015

SUBJECT: Addendum to School Resource Officer Contract

This memorandum is to serve as an addendum to the City of Milford Police Department/Milford School District School Resource Officer MOU Agreement made on the 12th day of August 2013. This addendum shall amend Section 1: Cost of the SRO Program, to reflect the new mutually agreed upon cost of $75,000 per year per officer for two officers for the remainder of the contract term. No other terms or conditions of the agreement shall change under this addendum.

Signed: _____

Bryan Shupe
Mayor
City of Milford

Signed: _____

Phyllis Kohel
Superintendent
Milford School District

The Milford School District is an Equal Opportunity Employer and does not discriminate in employment or in educational programs, services, or activities on the bases of race, color, national origin, sex, sexual orientation, age, disabilities, marital status, genetic information or Veteran Status. Contact the Title IX Coordinator or the District 504 and ADA Coordinator, 906 Lakeview Avenue, Milford, Delaware 19963. Telephone (302) 422-1600.

MILFORD SCHOOL DISTRICT

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TO: Bryan Shupe, Mayor

FROM: Phyllis Kohel, Superintendent

DATE: July 16, 2015

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Bryan Shupe
Mayor
City of Milford

Signed: _____

Phyllis Kohel
Superintendent
Milford School District

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Respectfully request:

FY 15-16 Budget Increase of $50,000 to be transferred from the Realty Transfer Fund to cover the difference in the amended Milford School District/School Resource Officer MOU.

SAINT JOHN THE APOSTLE ~ SAINT BERNADETTE PARISH
506 Seabury Avenue • Milford, Delaware 19963-2217
(302) 422-5123 • Fax (302) 422-5720

JULY 1, 2015

Mayor Bryan Shupe
City of Milford
PO Box 159
Milford, DE 19963

Dear Mayor Shupe:

This year is the big one for St. John the Apostle Church. We will be celebrating our **25th ANNUAL OKTOBERFEST.** The dates are Friday, October 2nd from 6 PM to 10 PM and Saturday, October 3rd from 10 AM to 10 PM.

The city has always graciously allowed us to block off a portion of School Place in front of the church and down toward the former Middle school. May we have your permission to do that again this year? By doing this we are able to eliminate congestion in front of the church.

In keeping with the tradition of a German Oktoberfest we will have a beer booth and will have the required license from the state to do that.

We thank you for the support of the city for all the years. If there is any more we need to do or if you need further information please call me at the church at 302-236-5296.

Sincerely,

Bonnie De Mar
Coordinator

Greater Kent Committee
101 W. Loockerman St
Suite 1B
Dover. Delaware 19904

Dues Invoice

Richard Carmean
Town of Milford
201 S. Walnut Street
Milford, DE 19963

Date	Invoice #
7/16/2015	1726

Terms	Due Upon Receipt

Description	Amount
Annual Program Support x 1/2 (July through December)	750.00

We now accept credit cards! Please include your account number with card type and expiration date along with the invoice if you select this method of payment. Thank you.

If you would like to also make a donation to the Greater Kent Committee please include with your payment and a receipt will be mailed to you for tax purposes

Total	$750.00
Payments/Credits	$0.00
Balance Due	$750.00

City of Milford

Resolution
2015-17

Appointment of DEMEC Director & Alternate Director

WHEREAS, the City of Milford is a member of the Delaware Municipal Electric Company ("DEMEC"), a municipal electric company established pursuant to 22 Del. C. Chapter 13;

WHEREAS, the City of Milford is authorized to appoint an individual to serve on the DEMEC Board of Directors pursuant to 22 Del. C. § 1304(3);

WHEREAS, Article V, Section I of the DEMEC Agreement and Articles of Incorporation, grants the city authority to appoint an alternate director to serve in the absence of the director.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Milford:

(1) The current Superintendent of the City of Milford Electric Department shall serve as the director representing the City of Milford on the DEMEC Board of Directors.

(2) The City Manager shall serve as an alternate director in the absence of the director.

(3) In the absence of the director, the alternate director shall have full power and authority to act on the City of Milford's behalf.

This certifies that this is a true and correct copy of the Resolution duly adopted by the City Council of the City of Milford at its meeting on July 27, 2015.

Mayor Bryan W. Shupe

City Clerk_____

From: Bryan Shupe [mailto:shupe9@gmail.com]
Sent: Thursday, July 23, 2015 10:56 AM
To: Hudson, Terri <thudson@milford-de.gov>
Cc: Crouch, Christine <CCrouch@milford-de.gov>
Subject: Fwd: Tourism Marketing Feasibility Study

USDA Tourism Feasibility Study - University of Delaware's HRIM

Christine and I have been working with USDA, Delaware Tourism and UofD on this program. USDA is able to award $13,000 towards the study. The quote from University of Delaware's HRIM department to conduct the study is $15,000. The City is being asked to fund the remaining $2,000.

The USDA has also stated that the City of Milford can reapply next year for next phases of the project (development of marketing plan and implementation). Great news for us !

Project Objective and overview is listed below in an email from DE Tourism. Please include this information in the council packet.

Thank you!

Bryan Shupe

---------- Forwarded message ----------
From: **Keller, Elizabeth (DEDO)** <Elizabeth.Keller@state.de.us>
Date: Thu, Jul 23, 2015 at 10:26 AM
Subject: Tourism Marketing Feasibility Study
To: Shupe <shupe9@gmail.com>

Project objective: The City of Milford, Del., in partnership with the Chamber of Commerce for Greater Milford, Downtown Milford, Inc., and the Delaware Tourism Office, are seeking opportunities to increase revenue to the city and its local businesses through a project known as "Marketing Milford: A Tourism Demographic Study, Brand Enhancement and Promotional Plan." Phases in the project include conducting a feasibility study to assess Milford's tourism industry, analyzing the results to develop a marketing campaign and implementation of the marketing plan.

Overview of project:

1. HRIM will conduct a study to determine the feasibility of diversifying and expanding the tourism attractions and infrastructure in the city of Milford, Delaware. The aim is to offer recommendations for the development and marketing of the city's tourism products. To determine the feasibility of the Milford's tourism industry, the project will address the following factors:
• Define the demographics and other characteristics of current and potential tourists to Milford;
• Assess Milford's existing tourism attractions and infrastructure;
• Determine what sources/businesses exist and can be developed to support tourism activities in Milford;
• Identify feasible tourism products with the greatest market potential;
• Suggest an implementation plan(s) for the development and marketing of the tourism products

2. HRIM (Principal Investigator and Graduate Students) will conduct site surveys and a series of interviews with industry stakeholders to identify the existing and potential tourism products of Milford.

3. HRIM will analyze the characteristics and attitudes of industry stakeholders and visitors to Milford using an IBM SPSS (Statistical Package for the Social Sciences) software. HRIM already owns the software and there will be no charge to Delaware Tourism Office for its use in the project.

4. HRIM will work with personnel of the city of Milford, and use other reliable public sources to develop the data and other information required to assess the feasibility of the Milford's tourism industry.

Cost: $15,000 ($7,500 paid at signing of contract with UD HRIM; $7,500 paid upon receipt of final report)

Thanks,
Liz

Regards,

Elizabeth Keller
Digital Media Coordinator, Delaware Tourism Office

P: 302-672-6827
C: 302-698-7420
E: Elizabeth.Keller@state.de.us

99 Kings Highway
Dover, DE 19901
866-284-7483

Facebook | Twitter

Delaware
Endless Discoveries
VisitDelaware.com

ADOPTED March 9, 2015:

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. Containers Required;

A. Depositing or placing any yard waste or matter into any garbage container, recycling container or on any city street or in a drainage gutter is prohibited.

B. Mandatory Additional Yard Waste Container.
(1) Any additional yard waste found outside container will not be picked up. Excessive yard waste will be tagged and customer informed of pending additional yard waste container issuance.
(2) Additional container delivery and associated fee will be triggered by two (2) consecutive incidents related to excessive yard waste or three (3) incidents in any rolling six months period.
(3) Payment for additional yard waste container will be the responsibility of customer until account is terminated.

193-14. Collection Procedures

A. The city will collect yard waste provided that such yard waste is deposited into the yard waste containers issued by the city. Disposal of yard waste that will not fit into the container shall be the responsibility of the customer.

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.

193-15. Collection Schedule.

A. The city will collect yard waste as described in Section 193-14A every two weeks.

B. The loose leaf curbside collection as described in Section 193-14B will be collected once each week.

STATEMENT

This Personnel Manual was adopted by City Council at a regularly scheduled meeting on March 9, 1992.

City Council
City of Milford

875 TRAVEL ON OFFICIAL CITY BUSINESS

Whenever you are authorized to travel out of town on official business, the City will allocate you a $40 per diem rate for travel expenses incurred during the trip. In addition, if your trip expenses exceed $40, then you will be reimbursed the extra money upon presentation of receipts involving proir approved travel.

Use of personal vehicles will entail compensation at established rates. If more than one individual is involved, the City encourages the sharing of vehicles to conserve fuel and City funds. If a City vehicle can be used, this is preferred over the use of private vehicles for in-state travel.

TOWN OF SMYRNA TRAVEL POLICY

Purpose

1) The purpose of this policy is to provide guidelines to follow in reimbursement of Town Staff and officials for travel in conduct of Town of Smyrna business.

Scope

2) This policy applies to all employees of the Town of Smyrna, Town Council, and other appointed officials of the Town.

Travel Authorization

3) All travel by Town Employees that extends beyond one day shall be approved by either the Town Manager or Police Chief. Travel by members of Council and other appointed officials at the Town's expense shall be approved by a majority of Council at a Town Council meeting. A copy of the meeting or conference program, brochure or other materials shall be included with the reimbursement. One copy is to be made for Accounts Payable and a second for their Personnel file.

Methods of Reimbursement

4) Hotel, Common Carrier- Employees should use one of credit cards issued to the Police Department or Town Manager to make lodging and travel reservations. A credit card use request form should be completed detailing the purpose of the credit card use. Employees should arrange to stay at lodging at the conference or training site to minimize other commuting expenses and take advantage of group rates. Receipts are required.

5) A meal-The Town uses either the per diem rate of $45 a day or receipts method for reimbursement. The Town will use a higher per diem of $60 for certain cities as New York. The U.S. General Services Administration provides guidelines that can be used in determining cities for the higher per diem. The Town will not reimburse for alcohol.

   If meals are included as part of the conference or training session, that portion of the per diem will not be included in the per diem meal calculation.

6) Tolls-receipts are required for reimbursement of toll expenses.

7) Fuel-receipts are required for reimbursement of Fuel expenses.

CITY OF DOVER
TRAINING, CONFERENCE & TRAVEL POLICY

A. INTRODUCTION

1. Purpose

The purpose of this policy is to provide guidelines under which City of Dover employees, public officials, and appointees will be reimbursed for authorized travel expenses incurred in the conduct of business for the City of Dover, hereinafter referred to as "City." In addition to the guidelines, specific procedures with regard to incurring and reporting related expenses are provided.

2. Scope

This policy shall apply to employees of the City of Dover, elected officials, boards, commissions and others, who are engaged in authorized travel and who expend City funds for travel purposes. The Mayor and Members of City Council are not required to submit a Travel Authorization and Completion Form, but are required to follow the financial and budget requirements of this policy.

While this policy does not cover every possible situation, it establishes adequate guidelines for employees and officials to make appropriate and consistent judgments regarding the expenditure of City funds for reimbursable expenses. The City of Dover will provide flexibility to meet the special needs and requirements of their employees during travel.

It remains the responsibility of city management to control and approve travel-related expenditures. The City Manager and Controller/Treasurer may impose more stringent rules when deemed appropriate or necessary.

The City Manager and Controller/Treasurer will review every three years the implementation of this Policy and will provide policy interpretations and assistance to ensure effective and efficient implementation. Any exceptions will be subject to approval by the City Manager and Controller/Treasurer. The City Manager and Controller/Treasurer may also, on a case-by case basis, approve reimbursements exceeding the guideline amounts referenced in this policy. In any such instance, a detailed explanation and substantiation (a receipt) is required. Enforcement of this policy will be the responsibility of the Controller/Treasurer.

3. Responsibility

a. Employee, Public Official, or Appointee
   - Comply with all provisions of this policy.
   - Obtain the necessary approvals in advance for overnight travel and out-of-state use of City vehicles. Provide a copy of the approval with the travel prepayment made by direct voucher.
   - All expenses incurred in the course of City business are to be in accordance with the City's Administrative Policies and Rules of Ethics and must be paid solely from appropriated funds.
   - Comply with the ten (10) working-day rule.

b. Department Director/City Manager/Council Designee
   - Ensure compliance with this policy.

- Review and approve each of their employees/official's travel approval requests and reimbursable expenses.
- Ensure sufficient funds are available for all anticipated expenses.

c. Signatures on the Travel Expense Report (City of Dover Form 030 Exhibit B) certify that the expenses were incurred by the employee/official requesting reimbursement for official City business, are reimbursable in accordance with this policy, and have not been reimbursed except as indicated on this form.

Required signatures for expenses are:

- Employee
- Supervisor
- Department Director or Council Designee

B. TRAINING AND CONFERENCE REGISTRATION FEES

1. Request for payment of registration fees shall be accompanied by the registration form.

2. City Council, Planning Commission and the Mayor are offered opportunities to attend courses designed for governmental officials. Any member of Council wanting to take advantage of these courses offered by the following organizations will submit to the City Clerk's office their request for registration.

- Delaware League of Local Governments
- National League of Cities
- US Conference of Mayors
- International City Managers Association
- Government Finance Officers Association (GFOA)
- American Public Power Association (APPA)
- American Public Works Association (APWA)
- American Planning Association
- Organizations that provide Continuing Education credits for professional license renewals of applicable staff.

Any courses not offered by these organizations will be submitted to the City Manager and Controller/Treasurer for concurrence.

C. TRAVEL AUTHORIZATION

All out-of-state travel that extends beyond one day shall be approved by the City Manager. All requests shall be made on the "Travel Authorization Form" (City of Dover - Form 047 Exhibit A). A copy of the conference or meeting program must be attached to the form. The authorization form must be submitted to the City Manager in a reasonable amount of time prior to the traveling day.

The Department Director or City Manager may impose specific requirements as to the time the authorization form must be submitted prior to travel. Employees and Officials traveling on official City business should be aware that the approval is for travel only, and is not a blanket approval of the expenses incurred.

A travel packet including the authorization form, the meeting program/itinerary, and the purchase orders for advanced costs must be submitted to the Accounts Payable Department. The Purchase Orders for the advanced costs should include the necessary supporting documentation. It does not require the submission of duplicate information. Please note Purchase Orders for registration costs must include the Registration form unless previously submitted; submission for hotel and airfare costs must include documentation of the individual costs unless previously submitted.

D. TRANSPORTATION: COMMON CARRIER

1. General

All trips requiring the use of common carrier must be pre-approved by the appropriate approval authority.

The mode of travel must be justified on the basis of the most economical use of time of the personnel involved, the cost of optional travel modes, and the requirements of the trip.

All common carrier reservations must be consistent with reasonable business travel planning, common carrier will be booked at the lowest available fare. If the lowest available fare is turned down by the traveler, the traveler's explanation for the denial is to be provided with the travel authorization request.

Travelers should be advised to make travel reservations as far in advance as possible to attain the lowest fares, including non-refundable tickets. Travelers may not specify particular airlines or other carriers to accumulate mileage on promotional plans such as frequent flyer programs.

In order to take advantage of special discount rates (supersaver fares, etc.), reimbursement to an employee may be made prior to a trip being taken under the following conditions:

a. Documentation of the substantial savings that will accrue to the City (e.g., supersaver discounts).
b. Employee's proof of payment on a statement from the airline, other than credit card receipts.

Most airlines will not give refunds or partial refunds for supersaver airfares.

It is encouraged to examine the advantage of fares requiring early trip departure or delayed return. However, it is important to consider the additional cost of meals and lodging for the required extra day(s) stay when comparing cost.

2. Air Travel

a. Accommodations - When commercial airlines are used as a mode of travel, accommodations shall be coach/economy class unless some other class accommodations are more economical.

b. Routing of Travel - All travel will be by the most economical and direct routes.

   In the event that a person travels by an indirect route for personal convenience, the extra expense shall be the responsibility of the individual. Reimbursement for expenses shall be based only on the cost of the most economical and direct route.

c. Conference Airfare Arrangements

When attending a conference, always check conference materials to see if special airline discounts are offered. When a special airline discount rate is offered and conferees are instructed to go directly to an airline to obtain the discount fare, the employee should compare the conference rates through the internet with all other airline rates available before scheduling airline reservations. The employee should always book the lowest fare possible. (See Section F.3. for Conference Lodging Arrangements).

3. Rail Travel

1. Accommodations

When it has been determined that rail travel is the most appropriate mode of transportation, the most economical class accommodations shall be utilized.

E. TRANSPORTATION: PASSENGER VEHICLES

1. City-Owned Vehicles

City-owned vehicles should be utilized for both in-state and out-of-state travel when such use is the most practical and economical mode of transportation, including the cost of tolls, fuel and parking.

2. Use of Privately-Owned Vehicles

a. The use of privately owned vehicles for any City travel (both in state and out-of-state) should only be used when a City Vehicle is not available. The use of a privately owned vehicle for City travel shall require the prior approval of the City Manager and Department Director. Reimbursement of private vehicle expenses shall be at the Council approved rate as indicated on Exhibit B for actual and necessary miles traveled. Beginning and ending odometer readings are required for the reimbursement for mileage.

b. In considering approval for use of personal vehicles, the approval authority shall take into consideration the cost of alternative modes of travel and the cost of meals and lodging for the additional travel/transit days. Mileage reimbursements shall not exceed the cost of airfare plus travel to/from the airport.

c. When two or more employees travel in a privately owned vehicle, only one mileage reimbursement will be allowed at times when one vehicle is sufficient to carry all passengers.

3. Rental Cars

a. General

The use of a rental car when traveling out of state must be justified as an economical need and not as a matter of personal convenience. Prior approval by the Department Director and City Manager is required before arranging for car rental. All rentals should be at the most economical

rate per day including government rates or special rate agreements. When traveling in groups, sharing of cars, when practical, must be done to minimize costs. The city will not pay for the use of a rental car to accommodate family members or non-business associates traveling with the employee, public official, or appointee.

b. Vehicle Size

Whenever possible, compact cars shall be rented or reserved. However, if a larger size vehicle is more economical or more than two city travelers are traveling together the larger vehicle may be appropriate. Any representative of the City requesting an upgrade of the size of a rented vehicle shall provide a written explanation of their reasons to the City Manager. **A receipt is always required**.

c. Insurance

(1) The optional insurance coverage offered by the car rental agency must be declined when the traveler charges the rental car. The traveler will automatically receive primary coverage under the City blanket insurance policy for travel. When insurance is declined, the policy covers collision damage, theft, fire and vandalism. Reimbursements for additional or optional insurance coverage will not be allowed.

(2) Other. Travelers <u>not</u> covered under the blanket insurance policy may be covered by their personal automobile insurance policy or other personal credit cards. Travelers should check their automobile policy and credit card policy for business travel coverage and accept or decline additional coverage accordingly. Reimbursement for additional or optional insurance coverage will not be allowed.

d. Refueling Before Return

To avoid a refueling surcharge, all rental cars shall be refueled before returning the vehicle to the rental company. Any surcharges billed to the employee, public official, appointee, or City shall be explained in the reimbursement request.

e. Reservations

Approved car rental reservations shall be made in advance whenever possible. The employee should compare car rental rates and always look to reserve the lowest rental.

F. LODGING

1. General

City travelers are expected to seek accommodations that are comfortable, convenient, meet business and personal needs and offer good value. Employees are expected to compare local lodging rates in the area prior to reserving lodging.

2. Accommodation

a. Lodging accommodations for reasonably priced single occupancy rooms are reimbursable when the traveler is away from home overnight due to official travel.

b. Accommodations shared with family members or others not on official City business are reimbursable at the single occupancy rate only.

c. Accommodations shared with other City travelers should be billed and reimbursed to one traveler. When required, reimbursements to more than one traveler shall be based on a pro rata share as reported on each reimbursement request.

3. Conference Lodging Arrangements

When hotel rooms are blocked for a conference, seminar, etc., and a special discounted conference hotel rate provided, the employee/official should compare conference rates with the rates for other local hotels within a three (3) block radius of the conference. The employee is urged to reserve hotel accommodations that offer the best value to the City. This includes conference rate, government rate or lower rate, for the employee/official. If a lower rate is not available, the conferees should make their lodging arrangements directly utilizing the conference instructions. Conference lodging will be considered to accommodate persons with special circumstances.

4. Occupancy Tax

The City is exempt from the tax on occupancy of hotel, motel and tourist home rooms within Delaware only. When instate overnight accommodations are necessary, the employee should be provided with a copy of the Occupancy Tax Exemption Certificate (see Exhibit C) to be presented to the lodging facility. Tax on occupancy of hotels in other states must be paid.

G. MEAL ALLOWANCES

1. General

The City will pay for or reimburse an employee/official for the necessary and reasonable cost of meals and incidental expenses incurred during out of state travel requiring overnight lodging.

Additional meal costs incurred over and above those provided as part of a conference or registration fee are not reimbursable, unless justified as a special circumstance and approved by the City Manager and Controller/Treasurer (e.g. special meeting or diet restrictions).

Exceptions are to be pre-approved by the City Manager and Controller/Treasurer.

There will not be any reimbursement for meals when the meals are provided as part of the conference/training or by the host organization and when meals are provided as part of the hotel service and/or airfare.

Only per diem rates as prescribed by the Federal Government for official travel will be provided for Meals and Incidental Expenses (M&IE). (\\doverfp\Public Docs\Policies & Procedures\Travel\FY2015_PerDiemRates.pdf)

If an employee is traveling partial days on any calendar day, the City will prorate the applicable M&IE rate at 75 percent. This applies to both day of departure and day of return. Partial travel days begin when an employee leaves Dover after 12:00 noon on the day of departure and returns to Dover by 5:00 PM on the day of arrival.

When meals are provided at the conference or by the host, the meal allowance will be reduced by 25% for each meal provided. Continental Breakfast provided by the hotel or at the conference is counted as a meal, unless justified as a special circumstance and approved by the City Manager and Controller/Treasurer (e.g. special meeting or diet restrictions).

2. Day Trips, In-state Travel and Before or After Hours

The meal allowance for day trips out of the City will be reimbursed at actual cost**,** as long as it does not exceed 25% of the normal per diem per the M&IE Allowance. The meal allowance for working before or after hours as a general rule are not encouraged, but may be approved by the City Manager and/or Controller/Treasurer on a case-by-case basis. At no time can the amount exceed the allowances established.

H. CASH ADVANCES

General/Blanket travel advance checks will not be issued to employees, public officials, or appointees. Employees, public officials, and appointees will be reimbursed for specific travel related expenses after the trip or event has been completed.

The City will pay specific travel and lodging costs in advance as long as the request deadlines are met. Employees, public officials, and appointees shall use a City purchase order when requesting travel cost advances. Department Directors should use their City credit card for business travel. Directors may approve the use of their departmental travel credit card when arranging employee travel. Under urgent situations and with prior approval, employees and officials can also use a personal credit card and request reimbursement when they return.

The City will pay in advance the following costs:

Please note: A travel packet including the Travel authorization form, the meeting program/itinerary, and a purchase order for the advanced costs listed below must be submitted to the Accounts Payable Department **no later than 12 days prior to the event.**

a) **Conference/Training registration fees.** Such payment will be made payable and mailed directly to the organization. This will be done through a purchase order submitted by the department upon receipt of the approved Travel Authorization Form. A copy of the registration form describing the specific event must be attached to the purchase order. The Employee Travel packet must be submitted to Accounts Payable prior to/or along with the purchase order request for advance travel expenses.

b) **Airfare.** Airfare is normally reserved on-line through the internet and paid with a City credit card after travel approval has been received. (See City Credit Card Policy)

c) **Lodging**. Upon receipt of the approved Travel authorization form, the department may submit a purchase order for lodging. The check will be made payable to the hotel and will be given to the person for whom the lodging arrangements are made. The department must provide supporting

documentation including the daily lodging rates and applicable taxes along with the purchase order. Lodging reservations can be held with the use of a City Credit Card. (See City Credit Card Policy)

d) **Meal allowance**. An advance for the M&IE Allowance, which includes both meals and incidental expenses, will be permitted for meals not provided by the conference or training as indicated in Section G (1) above. Only per diem rates as prescribed by the Federal Government for official travel will be provided for M&IE Allowance.

I. TRAVEL EXPENSE REIMBURSEMENT

1. General

Travel Expense Report (City of Dover Form 30) is due to Accounts Payable within **ten (10) working days** after travel or an expense is incurred. **(Ten working-day rule)**

a. Timely reimbursement can be assured only if an accurate, properly substantiated Travel Expense Report is received **to Accounts Payable ten (10) working days** after completion of the trip.

b. Failure to submit timely Travel Expense Reports after the completion of a trip will result in administrative action, such as notification to the Department Director and denial of future travel requests.

Travel Expense Reports for local travel and related expenses are to be submitted monthly. **In no case shall a reimbursement be made to an employee for travel/conference/training related expenses incurred in excess of 90 days.**

Note: This section pertains to only those travel expenses paid by the traveler; not to travel expenses directly billed to/paid by the City.

2. Receipt Requirements and Other Reimbursement Criteria

a. Tickets booked on common carriers (airline, rail or bus) require original copy of the paid invoice or email confirmation containing total travel costs for arrangements booked on-line.

b. Hotel/motel bills shall be the original copy of hotel/motel billing marked paid.

c. Ground transportation, including airport shuttle, taxi or public transit requires a receipt.

d. Car rental reimbursements require paid invoice from the rental company.

e. Meals do not require receipts and are not reimbursable above the maximum daily/partial day per meal allowance. **Tips are included in the M&IE Allowance and will not be reimbursed separately.** When more than one City employee, public official, or appointee's meals are being reimbursed, each employee must submit a separate Travel Expense Reimbursement for their allowance.

f. Hotel/motel related expenses should be documented identifying the date and the cost for each category with the following requirements:

(1) Out-of-pocket costs for incidental items such as tips, baggage handling and maid service are not individually reimbursable by the City of Dover. Costs included under this category are included in the M&IE per diem rate. Only per diem rates as prescribed by the Federal Government for official travel will be provided for M&IE allowance.

(2) City-business related telephone calls are reimbursable as incurred and require a receipt from the telephone service provider or included on the hotel/motel billing invoice.

g. Lodging at campgrounds using traveler's camper or recreational vehicle is reimbursable at the actual cost, not to exceed the equivalent cost of hotel/motel lodging. Receipt is required.

h. Other Reimbursement Categories

Reimbursement for the following categories should be submitted on a schedule identifying the date, the cost and the category. All supporting receipts must be attached:

1) The City will reimburse employees for hotel and airport self-parking. The City encourages all employees to seek 'economy and budget parking'.
2) The City will not reimburse employees for Valet parking, unless prior approval has been granted by the City Manager and Controller.
3) The City will reimburse employees the cost of tolls for interstates, turnpike, bridges and/or ferries. All travel expenses require a receipt.
4) The City will reimburse employees for necessary airport baggage fee. A receipt is required.

i. Gasoline and/or Other Supplies require a receipt.

Need for emergency repairs incidental to using a City-owned vehicle shall require a Vendor receipt.

j. Department Director pre-approval is required to receive reimbursement for Internet Access Costs for city business. These costs must be substantiated with receipts.

k. While traveling overnight out-of-state, the City will reimburse employees for the cost of up to two (2) personal telephone calls not to exceed $8 per trip. A receipt is required for reimbursement.

l. Reimbursements for travel expenses incurred without required receipts, as outlined, is strictly prohibited. A "no receipt - no reimbursement" policy applies

3. Non- Reimbursable Expenses

The City shall not reimburse expenses for the following:

a. Alcoholic beverages**.**
b. In-room movies or pay television.
c. Theater tickets or nightclub entertainment.
d. Laundry.
e. Babysitting.

f. Related expenses of spouse, children and other persons accompanying the authorized employee or official.
g. Pleasure, historic or other tour related expenses. Expenses for business related tours would be reimbursed.
h. Donations and gifts made while at training, conference, or meeting.
i. Loss or damage of personal items.
j. Meals for other conference attendees.
k. Purchase of personal items.
l. Any parking or moving violation fines.
m. Any personal or pleasure travel while on City business.

J. CHARTER AND CODE OF CONDUCT

All City of Dover policies are subject to the City of Dover Charter Part 1, Subpart A, Article II, Section 12 "Compensation and expenses - Mayor and Council and other elected or appointed officials", whereas, "Members of the council, mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy" and; Part II Code of Ordinances Chapter 2, Article 1, Division 4 "Code of Conduct", which is "applicable to all elected and appointed officials and to all employees of the City of Dover."

K. INTERNAL REVENUE CODE - DEFINITION OF PUBLIC OFFICIAL

Generally, if there is any provision in a public law which authorizes the employment of the individual, and the individual is hired or elected under this authority, the individual is considered an employee of the State or political subdivision to which the provision applies.

The following factors indicate that an office is a "public office."

The office was created by the constitution or through legislation, or by a municipality or other body with authority conferred by the legislature.

The office was delegated a portion of the powers of the government body.

The powers conferred and the duties to be discharged are defined either directly or indirectly law or through legislative authority.

The duties are being performed independently and without control of a superior power other than the law.

The office has some permanency and continuity, and the officer takes an official oath.

Examples of public officers are: the president and vice president, a governor or mayor, the secretary of state, a member of a legislative body, such as a state legislature, county commission, city council, school board, a judge, a justice of the peace, and members of advisory boards and committees.

L. REVIEW & REVISION

The City of Dover Travel Policy will be reviewed every three years by the City Manager, Controller/Treasurer and City Clerk to provide recommended changes to City Council for approval.

EXHIBITS

Exhibit A - COD Travel Authorization Form (Form 47)
Exhibit B - COD Travel Expense Report Form (Form 30)
Exhibit C - COD Exemption Certificate Form 99A

REVISION RECORD

Revised: November 24, 2003
Revised: February 9, 2004
Revised: July 24, 2006
Revised: March 23, 2009
Revised: January 23, 2012
Revised: February 23, 2015

EXHIBIT A

CITY OF DOVER
TRAVEL REQUEST AND ITINERARY

EMPLOYEE TRAVELING _____ REQUEST DATE _____

BUSINESS PURPOSE _____

DEPARTMENT _____ TRAVEL DESTINATION AND DATES _____

ITEMIZED EXPENSES

						ESTIMATED COST:
REGISTRATION FEE:	MEALS PROVIDED BY CONFERENCE MUST BE DEDUCTED FROM M & IE RATE.					
MODE OF TRAVEL AND COSTS:						
AIRLINE		ONE WAY		ROUND TRIP		0.00
AIRPORT PARKING		PER DAY		TOTAL DAYS		0.00
TRAIN		ONE WAY		ROUND TRIP		0.00
BUS		ONE WAY		ROUND TRIP		0.00
* RENTAL CAR		ONE WAY		ROUND TRIP		0.00
* PERSONAL CAR		TOTAL MILEAGE	0.40	PER MILE		0.00
* TOLLS		ONE WAY		ROUND TRIP		0.00
CITY VEHICLE		" IS ADVISE TO BE USED INSTEAD OF PERSONAL CAR"				
LODGING EXPENSES:	BREAKFAST PROVIDED BY HOTEL MUST BE DEDUCTED FROM M & IE RATE					
HOTEL		PER NIGHT		TAXES		NUM OF NIGHTS	0.00
* SHUTTLE		PER TRIP		TAXES		TOTAL TRIP	0.00
* TAXI		PER TRIP		TAXES		TOTAL TRIP	0.00
* PARKING		PER DAY		TAXES		TOTAL DAYS	0.00

MEALS: M & IE RATE $_____

	SUN	MON	TUE	WED	THUR	FRI	SAT	
DATES:								
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

$0.00
TOTAL EXPENSE

EMPLOYEE SIGNATURE _____ DATE _____

DEPARTMENT HEAD APPROVAL _____ DATE _____

CITY MANAGER OR COUNCIL DESIGNEE APPROVAL _____ DATE _____

Finance Form 47

EXHIBIT B

CITY OF DOVER
TRAVEL EXPENSE REPORT FORM

NAME OF EMPLOYEE	DEPARTMENT	TRIP TAKEN TO (CITY)

PURPOSE OF TRIP

Please attach receipts for hotels, tolls, transportation, etc., and show all costs on this form.
Please use a separate form for each week.
Please note incidental expenses (tips) are included in M & IE Rate.

EXPENSES DATE	MON	TUES	WED	THUR	FRI	SAT	SUN	TOTAL
REGISTRATION FEES								$ -
TRANSPORTATION - AIR/TRAIN								$ -
PERSONAL AUTO _____ Miles @ .40 cents a mile								$ -
AUTO RENTAL								$ -
PARKING FEES, TOLLS, GAS, ETC.								$ -
TAXI/BUS FARE/SHUTTLE/BAGGAG								$ -
HOTEL/MOTEL								$ -
TELEPHONE								$ -
MISCELLANEOUS EXPENSES								$ -
MEALS (M & IE RATE)								$ -
MEAL ALLOWANCE OVERAGE								$ -
TOTALS	$ -	$ -	$ -	$0.00	$0.00	$ -	$ -	$ -

SIGNATURE OF PERSON INCURRING EXPEN _____ DATE _____

DEPARTMENT HEAD SIGNATURE (For Certification) _____ DATE _____

FINANCE DEPARTMENT - AUDIT _____ DATE _____

FINANCE - FINAL ACTION _____ DATE _____

ACCOUNT NUMBER _____

Form 30

TOTAL EXPENSES $ -

LESS PAID BY CITY: $ -

REGISTRATION _____ _____

HOTEL _____ _____

AIRFARE _____ _____

TRAVEL ADVANCE _____ _____

DUE EMPLOYEE _____

DUE CITY _____

EXHIBIT C

CITY OF DOVER
DEPARTMENT OF FINANCE

EXEMPTION CERTIFICATE
TAX ON OCCUPANCY OF HOTEL AND MOTEL AND TOUR IST HOME ROOMS

In accordance with Internal Revenue Code Section 5253(I), no tax shall be imposed under section 4251 upon any payment received for services or facilities furnished to the government of any State, or any political subdivision thereof, or the District of Columbia.

This Part to be Completed by the Operator

Name of Hotel, Motel, or Tourist Home			Fed. EI or SS number
Address	City	State	Zip Code

This Part to be Completed by the Occupant

This is to certify that I, the undersigned, am a representative of the City of Dover, Delaware; that the charges for the occupancy at the above establishment on the dates set forth below has been or will be paid for by the City of Dover, a government unit; and that such charges are incurred in the performance of my official duties as a representative or employee of the governmental unit.

Name (Please type or print)		Signature	
City of Dover	51-6000092		
Governmental Unit	Tax I.D. #	Title	
P.O. Box 475	Dover	DE	19903-0475
Address	City	State	Zip Code

Date(s) of Occupancy _____

If additional information is needed, please contact the City of Dover Finance Director at (302) 736-7018.

NOTE: A separate Exemption Certificate is required for each occupancy and for each representative or employee.

THIS EXEMPTION CERTIFICATE IS TO BE RETAINED BY THE OPERATORS OF HOTELS, MOTELS, AND TOURIST HOMES AS EVIDENCE OF EXEMPT OCCUPANCY.

\\Dover_1\finance\FORMS\DOCUMENTS\FORM99 A.wpd

ACCOUNTS PAYABLE
CHECK LIST FOR TRAVEL

PLEASE SUBMIT THE FOLLOWING TO ACCOUNTS PAYABLE IN THE ORDER LISTED BELOW.

(CURRENT FORMS, TRAVEL POLICY & M&IE RATE CAN BE FOUND IN PUBLIC DOCS/POLICIES.)

PLEASE ALLOW SUFFICIENT TIME FOR APPROVALS & FOR CHECKS TO BE PROCESSED.

TRAVEL AUTHORIZATION FORM COMPLETED & SIGNED BY EMPLOYEE, DEPARTMENT HEAD & COUNCIL DESIGNEE OR CITY MANAGER. THE ORIGINAL FORM MUST BE SENT TO ACCOUNTS PAYABLE WITH AN ITINERARY. **NOTE:** FORM CANNOT BE ALTERED AFTER IT HAS BEEN APPROVED BY THE CITY MANAGER.

REGISTRATION FORM MUST BE ATTACHED TO A PURCHASE ORDER LISTING: NAME OF ATTENDEE, DATES OF TRAVEL, NAME OF CONFERENCE & WHERE CONFERENCE IS BEING HELD. **NOTE:** IF CITY CREDIT IS BEING USED, PLEASE SUBMIT REGISTRATION FORM WITH CREDIT CARD AUTHORIZATION FORM APPROVED BY CREDIT CARD HOLDER & DEPARTMENT HEAD.

AIRFARE ITINERARY MUST BE ATTACHED TO A PURCHASE ORDER LISTING: NAME OF ATTENDEE, DATES OF TRAVEL, NAME OF CONFERENCE & WHERE CONFERENCE IS BEING HELD. **NOTE:** IF CITY CREDIT IS BEING USED, PLEASE SUBMIT AIRFARE ITINERARY WITH CREDIT CARD AUTHORIZATION FORM APPROVED BY CREDIT CARD HOLDER & DEPARTMENT HEAD.

LODGING ITINERARY MUST BE ATTACHED TO A PURCHASE ORDER LISTING: NAME OF ATTENDEE, DATES OF TRAVEL, NAME OF CONFERENCE & WHERE CONFERENCE IS BEING HELD. **NOTE:** IF CITY CREDIT IS BEING USED, PLEASE SUBMIT LODGING ITINERARY WITH CREDIT CARD AUTHORIZATION FORM APPROVED BY CREDIT CARD HOLDER & DEPARTMENT HEAD.

MEALS (M & IE RATE) DATES OF TRAVEL, NAME OF CONFERENCE & WERE CONFERENCE IS BEING HELD. **NOTE:** TRAVEL ADVANCE FOR MEALS MUST BE SUBMITTED TWO WEEKS PRIOR TO TRAVEL. IF MEALS ARE PROVIDED BY CONFERENCE, M & IE RATE MUST BE REDUCED. NO RECEIPTS REQUIRED FOR MEALS. ***(MILEAGE, TOLLS, CAR RENTAL, ETC. MUST BE APPROVED IN ADVANCE BY CITY MANAGER OR FINANCE DIRECTOR.)***

TRAVEL EXPENSE REPORT MUST BE SUBMITTED NO LATER THAN TEN DAYS AFTER TRIP. THE FOLLOWING MUST BE ATTACHED TO REPORT: PROOF OF MILEAGE, TOLLS/SHUTTLE/TAXI/PARKING RECEIPTS, ORIGINAL HOTEL RECEIPTS, ETC. PLEASE USE A SEPARATE FORM FOR EACH WEEK. **NOTE: PER TRAVEL POLICY, NO RECEIPTS "NO REIMBURSEMENT".**

Meals and Incidental Expenses (M&IE) Breakdown - Example

The separate amounts for breakfast, lunch and dinner listed in the chart are provided should you need to deduct any of those meals from your trip voucher. For example, if your trip includes meals that are already paid for by the government (such as through a registration fee for a conference), you will need to deduct those meals from your voucher. Refer to Section 301-11.18 of the Federal Travel Regulation for specific guidance on deducting these amounts from your per diem reimbursement claims for meals furnished to you by the government. Other organizations may have different rules that apply for their employees; please check with your organization for more assistance.

The table lists the six M&IE tiers in the lower 48 continental United States (currently ranging from $46 to $71). If you need to deduct a meal amount, first determine the location where you will be working while on official travel. You can look up the location-specific information at www.gsa.gov/perdiem. The M&IE rate for your location will be one of the six tiers listed on this table. Find the corresponding amount on the first line of the table (M&IE Total) and then look below for each specific meal deduction amount.

The table also lists the portion of the M&IE rate that is provided for incidental expenses (currently $5 for all tiers).

Total	Continental Breakfast/ Breakfast	Lunch	Dinner	IE
$46	$7	$11	$23	$5
$51	$8	$12	$26	$5
$56	$9	$13	$29	$5
$61	$10	$15	$31	$5
$66	$11	$16	$34	$5
$71	$12	$18	$36	$5

This table lists the amount federal employees receive for the first and last calendar day of travel. The first and last calendar day of travel is calculated at 75 percent.

Total	First & Last Day of Travel
$46	**$34.50**
$51	**$38.25**
$56	**$42.00**
$61	**$45.75**
$66	**$49.50**
$71	**$53.25**

CITY OF DOVER
TRAVEL REQUEST AND ITINERARY

EMPLOYEE TRAVELING | REQUEST DATE

BUSINESS PURPOSE

DEPARTMENT | TRAVEL DESTINATION AND DATES

ITEMIZED EXPENSES AND TRAVEL ADVANCES

NOTE: ITINERARY AND PROOF FOR ALL TRAVEL ADVANCE REQUESTS BELOW ARE REQUIRED PRIOR TO TRAVEL.

* APPROVAL FOR SPECIAL REQUESTS ARE REQUIRED FROM FINANCE-CONTROLLER/TREASURER OR CITY MANAGER PRIOR TO TRIP*

					ESTIMATED COST:
REGISTRATION FEE:	MEALS PROVIDED BY CONFERENCE MUST BE DEDUCTED FROM M & IE RATE.				
MODE OF TRAVEL AND COSTS:					
AIRLINE		ONE WAY		ROUND TRIP	0.00
AIRPORT PARKING		PER DAY		TOTAL DAYS	0.00
TRAIN		ONE WAY		ROUND TRIP	0.00
BUS		ONE WAY		ROUND TRIP	0.00
* RENTAL CAR		ONE WAY		ROUND TRIP	0.00
* PERSONAL CAR		TOTAL MILEAGE	0.40	PER MILE	0.00
* TOLLS		ONE WAY		ROUND TRIP	0.00
CITY VEHICLE		" IS ADVISE TO BE USED INSTEAD OF PERSONAL CAR"			
LODGING EXPENSES:	BREAKFAST PROVIDED BY HOTEL MUST BE DEDUCTED FROM M & IE RATE				
HOTEL		PER NIGHT	TAXES	NUM OF NIGHTS	0.00
* SHUTTLE		PER TRIP	TAXES	TOTAL TRIP	0.00
* TAXI		PER TRIP	TAXES	TOTAL TRIP	0.00
* PARKING		PER DAY	TAXES	TOTAL DAYS	0.00

MEALS: M & IE RATE $_____ (MEALS & INCIDENTAL EXPENSES) SUBTRACT 25 % FOR EACH MEAL PROVIDED. SUBTRACT 75% FOR PARTIAL DAY OF TRAVEL.

	SUN	MON	TUE	WED	THUR	FRI	SAT	
DATES:								
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

TOTAL EXPENSE

EMPLOYEE SIGNATURE | DATE

DEPARTMENT HEAD APPROVAL | DATE

CITY MANAGER OR COUNCIL DESIGNEE APPROVAL | DATE

Finance Form 47

FY 2015 Per Diem Rates - Effective October 1, 2014

STATE	DESTINATION	COUNTY / LOCATION DEFINED	SEASON BEGIN	SEASON END	FY2015 Lodging Rate	FY2015 M&IE
	Standard CONUS rate applies to all counties not specifically listed. Cities not listed may be located in a listed county.				**$83**	**$46**
AL	Birmingham	Jefferson / Shelby			$ 92	$ 56
AL	Gulf Shores	Baldwin	October 1	February 28	$ 100	$ 51
AL	Gulf Shores	Baldwin	March 1	July 31	$ 128	$ 51
AL	Gulf Shores	Baldwin	August 1	September 30	$ 100	$ 51
AL	Huntsville	Madison / Limestone			$ 86	$ 51
AL	Mobile	Mobile	October 1	December 31	$ 86	$ 51
AL	Mobile	Mobile	January 1	February 28	$ 95	$ 51
AL	Mobile	Mobile	March 1	September 30	$ 86	$ 51
AR	Hot Springs	Garland			$ 100	$ 46
AR	Little Rock	Pulaski			$ 89	$ 61
AZ	Grand Canyon / Flagstaff	Coconino / Yavapai less the city of Sedona	October 1	February 28	$ 83	$ 66
AZ	Grand Canyon / Flagstaff	Coconino / Yavapai less the city of Sedona	March 1	September 30	$ 112	$ 66
AZ	Kayenta	Navajo			$ 109	$ 61
AZ	Phoenix / Scottsdale	Maricopa	October 1	December 31	$ 106	$ 71
AZ	Phoenix / Scottsdale	Maricopa	January 1	March 31	$ 141	$ 71
AZ	Phoenix / Scottsdale	Maricopa	April 1	May 31	$ 113	$ 71
AZ	Phoenix / Scottsdale	Maricopa	June 1	August 31	$ 83	$ 71
AZ	Phoenix / Scottsdale	Maricopa	September 1	September 30	$ 106	$ 71
AZ	Sedona	City Limits of Sedona	October 1	February 28	$ 131	$ 66
AZ	Sedona	City Limits of Sedona	March 1	May 31	$ 150	$ 66
AZ	Sedona	City Limits of Sedona	June 1	September 30	$ 131	$ 66
AZ	Tucson	Pima	October 1	January 31	$ 86	$ 56
AZ	Tucson	Pima	February 1	May 31	$ 100	$ 56
AZ	Tucson	Pima	June 1	August 31	$ 83	$ 56
AZ	Tucson	Pima	September 1	September 30	$ 86	$ 56
CA	Antioch / Brentwood / Concord	Contra Costa			$ 122	$ 66
CA	Bakersfield / Ridgecrest	Kern			$ 92	$ 51
CA	Barstow / Ontario / Victorville	San Bernardino			$ 98	$ 56
CA	Death Valley	Inyo			$ 100	$ 46
CA	Eureka / Arcata / McKinleyville	Humboldt	October 1	June 30	$ 91	$ 61
CA	Eureka / Arcata / McKinleyville	Humboldt	July 1	August 31	$ 109	$ 61
CA	Eureka / Arcata / McKinleyville	Humboldt	September 1	September 30	$ 91	$ 61
CA	Fresno	Fresno			$ 89	$ 61
CA	Los Angeles	Los Angeles / Orange / Ventura / Edwards AFB less the city of Santa Monica			$ 138	$ 71
CA	Mammoth Lakes	Mono	October 1	November 30	$ 102	$ 61
CA	Mammoth Lakes	Mono	December 1	March 31	$ 128	$ 61
CA	Mammoth Lakes	Mono	April 1	September 30	$ 102	$ 61
CA	Mill Valley / San Rafael / Novato	Marin			$ 133	$ 56
CA	Modesto	Stanislaus			$ 85	$ 51
CA	Monterey	Monterey	October 1	June 30	$ 131	$ 71
CA	Monterey	Monterey	July 1	August 31	$ 166	$ 71
CA	Monterey	Monterey	September 1	September 30	$ 131	$ 71
CA	Napa	Napa	October 1	November 30	$ 171	$ 66
CA	Napa	Napa	December 1	January 31	$ 131	$ 66
CA	Napa	Napa	February 1	September 30	$ 171	$ 66
CA	Oakhurst	Madera	October 1	May 31	$ 87	$ 56
CA	Oakhurst	Madera	June 1	August 31	$ 111	$ 56
CA	Oakhurst	Madera	September 1	September 30	$ 87	$ 56
CA	Oakland	Alameda			$ 124	$ 61
CA	Palm Springs	Riverside	October 1	December 31	$ 110	$ 71
CA	Palm Springs	Riverside	January 1	May 31	$ 128	$ 71
CA	Palm Springs	Riverside	June 1	September 30	$ 90	$ 71
CA	Point Arena / Gualala	Mendocino			$ 96	$ 66
CA	Redding	Shasta			$ 89	$ 61
CA	Sacramento	Sacramento			$ 107	$ 61
CA	San Diego	San Diego			$ 142	$ 71
CA	San Francisco	San Francisco	October 1	October 31	$ 251	$ 71
CA	San Francisco	San Francisco	November 1	December 31	$ 209	$ 71
CA	San Francisco	San Francisco	January 1	August 31	$ 219	$ 71
CA	San Francisco	San Francisco	September 1	September 30	$ 251	$ 71
CA	San Luis Obispo	San Luis Obispo			$ 111	$ 66
CA	San Mateo / Foster City / Belmont	San Mateo			$ 155	$ 61
CA	Santa Barbara	Santa Barbara	October 1	June 30	$ 151	$ 66

CA	Santa Barbara	Santa Barbara	July 1	August 31	$ 200	$ 66
CA	Santa Barbara	Santa Barbara	September 1	September 30	$ 151	$ 66
CA	Santa Cruz	Santa Cruz	October 1	May 31	$ 128	$ 66
CA	Santa Cruz	Santa Cruz	June 1	August 31	$ 168	$ 66
CA	Santa Cruz	Santa Cruz	September 1	September 30	$ 128	$ 66
CA	Santa Monica	City limits of Santa Monica	October 1	December 31	$ 190	$ 71
CA	Santa Monica	City limits of Santa Monica	January 1	May 31	$ 202	$ 71
CA	Santa Monica	City limits of Santa Monica	June 1	August 31	$ 230	$ 71
CA	Santa Monica	City limits of Santa Monica	September 1	September 30	$ 190	$ 71
CA	Santa Rosa	Sonoma			$ 121	$ 61
CA	South Lake Tahoe	El Dorado			$ 114	$ 71
CA	Stockton	San Joaquin			$ 93	$ 56
CA	Sunnyvale / Palo Alto / San Jose	Santa Clara			$ 162	$ 56
CA	Tahoe City	Placer			$ 87	$ 61
CA	Truckee	Nevada			$ 106	$ 71
CA	Visalia / Lemoore	Tulare / Kings			$ 88	$ 61
CA	West Sacramento / Davis	Yolo			$ 108	$ 51
CA	Yosemite National Park	Mariposa	October 1	November 30	$ 90	$ 71
CA	Yosemite National Park	Mariposa	December 1	May 31	$ 113	$ 71
CA	Yosemite National Park	Mariposa	June 1	August 31	$ 124	$ 71
CA	Yosemite National Park	Mariposa	September 1	September 30	$ 90	$ 71
CO	Aspen	Pitkin	October 1	November 30	$ 116	$ 71
CO	Aspen	Pitkin	December 1	March 31	$ 270	$ 71
CO	Aspen	Pitkin	April 1	May 31	$ 117	$ 71
CO	Aspen	Pitkin	June 1	August 31	$ 201	$ 71
CO	Aspen	Pitkin	September 1	September 30	$ 116	$ 71
CO	Boulder / Broomfield	Boulder / Broomfield			$ 114	$ 61
CO	Colorado Springs	El Paso			$ 89	$ 66
CO	Cortez	Montezuma	October 1	May 31	$ 88	$ 51
CO	Cortez	Montezuma	June 1	September 30	$ 111	$ 51
CO	Crested Butte / Gunnison	Gunnison			$ 95	$ 51
CO	Denver / Aurora	Denver / Adams / Arapahoe / Jefferson			$ 163	$ 66
CO	Douglas	Douglas			$ 108	$ 61
CO	Durango	La Plata	October 1	May 31	$ 97	$ 61
CO	Durango	La Plata	June 1	September 30	$ 141	$ 61
CO	Fort Collins / Loveland	Larimer			$ 98	$ 56
CO	Montrose	Montrose			$ 87	$ 56
CO	Silverthorne / Breckenridge	Summit	October 1	November 30	$ 94	$ 56
CO	Silverthorne / Breckenridge	Summit	December 1	March 31	$ 138	$ 56
CO	Silverthorne / Breckenridge	Summit	April 1	May 31	$ 83	$ 56
CO	Silverthorne / Breckenridge	Summit	June 1	September 30	$ 94	$ 56
CO	Steamboat Springs	Routt	October 1	November 30	$ 99	$ 56
CO	Steamboat Springs	Routt	December 1	March 31	$ 172	$ 56
CO	Steamboat Springs	Routt	April 1	September 30	$ 99	$ 56
CO	Telluride	San Miguel	October 1	November 30	$ 127	$ 71
CO	Telluride	San Miguel	December 1	March 31	$ 334	$ 71
CO	Telluride	San Miguel	April 1	May 31	$ 136	$ 71
CO	Telluride	San Miguel	June 1	September 30	$ 174	$ 71
CO	Vail	Eagle	October 1	November 30	$ 116	$ 71
CO	Vail	Eagle	December 1	March 31	$ 312	$ 71
CO	Vail	Eagle	April 1	June 30	$ 126	$ 71
CO	Vail	Eagle	July 1	August 31	$ 151	$ 71
CO	Vail	Eagle	September 1	September 30	$ 116	$ 71
CT	Bridgeport / Danbury	Fairfield			$ 125	$ 71
CT	Cromwell / Old Saybrook	Middlesex			$ 93	$ 61
CT	Hartford	Hartford			$ 116	$ 56
CT	New Haven	New Haven			$ 94	$ 61
CT	New London / Groton	New London			$ 98	$ 61
DC	District of Columbia	Washington DC (also the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington and Fairfax, in Virginia; and the counties of Montgomery and Prince George's in Maryland)	October 1	October 31	$ 222	$ 71
DC	District of Columbia	Washington DC (also the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington and Fairfax, in Virginia; and the counties of Montgomery and Prince George's in Maryland)	November 1	February 28	$ 177	$ 71
DC	District of Columbia	Washington DC (also the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington and Fairfax, in Virginia; and the counties of Montgomery and Prince George's in Maryland)	March 1	June 30	$ 229	$ 71

DC	District of Columbia	Washington DC (also the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington and Fairfax, in Virginia; and the counties of Montgomery and Prince George's in Maryland)	July 1	August 31	$ 162	$ 71
DC	District of Columbia	Washington DC (also the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington and Fairfax, in Virginia; and the counties of Montgomery and Prince George's in Maryland)	September 1	September 30	$ 222	$ 71
DE	Dover	Kent	October 1	April 30	$ 83	$ 46
DE	Dover	Kent	May 1	September 30	$ 101	$ 46
DE	Lewes	Sussex	October 1	June 30	$ 88	$ 46
DE	Lewes	Sussex	July 1	August 31	$ 137	$ 46
DE	Lewes	Sussex	September 1	September 30	$ 88	$ 46
DE	Wilmington	New Castle			$ 120	$ 56
FL	Boca Raton / Delray Beach / Jupiter	Palm Beach / Hendry	October 1	December 31	$ 97	$ 71
FL	Boca Raton / Delray Beach / Jupiter	Palm Beach / Hendry	January 1	April 30	$ 157	$ 71
FL	Boca Raton / Delray Beach / Jupiter	Palm Beach / Hendry	May 1	September 30	$ 97	$ 71
FL	Bradenton	Manatee	October 1	January 31	$ 83	$ 56
FL	Bradenton	Manatee	February 1	March 31	$ 119	$ 56
FL	Bradenton	Manatee	April 1	September 30	$ 83	$ 56
FL	Cocoa Beach	Brevard			$ 105	$ 51
FL	Daytona Beach	Volusia	October 1	January 31	$ 83	$ 51
FL	Daytona Beach	Volusia	February 1	March 31	$ 110	$ 51
FL	Daytona Beach	Volusia	April 1	July 31	$ 90	$ 51
FL	Daytona Beach	Volusia	August 1	September 30	$ 83	$ 51
FL	Fort Lauderdale	Broward	October 1	December 31	$ 134	$ 71
FL	Fort Lauderdale	Broward	January 1	March 31	$ 188	$ 71
FL	Fort Lauderdale	Broward	April 1	May 31	$ 140	$ 71
FL	Fort Lauderdale	Broward	June 1	September 30	$ 109	$ 71
FL	Fort Myers	Lee	October 1	December 31	$ 93	$ 56
FL	Fort Myers	Lee	January 1	April 30	$ 142	$ 56
FL	Fort Myers	Lee	May 1	September 30	$ 93	$ 56
FL	Fort Walton Beach / De Funiak Springs	Okaloosa / Walton	October 1	October 31	$ 129	$ 51
FL	Fort Walton Beach / De Funiak Springs	Okaloosa / Walton	November 1	February 28	$ 86	$ 51
FL	Fort Walton Beach / De Funiak Springs	Okaloosa / Walton	March 1	May 31	$ 145	$ 51
FL	Fort Walton Beach / De Funiak Springs	Okaloosa / Walton	June 1	July 31	$ 196	$ 51
FL	Fort Walton Beach / De Funiak Springs	Okaloosa / Walton	August 1	September 30	$ 129	$ 51
FL	Gainesville	Alachua			$ 94	$ 51
FL	Gulf Breeze	Santa Rosa	October 1	May 31	$ 83	$ 51
FL	Gulf Breeze	Santa Rosa	June 1	July 31	$ 108	$ 51
FL	Gulf Breeze	Santa Rosa	August 1	September 30	$ 83	$ 51
FL	Key West	Monroe	October 1	November 30	$ 183	$ 71
FL	Key West	Monroe	December 1	January 31	$ 230	$ 71
FL	Key West	Monroe	February 1	March 31	$ 279	$ 71
FL	Key West	Monroe	April 1	September 30	$ 183	$ 71
FL	Miami	Miami-Dade	October 1	December 31	$ 152	$ 66
FL	Miami	Miami-Dade	January 1	March 31	$ 203	$ 66
FL	Miami	Miami-Dade	April 1	May 31	$ 146	$ 66
FL	Miami	Miami-Dade	June 1	September 30	$ 119	$ 66
FL	Naples	Collier	October 1	December 31	$ 136	$ 61
FL	Naples	Collier	January 1	April 30	$ 203	$ 61
FL	Naples	Collier	May 1	September 30	$ 116	$ 61
FL	Orlando	Orange			$ 115	$ 56
FL	Panama City	Bay	October 1	February 28	$ 83	$ 51
FL	Panama City	Bay	March 1	July 31	$ 119	$ 51
FL	Panama City	Bay	August 1	September 30	$ 83	$ 51
FL	Pensacola	Escambia	October 1	February 28	$ 94	$ 46
FL	Pensacola	Escambia	March 1	August 31	$ 121	$ 46
FL	Pensacola	Escambia	September 1	September 30	$ 94	$ 46
FL	Punta Gorda	Charlotte	October 1	January 31	$ 83	$ 51
FL	Punta Gorda	Charlotte	February 1	March 31	$ 123	$ 51
FL	Punta Gorda	Charlotte	April 1	September 30	$ 83	$ 51
FL	Sarasota	Sarasota	October 1	December 31	$ 92	$ 56
FL	Sarasota	Sarasota	January 1	April 30	$ 126	$ 56
FL	Sarasota	Sarasota	May 1	September 30	$ 92	$ 56
FL	Sebring	Highlands			$ 99	$ 46
FL	St. Augustine	St. Johns			$ 107	$ 56
FL	Stuart	Martin			$ 91	$ 51

FL	Tallahassee	Leon	October 1	December 31	$ 88	$ 46
FL	Tallahassee	Leon	January 1	April 30	$ 104	$ 46
FL	Tallahassee	Leon	May 1	September 30	$ 88	$ 46
FL	Tampa / St. Petersburg	Pinellas / Hillsborough	October 1	December 31	$ 104	$ 51
FL	Tampa / St. Petersburg	Pinellas / Hillsborough	January 1	February 28	$ 115	$ 51
FL	Tampa / St. Petersburg	Pinellas / Hillsborough	March 1	September 30	$ 104	$ 51
FL	Vero Beach	Indian River	October 1	January 31	$ 109	$ 51
FL	Vero Beach	Indian River	February 1	April 30	$ 155	$ 51
FL	Vero Beach	Indian River	May 1	September 30	$ 109	$ 51
GA	Athens	Clarke			$ 91	$ 46
GA	Atlanta	Fulton / Dekalb / Cobb			$ 135	$ 56
GA	Augusta	Richmond			$ 91	$ 51
GA	Jekyll Island / Brunswick	Glynn	October 1	October 31	$ 148	$ 56
GA	Jekyll Island / Brunswick	Glynn	November 1	February 28	$ 110	$ 56
GA	Jekyll Island / Brunswick	Glynn	March 1	September 30	$ 148	$ 56
GA	Savannah	Chatham			$ 101	$ 56
IA	Cedar Rapids	Linn			$ 88	$ 51
IA	Dallas	Dallas			$ 114	$ 51
IA	Des Moines	Polk			$ 97	$ 51
ID	Bonner's Ferry / Sandpoint	Bonner / Boundary / Shoshone	October 1	June 30	$ 83	$ 61
ID	Bonner's Ferry / Sandpoint	Bonner / Boundary / Shoshone	July 1	August 31	$ 101	$ 61
ID	Bonner's Ferry / Sandpoint	Bonner / Boundary / Shoshone	September 1	September 30	$ 83	$ 61
ID	Coeur d'Alene	Kootenai	October 1	May 31	$ 85	$ 61
ID	Coeur d'Alene	Kootenai	June 1	August 31	$ 124	$ 61
ID	Coeur d'Alene	Kootenai	September 1	September 30	$ 85	$ 61
ID	Driggs / Idaho Falls	Bonneville / Fremont / Teton			$ 86	$ 46
ID	Sun Valley / Ketchum	Blaine / Elmore			$ 99	$ 71
IL	Bolingbrook / Romeoville / Lemont	Will			$ 90	$ 51
IL	Chicago	Cook / Lake	October 1	November 30	$ 194	$ 71
IL	Chicago	Cook / Lake	December 1	February 28	$ 132	$ 71
IL	Chicago	Cook / Lake	March 1	April 30	$ 159	$ 71
IL	Chicago	Cook / Lake	May 1	August 31	$ 192	$ 71
IL	Chicago	Cook / Lake	September 1	September 30	$ 194	$ 71
IL	O'Fallon / Fairview Heights / Collinsville	Bond / Calhoun / Clinton / Jersey / Macoupin / Madison / Monroe / St. Clair			$ 115	$ 56
IL	Oak Brook Terrace	Dupage			$ 103	$ 61
IL	Springfield	Sangamon			$ 89	$ 56
IN	Bloomington	Monroe			$ 104	$ 56
IN	Ft. Wayne	Allen			$ 88	$ 56
IN	Hammond / Munster / Merrillville	Lake			$ 96	$ 46
IN	Indianapolis / Carmel	Marion / Hamilton			$ 98	$ 61
IN	Lafayette / West Lafayette	Tippecanoe			$ 88	$ 51
IN	South Bend	St. Joseph			$ 90	$ 56
KS	Kansas City / Overland Park	Wyandotte / Johnson / Leavenworth			$ 106	$ 61
KS	Wichita	Sedgwick			$ 93	$ 56
KY	Boone	Boone			$ 92	$ 51
KY	Kenton	Kenton			$ 132	$ 56
KY	Lexington	Fayette			$ 97	$ 61
KY	Louisville	Jefferson	October 1	January 31	$ 106	$ 61
KY	Louisville	Jefferson	February 1	May 31	$ 121	$ 61
KY	Louisville	Jefferson	June 1	September 30	$ 106	$ 61
LA	Alexandria / Leesville / Natchitoches	Allen / Jefferson Davis / Natchitoches / Rapides / Vernon Parishes			$ 86	$ 61
LA	Baton Rouge	East Baton Rouge Parish			$ 94	$ 56
LA	Covington / Slidell	St. Tammany Parish			$ 90	$ 56
LA	New Orleans	Orleans / St. Bernard / Jefferson / Plaquemine Parishes	October 1	December 31	$ 154	$ 71
LA	New Orleans	Orleans / St. Bernard / Jefferson / Plaquemine Parishes	January 1	June 30	$ 151	$ 71
LA	New Orleans	Orleans / St. Bernard / Jefferson / Plaquemine Parishes	July 1	September 30	$ 107	$ 71
MA	Andover	Essex			$ 101	$ 56
MA	Boston / Cambridge	Suffolk, city of Cambridge	October 1	October 31	$ 258	$ 71
MA	Boston / Cambridge	Suffolk, city of Cambridge	November 1	March 31	$ 179	$ 71
MA	Boston / Cambridge	Suffolk, city of Cambridge	April 1	June 30	$ 231	$ 71
MA	Boston / Cambridge	Suffolk, city of Cambridge	July 1	August 31	$ 210	$ 71
MA	Boston / Cambridge	Suffolk, city of Cambridge	September 1	September 30	$ 258	$ 71
MA	Burlington / Woburn	Middlesex less the city of Cambridge			$ 127	$ 71
MA	Falmouth	City limits of Falmouth	October 1	June 30	$ 110	$ 51
MA	Falmouth	City limits of Falmouth	July 1	August 31	$ 184	$ 51
MA	Falmouth	City limits of Falmouth	September 1	September 30	$ 110	$ 51
MA	Hyannis	Barnstable less the city of Falmouth	October 1	June 30	$ 97	$ 56
MA	Hyannis	Barnstable less the city of Falmouth	July 1	August 31	$ 157	$ 56
MA	Hyannis	Barnstable less the city of Falmouth	September 1	September 30	$ 97	$ 56
MA	Martha's Vineyard	Dukes	October 1	June 30	$ 124	$ 71
MA	Martha's Vineyard	Dukes	July 1	August 31	$ 265	$ 71
MA	Martha's Vineyard	Dukes	September 1	September 30	$ 124	$ 71

MA	Nantucket	Nantucket	October 1	May 31	$ 137	$ 61
MA	Nantucket	Nantucket	June 1	September 30	$ 289	$ 61
MA	Northampton	Hampshire			$ 106	$ 56
MA	Pittsfield	Berkshire			$ 122	$ 61
MA	Plymouth / Taunton / New Bedford	Plymouth / Bristol			$ 99	$ 56
MA	Quincy	Norfolk			$ 133	$ 51
MA	Springfield	Hampden			$ 104	$ 51
MA	Worcester	Worcester			$ 106	$ 61
MD	Aberdeen / Bel Air / Belcamp	Harford			$ 94	$ 56
MD	Annapolis	Anne Arundel	October 1	October 31	$ 121	$ 61
MD	Annapolis	Anne Arundel	November 1	April 30	$ 100	$ 61
MD	Annapolis	Anne Arundel	May 1	September 30	$ 121	$ 61
MD	Baltimore County	Baltimore			$ 98	$ 61
MD	Baltimore City	Baltimore City	October 1	November 30	$ 153	$ 71
MD	Baltimore City	Baltimore City	December 1	February 28	$ 118	$ 71
MD	Baltimore City	Baltimore City	March 1	August 31	$ 150	$ 71
MD	Baltimore City	Baltimore City	September 1	September 30	$ 153	$ 71
MD	Cambridge / St. Michaels	Dorchester / Talbot	October 1	May 31	$ 124	$ 61
MD	Cambridge / St. Michaels	Dorchester / Talbot	June 1	August 31	$ 170	$ 61
MD	Cambridge / St. Michaels	Dorchester / Talbot	September 1	September 30	$ 124	$ 61
MD	Centreville	Queen Anne	October 1	October 31	$ 121	$ 51
MD	Centreville	Queen Anne	November 1	January 31	$ 105	$ 51
MD	Centreville	Queen Anne	February 1	September 30	$ 121	$ 51
MD	Columbia	Howard			$ 102	$ 61
MD	Frederick	Frederick			$ 99	$ 56
MD	Lexington Park / Leonardtown / Lusby	St. Mary's / Calvert			$ 94	$ 61
MD	Ocean City	Worcester	October 1	May 31	$ 85	$ 71
MD	Ocean City	Worcester	June 1	August 31	$ 193	$ 71
MD	Ocean City	Worcester	September 1	September 30	$ 85	$ 71
ME	Bar Harbor	Hancock	October 1	October 31	$ 124	$ 61
ME	Bar Harbor	Hancock	November 1	March 31	$ 83	$ 61
ME	Bar Harbor	Hancock	April 1	June 30	$ 107	$ 61
ME	Bar Harbor	Hancock	July 1	August 31	$ 168	$ 61
ME	Bar Harbor	Hancock	September 1	September 30	$ 124	$ 61
ME	Kennebunk / Kittery / Sanford	York	October 1	November 30	$ 96	$ 56
ME	Kennebunk / Kittery / Sanford	York	December 1	March 31	$ 83	$ 56
ME	Kennebunk / Kittery / Sanford	York	April 1	June 30	$ 89	$ 56
ME	Kennebunk / Kittery / Sanford	York	July 1	August 31	$ 129	$ 56
ME	Kennebunk / Kittery / Sanford	York	September 1	September 30	$ 96	$ 56
ME	Portland	Cumberland / Sagadahoc	October 1	October 31	$ 124	$ 56
ME	Portland	Cumberland / Sagadahoc	November 1	June 30	$ 99	$ 56
ME	Portland	Cumberland / Sagadahoc	July 1	August 31	$ 142	$ 56
ME	Portland	Cumberland / Sagadahoc	September 1	September 30	$ 124	$ 56
ME	Rockport	Knox	October 1	June 30	$ 85	$ 56
ME	Rockport	Knox	July 1	August 31	$ 108	$ 56
ME	Rockport	Knox	September 1	September 30	$ 85	$ 56
MI	Ann Arbor	Washtenaw			$ 105	$ 56
MI	Benton Harbor / St. Joseph / Stevensville	Berrien			$ 91	$ 51
MI	Detroit	Wayne			$ 109	$ 56
MI	East Lansing / Lansing	Ingham / Eaton			$ 91	$ 51
MI	Grand Rapids	Kent			$ 96	$ 51
MI	Holland	Ottawa			$ 98	$ 56
MI	Kalamazoo / Battle Creek	Kalamazoo / Calhoun			$ 89	$ 51
MI	Mackinac Island	Mackinac	October 1	June 30	$ 83	$ 66
MI	Mackinac Island	Mackinac	July 1	August 31	$ 99	$ 66
MI	Mackinac Island	Mackinac	September 1	September 30	$ 83	$ 66
MI	Midland	Midland			$ 97	$ 46
MI	Muskegon	Muskegon	October 1	May 31	$ 83	$ 46
MI	Muskegon	Muskegon	June 1	August 31	$ 106	$ 46
MI	Muskegon	Muskegon	September 1	September 30	$ 83	$ 46
MI	Petoskey	Emmet	October 1	June 30	$ 85	$ 51
MI	Petoskey	Emmet	July 1	August 31	$ 116	$ 51
MI	Petoskey	Emmet	September 1	September 30	$ 85	$ 51
MI	Pontiac / Auburn Hills	Oakland			$ 96	$ 56
MI	South Haven	Van Buren	October 1	May 31	$ 83	$ 56
MI	South Haven	Van Buren	June 1	August 31	$ 104	$ 56
MI	South Haven	Van Buren	September 1	September 30	$ 83	$ 56
MI	Traverse City / Leland	Grand Traverse / Leelanau	October 1	June 30	$ 88	$ 51
MI	Traverse City / Leland	Grand Traverse / Leelanau	July 1	August 31	$ 151	$ 51
MI	Traverse City / Leland	Grand Traverse / Leelanau	September 1	September 30	$ 88	$ 51
MN	Duluth	St. Louis	October 1	June 30	$ 97	$ 56
MN	Duluth	St. Louis	July 1	August 31	$ 125	$ 56
MN	Duluth	St. Louis	September 1	September 30	$ 97	$ 56
MN	Eagan / Burnsville / Mendota Heights	Dakota			$ 89	$ 56

MN	Minneapolis / St. Paul	Hennepin / Ramsey			$ 135	$ 71
MN	Rochester	Olmsted			$ 112	$ 51
MO	Kansas City	Jackson / Clay / Cass / Platte			$ 106	$ 61
MO	St. Louis	St. Louis / St. Louis City / St. Charles / Crawford / Franklin / Jefferson / Lincoln / Warren / Washington			$ 115	$ 66
MS	Hattiesburg	Forrest / Lamar			$ 87	$ 51
MS	Oxford	Lafayette			$ 102	$ 51
MS	Southaven	Desoto			$ 96	$ 46
MS	Starkville	Oktibbeha			$ 98	$ 46
MT	Big Sky / West Yellowstone	Gallatin	October 1	May 31	$ 86	$ 61
MT	Big Sky / West Yellowstone	Gallatin	June 1	September 30	$ 125	$ 61
MT	Butte	Silver Bow			$ 88	$ 51
MT	Glendive / Sidney	Dawson / Richland			$ 161	$ 56
MT	Helena	Lewis and Clark			$ 89	$ 56
MT	Missoula / Polson / Kalispell	Missoula / Lake / Flathead	October 1	June 30	$ 92	$ 51
MT	Missoula / Polson / Kalispell	Missoula / Lake / Flathead	July 1	August 31	$ 128	$ 51
MT	Missoula / Polson / Kalispell	Missoula / Lake / Flathead	September 1	September 30	$ 92	$ 51
NC	Asheville	Buncombe			$ 102	$ 51
NC	Atlantic Beach / Morehead City	Carteret	October 1	May 31	$ 83	$ 56
NC	Atlantic Beach / Morehead City	Carteret	June 1	August 31	$ 112	$ 56
NC	Atlantic Beach / Morehead City	Carteret	September 1	September 30	$ 83	$ 56
NC	Chapel Hill	Orange			$ 97	$ 56
NC	Charlotte	Mecklenburg			$ 110	$ 51
NC	Durham	Durham			$ 92	$ 51
NC	Fayetteville	Cumberland			$ 99	$ 51
NC	Greensboro	Guilford	October 1	October 31	$ 97	$ 56
NC	Greensboro	Guilford	November 1	January 31	$ 89	$ 56
NC	Greensboro	Guilford	February 1	September 30	$ 97	$ 56
NC	Kill Devil	Dare	October 1	March 31	$ 93	$ 61
NC	Kill Devil	Dare	April 1	May 31	$ 107	$ 61
NC	Kill Devil	Dare	June 1	August 31	$ 162	$ 61
NC	Kill Devil	Dare	September 1	September 30	$ 93	$ 61
NC	New Bern / Havelock	Craven			$ 90	$ 46
NC	Raleigh	Wake			$ 98	$ 66
NC	Wilmington	New Hanover			$ 94	$ 56
ND	Dickinson / Beulah	Stark / Mercer / Billings			$ 118	$ 56
ND	Minot	Ward			$ 102	$ 56
ND	Williston	Williams / Mountrail / McKenzie			$ 161	$ 56
NE	Omaha	Douglas			$ 102	$ 61
NH	Concord	Merrimack			$ 88	$ 51
NH	Conway	Caroll	October 1	February 28	$ 119	$ 61
NH	Conway	Caroll	March 1	June 30	$ 99	$ 61
NH	Conway	Caroll	July 1	August 31	$ 158	$ 61
NH	Conway	Caroll	September 1	September 30	$ 119	$ 61
NH	Durham	Strafford			$ 97	$ 46
NH	Laconia	Belknap	October 1	October 31	$ 112	$ 51
NH	Laconia	Belknap	November 1	May 31	$ 84	$ 51
NH	Laconia	Belknap	June 1	September 30	$ 112	$ 51
NH	Lebanon / Lincoln / West Lebanon	Grafton / Sullivan			$ 115	$ 56
NH	Manchester	Hillsborough			$ 92	$ 56
NH	Portsmouth	Rockingham	October 1	June 30	$ 106	$ 61
NH	Portsmouth	Rockingham	July 1	August 31	$ 140	$ 61
NH	Portsmouth	Rockingham	September 1	September 30	$ 106	$ 61
NJ	Atlantic City / Ocean City / Cape May	Atlantic / Cape May			$ 94	$ 66
NJ	Belle Mead	Somerset			$ 135	$ 56
NJ	Cherry Hill / Moorestown	Camden / Burlington			$ 97	$ 61
NJ	Eatontown / Freehold	Monmouth			$ 103	$ 56
NJ	Edison / Piscataway	Middlesex			$ 109	$ 51
NJ	Flemington	Hunterdon			$ 114	$ 61
NJ	Newark	Essex / Bergen / Hudson / Passaic			$ 134	$ 61
NJ	Parsippany	Morris			$ 136	$ 56
NJ	Princeton / Trenton	Mercer			$ 127	$ 61
NJ	Springfield / Cranford / New Providence	Union			$ 115	$ 56
NJ	Toms River	Ocean	October 1	May 31	$ 83	$ 51
NJ	Toms River	Ocean	June 1	August 31	$ 93	$ 51
NJ	Toms River	Ocean	September 1	September 30	$ 83	$ 51
NM	Carlsbad	Eddy	October 1	March 31	$ 127	$ 51
NM	Carlsbad	Eddy	April 1	June 30	$ 120	$ 51
NM	Carlsbad	Eddy	July 1	September 30	$ 127	$ 51
NM	Las Cruces	Dona Ana			$ 91	$ 56
NM	Los Alamos	Los Alamos			$ 86	$ 51
NM	Santa Fe	Santa Fe			$ 94	$ 71
NM	Taos	Taos			$ 92	$ 66
NV	Incline Village / Reno / Sparks	Washoe	October 1	June 30	$ 95	$ 51

NV	Incline Village / Reno / Sparks	Washoe	July 1	August 31	$ 130	$ 51
NV	Incline Village / Reno / Sparks	Washoe	September 1	September 30	$ 95	$ 51
NV	Las Vegas	Clark			$ 96	$ 71
NV	Stateline / Carson City	Douglas / Carson City			$ 87	$ 61
NY	Albany	Albany			$ 111	$ 61
NY	Binghamton / Owego	Broome / Tioga			$ 97	$ 46
NY	Buffalo	Erie			$ 108	$ 56
NY	Floral Park / Garden City / Great Neck	Nassau			$ 149	$ 66
NY	Glens Falls	Warren	October 1	June 30	$ 101	$ 66
NY	Glens Falls	Warren	July 1	August 31	$ 159	$ 66
NY	Glens Falls	Warren	September 1	September 30	$ 101	$ 66
NY	Ithaca / Waterloo / Romulus	Tompkins / Seneca			$ 115	$ 46
NY	Kingston	Ulster			$ 112	$ 66
NY	Lake Placid	Essex	October 1	November 30	$ 117	$ 61
NY	Lake Placid	Essex	December 1	February 28	$ 129	$ 61
NY	Lake Placid	Essex	March 1	June 30	$ 105	$ 61
NY	Lake Placid	Essex	July 1	August 31	$ 166	$ 61
NY	Lake Placid	Essex	September 1	September 30	$ 117	$ 61
NY	New York City	Bronx / Kings / New York / Queens / Richmond	October 1	December 31	$ 304	$ 71
NY	New York City	Bronx / Kings / New York / Queens / Richmond	January 1	February 28	$ 197	$ 71
NY	New York City	Bronx / Kings / New York / Queens / Richmond	March 1	June 30	$ 268	$ 71
NY	New York City	Bronx / Kings / New York / Queens / Richmond	July 1	August 31	$ 235	$ 71
NY	New York City	Bronx / Kings / New York / Queens / Richmond	September 1	September 30	$ 304	$ 71
NY	Niagara Falls	Niagara	October 1	June 30	$ 83	$ 51
NY	Niagara Falls	Niagara	July 1	August 31	$ 108	$ 51
NY	Niagara Falls	Niagara	September 1	September 30	$ 83	$ 51
NY	Nyack / Palisades	Rockland			$ 110	$ 61
NY	Poughkeepsie	Dutchess			$ 105	$ 66
NY	Riverhead / Ronkonkoma / Melville	Suffolk			$ 121	$ 71
NY	Rochester	Monroe			$ 105	$ 51
NY	Saratoga Springs / Schenectady	Saratoga / Schenectady	October 1	June 30	$ 116	$ 56
NY	Saratoga Springs / Schenectady	Saratoga / Schenectady	July 1	August 31	$ 178	$ 56
NY	Saratoga Springs / Schenectady	Saratoga / Schenectady	September 1	September 30	$ 116	$ 56
NY	Syracuse / Oswego	Onondaga / Oswego			$ 96	$ 56
NY	Tarrytown / White Plains / New Rochelle	Westchester			$ 145	$ 71
NY	Troy	Rensselaer			$ 102	$ 51
NY	Watertown	Jefferson			$ 96	$ 56
NY	West Point	Orange			$ 106	$ 51
OH	Akron	Summit			$ 104	$ 51
OH	Canton	Stark			$ 109	$ 51
OH	Cincinnati	Hamilton / Clermont			$ 132	$ 56
OH	Cleveland	Cuyahoga			$ 119	$ 56
OH	Columbus	Franklin			$ 106	$ 56
OH	Dayton / Fairborn	Greene / Darke / Montgomery			$ 89	$ 56
OH	Hamilton	Butler / Warren			$ 98	$ 51
OH	Medina / Wooster	Wayne / Medina			$ 95	$ 51
OH	Mentor	Lake			$ 94	$ 46
OH	Sandusky / Bellevue	Erie / Huron			$ 94	$ 46
OH	Youngstown	Mahoning / Trumbull			$ 95	$ 51
OK	Enid	Garfield			$ 109	$ 56
OK	Oklahoma City	Oklahoma			$ 94	$ 66
OR	Beaverton	Washington			$ 114	$ 51
OR	Bend	Deschutes	October 1	June 30	$ 104	$ 61
OR	Bend	Deschutes	July 1	August 31	$ 144	$ 61
OR	Bend	Deschutes	September 1	September 30	$ 104	$ 61
OR	Clackamas	Clackamas			$ 97	$ 61
OR	Eugene / Florence	Lane			$ 99	$ 51
OR	Lincoln City	Lincoln	October 1	June 30	$ 95	$ 56
OR	Lincoln City	Lincoln	July 1	August 31	$ 123	$ 56
OR	Lincoln City	Lincoln	September 1	September 30	$ 95	$ 56
OR	Portland	Multnomah			$ 137	$ 66
OR	Seaside	Clatsop	October 1	June 30	$ 100	$ 51
OR	Seaside	Clatsop	July 1	August 31	$ 148	$ 51
OR	Seaside	Clatsop	September 1	September 30	$ 100	$ 51
PA	Allentown / Easton / Bethlehem	Lehigh / Northampton			$ 88	$ 51
PA	Bucks	Bucks			$ 99	$ 71
PA	Chester / Radnor / Essington	Delaware			$ 95	$ 51
PA	Erie	Erie			$ 91	$ 46
PA	Gettysburg	Adams	October 1	October 31	$ 105	$ 51
PA	Gettysburg	Adams	November 1	March 31	$ 83	$ 51

PA	Gettysburg	Adams	April 1	September 30	$ 105	$ 51
PA	Harrisburg	Dauphin County excluding Hershey			$ 108	$ 51
PA	Hershey	Hershey	October 1	May 31	$ 103	$ 51
PA	Hershey	Hershey	June 1	August 31	$ 154	$ 51
PA	Hershey	Hershey	September 1	September 30	$ 103	$ 51
PA	Lancaster	Lancaster			$ 100	$ 56
PA	Malvern / Frazer / Berwyn	Chester			$ 122	$ 51
PA	Mechanicsburg	Cumberland			$ 91	$ 56
PA	Montgomery	Montgomery			$ 125	$ 66
PA	Philadelphia	Philadelphia	October 1	November 30	$ 166	$ 66
PA	Philadelphia	Philadelphia	December 1	February 28	$ 139	$ 66
PA	Philadelphia	Philadelphia	March 1	June 30	$ 171	$ 66
PA	Philadelphia	Philadelphia	July 1	August 31	$ 142	$ 66
PA	Philadelphia	Philadelphia	September 1	September 30	$ 166	$ 66
PA	Pittsburgh	Allegheny			$ 128	$ 71
PA	Reading	Berks			$ 94	$ 56
PA	Scranton	Lackawanna			$ 89	$ 56
PA	State College	Centre			$ 87	$ 56
RI	East Greenwich / Warwick / North Kingstown	Kent / Washington			$ 91	$ 56
RI	Jamestown / Middletown / Newport	Newport	October 1	October 31	$ 165	$ 71
RI	Jamestown / Middletown / Newport	Newport	November 1	April 30	$ 96	$ 71
RI	Jamestown / Middletown / Newport	Newport	May 1	September 30	$ 165	$ 71
RI	Providence / Bristol	Providence / Bristol			$ 131	$ 71
SC	Aiken	Aiken			$ 88	$ 46
SC	Charleston	Charleston / Berkeley / Dorchester	October 1	October 31	$ 157	$ 56
SC	Charleston	Charleston / Berkeley / Dorchester	November 1	February 28	$ 142	$ 56
SC	Charleston	Charleston / Berkeley / Dorchester	March 1	May 31	$ 186	$ 56
SC	Charleston	Charleston / Berkeley / Dorchester	June 1	September 30	$ 157	$ 56
SC	Columbia	Richland / Lexington			$ 94	$ 51
SC	Hilton Head	Beaufort	October 1	March 31	$ 104	$ 61
SC	Hilton Head	Beaufort	April 1	July 31	$ 133	$ 61
SC	Hilton Head	Beaufort	August 1	September 30	$ 104	$ 61
SC	Myrtle Beach	Horry	October 1	March 31	$ 83	$ 51
SC	Myrtle Beach	Horry	April 1	May 31	$ 101	$ 51
SC	Myrtle Beach	Horry	June 1	August 31	$ 143	$ 51
SC	Myrtle Beach	Horry	September 1	September 30	$ 83	$ 51
SD	Hot Springs	Fall River / Custer	October 1	October 31	$ 89	$ 46
SD	Hot Springs	Fall River / Custer	November 1	May 31	$ 83	$ 46
SD	Hot Springs	Fall River / Custer	June 1	August 31	$ 128	$ 46
SD	Hot Springs	Fall River / Custer	September 1	September 30	$ 89	$ 46
SD	Rapid City	Pennington	October 1	May 31	$ 83	$ 51
SD	Rapid City	Pennington	June 1	August 31	$ 133	$ 51
SD	Rapid City	Pennington	September 1	September 30	$ 83	$ 51
SD	Sturgis / Spearfish	Meade / Butte / Lawrence	October 1	May 31	$ 83	$ 51
SD	Sturgis / Spearfish	Meade / Butte / Lawrence	June 1	August 31	$ 113	$ 51
SD	Sturgis / Spearfish	Meade / Butte / Lawrence	September 1	September 30	$ 83	$ 51
TN	Brentwood / Franklin	Williamson			$ 107	$ 56
TN	Chattanooga	Hamilton			$ 94	$ 56
TN	Knoxville	Knox			$ 88	$ 56
TN	Memphis	Shelby			$ 102	$ 61
TN	Nashville	Davidson	October 1	June 30	$ 132	$ 66
TN	Nashville	Davidson	July 1	August 31	$ 123	$ 66
TN	Nashville	Davidson	September 1	September 30	$ 132	$ 66
TN	Oak Ridge	Anderson			$ 84	$ 46
TX	Arlington / Fort Worth / Grapevine	Tarrant County / City of Grapevine			$ 144	$ 56
TX	Austin	Travis	October 1	November 30	$ 126	$ 71
TX	Austin	Travis	December 1	March 31	$ 139	$ 71
TX	Austin	Travis	April 1	September 30	$ 126	$ 71
TX	Big Spring	Howard			$ 148	$ 46
TX	College Station	Brazos			$ 102	$ 56
TX	Corpus Christi	Nueces			$ 103	$ 51
TX	Dallas	Dallas	October 1	December 31	$ 125	$ 71
TX	Dallas	Dallas	January 1	March 31	$ 135	$ 71
TX	Dallas	Dallas	April 1	September 30	$ 125	$ 71
TX	El Paso	El Paso			$ 92	$ 51
TX	Galveston	Galveston	October 1	May 31	$ 95	$ 56
TX	Galveston	Galveston	June 1	August 31	$ 124	$ 56
TX	Galveston	Galveston	September 1	September 30	$ 95	$ 56
TX	Greenville	Hunt County			$ 84	$ 51
TX	Houston (L.B. Johnson Space Center)	Montgomery / Fort Bend / Harris	October 1	May 31	$ 132	$ 71
TX	Houston (L.B. Johnson Space Center)	Montgomery / Fort Bend / Harris	June 1	September 30	$ 121	$ 71
TX	Laredo	Webb			$ 98	$ 56
TX	McAllen	Hidalgo			$ 88	$ 56
TX	Midland	Midland	October 1	March 31	$ 162	$ 56

TX	Midland	Midland	April 1	May 31	$ 172	$ 56
TX	Midland	Midland	June 1	September 30	$ 162	$ 56
TX	Pearsall	Frio / Medina / La Salle			$ 137	$ 46
TX	Plano	Collin			$ 108	$ 61
TX	Round Rock	Williamson			$ 93	$ 51
TX	San Angelo	Tom Green	October 1	March 31	$ 147	$ 51
TX	San Angelo	Tom Green	April 1	May 31	$ 126	$ 51
TX	San Angelo	Tom Green	June 1	September 30	$ 147	$ 51
TX	San Antonio	Bexar			$ 115	$ 66
TX	South Padre Island	Cameron	October 1	May 31	$ 88	$ 56
TX	South Padre Island	Cameron	June 1	July 31	$ 112	$ 56
TX	South Padre Island	Cameron	August 1	September 30	$ 88	$ 56
TX	Waco	McLennan			$ 89	$ 51
UT	Moab	Grand	October 1	October 31	$ 130	$ 56
UT	Moab	Grand	November 1	February 28	$ 83	$ 56
UT	Moab	Grand	March 1	September 30	$ 130	$ 56
UT	Park City	Summit	October 1	November 30	$ 115	$ 71
UT	Park City	Summit	December 1	March 31	$ 246	$ 71
UT	Park City	Summit	April 1	September 30	$ 115	$ 71
UT	Provo	Utah			$ 87	$ 51
UT	Salt Lake City	Salt Lake / Tooele	October 1	December 31	$ 106	$ 61
UT	Salt Lake City	Salt Lake / Tooele	January 1	March 31	$ 117	$ 61
UT	Salt Lake City	Salt Lake / Tooele	April 1	September 30	$ 106	$ 61
VA	Abingdon	Washington			$ 96	$ 46
VA	Blacksburg	Montgomery			$ 96	$ 46
VA	Charlottesville	City of Charlottesville / Albemarle / Greene			$ 125	$ 56
VA	Fredericksburg	City of Fredericksburg / Spotsylvania / Stafford / Caroline			$ 84	$ 56
VA	Loudoun	Loudoun			$ 96	$ 61
VA	Lynchburg	Campbell / Lynchburg City			$ 90	$ 51
VA	Norfolk / Portsmouth	Cities of Norfolk / Portsmouth			$ 87	$ 61
VA	Prince William / Manassas	Prince William / City of Manassas			$ 85	$ 56
VA	Richmond	City of Richmond			$ 113	$ 66
VA	Roanoke	City limits of Roanoke			$ 102	$ 51
VA	Virginia Beach	City of Virginia Beach	October 1	May 31	$ 94	$ 56
VA	Virginia Beach	City of Virginia Beach	June 1	August 31	$ 172	$ 56
VA	Virginia Beach	City of Virginia Beach	September 1	September 30	$ 94	$ 56
VA	Wallops Island	Accomack	October 1	June 30	$ 92	$ 56
VA	Wallops Island	Accomack	July 1	August 31	$ 147	$ 56
VA	Wallops Island	Accomack	September 1	September 30	$ 92	$ 56
VA	Warrenton	Fauquier			$ 108	$ 46
VA	Williamsburg / York	James City / York Counties / City of Williamsburg	October 1	March 31	$ 83	$ 51
VA	Williamsburg / York	James City / York Counties / City of Williamsburg	April 1	August 31	$ 96	$ 51
VA	Williamsburg / York	James City / York Counties / City of Williamsburg	September 1	September 30	$ 83	$ 51
VT	Burlington / St. Albans / Middlebury	Chittenden / Franklin / Addison	October 1	October 31	$ 125	$ 66
VT	Burlington / St. Albans / Middlebury	Chittenden / Franklin / Addison	November 1	April 30	$ 104	$ 66
VT	Burlington / St. Albans / Middlebury	Chittenden / Franklin / Addison	May 1	September 30	$ 125	$ 66
VT	Manchester	Bennington	October 1	October 31	$ 107	$ 71
VT	Manchester	Bennington	November 1	June 30	$ 90	$ 71
VT	Manchester	Bennington	July 1	September 30	$ 107	$ 71
VT	Montpelier	Washington			$ 110	$ 61
VT	Stowe	Lamoille			$ 125	$ 71
VT	White River Junction	Windsor			$ 97	$ 56
WA	Anacortes / Coupeville / Oak Harbor	Skagit / Island / San Juan			$ 85	$ 61
WA	Everett / Lynnwood	Snohomish			$ 107	$ 61
WA	Ocean Shores	Grays Harbor	October 1	June 30	$ 83	$ 51
WA	Ocean Shores	Grays Harbor	July 1	August 31	$ 104	$ 51
WA	Ocean Shores	Grays Harbor	September 1	September 30	$ 83	$ 51
WA	Olympia / Tumwater	Thurston			$ 98	$ 61
WA	Port Angeles / Port Townsend	Clallam / Jefferson	October 1	June 30	$ 95	$ 61
WA	Port Angeles / Port Townsend	Clallam / Jefferson	July 1	August 31	$ 128	$ 61
WA	Port Angeles / Port Townsend	Clallam / Jefferson	September 1	September 30	$ 95	$ 61
WA	Richland / Pasco	Benton / Franklin			$ 92	$ 46
WA	Seattle	King	October 1	May 31	$ 156	$ 71
WA	Seattle	King	June 1	August 31	$ 190	$ 71
WA	Seattle	King	September 1	September 30	$ 156	$ 71
WA	Spokane	Spokane			$ 88	$ 61
WA	Tacoma	Pierce			$ 109	$ 61
WA	Vancouver	Clark / Cowlitz / Skamania			$ 137	$ 56
WI	Appleton	Outagamie			$ 88	$ 46
WI	Brookfield / Racine	Waukesha / Racine			$ 95	$ 56
WI	Madison	Dane	October 1	October 31	$ 116	$ 56
WI	Madison	Dane	November 1	August 31	$ 97	$ 56

WI	Madison	Dane	September 1	September 30	$ 116	$ 56
WI	Milwaukee	Milwaukee			$ 107	$ 61
WI	Sheboygan	Sheboygan	October 1	May 31	$ 83	$ 51
WI	Sheboygan	Sheboygan	June 1	August 31	$ 93	$ 51
WI	Sheboygan	Sheboygan	September 1	September 30	$ 83	$ 51
WI	Sturgeon Bay	Door	October 1	June 30	$ 83	$ 56
WI	Sturgeon Bay	Door	July 1	August 31	$ 90	$ 56
WI	Sturgeon Bay	Door	September 1	September 30	$ 83	$ 56
WI	Wisconsin Dells	Columbia	October 1	May 31	$ 91	$ 61
WI	Wisconsin Dells	Columbia	June 1	August 31	$ 110	$ 61
WI	Wisconsin Dells	Columbia	September 1	September 30	$ 91	$ 61
WV	Charleston	Kanawha			$ 105	$ 51
WV	Morgantown	Monongalia			$ 98	$ 46
WV	Shepherdstown	Jefferson			$ 86	$ 56
WV	Wheeling	Ohio			$ 106	$ 46
WY	Cody	Park	October 1	November 30	$ 93	$ 51
WY	Cody	Park	December 1	March 31	$ 86	$ 51
WY	Cody	Park	April 1	May 31	$ 96	$ 51
WY	Cody	Park	June 1	September 30	$ 130	$ 51
WY	Evanston / Rock Springs	Sweetwater / Uinta			$ 91	$ 51
WY	Gillette	Campbell			$ 85	$ 51
WY	Jackson / Pinedale	Teton / Sublette	October 1	June 30	$ 117	$ 56
WY	Jackson / Pinedale	Teton / Sublette	July 1	August 31	$ 179	$ 56
WY	Jackson / Pinedale	Teton / Sublette	September 1	September 30	$ 117	$ 56

Town of Bethany Beach
Travel Policy
Revised October 2010

This policy shall be used for all town employees and officials traveling overnight. The Town will reimburse for necessary and reasonable travel expenses incurred for the purpose of Town business. The Town will not reimburse the expenses of the spouses or guests.

Allowable Expenses

1. Mileage on personal vehicle. Estimated mileage will be reimbursed at the federally established (IRS) mileage reimbursement rate.
2. Plane, rail or bus fare. Reimbursed at the coach rate only.
3. Vehicle rental. Reimbursement limited to subcompact, compact or intermediate sizes. Additional insurance should not be purchased from the rental company.
4. Tolls paid.
5. Parking fees.
6. Meals and incidentals (such as tips) will be covered with a $60 per diem rate.
    a. Receipts are not required.
    b. Any amount charged to the Town Visa card for meals or incidentals will be subtracted from the $60 per diem reimbursement for that day.
7. If the employee combines business and personal travel the employee must pay for the additional cost related to the personal travel.

Procedures

1. Request for travel advances
    a. Request shall be made using the Travel Cash Advance Request form.
    b. The form must be approved by the employee's supervisor.
    c. The form must be received by the Finance Department at least ten days prior to the date of travel whenever possible.
    d. Advances will not be paid more than two weeks prior to the date of travel.
    e. If travel plans are cancelled, it is be the responsibility of the employee's supervisor to ensure that all advanced funds are returned within two weeks.
2. Travel expense form
    a. A Travel Expense Report form must be completed within ten working days after the completion of the trip with reimbursement of any money owed to the Town.
    b. Receipts or invoices must be attached to the form, unless previously provided, for registration fees, airfare, rental vehicles, fuel purchased for rented vehicles, tolls, parking and other fees. Town credit card charges (other than meals) must be substantiated with receipts.

Cliff Graviet, Town Manager

SUBJECT: Travel Expense Reimbursement

A. Policy

If an employee is required to travel to attend a conference, training, or City-related business, all reasonable expenses incurred by the employee shall be reimbursed by the City. Costs of transportation, lodging, registration fees, meals, etc. are reimbursable only when a Travel Request and Expense Report (page 5.8-4) with estimated total costs has been completed and approved in advance by the City Manager. Section 5 of the Travel Request and Expense Report form shall state the purpose of travel, dates of travel, and travel destination.

B. In-State Travel

A City-owned vehicle should be used for in-State travel when available. If a City-owned vehicle is not available, employees may use their personal vehicles. Reimbursement for the use of a personal vehicle when a City-owned vehicle is available must be approved in advance by the department director.

Each employee shall be reimbursed for the following expenses incurred while traveling in-State: the cost of gasoline if refueling is required while operating a City-owned vehicle, or a mileage allowance, at the current IRS rate, for driving a personal vehicle, tolls and parking fees, and one meal if the employee is required to work more than four hours after regular work hours. The mileage allowance shall cover all operating costs including repairs, insurance, gasoline, depreciation, etc. The employee is responsible for costs incurred for traffic or parking fines and any repairs to his/her personal vehicle.

To receive reimbursement, a check request with receipts for expenses incurred, must be submitted for costs over $50 within seven (7) working days from the date of travel. A petty cash slip with receipts for expenses incurred may be submitted for reimbursement for expenses under $50.

C. Out of State Travel

A Travel Request and Expense Report must be completed and approved for any out-of-state travel for which reimbursement will be requested. Estimated totals should be itemized in column number 10 of the form. If a travel advance is requested, a check request for the amount required should be submitted to the City Manager along with approved Travel Request and Expense Report. A check request may also be submitted for advance payment of the registration fees.

Travel Expense Reimbursement

Employees shall be reimbursed for the following expenses incurred while traveling out-of-state:

1. Transportation – The mode of travel is to be justified based on the most economical means in terms of costs and travel time.

   If travel by automobile is feasible, a City-owned vehicle must be used unless the use of a personal vehicle has been approved in advance. Reimbursable costs include gasoline for a City-owned vehicle, mileage at the current IRS rate and tolls and parking fees. A rental car may be obtained upon arrival only if approved in advance by the City Manager.

   Travel by airplane or train should be arranged in advance and accommodations should be made for tourist, coach, or economy class. The City will pay the fare for the shortest and most available direct route to and from the destination.

   Taxi fares are reimbursable only when it is necessary to use such means of transportation. If travel to and from the airport is required, arrangements should be made for the airport shuttle rather than a taxi.

2. Lodging – The lodging allowance shall not exceed the normal maximum charge for a single room. It is expected that the employee will exercise prudent judgment in the selection of a place to stay. Reservations should be made at a hotel designated as conference/seminar site host, or accommodations available at the training site, or at a hotel offering discounted rates.

   Lodging will be paid only for days during which the training is held and for appropriate arrival and departure time.

3. Phone Calls – The City shall pay for all business-related calls made by the employee. Collect calls should be made to the City, when necessary. The City will pay for one personal call per day provided that long-distance calls are not lengthy.

Travel Expense Reimbursement

4. Meals – The maximum daily allowance for meals is $35.00 excluding tips and meals included within the event or registration fee. Tips should not exceed 15% of the cost of the meal and should be listed separately on the expense report.

5. Other – Costs of banquets sponsored by conference, or service-oriented workshops offered in conjunction with a conference may be paid if advance approval is received.

6. Non-reimbursable expenses:

   a. Alcoholic beverages
   b. Expenses of spouse/family
   c. Social functions, i.e., tours, theatre
   d. Loss or damage to personal property
   e. Travel insurance

D. Reimbursement

A Travel Request and Expense Report, with itemized daily costs for transportation, lodging, phone calls, meals, etc. should be submitted to the City Manager's Office within seven work days after the employee's return. Receipts for expenses incurred during travel should be attached to the form. Discrepancies between the receipts and listed expenses should be noted.

If the employee is requesting reimbursement for expenses, a check request should be submitted to the City Manager indicating the expense category for which reimbursement is sought. If a travel advance was issued, the employee should submit a check made payable to the City of Newark listing the appropriate account number for any unexpended portion.

CITY OF NEWARK, DELAWARE
TRAVEL REQUEST AND EXPENSE REPORT

PART I. TRAVEL REQUEST

Name and Title of Requestor	Department	Date of Request
Purpose of Travel, Dates of Travel, Destination		**Estimated Total** $ -
Department Director Approval	**Date**	**Approval Number**
City Manager Approval	**Date**	**Amount Approved**

PART II. EXPENSE REPORT

EXPENSE CATEGORY	Requested Amount	Actual Amount Spent							
		Sun	Mon	Tues	Wed	Thur	Fri	Sat	TOTALS
Air/Rail - Ticket Price									
Car- Miles / Rate									
$ 0.30	0.00								0.00
Parking/Tolls									0.00
Taxi/Shuttle/Bus									0.00
Lodging Rate									
X Nights	0.00								0.00
Telephone									0.00
Registration Fees									0.00
Miscellaneous									0.00
Meals: Breakfast									
Lunch									
Dinner									0.00
Gratuties @ 15% of Meals	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS	$ -								**$ -**

I certify that the foregoing expenses were incurred in the conduct of City business.

Employee Incurring Expense — Date

APPROVALS:

Department Director — Date

City Manager — Date

Less amounts paid by City:

Registration _____

Transportation _____

Other (Including advances) _____

Due Employee _____

Due City _____

INSTRUCTIONS
TRAVEL REQUEST AND EXPENSE REPORT

BEFORE THE TRIP

Complete **Part I** and the Requested Amounts in Part II. Submit the original Travel Request and Expense Report to the City Manager's Office no later than fifteen (15) workdays prior to your trip departure. Include a copy of your travel plans and submit estimated travel expenses. Any requests submitted to the City Manager's Office without supporting documentation will be returned to the requesting department. The estimated totals for each expense category should be entered under the column, Requested Amount, in Part II.

Upon approval by the City Manager, an Approval Number will be assigned to the request. The original Travel Request and Expense Report will be forwarded to the Finance Department. A copy of the approved Travel Request and Expense Report will be returned to the requestor.

A Check Request for registration fees, transportation costs or an advance of travel expenses may be submitted along with the Travel Request to prepay approved costs. All Check Requests for any subsequent cash advances must be accompanied by a copy of the original, approved Travel Request and Expense Report and submitted for approval to the City Manager's Office.

AFTER THE TRIP

Within seven (7) workdays after returning from your trip, enter the Approval Number, complete **Part II** and submit it to the City Manager's Office. Daily expenses for each category should be entered in the designated areas on the form. Print the completed form and attach receipts for all reasonable expenses incurred during your trip. Discrepencies between the receipts and listed expenses should be noted.

If you are requesting a reimbursement for travel expenses, submit a Check Request for the total expenditures minus any cash advances you received. If your expenses did not exceed any cash advance(s) you received and you are returning money to the City, attach a personal check made payable to the City of Newark and list the appropriate account number. You will receive a receipt for the amount remitted to the City.

The employee incurring the expense must sign the form to certify that the expenses were incurred in the conduct of City business and in accordance with the City's Travel Expense Reimbursement policy. Approval for reimbursement must be obtained from the employee's Department Director and the City Manager.

ADMINISTRATIVE POLICY

NUMBER 18

TRAVEL POLICY

Approved By: **John S. Giles Jr.**
Town Manager

Approved Date: **October 9, 2009**

Revised: **May 2013**

PURPOSE:

The purpose of this policy is to provide guidelines which will be used to reimburse employees and officials for authorized travel expenses incurred while traveling on business for the Town as well as providing guidelines and specific procedures with regard to incurring and reporting travel expenses.

The intent of the policy is to be considered and "Accountable Plan" for Federal Internal Revenue Service purposes and thus employee reimbursements are not reported as pay. "Accountable Plans" require Per Diem rates be "similar in form to and not more than the federal rate". The Federal rates are established by the U.S. General Services Administration each year for the period October 1 to September 30.

DISCUSSION:

This policy does not cover every possible situation but it establishes adequate parameters for employees and officials to make appropriate judgments about the expenditure of Town funds. This policy shall apply to employees of the Town of Elsmere as well as members of its Boards, Commissions, and others with the exception of the Mayor and Council. Included in the definition of the word employee or employees shall be the members of all Boards, Commissions and others for whom the Town is providing travel expenses.

TRAVEL AUTHORIZATION:

All travel that extends beyond one day shall be approved by the Town Manager. All requests shall be made on the "Travel Authorization" form (see Exhibit A). A copy of the conference or meeting program shall be attached to this form. The authorization form must be submitted and approved by the Town Manager in advance of the date of the event in order to ensure compliance with this policy.

METHOD OF PAYMENT:

The primary method of payment for travel expenses is a Town Credit Card or Purchase Order. The Town Credit Card is to be used for authorized personnel expenses only and may not be used to charge expenses for family members or others not on official Town business even if the intention is to reimburse the Town at a later time.

a. Daily travel expenses are reimbursed by one of two general methods which are selected by the employee. Employees must use only one method for all travel related charges.

    1. Lodging plus fixed per diem method, or,

    2. Actual expense method

b. Lodging plus Fixed Per Diem Method of Reimbursement

    1. Use "Purchase Order" form for Cash Travel Advance or Town Credit Card ATM Cash if permitted by the Town Manager.

    2. Use Town Credit Card for common carriers (airlines, rail or bus), car rental, lodging, lodging tax.

    3. Meals and incidental expenses are reimbursed at a fixed amount per day and may be paid in advance. No receipts are required for meals and incidental expenses, unless the employee uses the Town Credit Card.

    4. NOTE: If the Town Credit Card is used for any means or incidental expenses, the amount should be subtracted from the per diem rate and a detailed receipt provided to aid in reconciliation.

    5. Receipts are required for common carriers, car rental, lodging, lodging tax and any additional individual allowed expense that exceeds $20.00.

    6. Individual meals and incidental expenses are not itemized as they are fixed amount per day. The daily per diem rate is itemized.

c. Actual Expense Method of Reimbursement

    1. Use "Purchase Order" form for Cash Travel Advance or Town Credit Card, ATM Cash if permitted by the Town Manager.

    2. Use Town Credit Card for all authorized expenses where accepted.

    3. Receipts are required for common carriers, car rental lodging, lodging tax and any individual allowed expense that exceeds $20.00 including meals and incidental expenses. Individual meals and incidental expenses must be itemized.

d. Final Reimbursement

    1. Use "Personal Expense Reimbursement" form to claim any final adjustment/reimbursement.

e. Town Credit Card, ATM Cash

    1. Only when approved by the Town Manager. A Personal Identification Number (PIN) must be requested.

    2. Should be utilized by individuals who need cash for special requirements, emergencies or extended travel.

f. All Town Credit Card transactions require receipts.

g. The per diem method of reimbursement may simplify administration for the department and traveler and is preferred.

TRANSPORTATION: COMMON CARRIER

a. General

All trips requiring the use of common carrier must have prior approval by the Town Manager. The mode of travel must be the method most advantageous to the Town. Department Supervisors and the employee should consider total cost, the most economical use of time of the personnel involved and the requirements of the trip. The standard for common carrier travel is coach fare.

Common carrier shall be booked at the lowest available fare consistent with reasonable business travel planning and may be booked from any source. Employees should make travel reservations as far in advance as possible to attain the lowest fares, including non-refundable tickets. Employees may not specify particular airlines or other carriers to accumulate mileage on promotional plans such as frequent flyer programs for personal gain.

In order to take advantage of special discount rates (supersaver fares, etc.), payments for tickets by use of the Town Credit Card may be made prior to a trip being taken when savings will accrue to the Town (i.e., supersaver discounts).

Most airlines will not give refunds or partial refunds for supersaver airfares. Employees are encouraged to examine the advantage of fares requiring early trip departure or delayed return. However, it is important to consider the additional cost of meals and lodging for the required extra day(s) stay when comparing cost. All common carrier transportation expenses require receipts.

b. Air Travel

1. Accommodations

When commercial airlines are used as a mode of travel, accommodations shall be coach/economy class unless some other class is more economical.

2. Routing of Travel

All travel shall be by the most economical and direct routes. If a person travels by an indirect route for personal convenience, the extra expense shall be the responsibility of the individual. Reimbursement for expenses shall be based only on the cost of the most economical and direct route.

3. Conference Airfare Arrangements

Always check conference materials to see if special airline discounts are offered. When a special airline discount rate is offered and conferees are instructed to go directly to an airline or a specific travel agency to obtain the discount fare, all fare and file number information should be given to the individual making the reservations. The person making the reservation shall then attempt to obtain the conference rate, government rate or lower rate, for the traveler. If a lower fare is not available, the normal reservation procedure should be used.

c. Rail Travel

1. Accommodations

When it has been determined that rail travel is the most appropriate mode of transportation, the most economical class accommodations shall be used.

2. Routing of Travel

All travel shall be by the most economical and direct routes. If a person travels by an indirect route for personal convenience, the extra expense shall be the responsibility of the individual. Reimbursement for expenses shall be based only on the cost of the mist economical and direct route.

TRANSPORATION: PASSENGER VEHICLES

a. Town Owned Vehicles

Town owned vehicles should be used for out-of-state travel when such use is the most practical and economical mode of transportation, including the cost of tolls, fuel and parking.

b. Privately Owned Vehicles

1. The use of privately owned vehicles for out-of-state travel shall require prior approval of the Town Manager. Reimbursement of private vehicle expenses shall be at the rate proscribed by the Delaware Code and only for actual and necessary miles traveled.

   In considering approval, the Town Manager shall take into consideration the cost of alternative modes of travel and the cost of meals, lodging for the additional travel/transit.

2. When two or more employees travel in a privately owned vehicle, only one mileage reimbursement shall be allowed.

3. Whenever possible a Town vehicle shall be used for in-state travel and thus reimbursement for use of privately owned vehicles for in-state travel is discouraged. However the Town Manager may allow exceptions to this policy.

c. Rental Cars

1. General

   The use of a rental car when traveling out-of-state must be justified as an economical need a not as a matter of personal convenience. All rentals should be at the mist economical rate per day including government rates. When traveling in groups, sharing of vehicles, when practical, should be done to minimize costs.

2. Vehicle Size

   Whenever possible, compact cars shall be rented or reserved. However, if the stature of the employee prohibits the use of a compact car, if a larger size vehicle is more economical, or more than two travelers are traveling together the larger vehicle may be appropriate.

3. Insurance

   The Town Credit Card should be used to pay for rental cars. The Towns Insurance coverage provides Liability, Physical Damage, and Personal Injury coverage for rental vehicles contracted by the Town. Employees should therefore decline the collision damage waiver (CDW) coverage offered by the rental company. Reimbursements for additional or optional insurance coverage will not be allowed.

4. Refueling Before Return

   To avoid a refueling surcharge, all rental cars shall be refueled before returning the vehicle to the rental company. Any surcharges billed to the employee or Town shall be explained on the reimbursement request.

5. All rental car expenses require receipts.

PER DIEM EXPENSES

a. General

1. Daily expenses shall be reimbursed by one of two methods (only one method for all travel related charges), which is selected by management.

   a. Lodging plus fixed per diem method; or

   b. Actual expense method.

2. Per Diem Rates

   a. The Town will use the rates established by the U.S. General Services Administration for locations within the United States and by the U.S. Department of State for foreign areas. The per diem rate for a location is a combination of lodging allowance, meals allowance and incidental expense allowance.

   b. Within the United States, a standard rate is provided for each year and covers all locations except those which are designated as high cost locations. High Cost Locations have higher rates.

c. For example, the standard United Sates per diem rate through September 30, 2009 is a maximum of:

- $70 for lodging (tax may be claimed in addition to the maximum lodging amount); and
- $39 for meals and incidental expenses.

d. Over 400 high cost locations in the United States have per diem rates that are higher than the standard rate because of local market conditions.

e. All per diem rates can be found at:

1. United States – **http://www.gsa.gov/perdiem.** Rates are set each Federal Fiscal Year – October 1 to September 30. See Exhibit B for a sample of the internet site tables.

2. Foreign Areas – **http://www/state/gov/m/a/als/prdm** rates are set monthly.

b. Lodging Plus Fixed Per Diem

1. General

Reimbursement for lodging costs is authorized under the following conditions;

a. When Travel and attendance time will exceed 12 hours and overnight lodging is required or advisable.

b. When in the opinion of the Town Manager is better and more cost effective to authorize travel, lodging and related expenses as opposed to overtime and other expenses.

2. Accommodations

a. Lodging accommodations are priced for single occupancy rooms.

b. Accommodations shared with family members or others not on official Town business are reimbursable at the single occupancy rate only.

c. Accommodations shared with other employees should be billed and reimbursed to one employee. When required, reimbursements to more than one employee shall be based on a pro rata share as reported on each reimbursement request.

d. State travelers may elect to use their personal campers or recreation vehicles rather than staying in a hotel/motel. When prior approval is received from the Town Manager, the traveler will be reimbursed actual cost not to exceed the location cost of hotel lodging.

e. Reimbursement is for the actual cost not to exceed the maximum lodging rate for the location (tax may be claimed separately as a miscellaneous expense).

f. Conference Lodging Arrangements

When hotel rooms are blocked for a conference, seminar, etc., and a special discounted conference hotel rate provided, the employee shall attempt to obtain the conference rate, government rate or lower rate, for the traveler. If a lower rate is not available, the normal reservation procedure should be used.

g. Occupancy Tax

The Town as a municipality in the State of Delaware is exempt from the tax on occupancy of hotel, motel, and tourist home rooms within Delaware only. When in-state overnight accommodations are necessary, the employee should be provided with a copy of the Occupancy Tax Exemption Certificate (see Exhibit C) to be presented to the hotel/motel/etc. Tax on occupancy of hotels in others states must be paid.

Al electronic copy of this form can be found at the web-site listed below and can be completed online and then printed.
http://revenue.delaware.gov/services/current_bt/6100.pdf

h. All lodging expenses require receipts.

3. Meals and Incidental Expenses (M & IE)

   a. Reimbursement for M & IE is authorized when approved official travel is more than 12 hours or if overnight lodging is approved.

   b. M & IE includes:

      1. Meals (food, beverage, tax & tips) and;

      2. Incidental Expenses (fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardesses and others.)

      3. Meals and incidental expenses are reimbursed at the location rate with no receipts required as shown in the sample table in Exhibit B

   c. Reduced M & IE

      If advance notice is given that a meal(s) is to be provided without cost to the employee, e.g. included in a conference fee, then a reduction to the daily per diem may be made for the appropriate meal as shown in the following table:

When travel is:	The allowance is:
12 hours or more but less than 24 hours	**Reimbursement for actual expenses incurred which were approved prior to the travel.**
Day of departure	**Up to 75 percent of the applicable M & IE rate depending on the time of departure.**
Full days of travel	**100 percent of the applicable M & IE rate.**
24 hours or more, on Last day of travel	**Up to 75 percent of the applicable M & IE rate depending on the time the employee will return.**

   d. No receipts are required for M & IE under the per diem method and the credit card shall not be used to charge the meals.

c. Miscellaneous Expenses Authorized to be claimed.

1. In addition to the M & I E rate, employees shall be permitted to either charge on the Town Credit Card or submit for reimbursement of the following expenses

   Receipts are required for individual miscellaneous expenses exceeding $20.

2. Authorized Miscellaneous Expenses Include:

   a. Ground Transportation, including airport shuttle, taxi or public transit.

   b. Hotel/airport parking and tolls for turnpike, bridges and ferries.

   c. Business related telephone calls.

   d.Personal telephone calls. (one per day)

   e. Gasoline and/or other supplies.

   f. Multiple Employee Meal Expense

      When more than one meal is being reimbursed, the names of the additional individuals are to be submitted on a schedule itemizing the cost of each individual's meal.

   g. Reimbursement for alcoholic beverages is strictly prohibited.

d. Actual Expense:

1. General

   When any of the following conditions exist, actual expense reimbursement for lodging, meals, and incidental expenses is warranted.

   a. Lodging and/or meals are provided at a prearranged place such as a hotel where a meeting, conference or a training session is held;

   b. Costs have escalated because of special events (e.g., conventions, natural disasters, etc.);

c. Mission Requirements; or

d. Reason approved by the Town Manager.

e. Day Trips, In-state Travel and Before or After Hours

The meal allowance for day trips out-of-state not requiring overnight lodging, for in-state assignments requiring overnight lodging, and for working before or after hours, shall be approved by the Town Manager on a case by case basis.

TRAVEL EXPENSE REIMBURSEMENT

General:

All requests for travel expense reimbursements shall be submitted to the Finance Department in the form of a memo detailing the reimbursement requested and containing supporting documentation and any required receipts within seven calendar days after the completion of travel.

a. Reimbursements for travel expenses incurred without required receipts, as outlined, is strictly prohibited. A "no receipt – no reimbursement" policy applies.

b. An affidavit for lost, stolen, etc. receipts is generally acceptable.

EXCEPTIONS:

General:

When employees are faced with a situation where uncontrollable cost will exceed those limits set by this policy an employee may request an exception.

a. The request for an exception shall be sent to the Town Manager.

b. The requests shall contain at a minimum the following information.

1. An explanation of the reason the cost will need to be exceeded and why exceeding the established threshold is warranted.

2. Supporting documentation.

3. A separate and distinct explanation for each cost which will be exceeded differentiating between transportation, lodging, meals, incidentals, etc.

4. A sub-total and total amount which will be exceeded.

Exhibit A

Travel Authorization Form

Town of Elsmere

Travel Authorization Form

Employees Name:	**Proposed Travel Date(s)** **Begin:** _____ **End:** _____

Purpose of the Travel & Remarks:

Destination:

Mode of Travel:

Lodging:

Per diem In advance of Trip Requested

Yes: ☐ No: ☐

Amount Requested:

Date Check Requested:

Approved: Yes: ☐ No: ☐

Reimbursement for Actual Expenses

Requested

Yes: ☐ No: ☐

Approved

Yes: ☐ No: ☐

Is an Exception Being Requested

Yes: ☐ No: ☐

Finance Departments Review

Does the department budget support the employees request

Yes: ☐ No: ☐

Estimated Trip Cost:

A. Mileage Reimbursement:	$_____
B. Common Carrier Cost:	$_____
C. Lodging Cost:	$_____
D. Per diem (M & I E)	$_____
E. Expense Reimbursement:	$_____
F. Tolls, Parking, Taxi, Etc.:	$_____
G. Registration Fees:	$_____
H. Other (Explain):	
_____	$_____
_____	$_____
_____	$_____
_____	$_____
Total Estimated Cost:	$_____

Comments or Additional Information Supporting a Request for Exception

Requesting Employee's Signature: _____ **Date:** _____

Town Managers Approval: _____ Date: _____

Exhibit B

Per Diem Rates

Exhibit C

Tax Exemption Certificate

TOWN OF FENWICK ISLAND

TRAVEL AND REIMBURSEMENT POLICY

Effective February 15, 2013

All travel to conferences, seminars and meetings for Town related business must be authorized in advance by the Town Manager. Each employee shall submit, in writing, the request to their Department Head for initial approval and the Department Head shall forward the request to the Town Manager for final authorization.

Employees are to use town vehicles when available to travel to all authorized conferences, seminars and meetings. If a Town vehicle is not available, staff will be reimbursed at the IRS allowable mileage rate.

Per Diem Reimbursement

Fenwick Island employees traveling to an authorized function will be reimbursed for meals and incidentals (tips, fees, etc.) on a per diem basis, when meals are **not included** as part of the authorized function. Receipts are not required under the per diem method.

The State of Delaware per diem rates for travel are as follows:

1. Under twelve hours of total travel time
    a. $12.00 when lunch is included and breakfast is not included
    b. $25.00 when breakfast and lunch are not included
2. Over twelve hours of total travel time, but not overnight travel
    a. $20.00 when lunch is included and breakfast is not included
    b. $35.00 when breakfast and lunch are not included

Overnight Travel

When overnight room accommodations are required the Town credit card shall be utilized to pay for the room accommodation and any parking related charges. No other charges from the hotel/motel shall be placed on the credit card. Each Fenwick Island employee traveling on authorized business shall have separate room accommodations.

When the total time away for the authorized function requires overnight room accommodations, the per diem rate will be $45.00 per day for meals and incidentals.

All toll and parking related charges that are required to be paid as part of travel will be reimbursed to the employee upon turning in of a receipt.

Please See Town Manager for Extraordinary Circumstances

The policy was drafted with reference to the Government Services Agency (GSA) guidelines.

upon by the parties, the court or administrative tribunal having jurisdiction shall fail or refuse to make the determination required by this subsection, then the indemnification shall only be granted as to the person upon the affirmative recommendation of a majority of members of the Council.

6. Surrender of Property

An employee, who is suspended, discharged, retiring or resigning shall be required to return to the City all items of equipment or uniforms owned by the City.

7. Travel Expense

While on approved conference, training, and business-related travel, an employee shall be reimbursed for expenses, mileage will be compensated for use of personal vehicle following the Federal mileage standards.

8. Vehicle Accidents

If any employee is involved in an accident involving a City vehicle or property which results in damage to property in result of employee recklessness, willful or wanton conduct, the employee may be required to reimburse the cost of repair or replacement of the City property in full or part.

9. Pre-Employment Requirements

Each person to whom employment with the City is offered will be required to successfully complete a background check, a medical examination, and drug test at a City-designated medical facility and at City cost before an appointment to such employment becomes effective. Information concerning the City's Substance Abuse Policy is set forth in this Personnel Policy Manual.

10. Smoking Policy

All City working spaces owned and operated by the City of Harrington and all City-owned vehicles operated by City employees shall be smoke-free. The City designates the following as smoking areas:

(a) Porch, south side of City Hall
(b) Outside of Public Works Building and vehicles
(c) Outside of Wastewater Treatment facility buildings and vehicles
(d) Northwest Corner of the Police Department Building
(e) Outside of the Library

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

Procedure No.: FIN - 1	
Procedure Title: Travel	
Date: July 11, 2013	Date Revised:

Purpose

The purpose of this policy is to provide guidelines which will be used to reimburse county employees, public officials and appointees for authorized travel expenses incurred in the conduct of Sussex County business. In addition to the guidelines, specific procedures with regard to incurring and reporting travel expenses are provided.

The intent of the policy is to be considered an "Accountable Plan" for Internal Revenue Service purposes and thus employee reimbursements are not reported as income.

Scope

This policy shall apply to employees of Sussex County Council, elected officials, boards, commissions and others, who are engaged in authorized travel and who expend County funds for travel purposes.

While this policy does not cover every possible situation, it establishes adequate guidelines for employees and officials to make appropriate and consistent judgments regarding the expenditure of County funds for reimbursable expenses.

Policy

It is the intent of the County to allow for adequate accommodations for individuals who are required to travel on County business. It is also expected that these individuals will use discretion and good judgment in spending County funds.

Each individual traveling for County business is expected to follow the guidelines outlined below and to fill out Travel Authorization Form in order to be reimbursed for out-of-state travel.

Procedures

Travel and Training Authorization

All out-of-state travel that extends beyond one day shall be approved in advance by the County Administrator. All requests shall be made on the "Travel Authorization" form. A copy of the conference or meeting program shall be attached to the form. The authorization form should be submitted to the County Administrator in a minimum of two weeks prior to the traveling day.

Employees and Officials traveling on official County business should be aware that the approval is for travel only, and is not a blanket approval of the expenses incurred.

Training and Conference Registration Fees

Request for payment of registration fees shall be made payable and mailed directly to the organization. This will be done through a purchase order submitted by the department after the trip has been approved. A copy of the registration form describing the registration fees and detail itinerary of event must be attached to the purchase order.

Transportation: Common Carrier

All trips requiring the use of common carrier must be pre-approved by County Administrator.

The mode of travel must be justified on the basis of the most economical use of time of personnel involved, the cost of optional travel modes, and the requirements to trip.

All common carrier reservations must be consistent with reasonable business travel planning, common carrier will be booked at the lowest available fare. If the lowest available fare is turned down by the traveler, an explanation for the denial is to be provided with the travel authorization request.

Traveler should be advised to make travel reservations as far in advance as possible to attain the lowest fares, including non-refundable tickets. Travelers may not specify particular airlines or other carriers to accumulate mileage on promotional plans such as frequent flyer programs.

The County encourages the traveler to examine the advantage of fares requiring early trip departure or delayed return. However, it is important to consider the additional cost of meals and lodging for the required extra day(s) stay when comparing cost.

Transportation: Passenger Vehicle

In considering approval, the department head shall take into consideration the cost of alternative modes of travel and the cost of meals and lodging for the additional travel/transit days. Meals and cost of travel may be limited to the lowest cost of travel. Mileage reimbursements shall not exceed the cost of airfare plus travel to/from the airport.

a. *County- Owned Vehicle*
   County-Owned vehicle should be utilized for out-of-state travel when such use is the most practical and economical mode of transportation, including the cost of tolls, fuel and parking.

b. *Privately-Owned Vehicle*
The use of privately owned vehicles for out-of-County travel shall require prior approval of the appropriate department manager. Reimbursement of private vehicle expenses shall be at the Standard Mileage Rate set by the County for actual and necessary miles traveled. Beginning and ending odometer readings are required for reimbursement of the mileage.

When two or more employees travel in a privately owned vehicle, only one mileage reimbursement shall be allowed.

c. *Rental Cars*
The use of a rental car when traveling out of state must be justified as an economical need and not as a matter of personal convenience. Approval by the County Administrator is needed prior to arranging for car rental. All rentals should be at the most economical rate per day including government rates or special rate agreements. The rental needs to be in the County's name to be covered under the County's policy. When traveling in groups, sharing of cars, when practical, should be done to minimize costs. The County will not pay for the use of a rental car to accommodate family members or non-business associates traveling with the employee, public official or appointee. Additional insurance, at the traveler's expense, should be purchased to cover non-County employees traveling in the vehicle.

Lodging

County travelers are expected to seek accommodations that are comfortable, convenient, meet business and personal needs and offer good value.

Accommodations

a. Lodging accommodations for reasonably priced single occupancy rooms are reimbursable when the traveler is away from home overnight due to official travel.
b. Accommodations shared with family members or others not on official County business are reimbursable at the single occupancy rate only.
c. Accommodations shared with other County travelers should be billed and reimbursed to one traveler.
d. Hotel reservations should be made through most economical means, travel agent, conference instruction, etc. Staying at the conference location is acceptable.
e. All lodging expenses require itemized receipt.
f. When possible payment will be made payable to the hotel. The employee must provide the rates and information pertaining to applicable taxes in advance and submit a purchase order for the same. The employee may also receive a cash advance for hotel accommodations or can be reimbursed.

Meal Allowances

Out-of-State Meals

The County will pay for or reimburse an employee/official for the necessary and reasonable cost of meals incurred during out-of-state travel.

Meals are reimbursed if they are substantiated by an itemize receipt. Credit card receipts that do not itemize the bill will not be accepted for reimbursement. Meal reimbursements are limited to $50 per day. Meal tips are limited to 20% of food and non-alcoholic beverages. This amount is included in the $50/day allowance. The traveler is not limited to the number of receipts per day. For example, if travel is for 3 days, the traveler is limited to $150 in meal reimbursements. Incidental expenses are not included in the $50 a day limit. Incidental expenses are fees and tips given to porters, baggage handlers, bellhops, hotel staff, and other personal service employees.

If a traveler is traveling partial days, the County, along with department head's discretion, can reduce the $50 a day by 25% to $37.50. This applies to both day of departure and day of return. When meals are provided by the host, the meal allowance will be reduced by 25% ($12.50) for each meal provided. If travel requires prior day departure or extended day return than the meals for that day will be prorated. No allowance for meals will be allowed for extended stays or early arrivals for the employees' convenience.

In-State (out of County) Meals

The County will pay for or reimburse an employee/official for the necessary and reasonable cost of meals incurred during in-state travel.

The following requirements must be met to be reimbursed for an in-state meal:

1. Meeting location was outside the County
2. The meeting was during normal meal times (lunch/dinner) which prevented you to come back to work to eat
3. Itemized receipt with purpose of trip is required

This policy excludes meals where administration and management meets with non-County staff for official County business.

Travel Advance and Reimbursements

Travel Expense Report is due to the Finance Department within thirty (30) days after travel or expense is incurred.

Failure to submit timely Travel Expense Reports after the completion of a trip will result in administrative action, such as notification to department head and denial of future travel requests.

Only one Travel Advance is allowed outstanding at a time.

In no case shall a reimbursement be made to an employee for travel or expenses incurred in excess of 60 days. If proper documentation is not provided within the 60 days the County has the right to withhold the entire advance form the employees pay. An advance will no longer be granted if a reimbursement becomes outstanding for more than 60 days.

Receipt Requirement and Other Reimbursement Criteria

a. Ticket booked on common carrier (airline, rail, or bus) require copy of paid invoice.

b. Hotel/Motel bills shall be the original copy of hotel/billing marked paid or paid invoice from travel agent if lodging was billed through the agency.
c. Ground transportation, including airport shuttle, taxi, or public transit requires a receipt.
d. Car rental reimbursements require paid invoice from the rental company or travel agent if billed through agency.
e. Meals require itemized receipts and are not reimbursable above the maximum daily/partial day per meal allowance.
f. Hotel/Motel related expenses should be documented identifying the date and the cost of each category.
g. Out-of-pocket cost for incidental items such as baggage handling and maid service do not require a receipt but need to be documented on the personal expense reimbursement form.
h. Hotel/airport parking and tolls for turnpike, bridges, and/or ferries require receipt.
i. Gasoline and/or other supplies for County owned vehicle will be reimbursed with receipt.
j. Internet access cost for county business must be substantiated with receipts.
k. A "no itemized receipt – no reimbursement" policy applies.

Non-Reimbursable Expenses

a. Alcoholic beverages are strictly prohibited
b. In-room movies or pay television
c. Theater tickets or nightclub entertainment.
d. Laundry
e. Babysitting
f. Related expenses of spouse, children and other persons accompanying the authorized traveler.
g. Pleasure, historic, or other tour related expenses. Expenses for business related tours would be reimbursed.
h. Donations and gifts made while at training, conference or meeting.
i. Loss or damage of personal items.
j. Meals for other conference attendees
k. Purchase of personal items
l. Any parking or moving violation fines.
m. Any personal or pleasure travel while on County business

Policy 6

EXPENSES AND REIMBURSEMENT

§ 6-1. Travel and meal reimbursement.

Adopted 8-4-1998 (P-13C); Amended 8-22-2006; Amended 11-24-2009 (P09-06)

A. Authorization to travel (more than one day). Authority to incur costs in connection with travel while on official County business must be granted by the department or row office head. Authorization may only be granted when travel funds are in the department's approved budget.

(1) Authorized expenditures.

(a) Per-diem: Employees authorized to travel out of state for a full day (time period covering three meals) or more are eligible for per-diem equal to the amount established by the federal General Services Administration (GSA) for the applicable destination city to cover all meals and gratuities for each full day of the business-related trip. No receipts will be required for the per-diem amount, which would typically be paid to the employee in advance of departure. Any meal and gratuity expense exceeding the GSA figure shall be the responsibility of the traveling employee. Any meal included as part of the conference fee shall be deducted from the per-diem according to the value assigned by GSA for the included meal.

(b) Miscellaneous expenses (Minor Code 230): $10 per day maximum for each day of the trip; includes local travel expenses from the time of departure for destination until return, such as cab fares and tips, bus fares, parking meter fees and other authorized miscellaneous daily expenses. Receipts will be required to the extent possible for reimbursement.

(c) Conference fees (Minor Code 200): In most cases these fees are to be paid in advance when registration is arranged. Otherwise, the conference fee will be reimbursed and a receipt will be required.

(d) Lodging (Minor Code 220): Inquiries regarding reservations should be made in advance and the single room rate, including taxes, determined. An advance in this amount times the exact number of days of the business trip will be made. The County will pay only the rate for a single room unless double occupancy is intended to

accommodate two authorized County employees. Receipts will be required.

(e) Travel costs (Minor Code 230): A determination must be made of the costs for alternative travel modes from Dover to the destination and return. The County will only advance or pay the amount for the most feasible method of travel as determined by the Department Director and County Administrator or the Levy Court.

[1] Included in travel costs are:

[a] Mileage in connection with the conference or business trip, tolls, parking and auto storage fees (if an employee uses his or her personal vehicle). Mileage will be reimbursed at a rate to be determined by the Kent County Levy Court.

[b] Air, bus or train fare.

[c] Limousine service to and from the transportation terminal if cheaper than other methods.

[2] If any of these costs are not paid in advance, the estimated cost will be advanced or reimbursement will be made. Receipts will be required.

(f) Annual dinners: Annual dinner expenses for Kent County affiliated boards and commissions shall be as specified in the requesting department's annual budget submission.

(2) Unauthorized expenditures. The County will not reimburse nor are County funds to be used for any of the following:

Lodging within the State of Delaware
Laundry service
Pay TV
Babysitting service
Traffic citations
Alcoholic beverages
Entertainment costs
Gratuities in excess of 18%
Toll phone calls unless otherwise unavoidable and only when related to County business
Spouse or guest expenses

(3) Accountability for expenditures. Upon return, employees are required to complete a Travel Expense Report and/or Mileage Reimbursement Request form which document the employee's trip expenditures. These reports should be submitted within five working days of the employee's return in accordance with the instructions on the forms.

B. Meal/Mileage reimbursement for day trips. When on official County business, an employee shall be entitled to reimbursement for meal expenses in accordance with the following:

(1) The employee must be on authorized County business and away from his or her normal work routine and schedule during the following times:

	Must Leave Prior To	**Must Return After**
Breakfast	7:00 a.m.	8:30 a.m.
Lunch	11:00 a.m.	2:00 p.m.
Dinner	5:30 p.m.	7:00 p.m.

(2) Meal reimbursement.

(a) The maximum amount that will be paid/reimbursed for individual meals (including gratuity) shall be equal to the amount established by the federal General Services Administration for the applicable destination city to cover such individual meal(s) and gratuity.

(b) Any individual meal(s) and gratuity expense exceeding the established GSA figure for the destination city shall be the responsibility of the employee.

(c) No reimbursement will be authorized for a meal if said meal is included as part of the fee for a conference, symposium, meeting, etc., or if a meal is provided during such meeting at no cost.

(d) This provision shall not apply to meals or special events hosted by the County for intergovernmental or public relations purposes. Such expenses will be paid from the community events line item (Minor Code 677).

(3) All requests for travel reimbursement must be made on a Travel Expense Report form and must be submitted within five working days after the expenditure.

(4) All requests for mileage reimbursement must be made on a Daily Mileage Reimbursement Request form. Mileage will be paid at a rate to be determined by the Kent County Levy Court.[1]

[1] Editor's Note: Daily Mileage Reimbursement Request form is on file in the County offices.

C. General.

(1) Employees are encouraged to prepay conference and travel costs when possible.

(2) Some hotels require an advance before confirming room reservations.

(3) Whenever possible, employees should plan trips far enough in advance to take advantage of any discounts for early registration and to allow sufficient time to process advances.

(4) Employees should remember that while traveling on County business the employee represents Kent County government. Therefore, employees should conduct themselves in a professional and responsible manner that reflects well on the County.

(5) Employees should also remember that the taxpayer funds employee trips. Employees, therefore, have the obligation to spend County funds in the most cost-effective way and only for authorized expenses.

§ 2-16. Staff development and training.

This Policy establishes a procedure for the review and approval of courses, seminars, classes, workshops, or conferences utilized for staff development and training purposes.

A. County staff members are encouraged to participate in staff development/training opportunities or courses, such as seminars, workshops, conferences, and related activities, in order to enhance their knowledge and improve performance to better serve the citizens of Kent County.

B. Whenever a staff member determines that a particular staff development/training opportunity will be beneficial to the employee and County, a request shall be submitted to the department head for review and consideration for approval. Department head, legal staff, and appointed advisory board, committee or commission member requests must be reviewed for approval by the County Administrator, and, in his or her absence, the Personnel Director, for participation in any training conference/opportunity.

C. Department heads or the County Administrator may approve participation in staff development programs if the training course(s) will improve the employee's knowledge or ability to perform his or her duties and if adequate funds have been budgeted for the proposed course(s).

D. Department heads or the County Administrator may require any or all employees to participate in specified staff development/training programs whenever the employee's performance will be enhanced, to achieve certification or mandated training, for continuing education purposes, or to meet risk management obligations.

E. Upon return from an approved training course(s), the staff member shall submit a report to the approving authority outlining the name of the course(s), date(s) attended, and personal/professional knowledge gained from attendance.

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 8, 2015

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, June 8, 2015.

PRESIDING: Mayor Bryan W. Shupe

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

Former 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 7:07 p.m.

INVOCATION & PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Morrow to approve the minutes of the April 27, 2005 Council Meeting, May 4, 2005 Organizational Meeting, May 11, 2005 Council Meeting and May 26, 20015 Committee, Public Hearing and Council Meeting, seconded by Mr. Grier. Motion Carried.

RECOGNITION

Mayor Shupe welcomed Councilman Pikus back after an absence due to an illness. Councilman Pikus thanked everyone for the well wishes and prayers.

Proclamation 2015-15/Garden Club Week (Previously Presented)

Mayor Shupe referenced a proclamation presented to the members of the Garden Club last week:

WHEREAS, Gardeners have a passion for nurturing the beauty and resources of the earth through the planting of seeds, the care of all plants and the harvesting of the riches of their efforts; and

WHEREAS, Gardeners seek to add beauty, splendor, fragrance and nutrition to our lives through the growing of herbs, vegetables, foliage and flowers; and

WHEREAS, Gardeners work to preserve our country's traditional spirit of independence and initiative through innovation and hard work; and

WHEREAS, Gardeners advocate the importance of all creatures, large and small, that share our world and their roles in a balanced and productive ecology; and

WHEREAS, Gardening furnishes a challenging and productive activity for many citizens, for those just learning as well as those having years of experience; and

WHEREAS, Gardening promotes a healthy lifestyle that lasts a lifetime, helps reduce stress from other areas of life and teaches that rewards come from diligent efforts; and

WHEREAS, Gardening enables members of Garden Clubs across the nation and the world to serve others in the communities in which they reside and work.

NOW, THEREFORE, BE IT RESOLVED, in an effort to acknowledge the importance of Gardening and the numerous contributions of gardeners, I, Bryan W. Shupe, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby proclaim the week beginning June 7, 2015 as National Garden Week in the City of Milford and encourage all citizens to recognize and thank this generous organization for their service and dedication to our community.

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

s/Mayor Bryan W. Shupe

Proclamation 2015-16/Delaware Hospice/New Hope Program/25th Anniversary/Counselor Robin Murphy

Mayor Shupe read the following proclamation into record:

WHEREAS, In 1990, New Hope was established by Delaware Hospice as a free program to serve children and teens during their time of grief;

WHEREAS, The New Hope program is based on the belief that children can be supported in the process of grief reconciliation if they are provided with opportunities to express their feelings;

WHEREAS, New Hope Counselors have provided support, counseling and education to approximately 10,000 children, teens and their families through a variety of workshops, support groups, individual counseling, and a summer camp;

WHEREAS, The capstone of the program is Camp New Hope, a four-day inspiring summer day camp, where these children and teenagers have opportunities to interact with other children who have also experienced loss;

WHEREAS, The camp offers group projects, counseling, individual support, education and free time to allow children to process emotions though its highlight is a special memorial service, attended by parents and family, at the conclusion of the camp, where members celebrate and honor the life of each child's loved one;

WHEREAS, It is with great honor, that the City of Milford wishes to recognize the nationally recognized New Hope Program for twenty-five years of phenomenal dedication and service;

NOW, THEREFORE BE IT RESOLVED, that I, Bryan W. Shupe, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby graciously acknowledge the 25th Anniversary of the Delaware Hospice's New Hope Program and the generous support of donors and volunteers who make this free program possible.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford, in the State of Delaware to be affixed this Eighth day of June in the Year of our Lord Two Thousand and Fifteen.

s/Mayor Bryan W. Shupe

He then presented the proclamation to New Hope Counselor Robin Murphy and Sondra Satterfield.

EXECUTIVE SESSION

Mr. Pikus moved to go into Executive Session reference a strategy session and personnel matter, seconded by Mr. Grier. Motion carried.

Mayor Shupe recessed the Council Meeting at 7:12 p.m. for the purpose of an Executive Session as stated below and permitted by Delaware's Freedom of Information Act:

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Contract Issue)

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation (Hammond Issue).

Return to Open Session

City Council returned to Open Session at 8:05 p.m.

Hammond Easement

Mr. Pikus moved to authorize the city solicitor to negotiate the settlement as discussed in Executive Session to be paid from electric reserves, seconded by Mr. Grier. Motion carried.

MONTHLY POLICE REPORT

Police Committee Chair Morrow presented the monthly police report on behalf of Chief Hudson noting they have had yet another busy month. Ms. Wilson moved to accept the report, seconded by Mr. Burk. Motion carried.

CITY MANAGER REPORT

Mr. Medlarz referenced the following report:

Administration:

* *Made several contacts with potential USDA, Rural Economic Development Loan and Grant (REDLG) funding candidates*
* *Presented Lakeview Ave. land use modification at the State Planning Office*
* *Continued public works agreement effort for S.E. utility expansion*
* *Continued negotiations with First State Manufacturing associated with the potential land exchange*
* *Continued parcel consolidation/rezoning effort for Perdue*
* *Continued settlement efforts with regards to the Watergate adjoins and their attorneys*
* *Attended 2nd DEMEC strategic planning session*
* *Attended opening at Dorey's Insurance and associated Chamber Mixer*
* *Conducted conference call with American Municipal Power on smart metering*
* *Met twice with DelDOT regarding BayHealth entrances on Wilkins Road*
* *Conducted BayHealth planning meeting with Fire Marshall*
* *Attended Milford Economic Development Meeting*

Electric Department:

* *Attended 2nd DEMEC strategic planning session*
* *Participated in a conference call with AMP in reference to the smart metering*
* *Provided new power service to Watergate Subdivision Townhouse Complex 3 & 4*
* *Assisted in the relocation planning effort for fire siren*
* *Installed new capacitor banks in 210 kV circuit to improve power factor*
* *Installed fiber feed to Cascades and Fisher Avenue pump stations*

Streets and Solid Waste Department:

* *Repaired storm drain pipe on N.E 10th Street (pending hot mix)*
* *Street crews continued sidewalk/curbing repair throughout the town*
* *Sidewalk repair in Saw Mill Village completed*
* *Significant improvement on the streets with less and less bulk as well as excess trash*
* *Educating customers on avoidance of commingling waste streams*

Water and Sewer Department:

* *Replaced meter pit 800 S.E. Second Street*
* *Repaired water leak on Williams and Jefferson Streets*
* *Installed meter pit at 207 Montgomery Street*
* *Pumped down Shawnee Acres Pump Station in support of Watergate project*
* *Assisted Nichols Construction in force main upgrade project*

City Manager Medlarz referenced our continued effort with the Bayhealth expansion. We continue to work with State Planning, DelDOT and other state agencies to move this project forward.

Mr. Brooks recalled a meeting with Bayhealth when they announced they would be breaking ground the third quarter of this year. Mr. Medlarz predicts the ceremonial groundbreaking will most likely occur the first quarter of 2016 at this point. Bayhealth remains anxious to move their project as quickly as possible.

Mr. Mergner asked if the city will have any input on the entrances off Wilkins Road or will that be a DelDOT decision. The city manager reported that he informed them the city wanted to control the roadway. However, two meetings later they were informed by the State Planning Director, who works under the State Secretary, that DelDOT will not entertain that request. As a result, DelDOT will dictate the design and location of the entrances.

Mr. Mergner expressed concern due to the developments on the opposite side of Wilkins Road.

The city manager then reported that he and Electric Superintendent Rick Carmean are very involved in the DEMEC planning strategic planning. The city has a lot of issues on the metering side and the automated metering. Council will see this item come back with additional information in the near future.

Motion to accept the City Manager report made by Mr. Morrow, seconded by Ms. Wilson. Motion carried.

COMMITTEE & WARD REPORTS

Bamboo Problem

Ms. Wilson noted that the abandoned property at 604 North Street is overgrown with bamboo. She reported that the property looks like a small forest where wild animals are living as a result of the overgrowth. The bamboo is now spreading into the neighbor's yards.

Mr. Mergner said the only way to prevent it from spreading is to install a barrier ground level.

Ms. Wilson said the owner lives in Florida. They have someone who maintains the lawn though they will not pay him to address the bamboo problem. The code official has been in contact with the owner but the problem is getting worse.

The city manager explained that bamboo is an invasive species and the city has an invasive species section in the code. He will contact the code official to ensure the notifications went out. We are required to meet certain times lines and after that, the city can go in and address the invasive species and charge the owner or lien the property.

COMMUNICATIONS & CORRESPONDENCE

Mr. Mergner thanked Chief Hudson for helping the Orchard Hill community by installing some signs to assist with the speeding problem. He said the sign was a big help and he has received a positive response.

Mr. Burk said he agrees and referenced a sign on South Walnut Street and Kings Highway. He has been talking with Chief Hudson about getting some data and agrees that people drive too fast in this city. He feels the problem is bigger than the police can handle and believes that it is not just the responsibility of the police to enforce but something our citizens need to monitor themselves. He said the speed limit is 25 miles for a reason and people need to remember those reasons.

Mr. Pikus said the speed sign on Kings Highway has really helped adding that Chief Hudson went through a lot to get it in the right place and appreciates how he continued working on this until the residents were satisfied.

Ms. Wilson asked if Chief Hudson will have community policing officers out again this summer. Chief Hudson said that there has been some foot patrol by officers though his seasonal officers officially begin this weekend. They will be focusing on the parks and downtown area. As a result, our residents will see an increase in both foot and bike patrols.

Chief Hudson confirmed they presently have four seasonals though five were hired. They lost one during the training period.

UNFINISHED BUSINESS

Recommended Charter Review/Powers of Elected and Appointed Officials/Mayor Shupe

Mayor Shupe said he asked the city solicitor to review the charter as a result of two new council members. As a result, the solicitor put together a synopsis of the charter explaining the powers of city officials and council. The mayor asked all of council to review the charter on their own time.

Mayor Shupe said he would like to meet with each ward to discuss any recommendations each ward has. If no recommendations, he still wants to meet with the two council members from each ward to discuss what is happening, concerns and any possible ideas.

The mayor encouraged each council member to take some time to review the charter in the meantime so that any recommendations can be discussed with him.

He said that City Manager Medlarz is committed to this as well and will participate in these meetings prior to the June 22nd or July 13th meeting. He said this can be done legally by only meeting with the two council members at a time.

Mr. Brooks noted that over five years ago, a committee was appointed that consisted of the mayor, some council members, the city clerk and city solicitor. It took almost two years to completely review the charter and make recommendations. Mayor Shupe prefers to talk to the two ward representatives to discuss recommendations and also talk about concerns and ideas.

Mr. Brooks asked if the mayor is asking what council wants such as road paving, grasscutting, etc. City Solicitor Rutt said the charter was actually adopted five years ago. He agrees it is a good practice to go back because we have a new mayor, new city manager and new council members in addition to a new solicitor. He feels this should be done on its five-year anniversary. Once all the changes have been made, it would have to go to the general assembly in 2016.

Mr. Brooks said he read the charter today and made notes. Mayor Shupe said that can be shared during the ward meetings. He said that other items can be discussed during the second half of the meeting.

Mr. Brooks said that he and Mr. Morrow look forward to sitting down with the mayor and telling him what they need; Mr. Pikus agreed.

Mr. Burk said he made some notes where one section refers to another and they don't coincide. Mayor Shupe agreed those are the things that can be addressed during the meetings.

Mr. Starling prefers a workshop that all of council attends. He is uncomfortable with two council members meeting separately and giving individual opinions. He feels it should be done as a group so everyone can hear what each other says. That way the full council can discuss and understand what each ward would like to happen.

Mr. Morrow asked if the meetings have to be recorded; Mr. Rutt said not if it is just the two council representatives and the mayor and city manager adding that does not fall under FOIA.

Introduction/Ordinance 2015-10/City of Milford Code/Part II-General Legislation/Appendix B Electric

City Manager Medlarz recalled this ordinance being discussed at the last meeting. Since then, some green energy language was added. This was needed to ensure that permitting covers the various systems available today. Right now, we only require an interconnection agreement even though our residents have to go to Sussex County to get a building permit for solar panels. Milford does not permit that project. The solar panels are installed, then the city is asked to activate them though we are unable to because they may be too large, for example. The permitting process would prevent that from occurring.

A public hearing on this matter has been scheduled on June 22, 2015.

City Solicitor referenced Section 4.4(a):

PROVISIONS FOR ALL DEPOSITS

4.4.A Deposits shall be in an amount equal to two-twelfths of the estimated annual revenue or a minimum as may be reasonably required by the City (See Appendix 1-Fee Schedule). No interest will be paid on the Deposits from the Residential Customers. *Simple annual interest will be paid on the Deposit from other Customers*. Interest will be paid at the time the Deposit is returned to the Customer. No interest will be paid unless the Deposit is held longer than ninety days.

The city manager explained that simple annual interest could be interpreted as an illegal interest. Legal interest in Delaware is federal rate plus 5%. He suggests changing 'simple annual interest' to 'accrued interest earned on the deposit'. In that way, whatever percentage earned in the bank is what they receive. Because commercial customers pay a large deposit, they may discover this is a big windfall for them.

The city manager then introduced the following ordinance:

Ordinance 2015-10
City of Milford
Appendix B-Electric Tariff-Rules and Regulations

Whereas, the City Manager, together with the Customer Service and Electric Department representatives, have recommended an amendment to the City of Milford Code, Appendix B-Electric Tariff–Rules and Regulations; and

Whereas, the City Manager has submitted the amended code to City Council for consideration and approval; and

Whereas, the City Council of the City of Milford is in agreement there is a need to update the City Electric Rules and Regulations in order to maintain high standards.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.
An Ordinance to Amend the Code of the City of Milford, Appendix B, Electric Tariff--Rules and Regulations, that establishes Electric Standards and Rates for the City of Milford.

Section 2.
Appendix B, Electric Tariff–Rules and Regulations, of the City of Milford Code is hereby repealed and a new Appendix B established by inserting the following in lieu thereof:

Section 3.
Appendix B is hereby entitled Electric Rules and Regulations.

Section 4.
Appendix B hereby contains the following Sections, Classifications and Appendices:

Section 1 - General Conditions
Section 2 - Definitions
Section 3 - Application and Contract for Service
Section 4 - Customer Advance Usage Fees and Deposits
Section 5 - Payment Terms
Section 6 - Administration of Service Classification
Section 7 - Customer's Installation
Section 8 - Secondary Services and Transformer Installations
Section 9 - Meter Installations
Section 10 - Adjustment of Charges
Section 11 - Continuity of Service by City
Section 12 - Customer's Use of Service
Section 13 - Defects in Customer's Installation
Section 14 - Access to Premises
Section 15 - Tampering with City's Property
Section 16 - City's Right to Discontinue Service
Section 17 - Discontinuance of Service by Customer
Section 18 - Primary Extensions
Section 19 - Purchase Power Cost Adjustment (PPCA)
Section 20 - General Cost Adjustment
Section 21 - Delaware Public Utility Tax
Section 22 - Green/Renewable Energy Fund Program
Section 23 - Aggregation of Retail Customer Demand Response
Section 24 - Fee Schedule

Service Classifications

Appendix 1 - Fee Schedule
Appendix 2 - Worksheets
Appendix 3 - VGRE Application

Section 5.
Dates.
Introduction 06-08-2015
Adoption 06-22-2015
Effective 07-02-2015

Section 6.
A complete copy of the current and proposed Appendix B may be viewed by contacting the City Clerk's Office at Milford City Hall at 302-424-3712 or by accessing the city website at www.cityofmilford.com.

Adoption scheduled for June 22, 2015 following the public hearing.

Status of Project Work Projects

Mr. Medlarz submitted a status report noting that the items in italics needed councils' vote. He is asking for consent approval and any item that must be removed or modified will not apply. He asked Mr. Rutt if that meets with his concurrence. Mr. Rutt agreed stating that a consent agenda is a good way to handle. Mr. Medlarz said this provides a written record of the approval.

He then reviewed each of the following items:

1. Southeast Water Storage Tank and Treatment Plant Project (Wickersham Subdivision):
   a) Storage tank (CBI contract) and treatment plant (Kuhn contract) projects ongoing w/city engineer performing administration and inspections under the current contract.
   b) City contacted Verizon who expressed interest in placing an antenna on top of the water tower. The city engineer and Verizon will develop a change order scope to be included as a component in a long term lease proposal for the site. The city engineer has submitted a change order for the additional design and coordination. *Councils' approval of the expense in association with said effort in the amount of $3,500.00 using USDA Project Funds or Water Fund Reserves if request ruled ineligible by USDA is requested.*
   c) Installation contract (AC Schultes) for first water supply production well complete and testing of second aquifer ongoing with promising capacity results (+/-150 gpm) but no results from the water quality testing.
   Design, administration and construction for second production well is on hold pending receipt of quality testing.
   Recommendation is to continue current approach via future city council approved change orders for city engineer and Kuhn Construction.

2. Seabury Avenue Water Supply Expansion:
   a) Installation contract of well 11R ongoing with AC Schultes as a sub-contractor under the city engineer.
   b) Equipment design and installation contract is time sensitive due to the current critical water supply conditions.
   Recommendation is to select a design build approach with a single change order to the city engineer approved by council allowing the quickest implementation.

3. DNREC Water Allocation Permitting:
   a) City has been out of compliance of its DNREC Water Allocation Permit for several years.
   b) DNREC, city manager and city engineer developed an approach to fill in data gaps. The team stands ready to make an interim submittal.
   c) The final renewal and record keeping should be accomplished with city assistance due the size of the task. Current city staff does not have that expertise but could be trained by an appropriate team member. *In order to fund the effort, a funding allocation for the city engineer, in the amount not to exceed $10,000, should be approved by council from water fund reserves.* The past implementation was pieced together from different city engineering line items.

4. Airport Road Pavement Rehabilitation:
   a) Exploratory road cross section borings have been completed and a preliminary design has been developed. Plans and specification are on hold until the end of the 2015 legislative session and the subsequent determination of availability of any Community Transportation Fund assistance.
   b) Phase 1 of the pavement rehabilitation would include the west bound lane between US-113 and Bowman Road utilizing any CTF funds and tying the project to a partially CTF-funded cemetery expansion project where the millings could be utilized. Supplemental funding would be pulled from Municipal Street Aid as required. *This project could be handled by a city project manager if approved by council in conjunction with the city engineer for a reduced fee of $7,500.00 funded out of street fund reserves. City council authorization is requested.*
   c) Phase 2 of the pavement rehabilitation project would require further inspection of the east bound lane before developing a final design and implementation approach.

5. Southeast Area Utility Extensions (BayHealth Campus):
   a) The Southeast Sewer Extension concept plan is complete. A preliminary cost estimate has been prepared and a draft Public Works Agreement involving BayHealth, Wickersham and Fannin has been drafted based on the Kent County template. An initial meeting has been held with a fourth interested party. The Agreement will be submitted to all parties for review once the potential forth party decides to join no later than June 15th. Once all comments are

incorporated, the Agreement will be presented to Council for review and approval. No city financial contribution is anticipated beyond the now complete Shawnee Acres Pump Station force main upsizing (Nichols Construction contract). In the Marshall Commons area of the work the routing had to be changed into the pavement due to an unforeseen utility conflict. *City councils' approval of the required a change order for pavement restoration to Nichols Construction in the amount of $7,530.00 funded out of Sewer Fund Reserves is requested*

b) The Southeast Water Extension concept plan has been started but finalization is waiting on campus concept plan development by the BayHealth design team. Once completed BayHealth and the city will develop an exclusive implementation public works agreement for council review and approval.

c) The Southeast Electric and Fiber Extension concept plan has been started based on several design meetings with BayHealth. Once completed, BayHealth and the city plan to develop an exclusive implementation public works agreement for council review and approval.

D) The BayHealth Campus power back-up component allows for a jointly funded power generation or combined heat power project between BayHealth and the city. The next step is to arrange a planning meeting between the city electrical engineer, the BayHealth power generation design team and DEMEC. Depending on the outcome of that planning meeting, a unique three-way agreement with DEMEC could be developed.

e) The recommended implementation approach could be accomplished via a design by the city engineers (civil and electrical) followed by separate construction bids for each aspect with construction administered by the city project manager if approved by council and inspected by the respective city engineers.

6. Washington Street Water Treatment Plant:

a) The raw water distribution system on South Washington Street has been completed. The treatment plant has been designed for the alternative location under the water tower previously approved by council. This site was not included in the SRF application and required additional survey as well as environmental and archeological evaluations including coordination with the State Historic Preservation Office. The project is now permitted and ready for bidding pending the results of the final archeological report.

b) The proposed plant is fed by wells 1, 2 &3. The oldest is well 1 that has debris in the screen area thus limiting its production. We are proposing to include the installation of a new 8-inch or 10"X 8" replacement production Well 1R in close proximity to the approximate screen depth as the existing Well 1 but with an increased pumping capacity of 350 gallons per minute (GPM). This is a 100-GPM increase over the existing well which should be achievable given in 1988 a specific capacity of 10.8 GPM per foot of drawdown was measured.

c) Some but not all of the additional services were invoiced and paid; however, no official change in project scope was issued. These items should have been identified and brought before Council though that was not done. City engineer has submitted a scope change request for the coordination and third party consulting services. *Councils' approval in association with the changed site conditions and addition of replacement well 1R in an amount not to exceed $23,500.00 using SRF Water Project funds is requested.*

d) Additional electrical design was also needed to accommodate the power back-up to the customer service center, add a second generator for the Washington Street Sewer Pump Station, temporary tie-in of well 2 and the relocation of the fire siren. The city engineer has submitted a change order for the additional electrical design. *Councils' approval of the expense in association with said the design effort in the amount of $13,800 using SRF Water Project funds is requested.*

e) The overall project is still within budget since the building component and the customer service center has been removed from the scope.

7. 2015 Sewer System Upgrades and Rehabilitation Project:

a) Bond Counsel and city administration started on the implementation of the borrowing ordinances and the associated referendum. Anticipated completion of the administrative process for approval of all tasks is September 1, 2015. Support documentation in this process will be provided by the city planner.

b) Once authorized by the voters, the design of the project will be accomplished by the city engineer for all aspects but the SCADA system. We will attempt to accomplish this task within house staff.

c) The separate construction bids for each aspect, i.e., pump station upgrades and I&I removal, will be administered by the city project manager if approved by council and inspected by the city engineer.

8. Northwest Milford Water & Sewer Expansion:

a) The N.W Milford Water and Sewer Study was completed by the city engineer in the spring of 2015. The Hickory Glenn developer is currently reviewing the expansion options as per the study.
b) The Amberwood Subdivision has been sold and the new owner is seeking a commercial rezoning which the city planner is currently ushering through the state PLUS process.
c) Once both entities conclude their respective steps, a preliminary cost estimate based on the final selected option must be prepared and a public works agreement drafted potentially involving Baltimore Air Coil based on the Kent County template. It will be submitted to all parties to review and determine if BAC decides to join any aspect or not. Once all comments are incorporated, the agreement will be presented to council for review and approval.

9. Truitt Avenue Paving Project:
   a) The project was created by council by switching exchanging funding between a legislative CTF parking lot project and a city road project. CTF monies in the amount of $75,987.00 are now in place a pavement and sidewalk upgrades on Truitt Avenue.
   b) Phase 1 of the rehabilitation would include at a minimum the handicap ramps on all corners as well as the deteriorated curb and sidewalk sections
   c) Phase 2 of the project would cover the pavement rehabilitation with taper milling and utility adjustments.
   d) This project could be handled by a city project manager if approved by council in conjunction with the city engineer for a reduced fee of $3,500.00 funded out of Street Fund Reserves.
   e) The funding is insufficient for a full rehabilitation. Therefore, the bid documents will have to reflect an add-on approach by city block in order to fit it in the available funding within the contract scope awarded by city council on a case by case basis.

City Manager Medlarz asked for council to consider a consent motion for the identified public works action items.

Mr. Pikus moved to approve as recommended in the status report, seconded by Mr. Wilson. Motion carried.

Mayor Shupe thanked the city manager for staying on top of these projects adding much of the work is needed as a result of adding infrastructure and growth. He noted that the city's number one priority this year is infrastructure and pointed out that Mr. Medlarz is proceeding at a great pace.

Approval/Public Works Position/Projects Manager & Contract

City Manager Medlarz recalled this item was discussed at the previous meeting and there were some legal questions based on the contractual issues asked at the previous meeting.

City Solicitor Rutt said he is considered this in terms of being a contract position. The IRS has a 20-point checklist for an individual contractor. He feels this is almost impossible to make this a separate contract position because one of the things needed is for the person to be answerable to city manager and to city council.

Mr. Rutt further explained that based on some of the factors on the checklist apply, this person is considered an employee and the first item is where the person would receive their instructions. It is not a situation where the city would pay a contractor to pave a road (for example), provide them the plans and let them go to work. Instead, he said this is a situation where the person would work for the city, go and inspects roads and reports back on the condition.

Items such as services rendered, hiring, supervision, work hours and training are some of the factors that make the contractor an employee.

The solicitor stated that after reviewing the contract and comparing it to the IRS regulations, he does not believe he can be hired as a contractor. Therefore, this person would be considered a city employee.

He recommends council approving the position as a city employee.

Mr. Medlarz explained that this position is based on project needs. Mr. Burk feels that because this would now be considered a city employee, council needs to officially create the position and referred to previous job descriptions that were

approved. Mr. Rutt advised that council can authorize the city manager to hire a project manager. That would be similar to council approving and creating an economic development director.

Mr. Grier asked what was spent contractually for public works projects. Mr. Medlarz stated he would have to research that information. He noted that the Bayhealth sewer project alone would financially support this position because it will be built through reimbursable expenses if approved in the upcoming referendum.

The city manager explained that several projects, such as the water allocation permit, should be handled by the city. He also noted that this position will not be needed forever and is the reason it was presented contractually. It can be reviewed after three years as is proposed, though council has the ability to change the term.

Mr. Grier asked if this will show up in the budget as an $80,000 expense and a $80,000 plus revenue item. Mr. Medlarz explained that it will not be displayed in the manner because the projects are reimbursable even though the city is not a for-profit organization. The IRS would have a problem if Bayhealth were charged more than what they incurred.

Mr. Grier said his point is whether this will save the city money versus what we would typically pay another engineer for these projects. Mr. Medlarz said it will clearly save money which will allow those funds to be spent on other items.

Mr. Pikus asked if the contractors are currently paying these expenses. Mr. Medlarz confirmed it would not be paid out of the city budget. Mr. Pikus pointed out that if someone is hired, it becomes a budgeted position with benefits. Mr. Medlarz agreed adding that once the year is over, we can account for the $80,000 plus benefits though he can show where we took in x amount of dollars. However, we cannot always guarantee 100%.

Mr. Burk said what occurs when a project is delayed. If we hire an employee, the city continues to pay their salary regardless of whether or not the project moves forward. He feels that is the benefit of using an outside contractor; in that situation, we would not have to pay unemployment for example.

Mr. Medlarz explained that we need the services and cannot treat this as a contractor because we are directing the work to be done. Mr. Burk agrees but pointed out whatever engineering firm we are using now, if there were a delay or a project fell through for whatever reason, the city would not be responsible financially. That will not occur if the person becomes a city employee.

Right now, the city manager said that he either needs a project manager or some of these projects will start slowing down.

Mr. Morrow referred to Mr. Burk's earlier statement and again asked if we normally contract that to an outside firm. Mr. Medlarz said he can easily go to DBF or another firm and ask them to do these things. The will result in less money to spend on bricks and mortar. At that point, the city is spending money on administration costs.

The city manager sees this as a benefit but he cannot guarantee preventing project delays though he can guarantee a vast majority of those expenses will be covered.

Mr. Mergner believes there will be fewer delays by having our fingertips on these projects versus having an outside firm handling it. Mr. Grier recalled this position being cut years ago and it appears as though we are now back adding them. Mr. Mergner pointed out that is the reason for the contract term.

Mr. Rutt noted there is also a termination clause.

Mr. Pikus feels this should be discussed during the budget hearings over the next two nights.

Mr. Medlarz explained that the Kent County budget had included a revenue line item titled 'third party contributions'. Every year that revenue might show 85% or 95%. As a result, he said he is not budgeting for a person but instead looking at interim funding. In the end, most of the money will be recovered. Mr. Burk said that frequently a lot of the time and money would not be in the same fiscal year. Mr. Medlarz agreed because the budget is prepared in advance versus the reconciliation taking place in retrospect.

Mr. Medlarz asked council which is the preferred approach. Mr. Grier prefers knowing what has been spent for the same type services; Mr. Pikus said we can find that out. Mr. Grier feels it is a fair question to justify the position.

The city manager explained that we will have to go through all the engineering bills and pull out the administration component. Ms. Wilson feels it should not be that difficult and believes it would be beneficial to have a line item titled 'administration services'.

Mr. Medlarz argued that the engineering services are budgeted for engineering services. They are not broken out by each function so each bill will need to be reviewed to determine how much was spent on administration services. He can have that number by the end of this week at the earliest but not by the budget hearing tomorrow night.

Mr. Pikus confirmed this position would oversee electrical and water and sewer projects. Mr. Medlarz said the position would handle all those needs.

Ms. Wilson pointed out that Mr. Medlarz also knows that once the Bayhealth project begins, our public works needs will grow.

Mr. Pikus then confirmed the public works superintendent was budgeted. Mr. Medlarz stated yes and agreed that a job description is needed for the project manager as Mr. Burk recommended. It could then be presented to council for approval. However, he does not want to write a description if the position has not been approved.

Mr. Medlarz then noted that the gentleman that applied for this position is in the audience. He then referred to the DFIT Membership Resolution that is scheduled for later in the meeting. DFIT requires the city to have a safety plan and employee safety meetings. This person is OSHA certified and there is no other city employee with even half an OSHA certification. When he became city manager, he did not expect to need a citywide safety plan though that will now be required. This person has the ability to handle this task though it is completely unrelated to the project manager position.

Mayor Shupe asked council to consider the projected growth and aging infrastructure in our city. As a result, there will be a lot of work needed and more projects in the future. His opinion is the city will be ahead financially. Mr. Mergner agrees and stated that it sounds to him like we would save money in the long run.

Mr. Brooks stated that he agrees with Mayor Shupe; Ms. Wilson said she recalls for years councils' concern about the money we were spending on engineering. That is the reason we hired an engineer who oversaw projects during the building boom. Things are picking up and she feels we may have that need again. She said Mr. Rutt says this person will have to be an employee so we need to figure out how we can get this done if council approves the position.

Mr. Medlarz agrees that Mr. Rutt established he needs to be considered an employee.

Mr. Grier asked what the city manager needs tonight; Mr. Medlarz said he needs to know whether this will be approved. He would then do a job description and the employee would go through the hiring process before the offer can be officially made.

He is asking council whether they are comfortable where we are and the pace we are proceeding or if they would like to add this position to get things moving even quicker.

Mr. Mergner asked if a motion is needed to start the process.

Mr. Morrow pointed out we have two nights of budget hearings ahead of us and he prefers waiting until then.

Mr. Burk then asked if the economic development position was posted or was there only one application. Mr. Medlarz said it was posted and eleven people applied.

Mr. Burk asked if this position will be posted now that it has been determined this will be a city employee; Mr. Medlarz explained that the person he has in mind actually applied for the public works superintendent but his background is perfect for this position.

Mr. Rutt explained that under the City Charter Section 3.01, public competitive bidding shall not be required under any of the following circumstances:

(1) A contract for any service to be rendered by the State of Delaware or any political subdivision thereof.
(2) A contract for professional services.
(3) A contract which is less than Thirty Thousand Dollars ($30,000). Such a contract shall not be for a portion of a project or proposal that would otherwise require bidding. The aggregate amount shall not exceed Thirty Thousand Dollars ($30,000).

Mr. Pikus asked if this falls under that; Mr. Rutt said no and council feels that it should be posted then.

Ms. Wilson said it was posted as another position; Mr. Medlarz explained the public works superintendent was advertised. The only reason this is before council is because this is a unique circumstance where the right person applied at the right time for the right job. He reiterated that this person has overseen hundred-million dollar projects.

Mr. Medlarz explained he did not come to find the City of Milford; they just happened to collide. Mr. Morrow confirmed that he applied for the superintendent position. Mr. Medlarz said that was because he asked him to apply. Mr. Medlarz said he may not want to come after hearing this conversation.

Mr. Grier feels it is important to ask questions considering we are talking expensive projects. Mr. Burk agrees adding he wants to make sure we do things legally and prevent someone from later stating that they did not have the opportunity to apply for a position we created. He pointed out that we are constantly hearing about things in the past that were done incorrectly and recalled the issue regarding the electrical easement which has cost the city a lot of unnecessary money. He wants to make sure we do things right from here out.

Mr. Pikus asked the solicitor if we have to advertise the position. Mr. Rutt feels we need to advertise it. He continued to read from the charter:

The Council is vested with authority on behalf of the city to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the City provided. Notwithstanding anything herein to the contrary, public competitive bidding shall not be required under any of the following circumstances:

(1) A contract for any service to be rendered by the State of Delaware or any political subdivision thereof.
(2) A contract for professional services.
(3) A contract which is less than Thirty Thousand Dollars ($30,000).

Mr. Mergner then asked for confirmation that council cannot approve the contract. Mr. Rutt said if council wants to do a contract, they can. But it must explain what exactly is needed.

Ms. Wilson suggested posting it for a few days and then hire this person. Mr. Morrow said it first needs to be added to the budget. Once the budget is approved, it can be posted.

Mr. Medlarz said if the right person does not apply for this management position, then we will be better off continuing the way we are. The intent is to move the city forward. As a result, council may see a posting and the position not be filled unless the right person applies.

Mr. Brooks stated that he is in favor of this position. His only concern is that we have a balanced budget and it appears we will show the expenditure but nothing on the revenue side. Mr. Medlarz explained that he did this for thirteen years and Kent County had a balanced budget which showed a third-party revenue which was used for the projects. The position is

close to being revenue neutral though it can never be 100% because there are overlaps and timing issues. However, the city will gain more than the benefit in dollars because we will free up other monies that can be used for projects.

Mr. Pikus feels that by law, the position needs to be advertised and the city manager has the ability to hire the right person. If Mr. Medlarz feels this person is the most qualified, then he should be the person hired.

Mr. Medlarz feels it should be advertised as a contractual position otherwise the protection goes away. Anything other than that is a city employee.

Mr. Brooks moved to authorize the advertising for a contractual position for project management services, seconded by Mr. Burk. Motion carried.

NEW BUSINESS

Approval/Telamon Corporation/Revised Lease Agreement

The city manager explained that the Head Start (Telemon) building is included in the city's insurance policy for casualty and loss. The building does not belong to the city though we own the property. Our insurance broker recommended a revised agreement at which time we realized the agreement on file had expired.

Mr. Starling confirmed the building has insurance; Mr. Medlarz assured him there is insurance noting that the city pays for casualty insurance and Telemon pays for the same coverage which makes no sense.

A new lease was created with a longer term that addresses the insurance issues so the city no longer pays insurance coverage for something the city does not need. By discontinuing this insurance will free up $600 to $700 of general fund money.

Mr. Medlarz recommends the new lease be approved which will alleviate some of our insurance costs and provides Telemon a longer term lease with easier renewals.

Mr. Pikus moved to approve the revised five-year Telemon agreement to be effective June 2, 2015, seconded by Ms. Wilson. Motion carried.

Approval/Delaware League Annual Dues

Mr. Brooks referenced the invoice for $4,000 which is based on population. He noted that the city's current population is over 10,000 and towns with 10,000 or more residents pay $5,000 a year. According to the city manager, we are just below 10,000; Mr. Brooks questioned that number. Mr. Medlarz stated that the official number provided by the Delaware Consortium is 9,708.

Mr. Pikus moved to authorize the payment of $4,000 for Delaware League Local Government annual dues, seconded by Mr. Burk. Motion carried.

Approval/SCAT Dues

Mayor Shupe reported that annual dues of $250 must be paid to remain a member of Sussex County Association of Towns.

Ms. Wilson moved to authorize payment of $250 for Sussex County Association of Towns Annual dues, seconded by Mr. Morrow. Motion carried.

Introduction/Ordinance 2015-03/City of Milford Zoning Amendment/Chapter 230

City Manager Medlarz reported that the ordinance relates to the recent floodplain ordinance revision. Part of the requirement was to review the riparian buffers and wetland setbacks. This establishes reasonable setbacks. Presently there are no setbacks for undeveloped and redeveloped properties.

City Manager Medlarz introduced the following ordinance:

Ordinance 2015-03
CITY OF MILFORD ZONING AMENDMENT/CHAPTER 230

WHEREAS, the City is required as part of its mitigation action plan to establish riparian buffer standards and building setbacks along waterways; and

WHEREAS, the City of Milford deems it necessary to establish and regulate riparian buffers and wetland setbacks within the City in order to protect and preserve the natural open space of the City's water bodies, lakes, ponds, and river for the enjoyment of all residents and visitors alike.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.
An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning.

Section 2.
Article VIII-Miscellaneous Provisions, 230-45.2 Wetland Area is hereby amended by adding the following:
§ 230-45.2 Wetland Areas.

A. A wetlands investigation shall be performed by a qualified wetlands specialist at the expense of the applicant in preparation for any activity on real property, which requires conditional use, site plan or subdivision plan approval by the Planning Commission and/or City Council as set forth in this chapter and Chapter 200 Subdivision of Land.

B. The limits of all wetlands determined to be present on the subject property shall be flagged by the wetlands specialist and identified on the subject property by customary survey markers and shall be delineated on the plan. Wetlands areas shall be tabulated on the plan in acres.

C. No portions of wetlands areas shall be subdivided, filled, developed, or cleared of vegetation unless granted permission to fill and/or eliminate the wetlands area under state and/or federal permit, including nationwide permits authorized by the United States Army Corps of Engineers; they shall remain as essentially undisturbed natural areas.

D. No buildings, structures, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to a delineated wetlands area. The placement of fill, regrading, or other obstructions to surface sheet flow, or the clearing or removal of natural vegetation within this setback area, shall be prohibited. For areas within this same twenty-five-foot building setback that are devoid of any natural vegetation, fencing, landscaping, and lawn areas shall be permitted. Notwithstanding all of the foregoing, limited cuts into the surface area of this twenty-five-foot setback area in conjunction with the placement of outfall stabilization facilities therein (such as stone rip-rap, turf stabilization, or other geosynthetic materials) may be permitted for the purpose of stabilizing and/or installing stormwater management outfalls, thus providing for a nonerosive flow condition at the outfall, provided that such encroachments into the twenty-five-foot setback area shall be limited to a maximum distance into the wetland buffer of 15 feet measured from the twenty-five-foot wetland buffer line, and shall be limited to a maximum width of 20 feet.

Section 3.
Article VIII-Miscellaneous Provisions, 230-45.3 Water Bodies, Streams and Other Watercourses; Riparian Buffers is hereby amended by adding the following:

§ 230-45.3 Water Bodies, Streams and Other Watercourses; Riparian Buffers.

A. Lakes, ponds, rivers, and streams shall be left as permanent open space. No filling, piping or diverting of water bodies, lakes, ponds, or streams shall be permitted except for required roads, to be approved by the U.S. Army Corps of Engineers, DelDOT, and/or DNREC as appropriate.

B. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks with a combined area of 200 square feet or less, shall be permitted to be constructed nearer than:

(1) One hundred feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream, or tidal marsh; or
(2) One hundred feet to the shoreline, as defined by the mean high-water line of any nontidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps; or
(3) Fifty feet to the shoreline or top of bank, as defined by a greater than 50% change in slope in a distance of less than 10 feet, of any stream (non-blue-line), creek, or drainage ditch.

C. For projects located within a promulgated total maximum daily load (TMDL) basin, the property owner or applicant acting on his or her behalf shall be responsible for the preservation or reestablishment of riparian buffers in order to facilitate the reduction of nutrients and other pollutants to the level necessary to ensure compliance with TMDL load reductions. The clearing or removal of natural vegetation within this setback area shall be prohibited. Existing riparian buffers shall either be preserved as provided above or planted to within 100 feet from the center line of the stream or to the greatest extent possible if existing conditions already encroach in said setback.

Section 4. Dates.
Planning Commission Review and Public Hearing: May 12, 2015
City Council Review and Public Hearing: June 8, 2015
Adoption: June 22, 2015
Effective: July 2, 2015

Introduction Ordinance 2015-08/Change of Zone/Edwin M. Mow/505 Lakeview Avenue

City Manager Medlarz reported that for many decades, doctor offices have been operating at these two locations across from LD Caulk Company. The future land use in our comprehensive plan identifies them as residential zoning. There is no conditional use on record for either property. As a result, they are legally non-conforming.

The city manager then introduced the following ordinance:

Ordinance 2015-08
CHANGE OF ZONE/EDWIN M. MOW

Whereas, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on June 16, 2015; and

Whereas, Milford City Council will hold a Public Hearing on June 22, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section l. Upon the adoption of this ordinance, tax map and parcel 1-30-3.07-120.00, owned by Edwin M. Mow located at 505 Lakeview Avenue, is hereby zoned OB1.

Section 2. An amendment to the Future Land Use Map of the Comprehensive Plan indicating the property as employment zoned future land use will be adopted prior to the property record card being amended to indicate the OB1 zoning.

Section 3. Dates.
Planning Commission Review & Public Hearing: June 16, 2015
City Council Introduction: June 8, 2015

City Council Public Hearing: June 22, 2015

Introduction Ordinance 2015-09/Change of Zone/Masten Medical LLC/509 Lakeview Avenue

City Manager Medlarz introduced the following ordinance:

Ordinance 2015-09
CHANGE OF ZONE/MASTEN MEDICAL LLC

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 1.09 +/- acres of real property from R1 (Single Family Residential) to OB1 (Office Building) at 509 Lakeview Avenue, Milford, Delaware. Present Use: Doctor's Office. Proposed Use: Same. Tax Map and Parcel: 1-30-3.07-122.00

Whereas, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on June 16, 2015; and

Whereas, Milford City Council will hold a Public Hearing on June 22, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section l. Upon the adoption of this ordinance, tax map and parcel 1-30-3.07-122.00, owned by Masten Medical LLC located at 509 Lakeview Avenue, is hereby zoned OB1.

Section 2. An amendment to the Future Land Use Map of the Comprehensive Plan indicating the property as employment zoned future land use will be adopted prior to the property record card being amended to indicate the OB1 zoning.

Section 3. Dates.
Planning Commission Review & Public Hearing: June 16, 2015
City Council Introduction: June 8, 2015
City Council Public Hearing: June 22, 2015

Introduction/Ordinance 2015-11/Amending 2008 City of Milford Comprehensive Plan

This ordinance amends the comprehensive plan which will allow the Mow and Masten properties to be rezoned. It involves a future land use amendment related to the two zoning applications. Without the correct zone in the comprehensive plan, neither of the applications can be considered.

Mr. Medlarz took the initiative to start the PLUS process because the city prevented Dr. Mow from having certain uses over the past few years because of the incorrect zoning. Therefore, he felt time was of the essence and took it through the PLUS process.

He reported that another eight to nine other properties are in similar situations. Mr. Pierce is working on them as well.

City Manager Medlarz then introduced the following ordinance:

Ordinance 2015-11
AMENDING AND ADOPTING BY ORDINANCE
THE 2008 CITY OF MILFORD COMPREHENSIVE PLAN

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2011-15, a Comprehensive Plan update, on July 11, 2011 to include the addition and implementation of the Southeast Master Plan, and

WHEREAS, the City of Milford adopted Ordinance 2015-06, a Comprehensive Plan Amendment, on July 27, 2015, to amend the Southeast Master Plan, and

WHEREAS, the Comprehensive Plan requires an amendment to the Future Land Use Map (map 14) in order to bring parcels into compliance with the Code of the City of Milford, Chapter 230: Zoning; and

WHEREAS, the City of Milford City Manager and Planning and Economic Development Coordinator have prepared and consulted with the Office of State Planning an amendment to the 2008 Comprehensive Plan which will permit the future land use designation as Employment; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the 2008 Comprehensive Plan amendment on June 16, 2015 and did recommend approval and adoption of the amendment of the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the amendment of the 2008 Comprehensive Plan on June 22, 2015 at which time the amendment of the 2008 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2008 Comprehensive Plan is hereby adopted on June 22, 2015 and made effective as the amended 2008 Comprehensive Plan for Milford on this 2nd day of July 2015.

Planning Commission Review & Public Hearing: June 16, 2015
City Council Introduction: June 8, 2015
City Council Review & Public Hearing: June 22, 2015

Resolution 2015-04/Sewer System Improvements/Issuance of $1.6M Bond(s)/Scheduling Public Hearing

Mr. Medlarz said this resolution starts the borrowing process and establishes terms, what the money will be used for and payment. Repayment will be through impact fees first, then sewer revenues.

He informed council this is still a general obligation bond and in the end, if all other revenues fail, tax revenues would have to be used to repay the bond. However, that has never happened in the City of Milford's history because of sufficient sewer revenues.

The USDA requires government accounting standard practices be applied which is strict separation of funds. They tell you a general obligation bond has to be issued; his preference would be for the city to issue a revenue bond versus a general obligation bond.

Mr. Pikus then moved to adopt Resolution 2015-04, seconded by Mr. Brooks:

CITY OF MILFORD
RESOLUTION 2015-04

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO $1,600,000 MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF A GENERAL OBLIGATION BOND OR BONDS IN ORDER TO FINANCE COSTS ASSOCIATED WITH IMPROVEMENTS TO THE SEWER SYSTEM OF THE CITY OF MILFORD AND ESTABLISHING THE TIME AND PLACE FOR A PUBLIC HEARING THEREON.

WHEREAS, the City of Milford (the "City") pursuant to Article 8 of 72 Del. Laws Ch. 148, as amended (the "Charter") proposes to issue up to $1,600,000 maximum aggregate principal amount of the City's general obligation bond or bonds (collectively, the "Bonds") in order to (i) partially finance the construction costs associated with the City's approved improvements, rehabilitations, upgrades and repairs to its sewer system, including the addition of a sewer supervisory control and data acquisition (SCADA) system instrumentation, pump stations upgrades and removal of external inflow and infiltration sources; and (ii) pay the costs of issuance of the Bonds (collectively, the "Project");

WHEREAS, the City has applied for a loan through the United States Department of Agriculture – Rural Utilities Service (the "Department") in order to provide funds to pay for the Project;

WHEREAS, the Department has issued a Letter of Conditions dated September 10, 2014, as amended April 27, 2015, to lend the City up to $1,600,000 in the maximum aggregate principal amount for the Project for a period of forty (40) years, with an interest rate for the first partial loan of $600,000 not-to-exceed 2.375% and an interest rate for the second partial loan of $1,000,000 not-to-exceed 2.125%;

WHEREAS, in addition to the aforementioned loan, the City also expects to receive a grant from the Department to help finance the Project in an amount up to $2,000,000, and the City must directly contribute $400,000 of its Sewer Fund Reserves towards the Project before utilizing loan and grant funds from the Department; and

WHEREAS, to authorize the borrowing of up to $1,600,000 through the issuance of the Bonds for the Project and in order to comply with the requirements of Article 8 of the Charter, the City Council, through its adoption of this Resolution, hereby gives notice to the electors of the City that the City Council proposes to borrow an amount of money, not to exceed $1,600,000 maximum aggregate principal amount, to partially fund the Project, which is a permitted purpose under Article 8 of the Charter, and hereby establishes that a public hearing on the matter be fixed on July 13, 2015, at 7:00 p.m., prevailing time, in the Council Chambers at the Milford City Hall located at 201 South Walnut Street, Milford, Delaware 19963.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milford as follows:

1. The City Council of the City of Milford hereby gives notice to the electors of the City that the City proposes to borrow an amount of money, not to exceed $1,600,000 maximum aggregate principal amount, to partially fund the Project.

2. Pursuant to Article 8.03 of the Charter:

Amount of Borrowing: Total maximum aggregate principal amount not to exceed $1,600,000.
Rate(s) of Interest: The interest rate for the first partial loan of $600,000 shall not exceed 2.375% and the interest rate for the second partial loan of $1,000,000 shall not exceed 2.125%.

Manner of Securing the Same: The City will borrow the funds through the issuance of a general obligation bond or bonds of the City to partially finance the Project and the full faith and credit of the City will be pledged to pay the principal of and interest on the Bonds.

Manner of Paying or Funding: The Bonds shall be paid or funded from sewer impact fees, sewer fund operating revenues and tax revenues of the City in the order of priority as stated.

Purpose for Borrowing: The City Council hereby finds that the Project constitutes the following, which is a permitted purpose for which money may be borrowed under Article 8 of the Charter:

Finance the construction costs associated with the City's approved improvements, rehabilitations, upgrades and repairs to its sewer system, including the addition of a sewer SCADA system instrumentation, pump stations upgrades and removal of external inflow and infiltration sources.

Such costs, including the costs of issuance of the Bonds, are estimated not to exceed $4,000,000 and are expected to be paid for by the loan and grant from the Department and a direct contribution from the City.

The City Council hereby establishes that a public hearing upon the Resolution and the proposed borrowing described herein shall be held on July 13, 2015, at 7:00 p.m., prevailing time, in the Council Chambers at the Milford City Hall located at 201 South Walnut Street, Milford, Delaware 19963, and hereby directs that notice of such hearing be published and posted as required by Article 8.04 of the Charter, by:

(i) publication in one (1) issue of a newspaper published in the City at least one week before the time set for the public hearing; and
(ii) posting copies thereof in five (5) public places throughout the City at least one week before the time set for the public hearing.

3. The City Council hereby directs that this matter be placed on the agenda for the regular meeting of the City Council on July 13, 2015 at the Milford City Hall to determine whether to proceed with the proposed borrowing described herein.

ADOPTED AND RESOLVED this 8th day of June, 2015.

By: Mayor Bryan W. Shupe

Motion carried.

Resolution 2015-05/Sewer System Improvements/Reimbursement of Prior Expenditure from Funds

Mr. Medlarz explained that any outstanding legal or other eligible expense incurred beyond the $400,000 contribution, can be later recovered and even if it occurs in a different fiscal year. This resolution protects the city's interest and states our intent is to cover all eligible expenses not covered by the $400,000 to prevent any other expenses from falling through the cracks.

Mr. Pikus moved to adopt Resolution 2015-05, seconded by Mr. Mergner:

City of Milford
REIMBURSEMENT RESOLUTION 2015-05
Authorizing the Reimbursement of a Prior Expenditure of Funds from the Proceeds of a Tax-exempt Bond or Bonds to Be Issued for the Financing of Certain Capital Projects

Recitals

WHEREAS, the City of Milford, Delaware (the "Issuer") has determined to undertake a capital project with a scope approved by City Council consisting of improvements, rehabilitations, upgrades and repairs to its sewer system, including the addition of a sewer supervisory control and data acquisition (SCADA) system instrumentation, pump stations upgrades and removal of external inflow and infiltration sources (the "Project"); and

WHEREAS, the Issuer intends to finance the costs of the Project by the issuance of its general obligation bond or bonds (collectively, the "Bonds"); and

WHEREAS, the Issuer intends to use a portion of the proceeds of the Bonds to reimburse itself for original expenditures made with respect to the Project and paid prior to the date of issuance of the Bonds; and

WHEREAS, no portion of the Project has yet been placed in service; and

WHEREAS, this Resolution is intended to constitute a statement of "Official Intent" pursuant to Treasury Regulations §1.150-2, T.D. 8476 (the "Treasury Regulations").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milford that:

1. In accordance with Treasury Regulation §1.150-2, the Issuer hereby states its intentions that a portion of the proceeds of the Bonds will be used to reimburse itself for expenditures paid prior to the date of issuance of the Bonds. All

capitalized terms used herein and not otherwise defined have the same meaning as ascribed to them in Treasury Regulation §1.150-2.

a. All original expenditures to be reimbursed will be capital expenditures (as defined in Treas. Reg. Sec. 1.150-1(b)) and other amounts permitted to be reimbursed pursuant to Treasury Regulation Sec. 1.150-2(d)(3) and (f).

b. The Issuer intends to reimburse its original expenditures through the incurrence of debt to be evidenced by the Bonds.

c. The description of the type and use of the property for which the original expenditure to be fully or partially reimbursed is to be paid is: costs relating to the Project as defined in the recitals to this Resolution.

d. The maximum aggregate principal amount of the Bonds to be issued to reimburse the costs of the Project paid prior to its issuance and to complete the Project is $1,600,000, including the costs of issuance of the Bonds.

2. Once the Bonds are issued, the Issuer shall allocate Bond proceeds to reimburse a prior expenditure by making the allocation on its books and records maintained with respect to the Bonds; provided that such costs to be reimbursed were paid not more than 60 days prior to the date hereof. Such allocation shall specifically identify the actual original expenditure to be reimbursed. Such allocation shall occur not later than 18 months after the later of (i) the date on which the original expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid; provided, however, that if the Bonds satisfy the provisions of Section 148(f)(4)(D)(i)(I) through (IV) of the Internal Revenue Code of 1986, as amended (relating to the small issuer exception from rebate), then the reimbursement allocation shall occur not later than 3 years after the later of (i) the date on which the original expenditure is paid, or (ii) the date on which the Project is placed in service. If the Bonds are issued before the expiration of the period prescribed in the preceding sentence, then the reimbursement allocation shall occur not later than the date the Bonds are issued.

3. The Bond proceeds used to reimburse the Issuer for original expenditures will not be used within 1 year after the allocation in a manner that results in the creation of replacement proceeds (as defined in Treas. Reg. §1.148-1) for the Bonds or for other bonds.

4. The Issuer will not use the proceeds of the Bonds to reimburse, refinance or refund an original expenditure paid by another obligation (either tax-exempt or taxable).

5. This Resolution is effective immediately.

6. All resolutions heretofore adopted to the extent the same are inconsistent herewith are hereby repealed.

Motion carried.

Resolution 2015-06/DFIT (DeLea Founders Insurance Trust) Membership
DFIT Trust Agreement

Mr. Medlarz informed council that DFIT is the first statewide group consortium providing workers compensation insurance exclusively for Delaware municipalities and counties. It is a self-insured body sponsored by Delaware League of Local Government. Its purpose is to create a long-term insurance option to enable stabilization of insurance costs and allow better budget planning.

The fees are collected up front and unexpended revenues distributed if they are not needed. We will be asked to fund the expenses over a fourteen-month period because it begins September 1st, meaning two months will need to be covered from last year.

One of the membership requirements is attendance at board meetings; the resolution establishes the city manager as the city's representative and finance director as the alternate. In addition, the representative must also attend the safety meetings.

Mr. Morrow expressed concern stating that safety issues are typically a human resource duty. Mr. Medlarz reported that we have more than one employee stretched to the limit and HR Manager Lisa Carmean clearly indicated she did not have time to handle this. As a result, Mr. Medlarz volunteered.

Mr. Morrow said he is very pleased we are becoming a member noting this has been discussed for several years.

Mr. Medlarz said we joined due to the latest quote received from our current carrier which was $80,000 higher than DFIT.

Mr. Morrow moved to approve the DFIT Trust Agreement and adopt Resolution 2015-06, seconded by Mr. Pikus:

DELEA FOUNDERS INSURANCE TRUST RESOLUTION TO JOIN TRUST

WHEREAS, a number of local units have joined together to form the DeLea Founders Insurance Fund ("TRUST"), a joint insurance fund, as permitted by 18 Del.C. §401, et seq.; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the City of Milford ("LOCAL UNIT") has determined that membership in the TRUST is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the TRUST effective July 1, 2015; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for at least seven (7) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City of Milford does hereby agree to join the DeLea Founders Insurance Fund subject only to the right of approval of the LOCAL UNIT's initial assessment when the sae is received from the TRUST following processing of the applications; and

BE IT FURTHER RESOLVED that the LOCAL UNIT is applying to the FUND for Workers' Compensation coverage;

BE IT FURTHER RESOLVED that City Manager Hans Medlarz is hereby appointed as the LOCAL UNIT's Trust Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT;

BE IT FURTHER RESOLVED that Finance Director Jeffrey Portmann is hereby appointed as the Alternate Trust Commissioner for the LOCAL UNIT;

AND BE IT FURTHER RESOLVED that the LOCAL UNIT's Trust Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the TRUST as required by the TRUST'S Bylaws and to deliver same to the Administrator of the TRUST with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the TRUST following approval of the TRUST by the Delaware Department of Insurance.

Motion carried.

FY 2014-2015 Budget Adjustment/Police Department/Legal Fees

The city manager explained the city continues to proceed with the unfair labor practice defense. Prior to the June 16th hearing, the city hired a team of lawyers. That occurred because the city's labor attorney, appointed by council, was not

Delaware Board certified.

Mr. Morrow stated for the record, that this attorney handles similar cases throughout the country. Mr. Medlarz explained that Labor Attorney Gary Simpler is the one that brought it to the city's attention. In the past, the city never had to appear at a quasi judicial hearing.

Solicitor Rutt reported that the Rules of Professional Conduct under the Delaware Supreme Court requires any attorney appearing before a Delaware Tribunal to have been admitted to the Delaware Bar. They can be admitted through the bar process or they can be moved by pro hac vice by a Delaware Licensed Attorney. That means the Delaware attorney has to be present with the out-of-state counsel in order to appear at a tribunal. That is the reason for the two attorneys which the solicitor says is a situation that occurs across the country.

Mr. Medlarz explained we have ongoing expenses that cannot be paid out of any other budget. Chief Hudson has already transferred more than $8,000 within his budget to cover these legal fees. As a result, the finance director is recommending that the additional fees be transferred from the realty transfer taxes.

Mr. Pikus moved to authorize $20,000 be transferred from the realty transfer tax fund to the police legal expense line item, seconded by Mr. Morrow. Motion carried.

MONTHLY FINANCE REPORT

Finance Chairman Pikus reminded council that budget hearings are scheduled for the next two nights beginning at 5:30 p.m. and encouraged all members of council to attend.

Through the tenth month of Fiscal Year 2014-2015 with 83% of the fiscal year having passed, 86% of revenues have been received and 80% of the operating budget expended.

He reported that additional funds were added to the general fund capital reserves which is back up to $1 million again though solid waste reserves continue to decline.

Mr. Mergner moved to accept the April 2015 finance report, seconded by Mr. Grier. Motion carried.

ADJOURN

Before adjourning, Mayor Shupe wanted to reference an earlier comment that it appears we have done a lot wrong in the past. He feels there are a lot of good things happening now and a lot of officials at the state level are taking notice.

Mr. Brooks agrees and pointed out that over the years council only approved was presented and recommended. It appears a lot of that is now having to be corrected.

Mayor Shupe stated that decisions that were made this past year prove that Milford is becoming a much stronger and healthier city. He feels council made some important decisions the few past months which will move us in a positive direction into the future.

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

Mayor Shupe adjourned the meeting at 10:10 p.m.

Respectfully submitted,

Terri K. Hudson

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 9, 2015

The Finance Committee of Milford City Council met in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, on Tuesday, June 9, 2015 to discuss the proposed FY 2015-2016 Budget.

PRESIDING: Chairman S. Allen Pikus

IN ATTENDANCE: Committee Members Garrett Grier III and Douglas Morrow, Sr.

MAYOR & COUNCIL: Mayor Bryan W. Shupe

Councilpersons Christopher Mergner, James Burk, Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

STAFF: City Manager Hans Medlarz, Police Chief Keith Hudson & City Clerk Terri Hudson

Finance Director Jeff Portmann

FY 2015-2016 City of Milford Budget

Chairman Pikus called the Budget Hearing to order at 5:35 p.m. and turned the meeting over to Finance Director Portmann for a brief overview.

Mr. Portmann noted that the budget being has a deficit in taxes of $52,000.

He explained there is a $190,000 increase in health insurance this year or 17%. Because Milford has a big pool of employees in the state plan, we took a big hit. Our workers' compensation plan will be changed to DFIT which is the state plan that will save $32,000 though it actually saved more because the renewal was even higher though we are showing a $32,000 savings in comparison to last year.

We have saved $24,000 in liability insurance this fiscal year by changing from Travelers to Selective in comparison to last year's numbers; however, when compared to the renewal costs, there was an even larger savings as occurred with the workmen compensation coverage.

The overall police budget increased $48,000; Real estate transfer tax was increased by $50,000 as a result.

Mr. Portmann also removed $200,000 of the SRO funding. The two open slots in the patrol division will be filled by the two SRO officers thus keeping the total to thirty officers. However, that issue appears to be unresolved based on Monday's council meeting.

The budget includes a 2% pay increase for all departments including the police department even though the teamster's contract is still unresolved.

The water, sewer and electric rates will remain the same though the purchase power cost adjustment needs to be discussed during the electric review.

The only proposed increase is a fifty-cents solid waste increase per year over the next three years for $1.50 total. The increase this will year will bring in an additional $20,000.

Mr. Portmann explained there will be an increase in health insurance reflected in each department though all other insurances have been reduced.

General Fund

The finance director reported the budget includes a $280,000 general fund capital reserve transfer to pay for items requested by two departments. Of that, $120,000 is for a new dump truck for the street department and $160,000 for parks and recreation who are requesting several items including three overlooks, a pavilion, causeway work and replacement riverwalk decking.

The economic development fund budget of $174,00 includes the planner's salary and third year of a five-year $40,000 contract with DMI. In addition, $3,250 was allocated from that fund for a DEDO/DMI project that Mayor Shupe had approved by council in addition to an implementation fund of $20,000.

Mr. Medlarz explained the reason it was not moved out of the non-replenishing economic development fund was because of the severance pay for the former city manager. Otherwise, there would have been a substantial gap in the general fund budget. This was a one-time decision to be presented in the budget in this manner.

Mr. Pikus confirmed this is the last year of the DMI payout. Mr. Medlarz stated yes and at that point, the planning position can transition back into the general fund and not have to be paid from the economic development fund account.

Mr. Portmann reported that real estate taxes are anticipated to be $3.7 million with $30,000 in penalties. That levy is current as of a month ago. The real estate transfer fee for the police was increased by $50,000 to $550,000 to cover the $48,000 increase.

The finance director stated the licenses and permits are basically the same.

The police department fines have been budgeted at $135,000 which is an average over the five years. He pointed out that we do not encourage fines which has gotten some other police departments in trouble in the past. The budget also shows the removal of the $200,000 for the SRO school-funded officers.

Mr. Portmann then referenced various miscellaneous revenues including cell towers, natural gas franchise fees, Comcast franchise fees and cemetery funds paid by the city to supplement parks and recreation maintenance costs.

The electric transfer remains at $2.5 million which has not been increased for more than ten years. Mr. Medlarz reminded council there is an agreement between the governor's office and DEMEC that limits electric transfers. Mr. Morrow confirmed Mr. Medlarz is referring to the Memorandum of Understanding which is not etched in stone. The city manager agreed it is legally non-enforceable.

Mr. Mergner asked the term length of the cell towers; Mr. Portmann explained they are all five-year agreements with most having been in place for the past ten to fifteen years. Mr. Pikus pointed out we will increase that number with some additional revenues associated with the new tower.

Mr. Portmann then reviewed the city administration budget. He reported that the salary and wages line item slightly increased and the city clerk position was removed by the city manager and placed under city council.

The finance director reported that the former city manager's severance pay for the year is also included even though it is only for one year.

Mr. Medlarz explained that general administration covers city administration, customer service, IT, finance, code enforcement, planning and the street departments.

He then referenced an organizational chart that shows the number of approved, filled and vacant positions as of July 1st.

Mr. Portmann continued his review noting the tax assessment contract was reduced from $30,000 to $10,000 after the contract was reworked. Legal services increased by $6,000 due to budget adjustments that are needed every year.

The budget includes a new engineering line item for Mr. Medlarz who preferred it be handled in this manner versus the $25,000 discretionary line item the former city manager used for miscellaneous items. This will allow him to direct certain projects from the administrative budget versus coordinating with other departments. In the past, it has been confusing when the water and sewer departments receive a bill for engineering they were unaware of because it was something approved by the former city manager.

The records retention line item was moved to the council budget along with a couple other items. A portion of advertising and printing were moved to council though there was an overall reduction of $4,000 this past year. The training line item, $3,500 out of materials and supplies and $5,000 out of general expense were also moved to council to cover those expenses associated with the clerk's office.

The computer line item was increased $6,500 for a network printer for all of the city administration at the request of the IT manager.

There was a decrease in postage and the former city manager's discretionary funds as was previously discussed.

Mr. Medlarz said the entire vehicle expense was removed though it was not all moved because the former city manager will have to turn over his Ford Expedition to the police department.

Mr. Portmann noted that the only new item is the retiree medical benefit line item for the retiring city manager.

Overall, there is a small decrease in the budget related to the personnel transfer though Mr. Medlarz pointed out the biggest decrease was the result of the elimination of city manager discretionary fund.

Mr. Portmann then reviewed the planning and zoning budget. He said this includes a personnel change adding a planner and the former planning assistant moved into the council budget.

The only real change is the engineering increase of $4,000 based on the number of projects in the planning area. There was a decrease in health insurance as the result of the personnel change even though that insurance increased.

In the code enforcement and inspection budget, the temporary wage line item was added by the previous city manager to hire a part-time person to oversee grasscutting though it has not been utilized the past two years. As a result it was reduced to zero.

Mr. Medlarz pointed out that the salaries for the backfill used for the city hall receptionist are not temp employees. Therefore, those costs are included in overtime and salaries and wages.

Mr. Medlarz also stated that the position in the front at public works has to be backfilled. That also comes out of salary and wages and is a substantial amount.

Overtime increased from $1,000 to $2,500 because Mr. Medlarz is going to change our operations a little bit. The city manager has plans for code enforcement hours to be extended beyond the normal hours. They discussed it with the planner and code enforcement officials so they will be available. Otherwise, we close at 4:30 pm and there is no more code enforcement until the next morning.

Mr. Portmann referenced the training increase from $3,000 to $5,000 for code officials. They need to become certified under the 2012 code and are still working under the 2006 code because they have not received that training.

When asked what was spent last year, Mr. Portmann said $2,192 was spent through the end of April. Ms. Wilson asked if Building Inspector Williams would be sent to a conference. Mr. Medlarz said he is trying to do this locally though he probably will have to go to Philadelphia.

The finance director then noted the $3,000 increase in demolitions. He explained that each demolition costs

approximately $8,000 and this will allow two to be done this year. Mr. Pikus emphasized that these costs are recouped during the property sale so the city is eventually reimbursed.

The only change in city hall building costs is a $3,000 decrease in contract services based on prior history and supplies have been reduced to $1,000.

Mr. Medlarz then explained the finance department includes the finance director, HR Manager, payroll administrator and accounts payable. The budget has minimal changes with slightly less money in the training budget with the intent to keep it local. Mr. Portmann said that included is a $6,425 capital request to upgrade the network to 10 gigabits; currently they are the only department in the city with 1 gigabit.

Mr. Medlarz requested to replace the computer infrastructure work which is eleven years old.

Mr. Portmann noted there is a mistake in the information technology budget and the contract services line item should be at $1,000 per year and not the $9,000 plus shown and will be corrected. That line item is $1,150.

Mr. Medlarz said a lot rides on our IT and we need to have some serious backup in place. He and Mr. Portmann will be discussing a position that could fill some financial cross check needs in addition to some IT needs.

Mr. Pikus asked if we have another employee that works with IT Manager Wes Banasan. Mr. Medlarz said no; Mr. Portmann explained that Debbie Johnson used to work with Mr. Banasan but she is now our customer service manager.

Mr. Mergner asked why there is no line item for website maintenance; the finance director said that was moved to the council budget because the website is now maintained by Christine Crouch.

Mr. Grier confirmed the $121,265 IT salary covers two employees and we only have one filled. Mr. Portmann added that since Ms. Johnson moved to the new position, the other spot has not been filled because the position has multiple responsibilities. Ms. Johnson trained in his accounting area but was actually hired when the software conversion was done in 2004. She worked on the accounting side to assist with the conversion though she also became involved in the IT area. She then moved to the IT department but continued to work in both finance and the IT department. She has now been transferred to the customer service department as their manager.

The finance director then confirmed the HTE software maintenance increases each year and this year there is a $5,000 increase.

The training budget was reduced by $2,000 though Mr. Banasan is sent each year to the HTE Conference. Mr. Medlarz said we are a full HTE community and that software runs everything from billing to land management. He said it is of the utmost importance that we continue to send our people to HTE classes.

The computer line increased by $5,000 to $35,000 to keep the backbone of the computer system strong with the addition of the new offices at PNC.

The IT budget also includes a capital request this year of $62,760 for Cisco redundancy parts and two servers ($40,000) and a new user interface citywide software upgrade ($22,760). Mr. Banasan and Ms. Johnson went to their annual conference last month in Atlanta where they saw this new product. The vendor will be here this week to provide a live demo.

Mr. Portmann noted that the police department's salaries and wages decreased from 32 to 30 officers. The department has had two open positions. If the two SRO's are removed, they will be filling those positions.

Mr. Morrow said the SRO matter was put on hold. Council was asked to vote on the recommendation of the police committee though council preferred to wait until after the budget was discussed.

Mayor Shupe stated that council preferred to see the options available financially before a decision was made. Mr. Pikus agreed that council wanted to see if it could be worked into the budget.

Chief Hudson reported that he has two open positions but did not want to fill them to prevent any layoffs if the SRO contract is voided. He has not filled those positions and if council decides to let the school backout of the MOU, those two officers will return to the patrol division and fill those vacancies.

Mr. Grier asked if they remain in the schools, will two additional officers need to be hired. Chief Hudson said yes, his full complement of officers prior to the school requesting the additional SROs was 30. Two additional officers were hired because two of his officers were then assigned to the school. They cannot afford to drop below 30 regular officers.

Mr. Grier confirmed that if council does not void the contract, the number would remain at 32. Chief Hudson stated yes though Mr. Morrow pointed out that has not yet been determined.

Mr. Grier reiterated that if council does not agree to voiding the contract, those two officers stay in the schools, then we need to hire two additional officers; Chief Hudson stated yes.

When asked how we could pay them, Mr. Grier said the school is obligated to pay them based on the current contract.

Mr. Medlarz asked Councilman Grier to keep in mind that before any vacant positions are filled, he requests the number of officers be reduced to 30 like Chief Hudson has stated because the contract is looming in the background. Mr. Medlarz explained we are at 32 approved as of this fiscal year, but are asking to reduce it to 30 officers. That will freeze up some funds but now it appears council is making a different decision.

The city manager said if council says hire two more officers, Mr. Grier is essentially saying raise taxes. Mr. Pikus said that is correct. Mr. Mergner confirmed the budget being presented includes 30 officers and referred to the earlier discussions about the union contract.

Mr. Medlarz stated that he, the finance director and police chief are proposing a budget with 30 officers. If council wants two more officers hired, council will have to raise taxes. The budget with 30 officers will allow council to vacate the contract with the school district. It would freeze up funds that could be used to eventually pay for whatever comes out at the end of the negotiations.

Mr. Grier asked if that means we will be down two cops; Mr. Burk said we are currently at 32 officers counting the two SROs that are in the school district and being paid by the school. Mr. Medlarz said yes with two vacancies. Mr. Burk confirmed there is a payment made by the school district for the two officers. Mr. Medlarz said yes but there are currently 32 approved positions with two vacancies.

Chief Hudson pointed out that of the complement of 30 officers, one is the original SRO that he feels should be kept in the schools. He understands it is councils' decision but pointed out that the city is already paying for that officer who is included in the 30 regardless of whether he stays in the school or not. He said the city has provided that officer for the schools since the former city manager was police chief.

Mr. Pikus understands that Chief Hudson's recommendation is to keep 30 officers; Chief Hudson emphasized that he does not want to drop below 30 officers, not counting two additional officers in the school. If the two officers remain in the school, he would need 32 officers.

Mr. Morrow agrees that if council does not agree to void the contract, two more officers need to be hired. That basically leaves 29 on the street with Officer Masten in the schools and the additional two officers still being paid by the school for a total of 32.

Mayor Shupe reminded council we still have to find money for what is coming down the pike with negotiations.

Mr. Morrow pointed out that the two additional officers were paid by the school and not by the city. Mr. Medlarz said it is only for two more years. After that, if no referendum is passed, the school will not likely renew the contract.

Mr. Pikus said everything hinges on council voiding the contract. Mr. Medlarz emphasized that council must decide whether or not to approve what was presented in the budget which keeps the number of officers at 30. He said that if we hire 32 officers and the school contract expires in two years, the next union contract is being negotiated and realty transfer taxes continue to spiral downward, the city is going to have a problem.

Chief Hudson said he understands this is a council decision, but he highly recommends keeping the one city-paid officer in the school as has always been done. Mr. Grier said he is in favor of keeping all three in the schools and does not want to void the contract. He feels we all need to put the safety of the kids first.

He said that by two years, he hopes that our residents care enough about our children to pass a referendum which will take care of these problems. If not, he feels there is a huge problem in this community. If not, the state will be taking over which will not be good for Milford and our kids and hopes our citizens understand.

Ms. Wilson said she talked about this with her husband who works at Kirk Middle School in Newark. He informed her that the state trooper, who is their school resource officer, handles four schools. This includes a school for the deaf, elementary school, middle school and an alternative school. She confirmed he was paid by the school district and is a certified officer not a retired officer.

Chief Hudson said that Milford has seven schools.

Ms. Wilson noted that Christina School District is in the same situation as Milford with two failed referendums and the school district is broke.

When asked if they cut school resource officers, Ms. Wilson said they have cut everything.

Mr. Pikus reviewed the situation stating that if council does not agree to void the contract, the school has to continue paying for two resource officers over the next two years. He asked if it is a contract or memorandum of understanding. Chief Hudson clarified it is a 'memorandum of understanding agreement'. Mr. Mergner said that means it is a legally enforceable document.

Mr. Morrow then recalled Dr. Kohel mentioning some type of negotiations and possibly split funding.

Mr. Burk asked what other municipalities are paying for an SRO and Mr. Pikus said zero.

Mr. Pikus asked if Milford is the only town that pays for a resource officer in Delaware; Chief Hudson has found that a number of municipalities pay a portion of the SRO's salary and that Dover is one of them.

Mr. Medlarz said that in the comparable group of police departments that he used, none of those cities paid for their SRO's.

Mr. Grier asked when we need to make the decision about the contract; Mr. Medlarz said before July 1st.

Mr. Medlarz highly recommends that council limit the number of officer to 30 and not fill the vacancies.

Mr. Pikus said council needs to make a decision of whether to void the contract/MOU or not. If council voids that, then we are back to square one and need to find the money if we want to keep them in the schools. If we do not void the contract, the school has to pay for the two additional officers.

Mr. Medlarz said that 30 officers are included in the police department budget and not 32 officers. Right now, with vacating the memorandum, the city is running a slight deficit of about $50,000 plus. If they hold the school district to

the memorandum, that would flip to a surplus of $150,000 which would allow the city to work through the contractual arrangement with the union in the short time that memorandum is still good.

The city manager told council to remember that the union contract has two years left; the school memorandum two years left. He said we will face the same issues after that two-year period no matter what.

Chief Hudson confirmed that they cannot count on the three SROs to assist the road.

Mr. Medlarz explained that two years from now, the contract will expire and within the next 24 months, the city will be faced with a new union agreement which will leave in its totality, a tremendous hole. He truly recommends we keep the count at 30 approved sworn officers and nothing above.

Mr. Medlarz said we only have 30 sworn officers right now.

Chief Hudson said to answer Mr. Grier's question, he said it would be very difficult to operate with two less patrol officers or 28 officers.

When Mr. Starling asked how Chief Hudson can keep 30 officers at the department and the two in the school system, Chief Hudson said they would have to hire two more officers.

Mr. Medlarz said the money is not there to hire two more officers. Mr. Morrow asked the city manager how he can say the money is not there when the school would have to pay for them through the contract. Mr. Grier feels that just because the budget presented does not reflect the two officers, does not mean it cannot be changed. Mr. Medlarz said we still have a $50,000 deficit.

Finance Director Portmann then pointed out that would be a wash because the city would receive $200,000 from the school which covers the cost of the two additional officers. He explained that basically covers the cost of the two officers' salaries, medical insurance and benefits.

Mr. Medlarz said then we would have no money to settle any negotiations in the end. We also have no out when the school district does not renew the contract twenty-four months from now.

Mr. Burk also feels there will be a referendum passed because people have to realize we cannot just keep going down this road.

Mr. Morrow suggests they use that as a reason to get the referendum and a need to continue funding the school resource officers. If any parent not voting for that, is shame on them. Council agreed that is one of the things they could use to sell the referendum.

Mr. Burk is adamant we cannot break that contract and feels that is the last thing he wants to do.

Chief Hudson emphasized that before the school came before council, the department had 30 officers and he does not want to decrease that number. Mr. Starling and Mr. Pikus both stated that is correct. Mr. Grier said that Chief Hudson knows better of what is needed to operate the department properly than anyone else.

Ms. Wilson said at the police committee meeting, they were thinking more of the hardship on the school when this was presented. At the police committee meeting, there was no discussion about extending it two more years.

Ms. Wilson was under the impression there were no more funds at the end of this school year. Yesterday, council learned they have a little wiggle room to extend it. Then they discussed possibly splitting the costs.

Mr. Grier said we have our financial responsibilities too and he understands the school does as well. However, he does not feel the city has to carry the burden of public safety in the schools. He thinks it is high priority that those officers

remain at those schools for two more years. There is a signed contract and those kids need to be safe.

Mr. Grier said he has supported the school district 110% but that is one thing he will not agree with. He does not want to be the person that decides to void that contract and then a year from now a serious incident occurs as a result of the absence of the officer.

Mr. Morrow said that it sounds like this needs to be voted on at the June 22nd meeting. Mr. Pikus said simply add the contract back in the budget and be done with it.

Mr. Medlarz said we have two looming issues. The first is there are only two years left on the memorandum with the school. The second issue is than in less than twelve months, council will be facing the financial impact of the union contract which will not be 2%.

Mr. Morrow said that has nothing to do with two officers; Mr. Medlarz said it has everything to do with the two officers. He said he has told council many times how to pay for a union contract settlement. Because we are not in executive session, Mr. Medlarz said he will say nothing more.

Mr. Pikus feels that two years down the road, they will have to approach it then. Mr. Medlarz said within this fiscal year we will have to approach it if we lose this. He concluded by stating the city will not void the contract and everything stays as is in the budget though we are still $50,000 short in the budget presented.

Mr. Portmann continued with the review of the budget noting that the salaries and wages in the police department are roughly the same. Contract services was reduced by $17,000 and insurance is down by $11,000 by changing carriers.

Chief Hudson has requested a little extra funding for training this year. Mr. Pikus asked what was spent last year in training. The chief said he budgeted $35,000 over the past year and a little over $32,000 was spent as of the end of April.

Mr. Pikus asked why the additional $4,000 is needed; Chief Hudson explained that ammunition is needed for required certification through the Council on Police Training which comes out of the training budget. Each year the cost of ammo increases. They have to order ammo a year in advance to get what they need for the following year.

Chief Hudson explained that the ammo out of this budget was ordered almost a year ago. They have still not received it. The Council on Police Training requires a minimum of three shoots each year which includes two daytime and one nighttime shooting.

In addition, the SOG team has to be qualified in firearms. Ammo continues to increase in price as he has brought to councils' attention at previous budget hearings. It has a big impact on his training budget.

Mr. Portmann noted that uniforms and equipment is up $2,500.

Mr. Pikus noted that the police expenses overall have decreased; Mr. Portmann said that is due to being down two officers.

The finance director pointed out the total police benefits and vehicle maintenance costs have decreased. The gasoline budget is down due to decreasing prices in oil. Insurance is also down.

Chief Hudson has asked for a small increase in maintenance and repair of equipment and maintenance and repair of the building.

He confirmed that two vehicles are budgeted in the capital budget. Also in the capital budget is $10,000 for the department's server and CAD system. There was $50,000 budgeted last year though it was determined that $60,000 was needed. As a result, the project was postponed until this fiscal year.

In the streets and ground budget, there is a $5,000 increase to maintenance and repairs of vehicles as a result of current repairs. Mr. Portmann explained that is a hit or miss because we don't know when there will be engine problems and whether it could involve a big or small item.

Insurance is down by $6,000 and the computer line item is down to zero.

The finance director explained that some line items were increased based on the city manager's plan to do more work and street signs and markers, road materials, storm sewers and drains and sidewalks and curbs were all increased as a result.

Mr. Pikus confirmed that $120,000 was budgeted to replace a 1980's dump truck.

Mr. Medlarz reported there are 23 full-time positions between streets, solid waste and water/wastewater departments. That includes the non-general-funded position of the public works superintendent. A streets crew leader position has been vacant for approximately three to four months. That position needs to be filled and he is still trying to fill the superintendent's position.

Ms. Wilson confirmed that the garage falls under the public works department. Mr. Medlarz said that position falls directly under the public works superintendent. He has general fund and public works responsibilities and the reason it is funded by various departments. Mr. Portmann explained it is an interservice department and all the expenses of the garage are spread throughout the other departments. It is based on the hourly/time spent on each vehicle.

She asked how much maintenance is being done in our own garage. Mr. Medlarz and Chief Hudson both stated a lot. Chief Hudson said the city mechanic does a lot of working including brakes, oil changes to tune ups, etc. He added that he continuously works on police cars and has the responsibility of recommending tire replacements for all vehicles.

Mr. Portmann noted that the street and grounds department benefits have increased and there is a $120,000 capital request for a dump truck with a snow plow which will be transferred from reserves.

The parks and recreation budget shows a slight decrease due to the previous budget including payment of two directors for a portion of the year. There is an increase in the maintenance of the building. They are planning some replacement work to the heating and air conditioning units in both the parks and recreation building and the Mispillion building at a cost of approximately $4,800 a piece.

Mr. Medlarz explained the Mispillion building is a small annex off Mill Street.

Mr. Mergner asked what the actual Parks and Recreation building is used for; he is aware the office is there as well as a large conference room. Mr. Medlarz said equipment is stored in the rear and everything visible is used for offices and the meeting room. They also have a full kitchen.

Mr. Portmann noted that P&R Director Dennehy has also asked for an increase to $80,000 in facilities as a result of the Goat Island being added.

Mr. Brooks asked if the armory was part of the budget; Mr. Portmann said that is included in the council budget. Mr. Brooks asked if P&R is planning to use the armory as has been discussed. Mr. Medlarz explained that he has been working with Mr. Dennehy on a basketball program. Right now it could only be used supervised because the city does not have insurance coverage for any unsupervised use of the facility. If he decides to allow a basketball league there, that can be done with city staff.

Mr. Dennehy and Mr. Medlarz developed a bare bones budget only to keep the lights and heat on. A staff member or seasonal employee would have to be present whenever it is being used by the public.

Mr. Brooks pointed out the number of steps to access the building which could create some injury claims depending

on its use. Mr. Pikus confirmed we have sufficient insurance on the building.

Mr. Morrow asked if it is possible to minimize the rental at the boys and girls club and move those programs to the armory. He recalled that being discussed when council was considering accepting the building. Mr. Medlarz said he is willing to talk with Mr. Dennehy about that.

Mr. Pikus pointed out the budget includes a boys and girls club rental fee of $31,000 and its $6,000 increase in three years. Mr. Portmann believes we are in year three of a five-year contract.

The finance director continued by referencing the small decrease in insurance of approximately $4,000; there are no requests for computers this year so that was reduced to zero. Gas and oil was reduced by $3,000.

Mr. Pikus noted that training has been $500 over the past three years and has increased to $3,000 this year.

Mr. Brooks said that Mr. Dennehy is new in the position and probably needs training as was suggested when Mr. Emory was here. Mr. Portmann explained that Mr. Dennehy submitted the increase as a result of one of the park employees needing training.

Mr. Burk asked if it is possible to review training across the board and what each department has spent this previous year. He is a big proponent of training as was discussed in the code enforcement aspect and the need to keep licenses current.

He feels we need to have the best skilled employees that we can and we should want to develop our employees. He would be interested in seeing what we have done and feels it is a good investment in our city. Mr. Pikus agrees there is a need for cross training as well.

Mr. Brooks noted that safety training is very important. Mr. Morrow recalled that Mr. Medlarz mentioned OSHA certification which can be done in Wilmington for minimal costs.

Mr. Portmann then referenced the P&R benefit with the addition of the retiree medical line item.

Mr. Dennehy has submitted a number of capital items for consideration.

Mr. Mergner asked if the 12-passenger van would be used for children or adults; Mr. Medlarz said it would only be used to transport younger children. Mr. Portmann said they had originally requested a 15-passenger van though it is frowned upon by our insurance carrier.

Mr. Medlarz said the city currently has a van which he does not consider road worthy.

Mr. Mergner said he has a concern about the city transporting children.

Mr. Portmann referenced the request which includes a 12-passenger van for $25,000, an irrigation wheel for the soccer fields for $10,000, a zero turn mower and bagging unit for $23,000 and a new partial roof for the Parks and Recreation building for $7,000.

Mr. Grier asked what kind of zero turn mower is being requested. Mr. Pikus said that every department has mowers and streets and grounds have mowers.

Mr. Medlarz explained this is a dual deck unit and parks and recreation is the only department with one. This will replace the old one.

Mr. Pikus asked if that is the best price; Mr. Medlarz said we will get bid prices though Mr. Dennehy said he had an estimate.

Mr. Grier asked the condition of the current mower; the city manager said the one has a lot of hours on it and they cannot afford for it to break down. He said Mr. Dennehy is trying to set us up for the gov deals website where equipment can be sold as would be done with the old one.

It was noted that the 15-passenger van P&R currently has was newly purchased through the DECCASA program in the 1990's. Mr. Portmann said it is still insured though anyone using the van had to go through a Van Safety Awareness Program which involves extensive training and an exam. He agrees it should not be used on highways or major roadways.

The insurance company discourages the city from having a 15-passenger van due to related safety issues.

Mayor Shupe asked exactly what the educational pavilion will be used for on Goat Island; Mr. Medlarz explained that the previous city council approved a Nature Trail Design which had a number of components on it and the pavilion was one of the components. In the original trail Goat Island bid, the pavilion and a couple outlooks were bid alternates. At the time, council chose not to accept the bid alternates.

It was noted this is a discretionary item and council would need to decide if they want to use general fund reserves to implement the next step of the plan.

Mr. Medlarz said we have a design that can be taken to bid tomorrow and brought back to council for approval.

Mr. Grier asked if all four items have to be approved at the same time. He prefers to prioritize them. Mr. Medlarz explained they do not have to done in sequence and can be done individually. Mr. Grier asked if one is more a priority than the other ones.

Mayor Shupe would like more information on the educational pavilion and exactly what it will be used for. If we knew the exact purpose, we may be able to raise those funds. Council agreed that $50,000 is a lot of money.

Mr. Brooks asked if there are any grants and recalled that in the past, all these projects were paid with grant money the former P&R director received. Mr. Medlarz said he discussed that with Mr. Dennehy and they are applying for grants.

Mr. Burk questioned the dredging and does not feel that is a priority at this time because at high tide, there is no problem. It only has an impact at low tide adding that it has been cleaned out. Anyone that has been in this area has seen the marsh at low tide. Mr. Mergner agreed.

Mayor Shupe believes the causeway is the land bridge that is still there. Digging that out makes it a complete island and cleans out the river itself.

Mr. Medlarz explained the causeway is a small portion of what Mr. Burk was referring to. The dredging would be much more than that. He said this was part of the Goat Island Master Plan and Parks and Recreation wants to take the project to the next level.

Mr. Grier would like for Mr. Dennehy to prioritize these items and which is the most critical to get done. Mr. Burk agrees that prioritizing the items is important.

Mr. Medlarz will invite Mr. Dennehy to tomorrow's night meeting to answer these questions.

The finance director emphasized that the $160,000 would be a transfer from reserves.

Mr. Portmann then referred to council expenses. The only new item included is the DEDO/Downtown Planning Grant in the amount of $23,500 previously approved by council.

He referenced Milford Museum's request for an increase in their funding to $36,000. Council recalled a similar request

last year which was denied. It was agreed there are no additional funds available to approve that request.

The other change is the personnel transfers out of city administration and planning and zoning to city council. Those salaries are reflected as well as the mayor and council salaries. Related items include vacation sellback, overtime and benefits which have all been moved to the council budget.

Other items related to the city clerk and deputy city clerk's duties have also been moved including advertising, website maintenance, training and general expenses. As a result, there is an increase in the overall council budget though these expenses were reduced in the city administration and planing and zoning budgets.

Mr. Portmann said the question tonight is on the funding in the change in departments.

Mr. Burk noted the training budget and asked the numbers for last year. Mr. Medlarz said it was $5,000 and the last expenditure was a result of the training the two clerks attended a couple weeks ago.

Mr. Burk asked how much was spent in May. Mr. Portmann said his numbers are only through April so those expenditures have not been posted.

When asked what changes the city manager recommends, Mr. Medlarz said the city clerk puts the council budget together and he only looked at it. The salaries and related line items including city website maintenance were moved under the council budget.

Mr. Burk asked if there is a new position. Mr. Medlarz said the city clerk has asked for a deputy. Mr. Pikus said we already have a deputy city clerk. Mr. Morrow said we do not need to add an additional position. Ms. Wilson said that Christine has been in a dual position for sometime and assists several people including the city clerk. She has also assisted in the planning department adding that this has worked for some time.

Mr. Grier asked if the city clerk needs a new position. City Clerk Hudson explained this is not a new position this year and that City Manager Carmean gave Ms. Crouch that title over a year ago as indicated in various documents. Mr. Burk asked if this has been reflected in their job description because he is concerned about inaccurate job descriptions that do not reflect an employee's actual duties. He pointed out this is an area where the city can get in trouble. He recalled running into this at last night's meeting as well.

Mr. Burk said from his background in the business world, there has to be job descriptions and we will end up in court if not.

Ms. Wilson recalled when job descriptions were done in 2008.

Mr. Burk recommends we look at the current jobs and compare to the job descriptions on the book and make any needed changes. He offered his help adding he has written a ton of them.

Mr. Medlarz informed council we currently have no job description for a deputy city clerk.

Mr. Pikus pointed out that Ms. Crouch currently works with planning and with the city clerk. He asked why that would not stay the same. Ms. Wilson said her title is currently executive assistant/deputy city clerk and recalled that discussion.

Mr. Burk asked if Rob Pierce also has a dual title noting he has a new position. He asked if he has a job description for the dual duties. Mr. Burk said that can be done for Ms. Crouch as well.

Mr. Pikus asked if Ms. Crouch still works with planning; Mr. Medlarz said in a limited function adding that we are trying to transition out of that.

Mr. Pikus asked if Mr. Medlarz is planning to take her away from planning and asked who would do planning. Mr. Medlarz said that Ms. Crouch expressed her preference to work in the clerk role. He asked Ms. Crouch if that is the correct way of stating it.

Ms. Crouch stated that the city manager and she agreed that was her preference when she was asked to make a choice. Mr. Pikus asked who would do planning referencing Ms. Wilson's comment and adding that he agrees with Ms. Wilson. He said the way it is being handled has been working and he asked if Mr. Medlarz wants to take her away from planning.

City Clerk Hudson stated that she and Ms. Crouch will continue, and have always worked with the planner on a daily basis. They will continue to support and assist the planner in anyway he needs them.

Mr. Medlarz stated his preference is that Ms. Crouch work with the planning section downstairs in planning. According to Mr. Medlarz, Ms. Hudson said her preference would be for her to work with her upstairs.

Mr. Pikus asked if Ms. Crouch would stay in her position where she is currently in her office. Mr. Morrow said he feels councils' preference is to have her continue the way she is working because she does it well. Mr. Burk said he has worked with Ms. Crouch through planning since 2008 and she was vital to that department as well.

Mr. Portmann said the executive assistant position would still be open.

Mr. Medlarz made the comment that the city manager works by himself or herself.

Mr. Pikus confirmed that Ms. Crouch would still work with Ms. Hudson. Ms. Hudson emphasized that they all work together everyday.

Ms. Wilson asked if when Mr. Medlarz needs an assistant, why he would not ask the city clerk or assistant city clerk to help. Mr. Medlarz said that any given day, there are priorities which have to be arranged. If he had something extremely urgent, he would ask either Ms. Hudson or Ms. Crouch. However, on a regular basis it is not something he can count on.

Mr. Medlarz said his point is to bring to councils' attention that the transition has been requested to move toward the city clerk position. Mr. Morrow said he thought that position was already filled by Christine.

Mr. Brooks asked if this affects the budget. Mr. Portmann said yes. Mr. Brooks asked why because they are both employed now. Mr. Portmann explained that Mr. Medlarz has since requested an executive assistant.

It was confirmed that currently Ms. Crouch's title is Executive Assistant/Deputy City Clerk. Mr. Portmann said that Mr. Medlarz is saying the executive assistant portion remains open if she moves to the deputy clerk position.

Mr. Morrow asked if that means that someone needs to be hired; Mr. Portmann said yes. Mr. Grier questioned that. Mr. Brooks asked why. Mr. Morrow said that Katrina White is here who came to Milford after serving in the position of town clerk at Dewey Beach. He feels she is probably under utilized, meaning that does not reflect on her abilities. But she has a lot of potential and he feels that between Ms. Hudson, Ms. Crouch and Ms. White, Mr. Medlarz can get a lot done. Mr. Grier agrees.

Mr. Medlarz reiterated that he wanted Ms. Crouch to work with the planning section predominantly. She prefers to work with the clerical section predominantly.

Mr. Starling asked about Ms. White; Mr. Medlarz said she is perfectly happy working where she is he thinks. Ms. Wilson feels Mr. Medlarz has many options for help.

Mr. Mergner asked if there is a need for help in the planning department.

Mr. Brooks said both Ms. Hudson and Ms. Crouch are here and we are not going to change this budget. Mr. Morrow agreed we do not need to add another person. Mr. Brooks feels the budget should not be changed to add a new position. Mr. Morrow apologized to Ms. Crouch adding that she does a great job.

Mr. Burk asked if Mr. Medlarz' intent is to add another person to planning too. Mr. Medlarz shook his head no. Mr. Pikus feels these three ladies do a great job. Mr. Brooks said that is correct and that maybe some more cross training is needed.

Mr. Mergner asked if the planning department needs an assistant. Mr. Medlarz feels we need to clearly define the job description. Mr. Mergner suggests we get the job descriptions settled but it appears to be working.

Mr. Pikus said it appears like we are adding another person that we don't need and emphasized that we have three good people.

Mr. Starling pointed out we have three good qualified people and there is no need for another position.

Mr. Morrow stated we have three very qualified employees who can get the job done and can do what the city manager needs. Mr. Pikus stated that in lieu of hiring a new person. Mr. Brooks said he is not going to increase the budget because these three can do the job.

Mr. Burk asked if adding a new assistant would be a tax increase; Mr. Portmann said yes and another assistant would create a $51,000 deficit. Mr. Grier said to trash the new position.

Mr. Pikus again confirmed the only way we would have the deficit is to increase the number of positions and if not, we have no deficit. Mr. Portmann stated yes.

Mr. Pikus said it will stay at the same with no new position. Mr. Morrow said to take it out.

Mr. Medlarz said he will come back with a job description for council review and approval.

Ms. Wilson then stated with the qualified people being put in this position, it sounds like our city manager, who is the manager of operations, is comfortable that our employees can be moved into these positions. Mr. Pikus and Mr. Morrow said they are already in the positions.

Mr. Burk agrees their roles need to be clearly defined. Mr. Morrow said it sounds like Mr. Medlarz is saying that if he had one of these employees approach him and say she did not want to do this job, he needed someone who could. Ms. Wilson disagreed stating that it sounds like Ms. Crouch was given an ultimatum on which position to choose.

Ms. Hudson clarified that Ms. Crouch was asked to give a preference. She reiterated that Ms. Crouch works hand in hand with the planner on a daily basis. Ms. Hudson said she does too so she is a little surprised by this.

Mr. Pikus said that is perfect. Mr. Burk added that the planning commission meetings run smooth because of Christine. Ms. Wilson added that she is sure that Ms. White would love any new opportunities in which she can help. Ms. Hudson said she always works closely with her.

Mr. Medlarz explained that the planning commission duties are actually a deputy clerk function so that would not change. Mr. Brooks said that all three employees have job duties that are working and he does see a need to hire another assistant.

Mr. Morrow feels that all three can be cross trained in all three areas which is the best of both worlds. Council members agreed. Mr. Burk noted that redundancy is like a backup server.

Mr. Burk asked about the training Ms. Hudson and Ms. Crouch took last month and if it is something that Ms. White

should also take. Ms. Crouch explained that it is specific training for municipal clerks through an international organization. She earns points toward her clerk certification.

Mr. Morrow said that because of Ms. White's experience, she was able to handle their duties here at city hall while they were gone. Ms. Hudson added she did a great job. Mr. Burk said he is sure it ran smoothly.

Council agreed their positions would remain the same.

Mr. Portmann said he will leave Ms. Crouch in her present position and remove the assistant position requested by Mr. Medlarz which leaves a balanced budget.

It was noted that the utility and solid waste departments will be reviewed tomorrow night.

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

The Budget Hearing adjourned at 7:15 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
Recorder/City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 10, 2015

The Finance Committee of Milford City Council met in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, on Wednesday, June 10, 2015 to discuss the proposed FY 2015-2016 Budget.

PRESIDING: Chairman S. Allen Pikus

IN ATTENDANCE: Committee Members Garrett Grier III and Douglas Morrow, Sr.

MAYOR & COUNCIL: Mayor Bryan W. Shupe

Councilpersons Christopher Mergner, James Burk, Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

STAFF: City Manager Hans Medlarz, Police Chief Keith Hudson & City Clerk Terri Hudson

Finance Director Jeff Portmann

FY 2015-2016 City of Milford Budget

Chairman Pikus called the Budget Hearing to order at 5:34 p.m. and turned the meeting over to Finance Director Portmann.

Mr. Pikus recalled council the previous night had requested Parks and Recreation Director Brad Dennehy prioritize his list of capital item requests.

Mr. Dennehy advised they are trying to replace a 1996 15-passenger 110,000 mile van. He had budgeted $30,000 though that was reduced. He was told by the finance director that the city frowned on 15-passenger van for liability reasons and that a 12-passenger would be more appropriate.

Under the state contract, a 15-passenger van can be purchased for below $30,000 though the state does not have an awarded contract for a 12-passenger van. He has found them through dealers for approximately $35,000. The cheapest he could find in this area was a $32,000 van at a dealership in Maryland.

If he only receives $25,000, he will purchase a decent used van. He found a nice used van for $23,500 with only 16,000 miles.

He said if we are serious about getting kayaks on the river and carrying people from Parks and Recreation to these areas, a more stable vehicle is needed.

Mr. Mergner asked Mr. Dennehy's vision for this van. Mr. Dennehy said it was used for the Easter Egg Hunt and to carry equipment out to the Can Do Playground. It is also used to transport flowers though they are unable to use it for youth programs.

Mr. Pikus asked the director to prioritize the items in order by importance.

Mr. Dennehy reported that the van is the most important item requested though everything on the list is equally important.

He wants to replace a Kubota zero-turn 72-inch deck which is currently at the Can-Do Playground. They normally put one at the parks that is later transferred to the Can-Do Playground.

He informed council that Kubotas are the most reliable tractors. The mechanic confirmed that none of the Kubotas have been in the shop for maintenance this entire year.

Mr. Dennehy explained he is also requesting a bagging unit for the Kubota. He estimated the price at $23,000 but today, he went to Burke Equipment and received a quote for below $18,000.

He said the lawnmowers are used approximately thirty hours during an average cutting year. They have to purchase commercial grade mowers as a result.

The director explained the replacement irrigation wheel is needed to water the soccer fields and the dog park. The soccer fields look good because of fertilizer and constant irrigation. They cannot be maintained in that condition without water.

Mr. Dennehy recalled that when the dog park was opened last year, there was no thought given to the need for irrigation. Presently, it contains two upright sprinklers that cannot keep up.

He said the current irrigation wheel has about 6,000 hours on it and the nozzle is worn out. They will keep the new one at Can-Do Playground and move the older one to the dog park. In order to keep the dog park in good condition, water is needed. Eventually the plan is to add an irrigation system at the dog park.

Mr. Pikus asked about the new roof for the P&R building; Mr. Dennehy explained that cost is divided over the next three years.

According to Mr. Dennehy, the Goat Island Master Plan was approved by council several years ago as Phase 22 of the Mispillion Greenway. Part of the approved plans included three overlooks over Goat Island. The cost to build each overlook is approximately $10,000 for a total of $30,000.

He informed council that a short documentary was made a few months ago for the Dogfish Head Brewery Beer and Benevolence contest. P&R received fourth place out of fifteen that evening and received a check from the brewery for $1,000 though first place was $15,000.

The pavilion, also included in the Goat Island Master Plan, is a free standing structure. When asked what it would be used for, Mr. Dennehy explained that they would work in conjunction with the school district. This would provide a structure where students could place their bags. It could also be a meeting point with benches and picnic tables. The intent is to get more people to use the island for more than only walking their dogs.

The estimated cost of the pavilion is $50,000.

Mr. Dennehy then referenced several photos of the roadway built into the island and the problems created by the causeway. They want to dig the causeway out so the river will flow around Goat Island which would create an actual island instead of an island linked to a mainland.

The digging required for this project will require the assistance of the Army Corp of Engineers and DNREC.

The decking on the riverwalk also needs to be replaced. The former director budgeted $100,000 for this project and it has been removed the past three years. The structure, posts, handrails, etc. are still in good condition.

Mr. Mergner asked when it was last treated; Mr. Dennehy said that treated lumber was used but there was never any preservative added. He and the city manager talked about removing some of the damaged boards and replacing them. However, he prefers to replace it with composite decking.

Mr. Mergner questioned if this could be done by city staff; Mr. Dennehy said he prefers to hire an outside contractor.

However, he and the city manager can come up with a plan to replace the decking in stages if it is done in house.

Mr. Dennehy understands this is a big list but feels the equipment is badly needed. However, Mr. Portmann is recommending the Goat Island pavilion, lookout and decking maintenance be funded out of general fund reserves and not out of the operating budget. Therefore, no tax increase will be needed to fund these projects.

The P&R Director has been in touch with DNREC about some possible grants. However, city matching funds are needed and can range from 20% to 50%.

Mr. Pikus asked Mr. Dennehy's top priority and whether it is the equipment. Mr. Dennehy said he inherited 200 acres of parkland including Goat Island and the dog park. The number one priority is the mower and the bagging unit. The second priority would be the irrigation wheel, three is the 12-passenger van because they are only utilizing half of their program and cannot provide any more children programs until they are able to transport them in a safe manner.

The causeway and Goat Island pavilion and overlooks are important as well.

Mr. Dennehy said he will be back in five years asking for half million dollars for decking repair if the funding is denied again this year.

The director then pointed out that the P&R building was built in 1996 and the roof shingles are starting to pop. He received a quote of $14,000 and he hopes that $7,000 can be earmarked this year and $7,000 next year.

Mr. Morrow asked if the 20% match Mr. Dennehy referred to was 20% of the $218,000 or is that amount minus the 20%; Mr. Dennehy said he is unsure because DNREC has quoted varying percentages and he has not had an opportunity to determine which projects require what match. At this point, he is also confused about whether or not they are considering 20% match or DNREC will provide the 20%.

Mr. Dennehy is unsure of the total cost to replace the decking on the riverwalk but he and the city manager will try to flip the board, plane them and reinstall them. Though that is very labor intensive and the option we can afford, that is what they will do.

Mr. Pikus confirmed that he has been applying for grants. Mr. Dennehy said he will work on that before the deadline of July 10th. In the meantime, he needs reassurance there is city match money available.

Council thanked Mr. Dennehy for the information.

Continuing with the budget review, Mr. Portmann noted the increase in water division service billing by $100,000 which is primarily from the industrial users. The budget on the sewer side remained the same.

The transfer from capital reserves in the water department increased from $111,000 to $266,430; there is no additional transfers from capital reserves this fiscal year on the sewer side. As a result, the capital is down $343,000 in the sewer budget while total water revenues are up from $2,644,000 to $2,901,930 this year as a result of the capital reserve transfer.

Mr. Portmann referenced the small increase in salaries due to a new combined position involving the water, sewer and electric GIS mapping technician.

Mr. Medlarz recalled the job description that was approved by council which replaces the current locator position whose duties were enhanced. It was triple funded with 60% electric, 20% water and 20% sewer funds.

The finance director pointed out the budget has very few changes though the insurance and economic incentive rebate program have both been reduced.

Mr. Mergner commended Mr. Portmann on the reduction in insurance costs noting it is beneficial to review such items on a regular basis because it often results in a reduction. Mr. Portmann credited our Insurance Consultant Harvey Marvel and explained that a lot of companies are unwilling to bid on a package of workman compensation and liability insurances. It is difficult to break them out. However, Selective came back into the pool and had bid in previous years though they were not very competitive. But because the city is now with the DFIT workmen's compensation pool, Selective was able to submit some decent bids. As a result, overall insurance costs were reduced. In the water department along, there was a reduction of over $3,000.

Mr. Portmann then continued stating that benefits increased as a result of health insurance increases as has been discussed. The debt service increased approximately $8,000.

The water capital budget increased by $236,000 and referred to the list of water capital projects.

Mr. Medlarz recalled the city purchasing a valve exerciser when Mr. Dennehy was Public Works Director. The city manager has been training staff on using the exerciser. As this work is done, we find some valve issues which is why the parts need to be purchased. City crews will now be handling the repairs and the reason for the $30,000 request for the hydrant flushing program and repairs and replacements. Prior to this, unless they are leaking, we would be unaware there was a problem. As they get further into this project, additional repairs will be needed.

The city manager reminded council that every year our engineers are asked to run some model stimulations. The $5,000 will cover the cost of a fire flow analysis model which is housed at Davis, Bowen and Friedel.

The city manager further explained that in order to take on some advanced excavations for water and sewer laterals and other repairs, the $53,000 zero tail swing excavator needs to be purchased. Currently, the city only has a backhoe. This excavator will allow them to get into places that we are prohibited today.

The $25,000 Kubota with snow plow will be used by the water and sewer departments for snow removal of sidewalks. Mr. Medlarz said that they also assist Parks and Recreation with the riverwalk areas during the summer.

He also feels the sewer department needs a service truck with a crane. Currently, their service truck is a pickup with a toolbox. As a result, pumps cannot be removed and an outside contractor must be called each time a pump needs to be removed.

Mr. Medlarz feels that is a tremendous financial burden the city has been carrying for years because we do not have the equipment to remove even a five-horsepower pump. We have been using Deltronics out of New Jersey at the SE Second Street pump station and the North Street facility. He feels that purchasing a service truck with a crane for $58,000 is very appropriate for a city the size of Milford and believes it will pay for itself within three years.

The city manager explained the electric department also assists with the fiber extension to all well sites which is an ongoing project. Currently they are working on Route 14 pulling the fiber to wells 4 and 5. In order to implement the SCADA system, fiber is needed at every pump station. The $15,000 will expand the city fiber accessibility.

Mr. Medlarz said that this project will be completed by the end of FY16.

The city manager then referenced the $47,000 capital expense for aerator improvements to Seabury Avenue and Tenth Street facilities. He explained that because he is familiar with the work, this can be done in house. Both aerators were built in the 1980's and one of the blowers failed more than a year ago. When he found that out, he was very disappointed we had not been unable to replace that blower unit.

Mr. Medlarz explained that in the water and sewer world, this is considered a secondary standard. Though it does not affect the primary drinking water standard report, it impacts odor and taste. Our crews are now providing him weekly progress reports and he has directed them to have this replaced. Once the budget is approved, funds will be available

to purchase replacement parts and install them ourselves.

The city manager stated that the SCADA instrumentation upgrades and SCADA system integration tie together with what currently exists. He asked council to recall there were some SCADA funds in the Washington Street Water Plant project and some in the sewer upgrade project.

He reported that the person he hopes will take the public works superintendent position is very experienced in SCADA systems. The three combined funding sources will give us the most up-to-date SCADA system. Currently we are operating on the same telemetry Mr. Medlarz had installed in 1987. The data received through that system is very robust and very limited.

Mr. Medlarz recalled his discussion involving the loss of the big well at Seabury Avenue. One of the very few SCADA points received from the facility is the water level in the reservoir. He said the first time we learned the well was down was due to the reservoir running dry. That is an unacceptable 24-hour lag according to the city manager. Had we learned this information a day earlier, he would have used the 350,000 gallons in the ground to prevent it from pumping dry.

He feels it is very important to bring Milford's SCADA system into the 21st Century should be a priority.

Mr. Portmann referenced the water reserve transfer of $266,430 to cover the $583,000 of projects.

Mr. Medlarz then recalled that at one point, city council considered a multimillion dollar water project. He was still working for Kent County at that time. At that time, he informed City Manager Carmean that a lot of the work could be done internally. For example, the aerators and valves and hydrant repairs were part of the upgrade project.

He believes we can do better that we have been doing and is very confident these projects can be accomplished in house.

Mr. Mergner noted the increase in the chemical line item over the past two years to $95,0000; Mr. Medlarz explained that it is mainly chlorine and fluoride for disinfection and fluoridation. The price for chlorine is especially volatile. At any given the price can fluctuate ten to fifteen percent. In his previous positions, they would purchase eight to nine one-ton units and find prices fluctuate even on really large orders. As a result, he expects a much larger fluctuation because of the smaller orders.

He recommends the city start bidding these purchases out with a one-year contract rather than ordering them when needed. Because our staff is uncomfortable with that, they have been ordering from the same company for years. An experienced superintendent could handle that and he feels that some competitiveness would help in that situation.

Mr. Brooks recalled that over a year ago, a $3.5 million referendum was being planned. Some further research revealed that the referendum was not needed because the city had the money in reserves; he asked if any of that money can be used.

Mr. Medlarz explained that the $266,430 is coming from water reserves. He believes the city had enough in water reserves to build the entire package but because we are doing a lot of the work in house, there will not be as much engineering and administration fees.

He pointed out that our crews are starting to flush some hydrants and recalled some resistance in the past. They met and came up with a plan. A few were done on a Sunday morning at 4:00 a.m. The last one at SE Second Street and Rehoboth Boulevard involved an old six-inch cast iron main. The risk involved is the reason it was done early on a Sunday morning. In that case, the water was discolored only thirty seconds and then cleared up.

Mr. Medlarz feels that once a strategic plan is put in place, our employees were much more confident and only one

valve broke. Right now, we have a series of approximately thirty hydrants from the 60's and they will be concentrating on them first. If any hydrants break, it would most likely be one of these.

Mr. Portmann continued his review noting that the increase in wastewater salaries and wages with the addition of the GIS technician's salary.

The I&I treatment line item was reduced by $25,000 which is determined historically and an average of the previous years.

The economic incentive rebate was reduced from $20,000 to $4,000 this fiscal year.

The overall debt service of the wastewater division was also reduced by $14,000.

Mr. Medlarz advised that capital requests for wastewater include the replacement of a sewer truck at a cost of $130,000. Once we have received the new unit, the 15-year sewer truck can be sold and the city manager believes we will receive a decent price.

He explained that part of the sewer project included in the September referendum are several hundred thousand dollars worth of improvements to the Lighthouse Estates pump station. Some changes were made to the Kent County pump station and how flow is pumped out the old 24-inch line out of Milford. Any peak flowage out of unit three through the 18-inch line carries the special debt service. That reduced the pressure during storm events at the Lighthouse pump station. Since there was no cost for its implementation, the city slightly upsized and optimized the pumps which took care of the high water levels at the Lighthouse Estates pump station and $360,000 plus in project costs came off the books and were redirected to I&I. The city manager said this was a win/win situation.

The cost of the Vacon sewer truck is the largest capital item and has been spread over a three-year period. However, Mr. Medlarz feels the cost is lower than what was proposed when it was initially presented in FY 14-15.

Mr. Medlarz advised the City of Milford does not have a sewer camera and we typically borrow one from Kent County. A video camera has been requested to explore sewer lateral backups.

The city manager recalled a backup situation when he was at Kent County. At that time, they were preparing to cut into the line. At the last minute, a camera was used which determined a high voltage phase had been mistakenly drilled in. Drilling in would have resulted in someone being killed. Because of many potential situations, he feels it is essential to use a camera prior to cutting into a lateral. Purchasing a camera is well worth its cost considering we have 3,500 customers and laterals.

Mr. Medlarz stated that in order to make control and electrical improvements at the North Shore pump station, $30,000 is needed. He was very surprised to learn that we had hired an outside contractor at a cost of almost $15,000 to pump and haul from the North Street pump station because we did not have the appropriate equipment to remove the units. As a result, the mechanical issues were taken care of though some final electrical improvements are still needed.

Mr. Medlarz also noted there are a few steps left on the sewer side of the fiber project though we are very close to having all pump stations completed. The bulk of the sewer SCADA improvements fall under the project scheduled for referendum in September.

With no further comments on the water capital projects, Mr. Portmann proceeded with the solid water department review. On the revenue side, he reported we still have some commercial billings though we got out of the commercial trash business last year when we converted dumpsters over to containers. We still have $55,000 of commercial billings that involves dumpsters.

On the residential end, Mr. Portmann reported that $930,000 was billed last year. There is a $20,000 increase for yard

waste that was approved by council this year. A fifty-cent increase is proposed this year which will bring in an additional $20,000. Bulk trash went from $15,000 to $25,000.

The ordinance changes brought in $20,000 for yard waste last year and the change in how we handled bulk trash should bring in an extra $10,000. The 50 cent increase passed during budget should bring in $20,000 more in revenue.

The budgeted fund balance (prior years of accumulated funds) needed to balance the budget is $53,855. The finance director noted there is more than $400,000 of fund balance available to use.

He reported there is accumulated money for future trash trucks. Trucks are planned in FY17 at a projected cost of $185,000 and in FY20 at a projected cost of $195,000. Mr. Portmann said the rate could be increased by $1.50 which would bring in $60,000 or some of the surplus cash used.

The finance director informed council the city manager had proposed a fifty-cent increase over the next three years which increase the monthly rate to $24 this year, $24.50 in FY 16-17and $25.00 in FY 17-18.

The city manager said we are starting to see increased revenues from the additional containers and presently our crews have delivered approximately 36 new containers. He noted that bulk billings have increased substantially and our residents now understand the need for excess bulk pickup.

Mr. Mergner asked what would be advertised; the city manager explained any changes to our policy.

The finance director pointed out a slight increase in the landfill fees as is expected each year. Insurance and advertising costs are down. The gas and oil line item is slightly reduced due to lower prices.

Medical increased as is across the board. Capital is zero this year though they will request a new trash truck next year.

Mr. Medlarz recommends council consider alternate options when faced with a $300,0000 trash truck. Right now, it is in good working order, so no other alternatives need to be considered.

Mr. Portmann then referenced the electric department budget. The service billings were increased because of a potential wage adjustment.

Mr. Medlarz explained it is due to congestion charges on the transmission. Unfortunately that is something the city has no control over and is passed on to us. The only way to avoid the congestion charges on the transmission is to have the actual capacity within the DEMEC territory. That is the reason any potential unit on the Bayhealth campus is so important.

The second factor is the change on PJM (grid provider) that coordinates the movement of wholesale electricity in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia.

The city manager further explained that PJM is implementing new capacity rules and the uptime has to be higher. The unit can only be out for scheduled maintenance five days a year. That means that a lot of the old coal-fire power plants will go off line.

If the city does not budget for this, it could have a tremendous impact when it happens.

Mr. Portmann noted that the adjustment in the DEMEC power costs reflects the same amount ($1,125,000).

He then reported that the electric department has an approximate $300,000 increase in capital expenditures.

The finance director noted there is a decrease of $10,000 in building maintenance. Last year more money was requested because of the renovations in the billing office areas.

Insurance is down by $20,000, gas and oil down by $4,000 and radio costs are down by approximately $2,500.

There is an increase in fiber maintenance from $10,000 to $35,000; software maintenance is down based on changes to the existing system in GIS mapping and licensing requirements.

The economic development rebate is also down as is in the other departments.

Medical benefits have increased approximately $50,000 as has been seen across the board.

Debt service is down as a result of paying of off the $2.6 million of bonds last year which resulted in the removal of the $35,000 payment.

The electric department's capital requests total $635,000 for a bucket truck, GIS mapping system, 138Kv air break switch structure and fiber extension.

Mr. Pikus recalled that every year, the department submits a $400,000 request for a 100-foot bucket truck that he always questions; Mr. Morrow agreed. Mr. Pikus feels that is a big expense and believes we can lease a 100-foot truck for a few thousand dollars a day when needed. He also understands that the garage would have to be remodeled which could potentially result in a half million dollars.

Mr. Grier also expressed concern and asked how many times a 100-foot bucket truck is needed.

City Manager Medlarz explained that it was changed from 100-foot bucket truck to 75-foot truck. This truck would replace the 65-foot and 50-foot bucket trucks which will be sold. Those two trucks would be taken out of service and replaced with this multi-use telescoping truck. He said it will be used everyday. The telescoping portion would only be used periodically.

When asked if the money received for selling the two trucks would offset the $400,000 price, Mr. Medlarz stated no that will be considered additional revenue.

When asked for a projected sale price, Mr. Medlarz estimates $35,000 to $45,000 for the 1994 bucket truck.

The city manager then informed council that Ms. Crouch and he have started the process to allow the city to sell vehicles and other items on the gov deals website. He said Kent County was very successful selling items on that website.

When asked if the two trucks being sold are obsolete, Mr. Medlarz stated they are in service everyday. However, there is only one line on Route 14 that requires the 75-foot truck. The line is new and if there were a problem now, we would have to call Delmarva Power or Delaware Co-Op to assist.

The city manager then confirmed this truck will fit in the garage because it has a telescopic boom.

Mr. Pikus recalled last year they requested a 100-foot truck. Mr. Medlarz agreed noting that he and the electric superintendent had a long discussion and it was determined they do not need a 100-foot truck. Their plan was to keep the other two trucks and use the new one periodically.

The city manager feels council made a good decision by denying that request and believes the option today is much better and will be the 'go-to unit'.

Mr. Pikus referenced the $400,000 price again and asked for further clarification of its size noting this is the same price quoted last year. Mr. Medlarz said he will speak with the superintendent and come back to council with the telescoping unit's exact height but assured council it is not a 100-foot bucket truck.

Mr. Medlarz then referred to the GIS and system mapping. He recalled when City Planner Rob Pierce applied for the asset management grant which covers the two GIS servers and entire software package making the city equal to the county with dual servers and three licenses. The $150,000 is the cost of a one-time expense for the hardware/software. There are no associated maintenance costs because the first year is free. Also included are handheld GPS units which are needed for the data.

If the grant is received, approximately 90% of this expense will be covered. He is cautiously optimistic that the city will receive the grant.

Mr. Medlarz then explained the highest voltage circuit is the 138kv. Every few years, the air breaks are removed from the system because their reliability is reduced. Therefore, this needs to be added to their regular replacement schedule. The replacement units will still have some value and can be sold.

Mr. Portmann noted their last capital item of $35,000 is the cost of the fiber extension to the city facilities for SCADA.

He reported that the public works budget shows a decrease in the salary line item due to the change in the job description from Director of Public Works to a Superintendent.

Building maintenance increased from $43,000 to $52,200 to repaint all interiors at public works. Mr. Portmann confirmed the painting cost is approximately $25,000.

Mr. Mergner and Grier questioned that cost; Mr. Medlarz explained that is the cost of a painting contractor. Mr. Mergner questioned whether that is a good use of money and feels this should be done as routine maintenance. There are times when employees are not busy and they can paint walls during that time. He emphasized this is public works and Mr. Pikus agreed.

Mr. Medlarz said their intent was to hire a painter. He will designate the areas to be worked on by employees and he will tell them this item does not get spent until next June when and if, it has not been completed.

Mr. Portmann then pointed out the computers and office equipment line item was reduced to zero. In addition, no capital was requested for public works.

He reported there were very little changes in the garage budget. Insurance was reduced because of the two-year premium and there is no payment this year. A new item was added for annual gas tank maintenance at a cost of $4,000.

Capital was reduced to zero because the mechanic's new vehicle was purchased this past month.

Mr. Medlarz reported that the parks and recreation department did not have a vehicle with a utility body, As a result, he authorized the current mechanic's truck with the utility body be transferred to parks and recreation. In turn, parks and recreation is selling their pickup.

The increases in the billing and collections department relate to the move from public works to the PNC building. As a result, contract services increased from $3,000 to $20,000.

Mr. Pikus confirmed that with no new employees, this is a balanced budget.

Mr. Grier asked for clarification that the one new position discussed last night is not included; Mr. Portmann stated that is correct. Mr. Pikus reiterated there are no changes at city hall and no new employees.

Mr. Morrow said there is a need to vote on the SRO's which is a revenue neutral item.

When asked if the parks and recreation capital items were prioritized, Mr. Grier said that a decision is needed. He said that Mr. Dennehy indicated that all four do not have to be done at once. He feels the causeway may be needed so that the river can flow around the island. He recommends doing two of the four projects.

Mayor Shupe agrees that we can wait on the pavilion.

Council agreed that the decking appears to be more of an urgent issue.

Mr. Medlarz said the boards can be removed, flipped and run through a planer. They can be treated after they are replaced. He explained that Mr. Dennehy first presented a very expensive proposal for Trex composite decking. He was told the city could not afford it.

Mr. Medlarz came up with an alternate approach though they realize some will break and have to be replaced with new ones.

Mr. Morrow agreed that they can flip the boards, then reinstall them. He has done that before with no problem. He asked if the causeway is removed, is there a reason that vehicles would have to access it and asked if decking maintenance would be required as a result.

Mr. Pikus stated that the only vehicles accessing the area would be small utility vehicles like a golf cart or small tractor.

Mr. Pikus then asked if the city can get some help from the Department of Education because it appears it is being built for education purposes. He then questioned the $50,000 price tag and asked if the city really needs it.

Mr. Medlarz asked if council would agree to having parks and recreation department paying 50% of the cost for the pavilion; Mr. Pikus and Mr. Morrow suggest that Mr. Dennehy look for a grant.

The city manager suggests that council approve the pavilion contingent upon a grant. He said that Mr. Dennehy made it clear he cannot apply unless council sets aside match money in the budget.

Council agreed to approve 50% of the requested funding; if no grant money is received, the city could reapply the following year.

Mr. Morrow asked if Mr. Dennehy would still need vehicles if the causeway was removed. Once it becomes an island, no pickups would be needed. Mr. Pikus asked if pickups access Goat Island now; Mr. Mergner said we will need vehicles if the lookouts and pavilion are built.

Mr. Mergner then asked about the equipment and said he has a problem with the 12-passenger van. He asked if the city has procedures and policies on the use of the van, who gets in it and whether or not the parents sign off before a child is transported.

Ms. Wilson assured Mr. Mergner that is in place. Mr. Pikus feels our insurance would require that. Mr. Mergner said he has been in Milford for eight years and he has never seen the van with children in it. His children were three and four years old when they first moved here and have been involved in a lot of recreation programs. He is nervous about his children being transported in a van.

Mr. Morrow recalled driving the van to Scranton, Pennsylvania about ten years ago.

Mr. Mergner said he is only asking that before we purchase the van, a policy is in place and liability issues are addressed before the city starts transporting people.

Mr. Morrow informed council that the parks and recreation department uses the van to transport children back and forth to the Can-Do Playground. Mr. Pikus said he sees the van on the streets on a regular basis. Mr. Grier asked if he has seen children in the van. Mr. Pikus said he sees children in it everyday on Walnut Street during the summer though it is used to transport flowers too.

Mr. Medlarz recommends that a safeguard be put in place. He recommends that the funding be approved contingent upon a certified safety policy in place. He suggests that parks and recreation come back before council and provide council with its plan.

Mr. Mergner feels it is appropriate for kayaks and other uses, but is very uncomfortable using it to transport children. Mr. Burk referenced the armory and pointed out that we no longer have one centralized property.

Mr. Burk said it is very simple to create a form for the parents to sign off on. Ms. Wilson is confident that is already in place and recalls how many people asked to use that van over the years.

Mr. Burk then recalled asking for some training numbers. He reviewed what was used this year versus what was projected. He said that 94.5% of the fiscal year has passed and we have only used 46% of the budgeted training money.

He then referenced the increase in the code enforcement's new training budget. So far this year, only 17% of the budget has been spent though we are through 94.5% of the fiscal year. The new budget has an increase from $3,000 to $5,000. He asked if we have an idea of what is causing the increase of $2,000.

Mr. Burk referenced other similar situations. He noted that city administration, council and planning and zoning is at 58% of the budget. On the other hand, there has been no money spent in the streets and/or parks and recreation departments.

Mr. Burk feels that training is important and that well-rounded employees are needed.

Mr. Medlarz explained the training line has two components. It includes the registration costs of sending people to a class and also the travel component. He explained that if someone from customer service is sent to an HTE conference, it could be in Philadelphia.

The city manager said the employee drives there and he has asked staff to take the city car, drive to the airport or drive it to Philadelphia. In that case, the fee to attend the training, conference or the sessions far exceeds the travel. Next year, the training for HTE is in Las Vegas which he said is easily traveled to so they will have a balanced approach between the fee and the travel.

If the conference is in Seattle, Washington, the travel is more expensive. Mr. Burk stated he is very familiar with how conferences and training move around to different cities and is unsure of the significance.

Mr. Medlarz said the location drives some things though he does not know why the clerks have requested more money. He feels that is on the travel side and not for registration. Mr. Burk asked what Mr. Medlarz is referring to; Mr. Medlarz said there is an increase in the training line from what was shown yesterday in the council budget. He noted the budget was $5,000 and only $3,000 was spent but $8,500 was requested. He does not know where the conference is and whether that is based on training.

Mr. Medlarz told Mrs. Hudson to answer the question. Ms. Hudson informed council that the clerk's have two conferences every year. One is a regional conference and the other is their international conference. She noted that Ms. Crouch had $5,000 budgeted in the planning and zoning budget for her training this year. Ms. Hudson also had $5,000 in her training budget to cover those conferences as has been the situation in years past.

Mr. Burk questioned why only $2,934 was spent in planning and zoning and $2,907 was spent in administration/council.

Ms. Hudson explained there was a little savings this year because they traveled by car this year to the international conference which was held in Connecticut. Mr. Medlarz said they had a stipend. Ms. Hudson explained that Ms. Crouch received a scholarship for the registration though she paid for the balance of the conference herself.

Mr. Mergner asked why she paid for the training out of her own pocket; Mr. Pikus also asked why she paid for it. Mr. Medlarz said because she had a stipend. Mr. Pikus asked if the stipend covered the entire conference.

Mr. Medlarz said he was asked to sign off on it. He told them to feel free to take the city car because he had two clerks attending the training. They requested they take their own vehicles and that is the reason. He had authorized an expense limited at a lower number because of the savings.

Mr. Medlarz stated that he did not know there were other travelers. He continued by saying that when we have other people traveling, they cannot take their husbands in a city vehicle on an out-of-state trip because we are not insured for that.

Mr. Medlarz said if two people attend the same conference, they should both drive in a city car together to the conference. Mr. Burk said he understands that is the cost of the 'A to B point' from Milford to the conference and the return home. He confirmed the remaining costs of the training were available in the budget and are reflected in the total spent.

Ms. Hudson explained that Ms. Crouch left two days earlier because she was taking two days of advanced academy classes that Ms. Hudson does not need. Ms. Hudson pointed out there is no way they could have driven together because it would have added unnecessary hotel and training costs.

Mr. Morrow feels it is not unusual for two female employees to attend a conference and take their spouses. He does not think it would be appropriate for Ms. Hudson and Ms. Crouch to ride together in one of the city trucks/cars and their two spouses ride in a separate POV.

Mr. Medlarz informed Mr. Morrow that travel was under extreme scrutiny in the world he came from. Mr. Morrow told Mr. Medlarz that he is in Milford's world now. Mr. Medlarz stated that was because of the union issues. He said if we are not looking at our expenses and not trying to limit our expenses, then all of a sudden it would appear to the union we have more money than we actually have.

Mr. Burk said he completely understands and has done a lot of business travel and was never allowed to fly direct. However, his point is there are four departments that did not spend any money on training. That includes public works, solid waste, parks and recreation and streets. There are other departments that spent less than 50% which means we have training money left.

He again asked why the training budgets are being increased if there was no money spent. He understands that conferences are in different places which causes the overall costs to fluctuate.

Mr. Burk is only asking for any justification to the discrepancies. He feels we need the best and the brightest employees in the electric department though they only used 31% of their training budget.

He re-emphasized his opinion that training is very important to the city and to the employee. He feels it is beneficial to the city to have well-rounded, cross-trained employees. He asked if Mr. Medlarz is considering changing that trend.

The city manager said he would like to see what he is used to in his old world. If someone wants to go to a conference or to training, they put in the exact request and fill out a sheet which states this is a conference fee, the travel cost and the airport parking. Then he knows exactly how much the conference will cost the city.

Mr. Burk feels we are talking about two different things. He is talking about signing people up for training classes and having a training plan. He asked if we have anyone focused on a training plan and how we are going to train and maintain that. Mr. Medlarz said no, we do not. Mr. Burk feels that is very important.

Secondly though Mr. Burk agrees we do not want anyone abusing it, he feels our employees should be paid and pointed out that is in the budget. He referenced the current budget which shows a certain amount of dollars in the training line item. He feels if they abide by that budget, they need to be reimbursed. He is concerned we are not utilizing the training opportunities as we should.

Mr. Burk emphasized the need to develop the seconds and thirds in commands. In that way, if another municipality hires one of our employees, or someone retires, the City of Milford is prepared to move ahead. We have no downtime as a result. He feels that is what the training budget is intended to do.

To him, he would like to see how much was utilized in the budget, versus just presenting a new budget. He wants to see actual versus budget which is what appears to be have been done in the past.

Mr. Mergner agrees that if there is $5,000 approved for training and only $2,000 is used, the other $3,000 should be used. There is some reason that amount was budgeted. Mr. Burk agrees and again asked why are we increasing the budget to $5,000 which is a concern to him.

Mr. Mergner feels that if a department asks for money in their training budget, it needs to be used.

Mr. Pikus agrees with both Mr. Mergner and Mr. Burk. He said that this year, the focus has been on our administration. With more technology and the need to keep up with updated and new policies, more cross training is needed. He feels it is justified for Ms. Hudson and Ms. Crouch to attend these conferences and a need to learn more.

Mr. Pikus also wants our parks and recreation director to sharpen up on grants adding that is big in the City of Milford. He feels that ability can be learned through training. We need our people cross trained in order to be updated on things that are changing. He is confident that our employees will be trained as the electric technology changes.

He questions Mr. Portmann frequently on how much has been spent on training and whether there is money left over. He said there is money left over in those training budgets and they need to be used because it is our advantage to have well-trained employees.

Mr. Pikus has had more comments from people that have worked in the electric field about whether our electric employees are being trained to use the right equipment while they are up in the bucket trucks. He has been asked if they are wearing the right equipment and if they wear hats and gloves and whether they follow the proper safety procedures. One death will cause the City of Milford a lot of problems according to Mr. Pikus.

Mr. Medlarz said we have a good training program in the electric department. Mr. Pikus asked if it is implemented adding he wants our employees safe. He said we cannot pay enough for training and safety and both are important.

Mr. Grier said the money is there to pay for that training and our employees need to take advantage of it.

Five or six years ago, Mr. Brooks recalled our electric crews were receiving training on all aspects of the job. They were going down south to get training from our consultant at that time.

Mr. Portmann reported that DFIT, the state workmen's compensation pool, requires monthly meetings that target different departments. As a result, we will have different departments represented at these meetings which he believes starts July 1st.

Mr. Morrow added to Mr. Burk's comments that it is important to have a good training program in place. With Mr. Medlarz as a new city manager, he feels there may be a need for a more communicated policy.

He also believes that any of our employees going to training should not be going on their own dime. He referenced the $40 million budget and now hears that one of our employees went to training though they were not compensated. Mr. Morrow feels that is unfair. He understands that Ms. Crouch went two days earlier for classes so it was obvious they could not travel together. Otherwise, the city would have been paying for another hotel room for two additional days. He said it is insulting to that person.

Mr. Morrow asked Mr. Medlarz if this can be readdressed because they need to be compensated. Mr. Burk pointed out we have only used 46% of the budget for training

Mr. Pikus said if we made a mistake, it needs to be corrected. Mr. Morrow said it is not like the money was not in the budget.

Mr. Burk explained there are internal customers versus external customers and the city needs to take care of everyone. He feels our employees are internal customers. He believes that if we do not take care of them, they will leave and we will have to hire someone else and then we will have downtime on training. Mr. Pikus said we do not need that and need to keep our experienced employees.

Ms. Wilson stated that the workforce today is all about qualified improvements and hears that everyday. That is what training is all about and that is any related conference is about. Implementing quality improvements and plans is essential and emphasized at her employment.

Ms. Wilson is sure that is what the training from our workmen compensation carrier is about. It then needs to be brought back to the rest of the staff to make sure it is implemented. Otherwise, we can be held accountable.

Mr. Medlarz said we have to be accountable with the DFIT program. We will have to spend some time with safety training though we currently do not have anyone willing to take on that responsibility. He feels it is a significant task to implement a safety plan adding the county struggled for years to implement one.

Mr. Morrow agreed adding that is where training comes into play. He feels we need to borrow some ideas from these training sessions and create a safety training budget for each department by moving some numbers around. DFIT is similar to being self-insured and if the numbers are bad, we will be kicked out. We are then stuck paying market rates.

In order to be qualified for self insurance, the company has to have a safety plan in place according to Mr. Mergner. Mr. Morrow said that SeaWatch has been self-insured for ten years and has saved hundreds of thousands of dollars over that time.

Mr. Morrow even suggests setting aside training money for safety. Mr. Burk agrees that should be considered for each department.

Mr. Morrow asked that Mr. Medlarz recommit to reviewing these expenses for training and to compensate fairly. If a new policy has been put in place, that needs to be communicated so that everyone is on the same page.

Mr. Medlarz said it is his intent to save in travel as economically as he can. If council feels different, they need to let him know.

Mr. Medlarz advised there are federal guidelines in place that cover these costs. Mr. Mergner understands but travel is travel which varies depending on the location. Rules are rules but he feels every situation is different.

Mr. Pikus agrees that we all need to communicate and work together. Mr. Mergner agrees we need to be a little flexible as well.

Ms. Hudson asked Mr. Medlarz if she could speak. She asked council to approve the cost of Ms. Crouch's training out of this year's budget. She said that Ms. Crouch was in class every day beginning Saturday morning from 8:00 a.m. until 5:15 or 5:30 p.m. There are no skipping classes, you are required to be there and IIMC has a scanning system to assure your presence.

Mr. Grier asked what we paid for and what was not paid for.

Mr. Medlarz argued that we had two people scheduled to go to the conference. If he has two people go to a conference, they have a hotel room and come back. There is a registration fee. He said in his old world he did not take two spouses and he did not have two hotel rooms.

Mr. Grier asked the difference and Mr. Medlarz said he is living in a different world. Mr. Burk said he does not see in this day and age requiring two co-workers to share the same room. He would be cautious of that. He said it would not be done for a male-female situation. With everything we see in the media, it would not be appropriate for two females to have to do that. He said if that were done, there is some assumption on the city's part that they are of the same orientation and a lot of other things. He feels Mr. Medlarz is assuming too much and could potentially open the city up to some issues.

Mr. Mergner said he does not feel we should pay for spouses. He feels that if they can have their spouse with them but we should not pay for them. Ms. Wilson said the room is that person's room. It makes no difference who is in the room and it could be anyone which is not the city's concern.

Ms. Hudson said the city does not pay for spouses. Both she and Ms. Crouch paid their spouses expenses which they can provide proof if needed.

Mr. Mergner feels that if Ms. Crouch had expenses related to the conference, it needs to be looked at for reimbursement; Mr. Burk added that is what an expense report is for.

The city manager feels that council needs to adopt a policy which spells it out. Ms. Hudson said she agrees and emphasized that every employee needs to be treated in the same manner.

Mr. Starling said the point is Ms. Crouch spent $2,800 and someone suggested that she be paid back. He feels the same way and asked the reasons why this cannot be done.

Mr. Burk said we are at 40% of the budget and if there are excessive charges, he understands. But Ms. Crouch's room and board and travel should be paid for. He emphasized only for Ms. Crouch and not her husband though it sounds as though that was not the problem.

Mr. Mergner asked if that is the policy, she needs to be reimbursed. Mr. Pikus agreed that because we do not have a written policy in place, she should be reimbursed the full amount. Mr. Mergner added it is our fault for not having a written policy.

Mr. Starling asked a motion can be made to have her reimbursed. Mr. Morrow said he believes Mr. Medlarz will reimburse Ms. Crouch tomorrow anyway.

Mr. Pikus said the finance committee recommends that Ms. Crouch be reimbursed.

Mr. Burk feels we need to look at the entire training issue overall to ensure we are spending the money where we need to. He agrees a policy is needed which applies to all employees. Mr. Morrow said when we are paying people we need to pay them.

Mr. Starling said to reimburse Ms. Crouch first. We will then address the policy. He asked if Mr. Medlarz is willing to pay her; he said he would be happy too.

Mr. Starling said that he will ask Mr. Medlarz at the next meeting.

Mr. Pikus moved that the finance committee recommend that the city employee be reimbursed for expenses of $2,800, seconded by Mr. Morrow. Motion carried.

The meeting concluded with Mr. Pikus stating that the finance committee will be recommending the balanced budget as presented.

The Finance Committee meeting adjourned at 7:15 p.m.

Respectfully submitted,

Terri K. Hudson

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 15, 2015

A Special Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, June 15, 2015.

PRESIDING: Mayor Bryan W. Shupe

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

City Manager Hans Medlarz and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Special Council Meeting to order at 6:48 p.m.

EXECUTIVE SESSION

Mr. Pikus moved to go into Executive Session reference below reasons, seconded by Mr. Grier.

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Employee Issue)

Motion carried.

Mayor Shupe recessed the Council Meeting at 6:49 p.m. for the purpose of an Executive Session as permitted by Delaware's Freedom of Information Act.

RETURN TO OPEN SESSION

City Council returned to Open Session at 7:25 p.m.

City Solicitor Rutt informed those present there is an issue of confidentiality and recommended that no announcement be made until the June 22nd meeting. Mr. Medlarz stated that he did not ask for that.

ADJOURN

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

The Executive Session adjourned at 7:26 p.m.

Respectfully submitted,

Terri K. Hudson

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 22, 2015

Milford City Council held a Public Hearing on Monday, June 22, 2015 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

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

City Manager Hans Medlarz, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Public Hearing to order at 7:01 p.m.

Planning and Economics Activities Coordinator Rob Pierce was also present.

City of Milford Zoning Chapter Amendment
Adoption/Ordinance 2015-03

Mr. Medlarz informed council this ordinance addresses setbacks for riparian buffers and wetlands. He then deferred to Mr. Pierce.

Mr. Pierce explained this is an amendment to the City Municipal Code Chapter 230 Zoning adding sections 230-45.2 'Wetlands' and 230-45.3 'Water Bodies, Streams and Other Watercourses; Riparian Buffers' under Article 8 Miscellaneous Provisions.

These amendments were requested by FEMA as part of the recent flood plan ordinance requirements. The intent is to protect sensitive environments and natural resource areas.

Section 230-45.2 will require a wetlands investigation for any activity which involves a conditional use, site plan or subdivision plan. If wetlands are present, they must be surveyed and delineated on the plan.

No portions of wetland areas shall be subdivided, filled, developed or cleared of vegetation unless granted permission under a state and/or federal permit.

No building, structure, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to the delineated wetlands area, except for limited cuts required for the installation and placement of storm-water outfall stabilization facilities.

Section 230-45.3 provides a riparian buffer of 25 feet for tidal waters and 50 feet for fresh water sources as measured from the mean high water line. The ordinance provides an exception for redevelopment conditions, lessening the riparian buffer distance to 10 feet for both tidal and fresh water, as long as the redevelopment area is less than 200 square feet.

He concluded by reporting that the planning commission recommended approval at their May 12, 2015 meeting.

Mr. Pikus confirmed this is the result of the recent amended floodplain requirements recently adopted by the city. Mr. Pierce explained this involved a couple outstanding items left following that adoption.

Mr. Pierce informed council that he has the floodplain maps in his office should the public wish to view. They are also offered on line through the FEMA website. Mr. Burk suggested a link be added for easier access.

Mayor Shupe opened the floor to any member of the public to comment on this matter; no one responded and the mayor closed the public comment segment.

Mr. Pikus moved to adopt Ordinance 2015-03 amending the city zoning code as stated, seconded by Mr. Brooks:

WHEREAS, the City is required as part of its mitigation action plan to establish riparian buffer standards and building setbacks along waterways; and

WHEREAS, the City of Milford deems it necessary to establish and regulate riparian buffers and wetland setbacks within the City in order to protect and preserve the natural open space of the City's water bodies, lakes, ponds, and river for the enjoyment of all residents and visitors alike.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.
An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning.

Section 2.
Article VIII-Miscellaneous Provisions, 230-45.2 Wetland Area is hereby amended by adding the following:

§ 230-45.2 Wetland Areas.

A. A wetlands investigation shall be performed by a qualified wetlands specialist at the expense of the applicant in preparation for any activity on real property, which requires conditional use, site plan or subdivision plan approval by the Planning Commission and/or City Council as set forth in this chapter and Chapter 200 Subdivision of Land.
B. The limits of all wetlands determined to be present on the subject property shall be flagged by the wetlands specialist and identified on the subject property by customary survey markers and shall be delineated on the plan. Wetlands areas shall be tabulated on the plan in acres.
C. No portions of wetlands areas shall be subdivided, filled, developed, or cleared of vegetation unless granted permission to fill and/or eliminate the wetlands area under state and/or federal permit, including nationwide permits authorized by the United States Army Corps of Engineers; they shall remain as essentially undisturbed natural areas.
D. No buildings, structures, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to a delineated wetlands area. The placement of fill, regrading, or other obstructions to surface sheet flow, or the clearing or removal of natural vegetation within this setback area, shall be prohibited. Notwithstanding all of the foregoing, limited cuts into the surface area of this twenty five-foot setback area in conjunction with the placement of outfall stabilization facilities therein (such as stone rip-rap, turf stabilization, or other geosynthetic materials) may be permitted for the purpose of stabilizing and/or installing stormwater management outfalls, thus providing for a non-erosive flow condition at the outfall, provided that such encroachments into the twenty-five-foot setback area shall be limited to a maximum distance into the wetland buffer of 15 feet measured from the twenty-five-foot wetland buffer line, and shall be limited to a maximum width of 20 feet.

Section 3.
Article VIII-Miscellaneous Provisions, 230-45.3 Water Bodies, Streams and Other Watercourses; Riparian Buffers is hereby amended by adding the following:

§ 230-45.3 Water Bodies, Streams and Other Watercourses; Riparian Buffers.

A. Lakes, ponds, rivers, and streams shall be left as permanent open space. No filling, piping or diverting of water bodies, lakes, ponds, or streams shall be permitted except for required roads, to be approved by the U.S. Army Corps of Engineers, DelDOT, and/or DNREC as appropriate.
B. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks shall be permitted to be constructed under naturally occurring riparian buffer conditions nearer than:
(1) Twenty-five feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream,

or tidal marsh; or
(2) Fifty feet to the shoreline, as defined by the mean high-water line of any non-tidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps.

C. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks with a combined area of 200 square feet or less, shall be permitted to be constructed under redevelopment conditions in previously disturbed or removed riparian buffers nearer than:
(1) Ten feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream, or tidal marsh; or
(2) Ten feet to the shoreline, as defined by the mean high-water line of any non-tidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps.

D. For projects located within a promulgated total maximum daily load basin, the preservation or reestablishment of riparian buffers facilitating the reduction of nutrients and other pollutants to the level necessary to ensure compliance with promulgated load reductions shall be required. The clearing or removal of natural vegetation within this setback area shall be prohibited. Existing riparian buffers shall either be preserved or planted to the limits as provided above under paragraphs B. or C. respectively.

Section 4. Dates.
Planning Commission Review and Public Hearing: May 12, 2015
City Council Introduction: June 8, 2015
City Council Public Hearing: June 22, 2015

Motion carried with no one opposed.

Appendix B-Electric Tariff--Rules and Regulations
Adoption/Ordinance 2015-10

Mr. Medlarz recalled spending a great deal of time discussing this at a previous meeting. He has contacted a number of business customers and industries to assure them this does not involve a rate increase and instead deals with the realignment of our rules and regulations.

This also adds a new residential rate tier equivalent to the small commercial rate and specifically kilowatts above 2,500. Some of the changes he discussed with several landlords, including a deposit on electric accounts which intent is to slow down the ever increasing unpaid delinquent accounts. The balance of unpaid accounts continues to escalade and Mr. Medlarz hopes this deposit will deter customers from walking away owing the city money.

The city manager also pointed out that all classifications will now fall under the disconnect policy, regardless of whether it is a residential, customer or industrial customer. Council agreed at the workshop this should apply across the board.

When asked if council had questions, Mr. Pikus expressed concern about how this new tier in the residential classification could impact some of our residents. He asked how much electricity a resident would use before they are moved up to the next tier. Mr. Medlarz said over 2,500 kilowatt hours which is a substantial amount for a residential customer. Mr. Pikus expressed concern about how much that would increase that resident's bill and asked for a dollar amount. Mr. Medlarz said that would depend on how much they use. If they only use a few more kilowatt hours it would be very minor. An additional 2,500 kilowatt hours would increase their bill by another $10.

Mr. Morrow asked the city manager how many residential accounts this would affect. Mr. Medlarz said potentially thirty to forty accounts. Mr. Grier feels that is very few accounts considering the number of customers we have. He said it will most likely only impact very large homes. Mr. Medlarz agreed this would affect a larger home where more than 2,500 kilowatts is used. He pointed out that is a good number of kilowatts compared to an average home in Milford.

No other questions were asked of council.

Mayor Shupe opened the floor to the public to comment on this matter; no one responded. The mayor closed the public comment segment.

Mr. Grier moved to adopt Ordinance 2015-10 which amends the City of Milford Electric Tariff/Rules and Regulations, seconded by Mr. Burk:

Whereas, the City Manager, together with the Customer Service and Electric Department representatives, have recommended an amendment to the City of Milford Code, Appendix B Electric Tariff–Rules and Regulations; and

Whereas, the City Manager has submitted the amended code to City Council for consideration and approval; and

Whereas, the City Council of the City of Milford is in agreement there is a need to update the City Electric Rules and Regulations in order to maintain high standards.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.
An Ordinance to Amend the Code of the City of Milford, Appendix B, Electric Tariff--Rules and Regulations, that establishes Electric Standards and Rates for the City of Milford.

Section 2.
Appendix B, Electric Tariff–Rules and Regulations, of the City of Milford Code is hereby repealed and a new Appendix B established by inserting the following in lieu thereof:

Section 3.
Appendix B is hereby entitled Electric Rules and Regulations.

Section 4.
Appendix B hereby contains the following Sections, Classifications and Appendices:
Section 1 - General Conditions
Section 2 - Definitions
Section 3 - Application and Contract for Service
Section 4 - Customer Advance Usage Fees and Deposits
Section 5 - Payment Terms
Section 6 - Administration of Service Classification
Section 7 - Customer's Installation
Section 8 - Secondary Services and Transformer Installations
Section 9 - Meter Installations
Section 10 - Adjustment of Charges
Section 11 - Continuity of Service by City
Section 12 - Customer's Use of Service
Section 13 - Defects in Customer's Installation
Section 14 - Access to Premises
Section 15 - Tampering with City's Property
Section 16 - City's Right to Discontinue Service
Section 17 - Discontinuance of Service by Customer
Section 18 - Primary Extensions
Section 19 - Purchase Power Cost Adjustment (PPCA)
Section 20 - General Cost Adjustment
Section 21 - Delaware Public Utility Tax
Section 22 - Green/Renewable Energy Fund Program
Section 23 - Aggregation of Retail Customer Demand Response
Section 24 - Fee Schedule

Service Classifications
Appendix 1 - Fee Schedule
Appendix 2 - Worksheets
Appendix 3 - VGRE Application

Section 5.
Dates.
Adoption 06-22-2015
Effective 07-02-2015

Motion carried with no one opposed.

Amending 2008 City of Milford Comprehensive Plan/Masten and Mow Change of Zone Adoption/Ordinance 2015-11

Mr. Medlarz explained that he had started this process just before Mr. Pierce was hired. Since that time, they have taken the matter through the PLUS process and the planning commission process.

He referenced two parcels located on Lakeview Avenue that are improved with medical offices. They are currently zoned residential but the "legal nonconforming" use has existed for decades. They are located directly across from the LD Caulk manufacturing facility. The ordinance will amend the future land use map in our comp plan by changing the zone from the current R-1 to OB-1, ultimately bringing the parcels into compliance with the City Zoning Code.

This request was reviewed at the Office of State Planning May PLUS meeting. The City received approval from OSPC on June 19, 2015.

The planning commission recommended approval at its meeting on Tuesday, June 16, 2015.

Mr. Brooks recalled when he met with former City Manager Carmean and Dr. Mow more than a year ago. He is pleased this is finally being addressed.

Mayor Shupe opened the floor to the public to comment on this matter. No one responded and the mayor closed the public comment segment.

Mr. Pikus moved to adopt Ordinance 2015-11, amending the 2008 Comprehensive Plan Future Land Use Maps, seconded by Ms. Wilson:

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702 - Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2011-15, a Comprehensive Plan update, on July 11, 2011 to include the addition and implementation of the Southeast Master Plan, and

WHEREAS, the City of Milford adopted Ordinance 2015-06, a Comprehensive Plan Amendment, on July 27, 201 5, to amend the Southeast Master Plan, and

WHEREAS, the Comprehensive Plan requires an amendment to the Future Land Use Map (map 14) in order to bring parcels into compliance with the Code of the City of Milford, Chapter 230: Zoning; and

WHEREAS, the City of Milford City Manager and Planning and Economic Development Coordinator have prepared and consulted with the Office of State Planning an amendment to the 2008 Comprehensive Plan which will permit the future land use designation as Employment; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the 2008 Comprehensive Plan amendment on June 16, 2015 and did recommend approval and adoption of the amendment of the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advenised public hearing on the amendment of the 2008 Comprehensive Plan on June 22,2015 at which time the amendment of the 2008 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2008 Comprehensive Plan is hereby adopted on June 22,2015 and made effective as the amended 2008 Comprehensive Plan for Milford on this 22nd day of July 2015.

Effective Date: July 2, 2015

Motion carried with no one opposed.

Change of Zone - POSTPONED
Dr. Edwin M. Mow - Adoption/Ordinance 2015-08

Change of Zone - POSTPONED
Masten Medical LLC - Adoption/Ordinance 2015-09

City Manager Medlarz explained that the two postponed ordinances relate to the previous ordinance which allows the change of zone at both properties.

City Solicitor Rutt informed council that state law is very clear that when an application for a change of zone is submitted, the applicant must be present, a public hearing held and a record made of the proceedings. At the planning commission meeting, neither applicant was present though it appeared to have been the result of some miscommunication.

Mr. Rutt informed the planning commission they were unable to act on application. A public record is required which involves the applicant. That is the reason the solicitor had them postpone both applications.

With no further business, Mayor Shupe adjourned the Public Hearings at 7:15 p.m.

Respectfully submitted,

Terri K. Hudson

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 22, 2015

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, June 22, 2015.

PRESIDING: Mayor Bryan Shupe

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

City Manager Hans Medlarz, 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 7:15 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Proclamation 2015-17/Milford Community Band/25th Anniversary (Previously Presented)

Mayor Shupe reported that he presented this proclamation to the Community Band at their celebration concert on June 14th:

Whereas, in November 1989, Milford High School Band Director Gerald Thompson suggested that N. Joe Lear start a community band;

Whereas, realizing this was a great idea, Mr. Lear published an invitation in the Milford Chronicle which resulted in numerous responses;

Whereas, in mid-February 1990, sixteen people, ranging in age from their early-twenties to mid-sixties, attended the first rehearsal held in the choir room at Avenue United Methodist Church;

Whereas, on April 10, 1990, the Milford Adult Community Band played their first public performance at the Wesley College Jazz Festival;

Whereas, they renamed themselves the Milford Community Band when younger musicians, including middle school, high school and college students, became members;

Whereas, in 2005, Milford Community Band became a tenant of the Milford Kiwanis Club and when the club disbanded, the building became their permanent home when it was purchased by the band in 2008;

Whereas, the Milford Community Band has performed in Wilmington, Dover, Dover Air Force Base, Greenwood, Lewes, Bethany Beach and Rehoboth Beach and most impressively in Washington DC at the Presidents Park, Lincoln Memorial, Washington Capitol, Armed Forces Retirement Home, Union Station and the World War II Memorial;

Whereas, the Milford Community Band has several small ensembles including the Smooth Sound Dance Band, Downtown Dixieland Band, Happy Wanderers Oompah Band, Christmas Carol Band, Mid-Del Sax Quartet, and the Kettle Jammers;

Whereas, the Milford Community Band, has served the City of Milford by performing at numerous community events and taking the initiative to prepare special concerts solely for the enjoyment of the Milford public since formed in 1990;

Whereas, the band is a volunteer organization composed of selfless, dedicated and talented musicians whose collaborative efforts provide enjoyment and promote pride through the tradition of band music;

Whereas, original members Margie Newnom, Bill Mayhew, Tony Perrone and N. Joe Lear personify the volunteer spirit of the Milford Community having each contributed twenty-five years of service.

Now, Therefore, Be it Resolved, in recognition of your commitment to enrich the quality of life of our residents, I, Bryan W. Shupe, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby recognize, acknowledge, commend and applaud the MILFORD COMMUNITY BAND on the occasion of their 25th Anniversary as they celebrate with a concert at Milford High School Auditorium on this 14th day of June 2015, and further proclaim July 14 to July 15, 2015 as Milford Community Band Days in the City of Milford.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Milford, in the State of Delaware to be affixed this Eighth day of June in the Year of our Lord Two Thousand and Fifteen.

s/Mayor Bryan Shupe

EXECUTIVE SESSION

Mr. Burk moved to go into Executive Session reference below reasons, seconded by Mr. Grier:

Executive Session-Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Milford Police SRO Agreement & Employee Issue)

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:19 p.m. for the purpose of an Executive Session as permitted by Delaware's Freedom of Information Act.

RETURN TO OPEN SESSION

City Council returned to Open Session at 7:31 p.m.

Milford Police SRO Agreement

Mr. Grier moved to postpone action on the SRO agreement, seconded by Ms. Wilson. Motion carried.

COMMUNICATIONS

Included in packet.

UNFINISHED BUSINESS

Adoption/Resolution 2015-07/DFIT Membership/Reappointing Representatives

Mayor Shupe reported that this resolution was adopted at the previous council meeting, but due to recent changes in our staff, the trust representatives from the city are being changed.

Mr. Burk moved to adopt the following resolution, seconded by Mr. Starling:

DELEA FOUNDERS INSURANCE TRUST RESOLUTION TO JOIN TRUST
THIS RESOLUTION SUPERSEDES RESOLUTION 2015-06 ADOPTED 06-08-2015

WHEREAS, a number of local units have joined together to form the DeLea Founders Insurance Fund ("TRUST"), a joint insurance fund, as permitted by 18 Del.C. §401, et seq.; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the City of Milford ("LOCAL UNIT") has determined that membership in the TRUST is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the TRUST effective July 1, 2015; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non- payment of insurance premiums for at least seven (7) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City of Milford does hereby agree to join the DeLea Founders Insurance Fund subject only to the right of approval of the LOCAL UNIT's initial assessment when the same is received from the TRUST following processing of the applications; and

BE IT FURTHER RESOLVED that the LOCAL UNIT is applying to the FUND for Workers' Compensation coverage;

BE IT FURTHER RESOLVED that Human Resource Manager Lisa Carmean is hereby appointed as the LOCAL UNIT's Trust Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT;

BE IT FURTHER RESOLVED that Payroll Administrator Donna Pyne is hereby appointed as the Alternate Trust Commissioner for the LOCAL UNIT;

AND BE IT FURTHER RESOLVED that the LOCAL UNIT's Trust Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the TRUST as required by the TRUST'S Bylaws and to deliver same to the Administrator of the TRUST with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the TRUST following approval of the TRUST by the Delaware Department of Insurance.

s/Mayor Bryan Shupe

Motion carried.

NEW BUSINESS

Introduction/Ordinance 2015-06/Amending 2008 Comprehensive Plan/SE Master Plan

City Manager Medlarz introduced the following ordinance adding this will allow the land use change for the Bayhealth Employment Center:

BY ORDINANCE THE SOUTHEAST MASTER PLAN
INCLUDED IN THE 2008 CITY OF MILFORD COMPREHENSIVE PLAN

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership,

of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Muncipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted via Ordinance 2011-15 a Comprehensive Plan update on July 11, 2011 to include the addition and implementation of the Southeast Master Plan, and

WHEREAS, the Southeast Master Plan requires revisions to account for physical changes and potential development in the Southeast Planning Area which have occurred in both the built and natural environments of the community; and

WHEREAS, the City of Milford City Manager has prepared and consulted with the Office of State Planning an amendment of the Southeast Master Plan to articulate an amended the overall vision for the Southeast Planning neighborhood's future; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the Southeast Master Plan amendment on June 16, 2015 and did recommend approval and adoption of the amendment of the Southeast Master Plan included in the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the amendment of the Southeast Milford Master Plan included in the 2008 Comprehensive Plan on July 27, 2015 at which time the amendment of the Southeast Master Plan included in the 2008 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended Southeast Master Plan included in the 2008 Comprehensive Plan is hereby adopted on July 27, 2015 and made effective as the Southeast Master Plan included in the Comprehensive Plan for Milford on this 6th day of August 2015.

Planning and Economic Activities Coordinator Rob Pierce reported this is a proposed amendment to the Southeast Neighborhood Master Plan, Future Land Use and Text. This amendment changes specific parcels west of Route 1 from commercial and residential future land use to employment center future land use. This allows the construction of the new medical campus.

In addition, the approved and recorded Wickersham Subdivision can be changed from residential low density to residential high density. Wickersham is a townhouse community to be built with approximately five dwelling units per acre. A portion of the parcel north of Wickersham has changed from commercial to residential high density as well. This area will most likely need to gain access through the Wickersham Development. Therefore, a residential land use is more compatible.

The text of the plan will also change the definition of residential high density. The previous definition had limited this land use category for only two subdivisions. Wickersham is the third subdivision so the definition will be changed to remove the limitation and specific number.

This request was reviewed by the Office of State Planning Coordination during their February PLUS meeting. Approval was received on April 23, 2015.

The City Planning Commission recommended approval on June 16, 2015.

Mr. Mergner asked if this allows the change to townhouses in this area; Mr. Medlarz answered yes though that was already an approved subdivision even though our future land use did not reflect that. Changes are being made to the master plan that will align with what council already approved.

Requests for Multi-Day Park Rentals/Potential P&R Code Amendment
21st Annual Take it to the Street Event-July 17-19, 2015
Community/Church Open Tent Revival-Aug 11-13, 2015

Mayor Shupe advised these two multiple day event requests were received by Parks and Recreation. The Annual Take it

to the Street Event is a recurring event in the Banneker School area for twenty plus years.

The second request is for an Open Tent Revival at Memorial Park that begins on Friday and ends on Sunday.

The current parks and recreation ordinance is silent when it comes to multi-day events so the City Manager recommended the matter be brought before city council for some direction.

Mr. Starling expressed some concern about why the Take it to the Street event has to come before council considering it has been a community event for many years.

He feels its benefits the city and in particular the children in this community. He said this is an excellent program that gives the children something constructive to do in the summer. These are the type events that take them away from negative situations they could otherwise become involved in.

Mr. Starling encourages these type activities and if they are not permitted, we have the potential to see a lot more problems.

Mr. Pikus confirmed this is an annual event; Mr. Starling said for more than twenty years. Mr. Pikus asked why there is a problem all of a sudden.

City Manager Medlarz explained the authorization to use these parks only addresses one day events. He explained that Mr. Dennehy asked him for some guidance. Mr. Medlarz informed him the ordinance states the parks and recreation director only has the authority to approve a one day event.

Mr. Medlarz confirmed that he spoke with Mr. Dennehy. Mr. Medlarz said Mr. Dennehy was unaware of the Banneker event. They discussed only the tent revival event and not the Banneker event. The city clerk advised that she had received e-mails from the parks and recreation staff requesting council review. That decision was based on Mr. Medlarz' recommendation on the tent revival event.

City Solicitor Rutt advised that the problem is the length of time for which an event can be approved and multi-day events are not addressed in the ordinance. The issue is whether to amend the parks and recreation rental rules and regulations to permit multi-day events.

Mr. Mergner agreed adding that no one is saying no to either event.

Mr. Medlarz reiterated that the question before council is whether council should approve multi-day events or give that authority to the parks and recreation director.

Ms. Wilson asked council to first address the Take it to the Street event sponsored by Jonathan Dukes and his ministry. She explained this is an outreach program that is geared toward building a bridge between the community and the church. This has occurred for over twenty years and there should be no problem.

Mayor Shupe agrees and added that council only needs to decide whether multi-day events should come before this body for approval or does council want to give parks and recreation the authority to approve.

Mr. Brooks said if they have had this event on multiple days in the past, there should not be a question. It should be allowed.

The City Manager explained that the parks and recreation director brought the tent revival to him and asked if it can be approved. Mr. Medlarz reviewed the ordinance which only permits one day events. He told him it needs to be brought before council to either get the authorization for any multi-day event or authorize him to approve them.

Ms. Wilson pointed out that in the past, multiple-day events were approved without council approval. In her opinion, as long as the parks and recreation director is comfortable with the event, she would give him that authority.

Mr. Medlarz said council can grant the authority to parks and recreation to approve multiple day events. They can even put a cap on it because we do not want to have someone in our parks for two weeks.

Solicitor Rutt said that Sussex County had a similar problem with multi-day events. County Council allowed the planning director to grant permits up to three days. Anything beyond that has to be approved by the county council. He agrees with Mr. Medlarz that a reasonable cap should be added.

Mr. Grier moved to allow the parks and recreation director to approve multiple day events, up to three days; and anything over three days must be authorized by city council, seconded by Mr. Starling. Motion carried.

Mr. Medlarz announced that Mr. Dennehy can work with the applicant tomorrow on the approval.

Ms. Starling and Ms. Wilson both agreed that Mr. Dennehy should handle these applications.

City Manager FY 2015-2016 Budget Message
City of Milford FY 2015-2016 Budget (Proposed)

City Manager presented the FY 2015-2016 budget totaling $42,950,520. It is a slight increase over last year though it is balanced with the electric fund transfer. He then reviewed the following report:

Honorable Mayor and Honorable Member s of City Council:

I am pleased to present you with the Fiscal Year 2015-2016 Budget for the City of Milford. This budget covers the General Fund and various Enterprise Funds for the time period of July 1, 2015 through June 30, 2016 totaling $42,950,520.

The general fund is balanced with a $2,500,000 transfer from the Electric Fund in accordance with the Memorandum between the City and the Governors Office. In addition, $500,000 is transferred from Realty Transfer Tax Funds for public safety purposes. This constitutes the seventh year of Realty Transfer Tax Fund transfers exceeding collection during the previous fiscal year continuing the structural deficit spending in the City's General Fund.

This document serves a number of purposes for the City. First, the budget provides the citizens of Milford with information regarding the operations of the City government and details on how public funds will be utilized throughout the community. Second, the annual budget is used as a managerial tool by the City Manager and the City's department heads. The annual spending plan not only services as a monitoring tool of revenues and expenses for the various departments, but also as a means of evaluation to ensure public resources are used in the most effective and efficient manner.

BUDGET OVERVIEW

The FY 2015-16 budget constitutes an increase of $1,593,545 or 3.85% over the previous year. It is important to recognize a significant amount of this increase is a result of projected cost increases for purchased power. The property tax rate remains unchanged at $0.46 per $100.00 of assessed value. The individual budget increases/decrease for each fund are as follows:

	Increase Over FY14-15	% Increase
General Fund	*$252,850*	*2.94%*
Water Fund	*$1,180*	*9.76%*
Sewer Fund	*($343,360)*	*(7.89%)*
Sanitation Fund	*$23,310*	*2.14%*
Electric Fund	*$1,402,815*	*5.69%*

**Water & Sewer rates will remain at their current levels for all rate classifications.*

***Solid waste rates will be increased by $0.50 per account per months for the Fiscal Year 2015-2016 and are projected to increase by the same amount for the following two (2) fiscal years.*

****Electric rates will remain at their current levels for all commercial rate classes. A new rate teir was introduced for the residential rate class charging customers the same rate as small commercial accounts for usage over 2500 kWh per month.*

The budget includes no new positions for FY 2015-16; however, a small number of funded vacancies exist throughout the departments as depicted on the organizational charts presented during the budget meetings. The FY 2015-16 budget includes an overall 2% pay increase for all employees off the respective position's midpoint. The City has a collective bargaining agreement with sworn police officers up to and including the rank of Sergeant which expired June 30, 2014. The City continues the renewal process through the Teamsters Union representing employees of the Police Department covered under the Collective Bargaining Agreement. No funds have been budgeted to cover any monetary obligation beyond the above mentioned 2% pay increase.

The budget also reflects an approximate 17% increase in health insurance premiums. We were able to partially offset this fiscal impact by switching liability insurance carriers and joining the DELEA Founders Insurance Trust for the City's worker's compensation coverage providing a trust backed self-insurance arrangement.

SUMMARY

As you are aware, the City is not immune from the economic conditions affecting all facets out of its operations. It is and will continue to be extremely important that the City continue to adhere to sound financial policies and practices. The current fiscal condition of the City is strong; however, personnel decisions with long reaching consequences need to be carefully evaluated in order to maintain the City's fiscal strength.

I would like to extend my appreciation to each of you as elected officials and all department heads for their efforts in the preparation of this document. Specifically, I would like to express a thank you for the efforts of the Chairman of the Finance Committee and the Finance Director who were instrumental in the development of the budget.

Mr. Pikus moved for approval of the FY 2015-2016 Budget as is being presented tonight, seconded by Mr. Morrow. Motion carried with Mr. Brooks abstaining from approving the police department budget though he approves all other departments.

Adoption/Resolution 2015-07/City of Milford FY 2015-2016 Budget & Five-Year Capital Budget

Mr. Pikus moved to adopt Resolution 2015-07, seconded by Mr. Grier:

ADOPTING THE CITY OF MILFORD
FISCAL YEAR 2015-2016 BUDGET & CAPITAL PROGRAM

WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2015-2016 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 9, 2015 and June 10, 2015; 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, 2015 and ending June 30, 2016.

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 2015-2016 in the following amounts:

Operations and Maintenance - $39,054,600

Debt Service - $1,898,105
Capital Program - $1,997,815
Total Expenditures - $42,950,520

A copy of said budget, is on file in the Office of the City Clerk, as was adopted by majority vote of Milford City Council on the 22nd day of June 2015.

Motion carried.

June 2015 City Manager's Supplemental Report

Mr. Medlarz stated that in light of the fact that city council accepted his resignation and his last day will be June 30th, he has prepared a fairly detailed 'state of the city address' that addresses the various issues over the past few months and his recommended contacts after his departure. He said these are only recommendations and council has the authority to allow other staff members handle them.

The City Manager will be meeting with these employees over the next several days to review these items.

*Continue vetting potential commercial projects with educational and/or community functions for funding through USDA, Rural Economic Development Loan and Grant (REDLG) funding.
Lead Contacts: Mayor and City Planner

Mr. Medlarz said that the mayor and he have been trying to evaluate potential commercial projects for this funding. Four potential candidates have been evaluated though none have been successful at this point. The city is eligible because we are an electric utility and have ongoing USDA agreements.

Mayor Shupe said he looks forward to working with the Economic Development Committee to try and bring in more businesses. He feels this is a great program the city can take advantage of with the help of Economic Development Chairman Grier and Economic Development Coordinator Rob Pierce.

*Move overall five-year comprehensive plan update forward towards re-certification by the Governor's Office.
Lead Contact: City Planner

*Guide six (6) parcels through a 2008 Comprehensive Plan, Future Land Use Map Amendment beginning with the State PLUS and subsequently the city ordinance process for the rezoning.
Lead Contacts: City Planner & City Clerk

Mr. Medlarz recalled several map amendments that are currently making their way through the State of Delaware process. However, the overall Comprehensive Plan is a separate matter. This is addressing the inconsistencies in the maps and zonings and should have been addressed two years ago. Mr. Pierce has been working with the City Clerk to get these matters scheduled.

*Continue the four-way public works agreement effort for the southeast sewer utility expansion.
Lead Contacts: City Engineer (DBF) & City Planner

Mr. Medlarz has passed this information onto our solicitor and provided a template used by Kent County for public works agreements. He has a meeting Thursday to get input from the four parties to ensure everything is falling into place.

*Implement individual utility agreements with Bayhealth for the southeast extension of electric and water distribution to the health campus.
Lead Contacts: Electric Superintendent, City Engineer (DBF) & City Planner

The City Manager explained this is a bilateral issue directly associated with Bayhealth and involves electric extension to

the campus. Electric Superintendent Rick Carmean and he have been working on this extension. DBF and the City Planner have also been involved.

*Conclude the lot line adjustment and the Board of Adjustment process prior to the potential land sale/exchange with First State Manufacturing.
Lead Contacts: Interim City Manager and City Planner

The City Planner provided Dave Hitchens with the steps that are needed to make this legal. Currently they want to create a non-conforming parcel which will eventually end up before council. In the meantime, the City Planner can work on this with the assistance of the City Solicitor.

*Settle outstanding legal issues with regards to the Watergate subdivision and the adjoining party and their respective legal counsels.
Lead Contacts: City Solicitor, interim City Manager & City Planner

Mr. Medlarz has checked again with the Watergate attorney and it appears they are close to reaching a conclusion.

*Revise Watergate subdivision lot and alley layout to accommodate rerouted sewer force main.
Lead Contacts: City Engineer (DBF) & City Planner

The rerouting of the utility created a change in the lot layout as well as several alleys that have to be moved. This is a project that the City Engineer and City Planner need to continue working on.

*Continue discussions with the owners of the RiverWalk Villas with regards to development of a potential public private partnership.
Lead Contacts: Interim City Manager, P&R Director and City Planner

Mr. Medlarz and City Solicitor Rutt had several discussions with the owner of the RiverWalk Villas with regard to a partnership. This will continue to be pursued and needs the support of the parks and recreation department.

*Conclude the request for proposal process for a central phone system. Met with three potential vendors (VoiceNet Communications, Inc., Martel, Inc. and UnderCom, Inc.) and discussed the basic scope and solicited unique, City specific solution proposals. Team can conclude the evaluation and present a recommendation to Council for review and approval.
Lead Contacts: Interim City Manager, City Clerk & Electric Superintendent (technical evaluation)

Superintendent Rick Carmean and the City Manager have met with all three potential phone vendors and each was asked to submit proposals which would be evaluated with a recommendation made to council.

If council has no intention of implementing a central phone system, the three vendors should be informed because of the time they have invested.

*Continue exploring advanced metering infrastructure (AMI) for automated, two-way communication between smart utility meters with IP addresses and the City Electric Department expanded SCADA. The goal of an AMI is to provide real-time data about power consumption and allow customers to make informed choices about energy usage. We were pursuing AMI options through DEMEC or American Municipal
Lead Contacts: Interim City Manager & Electric Superintendent

Electric Superintendent Carmean and the City Manager attended several AMI presentations with DEMEC through American Municipal Power to determine how to tie into Milford's system. This can be pursued through DEMEC or American Municipal Power.

Mr. Medlarz explained this is the next generation of metering and would provide a lot of opportunities to guide the city's electric grid.

Develop BayHealth campus power back-up component via a jointly funded power generation project between BayHealth and the city or alternatively three-way agreement with DEMEC is possible.
Lead Contacts: Electric Superintendent, City Planner & City Engineer (Electrical)

The City Manager said this provides the city a huge opportunity to control its production behind the meter (within the DEMEC territory). He encouraged council to proceed with this adding that BayHealth remains very interested. The Electric Superintendent and City Electrical Engineer in North Carolina must stay on top of this issue.

*Set up better inspection procedures for future CDBG projects in the City of Milford.
Lead Contacts: City Planner & City Building Inspector

Mr. Medlarz, along with Ms. Wilson and Mr. Starling, feel the city needs to be much more involved in the CDBG projects. We need to be more vigilant and play a much bigger role in the process.

*Conclude negotiations with DelDOT regarding City of Milford directional gateway signs. Some progress has been made in working with Central District. The sign could be installed in the ROW and the dimensions and placement of that sign would have to follow the MUTCD and be approved by DelDOT Traffic Division. The Traffic Engineer has not been contacted. However, I believe a sign can be approved in conjunction with smaller trailblazer signs guiding people to the Riverwalk as long as it falls within the standards for attraction signs.
Lead Contacts: City Planner & Interim City Manager

The City Manager stated that he has worked behind the scenes with his contact at DelDOT. He has kept the mayor updated on this project and feels the city will have new directional gateway signs. He said the process is very difficult because we are dealing with an interwoven, responsible agency.

Mr. Medlarz believes that it will be going to the Traffic Engineer. He has briefed the Traffic Engineer and had some assistance from the Central District Engineer.

He said the city also has the opportunity to get some trail blazer signs that will guide people to the riverwalk as long as it falls within the guidelines of DelDOT. In addition to the gateway signs which would state 'next exit-Riverwalk/Historic Downtown' we would also have trail blazers for even more guidance.

*Set up requests for proposal for Customer Service Center ATM once PNC's exclusive service period expires.
Lead Contacts: Interim City Manager & Customer Service Manager

The 90-day deadline for PNC will expire in late July. Mr. Medlarz has been approached by one banker with very solid interest and one other that expressed interest. The customer service manager and interim manager will keep this project moving forward and the result will be an ATM in the downtown area.

*Administer Fisher Avenue Pump Station Repair approach utilizing Council approved Kent County on-call approach and previously issued purchase orders.
Lead Contacts: General Public Works Superintendent & City Planner

Mr. Medlarz wishes he had this project further along. He recalled council when council approved the Kent County on-call contract. The new pumps should be arriving in approximately two months. It is not something immediate though we need to be ready to have them installed when they arrive.

*Amend City of Milford Personnel Policy Code Chapter 55 updating the travel section and adding a training section.
Lead Contacts: Interim City Manager, City Clerk & HR Manager

This is a reminder that the entire Personnel Ordinance needs to be updated. He pointed out that nothing has been done since 1992.

*Develop lease agreement including pricing model with Broad Valley Broadband for city dark fiber.
Lead Contacts: City Solicitor, interim City Manager & Electric Superintendent

Superintendent Rick Carmean and he have discussed dark fiber with Broad Valley Broadband. This is releasing dark fiber and new ground for the city. However, it is a great opportunity for the city and needs to be pursued.

*Amend the Washington tower lease agreement with AT&T or accept lease purchase offer in the amount of $161,600.00.
Lead Contacts: City Solicitor & interim City Manager

This lease needs to be wrapped up. He has it up to $161,600 after some negotiating. He will brief City Solicitor Rutt on the progress and recommend where the city should go.

*Conclude the borrowing from the Community Cemetery Trust Fund administered by PNC-Trust Section for design and construction of the cemetery roadway expansion.
Lead Contacts: Interim City Manager & P&R Director

The city manager said we want to expand beyond our initial plans and the cemetery board is aware of it. He has been in touch with the PNC trust department who requested additional information. That was provided and he is relatively hopeful they will give the city the go-ahead to borrow the money.

He hopes to have an answer by the July 8th cemetery meeting. Mr. Dennehy will handle this for the city.

*Form an alliance with the Partnership for the Delaware Estuary, a nonprofit organization in protecting and enhancing the Mispillion River section around Goat Island included in the FY 15-16 Budget.
Lead Contacts: Interim City Manager, P&R Director and City Planner

He recommends Mr. Dennehy work on this and Mr. Pierce will assist.

*Conclude the DelDOT Community Transportation funding requests for the combined Airport Road/Cemetery Expansion project including transfers from the completed N. Washington Street Project. (FY 15/16 phase covers west bound lane from WalMart entrance to Bowman Road).
Lead Contacts: Interim City Manager & City Engineer (DBF)

According to Mr. Medlarz, the budget document includes a $275,000 estimate for improvements to the west bound lane between the WalMart entrance and Bowman Road.

On July 1st, the Interim City Manager needs to contact our legislators to request funding for the Airport Road project. Council will need to determine how to pay the balance of the funding. He expects the state wage rate perimeters may also change which could affect this. Council will need to decide if it is worth using legislative monies or other funding sources.

*Conclude the Hearthstone Manor value engineering process and recordation of the remaining phases.
Lead Contacts: Interim City Manager, City Planner & City Engineer (DBF)

Mr. Medlarz recalled council approving the value engineering which has been very successful. They have found a number of savings which will result in long-term savings for the city because we will not have to maintain nearly as much infrastructure.

There is also an immediate savings to Mr. Fannin and Hearthstone Manor. Mr. Fannin informed Mr. Medlarz this morning that he would have an answer in the very near future if these are accepted.

He expects council will see the remaining phases and recordation as a result.

*Require the owner/developer of West Shores at Milford to construct the sanitary sewer gravity interceptor through

Hearthstone to the northern gravity connection point per easement agreement dated January 28, 2013. If the owner/developer is unable to perform the work, city council may vote to include this Work in the S.E. Sewer Area construction project scope and reclaim the construction costs, plus admin and interest, by imposing an Aid-In-Construction (AIC) fee on each lot in West Shores.
Lead Contacts: Interim City Manager, City Planner & City Engineer (DBF)

The City Manager said this has been lingering for many years. The approved easement agreement actually had the construction of the sanitary work through the Hearthstone portion. This should have been started and because it has not, we are behind schedule. He recommends we proceed as soon as possible per the executed agreement.

*Initiate safety improvements to the existing swale system in Hearthstone Manor at the individual driveway crossings in the form of expanded shoulders.
Lead Contacts: Interim City Manager, City Planner & City Engineer (DBF)

Mr. Medlarz noted there are still swale issues in Hearthstone which he advised Hearthstone Representative Kevin Harding. Mr. Harding said he would look into it and get back with the city. He said there are some safety issues at the driveways that the Engineer and Planner will continue working on with the developer.

*Develop a City of Milford Water (water/sewer) Asset Management Program with the help of a $160,000 grant approved by the State's Water Infrastructure Advisory Council on June 17th.
Lead Contacts: General Public Works Superintendent & City Planner

The asset management grant was approved to assist with the management of our infrastructure. The Public Works Superintendent and Planner would be the most logical ones to work on this. It gives relief to the water, wastewater and electric funds in terms of immediate purchases.

*Develop lease agreement with Verizon for the S.E. Milford Water tower.
Lead Contacts: Interim City Manager & City Engineer (DBF)

The City Manager met with Verizon representatives last Friday. He expects this to occur though in the meantime a few small change orders were needed to accommodate the wiring on the new tower.

A new agreement should be forthcoming which will set the city up for the next twenty to thirty years.

Sprint is still talking with the city though they are somewhat more reluctant.

Mr. Medlarz recommends council appoint Electric Superintendent Rick Carmean as the primary DEMEC board memberdue his technical expertise and long-standing attendance of DEMEC board meetings and training functions. He currently serves as the alternate director. The future City Manager can function as the alternate appointee.

He also recommends City Planner Rob Pierce be appointed the City of Milford member to the Metropolitan Planning Organization's Technical Advisory Committee. Mr. Pierce should also be appointed as the City of Milford member to the Kent County Sewer Advisory Board.

Mr. Medlarz said these appointments will have to be made to prevent having a void.

He said he forgot to add the use of the armory and thanked Ms. Wilson and Mr. Starling for reminding him. He said if we do not start using the armory, some of the opportunities may slip away.

He concluded by referenced the easement settlement issue and the collective bargaining item that were not on the list because they are executive session matters.

Mr. Medlarz thanked council for giving him the time to update them.

Mayor Shupe stated for that record, although Mr. Medlarz was officially with the City of Milford as City Manager for a short period of time, his engineering experience, his work with Davis, Bowen and Friedel and Kent County has placed our city on a much more stable foundation for the future. As a city manager, he was able to move forward many credible and needed infrastructure projects which were vital to supporting our residents, businesses and for preparing for future growth.

He said it was an honor to work alongside Mr. Medlarz and learn from him during that time. The mayor wished him the best in his future endeavors.

The mayor then reported that the City of Milford will hold an open process to seek a candidate to fill the City Manager's position. They will start the search process immediately.

Appointment/Interim City Manager

Mr. Pikus said that though he was councils' choice, he was informed today that our finance director was unable to take on the duties of Interim City Manager due to the fact that the auditors will be coming in, the outstanding bonding issue and the budget. Mr. Pikus was very disappointed when he heard this news.

Mr. Pikus then asked Richard Carmean if he would assist on a volunteer basis only. He asked if he would be willing to work with Mr. Portmann and city council on a temporary basis only. Mr. Pikus asked Mr. Carmean if he expected to be paid for his assistance and he agreed he would not.

Mr. Pikus said we have competent supervisors in all our departments and he feels they can do their job until we find a permanent City Manager.

Mr. Morrow asked if we are only talking about the next eight days; Mr. Pikus stated yes.

Mr. Brooks feels there is a need for a public works director to oversee those departments.

Ms. Wilson stated she is also disappointed and pointed out that the best candidate at this point is Mr. Portmann who is declining the position. She cannot agree to just filling the seat to have someone there.

Mayor Shupe feels council really needs to work together on this. They gave Mr. Medlarz two weeks and based on the number of projects he was working on, he asks that council reconsider that time line. He has no problem if Mr. Carmean is available by phone if we have a question. However, he would prefer to have someone here on a daily basis.

Mr. Morrow is uncomfortable extending any time lines.

Council agreed to pursue further conversations with Mr. Portmann.

Mr. Medlarz agrees and asked that council give them an opportunity to talk with him. He can then come back on Monday with a workable solution.

Mr. Morrow feels the most important item right now is to start the search and get that moving.

Mr. Brooks recommends that a notice be prepared announcing the vacancy. Mayor Shupe agreed that can be published through the City Manager's Association. In the meantime, we will contact some professional firms to get proposals to do a city manager search.

Mr. Mergner is concerned with the outstanding projects and the short time Mr. Medlarz has left with the city. He is unsure how we can possibly backfill his position considering the number of projects that he has started. He is concerned how this can be accomplished before June 30th.

A special council meeting was then scheduled for Monday, June 29, 2015.

Mayor Shupe asked the City Solicitor if a selection committee is appointed for the City Manager, does FOIA apply and are the number of council members restricted as a result; Mr. Rutt said that would be considered personnel and not a contract because their would not be discussing an individual's contract.

The solicitor asked if this committee will decide what council is looking for or will the committee actually handle the interviews and make recommendations back to council; he then asked the scope of the committee. Mr. Grier recommends the committee filter the applications down to a select few; that select few would then come before council.

Mr. Rutt said if there is a special committee is appointed to talk about the firm or the qualifications council is looking for, that would not fall under FOIA. But when it comes down to specific candidates, a meeting would need to be posted, after which council would go into executive session. That would be subject to FOIA.

The solicitor then asked council if they feel that having an interim manager is necessary for the public peace, health and safety of the community; Mayor Shupe said yes. Mr. Rutt said if that is the case, an emergency meeting could be held without the seven days advance notice.

Council asked that the City Clerk get back with them with a date.

Mayor Shupe said that by the next council meeting, they will provide the name of the interim manager and how the selection process will be handled so that we can move forward.

ADJOURN

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

Meeting adjourned at 8:48 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 22, 2015

The City Council of the City of Milford met in Workshop Session on Monday, June 22, 2015 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

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

City Manager Hans Medlarz, Police Chief Keith Hudson and City Clerk/ Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe convened the Workshop Session of Council at 8:44 p.m.

City of Milford Code Chapter 55, Personnel Policy, Amendment and Addition of Training Approval
Article VIII. Employee Conduct, Disciplinary Action and Grievance Procedure
Paragraph 875 Travel on Official City Business
New Paragraph 895 Training Approval
Kent County Training Policy/Review

City Manager Medlarz announced that he and the city clerk have worked on this matter together.

He referenced the current city policy which was adopted in 1992:

875 TRAVEL ON OFFICIAL CITY BUSINESS

Whenever you are authorized to travel out of town on official business, the City will allocate you a $40 per diem rate for travel expenses incurred during the trip. In addition, if your trip expenses exceed $40, then you will be reimbursed the extra money upon presentation of receipts involving prior approved travel.

Use of personal vehicles will entail compensation at established rates. If more than one individual is involved, the City encourages the sharing of vehicles to conserve fuel and City funds. If a City vehicle can be used, this is preferred over the use of private vehicles for in-state travel.

Mr. Medlarz said a lot has happened since then and it needs updating. He stated whoever sits in the city manager's seat has to go by this and he probably made some errors going by this because he could not see how we were trying to use this. There is nothing in regard to training approval and only six lines on official business travel.

He asked Ms. Hudson to obtain a copy of the Kent County Policy 6- Expenses and Reimbursement policy though he has no allegiance to what the document says (copy was included in the packet). Mr. Medlarz said he lived by the document for the past thirteen years.

He also referred to Section 2-16 of the Kent County Personnel Policy Manual entitled Staff Development and Training which states as follows:

This Policy establishes a procedure for the review and approval of courses, seminars, classes, workshops, or conferences utilized for staff development and training purposes.

A. County staff members are encouraged to participate in staff development/training opportunities or courses, such as seminars, workshops, conferences, and related activities, in order to enhance their knowledge and improve performance to better serve the citizens of Kent County.

B. Whenever a staff member determines that a particular staff development/training opportunity will be beneficial to the employee and County, a request shall be submitted to the department head for review and consideration for approval. Department head, legal staff, and appointed advisory board, committee or commission member requests must be reviewed for approval by the County Administrator, and, in his or her absence, the Personnel Director, for participation in any training conference/opportunity.

C. Department heads or the County Administrator may approve participation in staff development programs if the training course(s) will improve the employee's knowledge or ability to perform his or her duties and if adequate funds have been budgeted for the proposed course(s).

D. Department heads or the County Administrator may require any or all employees to participate in specified staff development/training programs whenever the employee's performance will be enhanced, to achieve certification or mandated training, for continuing education purposes, or to meet risk management obligations.

E. Upon return from an approved training course(s), the staff member shall submit a report to the approving authority outlining the name of the course(s), date(s) attended, and personal/professional knowledge gained from attendance.

Mr. Medlarz strongly recommends that the city adopt something similar which will benefit both the city and its employees.

The city manager then read portions of the policy.

He recommends Section 875 of the Milford Personnel Policy needs revising; council agreed.

Mr. Burk asked how this is handled currently and whether the request is handled through a form, e-mail request or something similar. Mr. Medlarz said there is nothing required in writing.

Mr. Morrow recommends that Ms. Hudson obtain copies of policies from other towns. Mr. Medlarz agreed that can be done.

Mr. Grier asked why the Human Resources person is not handling this; Mr. Mergner agreed they should be reviewing this with other towns and proposing some options.

Mr. Burk said there are established procedures all over the internet in addition to other towns.

Mr. Medlarz prefers that Sussex County and New Castle Counties be considered. He added that perhaps the City of Dover could be contacted as well.

Mr. Medlarz said he will inform the HR Manager Lisa Carmean and she can report back to council with each county's policy.

With no further business, the Council Workshop concluded at 8:53 p.m.

Respectfully submitted,

Terri K. Hudson

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 29, 2015

A Special Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, June 29, 2015.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, James Burk, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Hans Medlarz and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Special Council Meeting to order at 6:00 p.m.

EXECUTIVE SESSION

Ms. Wilson moved to go into Executive Session reference below reasons, seconded by Mr. Grier:

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation (Union Contract/Collective Bargaining)

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Employee Issue)

Motion carried.

Mayor Shupe recessed the Council Meeting at 6:01 p.m. for the purpose of an Executive Session as permitted by Delaware's Freedom of Information Act.

RETURN TO OPEN SESSION

Council returned to open session at 6:59 p.m.

Mr. Grier moved to reject the union offer presented during mediation, seconded by Mr. Morrow. Motion carried with Mr. Brooks abstaining.

Mr. Grier moved to grant the pay increases in accordance with the expired collective bargaining agreement, seconded by Mr. Morrow. Motion carried with Mr. Brooks abstaining.

Mr. Morrow moved to accept City Manager Medlarz' letter of resignation effective July 1, 2015, seconded by Mr. Mergner. Motion carried with Mr. Brooks abstaining.

Ms. Wilson moved that Finance Director Jeff Portmann be appointed Interim City Manager effective July 1, 2015 with the conditions as agreed to, seconded by Mr. Mergner. Motion carried.

Ms. Wilson moved to approve the proposal submitted by Novak Consulting Group to perform a search for a new city manager, conditioned on the addition of the guarantee, and that the proposal of Municipal Solutions be accepted should Novak Consultants decline, seconded by Mr. Morrow. Motion carried.

Mr. Burk moved to approve the draft of the City Manager Employment description as amended, seconded by Mr. Grier. Motion carried.

Mr. Grier moved for approval of the City Manager Selection Committee consisting of Mayor Shupe, Vice Mayor Morrow, Interim City Manager Portmann and Electric Superintendent Rick Carmean, seconded by Mr. Burk. Motion carried.

Mr. Morrow moved to approve the different areas of responsibility related to Mayor Shupe, City Clerk Hudson and Planning/Zoning and Code Enforcement during the interim period, seconded by Ms. Wilson. Motion carried.

Mayor Shupe then read the following statement into record:

City Manager Hans Medlarz submitted his resignation to the City of Milford last week. City Council accepted his resignation and expressed their appreciation for his service to the City of Milford. Although Mr. Medlarz was Milford's City Manager for a short period of time, his engineering experience and prowess as a partner in Davis, Bowen and Friedel and as the Kent County Public Works Director, put our City on a much more stable foundation for the future. As City Manager, he had the ability to move forward many infrastructure projects that were critical to our residents and business community while preparing the community for future growth. It was an honor to work alongside and learn from Mr. Medlarz and I wish him the best in his future endeavors.

A Cincinnati-based executive search firm has been hired by Milford City Council to assist in recruiting a new City Manager. City Council voted unanimously Monday night to approve a contract with Novak Consulting Group, a public sector specialty firm.

The City of Milford will engage professionals that can help the City grow small business, expand the middle class job market and plan for growth and dependable infrastructure in the years to come. As these commitments continue to be critical to the members of City Council and myself, so are the opportunities for economic development, creation of a strong downtown and the development of future leaders. The City looks forward to engaging a new City Manager and is excited about the opportunities that she or he will provide.

During the interim period, the City's Chief Financial Officer Jeff Portmann will assume the role of Acting City Manager. Mr. Portmann is a CPA with more than twenty-five years' experience as the Finance Director with the City. During his tenure, he has worked with every City department and has an adept understanding of the challenges and opportunities that currently face the City of Milford.

Mr. Portmann has the support of myself, City Council and City Employees in our untiring effort to provide the high quality of service Milford is known for. His experience will help the City in its commitment to our residents, businesses and industries as we build onto what Mr. Medlarz began and chart a new course to move Milford forward. Our work with community partners to facilitate projects and keep programs on schedule will remain a priority.

He asked the media to meet with him following the adjournment for any additional questions.

Having no further business, Ms. Wilson moved to adjourn the Special Council Meeting, seconded by Mr. Morrow. Motion carried.

The meeting adjourned at 7:05 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder