

City of Milford



CITY COUNCIL AGENDA

September 14, 2015 - 7:00 P.M.

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

BOARD OF APPEAL & REVISION HEARING—Canceled

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

September 1, 2015 2nd Ward Council Vacancy/Special Election Report

Swearing In-2nd Ward Councilwoman-Elect Lisa Ingram Peel

Approval of Previous Minutes

Recognition

Proclamation 2015-14/ Declaring September as Myositis Month

Monthly Police Report

City Manager Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

September 1, 2015 \$1.6 Million USDA Sewer Borrowing/Special Election Report
Adoption/Bond Resolution 2015-22/USDA Sewer Borrowing Proposal

New Business

Adoption/Resolution 2015-23/Scheduling Trick or Treat Night

Introduction/Ordinance 2015-12/Key Properties Group/Change of Zone/7254 & 7272 Cedar Neck Road
Introduction/Ordinance 2015-17/Bayhealth Medical Center Inc/Change of Zone/7296 Cedar Neck Road
Introduction/Ordinance 2015-18/Bayhealth Medical Center Inc/Change of Zone
Introduction/Ordinance 2015-19/Country Life Homes Inc/Change of Zone
Introduction/Ordinance 2015-20/Bayhealth Medical Center Inc/Change of Zone
Introduction/Ordinance 2015-21/Key Properties Group/Change of Zone
Adoption/Corrective Resolution 2015-24/Annexation & Municipal Boundary/Kitty Chen/709 North Shore Drive
Adoption/Corrective Resolution 2015-25/Annexation & Municipal Boundary/Pervaiz Gill/706 East Lane
Bid Award/Washington Street Water Treatment Facility Replacement Project/Contract D-Treatment Plant
DBF Contract Cost Adjustment/WTF Construction Administration/Funding Source
FY 2015-2016 Police Department Budget Request/Transfer to Legal Expense Account
Introduction/Ordinance 2015-24/Theft of Electric Services

Monthly Finance Report

Executive Session-

Property Sale/Lease-

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property

Personnel-

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed

Land Purchase

Employment Update

Personnel Matter

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.

071315 081315 082015 082515 090315

City of Milford



PUBLIC NOTICE *City of Milford Property Tax Appeals* ****CANCELED****

Please be advised that on Monday, September 14, 2015 at 7:00 p.m., the City Council of the City of Milford will sit in the Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, as a Board of Revision and Appeal in regard to the 2015-2016 City of Milford General Property Assessment.

Property owners wishing to appeal the value of their property under the 2015-2016 General Assessment must contact Christine Crouch at 302-424-3712 Extension 308 by 4:30 p.m. on Monday, August, 31, 2015.

Copies of the 2015-2016 General Assessment are posted for public information at Milford City Hall, 201 South Walnut Street, Milford, Delaware and the City of Milford Customer Service Center, 119 South Walnut Street, Milford, Delaware.

Issued this 10th day of August 2015 pursuant to Article 7 of the Charter of the City of Milford, Delaware.

s/Jeffrey A. Portmann
Interim City Manager

Posted 081015
Canceled 083115

City of Milford



SPECIAL ELECTION REPORT

September 1, 2015 2nd Ward Election

On behalf of the Board of Elections for the City of Milford, I am reporting the results of the September 1, 2015 Special 2nd Ward Council Election to be as follows:

In the 2nd Ward Race, a total of 219 persons voted, with Lisa Ingram Peel receiving 132 votes and Stephen C. Walter receiving 87 votes. Based on the certification of the City of Milford Board of Elections, Lisa Ingram Peel is hereby declared elected as the 2nd Ward Council Representative, to fill the remaining eight-month term, beginning this date September 14, 2015 and ending May 3, 2016.

Mayor Bryan W. Shupe

City of Milford



PROCLAMATION 2015-21

DECLARING SEPTEMBER AS MYOSITIS MONTH IN THE CITY OF MILFORD

WHEREAS, "Myositis" is a general term describing a number of Idiopathic Inflammatory Myopathies, which are rare diseases and thought to be autoimmune in nature causing muscle weakness, inflammation, pain, skin rashes, lung disease, impairment in swallowing, and fatigue; and

WHEREAS, There is no cure for any form of Myositis and only limited treatment options, which can have life-altering side effects, and due to the rarity of Myositis, there is often a delay in diagnosis or misdiagnosis causing a delay in potentially effective treatments that may lead to permanent muscle loss; and

WHEREAS, Education for patients, caregivers, and healthcare providers is important to the overall health of patients; and

WHEREAS, Myositis can affect both children and adults of all ages with symptoms often developing slowly while often mimicking other less-rare diseases; and

WHEREAS, Myositis affects every aspect of patients' lives including emotional, physical, relationships, and financial, patients deserve emotional support, financial assistance, and understanding; and

WHEREAS, Raising awareness and funding are important factors in advancing research and developing new, less-damaging treatments with the goal of a cure for Myositis; and

WHEREAS, Congress passed a house resolution in 2006 proclaiming September 21st as National Myositis Awareness Day; and

WHEREAS, The City of Milford would like to join Congress and Myositis Support and Understanding Association in raising awareness of Myositis.

NOW THEREFORE, I, Bryan Shupe, Mayor of the City of Milford, do hereby proclaim that September 2015, be observed as Myositis Awareness Month, and call upon all citizens of Delaware to learn about Myositis and advocate for increased funding for research and education programs.

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 Fourteenth day of September in the Year of our Lord Two Thousand and Fifteen.

Mayor Bryan W. Shupe

City Clerk Teresa K. Hudson

Milford Police Department



E. Keith Hudson
Chief of Police



400 N.E. Front Street
Milford, Delaware 19963

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: September 14, 2015

RE: Activity Report/August 2015

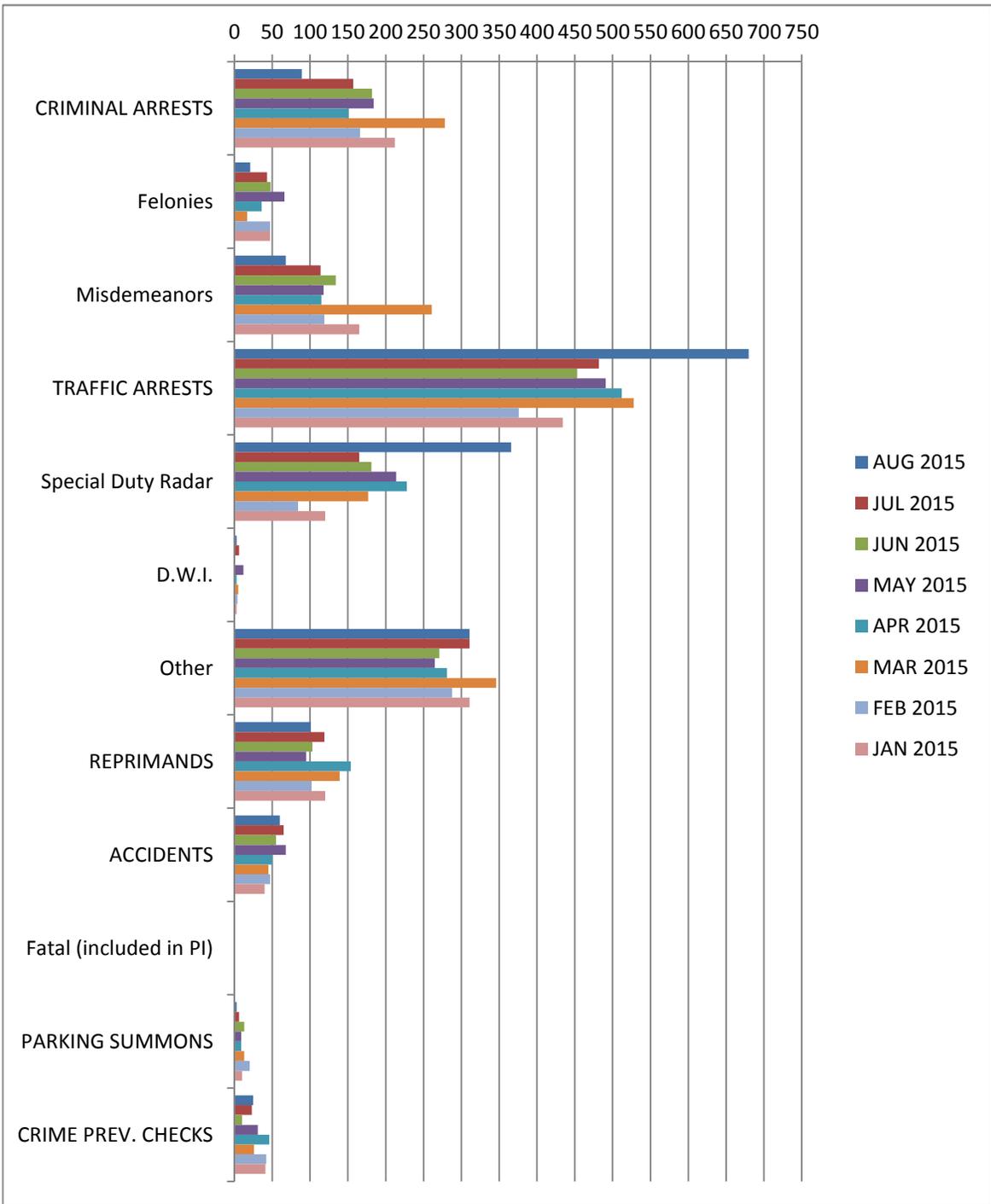
Monthly Stats:

A total of 769 arrests were made by the Milford Police Department during August 2015. Of these arrests, 89 were for criminal offenses and 680 for traffic violations. Criminal offenses consisted of 21 felonies and 68 misdemeanors. Traffic violations consisted of 366 Special Duty Radar, 3 Drunk-Driving charges, and 311 other.

Police officers investigated 60 accidents during the month and issued 101 written reprimands. In addition, they responded to 1199 various complaints including city requests and other agency assistance.

AUG 2015 ACTIVITY REPORT

	AUG 2015	TOTAL 2015	AUG 2014	TOTAL 2014
COMPLAINTS	1199	9661	1280	9657
CRIMINAL ARRESTS	89	1419	182	1393
Felonies	21	325	41	333
Misdemeanors	68	1094	141	1055
TRAFFIC ARRESTS	680	3956	689	4206
Special Duty Radar	366	1535	349	1701
D.W.I.	3	37	6	36
Other	311	2384	334	2471
REPRIMANDS	101	933	140	1127
ACCIDENTS	60	430	47	376
Fatal (included in PI)	0	0	0	1
PARKING SUMMONS	3	83	29	158
CRIME PREV. CHECKS	25	244	79	402
FINES RECEIVED	\$ 10,111.45	\$ 77,458.82	\$ 14,336.26	\$ 87,129.18



Council Update September 2015

Streets

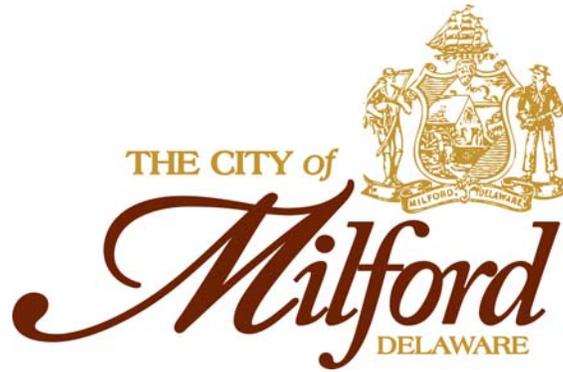
- Catch Basin repairs were made on W. Thrush Dr., crews had to go back and pour concrete to make repairs in two different backyards.
- Catch basin repair on North Street has been completed. To be followed up with blacktop.
- Crews have been out spraying in various areas throughout the city.
- Sidewalk next City Hall (house owned by City) is has been torn up, formed. Crews are waiting on Shea concrete to come and pour.

Solid Waste

- Yard Waste containers have been received at the new storage area being used at the Armory.
- Fall cleanup week will be held the week of October 5-9, residents can put out extra trash/bulk on their regular trash day ONLY.
 - Residents can also put out 3 extra bundles of yard waste out on their scheduled yard waste day. October 7 (Maroon Route) and October 14 (Gold Route).
 - Details of Fall Cleanup is being advertised in the Milford Beacon and on the City website. Information is also being sent out in utility bills.

Water and Wastewater

- Worked at Days Inn Pump Station.
- Rebuilt fire hydrant and serviced hydrants throughout hospital area.
- Water leak repaired on McColley Street.
- Assisted in refurbishing of North Shore Drive Pumping Station.
- Various valves exercised.
- Fire hydrants painted.
- Maintain/Upkeep grass at all Well and Wastewater Stations



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

180 VICKERS DRIVE
MILFORD, DE 19963

www.cityofmilford.com

To: Jeff Portmann, Finance Director
Rick Carmean, Electric Superintendent

From: Jennifer Anderson, Electric Operations Manager

Date: 9/11/2015

Re: August 2015 Work Report

- The Electric Department completed (27) Work Orders/ Trouble Service Calls in August, and has in progress (9) Work Orders still open at the end of the month.

Electric

- 8/3/15 Electric Crew reconnected the Fire Siren on Washington St. Tower.
- 8/4/15 Electric Crew set new lights at Hearthstone in the area of Building 62.
- 8/4/15 Rick met with ESRI in regards to GIS.
- 8/5/15 Gary Johnston changed out a meter pedestal on 6 N. Brandywine Dr.
- 8/6/15 Gary Johnston changed out a meter pedestal on 6 General Torbert Dr.
- 8/7/15 Electric Crew shut off electric in the downtown parks.
- 8/7/15 Rick met with Bayhealth in regards to the S.E. Milford Electric Extension.
- 8/10/15 Crew changed out a pole on Abbotts Pond Rd.
- 8/11/15 ½ of Crew took CPR/First Aid Course.
- 8/12/15 Electric Crew trimmed trees in various areas of City due to recent mild storms.
- 8/13/15 Gary Johnston changed out meter pedestal on 8 N. Brandywine Dr.
- 8/13/15 Crew changed out bad transformer on Drew St.
- 8/17/15 Crew set a transformer at the High School.
- 8/18/15 Luke from Magnum re-installed TurboVu (Desktop Radio) on Jenn and Christie's computers.

- 8/18/15-8/19/15 Crew trimmed trees for routine line maintenance.
- 8/19/15 4:30 p.m. Rick attended PW Meeting.
- 8/20/15 Lulu Ross temporary trailers, crew helped get transformer set.
- 8/21/15 Cedar Beach Chicken Houses (Lynn McColley)-Installed electric service..
- 8/24/15 Crews trimmed trees for routine line maintenance.
- 8/25/15 Rick attended Bayhealth New Hospital Meeting.
- 8/25/15 Crew moved poles from property that was sold next door into the substation and built cradles for the poles to sit on.
- 8/26/15-8/27/15 Continued to move poles from property next door to substation.
- 8/28/15 Sprayed substations for weeds, cut grass at solar field.
- 8/29/15 Finished spraying substations and moving poles.
- 8/31/15 & 9/1/15 Rick, Jenn, and David B. attended a Net Metering Webinar.

Miss Utility Locates

- There were (127) Miss Utility locates completed in August for the Electric and Water Departments.



Milford
Parks & Recreation
Department

MEMO

TO: Mayor and Council

FR: Brad Dennehy
Director of Parks & Recreation

DA: September, 9th, 2015

RE: Monthly update from the Parks and Recreation Department

Mayor and Council,

At your request here are a list of activities over the past month from the Parks & Recreation Department.

- It has been a busy past month in both the parks and cemeteries, in terms of maintenance due to the wet summer. It has only been in the last week or so we have been able to catch up due to the dry spell we have gone through in late August, early September.
- Parks and Rec. assisted MPD with their "Annual Night Out". Parks and Rec. spent some extra time in Bicentennial Park sprucing it up prior to the event, and also provided BBQ grills, trash barrels and bags, and trash removal for the event.
- After I was notified by DNREC that our initial application for improvements at Goat Island (namely the educational pavilion and overlooks) would be eligible for matching funding, I submitted a full detailed application in late August. I will notify you of the results as I receive them.
- The Field Hockey camp originally scheduled for Fair week was postponed and was held in August at the Milford High School turf field, with a good turnout.
- Parks and Recreation oversaw some volunteer hours by the High School Varsity Soccer Team on Goat Island, namely the spreading of wood chips. Wood chips had been donated to Parks and Rec. for Goat Island and members of the soccer team, adult volunteers and

•207 Franklin Street • Milford, Delaware 19963 • Telephone (302) 422-1104 • Fax (302) 422-0409

www.cityofmilford.com



their coach Mr. Todd French spread a considerable amount of wood chips one night by using wheelbarrows and rakes. This was greatly appreciated by the Parks and Rec. Department and we hope to continue this type of community relations. Of note many of the kids who were volunteering were former participants in the Parks and Rec. youth programs, including their coach Mr. Todd French.

- Parks and Rec. also assisted the Boys and Girls club with the first “Arena’s Running of the Goat 5klm”. Part of the course was run on Goat Island and along the Riverwalk and there were over 270 runners. A good portion of these runners had not previously been to Milford, or on the Riverwalk or Goat Island, so it was a good show case of what Milford has to offer. Parks and Rec. assisted namely with course preparation, logistics and Trash detail. All proceeds of the event go to assisting the Milford Boys and Girls Club.
- The Annual Punt, Pass and Kick football was held August 22nd with solid attendance.
- Registrations for Fall programs begin on Saturday, August 15th with a variety of programs offered, including Soccer, Field Hockey, Tennis, Swimming Lessons, Flag Football, and Lil’ Buc’s Wrestling. Registration has been steady with Soccer and Tennis quickly approaching full capacity.
- The Men’s slow-pitch softball league started the week of July 13th and continues through its regular season, playoffs will not be until late September.
- Parks and Rec. worked with the Electric Department to remap some of the electric in the Parks, due to a previously discussed incident. All electric outlets have now been isolated and can be easily identified and turned off and on for events as need be.
- We held an initial meeting with members of the Hispanic community, School district and DMI to discuss the possibility of forming an Adult soccer league.
- We had a demonstration of “Pickle Ball” at Parks and Rec. which is a sport which combines both aspects of tennis and racquetball. On a national level this sport is rapidly increasing in numbers, particularly with older people. Parks and Rec. is looking into exploring further demonstrations and possibly a league.
- Several meetings have been held with the Chamber of Commerce and the committee for the “Freedom Festival” which is slated for September 11th. This is Milford’s largest festival and we hope to continue the tradition of excellence, including fireworks on the Friday night. Obviously a lot of time and effort goes into planning and pulling off these types of events.

As always, if you require further information please don’t hesitate to contact me.

Thank you.



Selective Insurance Company of America
Harold Foss
P.O. Box 25333

Lehigh Valley, PA 18002-2533
Phone: 800-374-9656
Fax:
Response-MA@selective.com

August 24, 2015

LISA GREEN, HR MANAG
CITY OF MILFORD
10 SE 2ND ST
MILFORD, DE 19963

RE: Safety Management Survey on 05/26/2015
Policy Number: S 2170295 Exp.: 07/01/2016
Underwriting Company: SELECTIVE INS CO OF SOUTH CAROLINA
Location Surveyed: 521 N WASHINGTON ST MILFORD, DE

Dear Valued Customer:

As a member of Selective's Safety Management team, I want to thank you for your interest in preventing losses. My goal is to help you prioritize your safety management needs and allocate resources to minimize your risk.

The purpose of this letter is to follow-up on recommendations offered as a result of the recent risk evaluation survey of your operations. Typically recommendations appear in the order of criticality with the highest priority listed first, (see page 2 of the attached for further details). Please keep me updated as to your progress of each item listed, by indicating what actions have been planned or completed within the next 30 days.

In addition to on-site consultations, Selective offers on-site and online training, as well as a wide variety of safety training tools and resources. In order to access these materials, simply register for our customer self-service portal at www.selective.com.

If you have any questions regarding the recommendations or additional resources/services, please contact me via the phone or email address listed above. Thank you again for your commitment to workplace safety. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in blue ink that reads "Harold A Foss".

Harold Foss
Regional Safety Operations Manager
Selective Insurance Company of America

cc: INSURANCE MARKET INC 000404800000

These recommendations and observations are made by Selective Insurance Company of America, either on its own behalf or as the servicing carrier for the Selective insurer affiliate which issued your policy solely in furtherance of its underwriting practices. They are not intended to and should not replace your safety practices, procedures, programs and inspections, or be interpreted as identifying all property and safety programs, policies or procedures that exist or should exist at your facility; or as guaranteeing compliance with any laws or regulations. It is your sole responsibility to assure the facility's safety.

RECOMMENDATIONS

2015-05-01

PARKS & REC 207 FRANKLIN ST

Hard Wired Smoke Detectors

Property

Open

Install hard wired smoke detectors in the Parks & Rec office

2015-05-02

LRO DWELLING 207 S WALNUT ST

Hard Wired or Portable Smoke Detectors

Life Safety

Open

Install hard wired or portable smoke detectors throughout the 1st floor of the former residential dwelling which is now leased to DMI for combined office and residence. The 2nd fl. living area already has three detectors installed.

2015-05-03

LRO DWELLING 207 S WALNUT ST

Repair of sidewalk

General Liability

Open

As the lessor of 207 S. Walnut and therefore like other businesses and residences the city needs to repair cracks and uneven surfaces in the sidewalk



**DELAWARE LEAGUE OF LOCAL GOVERNMENTS
ANNUAL DINNER & AWARDS MEETING
THE DUNCAN CENTER
500 W. LOOCKERMAN STREET, 5TH FLOOR, DOVER**

THURSDAY, SEPTEMBER 24, 2015

REGISTRATION/SOCIAL HOUR: 5:30 P.M. - 6:15 P.M.

DINNER: 6:30 P.M. – 7:15 P.M.

PROGRAM: 7:15 P.M.

PROGRAM:

The DLLG is pleased to kick off the new fiscal year with a full program to discuss and review three key services offered to members:

- Homeland security grants and training opportunities presented by League Consultant Joe Hughes.
- Primer on the DFIT self-funded insurance program presented by Public Sector Director Terri Desanto and Trustee Chair Ted Becker.
- Municipal and County training program and updates presented by University of Delaware IPA League partner Julia O’Hanlon.

The League will also be honoring the 2015 Town/City Manager of the Year and the Municipal Clerk of the Year.

Next Meeting: Thursday, October 22, 2015

WE MUST HAVE YOUR RESERVATIONS NO LATER THAN SEPTEMBER 18, 2015

Mail To/Make Payable to: Delaware League of Local Governments • P.O. Box 484 • Dover, DE 19903-0484
Phone: 302-678-0991 • Email: cfluft@udel.edu

_____ will have _____ attendees
(Municipality/County/Agency)

PLEASE LIST THE NAMES OF THOSE ATTENDING

<u>Name</u>	<u>Title</u>
_____	& _____
_____	& _____
_____	& _____
_____	& _____
_____	& _____
_____	& _____

- () Check enclosed for () dinners @ \$30 each
 () Payment will be made at the door
 () Enclosed for () dinners @ \$30 each

Emmett Venett
810 NE 10th Street
Milford, DE 19963

September 11, 2015

Dear Owen,

As I mentioned in our phone conversation, I am mystified by the City's trash fees. I have four rental properties in Milford. I paid over \$1700 in taxes last year and all my tenants pay trash fees.

After 16 years, one family left - leaving behind a sofa. I contacted the City for the charge for having the trash collector pick up the sofa. The fee was quoted as \$50.

This seems extremely high to me. I contacted Kent County, where I live, and asked them for the fee if I bring the sofa to my home. The County says it would be free. I pay the County \$255 for the trash pickup, or about \$21.25 per month.

Kent County provides one black garbage can, one recycle can (picked up once a week along with trash) also as many yard waste containers as I need.

So, I believe the City should rethink the idea of landlords keeping up their properties, but making trash removal fees so prohibitive. (Landlords also pay a licensing fee per unit)

Emmett Venett

Just an aside, I hauled the City trash can to the Transfer station because I missed the first pickup. It cost me \$7.50 to empty that can which was jammed packed. I couldn't lift the sofa without help.

City of Milford



SPECIAL ELECTION/ REFERENDUM RESULTS

On behalf of the City of Milford Board of Special Elections for
the \$1.6 Million USDA Sewer Improvement Borrowing
Referendum held on
Tuesday, September 1, 2015,

I am hereby reporting the following
certified results to be as follows:

A total of 265 qualified persons voted on this matter;

Those voting
FOR the Proposed Borrowing was 208
&
those voting
AGAINST the Proposed Borrowing was 57.

Thereby, the proposal is hereby APPROVED.

RESOLUTION 2015-22

APPROVING ISSUANCE OF A GENERAL OBLIGATION BOND OR BONDS TO THE UNITED STATES DEPARTMENT OF AGRICULTURE - RURAL UTILITIES SERVICE, AS REGISTERED OWNER, TO FINANCE IMPROVEMENTS TO THE CITY OF MILFORD'S SEWER SYSTEM, AS APPROVED BY THE ELECTORS; DETERMINING THAT THE BOND OR BONDS WILL BE SOLD BY PRIVATE SALE AND AUTHORIZING EXECUTION OF LOAN DOCUMENTS; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY FOR THE BOND OR BONDS; AND AUTHORIZING OTHER NECESSARY ACTION

WHEREAS, the City Council of The City of Milford, Delaware (the "City") pursuant to Section 8, 72 Del. Laws Ch. 148 as amended (the "City Charter"), proposed to the electors of the City by Resolution dated June 8, 2015 (the "First Resolution") to borrow up to One Million Six Hundred Thousand Dollars (\$1,600,000) which may be used 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 a bond or bonds (collectively, the "Project") and properly placed notice of hearing on the First Resolution as required by the City Charter; and

WHEREAS, the City Council thereafter passed a resolution on July 13, 2015 (the "Final Authorizing Resolution") giving its final authorization for a loan from the United States Department of Agriculture – Rural Utilities Service (the "Department"); and

WHEREAS, the City Council thereafter passed a second resolution on July 13, 2015 (the "Second Resolution") ordering and directing a special election to be held not less than thirty (30) days and not more than sixty (60) days after the public hearing to borrow the said money, for the purpose of voting for or against the proposed borrowing. The passage of the Second Resolution calling the special election was considered the City Council's determination to proceed in the matter at issue as authorized by the City Charter; and

WHEREAS, a special election was held on September 1, 2015 (the "Special Election"), and notice was properly given for the Special Election, whereby a majority of the electors approved the borrowing by voting in the Special Election which was conducted and certified in accordance with the provisions of the City Charter; and

WHEREAS, the Department has authorized a loan to the City in an amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000), for a term not to exceed 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%; and

WHEREAS, pursuant to and in accordance with the City Charter, the First Resolution, the Final Authorizing Resolution, the Second Resolution and this Resolution, the City now proposes to issue its General Obligation Bond or Bonds (collectively, the "Bond") in a principal

amount not to exceed \$1,600,000 to finance the Project, as approved by the electors in the Special Election; and

WHEREAS, the Department requires the adoption of this Resolution specifying the details of the Bond; and

WHEREAS, the City Council desires to formalize, ratify, and confirm such action by adoption of a formal written resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND DETERMINED by the City Council of the City of Milford, Delaware, as follows:

Section 1. Authorization of the Incurrence of Indebtedness as Approved by the Electors. The City shall borrow an amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000) as approved by referendum of the electors in the Special Election held on September 1, 2015 by the issuance of the Bond.

Section 2. Authorization of Issuance of the Bond. The City shall issue, pursuant to the City Charter, the First Resolution, the Final Authorizing Resolution, the Second Resolution and this Resolution, up to \$1,600,000 aggregate principal amount of its General Obligation Bond or Bonds to provide funds for the Project.

Section 3. Form and Terms of the Bond. The Bond shall be substantially in the Form of Bond provided in Exhibit A with appropriate omissions, insertions and variations. The actual Bond will contain the terms of the Bond as required by Section 8.05 of the City Charter. The Bond will be issued for a term not to exceed 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%.

Section 4. Sale of the Bond. The Bond shall be sold at a private sale by negotiation to the United State Department of Agriculture – Rural Utilities Service pursuant to: (i) the terms of the Bond, (ii) a Letter of Conditions from the Department dated September 10, 2014, as amended April 27, 2015, and (iii) loan documents to be entered into by the City and the Department (the "Loan Documents").

Section 5. Covenant to Pay Debt Service - Pledge of Full Faith, Credit and Taxing Power. The City hereby covenants with the Department pursuant to this Resolution as follows: that the City will include in its budget for each fiscal year during the life of the Bond, the amount of the debt service on the Bond issued hereunder which will be payable in each such fiscal year so long as the Bond shall remain outstanding; that the City shall appropriate such amounts from its general revenues to the payment of such debt service; that the City shall duly and punctually pay or cause to be paid the principal of the Bond and the interest thereon at the dates and places and in the manner stated in the Bond according to the true intent and meaning thereof; and for such budgeting, appropriation and payment, the City hereby pledges its full faith, credit and taxing power. The covenant contained in this Section 5 shall be specifically enforceable.

Section 6. Authorization of Loan Documents. The Mayor and the City Clerk are hereby authorized to execute and deliver the Bond and any Loan Documents by and between the City

and the Department setting forth the terms of the loan and the City's obligation to repay the loan, which will be evidenced by the delivery of the Bond.

Section 7. Further Action. The proper officers of the City are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Resolution and the City Charter in the name and on behalf of the City.

Section 8. City Charter Applicable to Bond. This Resolution is adopted pursuant to, and the Bond issued hereunder shall be subject to, the provisions of the City Charter and all of the mandatory provisions thereof shall apply hereunder whether or not explicitly stated herein.

Section 9. Contract with Bondholder. This Resolution constitutes a contract with the Department as registered owner of the Bond and shall be enforceable in accordance with the provisions of the laws of the State of Delaware.

Section 10. Severability. In case any one or more of the provisions contained in this Resolution or in the Bond issued pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Resolution or of said Bond and this Resolution or said Bond shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

Section 11. Repealer. All Resolutions and parts of Resolutions heretofore adopted to the extent that the same are inconsistent herewith are hereby repealed.

Section 12. Effective Date. This Resolution shall take effect on the date this Resolution is adopted by the City Council.

ADOPTED AND RESOLVED this 14th day of September, 2015.

(CITY SEAL)

Attest: _____
Teresa K. Hudson
City Clerk

Bryan W. Shupe
Mayor

CERTIFICATE OF CITY CLERK

The undersigned, City Clerk of the City of Milford, Delaware, HEREBY CERTIFIES that:

The foregoing Resolution authorizing the issuance of a General Obligation Bond or Bonds of the City was duly moved and seconded and adopted by a majority vote of the City Council of said City at a duly called and convened public meeting of said Council held on September 14, 2015; and that the roll of the City Council was called and such members voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
Douglas E. Morrow, Sr., Vice-Mayor	
Katrina E. Wilson	
Garrett L. Grier III	
Lisa Ingram Peeel	
Owen S. Brooks, Jr.	
James O. Starling, Sr.	
Christopher H. Mergner	
James F. Burk	

and that such Resolution and the votes thereon have been duly recorded in the minutes.

WITNESS my hand and seal of the City this 14th day of September, 2015.

Teresa K. Hudson
City Clerk

(CITY SEAL)

EXHIBIT A
[FORM OF BOND]

REGISTERED
R-1

\$1,600,000

UNITED STATES OF AMERICA
STATE OF DELAWARE
CITY OF MILFORD, DELAWARE

GENERAL OBLIGATION BOND
(SEWER SYSTEM IMPROVEMENTS PROJECT)
SERIES 2015-RUS

Maturity Date: _____, 20__

Registered Owner: The United States of America (by and through the Rural Utilities Service, United States Department of Agriculture,)

Principal Amount: ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000)

THE CITY OF MILFORD, DELAWARE, a municipal corporation and political subdivision of the State of Delaware (hereinafter referred to as the "City"), for value received hereby acknowledges itself indebted and promises to pay to THE UNITED STATES OF AMERICA, or to any other registered owner hereof, the principal sum of ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000). The City shall pay interest on the unpaid principal balance from the date hereof at a rate of _____ per centum (____%) per annum until fully paid.

Principal and interest shall be payable quarterly on each _____, _____, _____, and _____ commencing _____, 20__, until and including _____, 20__, in 160 consecutive quarterly installments in the amount of _____ Dollars (\$_____). Interest hereon shall be calculated on the basis of a 365-day year and be paid for the actual number of days elapsed. Both the principal of and interest on this Bond are payable in lawful money of the United States of America. Principal of and interest on this Bond shall be paid electronically through the Rural Utilities Service Preauthorized Debt payment process while the registered owner of this Bond is the United States of America. If the registered owner of this Bond is not the United States of America, payment shall be made by check or draft mailed to the registered owner of this Bond as shown on the bond register maintained by the City.

This Bond has been duly authorized and is issued pursuant to the terms of the Laws of the State of Delaware, particularly Chapter 148, Volume 72, Laws of Delaware, as amended (the "City Charter"), Resolutions adopted by the City on June 8, 2015 and July 13, 2015 (collectively, the "Resolutions"), a public hearing held on July 13, 2015 (the "Public Hearing"), a favorable special election conducted on September 1, 2015 (the "Special Election") and a Bond Resolution adopted by the City on September 14, 2015 (the "Bond Resolution" and together with the City Charter, Resolutions, Public Hearing and Special Election, the "Authorizing Acts") 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 this Bond.

This Bond may be prepaid or redeemed in whole or in part at any time or from time to time without penalty and any prepayment in part of this Bond shall be applied to all or a portion of the installments then outstanding as shall be specified by the City.

It is hereby certified and recited that all conditions, acts and things required by the Constitution, statutes or laws of the State of Delaware and the Authorizing Acts to exist, be performed or happen, precedent to or in the issuance of this Bond, exist, have been performed and have happened, and that the amount of this Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution, statutes or laws and the Authorizing Acts. This Bond is a valid and legally binding obligation of the City and, unless paid from other sources, will be payable from ad valorem taxes levied upon all real property subject to taxation by the City. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this Bond according to its terms.

Any transfer of this Bond must be registered, as provided in the Authorizing Acts, upon the Bond Register kept for that purpose at the offices of the City by the registered owner hereof in person, or by his attorney duly authorized in writing. Upon surrender of this Bond together with a written instrument of transfer satisfactory to the City executed by the registered owner, or his attorney duly authorized in writing, a new registered Bond of the same series and security and in the same principal amount, shall be issued to the transferee in exchange herefor as provided in the Authorizing Acts free of charge except for any applicable transfer tax or other governmental charge. The City may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon and for all other purposes, as provided in the Authorizing Acts.

IN WITNESS WHEREOF, the City has caused this Bond to be signed by the Mayor and attested by the City Clerk, and the official corporate seal of the City to be imprinted or impressed hereon, and this Bond to be dated ____ __, 20__.

CITY OF MILFORD

(CITY SEAL)

Bryan W. Shupe
Mayor

Teresa K. Hudson
City Clerk

[END OF FORM OF BOND]

City of Milford



RESOLUTION

2015-23

Halloween Trick-or-Treat

WHEREAS, the children of Milford are entitled to the fun and festivity associated with the observance of Halloween Trick-or-Treat custom of traveling with friends and family going door to door in their neighborhoods displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Saturday, October 31, 2015 between the hours of 6:00 P.M. and 8:00 P.M. in the City of Milford.

AND, BE IT FURTHER RESOLVED THAT:

*Only celebrants of 12 years and under will be permitted to engage in Trick-or-Treat.

*All celebrants are to refrain from committing acts of vandalism or destruction.

*Motorists are asked to be ever watchful of our youngsters making these annual rounds.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 14th day of September 2015.

Mayor Bryan Shupe

City Clerk Teresa K. Hudson

City of Milford



NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Map on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-12 may be adopted, with or without amendments.

ORDINANCE 2015-12

Annexation/Lands belonging to Key Properties Group LLC

Tax Parcel 3-30-15.00-58.01 and 3-30-15.00-58.04

2.56 +/- Acres

Current Zone AR-1 / Proposed Zone IS

An Ordinance to Amend the Zoning Designation of the parcel of land, under the ownership of Key Properties Group LLC, Tax Parcel 3-30-15.00-58.01 and 3-30-15.00-58.04, situated west side of Cedar Creek Rd (DE Rte 30), between Wilkins Rd (County Rd 206) to the north and Fork Rd to the south, upon its annexation into the City of Milford through the adoption of a resolution by the majority members of Milford City Council.

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

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

WHEREAS, the land owned by Key Properties Group LLC is presently zoned by Sussex County as "AR-1" (Agricultural Residential District), and

WHEREAS, City Council referred the zoning of the affected territory to the Planning and Zoning Commission for a report and recommendation and after a due hearing on September 15, 2015 as provided by law, the Planning and Zoning Commission made its recommendation to City Council, and

WHEREAS, following a Public Hearing held on September 28, 2015 and consideration of the recommendation of the City Annexation Committee, City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

That the following described land situated in Sussex County, Delaware, to wit:

Tax Parcel No. 3-30-15.00-58.01

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said Cedar Creek Road, on south by lands now or formerly of Louis J. & Shirley L. Renzi and on the west and north by other lands now or formerly of Key Properties Group, LLC, and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group Inc., said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following three courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 694.73 feet, chord bearing and distance of said arc being South 13°41'22" East 694.65 feet to a set concrete monument; thence South 12°15'04" East 198.51 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road 1) South 12°15'04" East 209.89 feet to point at a corner for this parcel and lands of Louis J. & Shirley L. Renzi; thence running with said other lands of Renzi 2) South 77°49'10" West 265.77 feet to a found iron pipe with cap a corner for this parcel and other lands of Key Properties Group, LLC; thence with said lands of said lands of Key Properties Group, LLC the following two courses and distances 3) North 12°11'12" West 209.89 feet to found iron rod; thence 4) North 77°49'10" East 265.53 feet to the point and place of beginning, containing 1.2800 acres of land be the same, more or less.

Tax Parcel No. 3-30-15.00-58.04

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said Cedar Creek Road and on the south, west and north by other lands now or formerly of Key Properties Group, LLC and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group, LLC, said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following two courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 683.14 feet, chord bearing and distance of said arc being South 13°42'49" East 683.07 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road the following two courses and distances 1) along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 11.59 feet, chord bearing and distance of said arc being South 12°16'31" East 11.59 feet to a set concrete monument; thence 2) South 12°15'04" East 198.51 feet to a point at a corner for this parcel and other lands of Key Properties Group, LLC; thence with said other lands of Key Properties Group, LLC the following three courses and distances 3) South 77°49'10" West 265.53 feet to a found iron rod; thence 4) North 12°11'12" West 210.10 feet to a point; thence 5) North 77°49'10" East 265.29 feet to the point and place of beginning, containing 1.2802 acres of land be the same, more or less.

Upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as IS (Institutional Service District).

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 08/12/15

City of Milford



NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 15, 2015

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 28, 2015

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-17 may be adopted, with or without amendments.

ORDINANCE 2015-17

Change of Zone/Lands belonging to Bayhealth Medical Center Inc*

Tax Parcel 3-30-15.00-059.00 and 3-30-15.00-059.01

3.00 +/- Acres

Current Zone C3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 3.00 +/- acres of real property from C3 to IS at 7296 Cedar Creek Road, Lincoln, Delaware. Present Use: Single Family Residential. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-059.00 and 3-30-15.00-059.01

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 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:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-059.00 and 3-30-15.00-059.01, owned by Bayhealth Medical Center Inc* located at 7296 Cedar Creek Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 08/12/15

**Louis & Shirley Renzi sold to Bayhealth Medical Center Inc on 07/07/15 after submission to the City.*

City of Milford



NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 15, 2015

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 28, 2015

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-18 may be adopted, with or without amendments.

ORDINANCE 2015-18

Change of Zone/Lands belonging to Bayhealth Medical Center Inc

Tax Parcel 3-30-15.00-050.01

42.55 +/- Acres

Current Zone R3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 42.55 +/- acres of real property from R3 to IS on Cedar Creek Road, Lincoln, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-050.01

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 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:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-050.01, owned by Bayhealth Medical Center Inc located on Cedar Creek Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 08/12/15

City of Milford



NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 15, 2015

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 28, 2015

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-19 may be adopted, with or without amendments.

ORDINANCE 2015-19

Change of Zone/Lands belonging to Country Life Homes Inc

Tax Parcel 3-30-15.00-058.03

6.35 +/- Acres

Current Zone C3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 6.35 +/- acres of real property from C3 to IS at 20203 Elks Lodge Road, Lincoln, Delaware. Present Use: Poultry Houses. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-058.03

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 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:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-058.03, owned by Country Life Homes Inc located at 20203 Elks Lodge Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 08/12/15

City of Milford



NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 15, 2015

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 28, 2015

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-20 may be adopted, with or without amendments.

ORDINANCE 2015-20

Change of Zone/Lands belonging to Bayhealth Medical Center Inc

Tax Parcel 3-30-15.00-050.11

11.51 +/- Acres

Current Zone R3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 11.51 +/- acres of real property from R3 to IS on Cedar Creek Road, Milford, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-050.11

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 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:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-050.11, owned by Bayhealth Medical Center Inc located on Cedar Creek Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 08/12/15

City of Milford



NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 15, 2015

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 28, 2015

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-21 may be adopted, with or without amendments.

ORDINANCE 2015-21

Change of Zone/Lands belonging to Key Properties Group LLC

Tax Parcel 3-30-15.00-058.00

102.99 +/- Acres

Current Zone C3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 102.99 +/- acres of real property from C3 to IS on Wilkins Road, Milford, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-058.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 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:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-058.00, owned by Key Properties Group LLC located on Wilkins Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 08/12/15



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

TO: Mayor Bryan Shupe & City of Milford Council Members
FROM: Rob Pierce, Coordinator of Planning & Economic Development Activities
DATE: September 14, 2015
RE: 2015 Municipal Boundary Adjustment – North Shores Area

Per the City of Milford Charter, Article I, Section 1.02 Territorial Limits, the City is required to record an official map of the City boundaries in the Recorder of Deeds Office for Kent and Sussex Counties. Before the official map can be recorded, the Planning & Zoning Department reviewed the municipal boundary file on record with the State of Delaware for accuracy. During this process, City assessment records were compared to both Kent and Sussex Counties for consistency. At this time, it was determined that Kent County did not recognize parcel(s) MD-00-18212-01-5100 & MD-00-18212-01-5200 as being City parcels.

According to the November 6, 1979 City Council Meeting Minutes, parcel 5100 owned by Dr. George Chen, spouse of the current owner, was annexed into the City of Milford. According to the May 13, 1985 City Council Meeting Minutes, Council approved the annexation request for parcel 5200 owned by Mr. William E. Towers. The City could only locate the archived minutes and were unable to locate the associated annexation resolutions, which may not have been required at the time. The Kent County Department of Planning Services has requested official documentation be submitted by the City of Milford in order to change the parcel numbers and officially show them within City limits.

Parcel 5100 is currently owned by Mrs. Kitty Chen of 709 North Shores Drive. Parcel 5200 is currently owned by Mr. & Mrs. Pervaiz Gill of 706 East Lane. The owners were made aware of this corrective action and have signed paperwork acknowledging that these parcels are within City limits.

The Department is requesting City Council adopt the Corrective Resolutions.

www.cityofmilford.com



Mr. & Mrs. Pervaiz Gill
 706 East Lane
 5-16-18212-01-5200 (City of Milford)
 5-00-18212-01-5200 (Kent County)

Mrs. Kitty Chen
 709 N. Shore Drive
 5-16-18212-01-5100 (City of Milford)
 5-00-18212-01-5100 (Kent County)

	Scale:  Feet 0 100 200	Title: 2015 Municipal Boundary Adjustment North Shores Area Location Map
	Drawn by: WRP Date: 08/07/15	
Filepath: \GEO_PROJECT\BoundaryAdjustment_2015.mxd		

MILFORD CITY COUNCIL

MINUTES OF MEETING

November 6, 1979

A special meeting of Milford City Council was held in Council Chambers on Tuesday, November 6, 1979, at 4:30 P.M.

PRESIDING: Honorable Mayor Herman S. McNatt

IN ATTENDANCE: Councilpersons George G. Russell, Jr., William S. Fountain, William E. Wiley, S. Allen Pikus, and Richard J. Holleger.

Also: Harry W. Towers, Sr., City Manager; and June G. Barto, Secretary.

A letter was read from Doanes Associates in response to the bids received on October 11, 1979, from James Julian, Inc. and Teal Construction Company, Inc. for Storm Sewer and Sanitary Sewer Construction. Doane Associates recommended the contract for Storm Water Separation, known as Contract No. 79-137-1 under EPA Project No. C-100137-03, be awarded to James Julian, Inc. for the sum of One million twelve thousand eight hundred thirty-two dollars and forty cents (\$1,012,832.40) as the base bid and for the sum of Twenty-five thousand ninety-six dollars and no cents (\$25,096.00) as the Alternate No. 1 which sums total One million thirty-seven thousand nine hundred twenty-eight dollars and forty cents (\$1,037, 928.40). Teal Construction's bid with a comparative total cost was \$1,104,772.65; therefor, the low bidder was found to be in compliance and recommended for award.

Motion made by Mr. Fountain and seconded by Mr. Russell that Council accept Doanes' recommendation for acceptance of the bid of James Julian and the City Manager be instructed to issue the necessary letter of intent to the contractor. Motion carried.

The City Manager reported receipt of two bids for street repairs due to winter storm damage: Delmarva Paving and Tilcon Warren, Inc. The bids were received on a time & material basis, Delmarva - \$114 per hour, and Tilcon - \$134 per hour; and the award was made to Delmarva Paving.

Mr. Pikus asked that Doane Associates be requested to report on the status of the streets at the Industrial Park at the November 12th Council meeting.

Motion made by Mr. Russell and seconded by Mr. Pikus to approve Dr. George Chen's request to annex into the City of Milford that portion of his lot on North Shore Drive which is presently outside City limits. Motion carried.

Motion made by Mr. Pikus and seconded by Mr. Fountain that the meeting adjourn. Motion carried. The meeting adjourned at 4:50 P.M.

Respectfully submitted,


June G. Barto, Secretary

MILFORD CITY COUNCIL

MINUTES OF MEETING
May 13, 1985

The regular monthly meeting of Milford City Council was held in Council Chambers on Monday evening, May 13, 1985.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Jim Goodwin,
William S. Fountain, Raymond
M. Savage, Owen S. Brooks, Jr.,
Harry E. Jarman, II, Tommy C.
Staley, and S. Harvey Williams.

Also: John F. Frederick, City
Manager; and June G. Barto,
Secretary.

The meeting was called to order at 7:30 P.M., followed by the Pledge to the flag, and the Invocation was given by the Reverend Hugh Miller.

Motion made by Mr. Savage and seconded by Mr. Jarman for approval of the minutes of the previous meeting.

Mr. Fountain stated that although he bore no malice he would like the minutes to reflect what actually transpired at the April 30th Organizational Meeting when his name was placed in nomination for Vice Mayor and then not voted on because the nomination wasn't seconded. "I would like the minutes to show that no second was required," he stated.

Mayor Rogers responded that he had been in error in calling for a second to Mr. Fountain's nomination and he offered his apologies to Mr. Fountain.

Mr. Savage's motion to approve the minutes was carried.

Motion made by Mr. Williams and seconded by Mr. Fountain for approval of the Monthly Recreation Report. Motion carried.

Motion made by Mr. Williams and seconded by Mr. Fountain for approval of the Monthly Police Report. Motion carried.

The City Manager read a letter from Peter Ridgely, Executive Director of the Milford Senior Center, written on behalf of the Board of Directors and members of the center thanking the City Manager and Milford City Council for the special donation of \$15,000.00 used toward renovation and remodeling of their facility.

Mr. Frederick also read a letter from Robert A. Fischer, Campaign Co-Chairman of the Building Fund Campaign Committee of Milford Memorial Hospital, announcing that their first goal of \$1.5 million has been exceeded and expressing appreciation for the City's and community members' outstanding support. Mr. Fischer wrote that the hospital is in the process of designing a commemorative plaque display for those community members contributing \$3,000 or more, and he enclosed a form to be filled out with the exact wording for the City's plaque if Council wishes one to be displayed.

Following a review of the three options for wording of the plaques, a Motion was made by Mr. Williams and seconded by Mr. Savage that the City's plaque read "Presented by The City of Milford." Motion carried.

A letter to Mayor Rogers from James H. Smith, VFW #6583, was read announcing the forthcoming Memorial Day Ceremonies on Monday, May 27th at 9:30 A.M. at the downtown plaza, and encouraging the City's support to this program with the Mayor's participation and attendance by other City officials.

The City Manager's Monthly Report was as follows:

1. CITY

A. Mr. and Mrs. Jones, who live on City-owned property at 15 Fisher Avenue, have again requested that Council give consideration to selling them a portion of the property. The City is presently involved with a grant application to secure funding for construction of a new pump station on the Fisher Avenue site. In addition, the house occupied by the Jones family may soon need substantial repair, therefore, I recommend that Council review the matter to determine the City's position.

Mayor Rogers assigned this matter to the new Property Obj/Commerce Committee and the City Manager will arrange a convenient time for committee members to conduct a daylight inspection.

B. A meeting arranged through my office will be held on Wednesday, May 15th at 4 P.M. for all interested parties to discuss the Seawatch facility. State and City officials, Seawatch personnel and citizen representatives will be in attendance. It is hoped that all of the problems can be reviewed and that a

solution acceptable to all parties can be found.

In response to the question of notifying residents, Mr. Frederick said that he had invited Messrs. Scotton and Tatman to attend and that since the meeting will be held at Seawatch he would like to be notified if anyone else plans to attend since there may be a problem with accommodations.

2. SEWER

A. Adoption of a Resolution authorizing the City Manager to act for the City to secure funding through an EPA grant for construction of a new sewage pumping facility at Fisher Avenue. We are presently beginning the design phase and grant money is available to defray a portion of these costs.

Motion made by Mr. Williams and seconded by Mr. Savage for adoption of the following Resolution:

WHEREAS, John F. Frederick, is appointed the responsible person for applying for grants for the City of Milford.

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Milford, that John F. Frederick is hereby appointed as authorized representative for The City of Milford for E.P.A. Project C-100275-01.

Motion for adoption of the Resolution was carried unanimously.

3. WATER

A. My office is actively seeking funding sources to finance the water system improvements. Several Federal agencies have been contacted and discussions are underway. I am also scheduling meetings with other financial institutions to ascertain if private financing similar to the type used to finance our electrical substation would be feasible. Meetings have been held with State water resources and management personnel to acquaint them with our problems. I hope to have a report for Council on the results of these efforts sometime in June.

In response to questions, Mr. Frederick reported that nothing has been done physically to select new sources, however, several locations have been pinpointed where it is felt sources are available. With regard to when actual work will begin, Mr. Frederick said he believes Council will have to involve the budget process since he estimates it might be about \$40,000 for testing.

Recommendation for sources were supplied by Betts, Converse & Murdock and many were substantiated by people at Water Management Control, Mr. Frederick said. This data is available and a report including all this information will be prepared for Council. An in-house study has also been done to study other needs that must be addressed and this includes storage to maintain pressure and a looping system of sufficient size. There are several components that have to be put together for the report to Council which he hopes to have completed in June.

4. ELECTRIC

A. A zoning hearing on the new substation site will be held by Sussex County Planning & Zoning Commission in Room 115, Courthouse, Georgetown, on Thursday, May 16, 1985, at 7:45 P.M. A final public hearing before Sussex County Council will be held in the Chamber of the Sussex County Council, Courthouse, Georgetown, on June 4, 1985, at 1:30 P.M. These are extremely important hearings and I urge all of you who can possibly make it to attend. The City will be represented by attorney Eugene N. Bayard, representatives from Booth & Associates and myself.

B. Mr. James Cannon, owner of the trailer park located on Route 206 in the vicinity of the substation site has expressed concern that the 100' strip of land running east and north from the substation would completely surround his existing park and inhibit any future expansion of his property. I ask Council to go on record that in the event he expands his park either to the east or the south the City will provide to him access across our land for the construction of roadways from the existing park to any new development. The placement and design of any such access would be coordinated and approved by the City's engineers. This matter has been reviewed by the City Solicitor and representatives of Booth & Associates and is acceptable from a legal and engineering standpoint.

The strip in question is for possible future transmission lines, Mr. Frederick said, and, in that event, the land underneath the lines could certainly be used for access. If Council agrees, the City Solicitor recommends it be a matter of record.

Motion made by Mr. Goodwin and seconded by Mr. Savage that in the event Mr. Cannon expands his park either to the east or south the City will provide him access across the land for the construction of roadways from the existing park to any new development and that the placement and design of any such access will be coordinated and approved by the City's engineer. Motion carried.

5. Mr. Frederick reported that he is in accord with the voluntary water restrictions imposed by the Governor, however, if conditions worsen, he will present other proposals to Council.

COMMITTEE REPORTS

Annexation: The City Manager reported that the committee has reviewed the application of Mr. William E. Towers for his land at East Lane and North Shore Drive and it also abuts Dr. Chen's property on the south and water and sewer are immediately available. There is no problem, he said, and there is also the possibility to pick up several additional customers in that area. The committee also reviewed the request for a portion of the new shopping center along Route 14 west of Hammond Cadillac in a westerly direction to the West Milford Industrial Park road. This portion was left after previous annexing and is where the new Safeway is being constructed. All utilities are available to the site, he said, and the committee recommends both of these requests be approved.

Motion made by Mr. Savage and seconded by Mr. Goodwin that Council approve the annexation requests of Mr. William E. Towers for his property at East Lane and North Shore Drive and the Commonwealth Development Corporation for a portion of the West Milford Industrial Park west of Hammond Cadillac westerly to the West Milford Industrial Park road. Motion carried.

Mayor Rogers reported he has received a great number of complaints about barking dogs and he asked that the City Manager have the City Solicitor prepare an ordinance relating to this problem and he will present it for Council's consideration at a special meeting later this month.

Water, sewer and solid waste revenues presented in the April Revenue Report were reviewed. The City Manager explained that water and sewer billings are quarterly, therefore, this report only reflects three-fourths of the revenue. He also reported that although the City will probably not collect 100% for solid waste, this department's expenditures are also down and, although this will be studied, he predicts no increase in solid waste collection charges next year.

Mr. Herschel Billings was advised that action on his request to install a well at 202 Grier Lane which he stated he plans to use only for watering his lawn will be delayed until a special meeting later this month. The City Manager reported that five other requests have been received and this topic had been discussed with the water resources people who are forwarding necessary data since a policy change is involved.

Mr. Les Scotton asked for an update on the City's request for State assistance to install a new entrance to Seawatch from Rehoboth Boulevard and the City Manager reported no approval has been received as yet, and he added that he intends to take the plans for the entrance to Wednesday's meeting.

Ms. Marian Phillips addressed Council regarding the three options Storer Cable TV proposed in their April 3rd letter: 1) Storer could hold fast to the City's approval to grant the 7% upon completion of the rebuild as stated in the minutes of 9/10/84 (a 63¢ increase); 2) Storer could provide the City with new supportive financial data fully justifying the additional 7%; or, 3) Storer could accept the City's adoption of the Public Service Commission's approved rate for the unincorporated area around Milford; this rate is \$9.08 (21¢ increase or 2.4%). The rebuild is ongoing, she said, with completion expected in August or early September and they propose at that time that Milford's rate be increased by 2.4% which will mean Milford's customers will pay the same rate as their neighbors.

Ms. Phillips also reported approval was granted and construction has begun on the 12-mile corridor between Georgetown and Milford which will be totally underground.

In response to remarks regarding a proposed merger in which Storer reportedly is involved, Ms. Phillips stated, "It has nothing to do with this; it's business as usual as far as operations here."

Motion made by Mr. Williams and seconded by Mr. Goodwin that Council approve Option #3, a rate increase of 2.4% upon completion of the new system.

Mr. Savage stated the biggest problem for him wasn't the rate increase but in trying to get a guarantee from Storer to get something done. "Every time we come back we have data right to the penny," he said, "but we can never pin down when we will get something for our money. I have a problem with that. I'm in the contracting business and when I have a contract I know when I have to be done. Storer isn't such a small outfit that they don't have to be done at a certain date."

Mr. Brooks referred to an earlier report from Ms. Phillips that the new system would be complete in May.

Mrs. Staley recommended Council consider a penalty for a certain length of time delaying the increase if the rebuild isn't completed in September, but Ms. Phillips said she couldn't commit to that since capital money is involved.

Mr. Williams' motion for approval of the 2.4% increase upon completion of the rebuild was carried by the following 5-2 vote:

Yes
Mr. Goodwin
Mr. Fountain
Mr. Savage
Mrs. Staley
Mr. Williams

No
Mr. Brooks
Mr. Jarman

Motion made by Mr. Savage and seconded by Mr. Goodwin that the City Solicitor seek to get firm commitment from Storer, for example, September 1st, October 1st, etc., for completion of the new system and that he determine if Council can impose a penalty. Motion carried.

Ms. Phillips stated she will prepare a formal commitment.

Mayor Rogers announced that May 20-24 will be proclaimed as Spring Cleanup Week.

The City Manager requested that bids for the Mispillion Bulkhead Project not be awarded at this time. Five bids were received, he said, for the total bid package and they came to more than the available funds. The project has had to be re-evaluated and possibly only two portions will be done now and, hopefully, new funds will be available in the new fiscal year for the third portion. The contract must be let by June 1st and he requested the bids be tabled until the special meeting later this month.

The Mayor distributed copies of the new Committees for 1985-86 and reminded all Councilpersons that they can attend meetings of all committees.

The City Manager reported that although he had advertised for bids and also sent out requests for solicitations to four companies, only one bid was received by this morning's 11 A.M. deadline for an air compressor; it was from A. H. Angerstein for \$9036, and he reported that \$12,000 had been budgeted. At 2:45 P.M. today he received a bid from Puralator and it is his opinion that it's not a valid bid and will be returned because it wasn't received on time. Angerstein's equipment meets specifications, he said, and he recommended acceptance of this bid.

Motion made by Mr. Goodwin and seconded by Mr. Savage to accept A. H. Angerstein's bid for an air compressor for \$9036.00. Motion carried.

OLD BUSINESS

Mr. Brooks asked if anything had been done regarding the petition from Brady Drive residents that Royster Feed establish a seven-foot fence and fertilizer bins. The City Manager will check the progress of this matter with Mr. Zook.

Mr. Frederick also reported that the matter of deeding property from the alley behind homes on West Clarke Avenue to the residents is being worked on.

Mr. Goodwin reported that he and Mr. Savage have driven around with Chief Carmean to review traffic matters and he suggested consideration be given to an earlier recommendation for enlarging the Maple Avenue-Northwest Front Street intersection.

Mr. Goodwin requested that Mr. Savage arrange a meeting between the Annexation and the Street & Sewer Committees to discuss a policy change on the Esposito property.

NEW BUSINESS

Mr. Jarman discussed the lack of cable tv installation on Brady Drive, and Mr. Brooks reported that Storer informed him no new lines were being run until completion of the new system and at that time areas such as this will be provided with cable.

Mr. Jarman requested that Mr. Ridgeway contact him regarding block grants.

A special meeting will be held on Tuesday, May 28, 1985, at 7:30 P.M.

Motion made by Mr. Savage and seconded by Mr. Williams for approval of the Monthly Financial Statement. Motion carried.

Motion made by Mr. Williams and seconded by Mr. Brooks for approval of the warrants as paid. Motion carried.

Motion made by Mr. Fountain and seconded by Mr. Brooks that the meeting adjourn. Motion carried. The meeting adjourned at 8:45 P.M.

Respectfully submitted,



June G. Barto, Secretary



Land Use Application Cover Sheet

File Name: _____

Date Stamp

File Number: _____

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: CHEN, KITTY			Phone: <i>422-9052</i>
Address: 709 N SHORE DRIVE			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: 709 N SHORE DRIVE			Zoning: R1
Tax Map & Parcel Number (s): MD-16-182.12-01-51.00			Acreage: .513 +/- AC
Brief Description of Proposal: CONFIRM ANNEXATION INTO CITY FOR MAPPING PURPOSES.			
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:		<i>Kitty Chen</i>	Date: <i>July 27, 15</i>
Signature of Applicant:		_____	Date:



Land Use Application Cover Sheet

File Name: _____

Date Stamp

File Number: _____

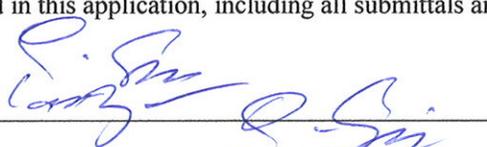
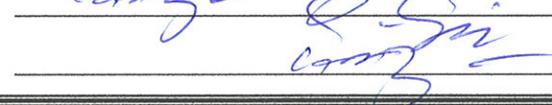
Instructions for Applicants:

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: GILL, PERVAIZ & MURIEL P			Phone:
Address: 706 EAST LANE			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: 706 EAST LANE			Zoning: R1
Tax Map & Parcel Number (s): MD-16-182.12-01-52.00			Acreage: .727 +/- AC
Brief Description of Proposal: CONFIRM ANNEXATION INTO CITY FOR MAPPING PURPOSES.			
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: 8-5-15
Signature of Applicant:			Date: 8-5-15

City of Milford



RESOLUTION 2015-24

APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF MILFORD

Tax Map Parcel #: MD-00-182.12-01-51.00

WHEREAS, the Charter of the City of Milford authorizes Council to extend the boundaries of said City pursuant to procedures found in the Charter;

WHEREAS, the Mayor and Council of the City of Milford deem it in the best interests of the City of Milford to include said area as hereinafter more particularly described within the limits of the City of Milford;

WHEREAS, the Charter of the City of Milford provides that if all owners of record of the land proposed for annexation petition the City for annexation or consent in writing to the annexation, and prior to the conclusion of the public hearing, no written objection is received by the City from a qualified resident of the territory proposed for annexation, the City Council may vote to accept or reject the proposed annexation; and

WHEREAS, pursuant to the terms of the Charter, the City Council, having voted on November 6, 1979 to accept the proposed annexation, shall thereupon adopt a resolution affirming the annexation of said territory and its inclusion in the limits of the City of Milford.

NOW, THEREFORE, BE IT RESOLVED:

1. That the following territory situated in Kent County, State of Delaware as more particularly bounded and described by the following description be annexed to and included within the limits of the City of Milford:

All that certain lot(s), pieces(s) or parcel(s) of land and premises situated in Mispillion Hundred, Kent County, State of Delaware, near the City of Milford, more particularly described as follows, to wit:

RECORD OWNER: Chen, Kitty
PROPERTY ADDRESS: 709 N. Shore Drive, Milford, DE 19963
TAX MAP ID: MD-00-182.12-01-51.00
DEED REFERENCE: Deed BK E Volume 28 Page 377

BRIEF DESCRIPTION: All that certain lot, piece or parcel of land lying on the West side but not adjacent to U.S. Route 113 in the North Shores of Haven Lake, Inc., development, in Milford Hundred, Kent County and State of Delaware, lying on the northerly side of North Shore Drive and more particularly described as follows, to wit:

Beginning at a pipe for a corner with Lot 13 on the northerly line of North Shore Drive: thence North 03 degrees 08 minutes East with line of Lot 13 a distance of 150 feet to a pipe; thence South 86 degrees 52 minutes East such distance as is required to a pipe for a corner on North Shore Drive; thence South 39 degrees 28 minutes West with northeasterly line of North Shore Drive a distance of 196 feet to a pipe for a corner; thence North 86 degrees 52 minutes West with northerly line of North Shore Drive a distance of 99.82 feet home to the place of beginning. Being known and designated as Lot 12 on plot of North Shores, Milford, Delaware, prepared by H.F. Bressler on April 29, 1958 and revised February 25, 1960 recorded at the Recorder of Deeds at Dover, Delaware, in Plot Book 5, Page 22.

2. The proposed zoning district classification for such lands is R-1 (Low Density Residential) which is in accordance with and consistent with the City's Comprehensive Plan.
3. That a certified copy of the Resolution of Annexation shall be forthwith filed for record with the Recorder of Deeds for Kent County.
4. That the above-described area became a part of the City of Milford beginning November 6, 1979 at which time City Council voted in favor of its annexation.
5. ADOPTED this 14th day of September 2015.

Mayor Bryan W. Shupe

ATTEST:

City Clerk Teresa K. Hudson

City of Milford



RESOLUTION 2015-25

APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF MILFORD

Tax Map Parcel #: MD-00-182.12-01-52.00

WHEREAS, the Charter of the City of Milford authorizes Council to extend the boundaries of said City pursuant to procedures found in the Charter;

WHEREAS, the Mayor and Council of the City of Milford deem it in the best interests of the City of Milford to include said area as hereinafter more particularly described within the limits of the City of Milford;

WHEREAS, the Charter of the City of Milford provides that if all owners of record of the land proposed for annexation petition the City for annexation or consent in writing to the annexation, and prior to the conclusion of the public hearing, no written objection is received by the City from a qualified resident of the territory proposed for annexation, The City Council may vote to accept or reject the proposed annexation; and

WHEREAS, pursuant to the terms of the Charter, the City Council, having voted on May 13, 1985 to accept the proposed annexation, shall thereupon adopt a resolution, affirming the annexation of said territory and its inclusion in the limits of the City of Milford.

NOW, THEREFORE, BE IT RESOLVED:

1. That the following territory situated in Kent County, State of Delaware as more particularly bounded and described by the following description be annexed to and included within the limits of the City of Milford:

All that certain lot(s), pieces(s) or parcel(s) of land and premises situated in Milford Hundred, Kent County, State of Delaware, near the City of Milford, more particularly described as follows, to wit:

RECORD OWNER: Gill, Pervaiz & Muriel P
PROPERTY ADDRESS: 706 East Lane, Milford, DE 19963
TAX MAP ID: MD-00-182.12-01-52.00
DEED REFERENCE: D4269-53

BRIEF DESCRIPTION: All that certain lot, piece or parcel of land situated in Kent County, State of Delaware, lying on the southwesterly side of East Lane, & the northwesterly side of North Shore Drive; being all of Lot 54 as shown on a plan of North Shores – Section 2 recorded in Plot Book 11, page 73 and being more particularly bounded and described as follows, to wit:

Beginning at a point at the corner for this lot at the intersection of the southwesterly line of East Lane (50 feet wide) with the northwesterly line of North Drive (50 feet wide), said point being located North 66 deg. 12 min. 17 sec. West 0.3 feet from a pipe found in concrete; thence along the northwesterly line of North Shore Drive South 39 deg. 30 min. 00 sec. West 43.81 feet to a pipe found in concrete at a corner for Lot 12 of North Shores – Section 1 (Plot Book 5, page 22); thence along line of Lot 12 in part and in part with Lot 13 of North Shores – Section 1 North 86 deg. 52 min. 00 sec. West 296.28 feet (passing over a pipe found in concrete at a distance of 210.52 feet) to a pipe found in line of Lot 13 at a corner for Lot 55; thence along line of Lot 55 North 28 deg. 17 min. 38 sec. East 184.24 feet to a pipe found in concrete in the southwesterly line of East Lane; thence along the southwesterly line of East Lane on the following two courses and distances: (1) South 62 deg. 48 min. 00 sec. East 98.00 feet to a point; thence (2) in a southeasterly direction along the arc of a 783.02 radius curve to the right an arc distance of 179.92 feet (the chord of which bears South 56 deg. 13 min. 03 sec. East 179.52 feet) to the place of beginning and containing 32,340 square feet of land, be the same more or less.

2. The proposed zoning district classification for such lands is R-1 (Low Density Residential) which is in accordance with and consistent with the City's Comprehensive Plan.
3. That a certified copy of the Resolution of Annexation shall be forthwith filed for record with the Recorder of Deeds for Kent County.
4. That the above-described area became a part of the City of Milford beginning May 13, 1985 at which time City Council voted in favor of its annexation.
5. ADOPTED this 14th day of September 2015.

Mayor Bryan W. Shupe

ATTEST:

City Clerk Teresa K. Hudson

SECTION 00021

INVITATION TO BIDDERS

Sealed Bids, in duplication, will be received by the City of Milford, 201 S. Walnut Street, Milford, Delaware 19963, until 2:00 p.m. local time on August 19, 2015 for the general construction of the **Washington Street Water Treatment Facility, Project No. 052A154D**, at which time the bids will be opened publicly. Any bid received after said time will be returned unopened.

The scope of work includes the construction of a water treatment facility including clear-well and aeration tower, interior and exterior piping, chemical treatment, monitoring and control equipment, electrical power, lighting, heating and ventilation equipment and associated sidewalk and pavement. Work also includes the installation of raw water mains and appurtenances for connecting three existing wells to the treatment building and to the distribution system including flow meter vaults and well blow-off assembly. Also included is the installation of three well pumps and motors in previously constructed wells with associated electrical power and control equipment and wiring.

The CONTRACT DOCUMENTS may be examined and/or obtained at the office of Davis, Bowen & Friedel, Inc., 23 North Walnut Street, Milford, Delaware, 19963, (302) 424-1441, upon payment of \$250.00 for each set, non-refundable. Checks should be made payable to Davis, Bowen & Friedel, Inc.

This project is funded by the State of Delaware Drinking Water State Revolving Fund and is subject to the requirements of the program including State and Davis-Bacon wage rates, Disadvantaged Business Enterprise (DBE) and Equal Opportunity requirements. Responsible bidders will be required to provide bid security in the amount of 10% of the bid sum. The successful bidder must post Performance and Payment Bonds equal to 100% of the contract price upon execution of the contract.

A **MANDATORY** PRE-BID meeting will be held at 2:00 p.m. on August 4, 2015, at Milford City Hall.

The City reserves the right, as the interest of the City of Milford may appear, to reject any and all bids, to waive any informality or irregularity in bids received, and to accept or reject any items of any bid.

City of Milford
By: Bryan W. Shupe
Mayor

END OF SECTION

CITY OF MILFORD

WASHINGTON STREET WATER TREATMENT FACILITY REPLACEMENT - CONTRACT D TREATMENT PLANT



Contract: 052A154-D

Bid Date: August 19, 2015

BID RESULTS

Item No. & Description	Size/Depth	Unit	Est. Qty	Kuhn Construction Co.		Layne Christensen Co.		Bearing Construction Inc.		
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
BASE BID										
1	Mobilization/Demobilization (Max. 3% of Total Bid)	---	LS	1	\$78,000.00	\$78,000.00	\$60,900.00	\$60,900.00	\$60,000.00	\$60,000.00
2	Allowance: Furnish & Install Well Pump, Motor & Appurtenances, Complete (Well 1)	---	LS	1	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
3	Allowance: Furnish & Install Well Pump, Motor & Appurtenances, Complete (Well 2)	---	LS	1	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
4	Allowance: Furnish & Install Well Pump, Motor & Appurtenances, Complete (Well 3)	---	LS	1	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
HEAVY CONSTRUCTION ITEMS (WAGE RATES APPLY)										
5	Furnish & Install Yard Piping and Meter Vault Associated with Well No. 1	---	LS	1	\$45,000.00	\$45,000.00	\$29,338.00	\$29,338.00	\$33,000.00	\$33,000.00
6	Furnish & Install Yard Piping and Meter Vault Associated with Well No. 2	---	LS	1	\$62,000.00	\$62,000.00	\$53,988.00	\$53,988.00	\$39,000.00	\$39,000.00
7	Furnish & Install Yard Piping and Meter Vault Associated with Well No. 3R	---	LS	1	\$45,000.00	\$45,000.00	\$28,776.00	\$28,776.00	\$18,000.00	\$18,000.00
8	Furnish & Install Site and Utility Work including Electrical and Control Equipment and Wiring at Well No. 1 Site	---	LS	1	\$325,000.00	\$325,000.00	\$356,436.00	\$356,436.00	\$330,000.00	\$330,000.00
9	Furnish & Install (Tank Site) Site and Utility Work including Electrical and Control Equipment and Wiring to Within 5'-0" of the New Water Treatment Facility	---	LS	1	\$250,000.00	\$250,000.00	\$81,371.00	\$81,371.00	\$115,000.00	\$115,000.00
10	Furnish & Install Site and Utility Work including Electrical and Control Equipment and Wiring at Well No. 3R Site	---	LS	1	\$115,000.00	\$115,000.00	\$104,635.00	\$104,635.00	\$183,700.00	\$183,700.00
BUILDING CONSTRUCTION ITEMS (WAGE RATES APPLY)										
11	Furnish and Install Water Treatment Facility, Complete	---	LS	1	\$1,320,000.00	\$1,320,000.00	\$1,266,299.00	\$1,266,299.00	\$1,779,450.00	\$1,779,450.00
CONTINGENT ITEMS (To be Completed at the Direction of the Engineer)										
12	Miscellaneous Excavation and Backfill for Test Pitting	---	CY	50	\$60.00	\$3,000.00	\$388.00	\$19,400.00	\$12.00	\$600.00
13	Excavation Below Subgrade and Gravel Refill using No. 57 Stone	---	CY	200	\$65.00	\$13,000.00	\$50.00	\$10,000.00	\$20.00	\$4,000.00
14	Undercut, Furnish, Install, and Compact Select Fill from Off-Site Source	---	CY	1000	\$63.00	\$63,000.00	\$472.00	\$472,000.00	\$20.00	\$20,000.00
15	Secure Modified Proctor Test ASTM D 1557	---	EA	5	\$400.00	\$2,000.00	\$416.00	\$2,080.00	\$150.00	\$750.00
16	Secure Field Density Tests	---	EA	250	\$100.00	\$25,000.00	\$45.00	\$11,250.00	\$50.00	\$12,500.00
Total 1-16:					\$2,496,000.00		\$2,646,473.00		\$2,746,000.00	
ADD ALTERNATE BID ITEMS										
17A	Additional Cost for Furnishing and Installing Standing Seam Metal Roof on Treatment Building in Exchange of Architectural Shingles	---	LS	1	\$7,500.00	\$7,500.00	\$7,529.00	\$7,529.00	\$15,500.00	\$15,500.00
18A	Furnish and Install Well 1 Enclosure	---	LS	1	\$45,000.00	\$45,000.00	\$42,706.00	\$42,706.00	\$50,000.00	\$50,000.00
19A	Furnish and Install Drinking Water Production Well 1R and Demolish and Properly Abandon Existing Well No. 1	---	LS	1	\$139,000.00	\$139,000.00	\$170,000.00	\$170,000.00	\$130,000.00	\$130,000.00
19B	Drill Geophysical Log and Formation Sample Pilot Hole, as Specified, to a Greater or Lesser Depth than Specified	---	VF	50	\$21.25	\$1,062.50	\$50.00	\$2,500.00	\$18.00	\$900.00
19C	Drill, Furnish and Install Production Well, as Specified, to a Greater or Lesser Depth than Specified	---	VF	50	\$47.25	\$2,362.50	\$150.00	\$7,500.00	\$40.00	\$2,000.00
19D	Furnish & Install Production Well Screen, as Specified, to a Greater or Lesser Length than Specified	---	LS	20	\$137.00	\$2,740.00	\$70.00	\$1,400.00	\$116.00	\$2,320.00
TOTAL BID AMOUNT 1 - 16, INCLUDING ITEM 17A:					\$2,503,500.00		\$2,654,002.00		\$2,761,500.00	
TOTAL BID AMOUNT 1 - 16, INCLUDING ITEM 18A:					\$2,541,000.00		\$2,689,179.00		\$2,796,000.00	
TOTAL BID AMOUNT 1 - 16, INCLUDING BID ITEMS 19A - 19D:					\$2,641,165.00		\$2,827,873.00		\$2,881,220.00	
TOTAL BID AMOUNT 1 - 16, INCLUDING ITEMS 17A and 19A - 19D:					\$2,648,665.00		\$2,835,402.00		\$2,896,720.00	



September 8, 2015

City of Milford
201 South Walnut Street
Milford, DE 19963
Attn: Mr. Jeff Portman
City Manager

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

RE: RECOMMENDATION FOR AWARD
Washington Street Water Treatment Facility, Contract D
Project No. 0052A154-D

Dear Jeff:

Please find attached the bid tabulation for the above referenced project. Three (3) construction bids were received on August 19, 2015. The low bidder was Kuhn Construction of Hockessin, Delaware. We have reviewed the bids received and find them to be in order.

In accordance with the requirements of the Drinking Water State Revolving Fund (DWSRF) program, we forwarded both the bid tabulation and the low bidder's supplemental information to verify compliance with the Disadvantaged Business Enterprise (DBE) requirements. We have received confirmation from DWSRF that the low bidder has complied with the agencies DBE requirements.

Additionally, as required by DWSRF, our office has confirmed the low bidder's registration and active status in the System for Award Management (SAM). A copy of the low bidder's SAM registration and active status is included with this letter.

The project bid documents included several add alternate bid items. A summary of the Base Bid and Add Alternate Bid amounts received from Kuhn Construction, are presented below.

Total Base Bid:	\$2,496,000.00
Base and Alternate Bid Item 17A: (Includes Metal Roof)	\$2,503,500.00
Base and Alternate Bid Item 18A: (Includes Well No. 1 Enclosure)	\$2,541,000.00
Base and Alternate Bid Items 19A-19B: (Includes New Well 1R and Abandonment of Existing Well 1)	\$2,641,165.00

Jeff Portman
September 8, 2015
Page 2

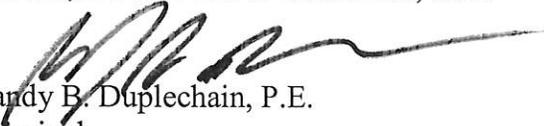
**Base Bid and Alternate Bid Items 17A and
19A -19B: \$2,648,665.00**

Available Construction Funds: \$2,700,000.00

Due to the location, age (circa 1925) and observed poor condition of Well No. 1 it is **our office's recommendation that the City award the project, to Kuhn Construction for the estimated amount of \$2,648,665.00.** Please note that this amount includes the replacement and abandonment of existing Well No. 1 as well as the inclusion of a standing seam metal roof on the new treatment building.

Should you have any questions or would like to discuss this matter further, please contact our office.

Sincerely
DAVIS, BOWEN AND FRIEDEL, INC.



Randy B. Duplechain, P.E.
Principal

Enc.

Cc: Doug Lodge, Office of Engineering
Heather Warren, DWSRF

SAM Search Results
List of records matching your search for :
Functional Area: Entity Management
Record Status: Active
Entity Name: kuhn construction

ENTITY	KUHN CONSTRUCTION COMPANY	Status:Active
---------------	---------------------------	---------------

DUNS: 011039963	+4:	CAGE Code: 1K9A4	DoDAAC:
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Expiration Date: Aug 23, 2016	Has Active Exclusion?: No	Delinquent Federal Debt?: No
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Address: 787 VALLEY RD	
City: HOCKESSIN	State/Province: DELAWARE
ZIP Code: 19707-9150	Country: UNITED STATES

September 8, 2015

City of Milford
201 South Walnut Street
Milford, DE 19963
Attn: Mr. Jeff Portman
City Manager

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

RE: Additional Construction Administration Services
Washington Street Water Treatment Facility, Contract D
Project No. 0052A154-D

Dear Jeff:

As you are aware the originally construction time for the above referenced project was two hundred and seventy (270) calendar days. During bidding of the project two of the prospective bidders stated that additional time would likely be needed to complete the project. One of the bidders requested an additional ninety (90) days be added to the proposed construction time period. After consultation with you it was decided to issue an addendum which added an additional sixty (60) calendar days to the proposed construction time. This time extension will also increase our cost to oversee and administer the project. We therefore request an additional \$7,000.00 be added to our Construction Administration Services fee to cover the cost for the additional two months of construction time.

As you are also aware one of the Add Alternate Bid Items on this project was for the installation of a new production well to replace existing Well No. 1. This work was not part of the original project scope of services and therefore was not included in our construction services fees. Therefore, should City Council decide to accept the Add Alternate Bid Item for replacement of well No. 1 we request \$8,600.00 be added to our Construction Administration Services to cover the additional cost to administer and oversee the around the clock work necessary to install the new well.

Should the above additional services request be acceptable please execute below and return one (1) copy for our files. Should you have any questions or need additional information, please let me know.

Sincerely
DAVIS, BOWEN AND FRIEDEL, INC.


Randy B. Duplechain, P.E.
Principal

Accepted By: _____ Date: _____

CITY OF MILFORD

DELAWARE



"THE GARDEN CITY OF TWIN COUNTIES"

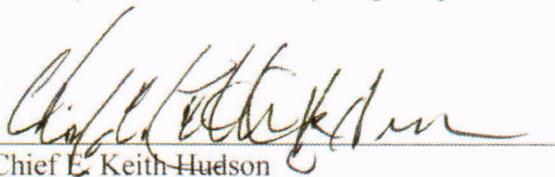
OFFICE OF THE CHIEF OF POLICE
E. KEITH HUDSON

400 N.E. FRONT STREET
MILFORD, DELAWARE 19963
(302)422-8081 FAX (302)424-2330

DATE: August 23, 2015
TO: Mayor and Council
Jeff Portmann, Finance Director
FROM: Chief E. Keith Hudson
RE: Budget Line Item Increase Request for FY 2015-2016 Funds

Due to the influx of Legal Expenses, it is apparent that the amount budgeted in the FY15-16 Police Department's Legal Expense Account is not going to be sufficient enough to fulfill our current and remaining (estimated) legal fees for the 15-16 fiscal year. Therefore, I respectfully request Council to approve a \$25,000 increase to our Legal Expense Account (101-1610-421.30-20).

Thank you in advance for your prompt attention in this matter.


Chief E. Keith Hudson

cc: Terri Hudson, City Clerk

Request: \$25,000

From:

Real Estate Transfer Tax Fund

To:

Legal Expense Account (101-1610-421.30-20)

CURRENT ELECTRIC CODE:

SECTION 15 TAMPERING WITH CITY'S PROPERTY

15.1 TAMPERING EXPRESSLY FORBIDDEN

No person except a duly authorized representative of the City shall make any connection or disconnection, either temporary or permanent between Service load of the Customer and Service wires of the City; or set, change, remove or interfere with or make any connections to the City's meter or other property or any wiring between the City's meter and the Service wires of the City. By taking Service from the City, the Customer agrees to respect the integrity of the meter seal.

15.2 LIABILITY FOR TAMPERING

In the event of the City's meters or other property being tampered or interfered with, the Customer being supplied through such equipment shall pay the amount which the City may estimate is due for Service used but not registered on the City's meter, and for any repairs or replacements required, and such changes in Customer's installations as may be required by the City. Furthermore, the Customer may be subject to a utility tampering fee in accordance with the Fee Schedule, Appendix 1.

When the City discovers evidence of tampering or interference, Services may be terminated and the police will be notified for possible criminal charges. Upon request and pending police action, the Customer may be reconnected after all applicable fees have been paid. (See Fee Schedule, Appendix 1).

CITY OF MILFORD
ORDINANCE NO. 2015-24

WHEREAS, The City of Milford maintains electrical outlets that are located in areas open to the general public; and

WHEREAS, The City of Milford installed this electrical outlets for the exclusive use of the City of Milford; and

WHEREAS, any use of these electrical outlets is paid by the City of Milford; and

WHEREAS, The City of Milford desires to update Appendix B of the City Code to recognize that any unauthorized use of these electrical outlets or other electric service maintained and paid by the City of Milford is prohibited.

NOW THEREFORE, THE CITY OF MILFORD ORDAINS:

Section 1.

Section 15 of Appendix B of the Code of the City of Milford, entitled "TAMPERING WITH CITY PROPERTY," shall be amended by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 15 - TAMPERING WITH AND THEFT OF CITY PROPERTY

15.1

TAMPERING EXPRESSLY FORBIDDEN

No person except a duly authorized representative of the City shall make any connection or disconnection, either temporary or permanent between Service load of the Customer and Service wires of the City; or set, change, remove or interfere with or make any connections to the City's meter or other property or any wiring between the City's meter and the Service wires of the City. By taking Service from the City, the Customer agrees to respect the integrity of the meter seal.

15.2

THEFT OF CITY PROPERTY

No person shall commit theft of Services that are owned by or billed to the City. Theft of Services is obtaining Services owned by or billed to the City by deception, threat, coercion, stealth, tampering or use of false token or device. For purposes of this section, "tampering" includes, but is not limited to, making a connection of any wire, electronic device, conduit or device to any Service, electrical outlet, or transmission line owned by or billed to the City. No person shall be in violation of this section if the service is expressly stated to be for use by the public, or for any act that was expressly authorized by a duly authorized representative of the City.

15.3

LIABILITY FOR TAMPERING OR THEFT OF CITY PROPERTY

In the event of the City's meters or other property being tampered or interfered with, the Customer being supplied through such equipment shall pay the amount which the City may estimate is due for Service used but not registered on the City's meter, and for any repairs or replacements required, and such changes in Customer's installations as may be required by the City. Furthermore, the Customer may be subject to a utility tampering fee in accordance with the Fee Schedule, Appendix 1.

Any person found committing and act of theft of services as provided under Section 15.2 shall be subject to penalty of \$25.00 for each violation. Furthermore, the person may be reported to the police for potential criminal charges.

When the City discovers evidence of tampering or interference, Services may be terminated and the police will be notified for possible criminal charges. Upon request and pending police action, the Customer may be reconnected after all applicable fees have been paid. (See Fee Schedule, Appendix 1).

Section 2.

Date.

Introduction: 09-14-2015

Adoption: 09-28-2015

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: July 2015

Cash Balance - General Fund Bank Balance	\$2,106,131
Cash Balance - Electric Fund Bank Balance	\$4,600,601
Cash Balance - Water Fund Bank Balance	\$2,572,489
Cash Balance - Sewer Fund Bank Balance	\$1,087,134
Cash Balance - Trash Fund Bank Balance	\$232,345

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Solid Waste <u>Reserves</u>
Beginning Cash Balance	447,818	1,077,026	1,610,266	0
Deposits			29,489	
Interest Earned this Month	63	151	224	
Disbursements this Month			(45,833)	
Investments				250,000
Ending Cash Balance	\$447,881	\$1,077,177	\$1,594,146	\$250,000

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	780,116	5,759,383	3,184,380	4,328,453
Deposits				
Interest Earned this Month	146	467	258	351
Disbursements this Month		(52,850)	(12,440)	(35,000)
Investments	250,000			
Ending Cash Balance	\$1,030,262	\$5,707,000	\$3,172,198	\$4,293,804

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>	Economic Development <u>Fund</u>
Beginning Cash Balance	\$1,285,494	856,401	364,540	1,016,231
Deposits	21,463	11,339	7,175	
Interest Earned this Month				
Disbursements this Month				
Investments				
Ending Cash Balance	\$1,306,957	\$867,740	\$371,715	\$1,016,231

INTEREST THROUGH THE FIRST MONTH OF THE FISCAL YEAR:

General Fund	824	Water Fund	362
GF Capital Reserves	146	Water Capital Reserves	467
Municipal Street Aid	151	Sewer Fund	153
Real Estate Transfer Tax	224	Sewer Capital Reserves	258
Electric Fund	653	Trash Fund	561
Electric Reserves	351		

TOTAL INTEREST EARNED TO DATE **\$4,150**

REVENUE REPORT

Page Two

Date: July 2015	AMOUNT BUDGETED	MTD	YTD	8% of Year Expended YTD%
ACCOUNT				
Economic Development Fund	173,440	0	0	0.00%
General Fund Reserves	280,000	0	0	0.00%
Realty Transfer Tax-Police	500,000	45,833	45,833	9.17%
Real Estate Tax	3,731,000	7,676	7,676	0.21%
Business License	35,000	1,050	1,050	3.00%
Rental License	85,000	600	600	0.71%
Building Permits	60,000	10,891	10,891	18.15%
Planning & Zoning	15,000	1,300	1,300	8.67%
Grasscutting Revenue	16,000	2,000	2,000	12.50%
Police Revenues	487,000	11,541	11,541	2.37%
Misc. Revenues	268,000	3,598	3,598	1.34%
Transfers From	3,215,480	267,956	267,956	8.33%
Total General Fund Revenues	\$8,865,920	\$352,445	\$352,445	3.98%
Water Revenues	2,901,930	254,034	254,034	8.75%
Sewer Revenues	2,306,500	225,828	225,828	9.79%
Kent County Sewer	1,700,000	162,888	162,888	9.58%
Solid Waste Revenues	1,113,855	90,171	90,171	8.10%
Electric Revenues	26,062,315	2,586,259	2,586,259	9.92%
TOTAL REVENUES	\$42,950,520	\$3,671,625	\$3,671,625	8.55%
YTD Enterprise Expense		9,225		
YTD Enterprise Revenue		17,304		
LTD Carlisle Fire Company Building Permit Fund		112,612		

EXPENDITURE REPORT

Page Three

Date: July 2015

8% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	481,755	\$23,315	23,315	4.84%	458,440
O&M	143,905	\$15,479	15,479	10.76%	128,426
Capital	0	\$0			0
Total City Manager	\$625,660	\$38,794	\$38,794	6.20%	586,866
Planning & Zoning					
Personnel	164,730	\$11,525	11,525	7.00%	153,205
O&M	40,130	\$1,097	1,097	2.73%	39,033
Capital	0	\$0	0		0
Total P, C & I	\$204,860	\$12,622	\$12,622	6.16%	192,238
Code Enforcement & Inspections					
Personnel	150,420	\$10,268	10,268	6.83%	140,152
O&M	67,940	\$4,972	4,972	7.32%	62,968
Capital	0	\$0	0		0
Total P, C & I	\$218,360	\$15,240	\$15,240	6.98%	203,120
Council					
Personnel	31,225	\$3,283	3,283	10.51%	27,942
O&M	45,480	\$1,805	1,805	3.97%	43,675
Council Expense	17,000	\$6,779	6,779	39.88%	10,221
Contributions	211,000	\$66,000	66,000	31.28%	145,000
Codification	4,000	\$2,410	2,410	60.25%	1,590
Employee Recognition	9,000	\$0	0	0.00%	9,000
Insurance	24,865	\$0	0	0.00%	24,865
DEDO/Downtown Grant	23,250	\$0	0	0.00%	23,250
Armory Expenses	20,000	\$50	50	0.25%	19,950
Total Council	\$385,820	\$80,327	\$80,327	20.82%	305,493
Finance					
Personnel	359,015	\$25,773	25,773	7.18%	333,242
O&M	58,855	\$3,102	3,102	5.27%	55,753
Capital	6,425	\$6,424	6,424	99.98%	1
Total Finance	\$424,295	\$35,299	\$35,299	8.32%	388,996
Information Technology					
Personnel	189,010	\$8,219	8,219	4.35%	180,791
O&M	175,480	\$11,038	11,038	6.29%	164,442
Capital	62,760	\$50,331	50,331	80.20%	12,429
Total Information Technology	\$427,250	\$69,588	\$69,588	16.29%	357,662

EXPENDITURE REPORT

Page Four

Date: July 2015

8% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,904,935	\$264,072	264,072	6.76%	3,640,863
O&M	464,570	\$59,790	59,790	12.87%	404,780
Capital	84,000	\$10,000	10,000	11.90%	74,000
Total Police	\$4,453,505	\$333,862	\$333,862	7.50%	4,119,643
Streets & Grounds Division					
Personnel	470,530	\$27,361	27,361	5.81%	443,169
O&M	458,605	\$29,806	29,806	6.50%	428,799
Capital	120,000	\$0	0	0.00%	120,000
Debt Service	17,140	\$0	0	0.00%	17,140
Total Streets & Grounds	\$1,066,275	\$57,167	\$57,167	5.36%	1,009,108
Parks & Recreation					
Personnel	578,680	\$57,146	57,146	9.88%	521,534
O&M	261,215	\$22,984	22,984	8.80%	238,231
Capital	220,000	\$0	0	0.00%	220,000
Total Parks & Recreation	\$1,059,895	\$80,130	\$80,130	7.56%	979,765
Total General Fund					
Operating Budget	\$8,865,920	\$723,029	\$723,029	8.16%	8,142,891

EXPENDITURE REPORT

Page Five

Date: July 2015

8% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	310,855	\$21,655	21,655	6.97%	289,200
O&M	1,029,160	\$70,353	70,353	6.84%	958,807
Capital	583,000	\$2,426	2,426	0.42%	580,574
Debt Service	978,915	\$0	0	0.00%	978,915
Total Water	\$2,901,930	\$94,434	\$94,434	3.25%	2,807,496
Sewer Division					
Personnel	310,855	\$21,664	21,664	6.97%	289,191
O&M	1,151,560	\$44,223	44,223	3.84%	1,107,337
Capital	286,630	\$16,374	16,374	5.71%	270,256
Debt Service	557,455	\$0	0	0.00%	557,455
Sewer Sub Total	\$2,306,500	\$82,261	\$82,261	3.57%	2,224,239
Kent County Sewer	1,700,000	\$162,888	162,888	9.58%	1,537,112
Total Sewer	\$4,006,500	\$245,149	\$245,149	6.12%	3,761,351
Solid Waste Division					
Personnel	390,810	\$27,786	27,786	7.11%	363,024
O&M	723,045	\$55,898	55,898	7.73%	667,147
Capital	0	\$0	0		0
Total Solid Waste	\$1,113,855	\$83,684	\$83,684	7.51%	1,030,171
Total Water, Sewer Solid Waste	\$8,022,285	\$423,267	\$423,267	5.28%	7,599,018
Electric Division					
Personnel	1,256,805	\$78,540	78,540	6.25%	1,178,265
O&M	1,700,915	\$111,094	111,094	6.53%	1,589,821
Transfer to General Fund	2,500,000	\$208,333	208,333	8.33%	2,291,667
Capital	635,000	\$0	0	0.00%	635,000
Debt Service	344,595	\$0	0	0.00%	344,595
Electric Sub Total	\$6,437,315	\$397,967	\$397,967	6.18%	6,039,348
Power Purchased	19,625,000	\$1,885,096	1,885,096	9.61%	17,739,904
Total Electric	\$26,062,315	\$2,283,063	\$2,283,063	8.76%	23,779,252
TOTAL OPERATING BUDGET	\$42,950,520	\$3,429,359	\$3,429,359	7.98%	39,521,161

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: July 2015

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	8% of Year Expended	UNEXPENDED BALANCE
				YTD%	
Garage					
Personnel	87,380	6,062	6,062	6.94%	81,318
O&M	73,580	3,615	3,615	4.91%	69,965
Capital	0	0	0		0
Total Garage Expense	\$160,960	9,677	\$9,677	6.01%	151,283
Public Works					
Personnel	162,720	5,593	5,593	3.44%	157,127
O&M	208,075	11,019	11,019	5.30%	197,056
Capital	0	0	0		0
Total Public Works Expense	\$370,795	16,612	\$16,612	4.48%	354,183
Billing & Collections					
Personnel	539,665	37,447	37,447	6.94%	502,218
O&M	208,420	11,947	11,947	5.73%	196,473
Capital	20,000	0	0	0.00%	20,000
Total Billing & Collections	\$768,085	49,394	\$49,394	6.43%	718,691
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	57,630	4,718	4,718	8.19%	52,912
Capital	0	0	0		0
Total City Hall Cost Allocation	\$57,630	4,718	\$4,718	8.19%	52,912

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

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 27, 2015

A Meeting of the Annexation Committee 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, July 27, 2015.

PRESIDING: Chairperson Katrina Wilson

IN ATTENDANCE: Committee Members: Councilman Douglas Morrow, Councilman James Burk
and Planning Commission Chairman Archie Campbell

City Clerk/Recorder Terri Hudson

Chairwoman Wilson called the Annexation Committee Meeting to order at 6:32 p.m. to review the petition submitted by Key Properties Group, LLC:

June 12, 2015

City of Milford
201 S Walnut Street
Milford Delaware 19963
RE: Petition for Annexation of Property
Tax Map No.: 330-15.00-58.01 & 58.04
Site Address: 7254 Cedar Creek Road (58.01)
7272 Cedar Creek Road (58.04)

To Whom it May Concern:

We are requesting the above-referenced tax parcels be annexed into the City of Milford from Sussex County; 2.6+/- acres, currently zoned AR.

General Location Description:

The property is located on the west side of Cedar Creek Road, situated between the De1DOT SR 1 access ramp (south) and Wilkins Road (north). The parcel is contiguous to lands within the City of Milford (west and south).

The reason for our request is the parcels are included in Bayhealth Medical Center's new Health Campus. We are applying for Institutional Service District Zoning, which is consistent with Milford's Comprehensive Plan.

The annexation applications and supporting documents will be submitted by Bayhealth Medical Center.

She deferred to City Planner Rob Pierce to review his preliminary findings.

Property Owner:	Key Properties Group, LLC
Location:	7254 & 7272 Cedar Creek Road
Size:	2.6 +/- acres
Existing Zoning:	AR (Sussex County)
Proposed Zoning:	IS (Institutional Service District)
Tax Map and Parcel Number:	330-15.00-58.01 & 58.04

Mr. Pierce advised the committee that a petition from the property owners was submitted on June 17, 2015 to annex a total of 2.6 +/- acres into the corporate limits of the City of Milford. Each property is improved with a dwelling unit. However, it is anticipated that the applicant will demolish the structures and incorporate these properties into the overall health campus project.

The property is identified as Sussex County tax parcels 330-15.00-58.01 & 330-15.00-58.04 and will become part of the 1st Ward of the City of Milford.

The properties have frontage along Cedar Creek Road (State Route 30) but it is anticipated that access will be gained through the internal roadways associated with the health campus project.

Currently, there are roadside state-maintained swales along Cedar Creek Road (State Route 30). Mr. Pierce anticipates the health campus project will be required to adhere to the DNREC stormwater regulations and will have to obtain required permits from the Sussex Conservation District and State of Delaware.

The area proposed to be annexed is currently zoned AR (Agricultural Residential) in Sussex County under the Sussex County Zoning Ordinance. The applicant requests the property be changed to IS (Institutional Service District) under the City of Milford's Zoning Ordinance which aligns with the change of zone Bayhealth will propose with the campus.

The area will be served by a gravity sewer system associated with the southeast area utility agreement which involves the health campus onsite collection system.

The property will connect to a main coming from the new water tower to the east and to the existing water main on Wilkins Road.

Electric will be extended from the substation on Elks Lodge Road and additional loops will be provided from the north on Wilkins Road.

Mr. Pierce noted that the utilities are based on these parcels becoming part of the bigger Bayhealth project.

There is no anticipated impact for traffic and no anticipated environmental issues. The U.S. Army Corps of Engineers will ensure any wetlands on the site conform to Section 404 of the Clean Water Act.

As previously mentioned, the properties will be incorporated into the overall health campus project. This area is surrounded by vacant commercial, some existing low density residential and some vacant and moderate density residential areas.

The Carlisle Fire Department will provide fire and EMS coverage to this area. Milford Police Department will provide law enforcement services.

The annexation will be consistent with the Southeast Master Plan Future Land Use Plan and designated as employment center. The future land use plan will be reviewed by council during a public hearing later this evening. Mr. Pierce does not anticipate any issues with the application and approval.

No significant property tax or economic gain is expected from the two individual lots as a result of being incorporated into the overall health campus project as was previously pointed out.

Mr. Pierce then presented the advantages of the annexation. The property would be within the planning area of the City of Milford and identified within the Urban Growth Boundary Area of the 2008 Comprehensive Plan. The two properties will become part of the Bayhealth project.

He could find no disadvantage to the city.

Based on this review, he recommends the Annexation Committee recommend approval of the application with the following comments:

- *Annexation is consistent with the "Comprehensive Land Use Plan".
- *Property is contiguous to existing City Limits.
- *Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
- *Property will be served by City Electric, Sewer, and Water. Presently, these utilities are not available to the site.
- *An executed Annexation Agreement is required prior to final City Council approval.
- *Upon Council approval, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

Chairwoman Wilson confirmed that all committee members have a clear understanding of what is being proposed; Mr. Morrow and Mr. Burk both stated yes.

Planning Chairman Campbell asked if this property will be eligible for a tax abatement. Ms. Wilson believes that until Bayhealth purchases the property, the owners will pay city taxes. The city planner reiterated that once Bayhealth purchases the property, it will be consolidated into one large lot and these lots will not longer be separated.

Mr. Morrow said it should be taxed under Key Group until it is considered a nonprofit when transferred to Bayhealth.

Mr. Morrow moved for a recommendation that city council proceed with the annexation of two parcels totaling 2.6 +/- acres currently owned by Key Group LLC at 7272 Cedar Creek Road and 7254 Cedar Creek Road, seconded by Mr. Burk. Motion carried with no one opposed.

Mr. Pierce noted that the annexation committee report will be presented by Ms. Wilson at the August 10th council meeting. He will then submit the plan of services to State Planning.

He followed by stating that public hearings will be scheduled for both the planning commission and city council to review the annexation and consider the change of zone. Final approval of the annexation by council will occur after the Office of State Planning Coordination accepts the plan of services.

Ms. Wilson thanked the committee for taking time to attend the meeting.

With no further business, Ms. Wilson adjourned the meeting at 6:48 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 27, 2015

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, July 27, 2015.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Garrett Grier III, James Burk, Douglas Morrow, Sr.
James Starling, Sr. and Katrina Wilson

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 7:21 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Proclamation 2015-18/Social Security 80th Anniversary Signing

Mayor Shupe reported that Public Affairs Specialist Matthew Baxter from the Social Security Administration in New Castle asked that he join other public officials from across the nation by issuing a proclamation in recognition of the Social Security Administration's 80th Anniversary on August 14th. See below:

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.

s/Mayor Bryan Shupe

COMMUNICATIONS

Mayor Shupe read the following card from the Pikus family into record:

Dear Mayor Shupe and Milford City Council:

Our family was so touched by your support and the beautiful flowers at the service. Dad enjoyed city council and was fortunate to serve with all of you.

The mayor said that Councilman Pikus' family was overwhelmed with the support from not only city council and city employees, but from the community as well.

UNFINISHED BUSINESS

Introduction/Ordinance 2015-13/Chapter 193-Solid Waste Code/Fee Increase

Mayor Shupe introduced Ordinance 2015-13 and explained that this is a housekeeping ordinance to comply with the fifty-cent monthly trash increase approved by city council with the adoption of the city's Fiscal Year 15-16 budget:

Ordinance 2015-13
CHAPTER 193-SOLID WASTE MANAGEMENT
§193-11 - Collection and Rate Schedule

WHEREAS, the Solid Waste Department requires increased revenue to offset additional expenses related to operational and maintenance costs beginning with the Fiscal Year 2015-2016 budget; 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, starting in Fiscal Year 2015-201, a fifty-cent monthly increase will be added each year to the monthly Solid Waste fee for the next three years.

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

He recalled previous discussions about the financial situation of this department over the past couple years. This was the result of increased landfill, tipping and other miscellaneous costs. We are presently transferring funds out of a surplus fund account to cover a \$60,000 annual deficit.

The ordinance includes a fifty-cent solid waste increase per month per year over the next three years that will total \$1.50 by year 2017 (\$25.00). The increase this year will bring in an additional \$20,000 for a total of \$60,000 by 2017. This should make up for that deficit.

Formal action will be taken at the next council meeting.

Introduction/Ordinance 2015-14/Appendix B/Electric Rules and Regulations

Mayor Shupe then introduced Ordinance 2015-14. He explained this ordinance rescinds two new fees that were included in the complete overhaul of the Electric Rules and Regulations adopted on June 22nd. Fees being removed are the deposit return request processing fee and budget billing fee. The city prefers to encourage budget billing and believes this would have the opposite effect.

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

The mayor stated that the request processing fee of \$15 would have required the customer to contact customer service in order to receive their electric deposit back. Council was uncomfortable requiring customers to pay a fee in order to be eligible to receive their money back. It also created additional recordkeeping and follow-up for our customer service employees thus making it impractical in comparison to the high cost of changing our billing software program.

The other concern was the proposed \$1 a month budget billing fee. That fee would be charged to customers in our budget program. The city encourages customers to be on budget billing and council felt this would deter them.

As a result, it was recommended that both items be removed from the ordinance.

Action will be taken on this ordinance at the next council meeting.

Rescind USDA Resolution 2015-13 (adopted 07/13/2015)

Mayor Shupe advised that our bond attorney found some errors in USDA Resolution 2015-13 adopted at the previous council meeting. After further review, the USDA decided to create two separate resolutions due to the differences in the borrowing amounts and rates.

Mr. Morrow moved to rescind Resolution 2015-13 adopted on July 13, 2015, seconded by Mr. Grier:

RUS BULLETIN 1780-27

APPROVED

OMB. No. 0572-0121

LOAN RESOLUTION

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, (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 (\$600,000) pursuant to the provisions of the Charter.

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 by 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.*
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 people 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 under the terms offered by the Government; that Jeff Portmann of the association is 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).*

s/Mayor Bryan Shupe

Motion carried.

Adoption/Amended Resolution 2015-13/Authorize Indebtedness for Improvements to Sewer System

Mayor Shupe explained the following resolution replaces the previously rescinded 2015-13. This resolution specifically addresses the \$600,000 USDA borrowing offer (and \$1 million grant) which will be presented to voters on September 1st.

Ms. Wilson moved to adopt Resolution 2015-13, seconded by Mr. Starling:

RUS BULLETIN 1780-27

*APPROVED
OMB. No. 0572-0121*

LOAN RESOLUTION

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 Sewer Facility to Serve an Area Lawfully Within Its Jurisdiction to Serve.

WHEREAS, it is necessary for the Milford, City of, (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 Dollars (\$600,000) pursuant to the provisions of the Charter.

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.*
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 under the terms offered by the Government; that Jeff Portmann of the association is 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).*

s/Mayor Bryan Shupe

Motion carried.

Adoption/Resolution 2015-15/Authorize Indebtedness for Improvements to Sewer System

Mayor Shupe reported that Resolution 2015-15 addresses the \$1 million borrowing offer (and \$1 million grant) which is included in the borrowing proposal being presented to voters at the September 1st Special Election.

Mr. Grier moved to adopt Resolution 2015-15, seconded by Mr. Morrow:

RUS BULLETIN 1780-27

*APPROVED
OMB. No. 0572-0121*

LOAN RESOLUTION

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 Sewer Facility to Serve an Area Lawfully Within Its Jurisdiction to Serve.

WHEREAS, it is necessary for the Milford, City of, (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of One Million Dollars (\$1,000,000) pursuant to the provisions of the Charter.

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 is 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.*
- 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 under the terms offered by the Government; that Jeff Portmann of the association is 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).

s/Mayor Bryan Shupe

Motion carried.

Adoption/Resolution 2015-16/Changing Special Election Date

Mayor Shupe reported that the Special Election for the vacant 2nd Ward Council seat has been rescheduled for Tuesday, September 1, 2015 from 7:00 a.m. to 7:00 p.m. at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

Candidates are reminded to file their petitions no later than 4:30 p.m. on Monday, August 3, 2015. Anyone not registered to vote in the city is asked to do so by August 3rd as well.

This resolution changes the date of the 2nd ward election from August 12th to September 1st to coincide with State of Delaware municipal election laws.

Mr. Burk moved to adopt Resolution 2015-16, seconded by Mr. Grier:

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 REQUIRED 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.

Motion carried.

City of Milford Charter Review/Appointment of Committee

The mayor recalled talking about a review of the city charter. Instead of putting this in a workshop with nine people, he felt it would be more appropriate to appoint a committee to begin this process. He recommends that one council representative from each ward be appointed to provide a broad spectrum of ideas and thoughts. Once that review is complete, it can be brought to council for their input.

Mr. Burk moved to appoint a committee to review the city charter, seconded by Mr. Morrow.

Mr. Grier asked who will determine the members; Mayor Shupe said he would prefer to hear from interested council members from each ward. He is willing to make some recommendations but if that person is unable to commit the time or cannot serve on the committee, the other ward representative will be appointed.

Motion carried.

NEW BUSINESS*McCrone Contract Change Order/Hearthstone Design*

City Planner Rob Pierce recalled this matter being referenced in the April supplemental city manager's report. According to that report, Mr. Pierce said the former city manager and solicitor were addressing the unresolved recordation of Hearthstone Manor's Phases 5 and 7-13. The report stated that progress continued to be made with Phases 7 & 9, which should be ready for recordation in the near future. This will allow Key Properties Group to proceed with construction and resolve any underlying issues related to right-of-way dedication time lines, easements and previously approved construction documents involving water, sewer, roadways and grading.

That report stated that the city's contractual engineer and the city manager had reviewed the construction documents associated with those phases approved by the previous in-house engineer. They had determined that value engineering was necessary to avoid unnecessary expenses in construction, as well as long-term maintenance responsibilities associated with roads and utilities.

At that time, the city manager recommended to council and council approved a temporary time and material contract with McCrone, with a not-to-exceed limit of \$17,500, to be funded out of the enterprise fund reserves.

Since that time and before his resignation, McCrone approached the previous city manager requesting an additional \$9,600 to complete the full design of water and sewer related sheets through permitting.

Mr. Pierce noted that the Hearthstone owner/developer is still required to pay for all revised permit fees adding that is not a responsibility of the city as the former city manager had stated.

Mr. Pierce also stated that the recommendation is to approve the amended contract, with a revised not-to-exceed limit of \$27,100, to be paid out of enterprise fund reserves to complete the work originally intended.

Mayor Shupe asked Mr. Rutt to comment; Mr. Rutt explained it is quite a contract amendment. He said he also looked at the designs and the design flaws were so blatant that a lot of time would be spent trying to figure out how to fix them. He explained that is why the engineering was needed at the time.

When asked if this is the city's responsibility, Mr. Rutt said that what was submitted for approval, should have been picked up previously. The designs should not have been approved several years ago and amendments should have been required at the time. Since they were approved by the city, it would not be equitable to go back and require Hearthstone to redo the designs. That is how this became a joint effort. The city is handling the value engineering and once the flaws are identified, it will be Hearthstone's responsibility to incorporate them into their new plans and bring them back for permitting purposes.

Ms. Wilson recalled a number of flaws in the original Hearthstone plan that were identified five, six or seven years ago.

Mr. Pierce explained this is the planned area east of Hearthstone and not the area that has already been constructed. He said this involves water and sewer utilities and the excess amount of lines where things could have been truncated off. In the long run, this will save the city money should any repairs be needed in the future.

When asked if this involves the swale system, Mr. Pierce explained that Hearthstone has been asked to address those issues in future phases, in terms of the required slopes adjacent to driveways and roadside swales. That will be addressed at the time of the review prior to the recordation process.

Mr. Rutt stated that as an example, in the adjacent parcel, one of the lines designed was more than twenty feet in the ground. There was no reason for that and in order for the other developer to connect would have required them to go twenty feet deep.

Ms. Wilson said she understands but emphasized that she does not want the city to have to go back and fix things in the original phases that council agreed a long time ago would not happen. She agrees that any designs in future phases need attention before construction begins.

Mr. Pierce emphasized this only involves the design of the unbuilt phases that include Phases 5 and 7-13. It will include some coordination to ensure they adhere to the grading requirements around the roadway swales.

Mr. Grier moved to approve the McCrone contract amendment to complete the utility value engineering for Hearthstone Manor Phases 5 and 7-13, with a not-to-exceed total of \$27,100, seconded by Mr. Burk.

MSD/MPD MOU Agreement Amendment

Mayor Shupe reported that Chief Hudson met with School Superintendent Phyllis Kohel to review the proposed amendment. The district has agreed to the city's proposal as was previously discussed by city council.

Chief Hudson recalled that the agreement was discussed by city council during an executive session. Council agreed to pay a portion of each officers' cost by reducing the school's cost by \$50,000 total per year. As a result of the partnership, all three officers will return to Milford School District.

Mayor Shupe thanked Chief Hudson and the police committee for arriving at an amenable resolution. He looks forward to working with the school and the community in hopes of bringing everyone together and feels this is a step toward that goal.

Mr. Morrow moved to approve the amended Milford School District SRO MOU by reducing Milford School Districts' costs by \$50,000 per year, seconded by Ms. Wilson. Motion carried.

FY2015-2016 Budget Adjustment/Police Department/SRO Funding

The mayor explained that in order to accomplish this, the police department budget must be increased by \$50,000. It is recommended that amount be transferred from the realty transfer tax fund to cover that increase.

Mr. Morrow moved to approve a \$50,000 FY 2015-16 police department budget increase to be paid from the realty transfer tax fund, seconded by Mr. Starling. Motion carried.

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

Mayor Shupe reported that St. Johns Catholic Church will be celebrating their 25th Annual Oktoberfest on Friday, October 2nd from 6:00 p.m. to 10:00 p.m. and Saturday, October 3rd from 10:00 a.m. to 10:00 p.m.

They are asking permission to block off a portion of School Place to eliminate congestion in front of the church. In keeping with the Oktoberfest tradition, they have also requested a waiver to Chapter 77 which will allow alcohol to be served at the event.

Mr. Morrow moved to allow a portion of School Place be blocked off as requested and that alcohol be permitted to be served at the Oktoberfest on October 2 and October 3, 2015, seconded by Mr. Grier. Motion carried.

Greater Kent Committee/Semi-Annual Dues

Mayor Shupe reminded council that the Greater Kent Committee is a nonprofit membership organization created in the late 1980's by top business executives in Central Delaware. This organization is dues-supported and individuals must be invited to become a member.

He said the city works hand-in-hand with the committee and he is asking for a motion to approve the annual dues in the amount of \$1,500 which is billed on a semi-annual basis (\$750), to be paid from the Council Expense line item.

Mr. Grier moved to approve the annual Greater Kent Committee dues in the amount of \$1,500, seconded by Mr. Starling. Motion carried.

DEMEC Resolution/Director & Alternate Director

As a result of the former city manager's resignation, Mayor Shupe informed council they are required to appoint a new director and alternate director.

The recommendation discussed at the June 22nd meeting was to appoint Electric Superintendent Rick Carmean as DEMEC's primary board member and the city manager as the alternate appointee. Depending on the experience of the new city manager, this can be changed at a later date.

Ms. Wilson moved that Electric Superintendent Rick Carmean be appointed as DEMEC's primary board member and the city manager serve as the alternate appointee, seconded by Mr. Morrow. Motion carried.

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

The mayor reported that Christine Crouch and he have been working with USDA, Delaware Tourism and the University of Delaware on this program. The USDA has offered the city a \$13,000 grant for a feasibility study of tourism citywide. This

will help determine potential visitors, what type of produce or service they are looking for and how to promote and attract those people to our city. The quote from the University of Delaware's Hospitality and Restaurant Management Department to conduct the study is \$15,000. With the \$13,000 USDA grant, the city will be asked to fund the remaining \$2,000.

The USDA has also indicated the City of Milford can reapply next year for grants for the following phases of the project which would include the development and implementation of the marketing plan.

Ms. Wilson moved to approve \$2,000 to pay the city portion of the feasibility study, to be paid from the economic development funds, seconded by Mr. Burk. Motion carried.

EXECUTIVE SESSION

Mr. Morrow moved to go into Executive Session reference below reasons, seconded by Ms. Wilson:

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)

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:49 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 8:05 p.m.

Hammond Easement Payment Ratified/Funding Source Established

Mr. Grier moved to ratify payment in the amount of \$35,000 for a permanent easement for the city's electric poles on the north and west side of the CVS pharmacy site, owned by Hammond Partners LLC, to be paid from electric reserves, seconded by Ms. Wilson. Motion carried.

Employee Evaluation

Mr. Grier moved for authorization of the compensation adjustment as discussed in executive session, seconded by Mr. Morrow. Motion carried.

Recognition

Mayor Shupe recognized two of the candidates running for the vacant 2nd Ward council seat. He introduced Lisa Ingram Peel and Stephen Walter, who were both in attendance.

Adjourn

Ms. Wilson moved to adjourn the Council Meeting, seconded by Mr. Burk. Motion carried.

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 27, 2015

The City Council of the City of Milford met in Workshop Session on Monday, July 27, 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 Garrett Grier III, James Burk, Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

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 8:05 p.m.

Solid Waste Ordinance Review-Yard Waste

The mayor requested this matter be postponed until such time that Councilman Mergner is present and can participate in the discussion due to his concerns.

Review/Training & Travel Policy

Mayor Shupe recalled discussing this matter at the last workshop. He referenced several training/travel policies obtained by the city clerk from various municipalities and counties. He asked that council take sometime to review these policies and return with some comments at the next workshop.

Ms. Wilson feels that some of these have similar expense reports to what she uses when she travels. The forms seem to be somewhat basic.

Mr. Grier confirmed that the city only has the policy referenced as #875. Mr. Rutt answered that is all the city has.

Mr. Burk feels it may be a good idea to issue a city credit card to an employee who is traveling on city business. In that manner, the money is not coming out of the employee's personal accounts. He frequently traveled on business and would receive a business credit card for expenses. However, he was required to sign a waiver stating that any unauthorized charges would be his responsibility. In that way, an employee's personal funds are not in limbo as previously occurred here.

Mr. Burk also agrees a simple form with the supervisor's approval also seems appropriate.

Ms. Wilson agrees that a supervisor should always approve the travel. Mr. Burk agrees adding that even an e-mail would suffice. That protects the employee and the city as well.

Mr. Rutt said there are several examples and he recommends council read through them and choose one versus reinventing the wheel.

Mr. Grier agrees that the most organized policy should be selected and any amount removed. In that manner, our employee can fill the amount in based on where they are going.

Ms. Wilson agrees and has found that a checklist is more appropriate than having the employee write everything out. In that manner, all potential expenses are included. The employee can simply check each item off and fill in the amount on a spreadsheet.

Mr. Morrow offered to e-mail the city clerk what SeaWatch uses which is an excel program.

Mayor Shupe asked if this is something council prefers the interim city manager and mayor to review and bring their recommendation back to council. Council agreed and directed the mayor to proceed.

Mr. Burk asked what is the current status of employee training considering we are in an interim situation. He asked if our employees are continuing to train as was planned in their training budgets. He said he hope the police department is continuing to train on a regular basis.

Chief Hudson stated that yes, they are required to train throughout the year. In addition to a required number of training hours for each officer annually, his officers are certified in various fields which requires ongoing training.

Mr. Burk asked the mayor to follow-up with Mr. Portmann considering we have funding in place to ensure our employees are continuing as planned versus waiting until a new city manager is hired. He would not want us to lose any training opportunities in between time.

With no further business, Mayor Shupe adjourned the Council Workshop at 8:12 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 10, 2015

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 10, 2015.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Garrett Grier III, James Burk, Owen Brooks, Jr. and Katrina Wilson
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 7:01 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilwoman Wilson.

Required Quorum

Mayor Shupe deferred to City Solicitor Rutt to discuss the procedural process this evening due to having only four council members present.

Solicitor Rutt explained that he was asked whether four council members constitute a quorum, and because there is currently a vacancy, there are only seven council representatives. Therefore, the charter allows the meeting to be held if a majority is present. With only seven council members, four is a quorum. Therefore, it is his opinion that city council can act.

APPROVAL OF PREVIOUS MINUTES

Motion made by Mr. Brooks, seconded by Mr. Burk, to approve the minutes of the June 8th Council Meeting, June 9th and June 10th Finance Committee, June 15th Council Meeting, June 22nd Council Meeting, June 29th Council Meeting, July 9th Police Committee, July 13th Council Meeting and July 27th, 2015 Public Hearing minutes as submitted. Motion carried.

RECOGNITION

No requests received or special guests in attendance.

MONTHLY POLICE REPORT

Police Committee Vice Chair Wilson presented the report on behalf of Chief Hudson. Ms. Wilson moved to accept the monthly police report, seconded by Mr. Burk. Motion carried.

CITY MANAGER REPORT

Mayor Shupe referenced the Utility and Parks and Recreation Department reports included in the packet and asked if council had any questions.

Mr. Brooks noted the street department report that indicated they will be advertising for a crew leader and asked what that person does. Mayor Shupe said he will get that information and provide it at the next meeting.

Mr. Brooks said that normally we have a public works director and employees. He has never heard of a crew leader position in the past. Mayor Shupe said he is unfamiliar with the position as well.

Mr. Grier moved to accept the City Manager Report, seconded by Mr. Burk. Motion carried.

COMMITTEE & WARD REPORTS

Annexation Committee Report

Chairwoman Wilson reported that the annexation committee met on July 27, 2015 to consider the following annexation request:

Key Properties LLC Representative Mike Fannin had submitted a letter requesting two parcels be annexed into the City of Milford from Sussex County, each parcel consist of 1.28 acres for a total of 2.6 acres. The parcels are located west of Cedar Creek Road (SR 30) and south of Wilkins Road (CR 206) and are currently zoned Agricultural Residential in Sussex County. They are requesting a zone of Institutional Service District and will become part of the overall Bayhealth Medical Campus site.

Mr. Grier moved to accept the following annexation committee and proceed accordingly, seconded by Mr. Brooks:

Property Owner:	Key Properties Group, LLC
Location:	7254 & 7272 Cedar Creek Road, Lincoln
Size:	2.6 +/- acres
Existing Zoning:	AR (Sussex County)
Proposed Zoning:	IS (Institutional Service District)
Tax Map and Parcel Number:	330-15.00-58.01 & 58.04

APPLICANT

A petition by the property owners was submitted on June 17, 2015 to annex 2.6 +/- acres into the corporate limits of the City of Milford. Each property is improved with a dwelling unit but it is anticipated that the applicant will demolish the structures and incorporate these properties into the overall health campus project.

LOCATION

The property is identified as Sussex County tax parcels 330-15.00-58.01 & 58.04 and would be located in the 1st Ward of the City of Milford.

STREETS

The properties have frontage along Cedar Creek Road (State Rt. 30) but it is anticipated that access will be gained through the internal roadways associated with the health campus project.

DRAINAGE

There are currently roadside swales along Cedar Creek Road (State Rt. 30). The health campus project will be required to adhere to DNREC storm-water regulations and obtain required permits from the Sussex Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned AR in Sussex County under the Sussex County Zoning Ordinance. The applicant requests the property to be zoned IS (Institutional Service District) under the City of Milford's Zoning Ordinance.

SEWER

The area will be served by gravity sewer associated with the Southeast Area utility agreement and the health campus onsite collection system.

WATER

The area will be served with a water main extension from the newly constructed Southeast water tower and existing water main on Wilkins Road associated with the health campus project.

ELECTRIC

The City will extend electric from the substation located on Elks Lodge Road and will provide additional loops from the north on Wilkins Road.

TRAFFIC

Any development of these parcels will be directed through the internal layout of the health campus site. No anticipated traffic impacts associated with this annexation request.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel.

AREA LAND USES

The properties will be incorporated into the overall health campus project. This area is surrounded by vacant commercial, low density residential, and moderate density residential.

FIRE AND POLICE

The Carlisle Fire Dept. will provide fire and EMS coverage to this area. The City will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the Southeast Master Plan Future Land Use Plan and is designated as Employment.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

No significant property tax or economic gain expected, except for the fact that the 2.6 acres will be incorporated into the overall health campus project.

ADVANTAGES TO THE CITY

- * The property would be within the planning area of the City of Milford.
- * Identified within the Urban Growth Boundary Area of the 2008 Comprehensive Plan.
- * The properties will be incorporated into the overall health campus project.

DISADVANTAGES TO THE CITY

- * None.

RECOMMENDATION

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

- * Annexation is consistent with the "Comprehensive Land Use Plan".
- * Property is contiguous to existing City Limits.
- * Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
- * Property will be served by City Electric, Sewer, and Water. At present, these utilities are not available to the site.
- * An executive Annexation Agreement is required prior to final City Council approval.
- * Upon Council approval, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

s/Annexation Committee Members:

Chairwoman Katrina Wilson
Councilman Doug Morrow
Councilman James Burk
Planning Commission Chairman Archie Campbell

Motion carried.

COMMUNICATIONS & CORRESPONDENCE

Included in Packet.

UNFINISHED BUSINESS

Adoption/Ordinance 2015-13/Chapter 193-Solid Waste Code/Fee Increase

Mayor Shupe recalled this ordinance being discussed at the last meeting again noting it is a housekeeping ordinance that was needed to comply with the fifty-cent monthly trash increase approved by city council with the adoption of the FY15-16 budget.

The solid waste department has seen a decrease in funds over the past few years due to increased landfill, tipping and associated solid waste costs. Currently funds are being transferred out of a surplus fund account to cover a \$60,000 annual deficit. The proposed fifty-cent solid waste increase per year over the next three years will result in a \$1.50 total increase by year 2017. The increase this year will bring in an additional \$20,000 for a total of \$60,000 by 2017.

Mr. Brooks moved to adopt Ordinance 2015-13, seconded by Mr. Burk:

Ordinance 2015-13
CHAPTER 193-SOLID WASTE MANAGEMENT
§193-11 - Collection and Rate Schedule

WHEREAS, the Solid Waste Department requires increased revenue to offset additional expenses related to operational and maintenance costs beginning with the Fiscal Year 2015-2016 budget; 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, starting in Fiscal Year 2015-201, a fifty-cent monthly increase will be added each year to the monthly Solid Waste fee for the next three years.

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

Motion carried.

Adoption/Ordinance 2015-14/Appendix B/Electric Rules and Regulations

The mayor recalled this ordinance also being introduced at the last council meeting. This ordinance rescinds two new fees that were presented as part of the complete overhaul of the Electric Rules and Regulations on June 22nd of this year. The fees being removed are the deposit return request processing fee and the budget billing fee. The city prefers to encourage budget billing and believes this would have the opposite effect.

Because of associated costs with the software changes, neither of these fees would be cost effective for the city. As a result, customer service, the IT Department and Electric Department recommend the two fees be removed from the ordinance.

Mr. Grier moved to adopt Ordinance 2015-14 based on the previous conversations regarding these two deposits, seconded by Mr. Burk:

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

Motion carried.

Appointment/Charter Review Committee

Mayor Shupe reported that this has been discussed during the past couple council meetings as well. He was hoping that to finalize the appointments tonight by having one council person from each ward volunteer to serve on the committee. Unless someone present wants to volunteer, he prefers to postpone the matter until the next meeting.

Mr. Brooks asked what the mayor's intent was; Mayor Shupe said he previously discussed council reviewing the charter every few years to make sure it is still properly serving the city. In addition, this will provide a good review for any new council member not familiar with the charter.

He anticipates this will involve a long, detailed process and it would be more helpful to have a committee member from each ward. They can then come back with a recommendation to a full council.

When asked how long this review will take and whether it will take two or three months, Mayor Shupe said we will need to discuss how often the committee will meet. He believes it might be helpful to add a time line as well.

Mr. Brooks recalled the last time the charter was reviewed in its entirety took seventeen three-hour committee meetings over a year and a half. The mayor, city solicitor, city clerk and some council members were involved.

Mayor Shupe agrees it is a big commitment. Mr. Brooks then volunteered to represent the third ward noting that Mr. Morrow works during the day.

Mr. Burk hopes that this may not take as long depending on when it was last reviewed prior to 2008-2009. Mr. Brooks noted that he had a charter that was dated in 2010 though his original charter was undated.

Mr. Brooks also pointed out there are several codes that need to be reviewed as well. He recalled the firearms ordinance that was omitted by error during the codification in 1996. Chief Hudson agreed there were a number of ordinances that were not included during that process.

Mr. Burk moved to postpone any appointments to the charter review committee, seconded by Mr. Grier. Motion carried.

Milford Parade Committee Contributions/Utility Bill Inserts

Mayor Shupe advised the city clerk received an e-mail this past Thursday asking for support of the upcoming Milford Community Parade on Wednesday, October 21st.

They are asking for council to approve copying their contribution letters which can then be mailed to all City of Milford utility customers. In order to accommodate their request and get the inserts copied and added to the bills as quickly as possible, it was added to tonight's agenda.

Mr. Grier said this has been done in the past. He then moved to approve the request, seconded by Mr. Burk. Motion carried.

Authorize/DBF Proposal/Well 11R/Engineering & Construction Services

The mayor explained this proposal is for the work needed to bring Seabury Avenue Well 11R online. The well was constructed earlier this year under a previous contract. The proposal before council includes the design, installation, administration and inspections necessary to install the well pump, motor, piping, electrical and controls. That work is required in order to connect the new well into the existing water treatment facility. This work also includes the proper abandonment of existing well 11.

PE Erik Retzlaff of Davis, Bowen and Friedel was present and informed council this is a follow-up to the replacement well drilled in June. The original well that currently exists pumps approximately 67 to 70 gallons per minute. The new well yields about 250 gallons or four times more than the current well.

The proposal covers the work required to install the pump, connect it and get it operating.

When asked if this was part of the USDA project, Mr. Retzlaff advised that half the cost of this work is being paid through the Redner's Market 2013 water service agreement.

Mayor Shupe added that funding is already in place to cover this expense.

When asked the cost, Mr. Retzlaff advised the city's share of the Redner's agreement is \$200,000.

Mr. Burk moved for authorization of the DBF Engineering and Construction Services Proposal relating to Replacement Well 11-R at the Seabury Avenue Water Treatment Facility, seconded by Mr. Brooks. Motion carried.

Authorize/DBF Proposal/Truitt Avenue Rehabilitation & Cemetery Road Expansion Phase 2

Mayor Shupe informed council this proposal covers the expenses associated with the preparation of the bid documents and bidding assistance for pavement mill and overlay, and handicap ramp replacement along Truitt Avenue and also related to the construction of the next phase of roadways within the city-owned cemetery.

He explained that the reason the projects are being combined is so that the millings obtained from Truitt Avenue can be used as base material for the new cemetery road.

The Truitt Avenue portion of the project bid documents will also include unit price contingency items for the removal and replacement of curb and gutter and sidewalk if funds are available to perform the additional work.

Mr. Brooks asked if there will be any extra millings that can be used on Mispillion Street and recalled previous conversations about that possibility. Mayor Shupe that can be discussed though he knows we have some other big projects such as Airport Road where we may want to do the same thing.

PE Erik Retzlaff added that this proposal will allow DBF to prepare the documents and obtain bid prices from the contractors.

Ms. Wilson moved to authorize the DBF proposal for Survey, Design and Bid Procurement services relating to the Truitt Avenue Rehabilitation & Cemetery Road Expansion Phase 2 projects, seconded by Mr. Grier. Motion carried.

Certification of Voter List/2015 Special 2nd Ward Election and USDA Sewer Borrowing Referendum

Mayor Shupe noted that Chapter 68 of the City of Milford code, requires the Voter Registration list be presented to council prior to an election. As a result, approval of the voter registration list for the September 1st referendum and the 2nd Ward Special Election is needed. This will enable the city clerk's office to provide the final Ward 2 voter list to the candidates.

Mr. Burk moved for approval of the Voter Registration list to be used in the Special Referendum and 2nd Ward Special Election on September 1, 2015, seconded by Mr. Brooks. Motion carried.

Appointment/Special Election 2nd Ward Clerk

The mayor also reported that Article II, Section 2.01 of the City Charter also requires City Council appoint an election clerk(s) for each Ward in which there is a contest. As a result, a clerk from 2nd ward needs to be appointed for this special election. Richard Wilson of 11 Nelson Street has been recommended to fill the 2nd Ward Clerk position.

Ms. Wilson moved to appoint Richard Wilson as the 2nd Ward Clerk for the September 1, 2015 Special Election, seconded by Mr. Burk. Motion carried.

Adoption of FY 2015-2016 Tax Warrant

Article VII-Taxation, Assessors and Assessment of Taxes, states that no 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 all taxable properties, the amount of each assessment, and the tax due for each property.

Attached to the tax list shall be a warrant, signed by the Mayor and attested by the City Clerk, commanding the City Manager to collect the property taxes as stated and set forth in the tax list.

Mr. Burk moved to adopt the 2015-2016 Tax Warrant as presented, seconded by Mr. Grier:

GREETINGS:

The Charter of the City of Milford provides the following:

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

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

Assessed Per Billing Register	\$1,038,989,692
Exemptions	[229,097,900.00]
TOTAL ASSESSED VALUE	\$809,891,792.00
x .0046	
ESTIMATED TAX PER PROPERTY VALUES	\$3,725,502.25
Senior Citizen Discount	[30,912.00]
TOTAL TAXABLE (Fiscal Year 2015-2016)	\$3,694,590.25
Due Date:	September 30, 2015

Motion carried.

Adoption/Resolution 2015-18/Scheduling FY 2015-2016 Board of Revision & Appeals

Mayor Shupe referenced Section 7.06 of Article VII that requires city council to establish a date by resolution, when Council will sit as a Board of Revision and Appeal. The deadline for property tax value appeals is August 31, 2015.

Mr. Grier moved to adopt Resolution 2015-18, scheduling the Board of Revision and Appeal on September 14, 2015, seconded by Ms. Wilson:

WHEREAS, the provisions of Article VII, Section 7.06 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment to be hung in two public places in the City of Milford and there to remain for the space of ten days for public information; and

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

NOW, THEREFORE, BE IT RESOLVED, that on Monday, September 14, 2015 at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2015-2016 General Assessment.

Motion carried.

Introduction Ordinance 2015-18/Building Construction Code/Chapter 88/Fees

Mayor Shupe stated that Building Inspector Don Williams has determined there is a need to review and update the city building permit fees from time to time. Fees for a building permit are based on the estimated value of work associated with the fee which changes periodically. It has been recommended that the fee schedule be handled in the same manner as the Planning, Zoning and Engineering fees which are established by a resolution of council.

This ordinance cleans up the language in Chapter 88-Building Construction related to building code fees in both the International Residential Code and the International Building Code.

Mayor Shupe noted this ordinance is scheduled for August 24th at which time a resolution will be presented with any updated building permit fees and associated costs.

Mayor Shupe then introduced the following ordinance:

ORDINANCE 2015-15
Chapter 88-Building Construction

WHEREAS, the City of Milford has adopted a Building Construction Code whose current standards reference the International Residential Code and the International Building Code; and

WHEREAS, said code proposes that a fee for each plan examination, building permit and inspection be fixed by City Council from time to time; and

WHEREAS, the purpose of the fees are to defray the municipal costs of administering the code.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Article I-International Residential Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by deleting and repealing §88-2(A)(3)(a) Section R108 Fees.

Section 2.

Article II-International Building Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by deleting and repealing §88-4(A)(4)(a) Section 108 Fees.

Section 3.

Article I-International Residential Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by inserting the following language:

Fee schedule. Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

Section 4.

Article II-International Building Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by inserting the following language:

Fee schedule. Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

Section 5.

Dates.

Introduction: August 10, 2015

Adoption (Projected): August 24, 2015

Effective: September 3, 2015

Non-Metered Electrical Service Areas/Unauthorized Use

The mayor informed council that several individuals have been found plugging into open receptacles with anything from personal appliances to computers. In a recent incident, a resident reported to the parks and recreation director that two individuals who were regularly connecting to outlets in the Bicentennial Park. This has also occurred in the downtown area where receptacles were in place for use by holiday lights, festivals and other organized events.

This matter will be sent to the Public Works Committee for further review and recommendation.

Mayor Shupe wanted council to be aware of this situation and the manner in which it will be handled is being discussed. He hopes to bring a recommendation from the public works committee to council.

When asked if there is anything on the books right now, Chief Hudson explained there is a theft of service charge in Title 11 of the Delaware Code. However, it would be difficult to convict someone in court because it is not prohibited in our current electric code which was confirmed by the city solicitor. There is a section that deals with tampering, but it involves meters and electric customers specifically. Something more specific is needed about unauthorized use of electric in public areas.

Both Chief Hudson and the city solicitor agree that language needs to be added to our code to address this problem and allow the city to take action against these individuals.

Mr. Grier asked how many areas in the city have unmetered electric and provide power; Chief Hudson believes it is mainly in the various park areas.

Mr. Rutt said that is the reason it needs to be discussed by the public works committee. An amendment to the electric code will then be considered for theft of services.

Ms. Wilson feels this is a problem associated with growth. She pointed out that the city is growing in population and culturally. These are issues we are seeing as a result.

When Mr. Brooks asked how we would stop this, Chief Hudson advised that the power has since been disconnected though it can be turned back on by any organization that wants to use it.

*Chapter 77/Alcohol Waiver/B&G Club-Arena's Running of the Goat Event
Authorize/B&G Club/Closure & Private Use of Municipal Parking Lot/Adjacent to Arena's*

Mayor Shupe advised that Arena's Sports Bar is hosting an Inaugural Running of the Goat in downtown Milford on Friday, August 21st that will benefit the Boys and Girls Club. The course covers a large area of the downtown area including the Mispillion Riverwalk and Goat Island Nature Preserve and finishes at Arena's Sports Bar. Included is a post 5k event in the parking lot in front of Arenas for participants and guests. It will include live entertainment and local beer.

In addition to the request of the waiver to the city alcohol ordinance, permission is also needed to close the municipal parking lot in front of Arena's, adjacent to NE Front Street, beginning at 4:00 p.m. on Friday.

Mr. Grier moved to approve the alcohol waiver required for Arena's Post 5K Event on Friday, August 21st, seconded by Mr. Burk. Motion carried.

Mr. Grier moved to approve the use and closure of the municipal parking lot in front of Arena's, seconded by Mr. Burk. Motion carried.

Chapter 77/Alcohol Waiver/DMI-Eat in the Street Event

The mayor reported that Downtown Milford, Inc. is planning its 3rd Annual Eat in the Street Event on September 20, 2015 from 5:30 to 8:30 p.m. This event will be held at the Milford Senior Center in the event of inclement weather.

Mayor Shupe advised that Downtown Milford works with restaurants and businesses who participate in this event where tables and chairs are placed down the middle of Walnut Street. The event has grown and this year 125 tickets will be sold. Food is prepared by local establishments; a beer and wine service is also included.

Downtown Milford will be closing Walnut Street from Park Avenue to SW Front Street. Approximately 25 other persons will be serving and assisting the event.

The event benefits Downtown Milford, Incorporated.

Mr. Burk moved to authorize the alcohol waiver and allow alcohol be served to participants at the 3rd Annual Eat in the Street Event on September 20, 2015, seconded by Mr. Grier. Motion carried.

Authorize/DNREC Wastewater Asset Management Program

Mayor Shupe deferred to City Planner Rob Pierce.

Mr. Pierce recalled in May the City of Milford submitted a non-matching grant application to the State of Delaware, Department of Natural Resources and Environmental Control (DNREC), Financial Assistance Branch (FAB) for the Wastewater Asset Management Incentive Program. The application was reviewed by the Delaware Water Infrastructure Advisory Council and approved for \$70,000 in grant funding applied for.

The city is required to complete an Asset Management Plan by October 1, 2017 based on the EPA Framework for Asset Management and centered on five core categories:

- (1) current state of assets
- (2) level of service
- (3) critical assets
- (4) minimum life cycle cost
- (5) long term funding plan

A draft agreement was included in the packet. It describes the required deliverables, milestones and project costs associated with the plan.

Mr. Brooks made a motion to accept the DNREC grant offer in the amount of \$70,000 and authorize Mayor Shupe to sign the associated paperwork, seconded by Ms. Wilson. Motion carried.

Authorize/DHSS Drinking Water Asset Management Program

Mr. Pierce advised this program has the same guidelines though the application is through the State of Delaware, Department of Health and Social Services (DHSS), Division of Public Health for the Drinking Water Asset Management Incentive Program. The application was approved by the Delaware Water Infrastructure Advisory Council for \$90,000 in grant funding.

An agreement is expected in a couple of weeks according to Mr. Pierce.

He explained that the combination of grants will allow the city to implement an asset management program by purchasing hardware and software for the city's GIS system. In addition, all water and sewer maps previously created by DBF will be updated and a recordkeeping system established for maintenance of aging infrastructure.

Mr. Grier made a motion to accept the DHSS grant offer in the amount of \$90,000 and authorize Mayor Shupe signing all applicable documents, seconded by Mr. Brooks. Motion carried.

MONTHLY FINANCE REPORT

Mayor Shupe advised that because three council members were absent and because this is the final report of Fiscal Year 2014-2015, he recommends the report be postponed until the August 24th meeting.

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.

Mr. Grier moved to go into Executive Session reference a personnel update, seconded by Mr. Brooks. Motion carried.

Mayor Shupe recessed the Council Meeting at 7:48 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

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

Personnel Update

Mayor Shupe reported that no action is needed as a result of the discussion in the Executive Session.

ADJOURN

With no further business, Mr. Grier moved to adjourn the Council Meeting, seconded by Mr. Burk. Meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 19, 2015

A Meeting of the Public Works Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, August 19, 2015.

PRESIDING: Chairman Owen S. Brooks, Jr.

IN ATTENDANCE: Committee Members-Councilman Chris Mergner & James Burk

Interim City Manager Jeff Portmann and City Clerk/Recorder Terri Hudson

Chairman Brooks called the meeting to order at 4:35 p.m.

City Planning Coordinator Rob Pierce and Davis, Bowen, Electric Superintendent Rick Carmean and Friedel P.E. Randy Duplechain were also present.

Interim City Manager Portmann informed council that the water and sewer code will be discussed and one of the most important items is aid and construction in dealing with the Southeast Sewer Project and Bayhealth.

Chapter 185/Sewer Code/Aid in Construction

Chapter 222/Water Code/Aid in Construction

Planning Coordinator Rob Pierce reported that Water and Wastewater Supervisors Ellingsworth and Helmick, Customer Service Manager Debbie Johnson, Interim City Manager Portmann himself, along with Hans Medlarz before his resignation, worked on revising the sewer and water codes. Randy Duplechain from DBF has also been involved with the technical aspects.

Mr. Pierce then referenced various miscellaneous water and sewer fees and the proposed fees:

	Current Fee	Chapter 185- Sewer Chapter 222- Water	Proposed Fee	Fee Collection
New Service Account Fee	35.00		50.00	Charged by Customer Service
Service Lateral Inspection Fee			35.00	Charged at time of Building Permit
Meter Connection Fee	35.00			
Meter Installation Fee				Charged at time of Building Permit
Residential	200.00	200.00	200.00	
One-Inch Commercial	350.00	350.00	350.00	
Over One-Inch	Actual	Actual Cost	Actual Cost	
Meter Testing Deposit	Cost		50.00	Charged by Customer Service
Reconnection Fee				Charged by Customer Service
During Hours			50.00	
After Hours			100.00	
Tapping & Connection Fee	1,575.00	Actual cost w/\$400 deposit	Actual cost w/\$400 deposit	Charged at time of Building Permit
Cleanout Installation Fee	250.00		300.00	Charged by Customer Service

He explained the \$35 new serve account is not included in code but needs to be added. The fee will be increased to \$50 for water and sewer connections. He noted that all the fees he is presenting are combined water and sewer fees. The electric code already includes this fee.

The language in the current code states that a meter connection fee is charged but does not include any numbers. Mr. Pierce prefers to call it an inspection considering that is also included in the code. He recommends the fee be changed to service (sewer or water) lateral inspection fee.

Mr. Pierce feels the meter connection fee should be under the installation fee because a residential meter right now is only about \$150. The term installation fee is more appropriate considering the additional costs to have our employee install a meter so that will stay the same.

He is also proposing a meter testing deposit for the meter which is not in the code. The electric department charges \$50 for this service. We may allow this inspection once every 24 months. If the customer continues to call each month, at some point a deposit should be made particularly if the meter is bad.

Reconnect fees or discontinuance fees are also being considered and are also charged on the electric side.

When asked how these fees compare to other municipalities, Mr. Pierce said that Kent County charges \$85 for a sewer permit which includes the inspection, writing of the permit and activation of the account. He feels this is very reasonable considering the hourly rate of our employees and vehicle and gasoline expenses.

The tapping and connection fee and cleanout installation fee are more construction type fees. If our water and sewer staff are called out for tapping and connection services, we charged \$1,575. The code states the actual cost is charged with a \$400 deposit. Because the city is losing money on these services, we need to start collecting those fees. He noted that \$1,500 is minimal when it involves road work.

The cleanout installation fee increased from \$250 to \$300 which is a more appropriate number considering the work involved. Mr. Pierce feels that \$350 should cover our costs.

Mr. Pierce explained that some older houses have no cleanout between the main and the house. The city has gone back in and put in a city cleanout so that the city and property owner know where the city responsibilities end but also allows access to clean the city end out.

He added that most of the time, these last two services will be performed by plumbers or contractors. Therefore, these two fees will not apply to new developments/houses.

He said we also want to pull the fees out of the text and add them to a resolution as has been done with building fee and planning and zoning fees, or include in an appendix. In that manner, they are easily accessible.

There may be addition fees in the table though these are the ones that need to be amended.

Councilman Burk suggests creating a fee schedule and refer to that in the code. Mr. Pierce agrees adding that is how the electric tariff was done. Customer Service Manager Debbie Johnson liked that structure because it was much easier to reference.

Mr. Pierce then referred to the point in which fees will be scheduled and whether it will be paid by the customer or the builder/developer. He advised that the building department collects all fees for electric, water and sewer permits.

Mr. Pierce than stated that a major addition needed in the water and sewer code is a public works agreement/aid-in-construction section.

The current water code has a minor reference which will work. However, it is desperately needed in the sewer code in order to complete the agreement in the southeast-west of Route 1-Bayhealth area.

The concept is that all developers and property owners will jointly use the future core infrastructure at the same time so that all parties are ready to go. All developers and property owners will front the money and put it in a pool. The construction

will be done and allocated to those developers/property owners who will be billed for it.

He explained that in some cases, one property owner may be further away in the development stage. This creates a need for a second concept of multiple developers who want to do it at different times. It needs to be sized appropriately to accommodate each user. The city would then front the first developer's portion, based off zoning/density, and carry his load.

When asked for further explanation, Mr. Pierce explained the city would front the money. For example, 50 EDU's were needed by a developer. Based on the agreement and the project cost, the city would pay that percentage of the project and then collect it at the time it is subdivided or when a site plan is done. In that manner, we will not rip up infrastructure that had been installed five or six years ago.

Mr. Mergner asked about the reimbursement; Mr. Pierce explained the city would be reimbursed with interest.

He said the language would read "the developers to be first served and the city will pay for the improvements based on the percentage outlined in the agreement. The cost allocated to future developers and carried by the city will be reimbursed plus interest in the form of aid-in-construction."

Mr. Brooks asked when the city would start paying for it and if it would be paid during its construction. Mr. Pierce said it will be as if we are taking their place in the agreement. Mr. Burk explained we are installing the infrastructure in anticipation of the development.

Mr. Pierce said when we annex vacant land, we know it will be developed at some point. Some people are closer to development than others. But they are still not ready to come to the table or not willing to 'play ball' with the city yet.

Mr. Brooks pointed out there is a piece of land going east of US 113 across from the transfer station. At one time there were numerous pipes sticking out of the ground. He asked if Mr. Pierce is recommending the city invest their money in such a situation in hopes of future development. Mr. Pierce answered no and explained he is suggesting the city pay to install the core infrastructure, such as the pumping station and force main and potentially run the sewer to the property line.

Mr. Mergner asked what is driving this. He asked if this is a change or something we are running into obstacles with. Mr. Pierce said that we currently have a situation with Bayhealth. In that area, Bayhealth, Wickersham and the Wilson property owners are willing to come to the table. However, there is a piece of land right next to the proposed pump station that is zoned commercial. They are unwilling to put any money toward this. When they develop, they are also going to need the pump station.

Mr. Pierce explained they are currently trying to size the wet well and the valve vault appropriately. These are big structures that we do not want to build twice; just the concrete work along will cost more than \$100,000.

When asked how this would be funded, Mr. Portmann responded that we would use reserves. When asked the cost of this project, Mr. Pierce said it is 15% or approximately \$170,000. Mr. Portmann said that will be the cost to participate. He feels that even though these property owners may not want to participate now, the minute Bayhealth develops, they will most likely sell the land. When that occurs, the city will recoup our money plus interest.

Mr. Burk said his only concern is a market downturn situation and how the city will recoup their money if the developer goes bankrupt. He emphasized that it has happened in the recent past. He asked how we can collect on an LLC or an entity we cannot go after. He understands that we need to get our utilities the developer who is ready to move forward and another property might be holding them up. He agrees with the concept though he does have that concern.

Mr. Burk also asked what happens if the property owner tries to rezone the land with greater density which has also happened. Mr. Pierce said they would have to pay the money back along with the cost of the improvements.

Mr. Mergner pointed out that council could determine which projects were allowed though Bayhealth makes total sense. Mr. Burk agrees but added that the same rules need to apply to everyone.

Randy Duplechain said that this only allows the mechanism to do this. The city then has the ability to review any uses on a case-by-case basis. Mr. Mergner would agree that if council has the ability to make a determination case-by-case scenario, it would make sense to do this.

Mr. Pierce added that currently the water code allows this, but the sewer code is silent. Language needs to be added that allows the city to enter into and incur debt for a developer and then bill them later.

Mr. Portmann emphasized that city council will still have to approve every dollar incurred for every project.

Mr. Pierce pointed out that if council picks and chooses these projects wisely, the capacity will be available should something else develop. It would then save that person significant money for upgrading. They would rather pay the aid-in-construction versus ripping the utilities out and replacing them.

Mr. Duplechain said that in this situation, the hospital is saying they only need about 350 EDU's right now. They have purchased a lot more property and currently, they do not know what will happen. They provided numbers of potentially another 1,000 EDU's. They want to size the concrete portion of the wet well to accommodate those additional EDU's. Possibly the pumps and electrical may have to be replaced, but we want to prevent sinking another wet well.

Mr. Duplechain further explained that some of the developers are complaining they are going to be paying for upsizing that may or may not happen. This is part of it and gives the city a little bit of skin in the game to allow this to happen; then they will not have to pay that much money up front in the future.

Mr. Pierce said it will also allow the agreements to be drafted by the city and there will be cases where they might not be involved financially but will still want to administer them.

He reported there are a couple properties in the northwest area that need to come together and form an agreement. The city may or may not put any money into it but it will allow the city to be involved in drafting and administering the agreement. Currently, they can do a private agreement, but this would allow some control.

Mr. Duplechain reiterated this is only a mechanism at this point and will provide the ability.

Meter Issue-Downtown Milford & City Parks

Mr. Portmann recalled the recent theft of electrical service incidents over the past couple months. Unauthorized persons were connecting equipment, computers and phones to outlets throughout the downtown area which brought the matter before council where it was referred to this committee.

Mr. Mergner asked if this also applies to the farmers market; Mr. Portmann said these people were plugging into the farmers market receptacles. Mr. Brooks and Mr. Mergner both commented they received a letter from someone about the free electric being given away downtown.

Mr. Portmann said the point of this discussion is to stop the theft. He reported that the electric department has been in the downtown area and asked Electric Superintendent Rick Carmean to report to the committee.

The superintendent explained that some of the receptacles that the farmers market were using now have a switch with a box. Downtown Milford can now put a box on it. He then found out that more were needed so they added a time clock from 7:00 a.m. to 1:00 p.m. to run the electricity. He said they may even put a day and time on it. But presently, the receptacles come on at 7:00 a.m. to 1:00 p.m. seven days a week for the Farmers Market.

Electric Superintendent Rick Carmean advised that receptacles have been put on switches at Memorial Park behind the basketball park. In that way, Parks and Recreation (P&R) can operate them as needed. He said his department had no idea of how many events were taking place where electricity was being used. It seemed like there was something occurring everyday and the majority needed some type of power.

Superintendent Carmean said that they have big boxes at Bicentennial Park that have receptacles with panels inside. They are making them a little more accessible to the P&R employees so they can turn breakers on and off as needed. They also added time clocks that can be adjusted and electric turned on and off at specific times.

Mr. Brooks asked if any meters have been added to this area; Mr. Carmean said no. Mr. Brooks explained that the letter of complaint stated there was unmetered electric being provided at no cost to the individuals or organization using it. He asked what can be done about that.

Mr. Mergner asked how much someone pays to rent a table or space at the farmers market and is there a set fee; Mayor Shupe believes it is \$10 though that is a guess. Mr. Mergner asked if that includes a fee that can be paid to cover the electrical costs or does the city provide free electric.

It was confirmed that fee is paid to Downtown Milford (DMI), not the City of Milford. Mr. Mergner said the city gets nothing so that is an expense to the city and not DMI even though they are using electricity for four or five hours each Saturday.

Mr. Portmann recalled that the electric department looked at the usage at one time. Mr. Carmean said they put a recorder on one of the boxes and they only used seven amps for four hours. Mr. Brooks asked if that was the total usage for that Saturday; Electric Superintendent Carmean answered yes. He added that the woman who was plugging into a receptacle with a refrigerator and a laptop, used more amps than the farmers market did for an entire Saturday.

The superintendent said the farmer's market only had an electronic scale, a crock pot and a refrigerator plugged into a power strip. Therefore, there was very little electric being used.

Mr. Carmean said it was determined that about seven o'clock in the morning the electric went up about seven amps until noon. Then all of a sudden about midnight, it went to 14 amps and stayed that way until five o'clock in the morning. He thought there was a problem with one of the lights. Then the city clerk called him and informed him that the police had found a woman down there using electric with what appeared to be on a regular basis.

When the letter complaining about the free electric provided to DMI was mentioned again, Mayor Shupe said he spoke to the business owners and told them the farmers market is a community event similar to the Riverwalk Festival and Bug N Bug Festival. We turn the electric on for both the chamber and DMI to use during those times. Anytime there is an event occurring in Bicentennial Park, free electric is provided. He does not think we are losing money to this organization that is using electric on Saturday mornings for only a couple months each year.

The mayor understands that the business owner is saying DMI is using electric, but in his opinion it is consistent with other community events. He said we have also done that for the hospital fair and other events.

Mr. Mergner noted that the hospital fair and Bug N Bud events are only once a year. The complaint was that the farmers market receives free electric every Saturday.

The mayor said that the business owner understood where he was coming from, but was still a little upset because they are receiving free electric.

Mr. Burk said he also spoke with him and they talked about the minimal amount of electricity that is being used. He asked for a dollar figure of what it costs to provide the farmers market electricity each Saturday based on the seven amps; Mr. Carmean said it would cost 50 cents.

Mayor Shupe said if you look at the farmers market, one of the objectives is to get visitors to the downtown area and into the downtown businesses. He said we could argue that it helps or it does not and he cannot speak for everyone. But in his opinion, it drives foot traffic into those other businesses.

Mr. Burk said the electric superintendent said this is only costing the city 50 cents; Mr. Mergner again questioned the amount of electricity used on Saturdays. Mr. Carmean said they only monitored this one Saturday for two or three hours and he believes there was a refrigerator connected and a few other items at a cost of 50 cents for the whole day adding it is only a couple hours each Saturday.

He said when the electric department went to turn the bollards on only, DMI said they needed more electricity for two additional freezers. He does not believe that was included when it was monitored because they were on two other Christmas light circuits that come off another panel. So it will be higher than that. Mr. Mergner said that even if the cost is one dollar, he feels the people in this city and other businesses will benefit by providing a dollars worth of electricity.

Mr. Carmean said his concern is the electric department does not want to get called there for maintenance. When a service call requires a bucket truck and two employees to flip a breaker on during the farmer's market, that costs a great deal more. He noted that they have been called in during the farmer's market.

He said that is the purpose of trying to get the farmer's market on a breaker that they can operate and not have to call the electric department.

Mr. Brooks asked if the city is trying to promote the downtown businesses on Saturday; Mayor Shupe stated yes.

Mr. Mergner asked what happens if the farmers market blows a breaker, can the cost of that service be billed to DMI; Mr. Carmean said if they bill DMI, they will complain. Mr. Mergner said it appears we are eating those costs.

Mr. Portmann said the other thing we can do is an agreement to provide power. We now have it locked and they are provided a key and the rights to use it. Mr. Mergner agrees an agreement should be signed so they understand their responsibility. He feels the agreement needs to include a clause to cover the cost of service work or emergency work so that the city can recoup its costs.

Mr. Portmann also stated that the electricity can be metered to get an idea of the real cost. They could be required to pay a fee upfront.

Mayor Shupe prefers a larger discussion about all events. For example, if someone wants to rent Memorial Park for an event, part of their rental fee could be put toward the cost of electricity based on the rental time. That is something that can be considered in the future. Mr. Mergner thinks it should be now.

Mr. Mergner and Mr. Burk both agreed the farmers market does not want generators out there creating fumes. Mr. Brooks said this sounds like no one is going to win either way.

Interim City Manager Portmann said this will need further discussion though the electric department has taken care of the theft issues for now.

Truitt Avenue & Cemetery Road Paving Project Update

Interim City Manager Portmann said that he wanted to update the committee on some road projects.

The estimated cost of repairs to Truitt Avenue is \$270,000. Of that, we have \$75,000 out of CTF (Community Transportation Funds) money leaving approximately \$200,000 which can be used from the MSA (Municipal Street Aid) account.

He asked for the committee's opinion about using MSA for this project. He explained that a lot of this work involves sidewalks and curbs.

Mr. Portmann reported there is approximately \$1 million in the MSA fund and \$200,000 would be used for Truitt Avenue.

It was confirmed that Truitt would have mill and overlay with some new curbs and sidewalks.

Airport Road Improvement Project Update

Mr. Portmann reported that they met with George and Lynch and Diamond Materials yesterday to discuss 'asphalt full depth reclamation'. That process involves milling off eight inches of the roadway which is rejuvenated with liquid asphalt. That creates a blend and a new base is put back on the road. Within two hours, it can be driven on. It is then cured for a week to dry out. At that point, two inches of overcoat are added to the top.

Mr. Portmann recalled that over the past two to three years, the previous city manager receiving repair estimates in the amount of \$2 to \$3 million. The difference was the scope of the work and whether it included sidewalks, bike walks, etc. He emphasized that the city does not have that kind of money.

At the meeting yesterday, Mr. Portmann received an estimate of approximately \$600,000 to do the entire road.

Mr. Mergner asked if we have checked on this. Mr. Duplechain explained that the State of Delaware has been doing this for a long time on many of their larger roads.

Mr. Portmann said this was done on Route 3 in New Castle County twelve years ago, and it is still holding up well. They

were provided with a large list of roads that have had this technique.

Mr. Duplechain explained that the contractor mixes up the road surface which usually has a lot of asphalt though there is some stone in Airport Road's case. They will take all that material and dump it into a mixer. It is then mixed with liquid asphalt which is similar to the process at an asphalt plant. It would then be placed back on the road.

The only concern Mr. Duplechain has is the amount of compaction in a six or eight-inch lift. However, they claim that over the following seven days, it will harden. He is aware that DelDOT uses it a lot on their roadways and he agrees it makes sense for Airport Road.

Mr. Duplechain stated that the problem with Airport Road is the center section, which is the older section, and has about seven to eight inches of asphalt sitting on dirt. Fortunately that dirt has been compacted for a long time. The shoulders, which have been converted to travel lanes, have about 4½ inches of asphalt on stone. Because there is so much traffic on that road, the asphalt is not holding up.

If this works the way they are indicating, Mr. Duplechain believes we could end up with a pavement section of about ten inches of asphalt (eight inches of reclaimed and a two-inch surface). It is a much heavier pavement section and he feels it will hold up in the long term for Airport Road.

The \$600,000 covers the road from the bowling alley out to Canterbury Road, with exception of the new section done a couple years ago.

Mr. Duplechain said he spoke to someone at DelDOT who was familiar with Airport Road and felt this was the best method to use. He will need to determine what was talked about before, which included adding shoulders and storm drain improvements. Mr. Duplechain confirmed this does not include sidewalks.

Mr. Burk said it is about 50% cheaper, though he worries about the stability of the soil beneath the road.

Mr. Duplechain said that initially, they will come out and core to see what is there. Based on that, they will do a mixed design to determine how much asphalt needs to be added based on the materials in place.

Mayor Shupe thinks we need some kind of guarantee.

Mr. Mergner referenced the big park behind Independence Commons and asked if sidewalks should be considered. There are several communities on the road and another being built. He understands that would add to the cost and asked if there is any funding available that could be used toward sidewalks on this road.

Mr. Duplechain is unaware of any funding.

Mr. Brooks recalled when the Boys and Girls Club was approved in Independence Commons several years ago. It was agreed at that time that sidewalks would be installed for the children to walk from the school out to the club. He pointed out that was never done.

Mr. Duplechain said that part of the problem on Airport is the one property owner who will fight the city for any property the city needs. If the road were widened and shoulders and sidewalks added, their property could be acquired. He noted that the city has the ability to take the property and pay the property owner fair market value. However, the city will need to decide if they want that fight.

Mr. Portmann added that when considering the cost of these repairs, oil is very cheap right now though we do not know how long that will last and will increase prices at a later date. Mr. Duplechain agreed that liquid asphalt has come down \$200 for a 55-gallon drum.

When asked if this could be completed before winter, Mr. Portmann said there was a shot at that because there was a state contract the city could piggyback off of. If the state has already bid it out, the city can utilize that as our bid, versus going through the bid process.

When asked how much money we have received for this project, Mr. Portmann reported that Senator Simpson is allocating

\$100,000 and \$50,000 has been allocated by Representative Kenton and Peterman. Representative Peterman also had \$8,872 left over from the North Washington Street project and agreed to provide that for a total of \$208,872 from all three legislators.

Senator Bonini and Representative Wilson have both been contacted though they have not committed any funding.

Of the \$1 million in MSA, using \$200,000 for Truitt and \$400,000 on Airport Road, leaves a balance of \$400,000.

The last couple years, council has agreed to spending approximately \$150,000 for road improvements each year. This would leave enough funding to continue that program.

Mr. Burk then pointed out that even if this does not have the long-term lasting impact, spending \$600,000 is well worth the money. Mr. Duplechain added that the estimate was based on widening the road and adding drainage.

Mr. Portmann said that the two men they met with yesterday, one was the Chairman of the Delaware Asphalt Committee and the next appointed chairman. These gentlemen have a lot of experience in asphalt. The other person was from George and Lynch who has a vested interest in paving and not necessarily in this process. So it was good to hear the positives from their side as well.

Mr. Duplechain advised that the other issue is the cost of traffic control in these projects. In this situation, they will mill up one lane with the paving machine right behind it, laying it back down. Within a couple hours, vehicles are back driving on the road. Removing the roadway and shoulders would have involved major road construction and many nights the road would have been shut down. There is a tremendous savings in traffic control costs in addition to the other savings.

Mr. Portmann said this product is used every day in the south. The plant is in Texas and most of their roads have this technique where the weather is even hotter.

Mr. Duplechain said we hope not to use wage rates on these projects; but when you mix funds from MSA and CTF, wage rates are required due to a new law that was recently passed. However, if a project is paid with 100% CTF or 100% MSA, prevailing wage rates are not required.

Cemetery Road

Mr. Portmann advised the cemetery road cost approximately \$65,000. The city has \$40,000 and council approved a DBF proposal for \$5,100 which will reduce those funds to about \$35,000 that can go used toward this project. That leaves \$30,000 that the cemetery will need to come up with.

Mr. Portmann has contacted PNC Bank in Cleveland who is administering the trust. They are supposed to meet in August and give a decision about the borrowing ability from the cemetery trust. He hopes the \$30,000 can be borrowed and the cemetery can pay it back on their own terms.

Mayor Shupe added that we will use materials from Truitt Avenue to assist with those costs. Mr. Portmann agreed those millings from Truitt Avenue will be used as the base on the cemetery roads.

Right now we are waiting on the loan approval in hopes of getting that project completed.

Citywide Sidewalk Repair Program

Mr. Portmann said he is presenting this only to get some idea of how the committee feels about this. He noted that sidewalk repair is something that has been neglected in this town over the past years. A lot of towns force their homeowners to fix their sidewalks and other towns don't. Every time this comes up, nothing is done. This has been talked about a lot in the past but no decision has ever been made.

The interim city manager was thinking about the Real Estate Transfer Tax (RTT) and considering taking a little bit of money from RTT and putting it back into the sidewalks. He came up with a figure of \$100,000 that could be allocated toward

sidewalk repairs each year though not necessarily committing that exact amount each year.

He wondered how many sidewalks \$100,000 can repair. Mr. Duplechain explained that a five-foot wide sidewalk cost approximately \$25 a foot. The more sidewalks we do, the cheaper the price is. However, the \$25 price is the cost of to piecemeal them throughout the city. Using the \$100,000 divided by 25, comes out to 4,000 feet of sidewalks.

Mr. Brooks recalled the older lots like his are 60 x120; Mr. Duplechain agreed that 60 feet is the average lot frontage.

Mr. Duplechain suggests sending out a bid for three contractors and get a price per linear foot of five-foot wide sidewalks which is approximately 3/4 of a mile.

Mr. Portmann said he wanted to throw the concept out there because we do not want to raise taxes for sidewalks especially because not every house has a sidewalk in front of it. Therefore, it becomes a tough issue.

Mr. Burk pointed out that some of our new developments have no sidewalks which is a big complaint of residents and he agrees. Mr. Mergner expressed concern that his development has no sidewalks.

Mr. Portmann said if we commit money toward a project like this though that does not mean it will continue forever.

Mr. Burk feels that sidewalks are important and one of the great things about Milford. The safety and walkability is appealing. His family uses them all the time. He agrees there are many areas where the sidewalks are hazardous and that they have been overlooked for many years.

Mr. Mergner likes the forward thinking of saving and budgeting. He previously stated that sidewalks were needed on Airport Road. Mr. Burk agrees that the worst sidewalks are where the houses are the most rundown. Mr. Brooks agrees adding that they are typically rentals.

Mr. Mergner feels that any new development should have sidewalks and they are really needed. Mr. Brooks said that was changed and all subdivisions are required to have sidewalks. Mr. Mergner pointed out that the children get hurt playing the street all the time because his neighborhood has no sidewalks.

Mr. Mergner and Mr. Burk both informed Mr. Portmann they have his support emphasizing the importance of sidewalks.

Mr. Portmann then stated that he feels the real estate transfer tax will sustain considering the southeast area impact as a result of the Bayhealth campus. He projects that funding to increase over the years and believes it is sustainable.

He pointed out that again, this is not something council has to commit to long term. The project simply needs to start and the dollar amount can be changed annually or it can be started and stopped as needed. But he would really like to get this started.

Mayor Shupe pointed out that this fund is something we need to keep our eye on and recalled the attempt by state legislators to reduce the municipality portion of the RTT. He also noted the annual cost needed for the police department though he is confident Mr. Portmann will stay on top of. He agrees it is something council will need to review each year and most importantly, they do not need to commit to ten years though it will most likely take that long to have this completed citywide.

He agrees the RTT fund will start growing when real estate starts selling because of economic decisions like Bayhealth. When that occurs, we can put more funds toward this project.

With no further business, the Public Works Committee was adjourned at 5:40 p.m.

Respectfully submitted,

Terri K. Hudson, MMC

City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 24, 2015

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 24, 2015.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, James Burk, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

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 7:25 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

5k Event/Assistance

Councilman Morrow recognized Milford Police Department for the manner in which they handled the recent Run the Goat 5k. He estimates there were more than 500 people that participated and the police had a lot of streets and intersections to cover.

Mr. Mergner pointed out that one of the officers directing traffic looked like Chief Hudson and he did a phenomenal job.

Mayor Shupe reported that the 5k benefitted the Milford Boys and Girls Club and he is on their Board of Directors. He agrees it was a great event and really highlighted Downtown Milford. He agrees that people really enjoyed the Milford Police officers who were smiling and interacting with our residents and the participants.

Back to School Event

Councilwoman Wilson invited council to join her neighborhood on Saturday, August 29th for her neighborhood's 3rd Annual Back to School Block Party. It will take place on Truitt Avenue Extended from Noon until 4:00 p.m. She said they have a lot of sponsors this year. Milford Police Department will be participating and Mayor Shupe will be making an appearance.

She noted that everything they give out, including backpacks and school supplies, are free to the children.

Ms. Wilson encouraged council to send any children their way on Saturday.

Special Election-September 1st

Councilman Burk reminded everyone that we have two important special elections scheduled next Tuesday. He noted that we are filling a vacancy on city council as well as approving the city borrowing money to make improvements to our sewer system. He encouraged council to make calls within their wards to inform people how important the referendum is in addition to the council vacancy.

COMMUNICATIONS

Mayor Shupe then reported that he received a letter today from 2nd Ward Council Candidate Deborah O'Neill that stated as follows:

Dear Mayor Shupe:

Due to unexpected family reasons, I need to withdraw my candidacy for the Ward II position of Milford City Council. Unfortunately I am no longer able to run for this office and request that you and Milford City Council withdraw my name from consideration.

I would like to thank you, city council and all my supporters for considering me for this position. I will continue to support the Milford Community as I have done for many years.

Thank you again for this opportunity.

*Sincerely,
Deborah O'Neill*

He hopes everything is ok and wishes her well.

UNFINISHED BUSINESS

Monthly Finance Report-June 2015

Mr. Morrow reported that through the final month of Fiscal Year 2014-2015 with 100% of the fiscal year having passed, the city ended on a positive note with 101.24% of revenues having been received and 97.89% of the operating budget expended.

Mr. Brooks asked why only 98% of real estate taxes have been received. Mr. Morrow will follow up with Mr. Portmann and bring back an answer to city council.

Mr. Burk moved to accept the March finance report, seconded by Mr. Grier. Motion carried

Adoption/Ordinance 2015-15/Chapter 88-Building Construction/Fees

Planning Coordinator Rob Pierce advised that this is a simple ordinance amendment and changes the language in the International Residential Code (IRC), Chapter 88, Fee Schedule from "A fee for each plan examination, building permit and inspection(s) shall be fixed, from time to time, by City Council" to "Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office."

The same language applies to the International Building Code (IBC), Chapter 88, Fee Schedule.

The planning coordinator is recommending these fees be handled in the same manner as planning, zoning and engineering fees are handled. Mr. Pierce recalled when the ordinance was introduced August 10, 2015.

Mr. Brooks moved to adopt Ordinance 2015-15, seconded by Ms. Wilson:

WHEREAS, the City of Milford has adopted a Building Construction Code whose current standards reference the International Residential Code and the International Building Code; and

WHEREAS, said code proposes that a fee for each plan examination, building permit and inspection be fixed by City Council from time to time; and

WHEREAS, the purpose of the fees are to defray the municipal costs of administering the code.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Article I-International Residential Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by deleting and repealing §88-2(A)(3)(a) Section R108 Fees.

Section 2.

Article II-International Building Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by deleting and repealing §88-4(A)(4)(a) Section 108 Fees.

Section 3.

Article I-International Residential Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by inserting the following language:

Fee schedule. Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

Section 4.

Article II-International Building Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by inserting the following language:

Fee schedule. Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

Section 5. Dates.

Introduction: August 10, 2015

Adoption: August 24, 2015

Effective: September 3, 2015

Motion carried.

Adoption/Resolution 2015-19/Building Permit Fees

Mr. Pierce explained this is the follow up resolution to Ordinance 2015-15. The purpose is to establish building permit fees by adoption of resolution of city council. There are no fee increases in the proposed fee schedule and many have been in effect since 2008. The only new item is a permit and fee for solar panel installations due to the physical improvements required.

Ms. Wilson moved to adopt Resolution 2015-19, seconded by Mr. Starling:

SECTION 88-2 AND SECTION 88-4 OF THE CITY OF MILFORD BUILDING CONSTRUCTION CODE CHAPTER 88 DOES NOT ESTABLISH A METHOD FOR CITY COUNCIL TO ESTABLISH BUILDING PERMIT FEES; ORDINANCE 2015-19 AUTHORIZES CITY COUNCIL, THROUGH RESOLUTION, TO ESTABLISH BUILDING PERMIT FEES.

WHEREAS, the City of Milford strives to provide excellent service to the community at all times and believes fiscal responsibility is a means for promoting community health and well-being; and

WHEREAS, City Council is aware that certain fees and charges must periodically be reviewed and amended to offset any increased costs of operations; and

WHEREAS, the City of Milford Building Inspections Department has a need to update its building permit fee schedule from time to time; and

WHEREAS, to support this effort, building permit fees shall be set in a resolution adopted by City Council.

NOW, THEREFORE, BE IT RESOLVED, that on August 24, 2015, by majority vote of City Council, the following City of Milford Building Permit Fee Schedule is hereby adopted with an effective of September 3, 2015:

Residential Building Permits

Addition, Garage, Deck, Ramp, Exterior Stairway, Interior/Exterior Renovation: \$10.00 base plus \$5.00 per \$1,000 up to \$1M and \$2.00 per \$1,000 over \$1M based on cost of project
New Dwelling Unit: \$50.00 per 100 heated square feet plus \$13.00 per 100 unheated square feet

Commercial Building Permits

New Construction, Footer/Foundation Fit Out, Interior/Exterior Renovation, Addition, Ramp, Sign, Sales/Construction Trailer: \$10.00 base plus \$5.00 per \$1,000 up to \$1M and \$2.00 per \$1,000 over \$1M based on cost of project

Miscellaneous Building Permits

Demolition, Roof/Siding: \$10.00
Pool, Shed, Solar Panels: \$10.00 base plus \$5.00 per \$1,000 up to \$1M and \$2.00 per \$1,000 over \$1M based on cost of project
Renewal of any Permit: \$50.00 or 10% of permit fee, whichever is greater

Motion carried.

Appointment/City Charter Review Committee

Mayor Shupe recalled discussing this several times and at the last meeting, there were a few council members absent. He noted that Councilman Burk and Councilman Brooks have offered to serve on the committee though he needs representation from Ward I and Ward IV. Councilman Starling and Councilman Mergner then agreed to represent their respective wards.

The mayor said that City Clerk Terri Hudson will contact council members to set up day and time suitable for all committee members.

Mr. Morrow moved to appoint the following members to the City Charter Review Committee, seconded by Ms. Wilson:

Ward I-Councilman Mergner
Ward II-Councilman Burk
Ward III-Councilman Brooks
Ward IV-Councilman Starling

Motion carried.

Adoption/Resolution 2015-20/Authorizing DNREC Wastewater Asset Management Grant

Planning Coordinator Rob Pierce recalled discussing this at the last meeting. He reported that on May 15, 2015, the City of Milford submitted a non-matching grant application to the State of Delaware, Department of Natural Resources and Environmental Control for a Wastewater Asset Management Incentive Program. The application was reviewed by the Delaware Water Infrastructure Advisory Council and approved for \$70,000 in grant funding on June 17, 2015.

The city will be required to complete an Asset Management Plan by October 1, 2017 based on the EPA Framework for Asset Management which is centered on five core principles; (1) current state of assets, (2) level of service, (3) critical assets, (4) minimum life cycle cost & (5) long term funding plan.

A draft agreement was presented at the August 10th meeting describing the city's obligations. It describes the deliverables, milestones and associated project costs.

This was approved at the last meeting though an official resolution is required by DNREC.

Mr. Brooks moved to adopt Resolution 2015-20, seconded by Mr. Grier:

WASTEWATER ASSET MANAGEMENT INCENTIVE PROGRAM GRANT

WHEREAS, The Mayor and Council of the City of Milford have made application for a non-matching grant through the State of Delaware Department of Natural Resources and Environmental Control (DNREC) Environmental Finance on May 15, 2015; and

WHEREAS, the Water Infrastructure Advisory Council (WIAC) reviewed said application and recommended funding approval; and

WHEREAS, the State of Delaware DNREC has made an offer to the City of Milford in the amount of \$70,000 to implement a Wastewater Asset Management Plan, for which the implementation requirements are set forth in the program guidelines and application.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Milford accept the terms and conditions set forth in the offer from the State of Delaware Department of Natural Resources and Environmental Control for the Wastewater Asset Management Incentive Program in the amount of \$70,000.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 24th day of August 2015.

Motion carried.

Adoption/Resolution 2015-21/Authorizing DHSS Drinking Water Asset Management Grant

Mr. Pierce explained this is the same concept though it was submitted to the State of Delaware, Department of Health and Social Services for a \$90,000 drinking water asset management grant. It was reviewed and approved by the state with the same time line and same obligations.

Mr. Grier moved to adopt Resolution 2015-21, seconded by Mr. Mergner:

DRINKING WATER ASSET MANAGEMENT INCENTIVE PROGRAM GRANT

WHEREAS, The Mayor and Council of the City of Milford have made application for a non-matching grant through the State of Delaware Department of Health and Social Services (DHSS) on May 15, 2015; and

WHEREAS, the Water Infrastructure Advisory Council (WIAC) reviewed said application and recommended funding approval; and

WHEREAS, the State of Delaware DHSS has made an offer to the City of Milford in the amount of \$90,000 to implement a Drinking Water Asset Management Plan, for which the implementation requirements are set forth in the program guidelines and application.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Milford accept the terms and conditions set forth in the offer from the State of Delaware DHSS for the Drinking Water Asset Management Incentive Program in the amount of \$90,000.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 24th day of August 2015.

Motion carried.

Streets Crew Leader/Job Description

Mayor Shupe recalled this item was listed on the street department monthly report submitted at the August 10th council meeting. Mr. Brooks had asked for more details about the position adding that he was unfamiliar with it. It was noted that the last person that held this position was Pat Maloney who is no longer with the city and the reason the position is open.

The mayor then provided a summary review of the position:

GENERAL RESPONSIBILITIES

Performs skilled and technical work in the installation, maintenance, repair and construction of municipal streets.

ESSENTIAL DUTIES

(These are intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)

Complete projects efficiently according to work plans and orders.

Inspect street and utility construction, street, ditch and ground maintenance, repair, installation and construction sites. Assist workers on jobs; keep records and make detailed reports. Respond to complaints from the public. Work scheduled on call duties and respond to emergency situations. Performs related work as required.

KNOWLEDGE, SKILLS AND ABILITIES

General knowledge of the practices of street construction, repairs and/or maintenance; thorough knowledge of the occupational hazards and safety precautions of the work; ability to plan and supervise the work of semi-skilled or unskilled workers on a small scale; ability to establish effective working relationships with others.

NEW BUSINESS*Milford Parade Committee/Use of City Property*

Mayor Shupe reported that the city has an ongoing agreement with the parade committee to allow three reviewing stands and the use of some city properties. They are asking to use the armory property this year and the customer service parking lot.

Mr. Morrow moved to approve three reviewing stands which can be located on any three of the five properties permitted for their use, seconded by Mr. Grier. Motion carried.

Authorize/Submission Surface Water Matching Planning Grant

Planning Coordinator Pierce advised the city has completed a DNREC Surface Water Matching Planning Grant application that must be submitted by August 26, 2015. The application focuses on a planning study to investigate and provide preliminary design for the use of living shoreline techniques to stabilize portions of the Mispillion River and provide natural water quality treatment through the implementation of constructed wetlands, vegetative buffers and other innovative techniques along a 1,500 foot stretch of river bank.

The grant would also investigate the feasibility of removing the existing causeway to Goat Island. The Parks and Recreation Department currently has \$30,000 budgeted as a capital item for removing the causeway. That funding can be used as a match for the planning grant. They are requesting approval for an additional \$20,000 to maximize the matching planning grant application request of \$100,000.

He spoke with Mr. Portmann who recommended the funds be transferred from the General Fund Reserves that currently contains approximately \$900,000.

Our intent is to enter into a partnership with the Partnership for the Delaware Estuary, which has done similar projects

throughout the Delaware River Watershed. It is anticipated the construction portion of the results from the planning grant would be funded through future loan/grant programs with the State of Delaware, budgeted city funds and potential private donations.

The area being considered is in front of the proposed Riverwalk Villas area which is presently a mudflat at low tide. They are also looking at a portion of the outer meander where the causeway is located behind the Fisher Avenue pump station. The end result is a nice vegetative living shoreline which has multiple benefits including nutrient uptake and elimination of sediment in the river while promoting habitat use.

Mr. Pierce provided the following statement from the Partnership for the Delaware Estuary which was included in the application. "The Mispillion is a tributary to the Delaware Bay and a subwatershed of the Delaware Estuary, an estuary of national significance in the National Estuary Program. If implemented, the results of this planning project will advance implementation of the Comprehensive Conservation and Management Plan for the Delaware Estuary by protecting shorelines, restoring wetlands, using best management practices to improve water quality and promoting ecotourism and hands-on educational activities."

Mr. Mergner asked if this involves long-term maintenance. Mr. Pierce explained the living shoreline may need periodic maintenance though the study will determine to what degree. The conceptual plan will analyze water velocities along this stretch of shoreline to determine if additional measures would be required to secure the vegetation and avoid washout.

Mr. Grier confirmed that this \$20,000 of the \$100,000 is specifically for the study; Mr. Pierce explained that by pairing the causeway removal with the living shoreline project and teaming with the Delaware Estuary group opens up potential grants of up to \$250,000 through the State of Delaware where only a 20% match would be required.

Mr. Mergner confirmed that if the study is completed, the city still needs to pay for the project; Mr. Pierce stated that is correct. Mr. Mergner asked the anticipated cost of the actual project noting that once the study is completed, we need to move forward with the actual project.

Mr. Pierce said the planning study will determine the project cost. Mr. Pierce explained that there are different shoreline types that could be utilized with a range of associated costs. He said it can be done for \$100 a foot, which is on the low end. As a result, the cost to do a 1,500 foot area would be \$150,000.

Mr. Brooks recalled that match money has been needed to do the Riverwalk during the different phases. Mr. Pierce advised there is a Community Water Quality Improvement Grant program offered through DNREC with funding up to \$250,000, though funding could be slightly less next year. If the City had a 20% match of the \$150,000 needed for implementation, the application would receive more points giving us a greater chance of being awarded the money.

He said we could consider getting local businesses to assist financially; the proposed educational placards placed along the riverwalk and trails could then provide the opportunity for advertisement of corporate logos.

Mr. Burk recalled a conversation where it was agreed not to remove the causeway until any construction was completed because of the need for vehicle access. Mr. Pierce explained the planning grant will last through the end of 2016. He hopes that Parks and Recreation Director Brad Dennehy will finish his gazebo prior to that time. The overlooks should also be completed before this work would begin.

Mr. Mergner asked if this will help the overall look of the area noting there is an obvious stench most of the time; Mr. Pierce feels it will look better and it has been proven to clean the water so there is an environmental benefit. However, he does not think it will do much for the odor though it may eliminate some of the low tide bacteria that can be smelled. Mr. Pierce explained the transfer of \$20,000 from the general fund would be added to the matching offer, but he intended to submit the application with or without the additional funds. He said we have an opportunity for the matching grant and the opportunity to work with the Partnership for the Delaware Estuary who has experience with similar projects, and who is very excited about the opportunity to do work along the Mispillion River in Milford.

Mr. Grier asked if the study will come back with recommendations and a cost estimate. Mr. Pierce said it should provide

a cost estimate. Mr. Grier asked if it will include engineering; Mr. Pierce said they will need to analyze all the environmental factors before the causeway can be dug out though it may be determined it is not financially feasible.

Overall, the city will spend \$50,000 to get a living shoreline designed and a feasibility study for the removal of the causeway.

Mr. Morrow moved to approve the submission of the Surface Water Matching Planning Grant to DNREC, adding that he hopes this will further improve the greenway areas, seconded by Mr. Burk. Motion carried.

FY 2015-2016 Budget Adjustment/Parks & Recreation Capital Increase

Mayor Shupe stated this is related to the Surface Water Matching Planning Grant which has been approved. Now there is a need to approve the budget adjustment and transfer of the funds.

Mr. Burk moved to approve an increase of \$20,000 from \$30,000 to \$50,000 in the Parks and Recreation Capital budget to be used as a match for the Surface Water Matching Planning Grant previously approved, seconded by Mr. Morrow. Motion carried.

Introduction/Ordinance 2015-16/City of Milford Comprehensive Plan Amendment #3

Mayor Shupe introduced the following ordinance:

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 02-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 Comprehensive Plan, and

WHEREAS, the City of Milford adopted Ordinance 2015-11, a Comprehensive Plan Amendment, on June 22, 2015, and

WHEREAS, the Planning and Economic Development Coordinator have prepared and consulted with the Office of State Planning a third amendment to the 2008 Comprehensive Plan which will permit the future land use designation of thirteen properties to alternate land use designations; 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 September 15, 2015 and did recommend approval and adoption of the third amendment of the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the third amendment of the 2008 Comprehensive Plan on October 26, 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 October 26, 2015 and made effective as the amended 2008 Comprehensive Plan for Milford on this 5th of November 2015.

Planning Commission Review & Public Hearing: September 15, 2015

City Council Introduction: August 24, 2015

City Council Review & Public Hearing: October 26, 2015

Adoption: October 26, 2015

SYNOPSIS: The comprehensive plan amendment include the following six properties:

1. Perdue Real Estate Holdings, Inc., N Rehoboth Blvd (MD-16-183.07-01-01.00; change of future land use designation from commercial to employment)
2. Crop Production Services f/k/a Amberwood subdivision, Holly Hill Rd (MD-16-182.07-01-01.00 through MD-16-182.07-01-99.00, MD-16-182.07-02-01.00 through MD-16-182.07-02-99.00, MD-16-182.07-03-01.00 through MD-16-182.07-03-23.00; change in future land use designation from moderate density residential to employment)
3. Corp Fellowship Realty, Chad Holleger, Elmer Fannin, James Cannon Jr, George & Darlene Freeman & White Oak Mobile Home Park, Wilkins Rd (3-30-15.00-053.00 through 3-30-15.00-057.00; change in future land use designation from low density residential to high density residential)
4. Charles Wilkerson, NE Front St (MD-16-183.08-01-04.00, MD-16-183.07-01-23.00; change in future land use designation from moderate density residential to employment)
5. Mispillion Realty, LLC, Old Shawnee Rd (1-30-3.00-080.02; change in future land use designation from low density residential to moderate density residential)
6. City of Milford-Armory, N Walnut St (MD-16-183.06-02-14.00; change in future land use designation from low density residential to employment)

Planning Coordinator Pierce advised that ordinance involves six amendments to the 2008 Comprehensive Plan Future Land Use Maps and one (1) amendment to the SE Master Plan Future Land Use Maps. These amendments involve land use applications already on file with the city or anticipated to be submitted upon approval of the amendments.

This request was reviewed at the Office of State Planning Coordination (OSPC) June PLUS meeting. The city received approval from OSPC on July 23, 2015.

These amendments are scheduled for a public hearing before the planning commission on September 15, 2015. The commission will then submit their recommendation to city council for their public hearing on October 26, 2015.

Mayor Shupe confirmed that this process will involve public hearings. Mr. Pierce answered yes, the first hearing will be before the planning commission.

A question was asked that because all the properties are included in one ordinance, if each property would be voted on individually. Mr. Rutt explained that the ordinance can be amended by eliminating certain parcels and a vote taken on that parcel.

It was then agreed the properties would be voted on individually.

When questioned about a mobile home park being annexed in the future, Mr. Pierce said the park already exists and if they were to have a septic issue and wanted to be annexed to receive a sewer service, this would not have to be taken back to state planning for another PLUS review. It will need to be zoned R3 for high density.

Mr. Brooks asked if it would have to be annexed in; Mr. Pierce said it was brought to his attention though he does not have a formal application for annexation. He agreed the city could serve it with utilities without it being annexed.

Mr. Brooks recalled when mobile homes were prohibited in city limits; Mr. Pierce advised they are allowed in the R-3 zoning according to our zone.

Planning Commission Reappointments

Mayor Shupe reported that Section 57-2 of the City of Milford Code states that the planning commission consists of nine

members to be appointed by council. The term of each member is three years.

There are currently three commissioners who terms expire the end of August.

Mr. Burk moved to reappoint Commissioners Marvin Sharp, William Lane and Andrew Fulton to the City of Milford Planning Commission for another three year term to expire on August 31, 2018, seconded by Mr. Grier. Motion carried.

Board of Adjustment Reappointment

Mayor Shupe then announced that Section 230-25 of the City of Milford Code references the board members' three year terms in 22 Del. Section 322(d). He noted that Board Member Frank Bason's term expires on August 31, 2015.

Mr. Brooks made a motion to reappoint Frank Bason to the Board of Adjustment for another three year term to expire on August 31, 2018, seconded by Mr. Starling. Motion carried.

EXECUTIVE SESSION

Mr. Burk 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 Matter)

Motion carried.

Mayor Shupe recessed the Council Meeting at 8:10 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 8:38 p.m.

Employee Matter

Mr. Grier moved to accept and approve the matter as discussed in Executive Session, seconded by Mr. Burk. Motion carried.

ADJOURN

With no further business, Mr. Mergner moved to adjourn the Council Meeting, seconded by Mr. Morrow. Motion carried.

Meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Teresa K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 24, 2015

The City Council of the City of Milford met in Workshop Session on Monday, August 24, 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, James Burk, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

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 7:01 p.m.

Downtown Milford, Incorporated Quarterly Report/Executive Director Lee Nelson

Mayor Shupe recognized DMI Executive Director Nelson to give a report to city council.

Mr. Nelson explained the bulk of what he is presenting for council review is the six-month activity report in order to continue communications with city council and keeping them informed of what DMI is doing.

He then reviewed the following report:

Activity Highlights
January 1 to June 30, 2015

A very active first six months in our 30-block downtown area. Our volunteer driven focus on quality of life, economic development and historic preservation in downtown Milford is highlighted by:

Volunteer hours and investment value

Our 200+ dedicated volunteers contributed 3,724 hours or 14% more than the same period in 2014 (3,258 hours) focusing on downtown Milford only.

Volunteer investment value for the six months: \$85,649 (per Delaware Economic Development Office). This is the dollar and community involvement value of DMI's contribution to improving downtown Milford.

Improve quality of life in downtown Milford

We hosted 7 special events which successfully attracted approximately 10,700 visitors/guests to our downtown area and continued to improve and diversify our local quality of life. These were:

** March - 5th St. Patricks Day Toasting the Town (March 14) and 3rd and final unveiling of the "Augusta" public art event (March 22)*

** April - 13th Bug Bud Festival (April 25) and 2nd Flowers and Feathers BBQ (April 4)*

** May - 1st Historic Preservation Group's 'Roaring 20's' Party (May 16) and 5th 'Milford In Bloom' planting (May 17)*

** June - 1st Brewgrass Festival (June 14)*

DMI and downtown businesses

20th Riverwalk Farmers Market - Opened May 3. In first 10 weeks (out of 24 weeks), we had 3,608 visitors to 29 local vendors selling \$62,492 in diversified produce and products. If this run rate continues, we project 46% visitor growth, 56% vendors increase and 54% increased sales by vendors over 2014. Guests visit local businesses while downtown for their market shopping.

Supported DEDO funded one on one marketing coaching by business consultant Marge Johnson with Patty Cakes, Milford Antiques & Friends and Irish Rose.

DMI looking forward in 2015

Diversity Project: DEDO/AmeriCorps/National Main Street/DMI partnership. AmeriCorps VISTA Noa Kornbluh arrived June 22 for 1 year assignment. Will create, guide and implement partnerships and business development with downtown minority owned businesses and existing organizations. Of our total population, 33% are minorities. More work is needed to include them in an attempt to work together with all residents in downtown Milford.

Ms. Kornbluh completed a survey of all businesses to determine their wants and needs. She is also holding a series of meetings with minorities from the community and DMI volunteers. They have also extended invitations to meet with various organizations downtown like the Mispillion Art League, Second Street Players and the Milford Senior Center. They hope to get everyone together to accomplish some great things though right now they are in the organizational stage.

3rd Project Pop-Ups. DEDO/DMI partnership. Three properties have applied to participate in this very successful local business development program though only two businesses applied. Both were in one location and DEDO is now in the process of finalizing a choice though at least one business will be participating in the project pop up program beginning in October.

Five upcoming events:

3rd Eat in the Street (Sept 20)

Farmers Market - Fall Market (Nov 21)

2nd Shop Small Saturday (Nov 28)

Santa Claus House (Nov 28-Dec 20)

Holiday Stroll (Dec 4)

Conclusion

Productive and successful first six months of 2015 in DMI's continuing efforts to make Milford a great place to live, work, play and shop. We are Milford.

Mr. Nelson thanked council stating that he will be back in another three to four months to give the next report. Mayor Shupe thanked DMI for the outstanding service they provide to the city.

Solid Waste Ordinance/Yard Waste Fee Amendment

Councilman Mergner reported that this matter was brought to Councilman Grier and his attention by a resident who was unhappy with the recent changes related to yard waste containers. He referred to the first letter included in the packet though a second letter was also submitted.

Mr. Mergner clarified that the resident is unhappy about paying a monthly fee for a second container and has asked that they bring it before council to discuss and decide if it is fair to our residents.

When asked for more details, Mr. Mergner explained that the resident initially paid \$60 for the extra yard waste container. When the ordinance was amended in March 2015, a \$12 per month fee was charged to customers with a second container. It was confirmed that he was refunded the \$60 he initially paid.

Mr. Mergner pointed out that our residents are now paying an extra \$144 per year for a second container. It was confirmed that the second container is being used on a regular basis.

Mr. Brooks said that he personally could use a second container six months of the year though it would not be needed the other six months.

Mr. Mergner said that the resident's argument is that the city crews are already at the house picking up the one container so picking up a second container should not be a problem. Mr. Mergner asked for councils' opinion.

It was confirmed that presently there are 15 people with a second container; initially that number was higher though most customers agreed to take care of their extra yard waste by disposing of it themselves.

Ms. Wilson agreed that a second container is typically needed for about half the year. She received a complaint from one of her constituents who had a lot of branches and tree limbs sticking out of the container. Because of that, the trash crews left the container without removing the tree debris. Ms. Wilson tried to defend it by stating that the branches need to be broken to fit in the can though she even had a hard time explaining it. She felt that as long as it is in the can, they should be able to pick it up.

Mayor Shupe said to be fair to the city employees, that is what they were told to do more than a year ago.

Ms. Wilson recalled that conversation though she still has concerns. She explained this is a senior citizen who put the container out twice and the debris was not taken either time.

Mr. Grier asked if a customer can have a second container six months of the year and turn it in when it is not needed. It can then be reissued in early spring. He understands that would involve a lot of picking up and delivering and asked if that has an associated fee.

Mr. Morrow feels that providing the second container free would cause all customers to request one. Mr. Mergner agreed though the resident's argument is he paid the \$60 and the city has since refunded that amount. The customer had asked to be grandfathered in because he paid the \$60; he felt it was unfair that he was impacted by the March amendment. He pointed out to Mr. Mergner that \$12 a month is much more than the one-time \$60 paid. Therefore, he is requesting that anyone that paid the \$60 be grandfathered in and not impacted by the ordinance.

It was confirmed that Blessings on Draper Road in Milford, as well as the transfer station accept yard waste from the public.

Mayor Shupe informed council that customers are presently paying \$24 for solid waste, recycling and yard waste services. There is an extra fee for a second container for trash as well.

Council asked that the city clerk research the associated cost of yard waste disposal. Mr. Morrow then asked that we obtain the city's cost of yard waste, trash and recycling.

Mr. Mergner said he does not recall why it was changed to a monthly fee versus a container fee. The question he has is what are the additional costs involved in picking up a second container that fourteen or so customers have. He does not believe the cost can be that much more to pick up two containers versus one.

Mr. Mergner's second question is why the change was made and can we consider having those customers who paid the \$60 container fee grandfather in. Ms. Wilson confirmed this only involves fourteen customers. Mr. Mergner said that is correct based on the information that he received. When the fee was implemented, there were 29 customers with a second container and that has been reduced to fourteen customers.

Ms. Hudson pointed out that most customers opted to take care of their additional yard waste themselves which is why there

are less customers who are being charged the additional fee.

Mr. Burk pointed out that there are different sized yard waste containers. He said he has a large container and has seen some rather small containers and wonders if there is a different fee based on the size of the container.

Ms. Wilson agrees we need to look at this though she is uncomfortable grandfathering any customer when it comes to an increase in any fee.

Mayor Shupe informed council there is a \$20 fee for a second solid waste container. He feels the principal behind the additional fee is that those customers who need the additional fee obviously have more waste and there is an associated cost.

Mr. Brooks pointed out that for \$24, a customer receives all three services; solid waste and recycling are picked up twice. He said that in this case, the customer is basically having his yard waste picked up twice and is paying \$12 for the two pickups.

Mr. Burk pointed out that if you compare prices outside Milford, the city charges very reasonable fees. He feels we need to consider the associated costs with the transfer station before a decision is made.

Mr. Brooks said he uses the yard waste service all the time and feel that he gets his money worth.

Mayor Shupe said the issue before council is whether to grandfather those customers who initially paid for a second container. Mr. Grier does not believe we should consider grandfathering them though he feels we need to look a little deeper into the cost of the additional container/yard waste.

Mr. Burk asked that if we decide to grandfather customers, how far back do we go; Mr. Grier agrees that every time something is changed, our residents will want to be grandfathered.

Mr. Brooks recalled when we received complaints about the \$60 deposit though that was better than the \$12 fee per month.

Mr. Mergner believes that the former city manager indicated there was a cost associated with disposing yard waste and because the city has grown exponentially, he was trying to find ways to make up for the costs. He understands that if a customer uses more than normal, they should be paying more.

Mayor Shupe asked that council be provided with the numbers so they understand the cost per customer. He feels it is appropriate to review our ordinances and costs from time to time and asked that this information be provided to council.

Review/Training & Travel Policy (Postponed)

Mayor Shupe reported that this matter has been postponed for further consideration.

Adjourn

The Workshop Session concluded at 7:25 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 31, 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, August 31, 2015.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, James Burk, Owen Brooks, Jr.,
Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Clerk/Recorder Terri Hudson

CALL TO ORDER

Mayor Shupe called the Special Council Meeting to order at 5:35 p.m.

Appointment of Board of Election Member (Replacement) for Special Elections on September 1, 2015

Mr. Brooks moved to appoint Patricia Bailey of 999 S. DuPont Boulevard, Milford as a replacement on the Board of Elections for tomorrow's Special Elections (1) to fill the remaining term of the 2nd Ward Council seat and (2) the USDA \$1.6 million borrowing proposal for sewer improvements. Motion seconded by Mr. Starling and carried unanimously.

Adjourn

With the board replacement being the purpose of the meeting, Mr. Burk moved to adjourn the Special Council Meeting, seconded by Ms. Wilson. Motion carried.

The Special Council Meeting was adjourned by Mayor Shupe at 5:39 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder