

City of Milford



AGENDA

Monthly Council Meeting

October 11, 2010

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

COUNCIL MEETING - 7:00 p.m.

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition – Parks and Recreation/Awards

Monthly Police Report

City Manager's Report

Committee Reports

Communications

Unfinished Business -

Re-Adoption/FY 2010-2011 Tax Warrant (Amended)

Annexation:

-Tax Parcel 5-00-173.00-01-62.00-00001-64.362 Acres Parcel of land, Land of Walter N. Thomas, II

-Tax Parcel 5-00-173.00-01-62.02-00001-7.556 Acre Parcel of Land, Land of Walter N. Thomas, II

-Adoption of Ordinance 2010-13/Adoption of Resolution 2010-15/Approval of Annexation Agreement

New Business -

Bid Award/Power Transformers/Electric Department

Proposal/Economic Development Strategy

Draft Ordinance 2010-17/Sewer/Chapter 185/Impact Fee Waiver Extended

Draft Ordinance 2010-18/Water/Chapter 222/Impact Fee Waiver Extended

Draft Ordinance 2010-19/Electrical Standards/Chapter 192/Impact Fee Waiver Extended

Monthly Finance Report

*Executive Session-

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

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements.

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.**

CITY OF MILFORD

DELAWARE



OFFICE OF THE CHIEF OF POLICE
E. KEITH HUDSON

“THE GARDEN CITY OF TWIN COUNTIES”

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

MEMORANDUM

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: October 5, 2010

RE: Activity Report/September 2010

=====

Monthly Stats:

A total of 469 arrests were made by the Milford Police Department during September 2010. Of these arrests, 206 were for criminal offenses and 263 for traffic violations. Criminal offenses consisted of 84 felonies and 122 misdemeanors. Traffic violations consisted of 3 Regular Duty Radar, 4 Drunk-Driving charges, 101 Special Duty Radar and 155 other.

Police officers investigated 40 accidents during the month (7 personal injury, and 33 property damage) and issued 79 written reprimands. In addition, they responded to 1027 various complaints including city requests and other agency assistance.

A total of \$5,197.21 was collected in fines during September.

Two False Alarm Violation Invoices were issued during the month of September.

Monthly Activities:

The Community Policing Unit of the Milford Police Department attended the following events during the month of September:

9/11 - Riverwalk Festival

Week of 9/20 - School Resource Officer held a Hunter Safety Course after school at Milford High School for students and also participated in Open Houses at the schools.

9/24 - Criminal Investigative Unit took crime van to Lake Forest Elementary to participate in a Safety Fair.

9/24 - Community Policing & School Resource Officer participated in a Child Car Seat check and Safety Fair held at the Carlisle Fire Company.

9/25 - Senior Volunteer Patrol attended the Senior Center Health Fair/Car Show.

Patrolman John Rose graduated from the Delaware State Police Academy on 9/24 and has entered into the Departments' Field Training Program where he is assigned to a Field Training Officer for the next 12 weeks.

Lieutenant Brown and Corporal Horsman, the departments' firearm instructors, attended a week long instructor re-certification course at the Smith & Wesson Academy in Springfield, Massachusetts.

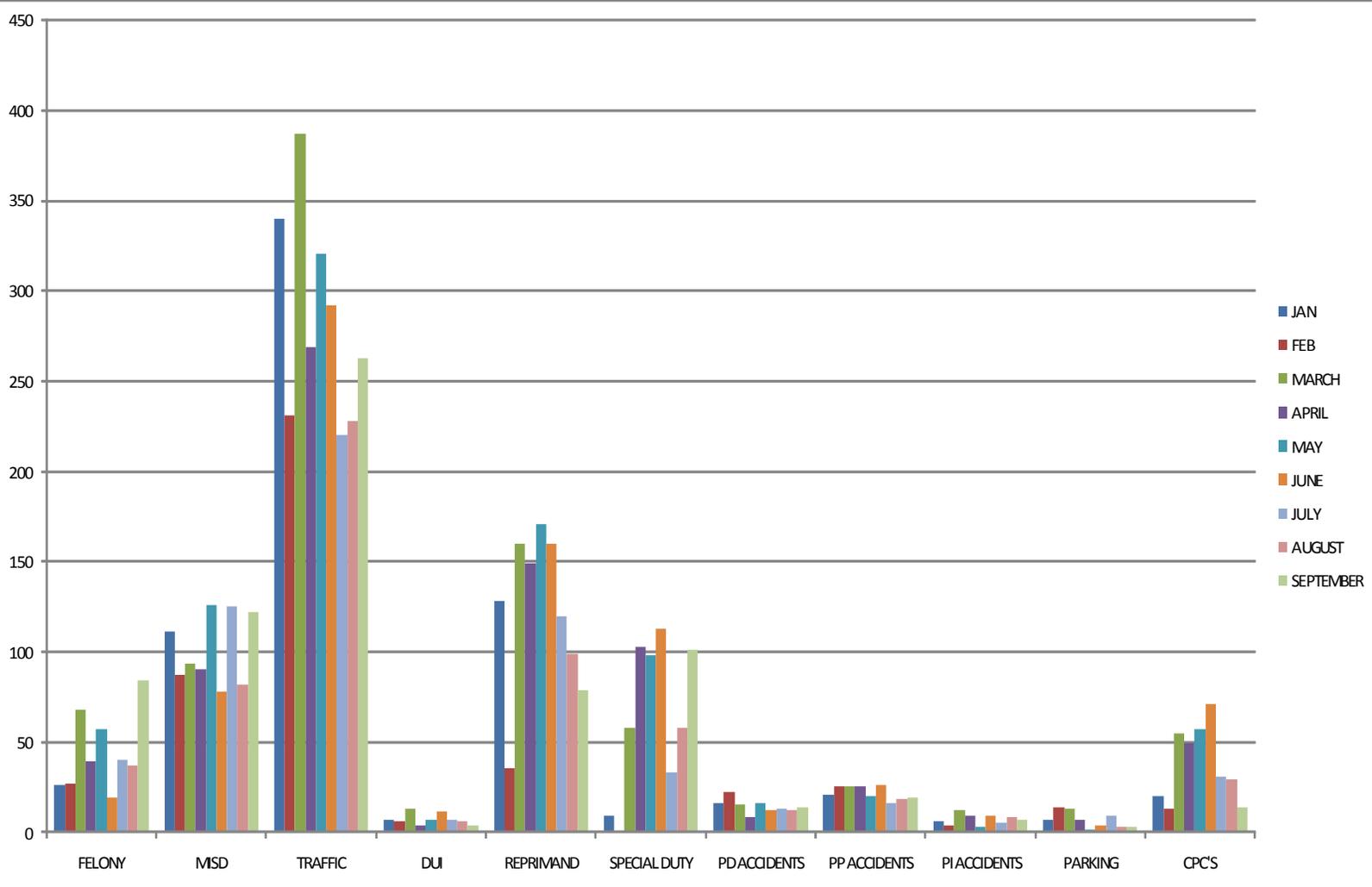
The department has closed out the Seasonal Season as of 9/15 and are currently taking applications for the 2011 Citizens Police Academy. The Superior Court for the State of Delaware recently awarded the department two forfeited vehicles seized during MPD drug investigations.

Officers attended various training seminars during the month of September.

EKH/vrk

SEPTEMBER ACTIVITY REPORT

	<u>SEP 2009</u>	<u>TOTAL 2009</u>	<u>SEP 2010</u>	<u>TOTAL 2010</u>
<u>Complaints</u>	1273	10995	1027	10177
<u>Criminal Arrests</u>	192	1777	206	1311
Felonies	74	543	84	397
Misdemeanors	118	1234	122	914
<u>Traffic Arrests</u>	327	3777	263	2533
Regular Duty Radar	23	600	3	211
D.W.I.	10	129	4	65
Special Duty Radar	70	645	101	573
Other	224	2403	155	1724
<u>Reprimands</u>	164	1937	79	1101
<u>Accidents</u>	46	454	40	377
Personal Injury	4	47	7	63
Property Damage	42	386	33	323
Fatal (included in PI)	0	2	0	2
<u>Parking Summons</u>	3	94	3	61
<u>Crime Prevention Checks</u>	34	410	14	338
<u>Fines Received</u>	\$10,369.43	\$101,347.45	\$5,197.21	\$80,418.46



City Manager's Report

October 11, 2010

- **Solid Waste & Recycling**

On August 1, the City Solid Waste Department began the collection of curbside recycling. During the month of September, the Solid Waste Department collected 433.12 tons (384.78 tons of Solid Waste; 48.34 tons of Recycling)

	Recycling Tons	Recycling Rate
Sept-09	34.37	7.48%
Sept-10	48.34	11.16%

Earlier this year, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill.

	Recycling	Solid Waste	Total	Diversion Rate
2009	442.44	4684.38	5126.82	8.63%
2010 YTD	339.49	3560.09	3899.58	8.70%

- **Impact Fee Waivers**

Since the waiver of impact fees was implemented in June, the City has waived \$101,729 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$5,695,206 (based on building permit values) during the months of June, July and August and September.

- **Fall Clean-Up Week**

Fall Clean-Up Week will held the week of October 18, 2010. Residents are asked to place items on the curb by 7 am on the day of collection. Pick up dates are as follows:

Monday collection day – fall clean up days will be Tues & Thurs during cleanup week

Tues./Fri. collection day – fall clean up days will be Mon & Wed during clean up week

- **Downtown Streetlights**

City Electric Crews are in the process of refurbishing the street light poles in the downtown area and replacing the light heads with more energy efficient LED lights. City crews are refurbishing 60 poles and lights and are removing eight lights at a time as to not make the downtown area completely dark. Work will continue over the next few months.

- **Can Do Playground**

Gary Emory, Mayor Rogers and I are continuing to work with the District Rotary Club Committee on the location and design of the Can Do Playground to be located at the Tony Silicato Memorial Park. It is anticipated that a final design and cost estimate will be available by the end of November.

- **Water Facilities Planning Grant**

The City received notice from the Delaware DHSS that they have approved the City's application for a \$10,000 grant to fund the Water Facilities Plan. Work on the facilities plan is scheduled to be completed by April 2011.



DELAWARE SOLID WASTE AUTHORITY

Pasquale S. Canzano, P.E., BCEE
Chief Executive Officer

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

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

September 10, 2010

Mr. David Baird
City of Milford
P.O. Box 159
Milford, DE 19963

Dear David:

Enclosed please find the City of Milford's numbers for the month of August 2010.

**August 2010
Weight in Pounds**

MARSHALL STREET

CARD BOARD	SINGLE-STREAM	TOTAL	OIL GALLONS
3,472	58,255	61,727	350

MILFORD MIDDLE SCHOOL

977	4,276	5,253	
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MILFORD COMMONS

1,386	14,430	15,816	
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Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc
Attachments: City of Milford Site Totals

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

CITIZENS' RESPONSE LINE: 1-800-404-7080 www.dswa.com

Fall Clean-Up Week 2010

The City of Milford's Fall Clean-up week will begin Oct 18-22. In the case of inclement weather, "Fall Clean-up Week" will be extended through Oct 25-29. Residents may place bulky items at their point of collection by 7 a.m. on their scheduled day. The pick-up days for your area will depend on your **REGULAR** trash pick-up day.

Monday collection day – Your fall clean up days will be Tues & Thurs during cleanup week

Tuesday & Friday collection day – Your fall clean up days will be Mon & Wed during clean up week

Solid Waste crews will collect furniture, appliances, large items, tires, excessive trash, yard waste, bagged leaves and bundled limbs at no extra charge during spring clean up week. Standard guidelines for removal will remain in effect. (*Appliances must be free of Freon*) During this week no bulk scheduling is necessary.

Items to be excluded from collection: *commercial or demolition rubbish, or hazardous materials such as paints, oils or insecticides.*

For more information, call the Solid Waste Department at 422-6616, ext. 100,



DELAWARE LEAGUE OF LOCAL GOVERNMENTS

Monthly Dinner Meeting

November 18, 2010

SHERATON DOVER HOTEL,

1570 North DuPont Highway, Dover, Delaware

SOCIAL HOUR: 6:00 pm – 6:45 pm
OPENING: 6:45 pm – 7:00 pm
DINNER: 7:00 pm – 7:20 pm
PROGRAM: 7:20 pm – 8:00 pm

PROGRAM

EMPLOYMENT LAW UPDATE

The law governing the relationship between a local government and its employees is very complex. The attorneys of the Employment Law Department of Young Conaway have developed a presentation to address several new developments in this rapidly changing area. Mr. William Bowser will address the League attendee's on the following:

- Update on Collective Bargaining
What's happening with Delaware's Interest Arbitration Law?
- Speech and Retaliation in Public Employment
Handling employee criticism and opposition to government policy
- Social Networking and Public Employment
What is Web 2.0 and why should the public sector pay attention
Is there still such a thing as "off-duty"?
Managing employee's internet activity: Should you have social media guidelines

NEXT MEETING: January 27, 2011

Special diets can be accommodated with 24 hour notice.

WE MUST HAVE YOUR RESERVATION NO LATER THAN November 4, 2010.

Mail to: Delaware League of Local Governments

P.O. Box 484

Dover, DE 19903

Telephone: 302-678-0991

Fax: 302-678-4777

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

PLEASE LIST THE NAMES OF THOSE ATTENDING:

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

- () Check enclosed for () dinners @ \$20.00 each
() Please direct bill the Municipality/County/Agency
() Payment will be made at the door
() Enclosed for () dinners @ 20.00 each



September 14, 2010

Mr. David Baird
City Manager
City of Milford
201 S. Walnut Street
Milford, Delaware 19963

Dear Mr. Baird:

I am writing to notify you that Comcast is changing the way it charges for advanced high definition ("HD") video by eliminating its HD equipment rental fees and implementing a whole house HD Technology Fee for advanced cable service customers. For limited basic-only customers, we are lowering the price of HD monthly equipment rental fee from \$9.25 to \$3.20.

In the past, we charged customers for each HD set-top box they leased from us. HD was a developing service, most of our set top boxes did not deliver HD services, and relatively few of our subscribers owned HD compatible televisions. In this environment, it made sense for Comcast to charge separately for each HD box that our "early adopter" customers desired to lease.

HD has become considerably more prevalent in customers' homes, and is increasingly subject to the rigors of the competitive marketplace. Moreover, the investments our company makes to deliver HD to consumers' homes go far beyond the HD set-top box – there are substantial investments in network capacity and equipment that allow us to deliver more HD programming including over 100 channels and over 3,000 HD On-Demand choices. We continue to add Video On-Demand technology to store and manage our expanding library of HD content, most of which is viewable for no additional charge. As such, the whole house HD Technology Fee serves the dual goals of (1) more accurately reflecting our investment in advanced and interactive HD technologies beyond just the set-top box; and (2) positioning the company to compete effectively in the market, by lowering the total price of HD for many customers, and by making it easier for customers to activate HD services directly from the home.

In light of the growing demand for HD, all of the set-top boxes we purchase will be fully capable of providing HD service. Depending on inventory, HD-capable boxes may be used when fulfilling requests for standard definition ("SD") service but the HD functionality will not be active until the customer changes to HD. This will be considerably more convenient for our customers – under this structure, an SD customer with an HD-capable box could add (or remove) their HD capability without having to change their equipment, instead simply adding (or removing) a single HD Technology Fee to have the HD capability activated (or deactivated). Previously, a customer was required to change their equipment upon changing HD service, involving a trip to the cable store or possibly a truck roll.

In addition, under our new policy, a customer who subscribes to one of our digital packages for their primary outlet will receive a set-top box as part of the package. If they want that box to have HD capability, they will be assessed a single whole house HD Technology Fee and that box will be enabled to receive HD. If that customer has a second television, they pay only a High Definition Additional Outlet Service Fee, which also includes a set-top box and will not pay an additional charge for HD (previously the customer would have paid a second HD box fee).

Competing multichannel video providers have also chosen to apply a technology fee (and an equipment lease fee, in some cases) to their HD services. For example: DirecTV charges a \$10 HD Access Fee, plus a monthly \$5 equipment fee per outlet. DirecTV customers may also be required to pay an upfront amount of \$99 to \$199 on an equipment lease, depending on features supported by the equipment. DISH charges a \$10 HD Enabling Fee, plus a monthly equipment fee of \$7 to \$14 depending on equipment. AT&T U-Verse charges a \$10 HD Technology Fee, plus a \$7.00 Receiver Fee per additional outlet. Moving to a similar model simplifies comparison shopping by consumers, and permits us to compete more effectively on price.

Effective October 15, 2010, or with the first billing statement thereafter, Comcast will no longer charge a monthly HD equipment rental fee of \$9.25. Customers who receive high definition video services will instead be charged a \$9.25 HD Technology Fee. There will be no change in Comcast's existing DVR Service Fees which includes the HD Technology Fee.

The sole exception will be for "basic-only" customers who do not utilize the same level of advanced HD technologies on Comcast's system as customers of more advanced service tiers. For those customers, no HD Technology Fee will be imposed, but they will continue to pay the HD equipment rental fee if they lease an HD cable box from Comcast. We are lowering the HD equipment rental fee for "basic-only" customers from \$9.25 to \$3.20.

Customers are being notified of this change via a bill message. A copy of that message is below as reference.

To advanced cable service customers:

IMPORTANT INFORMATION: Effective 10/15/10, the HD equipment rental charge of \$9.25 on the primary outlet will be renamed HD Technology Fee. The HD Technology Fee provides access to Comcast HD technology on all outlets in the home connected to a HD converter or other HD capable equipment. The current monthly price of \$9.25 will remain the same. For HD additional outlets, the HDTV Digital Converter Fee will be replaced by a High Definition Additional Outlet Service Fee. The monthly price of \$9.25 will not change.

To basic only customers:

IMPORTANT INFORMATION: Effective 10/15/10, the price of the monthly HD equipment rental fee for Limited Basic-Only customers will be reduced from \$9.25 to \$3.20.

Please feel free to call me at (302) 672-5936 if you have any questions.

Sincerely,



R. Thomas Worley

Director Government Regulatory

**Chamber of Commerce for
Greater Milford
3rd Quarter**

GENERAL MEMBERSHIP Luncheon

Wednesday, October 13, 2010

11:30 a.m. to 1:00 p.m.

Grand Buffet Restaurant

611 N. DuPont Blvd. (next to Super Fresh), Milford

Guest Speaker:

Delaware Sports Commissioner Matt Sparks

His presentation will raise awareness of the importance of the Sports Commission, and how the Sports Commission is promoting Delaware as a destination for amateur and professional sports. Matt will explain how sporting events positively affect a community & enhance economic development.

The luncheon buffet (over 100 items) is \$7.00 per person

(Iced tea, water & gratuity included)

Cash, Debit or CC payable to the Grand Buffet

Organization/Business _____

of Attendees: Member _____ Other _____

Name (s) of Attendees _____

**Please RSVP (302) 422-3344 or
fax (302) 422-7503 (between 9 a.m. & 5 p.m.)
by Monday, October 11th.**



MILFORD SCHOOL DISTRICT

906 Lakeview Avenue • Milford, Delaware 19963-1799
(302) 422-1600 Fax (302) 422-1608
Sharon G. Kanter, Superintendent

C. Thomas Bowmann, Ed.S.
Director of Personnel

Mark Dufendach, Ed.D.
Chief Financial Officer

Nicole Durkin, Ed.D.
Director of Teaching/Learning

Phyllis Kohel, Ed.D.
Director of Student Support

Heinz Retzlaff, Ed.D.
Director of Operations

October 5, 2010

David Baird
City Hall, 201 S. Walnut St.
Milford, DE 19963

Dear Community Members and Elected Leaders:

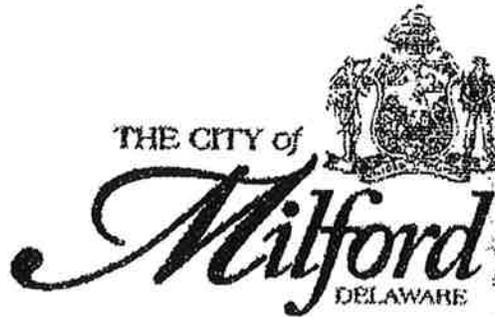
We are building on our many successes in the Milford School District and would like to share our excitement by having you attend our newly completed Milford Central Academy's "**Ribbon-Cutting and Grand Opening Ceremony**" on **Wednesday, October 20, 2010**. Ribbon-Cutting will take place at 4:30 PM in front of the Academy. You are invited to join the festivities, which will begin after the ribbon-cutting with light refreshments at 4:45 p.m. in the Central Academy's cafeteria.

At 5:00 PM, a special green energy tour of our new facility will occur. We will be featuring our rooftop solar panels and our geothermal HVAC systems along with other energy-saving initiatives included on our new facility. Returning to the cafeteria, at 5:30 PM, the grand opening ceremony will begin with special greetings from Superintendent of Schools, Sharon Kanter, and Milford Board of Education President, Deborah O'Neill. Representatives from the Milford Education Association and several state and local officials will have an opportunity to greet the audience. With our annual Halloween Parade scheduled for stepping off at 6:30 PM from our Seabury and Walnut site, our parade participants may leave our Academy celebration and join in the Milford Community/City of Milford Parade festivities after our grand opening ceremony. As part of the day's events, an open public tour period will follow in the Academy from 6:00 PM to 8:00 PM.

. To learn more about the Academy and to see how the newest in design technologies will affect our students and the community as a whole, please accept my invitation to this event. **Please RSVP to my office via e-mail (skanter@msd.k12.de.us) or call 302-422-1607 to confirm your attendance at this important community event.** I look forward to seeing you there.

Sincerely,

Sharon Kanter
Superintendent of Schools



ASSESSMENT DEPARTMENT
302.424.3712 EXT 314, FAX 302.424.3559

www.cityofmilford.com

201 SOUTH WALNUT STREET
MILFORD, DE 19963

MEMO

TO: Denise Barnes

FR: John Darsney 

DA: August 20, 2010

RE: Property Record Correction Loc ID 27520

Credit account
\$ 2,534.60

Denise

I received a call from Mrs. Paquette concerning the assessment on a property she owns. The land assessment went from \$12,000 to \$570,000; this caused a large tax increase in this year's tax bill. I researched the matter and discovered the acreage of the lot went from 6,500 sq. ft. to 72.00 acres; this was the cause of the assessment increase. This lot has not increased in acreage the increase is an error in the property record. Without going into all the technical details I used this property record as a test for residential land values on Milford Harrington Hwy when applied to large tracts of land. Apparently I saved the \$570,000 value on the 72 acre test by mistake and the tax bill went out to the owner.

I have corrected all the information in CLT and H.T.E. , could you adjust the tax account to reflect the correct amount owed and send Mrs. Paquette an adjusted bill, oh and I believe she currently has a Senior tax reduction also.

Thanks John

Correct land Assessment is \$19,000



ASSESSMENT DEPARTMENT
302.424.3712 EXT 314, FAX 302.424.3559

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

MEMO

*Credit account
\$1,167.94*

TO: Denise Barnes

FR: John Datsney *JDS*

DA: August 31, 2010

RE: Property Record Correction Log ID 25240

Denise

An audit of the property record had stated a third building know as 115 Aerenson Dr located on this lot. This third building was originally part of this property but was separated and assigned a new lot per an approved subdivision in 2004. Corrections have been made to the property record indicating two buildings total with the third being removed.

Could you adjust the tax account to reflect the correct amount owed and send an adjusted bill, out?

Previous Assessment	
Building(s)	\$981,800
Land	\$335,700

Previous Tax Liability	\$6,060.50
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New Assessment	
Building(s)	\$727,900
Land	\$335,700

Revised Tax Liability	\$4,892.56
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Thanks John



ASSESSMENT DEPARTMENT
302.424.3712 EXT 314, FAX 302.424.3559

www.cityofmilford.com

201 SOUTH WALNUT STREET
MILFORD, DE 19963

MEMO

TO: Denise Barnes

*Credit account
\$ 486.22*

FR: John Darsney 

DA: August 31, 2010

RE: Property Record Correction Loc ID 40720

Denise

An audit of the property record for parcel Md-16-174.14-01-08.03, otherwise know as 105 Acrenson Dr. showed the lot as two acres of land, this was corrected to reflect the actual lot size of 1 acre per the recorded deed BK2258 pg0120. I have corrected all the information in CLT and H.T.E., and all documents have been scanned in optiview. Could you adjust the tax account to reflect the correct amount owed and send an adjusted bill, out.

Previous Assessment	Previous Tax Liability	\$3,141.80
Building \$327,300		
Land \$355,700		
New Assessment	Revised Tax Liability	\$2,655.58
Building \$327,300		
Land \$250,000		

Thanks John



ASSESSMENT DEPARTMENT
302.424.3712 EXT 314, FAX 302.424.3559

www.cityofmilford.com

201 SOUTH WALNUT STREET
MILFORD, DE 19963

MEMO

TO: David Beard
Cc: Denise Barnes

FR: John Darsney 

DA: September 13, 2010

RE: Property Assessment Change:

Credit Account
\$ 32,390.67

Dave

The assessed value concerning the main gas line facilities owned by Eastern Shore Natural Gas (acct# 86260) has decreased due to a reporting error for the actual lineal feet of main line that runs through the City of Milford. Eastern Shore has utilized Gis mapping technology to confirm the actual facilities within Milford's corporate limits and has discovered a major mistake on what has been reported since 2001 to present. The main line as previously reported was 107,616 liner feet; this has been corrected to the actual amount of 25,832 liner feet. I met with Matt Dewey, of Eastern Shore, on Sept 2, 2010 and confirmed the information. I also informed him past years taxes paid are not refundable he understood. Apparently Eastern Shore reported all main line projects in the "Milford Area" as within city limits. Eastern Shore will continue to utilize Gis Mapping Technology to maintain an accurate record of its facilities in Milford, which should prevent reporting errors in the future. Each year Utility companies report new additions to their facilities, if any, to the City. From this point forward a copy of the maps showing the new facilities will be included in the annual reports submitted. This information will be confirmed before the assessment record is updated.

Denise

I have adjusted the assessment record to reflect the corrected assessments. Could you send a revised bill to Eastern Shore?

Previous Assessment \$9,152,400

Revised Assessment \$2,110,951

Thanks John

Mr. Gary J. Norris, AICP
City Planner
City of Milford
201 South Walnut Street
Milford, DE 19963

Date: May 4, 2010

Subject: Property Annexation

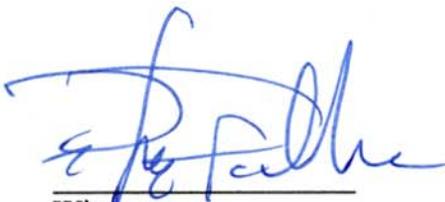
Dear Mr. Norris:

It is our understanding that in order to annex a property into the City of Milford; a formal letter must be submitted to you requesting this action to take place. With this stated, and by virtue of this letter, we hereby formally request that the property be annexed into the City of Milford.

More specifically described, the property, located at 1335 Milford-Harrington Highway, consists of tax parcels 62.00 and 62.02, block no. 1, as shown on tax map 173.00 in the Milford Hundred of Kent County, Delaware. Currently the property is zoned AC in Kent County and is comprised of 71.92 acres of land. The property is contiguous to the City of Milford municipal boundary both to the north and south. Please refer to the enclosed City Annexation Exhibit for additional information including bearings and distances of the subject parcels and a location map. As indicated to you/Gary Norris via e-mails from Mr. Phillip Tolliver, P.E.; we are requesting an R-3 zoning designation in the City of Milford. As you know, the approved City of Milford comprehensive plan does include the subject property as an immediate annexation area.

As time is of the essence, we would respectfully ask that you expedite this process.

Should you have any questions or comments regarding this issue, please feel free to contact Mr. Phillip Tolliver, P.E. with Morris and Ritchie Associates, Inc. at 302-326-2200.



Witness

Very Truly Yours,


Mr. Walter N. Thomas II
Land Owner

c.c. Mr. Eric Dunn
Mr. Phillip L. Tolliver, P.E.

Proj #: 10-145
Rec'd 05.13.10 Clouch

6
\$ 96.

Accepted for Filing in:
Kent County
Doc# 169421
On: May 12, 2010 at 01:02P

Tax Parcel Number MD-00-173.00-01-62.00-000
DUE TO
ON MAY 12

Prepared by/Return to:
Prickett, Jones & Elliott, P.A.
11 North State Street
Dover, Delaware 19901

NO TITLE SEARCH PERFORMED OR REQUESTED

DEED

THIS DEED, Made this Eleventh day of May, in the year of our LORD two thousand ten (2010).

BETWEEN, WALTER N. THOMAS, II, of 1335 Milford-Harrington Highway, Milford, Kent County, Delaware 19963, Party of the First Part,

A N D

WALTER N. THOMAS, II, of 1335 Milford-Harrington Highway, Milford, Kent County, Delaware 19963, Party of the Second Part.

WITNESSETH, that the said Party of the First Part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said Party of the Second Part, his heirs and assigns:

ALL that certain farm, tract, piece, or parcel of land, with the improvements thereon erected, situated in Milford Hundred, Kent County and State of Delaware, on the south side of the public road leading from Milford to Harrington, and being more particularly described in accordance with a recent Boundary Plat Land of Walter N. Thomas, II, prepared by Morris & Ritchie Associates, Inc. dated May 3, 2010, as follows, to-wit:

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

bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 62° 50' 42" East 833.11 feet to a rebar and cap set at the end of the fourth or North 40° 23' 12" East 216.01 foot line of a deed from Grace M. Thomas to Jon A. Thomas, dated August 23, 1991 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book H, Volume 50, Page 325, thence leaving the aforesaid southern right of way of Delaware Route 14 and binding reversely on the fourth, third and part of the second lines of said deed, the following three courses, viz:
2. South 34° 44' 24" West 216.04 feet to a rebar and cap set,
3. South 50° 16' 32" East 115.08 feet to a pin and cap (Adams Kemp) heretofore set, and
4. North 33° 15' 46" East 176.56 feet to a one inch pipe heretofore set at the end of the second or North 53° 30' 00" West 209.79 foot line of a deed from Jardevtan Corporation to Patricia M. Marney, dated August 29, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2375, Page 094, thence binding reversely on the second and first lines of the last mentioned deed, the following two courses, viz:
5. South 59° 28' 22" East 210.00 feet to a rebar heretofore set, and,
6. North 38° 06' 38" East 68.69 feet to a rebar and cap set on the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
7. By a non-tangent curve to the right with a radius of 3397.87 feet and an arc length of 335.20 feet, said curve being subtended by a chord bearing South 55° 57' 09" East 335.07 feet to a rebar and cap set at the end of the fourth or North 60° 57' 00" East 185.32 foot line of a deed from Polly Hudson to Polly O'Day and Thomas O'Day, dated February 17, 2006 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2770, Page 302, thence binding reversely on said fourth line,
8. South 34° 04' 53" West 189.69 feet, thence binding in or near the center of a ditch, the following seventeen courses, viz:
9. South 32° 56' 39" West 9.00 feet,

10. South 36° 27' 16" West 51.77 feet,
11. South 38° 29' 07" West 65.98 feet,
12. South 36° 37' 41" West 48.90 feet,
13. South 34° 05' 59" West 61.05 feet,
14. South 27° 13' 27" West 37.39 feet,
15. South 21° 42' 17" East 77.94 feet,
16. South 30° 53' 41" West 71.70 feet,
17. South 47° 36' 00" West 43.38 feet,
18. South 49° 53' 24" West 69.97 feet,
19. South 47° 55' 06" West 69.19 feet,
20. South 74° 09' 47" West 37.17 feet,
21. South 47° 00' 07" West 94.01 feet,
22. South 33° 44' 05" West 66.74 feet,
23. South 30° 33' 37" West 62.79 feet,
24. South 31° 20' 18" West 58.11 feet,
25. South 47° 48' 37" West 161.09 feet to the end of the fourth or South 34° 26' 35" East 95.21 foot line of a deed from Walter N. Thomas to Jeffrey A. Thomas and Nancy J. Thomas, dated March 17, 2003 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 532, Page 030, thence binding reversely on the fourth, third, and in part on the third lines of the last mentioned deed, the following three courses, viz:
 26. North 38° 12' 32" West 95.21 feet,

27. North 30° 51' 16" West 72.69 feet, and
28. South 14° 11' 36" West 774.23 feet to the center of County Road 447, thence binding in the center of County Road 447,
29. South 84° 32' 03" West 1295.05 feet to a boundary line agreement between the said land of Walter N. Thomas and Walter N. Thomas, II and the land conveyed and described in a deed from Wayne L. Hill to Wayne L. Hill, Trustee under the Revocable Trust Agreement of Wayne L. Hill dated 12/18/95, dated December 18, 1995 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 153, Page 274. thence binding on the boundary agreement line,
30. North 14° 56' 54" East 2255.01 feet to a ¼ inch pipe heretofore set at a common corner for the said land of Walter N. Thomas and Walter N. Thomas, II and the land conveyed by and described in a deed from David E. Baker and Shirley A. Baker to Robert E. Southard, III and Jeanette Ann Southard, dated May 5, 1976 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book R. Volume 30, Page 143, thence binding in part on the land of Robert E. Southard, III and Jeanette Ann Southard and binding in part on the land described and conveyed in a deed from Willard E. Zook and Virginia Zook to Donald L. Brittingham and Margaret E. Brittingham, dated June 21, 1984 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book L, Volume 39, Page 264 and binding in part on the aforesaid land of Howard F. Morton and Phyllis Ann Morton,
31. South 62° 52' 18" East 256.08 feet, thence binding reversely on the second or South 35° 30' West 430 foot line of the aforesaid Howard F. Morton and Phyllis Ann Morton deed,
32. North 27° 07' 42" East 422.47 feet, to the place of beginning.

CONTAINING 71.918 acres of land, more or less.

EXCEPTING THEREOUT AND THEREFROM the following described lands and premises:

ALL that certain lot, piece or parcel of land with the improvements thereon erected, situate, lying, and being in Milford Hundred, Kent County, State of Delaware; being all of Lot #1 as shown on a Minor Subdivision Survey Plan of Walter N. Thomas, II prepared by Adams-Kemp Associates, Inc., Professional Land Surveyors, dated September 24, 2009, revised on

October 14, 2009 and October 27, 2009, and recorded on November 25, 2009 in the Office of the Recorder of Deeds, in and for Kent County, Dover, Delaware, in Plot Book 107, Page 90, and being more particularly described as follows, to-wit:

BEGINNING for the same at rebar and cap heretofore set on the southern right of way of Delaware Route 14, eighty foot wide, said rebar and cap being the northeast corner of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for, Walter N. Thomas, II, dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 107, Page 90, thence binding on the outline of Lot 1, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),

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

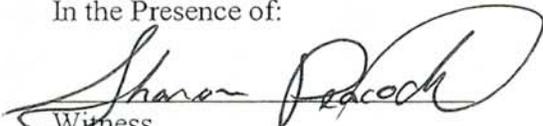
CONTAINING 7.556 acres of land, more or less.

The above premises are conveyed subject to covenants, conditions and restrictions of record, if any; such state of facts as an accurate survey and inspection of the premises will disclose, the operation and effect of any zoning laws, building restrictions imposed by public authority, and easements and public utility grants of record.

AND BEING part of the same lands and premises which were conveyed unto Walter N. Thomas and Walter N. Thomas, II, as joint tenants with the right of survivorship and not as tenants in common, by Deed of Walter N. Thomas, dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Dover, Delaware in Record BK-RE Vol. 2521, Page 141, Instrument Number 2005-34864. The said Walter N. Thomas departed this life on May 31, 2006 whereupon the said Walter N. Thomas, II became seized of the fee title in and to said lands and premises as surviving tenant by the entirety.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year aforesaid.

Signed, Sealed & Delivered
In the Presence of:


Witness


Walter N. Thomas, II

STATE OF DELAWARE

SS:

COUNTY OF KENT

BE IT REMEMBERED, that on this 11th day of May, A.D. 2010,, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Walter N. Thomas, II, party to this Indenture, known to me personally to be such, and he has acknowledged this Indenture to be his act and deed.

GIVEN under my hand and seal of office, the day and year aforesaid.


NOTARY PUBLIC

Name of Notary Public: Sharon L Peacock
Commission expires : 10-22-11





KENT COUNTY, DELAWARE

555 Bay Road, Dover, Delaware 19901-3615
(302) 744-2300 -- FAX (302) 736-2279

"Serving Kent County With Pride"

Loc ID#
56160

PROPERTY INFORMATION

Planning and Building Permits Information

Reference # MD MILFORD HUNDRED **Card # 1 of 1**
Location ID 26506 **Map Number** 5-00-17300-01-6200-00001
Tax ID 26506 **Deed BVP** D 5402 0057 IS 0024 0260 D 2521 0141
Parcel ID 33105 **Property Code** P - PROPERTY

Current Owner **Property Location**
 THOMAS, WALTER N. II 1335 MILFORD HARRINGTON HWY
 1335 MILFORD-HARRINGTON HWY MILFORD , DE 19963
 MILFORD, DE 19963 **Zoning** AC **Acres** 67.30

Additional Owner

Sub-Division

Sales History			Liv.Sq.Ft	720.0000
Date	Price	Assessment	Total Rooms	
5/12/10	10	Land 56,200	Bedrooms	
0/00/00	0	Buildings 2,500	Full Bath	
		Total 58,700	Half Bath	

Tax Balance	.00	Last Billing Detail	History	Farm Info
Sewer Balance	.00	Sewer Account #	- 00	
Neighborhood #	00500	Coordinates	0486261 E 0337517 N	
Land Use		Lot Dimensions		
Living Units		School District	40	MILFORD
Class	Residen	Fire District	52	HOUSTON
Plat Book Pg	00000	Sewer District	00	NONE
Topography	Level	Ambulance District	42	CARLISLE (MILFORD)
Street or Road	Paved	Trash District		
Fronting	Residen	Light District		
Improvement	TRAILER	Tax Ditches	NONE	

Accepted for Filing in:
Kent County
Doc# 169422
Date: May 12, 2010 at 01:02P

Tax Parcel Number MD-00-173.00-01-62.02-000

Prepared by/Return to:
Prickett, Jones & Elliott, P.A.
11 North State Street
Dover, Delaware 19901

NO TITLE SEARCH PERFORMED OR REQUESTED

DEED

THIS DEED, Made this Eleventh day of May, in the year of our LORD two thousand ten (2010).

BETWEEN, WALTER N. THOMAS, II, of 1335 Milford-Harrington Highway, Milford, Kent County, Delaware 19963, Party of the First Part,

AND

WALTER N. THOMAS, II, of 1335 Milford-Harrington Highway, Milford, Kent County, Delaware 19963, Party of the Second Part.

WITNESSETH, that the said Party of the First Part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said Party of the Second Part, his heirs and assigns:

ALL that certain lot, piece or parcel of land with the improvements thereon erected, situate, lying, and being in Milford Hundred, Kent County, State of Delaware; being all of Lot #1 as shown on a Minor Subdivision Survey Plan of Walter N. Thomas, II prepared by Adams-Kemp Associates, Inc., Professional Land Surveyors, dated September 24, 2009, revised on October 14, 2009 and October 27, 2009, and recorded on November 25, 2009 in the Office of the Recorder of Deeds, in and for Kent County, Dover, Delaware, in Plot Book 107, Page 90, and being more particularly described as follows, to-wit:

BEGINNING for the same at rebar and cap heretofore set on the southern right of way of Delaware Route 14, eighty foot wide, said rebar and cap being the northeast corner of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for, Walter N. Thomas, II, dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book

107, Page 90, thence binding on the outline of Lot 1, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),

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

CONTAINING 7.556 acres of land, more or less.

The above premises are conveyed subject to covenants, conditions and restrictions of record, if any; such state of facts as an accurate survey and inspection of the premises will disclose, the operation and effect of any zoning laws, building restrictions imposed by public authority, and easements and public utility grants of record.

AND BEING part of the same lands and premises which were conveyed unto Walter N. Thomas and Walter N. Thomas, II, as joint tenants with the right of survivorship and not as tenants in common, by Deed of Walter N. Thomas, dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Dover, Delaware in Record BK-RE Vol. 2521, Page 141, Instrument Number 2005-34864. The said Walter N. Thomas departed this life on May 31, 2006 whereupon the said Walter N. Thomas, II became seized of the fee title in and to said lands and premises as surviving tenant by the entirety.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year aforesaid.

Signed, Sealed & Delivered
In the Presence of:

Sharon L Peacock
Witness

Walter N. Thomas II (SEAL)
Walter N. Thomas, II

STATE OF DELAWARE

SS:

COUNTY OF KENT

BE IT REMEMBERED, that on this 11th day of May, A.D. 2010,, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Walter N. Thomas, II, party to this Indenture, known to me personally to be such, and he has acknowledged this Indenture to be his act and deed.

GIVEN under my hand and seal of office, the day and year aforesaid.

Sharon L Peacock
NOTARY PUBLIC

Name of Notary Public: Sharon L Peacock
Commission expires : 10-22-11





KENT COUNTY, DELAWARE

555 Bay Road, Dover, Delaware 19901-3615
 (302) 744-2300 -- FAX (302) 736-2279

LOC # 113420

"Serving Kent County With Pride"

PROPERTY INFORMATION

Planning and Building Permits Information

Reference # MD MILFORD HUNDRED Card # 1 of 1
 Location ID 104058 Map Number 5-00-17300-01-6202-00001
 Tax ID Deed BVP D 5402 0064 IS 0024 0260 D 2521 0141
 Parcel ID 103194 Property Code P - PROPERTY

Current Owner

THOMAS, WALTER N. II
 1335 MILFORD-HARRINGTON HWY
 MILFORD, DE 19963

Property Location

MILFORD HARRINGTON HWY
 MILFORD, DE 19963

Zoning AC

Acres 7.60

Additional Owner

Sub-Division

Sales History		Liv.Sq.Ft		1,292.0000	
Date	Price	Assessment		Total Rooms	6
5/12/10	10	Land	13,900	Bedrooms	3
11/15/05	0	Buildings	18,000	Full Bath	1
		Total	31,900	Half Bath	
Tax Balance	.00	Last Billing Detail	History	Farm Info	
Sewer Balance	.00	Sewer Account #	- 00		
Neighborhood #	00500	Coordinates	0486712 E 0338280 N		
Land Use	1	Lot Dimensions			
Living Units	NO	School District	40	MILFORD	
Class	Residen	Fire District	52	HOUSTON	
Plat Book Pg	0107 0090	Sewer District	00	NONE	
Topography	Level	Ambulance District	42	CARLISLE (MILFORD)	
Street or Road	Paved	Trash District			
Fronting	Residen	Light District			
Improvement	IMPROVED	Tax Ditches	NONE		

Progressive Engineering Consultants, Inc.

P.O. BOX 690638 CHARLOTTE, NC 28227 - 7011

TELEPHONE (704) 545 - 7327

FACSIMILE (704) 545 - 2315

progress@pecinc.net

August 31, 2010

City of Milford
P.O. Box 159
Milford, DE 19963
Attention: Ms. Terry Hudson

Re: Contract Documents for Delivery 2 Power Transformers

Gentlemen:

We are enclosing two (2) copies of the documents for the Delivery 2 Power Transformers. Please note the bid date has been scheduled for 2:00 pm on Thursday, September 23, 2010 in the Council Chambers at City Hall in Milford, Delaware.

Copies of the documents have been forwarded to the prospective Bidders on the attached list. Please advise us if there are other from whom you wish to solicit bids.

Please find enclosed advertisement for bid for your use.

Should you have questions or comments, please call.

Very Truly Yours,

PROGRESSIVE ENGINEERING CONSULTANTS, INC.

By 
R. Alan Cobb, P.E.

Enclosures

cc: Mr. Rick Carmean

drw/RAC

083110TH Del2 PwrXfs

**CITY OF MILFORD
MILFORD, DELAWARE**

LIST OF BIDDERS
for
Power Transformer – Delivery 2

Lekson Associate, Inc.
4004-104 Barrett Dr.
Raleigh, NC 27609
Attention: Mr. Karl Repko

R.W. Chapman Co.
P.O. Box 240748
Charlotte, NC 28224
Attention: Mr. Joe Costner

NTS
2613-B Discovery Dr.
Raleigh, NC 27616
Attention: Mr. Paul Keadle

IRBY
P.O. Box 7457
Rocky Mount, NC 27804
Attention: Ms. Dee Seriff

Jake Rudisill Associates, Inc.
P.O. Box 36248
Charlotte, NC 28236
Attention: Mr. Ray C. Catoe, Jr.

H D Supply
5031 Unicon Drive
Wake Forest, NC 27587

W.R. Daniel & Associates, Inc.
207-6A S. Broad St.
Mooresville, NC 28115
Attention: Ms. Joann Smith

Pennsylvania Transformer Tech., Inc.
P.O. Box 440
Cannonsburg, PA 15317-0440

Ensales, Inc.
P.O. Box 332
Beulaville, NC 28518
Attention: Mr. Fred Murray

Utility Service Agency (ABB)
501 N. Main St.
Wake Forest, NC 27587
Attn: Pinky Cooke

Utility Resource Associates
3720 Camden Hwy.
Dalzell, SC 29040
Attention: Mr. Reggie Kerns

CITY OF MILFORD, DELAWARE
BID TABULATION

DELIVERY 2 – POWER TRANSFORMERS

BID DATE: THURSDAY, SEPTEMBER 23, 2010
2:00 PM

BIDDER	<u>Virginia Transformer</u>	<u>Waukesha</u>	<u>Delta Star</u>	<u>A B B</u>	<u>W E G</u>	<u>Pennsylvania Transformer</u>
<u>EQUIPMENT</u> Two (2) Three Phase, 20/27/33 MVA, Power Transformers as specified	\$ 694,310.00	\$ 744,594.00	\$ 800,836.00	\$ 817,588.00	\$ 850,856.00	\$ 887,356.00
<u>EVALUATED COST *</u>	<u>1,227,275.60</u>	<u>1,248,294.00</u>	<u>1,293,964.00</u>	<u>1,293,170.00</u>	<u>1,346,986.00</u>	<u>1,439,666.00</u>
<u>MANUFACTURER/TYPE/</u>	<u>Virginia Transf.</u>	<u>Waukesha</u>	<u>Delta Star</u>	<u>A B B</u>	<u>W E G</u>	<u>Pa. Transf.</u>
<u>DELIVERY:</u>	<u>16-18 wks.</u>	<u>28-32 wks.</u>	<u>24-30 wks.</u>	<u>24-26 wks.</u>	<u>26 wks.</u>	<u>34-38 wks.</u>
<u>APPLICABLE PRICE TERMS:</u>	<u>Firm with Progress Payments</u>	<u>Firm w/payments</u>	<u>Net 30</u>	<u>Firm with Progress Payments</u>	<u>Net 30</u>	<u>Net 30</u>
<u>EXCEPTIONS/CLARIFICATIONS:</u>	<u>None</u>	<u>Approval Dwgs. 8 wks.</u>	<u>See Bid</u>	<u>Shipped w/out oil & bushings Dwgs. 12 wks.</u>	<u>None</u>	<u>See Bid</u>

** Total for two (2) transformers including losses.*

Progressive Engineering Consultants, Inc.

P.O. BOX 690638 CHARLOTTE, NC 28227 - 7011

TELEPHONE (704) 545 - 7327

FACSIMILE (704) 545 - 2315

progress@pecinc.net

September 30, 2010

City of Milford
P.O. Box 159
Milford, DE 19963
Attention: Mr. Rick Carmean

Re: Delivery #2 Substation Power Transformers

Dear Mr. Carmean:

Sealed bids were received, publicly opened, and read on September 23, 2010 for the purchase of the power transformers to be installed at Delivery #2. As shown by the enclosed tabulation of bids received, Virginia Transformer Corporation submitted the lowest firm cost proposal in the amount of \$694,310.00. We have reviewed this proposal and believe it to be in compliance with the specifications. Should the Commission decide to proceed with the construction of the substation we recommend that the Commission purchase the units from Virginia Transformer at the firm price quoted of \$694,310.00.

Please notify us of your decision in order that we may prepare the necessary documents for execution.

Should you have questions, please call.

Very Truly Yours,

PROGRESSIVE ENGINEERING CONSULTANTS, INC.

By


Michael A. Dawson, P.E.

Enclosures

drw/MAD
093010RC

David W. Baird

From: Ted Levine [ted.levine@aboutdci.com]
Sent: Thursday, September 09, 2010 1:08 PM
To: David W. Baird
Subject: PROPOSED AGREEMENT: CITY OF MILFORD AND DEVELOPMENT COUNSELLORS (DCI)

Follow Up Flag: Follow up
Flag Status: Flagged

From: Ted Levine
Sent: Thursday, September 09, 2010 12:41 PM
To: dbaird@milford-de.gov
Cc: Ted Levine
Subject: PROPOSED AGREEMENT: CITY OF MILFORD AND DEVELOPMENT COUNSELLORS (DCI)

DAVID BAIRD:

Thought I had a most useful and illuminating discussion with you and Mayor Ronnie Rogers on Tuesday 9/7/10 and, as promised, I am here translating it into a Letter of Agreement which, as I understand it, will be discussed with and possibly approved by the Milford City Council.

The following then may serve as an Agreement or the foundation for such an Agreement:

- 1) **DEVELOPMENT COUNSELLORS INTERNATIONAL (DCI): THE RECOMMENDED CONSULTANT:** DCI is the world leader in marketing places, 50 years old, with a consolidated list of place clients that totals over 400 including 42 of the 50 US States one of which is the State of Delaware under three different Gubernatorial Administrations. DCI is currently working for the Delaware Department of Development on a detailed Marketing Blueprint directly under Jeff Stone who is most enthusiastic about the projected Milford assignment.

Much more information on DCI can be secured by consulting our web site: www.aboutdci.com.

- 2) **THE JOB DEFINED: WHAT DCI WOULD DO:** From our Tuesday 3-way phone discussion it seemed to me clear that we are all three agreed upon the job to be tackled which focused on three deliverables;
 - A) **ECONOMIC STRATEGY:** A deep, hard, objective and professional look at Milford in the perspective of a very active current economic development competition. What are your relative strengths and weaknesses? What future economic activities make best sense? What potential "target" industries and activities would prove most potentially productive in the long but also the relatively shorter run? What is also the potential for retaining, expanding and extending existing businesses and encouraging local entrepreneurship? In short how can Milford be defined and presented as a "winning investment product"?
 - B) **MARKETING BLUEPRINT:** The active implications of this and allied development information and data would then be translated into a high-detail Blueprint for Action answering queries like these: What specific companies and which of their decision-making executives should be contacted both externally and internally? What types and tactics of marketing will prove most cost/effective in what combination for reaching and convincing these executives? What local, regional and State development entities, private as well as public, should be mobilized into what kind of consensus to make the resultant program work most smoothly, economically and productively? What is the resultant economic development budget (often provided at alternative levels of expenditure)

spelled out in full detail for optimum effectiveness? Who will be involved internally as well as externally in implementing the agreed-upon recommendations and exactly who will do what?

- C) **IMPLEMENTATION ACTION:** DCI believes that in this kind of project there should be seamless and near-immediate transition from advice to action. DCI would wish to stay on-the-job until the recommended implementation is underway. For example, agreed-upon DCI recommendations may well involve additional professional and supportive staff, facilities and outside services. Should these be both proposed and confirmed, DCI would be pleased to advise and counsel Milford based on half a century's practical experience on selection of professional staff, operational facilities, and a detailed timeline of activities as a key part of this assignment.
- 3) **TIME AND BUDGET: HOW LONG? HOW MUCH?** Based on our telephone discussion and much prior parallel experience we believe that such an assignment can be carried out as outlined over a period of 6-months and at a total maximum cost of \$66,000 composed of two prime elements:
- Professional time fee of \$10,000/month or total of \$60,000;
 - Expenses averaging \$1000/month or a total of \$6000 (all such expenses are billed at cost without mark-up and may not in toto exceed \$6000).
- 4) **DCI/MILFORD TEAM:** We propose a 3-person DCI team supported by DCI specialists and staff including:
- TED M. LEVINE, DCI Chairman and Founder; Account Policy and Strategy;
 - IAIN WATT: Longtime DCI Senior Account Executive: Day-to-day account implementation;
 - INTISAR WILSON, DCI Director of Administrative Services: Traffic, Billing, Reporting etc;
- 5) **REFERENCES: CAN DCI MAKE THIS WORK?** In this arena we face something of an embarrassment of riches; here are four references (along with phone numbers) who know our work both long and deep; we would be pleased to submit as many others as you may wish:
- JEFF STONE: Director of Infrastructure, Delaware Department of Development, (303) 672-6849;
 - RON KITCHENS: CEO, Southwest Michigan First (Kalamazoo). (269) 553-9588;
 - RICK WEDDLE: CEO, The Research Triangle. (919) 549-8181;
 - JEFF FINKLE, CEO, International Economic Development Council (IEDC), (202) 223-7800.
- 6) **LONGER-TERM IMPLEMENTATION (PDQ):** I mentioned this DCI unique proprietary service to both of you on the phone because I think it could represent an important next-step after this first 6-month assignment,
- PDQ stands for Prospect Development/Qualification but also for Pretty Darn Quick, It is an original methodology for setting up appointments for you with corporate leaders who meet these qualifications: a decision-maker, within a company, identified as a Milford target industry, in a demonstrated current expansion posture, The PDQ process has led DCI clients to hundreds of new high-paying jobs and millions of dollars in investment. Acceptance of this Agreement though shall not obligate you in any way to utilize this longer-term follow up program.
- 7) **CANCELLATION:** Any agreement between Milford and DCI can be cancelled by either party for any reason whatsoever upon 30-day written notice of the other party. Such cancellation has proved very rare in DCI's economic development experience.

8) ACCEPTANCE OF TERMS: Acceptance of these terms and conditions can be most simply signified by signing and returning one copy of this letter either in its original or a revised form. Alternatively it can be used simply as a basis for further discussion and negotiation.

We believe the proposed Agreement is both timely and potentially productive.

-- Ted

TED M. LEVINE
Chairman

DEVELOPMENT COUNSELLORS INTERNATIONAL
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www.aboutdci.com

ACCEPTED BY: -----

ORGANIZATION: -----

DATE: -----

ECONOMIC STRATEGIES FOR SMALLER COMMUNITIES

Insights Into Strategies for Supporting Smaller
and Rural Communities in North America



Moran, Stahl & Boyer

Business Location and Economic Development Consultants



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For more information, contact:

Moran, Stahl & Boyer

John M. Rhodes, Senior Principal

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e-mail: john.rhodes@msbconsulting.com

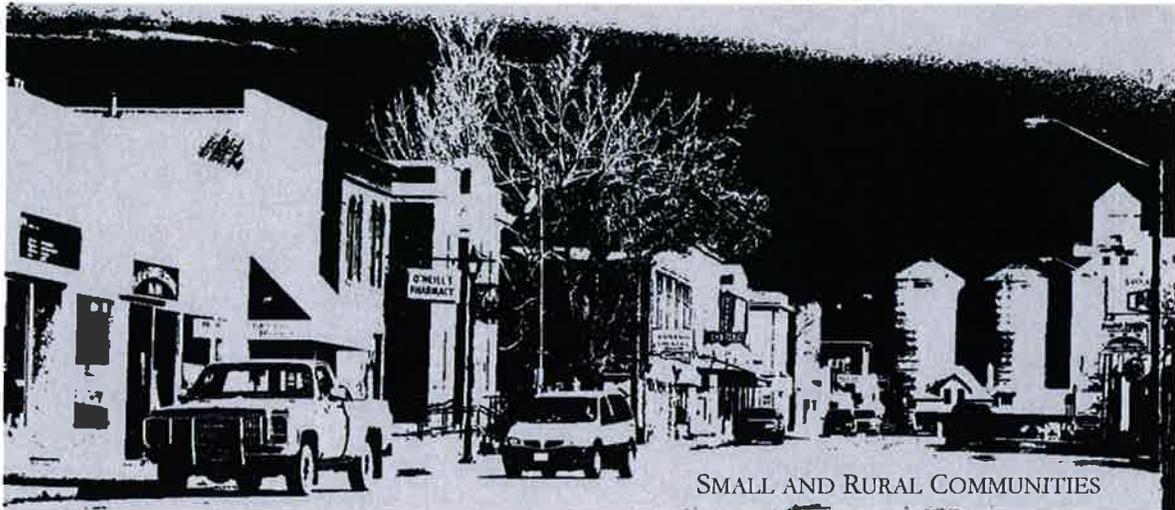
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■ IDENTIFYING A COMMUNITY'S ECONOMIC POTENTIAL

Small and rural communities come in many sizes and locales with different economic drivers. They could have originally been put on the map as a cotton mill, coal mining town, center for agricultural trade, or simply a place to cross the river. Some communities may be doing reasonably well, while for others the reason for existence was just shut-down last month – or maybe even ten years ago.

Over the years, Moran, Stahl & Boyer (MS&B) has worked alongside many communities to help them craft a vision for their future while also charting a course for how to get there. MS&B's approach for preparing strategic plans has the rigor for gathering thorough input while maintaining the flexibility to incorporate local ideas and nuances which are highly important to the community's framework.



There is one thing each community shares – the desire to achieve some level of economic growth. The manner in which this is accomplished may differ, but there is a common desire for incremental jobs, opportunities for a more diverse and stable economy, and an expansion of the tax base. Achieving economic growth is not an end point but a direction. Markets and businesses are dynamic resulting in company expansions and contractions, mergers and acquisitions and, at times, the need to seek a lower cost location or possibly even go out of business. Communities must constantly be aware of the needs of their existing employers as well as position themselves to attract and cultivate new businesses.

“Achieving economic growth is not an end point but a direction.”

In the emerging economy, achieving growth is going to require communities to take some creative approaches to identifying and implementing growth options. The availability of various resources – whether they are labor skills, buildings and sites, research activities or potential tourist venues – must be evaluated closely and checked for alignment with a particular opportunity. A community must keep in mind that every opportunity has a life cycle and that no business or industry comes with a life-time guarantee.

■ COMPOSITION OF A LOCAL ECONOMY

Before we can probe into the details of developing an economic strategy, it is important to review the fundamentals of a local economy. As noted in Figure 1 below, a local self-sustaining economy consists of three levels of employers: Primary Industries, Business Support Services and Consumer Services.

At the core of the economy are the *Level 1 - Primary Industries*. These employers not only provide jobs but also infuse cash into the local economy by selling goods and services beyond the local economy. This group may consist of manufacturers, state government operations, a college or university, regional health care center, a small group of consultants, or some type of tourist activity.

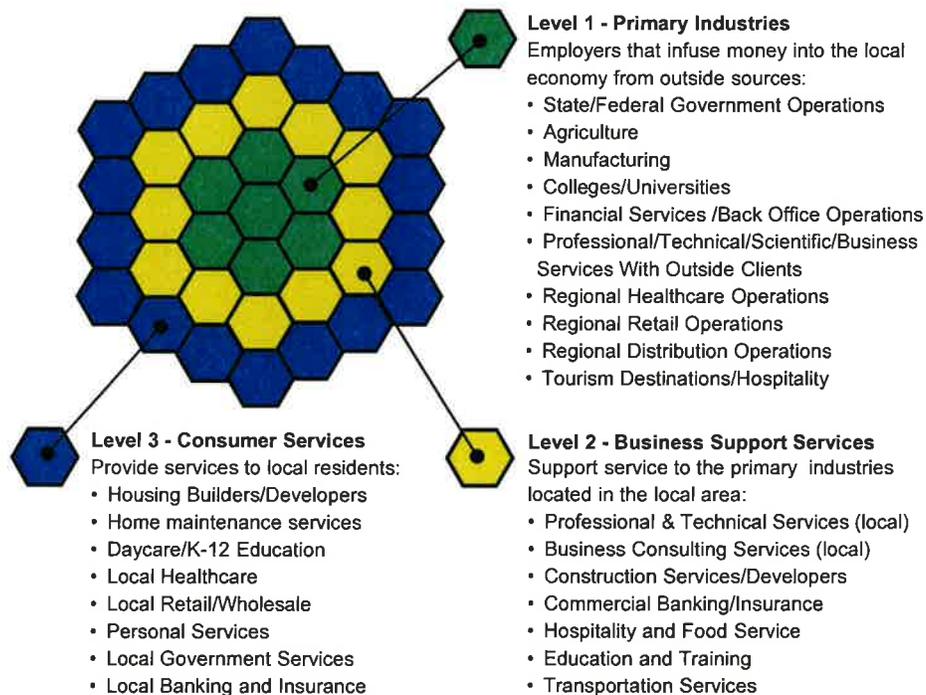
Surrounding the Level 1 employers are the *Level 2 - Business Support Services*. These employers exist in the community to provide direct support to the primary industries. Examples would include accounting

services, office or industrial supply stores, training resources, and office cleaning services. When the primary industries grow, the Level 2 companies tend to also expand to meet demand. Nevertheless, a loss of primary employers will have a resulting impact on the level of demand for Level 2 employer services.

The *Level 3 - Consumer Services* exist primarily to support the needs of the community's residential population. They represent a wide variety of services including home builders, lawn services, grocery stores, daycare, retail banking, and other retail operations.

Communities typically focus on attracting, expanding and cultivating the Level 1 – Primary Industries while the rest of the local economy tends to expand in proportion. A community that lacks both Level 1 & 2 employers is typically a commuter or retirement-based economy which frequently depends on higher property taxes to cover government expenses.

Figure 1 - Composition of a Local Economy



■ PRODUCT AND COMPANY LIFE CYCLES

Another important concept in understanding the dynamics of a local economy is the product and company life cycle curve. Every product and company has a life cycle that reflects the natural stages of start-up, growth, maturity and either repositioning or eventual product obsolescence.

Take for example the cell phone. It began as a fairly bulky and expensive device with a single function – making phone calls. Over time, as more and more competition entered the market, the phone became smaller and lighter while unit production costs and prices for consumers dropped dramatically. As the product matured and market growth began to stabilize, manufacturers responded in two ways:

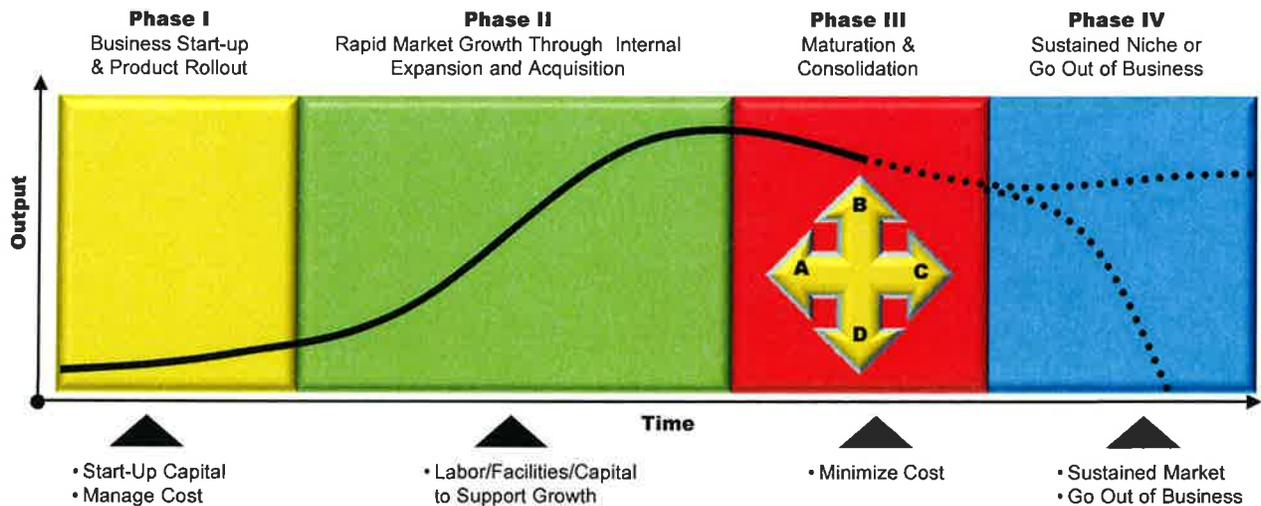
1. Innovation leaders, such as Research in Motion (Blackberry) and Apple (iPhone), created new functionality for the phone which has in-turn expanded the market and created new demand.
2. Remaining competitors have chosen to consolidate or merge with one another to maintain market share growth, implement new process

improvements to reduce production costs, and provide modest upgrades on existing product lines to better stabilize shrinking demand.

Companies themselves go through life cycles in relation to their product lines. As a company starts small with a single product, they expand to meet market demand. If the product proves successful, competition will also enter the market requiring the company to make on-going product and process improvements to maintain dominance in the market. Eventually the market itself matures, companies consolidate, and the emphasis shifts to lowest cost production.

If a company can ride the curve and make the right decisions, including broadening and adjusting its product lines, it survives. Otherwise, the company will progress through the life cycle and eventually go out of business. For the communities that host these companies, they must stay aware of the change in needs as reflected in the demand for certain resources and cost environments.

Figure 2 – Company/Product Life Cycle: Key to Understanding Opportunities



Critical Decisions Made in Phase III

- A: Attempt to go back to Phase II (new market expansion/product improvements)
- B: Consolidate with competition to grow share in a shrinking market
- C: Go/stay private with niche operation and proceed to Phase IV
- D: Continue to enhance productivity to sustain margins (production improvements/cost takeouts)

■ COMMUNITY LIFE CYCLE

Communities also experience life cycles that can be measured in the growth of population, jobs or tax revenues. The ultimate limiting resource for a community is its land as well as its availability of labor and in some cases the water supply. As a community grows, it trades its land for different uses that add to the economic base, the quality of life, or for general infrastructure. Once the land is consumed, the community has essentially reached maturity unless it can either annex additional land from surrounding areas or redevelop existing real estate for higher density use.

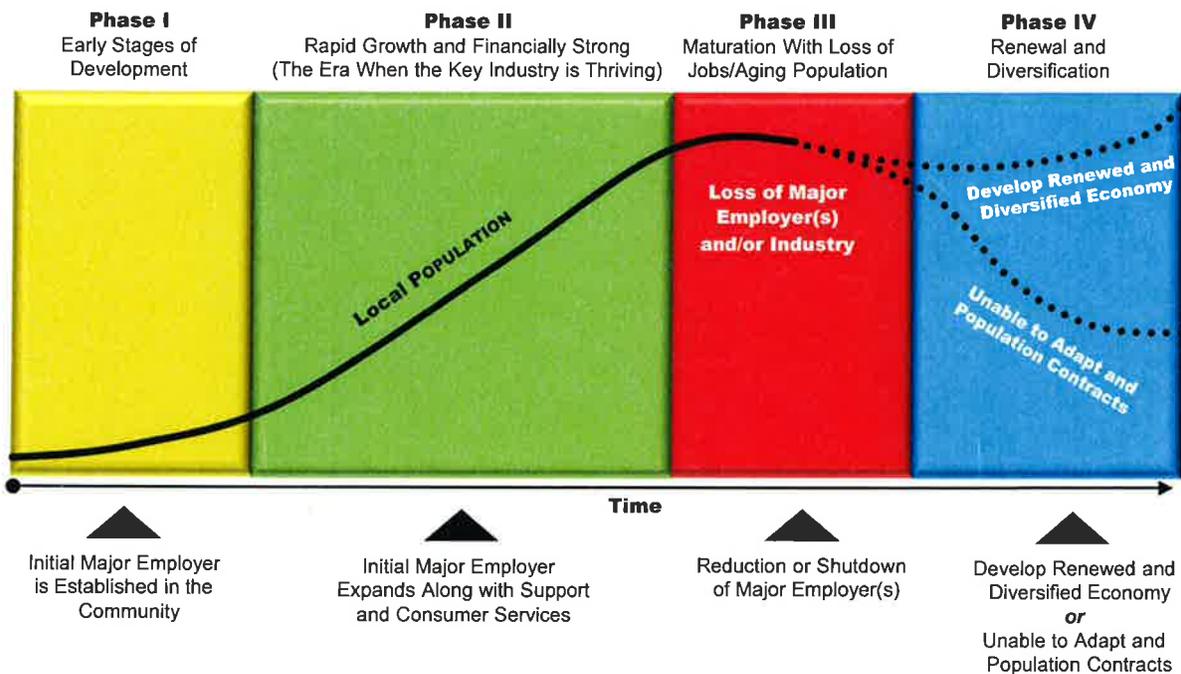
Many small communities have one major employer and their life cycle tends to closely reflect the *boom and bust* characteristics of that employer unless they diversify their economy with other businesses. The key challenge for small communities is to effectively support a major employer while they exist but then quickly retool the economy as the company reduces employment or shuts down altogether.

Communities that fail to embrace change and adapt to changing environments have no guarantee of long-term survival. An important aspect of survival is to prepare and maintain an economic development plan that is a road map for continuous improvement. A key aspect of the plan is to take a hard look at the assets of the community and determine what are the best options for sustaining the economy. From this a vision for the future can be crafted and an action plan to achieve the vision is prepared.

In many smaller communities there is a close relationship between the investments made in community development and their direct impact on economic development. Making wise and timely investments can sometimes pay high dividends for a community.

“Communities that fail to embrace change and adapt have no guarantee of long-term survival.”

Figure 3 – Community Life Cycle With and Without Renewal/Diversification



■ COMMUNITY RESOURCES AND GROWTH

Access to resources can play a pivotal role in the success of a local economy. Some resources are natural or inherent to a location (e.g., proximity to certain cities or geography) while others can be acquired. Not all the resources outlined in Figure 5 below are required to be successful, however, there is a certain package of resources required to sustain a specific industry or type of operation.

One of the first steps in the economic plan is to gather information on each resource and determine its adequacy. From there it is possible to derive the types of economic options that are available. A primary goal is to seek out a diverse economy through the growth of existing businesses, the start-up of new entrepreneurial businesses, and the attraction of new business from outside the area (see Figure 4).

Figure 4 – Options for Expanding Local Economy

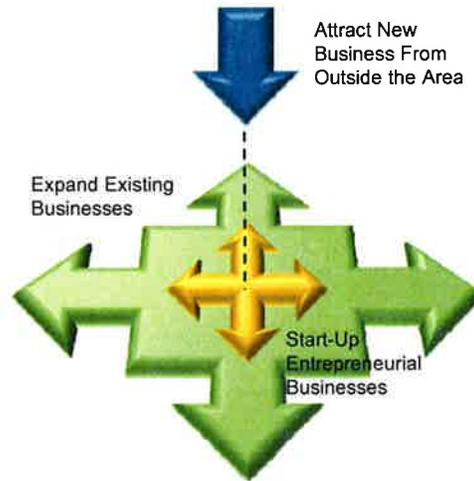
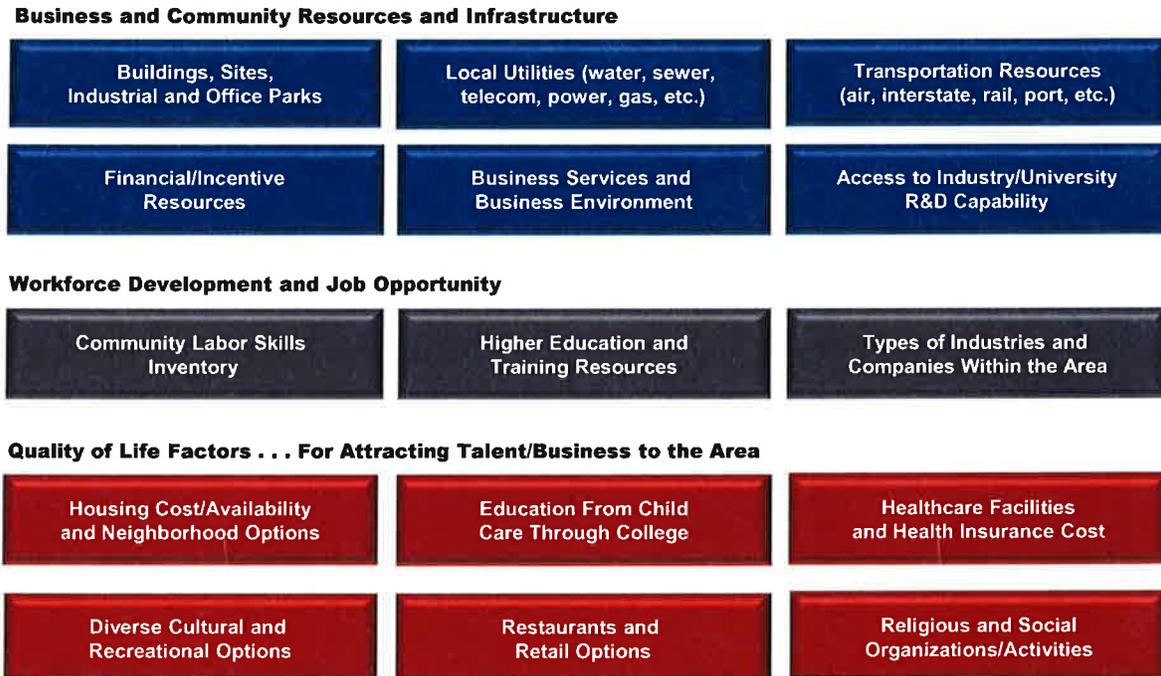


Figure 5 – Overview on Resources That Support Economic Development



■ ECONOMIC DEVELOPMENT STRATEGIC PLAN PROCESS

MS&B's approach to developing an *Economic Development Strategy and Plan* is comprised of three steps as noted in Figure 6. Our process is straight-forward but it is the manner in which we engage the process that sets us apart. We initiate the process by understanding the economic heritage of the community and then placing it in context with the current economy. This provides an insight into the culture and priorities that presently exist.

Throughout the process, we interface constantly with different community stakeholders including interviews with employers, discussions with agencies, workshops with community groups and classroom sessions with high school students. We blend our understanding of the local situation with our experience derived from many other site selection and community economic development projects. Our facilitated meetings stimulate lively discussions with high participation levels from local stakeholders. Beyond gathering information, we also perform a target industry analysis, a comprehensive SWOT (Strengths, Weaknesses, Oppor-



John Rhodes facilitating a community workshop in rural Augusta County, VA.

tunities and Threats) analysis, a review of the local and regional economic development organizations and identify key community resources (labor, education, sites and buildings, utilities, etc.) that are important to targeted industry groups and types of operations.

Our finished plan outlines the community's vision for economic growth along with a strategy and action items needed to succeed. The most important aspect of our work lies in our rigorous approach for gathering and evaluating information while maintaining the flexibility to incorporate local ideas and nuances that support the community's unique situation.

Figure 6 – Strategic Plan Process



Typical Community Stakeholders

- Government officials/agencies
- Chamber of Commerce
- Workforce development
- Industrial development agencies
- Area developers and brokers
- Major employers
- Small business owners
- Educators (all levels)
- Students
- Environmentalists
- Retirees
- Farmers
- Religious/social organizations
- Other residents

■ **ECONOMIC STRATEGY OPTIONS**

MS&B's project team has participated and studied many smaller communities throughout North America and have sought out different ways the communities have enhanced their economic position as highlighted below.



PARTS/COMPONENTS MANUFACTURING

Smaller, remote areas can engage in parts and components manufacturing that support equipment manufacturers within a 250 mile radius.



AGRICULTURAL PRODUCT PROCESSING

In Lancaster County, PA, Turkey Hill Dairy built a major ice cream processing plant that draws milk from within the county. The plant has a low cost steam source provided by the waste heat from a local methane gas power plant fueled from a former landfill. MS&B identified additional opportunities for the county for food processing and other agricultural-related opportunities.



RENEWABLE ENERGY AS AN INDUSTRY

Many Midwestern communities are meeting the low cost energy needs of their farms and industrial operations through local wind farms. Excess power is sold to the grid as an additional source of income for the local economy.

■ ECONOMIC STRATEGY OPTIONS (CONT'D)

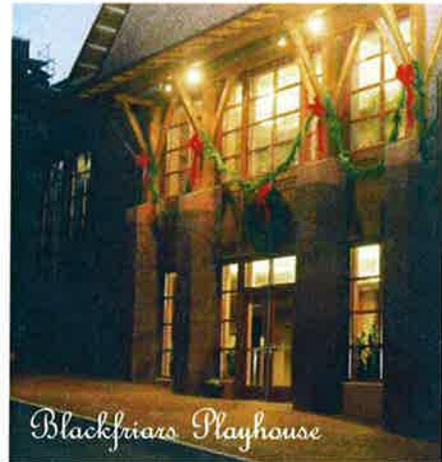


INTERNET MARKETING

Individual farms and craftsmen have turned to the Internet to market their products, encourage customers to come visit the farm and their local town, and sustain customer relationships.

TOURIST DESTINATION BECOMES MARKETING TOOL

Staunton, VA, utilizes its renowned Blackfriars Playhouse to not only attract tourists but also to build an awareness of the area for business owners seeking a new destination. MS&B worked with nearby Augusta County to develop their long-term economic strategy that included enhancing the labor force, improving the readiness of their industrial sites and expanding training programs and infrastructure.



BED, BREAKFAST AND BIKING

In Abington and Damascus, VA, an old logging rail line leading into the nearby mountains was converted into a very well-utilized biking and hiking trail (*Virginia Creeper Trail*) that fuels the local economy with customers to their bike and outdoor equipment stores, restaurants, B&B's and other hospitality venues.

■ ECONOMIC STRATEGY OPTIONS (CONT'D)



QUILTS CAN BE BIG BUSINESS

In Sisters, OR (adjacent to Bend, OR), they have made quilts a major event and industry for the town. They host a number of events throughout the year with the center stage being the annual mega quilt show that has highly prized quilt crafters draping their wares from every building in town. The gala event has many activities and attracts thousands of tourists and quilt connoisseurs.



MURALS: THE CREATIVE APPROACH

Lake Placid, FL, is in the middle of citrus groves and 27 small lakes in central Florida – but not much else. To help attract tourists to the area and give the town some notoriety, it began a mural program. Merchants and other building owners offer up a freshly painted outside wall to their premises and the town hires local artists to paint theme-based murals telling unique stories about local history and other notable topics. It attracts a steady stream of motorcyclists and other tourists that keep the local diner and other restaurants filled on weekends. By the way, the Florida cattle industry is nearly 500 years old and the state ranks 10th nationally in beef cattle production.

PROPOSAL FOR CONSULTING SERVICES



DEFINING AN ECONOMIC DEVELOPMENT STRATEGY FOR MILFORD, DE

Submitted:
August 3, 2010



Moran, Stahl & Boyer

Site Selection and Economic Development Consultants



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For additional details concerning this proposal, contact:

John M. Rhodes, Senior Principal

Moran, Stahl & Boyer

Phone: 941.755.0074

E-Mail: john.rhodes@msbconsulting.com



■ INTRODUCTION

The City of Milford, DE is located in south central Delaware and straddles both Kent and Sussex Counties. The City has a population of approximately 7,500 residents, of which, over 17% are over the age of 65 years old compared to a national average of just over 12%. The community has an emerging retired or near retirement population that has relocated from outside the area due to the attractiveness of Milford and its proximity to the Delaware Bay.

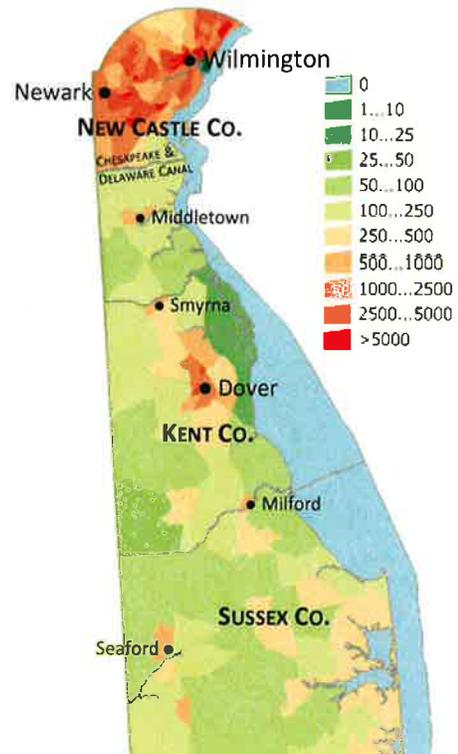
Historical Perspective

Milford was originally settled in the late 17th century based on its proximity to the Mispillion River and the stands of hardwood trees (particularly white oak) in the vicinity. In the late 18th century, a dam was installed on the Mispillion River and a sawmill and grist mill were built. This resulted in years of significant wealth in the community as a major shipbuilding industry was established that lasted until the 1920's, and then again during WWII.

Over the past 65 years, the community has sustained itself primarily as a commercial center for the large-scale agricultural industry located throughout southern Delaware. More recently, the community has begun to be a destination for retirees and semi-retirees from New Jersey, New York, Pennsylvania and other states in the greater region. This influx of new residents has begun to build a schism in the community as to a vision for the future and the direction of the local economy. This has led to the need to address the following questions:

- What level of growth is reasonable for the community?
- What types of development should be encouraged and in what locations?
- What types of jobs does the working population want to have available?
- What businesses would be interested in relocating or starting up in the area?

POPULATION DENSITY (PER/SQ. MILE)



■ MORAN, STAHL & BOYER APPROACH TO ASSIGNMENT

Moran, Stahl & Boyer (MS&B) has worked with communities of all sizes throughout North America and understands the types of issues that confront for a community seeking some level of growth. We utilize an approach that follows a natural sequence while tailored to the local situation. Having completed a Economic Development Strategic Plan for Kent County, DE, in 2007, we have a general understanding of the challenges facing the region related to growth. Realizing that the City of Milford has very limited resources for consulting services, our approach and related cost are meant to meet the needs of a smaller community. It is recommended that the following four steps be considered as part of an overall process with details of each step noted below.

TASK 1: PROJECT INITIATION

Engage in an initial conference call to discuss outcomes, refine project timing and general background information on the situation.

TASK 2: GATHER BASELINE INFORMATION ON THE CURRENT SITUATION

The following information will be gathered in order to prepare a logical, thorough and objective profile of the situation in the Milford area.

- List and description of current employers with employment of 25 or more.
- A copy of the City of Milford and surrounding area's Comprehensive Land Use Plan as well as a current zoning map of the area.
- Demographic profile of community based on updated census data.
- An opportunity to interview selected employers and other local stakeholders to gather input on the local situation and business environment (includes 1.5 days of on-site interviews in the community).

TASK 3: ROUNDTABLE DISCUSSION TO CRAFT VISION AND ENGAGE IN SWOT ANALYSIS FOR COMMUNITY

MS&B will facilitate a 2-3 hour meeting that would cover:

- General perspectives on economic development;
- Visioning session on the economic future of the community;
- SWOT analysis to determine the Strengths, Weaknesses, Opportunities and Threats of pursuing different alternatives.

The discussion would take place during the same trip as the on-site interviews in Task 3.

TASK 4: DEFINE STRATEGY AND ACTION PLAN FOR ACHIEVING CERTAIN ECONOMIC OBJECTIVES

MS&B will prepare a draft strategy and action plan for the City of Milford based on the output from the Task 3 roundtable discussion. The document will be submitted initially to the City and then presented to community stakeholders in a group meeting as requested by the City.

■ COST SUMMARY: MULTIPLE OPTIONS

Moran, Stahl & Boyer (MS&B) offers its services in ways that meet the specific needs of a client. The options below provide the maximum flexibility for engaging in our services.

OPTION 1: PACKAGE APPROACH

Complete each of the tasks noted in the previous section that would include two trips to Milford and the development of a strategy and plan as the deliverable.

- Consulting Fee: \$6,500
- Estimated Travel Expenses: \$1,750 (two trips)

OPTION 2: ALA CARTE APPROACH

This approach allows the client to pick specifically the services needed to address a particular issue.

Conference Call

- Consulting Fee: \$150 per hour

Prepare and Present at a Meeting

- Consulting Fee: \$1,500
- Estimated Travel Expenses: \$750

Daily Rate

- Consulting Fee: \$1,200



■ MORAN, STAHL & BOYER: COMPANY PROFILE

Moran, Stahl & Boyer (MS&B) was established in 1965 and is one of the oldest and most respected site selection and economic development firms in North America. An overview of MS&B's service capabilities is outlined below and demonstrates our breadth of service and our ability to view a community from both a company and local economic development perspective. As part of our project experience, we have had the opportunity to gather feedback from hundreds of companies, providing us with unique insights as to what companies seek out in a community based on the industry, type of operation, and life cycle stage.

OVERVIEW ON MS&B'S CONSULTING CAPABILITIES



■ Economic Development Consulting

- Preparation of long-term economic development strategic plans.
- Resource assessments to support economic growth.
- Target industry analyses.
- Labor market analyses.
- Site evaluation and certification.
- Community profiling as a marketing tool.
- Marketing strategies.
- Community workshops and conference speaking.



■ Site Selection Services for Companies and Organizations

MS&B provides consulting services that can be delivered as an integrated package or individually. Clients represent a broad spectrum of industries including pharmaceuticals, medical instruments, telecommunications equipment and services, financial services, packaging, window manufacturing, etc.

- Performance evaluation of existing locations.
- Overall deployment strategies.
- Feasibility assessment (financial and organizational risk) for site relocation.
- Screening of locations to determine optimum alternatives based on defined criteria. Includes desk-top analysis and field work.
- Identification of real estate options in a given location. More advanced work is done in partnership with local commercial brokers.
- Tools for marketing surplus properties.
- Relocation strategy and policy as it impacts the organization.
- Evaluation of incentive options and negotiation of final package. Seek a win-win for the company and local community.



Member, International Economic Development Council (IEDC)

Civil Engineer

Proven leader and successful project manager

Frequent and highly rated conference and university speaker

Experienced meeting facilitator

Advanced interview skills for diverse stakeholders

Multi-industry employment and consulting experience

Expert in manufacturing sectors

Certified site program administrator

■ John M. Rhodes, MS&B Senior Principal

Mr. Rhodes has over 35 years of experience working in the corporate sector (for General Electric Company and Prudential Financial) as well as in private consulting. He has had multiple careers related to engineering, marketing, sales and consulting.

Mr. Rhodes has led the MS&B consulting practice since 1994, focusing on site selection for both corporate and non-profit organizations as well as community economic development consulting. Corporate assignments have included location analyses, location deployment strategies, and relocation analysis for companies in financial services, technology, transportation, healthcare and diverse manufacturing industries.

Economic development projects include labor market analyses, target industry and cluster studies, stakeholder interviews (including interviews with hundreds of companies), facilitated sessions with community stakeholders, benchmarking peer communities, long-term economic development strategies, certified sites programs, real estate strategies, marketing strategies and community resource profiles to support external marketing at the state, region and local level.

Selected Economic Development Clients

- Augusta County, VA Office of Economic Development
- Botetourt County, VA
- Buffalo Niagara Enterprise (Buffalo, NY)
- Broward County Alliance (Fort Lauderdale, FL)
- Chamber of Business and Industry of Centre County, PA
- City of Cape Coral, FL
- Greene County, NY Economic Development
- Hudson Valley Economic Development Corporation
- James City County, VA Economic Development
- **Kent County, DE Economic Development**
- Massachusetts Economic Development (MassEcon)
- Madison County, NY IDA
- Minnesota Dept. of Employment & Econ. Development
- National Grid Economic Development (Syracuse, NY)
- Northeast Utilities (Hartford, CT)
- Onondaga County, NY Economic Development
- Oklahoma State Economic Development
- Otsego County, NY Economic Development
- Pennsylvania Power and Light (Allentown, PA)
- Rhode Island Economic Development Corporation
- Sarasota County, FL Economic Development Corp.
- Southern New Hampshire Planning Commission
- Schoharie County, NY Department of Planning
- Tampa Bay Partnership
- Three Rivers Economic Development (Corning, NY)
- Wall Street West WIRED Program (Wilkes-Barre, PA)

Selected Corporate Clients

- American Fuji Seal
- American Motorcycle Assoc.
- AT&T
- Blue Cross/Blue Shield
- Clayton Services
- Colgate-Palmolive
- Coltec Industries
- Columbia Gas
- Corning Incorporated
- Dow Chemical
- Fairfield Resorts
- Federal Express
- Int'l Union of Police Associations
- Lucent Technologies
- MacDermid Corporation
- Merrill Lynch
- National Grange Mutual
- One Beacon Insurance
- PANAMCO
- Pella Corporation
- Prudential Financial Services
- Rockefeller Group
- VIACOM/Blockbuster Video
- Volunteers of America
- Wachovia Bankcard Services

■ John Rhodes, MS&B Senior Principal (cont'd)

Communications, Speaking Engagements, and Media Coverage

Mr. Rhodes is a sought-after speaker and writer on a variety of topics related to economic development and site selection, including:

- Innovation and technology vs. economic development.
- Industry trends in financial services, biotechnology, plastics and other sectors.
- Retaining and attracting knowledge workers and other labor resources.
- Headquarters relocation strategies and issues.
- Site selection from the consultant's perspective.
- Economic competitiveness.

Selected Conferences, Annual Meetings, and Other Speaking Engagements

- Alberta (Canada) Economic Development Conference
- Area Development Consultants Forum (multiple locations)
- Arizona Rural Economic Development Conference
- British Columbia (Canada) Call Center and Rural Economic Development Conference
- **City of Dover, DE Economic Development Special Meeting**
- Connecticut Economic Development Partnership Meeting
- CoreNet National Conference (multiple events)
- Florida Economic Development Conference (St. Petersburg, FL)
- International Economic Development Council (multiple events)
- IEDC Basic Economic Development Course at Georgia Tech (Guest Lecturer)
- Manatee County, FL Economic Development Annual Meeting
- Massachusetts Alliance for Economic Development Conference
- MDA of Syracuse and Central New York Annual Meeting
- Nebraska Economic Development Conference
- New York State Economic Development Council (multiple events)
- Northeast Pennsylvania (nine counties) seminar on the financial services industry
- Ocala/Marion County, FL Economic Development Annual Meeting
- Oregon Economic Development Conference
- Pennsylvania Training Course for Economic Developers
- Rhode Island Governor's Economic Summit
- Sarasota County Economic Development Annual Meeting
- University of South Florida – Sarasota MBA Program (Lecturer)
- Utility Economic Development Association (multiple events)
- Virginia Economic Development Partnership Advisory Board (multiple events)
- Western North Carolina Economic Development Annual Meeting
- Wilkes Economic Development Corporation Annual Meeting

Mr. Rhodes has written or contributed to articles for publications such as *Area Development*, *Site Selection*, *Southern Business & Development*, *Trade & Industry Development*, *Expansion Management* and others. He has also been quoted on a number of occasions by the *Wall Street Journal*, *New York Times*, *Financial Times* and many local and regional business journals. Current white papers covering a variety of subjects are posted on the MS&B web site at www.msbconsulting.com.

Education:

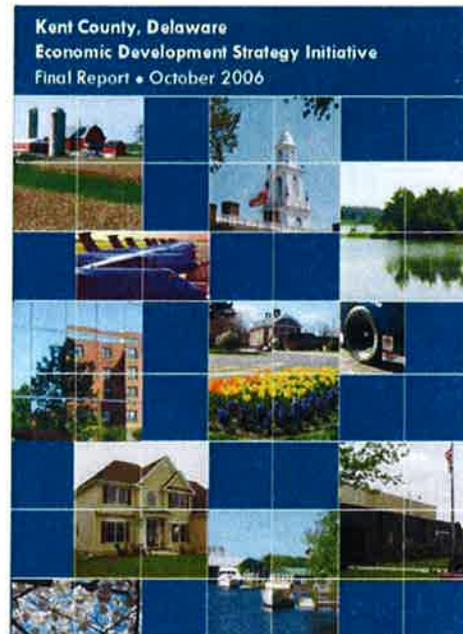
- BS - Civil Engineering, Northeastern University (Boston, MA)
- Master of Engineering, Rensselaer Polytechnic Institute (Troy, NY)

- **Client:** Kent County, Delaware
- **Scope of Project:** Countywide Economic Development Strategy. Moran, Stahl & Boyer and E.M. Pemrick and Company worked together to prepare an economic development strategy for Kent County, one of three counties in Delaware. The County's objectives were to provide direction and focus to its economic development efforts and effectively position the County for future growth.

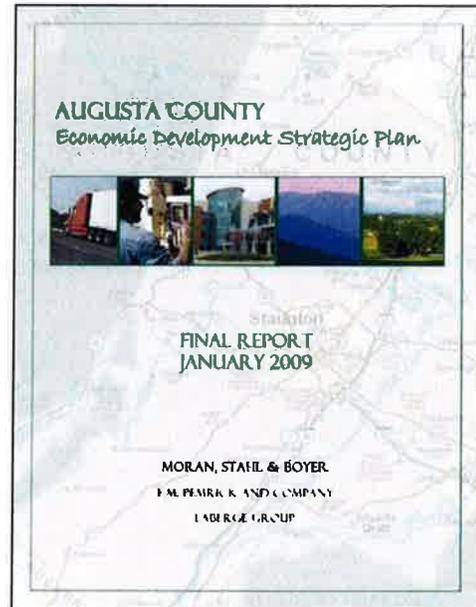
The project methodology incorporated an analysis of economic, demographic, labor and industry trends; extensive interviews with major employers, municipal leaders, educators, local and state economic development officials, chambers of commerce and other stakeholders; an employer survey; an inventory and assessment of sites available for business development and expansion; and a competitive assessment comparing Kent County with its peers in the mid-Atlantic region. The team also evaluated the university research activity in the region and its potential to stimulate economic development.

Formally adopted by the Commissioners of the Kent County Levy Court, the strategy identifies the facilities, resources and organizational support necessary for the County to achieve its goals for economic growth. It also offers detailed recommendations to transition the existing economic development council to a more responsive and dynamic organization with a public/private board of directors, a stronger emphasis on business retention and expansion, engagement of a broad range of constituents, and focus on partnerships and collaboration with other agencies and organizations to address various economic development issues, maximize resources, and leverage market exposure.

- **Outcome:** Since the project was completed, a new economic development organization, the Kent Economic Partnership, has been formed. Moran, Stahl & Boyer also returned to the area to present recommendations from the County economic development strategy to the Dover City Council. Portions of the strategy were incorporated into Kent County's Comprehensive Plan in 2008.



- **Client:** Augusta County, VA
- **Scope of Project:** As a follow-up to the adoption of its comprehensive plan, Augusta County hired the MS&B team to prepare a strategic plan for the County's economic development. The project included the following:
 - Comprehensive analysis of the County's economy;
 - Resource assessment that supported target industries;
 - SWOT analysis of economic development situation;
 - Feedback from broad stakeholder groups;
 - An evaluation of existing and potential sites;
 - A vision and draft economic development plan for the County with action items, changes to the organization, program modifications, marketing approaches and site infrastructure considerations.
- **Outcome:** The MS&B project team provided a well defined plan that will position the community for the future. We identified a number of recommendations to address long-term labor resource issues, the development of industrial sites and buildings at the appropriate readiness levels, and organizational changes to assure an overall more effective program.



John Rhodes making a presentation in one of a series of community meetings.

Target Industries

Manufacturing: food processing, medical preparations, molded plastic products, fabricated metal products, medical devices, other light manufacturing.

Warehousing: 50,000 to 100,000 SF (smaller footprint operations)

Services: professional/technical/business services, regional medical services and back office operations.



• ECONOMIC DEVELOPMENT STRATEGIC PLAN •
AUGUSTA COUNTY, VA

Executive Summary
January 2009

Moran, Stahl & Boyer
E.M. Pemrick & Company
Laberge Group

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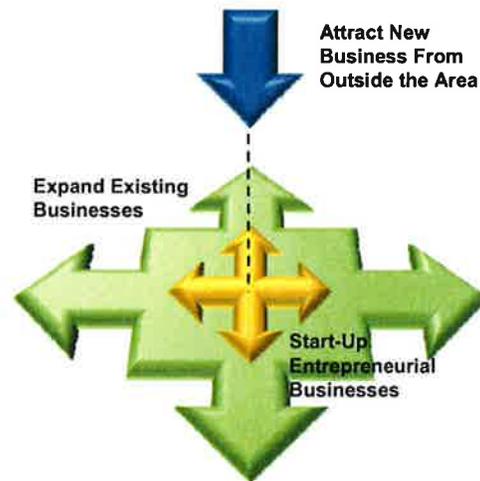
■ THE PURPOSE OF AN ECONOMIC DEVELOPMENT STRATEGIC PLAN

An Economic Development Strategic Plan provides the community with a clear understanding of their current situation, identifies potential opportunities as well as challenges, and defines the efforts required to achieve specific goals. A plan is typically set up for a ten to twenty year horizon and addresses the multiple facets of economic development, including, organizational optimization, resource development (e.g., supply of qualified labor, capacity and accessibility of utilities, availability of land/facilities, etc.) and the growth of specific target industries that will produce certain jobs and income for the community.

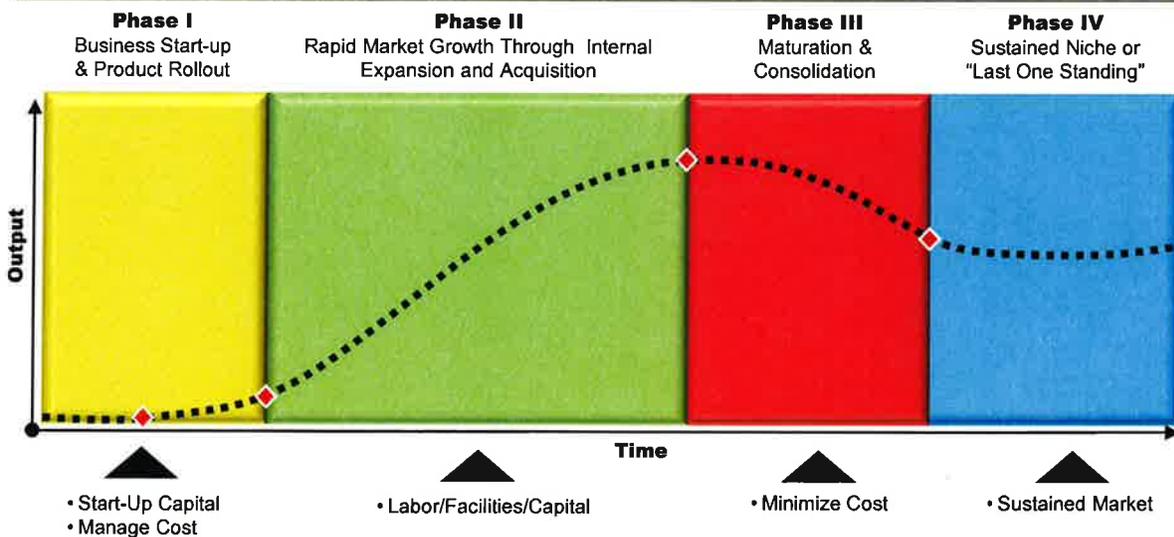
An important aspect of the plan is to provide a breadth of economic activities that not only strengthens existing businesses but also helps to diversify the employment base through the attraction of additional companies and the startup of new entrepreneurial firms. Since the employment levels or existence of any given company never stay constant, it is important to continually expand the local economy with new opportunities. This also assures jobs for the next generation workforce seeking employment.

As companies and their products mature, they evolve through different stages of their life cycle (see figure below). Communities must be aware of and adapt to the changing needs of their employers or risk losing them. A key aspect of the strategic plan is to assure the mechanisms are in place to continuously realign the resources (particularly labor and facilities) of the community to the needs of local employers.

OPTIONS FOR EXPANDING LOCAL ECONOMY



COMPANY/PRODUCT LIFE CYCLE: KEY TO UNDERSTANDING LOCAL BUSINESS DYNAMICS



■ **THE PROCESS UTILIZED TO DEVELOP THE STRATEGIC PLAN**

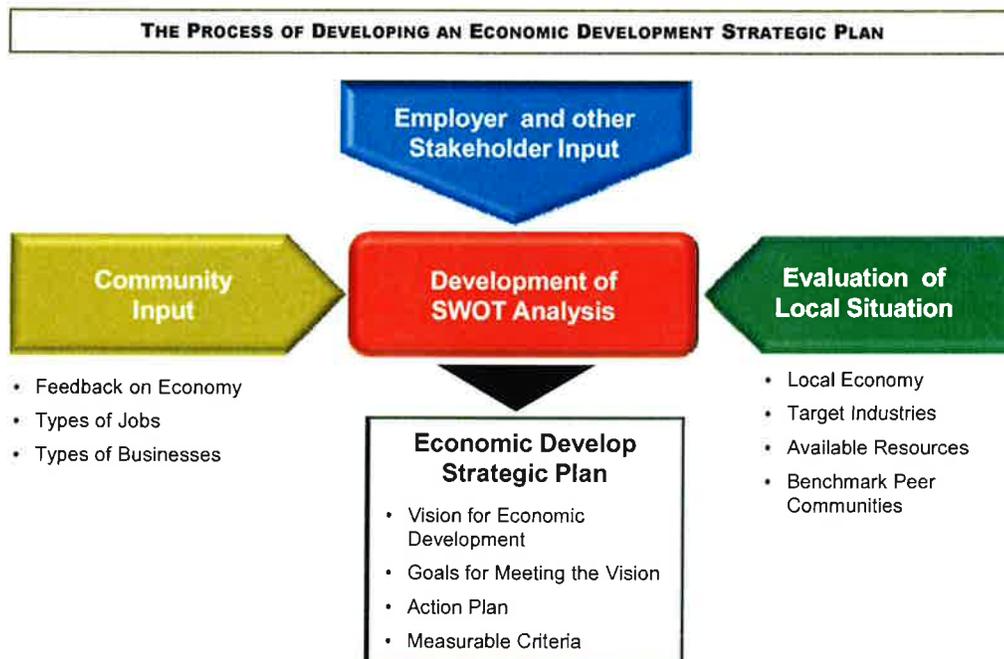
The process was structured to be thorough in gathering facts about the local economic situation with a particular concern for gaining input from the community residents, employers, the Board of Supervisors, other government agencies, educators, a cross-section of high school students, and other stakeholders. The efforts took nearly a year and were divided into three phases:

Phase I: Information gathering that included data collection on the local economy, employer interviews and Internet-based surveys, facilitated community workshops, and a review of best practices by peer communities.

Phase II: An evaluation of the local economy; review of ordinances, codes, policies, initiatives and organizational structure; assessment of resources that support economic development; the identification of target industries to support economic growth; and a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis of the local situation.

Phase III: Preparation of a draft vision statement, strategic goals and action items, presentation to the Board of Supervisors and community stakeholders to gain feedback, and the development of a final action plan with measureable criteria for tracking progress. The final version was then presented to the Board of Supervisors.

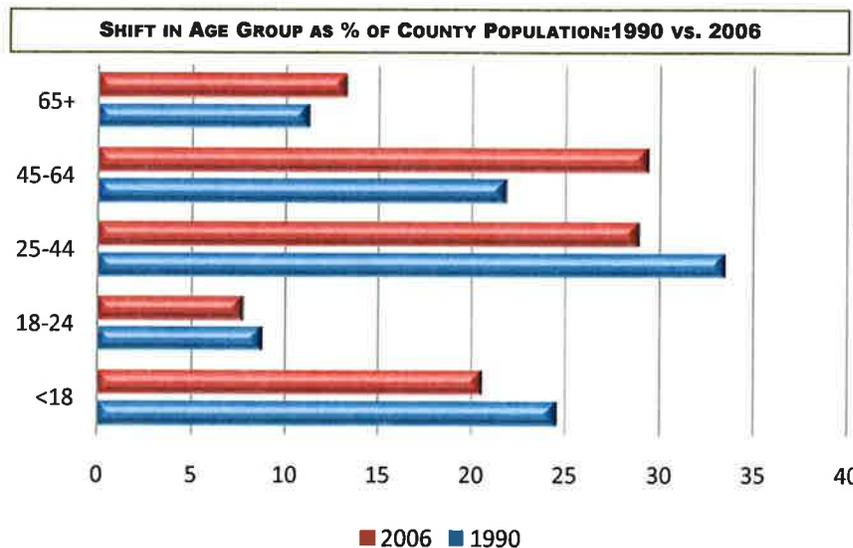
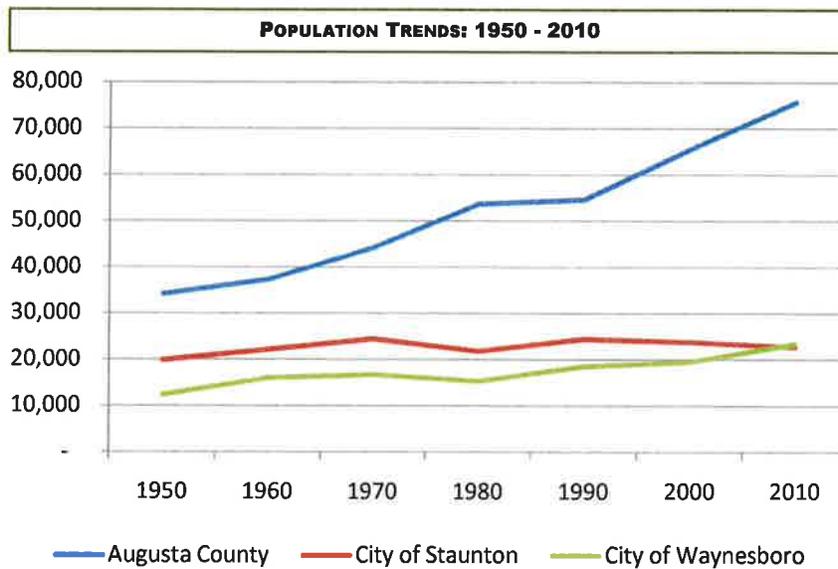
The results of each phase were compiled into three sections of a final report that has been submitted to the Board of Supervisors and summarized in this Executive Summary.



EVALUATION OF THE LOCAL SITUATION

In order to develop a plan for the future it is important to review and assess the current economic situation in the county that includes demographics (population), major industry segments and employers, and the resources available to support economic growth.

Population Trend: As noted below, the population of Augusta County has been continually on the rise for the past 50 years except during the 1980's when sections of the County were annexed to the cities of Waynesboro and Staunton. However, although the population is expanding the highest level of growth is in the 45+ years old age groups – reflecting an aging population. This trend means fewer workers in the future and an increased demand for health care and related services.



EVALUATION OF THE LOCAL SITUATION (CONT'D)

Education Attainment: This is a critical indicator that impacts the skill level of the labor supply. The education attainment levels for Augusta County were compared with other local counties as well as Virginia and U.S. averages (see table below). The high level of high school-only attainment and low four-year and above college level attainment for Augusta County reflects that of a rural and manufacturing-oriented area. Although over 58% of the graduating seniors attend two and four-year college, many of those that ultimately graduate do not return to the County and are therefore not included in the statistics.

COMPARISON OF EDUCATION ATTAINMENT LEVELS (BASED ON 25+ YEARS OLDS)					
Highest Level of Attainment	Augusta County	Rockingham County	Albemarle County	Virginia Average	U.S. Average
High School	45%	39%	18%	27%	30%
Two-Year College	21%	18%	20%	25%	27%
Four-Year+ College	16%	20%	55%	33%	27%

Based on VA Department of Education Statistics for Augusta County:

- 32% of graduating high school students go directly to the work force
- 58% of graduating seniors go to postsecondary education (but not all graduate)
- 10% go to military and other options.

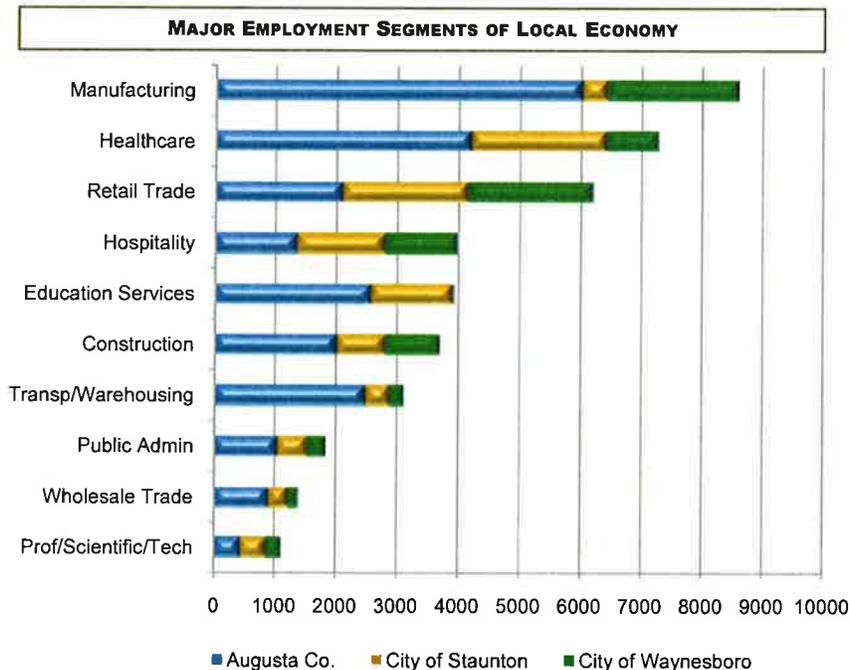
A critical labor-related dilemma for the County is that the local manufacturers will need additional labor as the economy recovers (based on company interviews) as well as replacements for a disproportionately high number of pending retirees. This comes at a time when the community is seeking primarily knowledge-based and service jobs. Since the majority of high school graduates seek to attend college and leave the area, there will not be enough available labor to either support existing or new employers nor the level of education attainment to attract knowledge-based employers.

A CRITICAL LABOR RESOURCE CHALLENGE		
<p>Community Desires</p> <ul style="list-style-type: none"> ▶ Jobs for the future: <ul style="list-style-type: none"> • Professional services • Technology-related • Green & energy-related • Health care-related • Trades • Knowledge-based 	<p>Labor Statistics</p> <ul style="list-style-type: none"> ▶ Unemployment rate: 4.0+% ▶ % adult population with HS only degree: 45% ▶ % adult population with 4-year+ education: 16% (national average = 27%) ▶ Local children that go to college and do not return keep the education attainment numbers low for the adult population 	<p>Employer Needs</p> <ul style="list-style-type: none"> ▶ Majority of employers have potential growth plans ▶ Manufacturers need specific skills, including: <ul style="list-style-type: none"> • Welders • Automation technicians • Machinists/mechanics • Engineers • Trades ▶ Ability to recruit to the area can be a challenge for mfg. labor

- Strong desire for college-level jobs but low college attainment levels would not attract outside firms.
- Local manufacturers need trained technical labor.

■ **EVALUATION OF THE LOCAL SITUATION (CONT'D)**

Employment Segments: Health care and manufacturing are the two top employers in the area and have been since World War II when the area made a significant transition from being an agricultural to manufacturing center. Recruiting businesses to the area actually began in the 1870's when the City of Waynesboro and nearby Basic City began attracting manufacturers to the area to take advantage of the rail access and expanding population. Major private employers in the area currently include the Augusta Medical Center, McKee Foods Corporation, Hershey Chocolate of Virginia, Target Mid-Atlantic Distribution Center, Hollister and McQuay International.



Small business makes up a major portion of the local economy. Based on recent data published by the federal government, nearly 87% of Augusta business establishments have fewer than 20 employees and 75.5% have less than 10 employees. Nationally, small business accounts for a disproportionately large share of employment growth.

Agriculture is also still a significant segment of the local economy. Based on 2002 USDA data, the County has 1,691 working farms that generated sales of \$143.9 million, 90% of which was from livestock, poultry and related products.

The success of the local economy over the long term can be attributed to the following factors:

- The ongoing recruitment of businesses and the support of small business
- The influx of labor into the area (initially) and then the transition from farm to factory
- Excellent education and training resources
- Improvements in transportation over the years (rail, interstate and air access)
- Allocation of land that supports development and the availability of utility services
- Continuous innovations in farming and industry as well as the ability to adapt to change

■ EVALUATION OF THE LOCAL SITUATION (CONT'D)

Target Industries: Specific target industries were identified based on the existing employment base in addition to trends within different industries as well as inputs from the community during a series of workshops. The list provided below is focused on those segments that have a significant growth potential. Tourism and agriculture are not on the list but certainly have a role in the local economy but may not achieve incremental high growth.

TARGET INDUSTRIES FOR AUGUSTA COUNTY'S FUTURE ECONOMIC GROWTH	
Industry	Comments
Manufacturing	Taking care of the labor needs of existing companies is Job #1 for the county. In addition, companies with initial employment of 10 to 150 employees are good size targets for the short term.
• Food Processing	Availability of water ultimately may be an issue as well as access to pre-treatment facilities.
• Medical Preparations	Availability of water ultimately may be an issue and access to pre-treatment facilities – particularly for waste streams with substances that can kill/impact the biomass at the wastewater treatment plant.
• Molded Plastic Products	These firms will typically look for existing buildings. Larger molding operations also require rail access.
• Fabricated Metal Products	These firms will typically look for existing buildings. Having a presence of other fabricators as well as training programs in welding and automated machine tools is critical.
• Medical Devices	These firms may look for existing buildings first, then consider constructing a new building. Access to university R&D may also be a consideration.
• Other Light Manufacturing	These firms will typically look for existing buildings first then maybe consider constructing a new building.
Services	The community does not currently have the significant college-attainment labor force for this segment and therefore must grow it over time. Companies ranging from one person firms up to 25 employees are the best initial targets.
• Professional, Business & Technical Services (Computer software, engineers, architects, graphic design, etc.)	Having air access (local and in Charlottesville) and high speed internet along with a defined quality of life will attract these types of service businesses over time. Office space availability will also be critical to growth. Many of the firms will initially be attracted to unique office space (renovation of older homes into offices or the major institutional building renovations) that are within the City of Staunton. As the companies expand, they may seek to have offices in the county. The City of Staunton and Augusta County must work together to realize this potential.
• Medical Services	Growth within this segment will reflect the regional demographics but can be facilitated with the availability of medical office facilities.
• Back Office Operations	Small to medium back office operations (25 to 150 employees) can be attracted to the area if there is more market awareness and there are available office buildings provided.
Warehousing	The incremental opportunities will be for smaller foot-print operations (50,000 - 100,000 SF) due to the availability of land and the desire for the community to increase job content per square foot of building.

EVALUATION OF THE LOCAL SITUATION (CONT'D)

Target Industries Resources: Each of the target industry segments have been categorized below along with their resource needs. This information provides a basis for determining resource needs that are required for retaining and attracting businesses.

RESOURCE REQUIREMENTS BY INDUSTRY SEGMENT			
Resources	Small/Medium Mfg.	Large Manufacturing	Warehousing
Site (readiness)	Lease existing building	Available developed site	Available developed site or available building of appropriate size
Labor Skills Required	<ul style="list-style-type: none"> • Entry level labor • Technical skills • Business support services 	<ul style="list-style-type: none"> • Experienced labor • Technical skills 	<ul style="list-style-type: none"> • Experienced/inexperienced labor • Technical skills for maintaining computerized equipment
Utilities <ul style="list-style-type: none"> • Water/Sewer • Electric Power • Gas • Telecom 	<ul style="list-style-type: none"> • Low to moderate • Moderate • Varies by process • High speed access 	<ul style="list-style-type: none"> • Moderate to high • High • Depends on process • High speed access 	<ul style="list-style-type: none"> • Low • Low to moderate • Optional (for heat) • High speed access may be req'd
Interstate Access	Within 5 miles on good roads	Within 5 miles on good roads	Within 5 miles on good roads
Air Access	Freight, some passenger	Important for mgmt/sales	May be required for certain products.
Rail Access	Depends on process needs	Depends on process needs	Depends on type of products
Incentives	<ul style="list-style-type: none"> • Available facility • Recruiting and training • Roads/utilities to site/bldg. 	<ul style="list-style-type: none"> • Developed site • Recruiting and training • Roads/utilities to site/bldg. 	<ul style="list-style-type: none"> • Developed site • Recruiting and training • Roads/utilities to site/bldg.

Resource Requirements by Industry Segment		
Resources	Professional/Medical Office-Based Services	Back Office Operations
Site (readiness)	Lease existing building	Lease existing building
Labor Skills Required	<ul style="list-style-type: none"> • Clerical • Technician • Professional • Management 	<ul style="list-style-type: none"> • Clerical • Customer service • SEC series certified • Management
Utilities <ul style="list-style-type: none"> • Water/Sewer • Electric Power • Gas • Telecom 	<ul style="list-style-type: none"> • Low • Low, except w/data center • Optional • High speed internet 	<ul style="list-style-type: none"> • Low • Low, except w/data center • Optional • High speed internet
Interstate Access	Varies: 1 to 5 miles	Varies: 1 to 5 miles
Air Access	Important	Important
Incentive Package	<ul style="list-style-type: none"> • Available facility • Recruiting and training • Local amenities 	<ul style="list-style-type: none"> • Available facility • Recruiting and training • Local amenities

■ EVALUATION OF THE LOCAL SITUATION (CONT'D)

Evaluation of Resources: The ability for the community to sustain and expand its economy is based on the strength of its resources. Provided below is a summary of key resources and areas that need to be addressed.

EVALUATION OF AUGUSTA COUNTY'S RESOURCE FOR ECONOMIC DEVELOPMENT	
Resource	Comments/Observations
Industrial/Commercial Sites for Growth	Under the long-term Comprehensive (land use) Plan that are a number of sites in the County that will be zoned industrial. However, the sites are currently zoned "agriculture" and if a company wanted to relocate to the community in the near future there would be a substantial time period required to rezone the land, obtain all the permits, grade the site, as well as design and construct a building. If another community has a situation that will substantially reduce the deliver time, the company will most likely not select Augusta County. Some companies may also be more interested in leasing or buying an existing building. There are few if any available buildings for companies to expand or relocate to in the County.
Labor Quantity and Quality	For the past generation there has been a "farm to factory" transition of workers with a very high work ethic available for expanding manufacturing operations. However, that source has essentially been tapped out as that generation begins to retire and most of the next generation seeks non-manufacturing jobs. In addition, the skill levels for many manufacturing jobs has moved up due to the sophistication from automated systems and the technical content of the products produced. This may lead to a significant gap in skilled labor resources as the economy expands in the future.
Utilities • Water/Sewer • Electric Power • Gas • Telecom	<ul style="list-style-type: none"> • In order to expand in the Weyers Cave section of the County there will need to be an expansion of the wastewater treatment facilities. If there are additional food processing or medical preparations produced in the Stuarts Draft area there needs to be additional pretreatment facilities installed. • Electric power and gas are well served in most potential development areas of the County. • Broadband and cell phone coverage is a challenge in some sections and the availability and quality of service should be monitored at least annually.
Interstate Access	The County has very good interstate access in all four directions that positions the County as a strategic location to serve key East Coast markets.
Air Access	The local airport has limited service (to Dulles) but the connection may provide an opportunity to attract Washington area businesses to the County.
Rail Access	There is potential rail access to a number of the long-term industrially zoned sites within the County.
Incentives	Current incentive package is "modest" reflecting mostly state-level offerings for non-economically challenged communities. There is an opportunity to establish a Technology Zone which is described in recommendation 2.7 described in the Recommendations Section in the back of this summary.

■ **COMMUNITY INPUT**

Feedback From Workshops: During the week of June 9th (2008) three community workshops were held that provided the community with an overview on the local economy as well as an opportunity to gather feedback on the types of jobs and businesses that would be of most interest to the community. Although the responses were broad, there was some focus on industries noted in the table below.

Summary of Community Input by Industry Segment	
Segment	Community Input
Manufacturing	“Green” manufacturing and preserve what we have. The term “green” manufacturing can refer to renewable energy processes and equipment, energy conservation, environmentally “friendly” operations and related businesses.
Healthcare	Will grow as community grows; recruiting specialists will continue to be a challenge
Agriculture	Stay the course vs. niche products, agri-tourism, on-site complementary businesses, energy products (bio-fuels, methane from manure)
Tourism	Historical and recreational-related
Professional Services	Engineers, architects, business consultants, IT, creative services, communications specialists, etc.
Back Office Operations	Additional white collar jobs
Small Business	Professional services, construction, trades, other services

■ **EMPLOYER AND STAKEHOLDER FEEDBACK**

Employer/Stakeholder Surveys and Interviews: Both face-to-face and telephone interviews were completed with most of the major employers and key stakeholders within the County. Feedback varied but there were some issues/opportunities that were identified.

- The potential labor supply issue was a major concern for a number of employers (prior to the recent economic downturn) and the challenge of replacing a significant of employees that will soon retire.
- The cost of housing was beginning to become an issue for recruiting employees from other areas but the down-turn has minimized the issue for a few years.
- The ability for the County to be responsive to local business had a wide range of results – the larger companies seemed to get the most attention. An improvement in the permitting and development review process could be improved. However, the expectation of how long it takes multiple agencies to respond needs to be communicated to local business and expectations adjusted.
- Economic opportunities had a wide range of options related to agriculture, tourism, professional services and manufacturing.
- There was some concern over the “no growth” position of some residents and the impact on the reputation of the community of being “business unfriendly”.
- Some participants felt the County focused too much on “tool tax” business and not enough on office-based business. (In general, the County does receive a high level of local tax from the tool tax and that is what makes manufacturing so attractive from a local government perspective.)

■ **DEVELOPMENT OF THE STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS ANALYSIS (SWOT ANALYSIS)**

The purpose of a SWOT analysis is to highlight both the assets and liabilities of a community as the baseline for defining the situation and then setting priorities and action items to reach specific goals.

Strengths	<ul style="list-style-type: none"> • Relatively diverse economy – not dependent on a few major employers. • Strong existing industry base composed of health care, manufacturing, distribution, agriculture, and transportation/warehousing. • Strategic location at the intersection of I-64 and I-81 in the Mid-Atlantic region. • A good inventory of flat land that is designated for future commercial and industrial development. • Water and sewer infrastructure with good capacity (in some areas such as Stuarts Draft). • Quality and productivity of workforce is good and is highly valued by local employers.
Weaknesses	<ul style="list-style-type: none"> • The County is not communicating with each local business to determine labor and other resource needs. Reflects a lack of pro-active emphasis on retention and expansion. • With the exception of MeadWestvaco, no major companies have been recruited to Augusta County since 1995. Market demands for resources and their level of readiness is changing. • Site readiness is very low and there are no buildings (existing or speculative) available for medium-size businesses. In addition, most land earmarked for industrial use is currently zoned agriculture and would take a significant time period (2+ years) to develop into usable facilities. • Water and sewer services need to be expanded in the Weyers Cave area and pre-treatment capacity in the Stuarts Draft area (if additional food and medical preparations are located there). • Cell phone coverage and reliable broadband access is limited – these services will be critical to future growth. • Labor force is aging and emerging workforce less interested in manufacturing. This will make the supply for manufacturing labor very tight in the next 5-10 years. • Lower levels of education attainment (college level) in the County make the area less attractive for employers offering knowledge-based jobs. There is also a very limited presence of information technology, professional services and financial services jobs in the County – based on national averages and in comparison to Rockingham and Albemarle Counties. • The County has very limited experience in office development projects and perceives them as less valuable to the tax base than manufacturing jobs.

■ **DEVELOPMENT OF THE STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS ANALYSIS (SWOT ANALYSIS), CONT'D**

Opportunities	<ul style="list-style-type: none"> • Local firms have significant expansion plans that will potentially be implemented once the economy recovers. • Emerging demand for higher level service and other knowledge-based jobs by residents – many are currently commuting to Rockingham and Albemarle Counties. • The potential to develop and expand small businesses as a strategy for economic growth. • Develop partnerships with other communities and organizations within the region to share information, address issues, and enhance operational efficiencies. • The Economic Development Strategic Plan reflects the County's commitment to enhance economic development, and can be leveraged to build community awareness and support. • The new technology center at Blue Ridge Community College and the manufacturing and technology program at Stuarts Draft High School may have a very positive impact on the supply of technical labor in the area. This will provide a needed resource for local employers. • The ability to potentially utilize the commuter work force that is currently going to Rockingham and Albemarle Counties may be a key asset to local employers. • The “buy local farm products” initiative is increasing the demand for local agriculture and niche farming.
Threats	<ul style="list-style-type: none"> • Other Southeastern U.S. communities have sites with higher levels of readiness, available utilities at very competitive rates and an available work force with a strong interest in manufacturing-related jobs. • More aggressive incentives offered by the cities of Staunton, Waynesboro and Harrisonburg, including Enterprise Zones, Technology Zones . There are other locations that have state incentives for economically distressed areas. • The lack of organizational cooperation can limit the area's economic potential. • Limited local ownership of businesses (particularly the larger facilities) limits the staying power of these businesses to the strategic value of the area – if other areas provide better options, there may be some local scale-down activity or loss of employers over time. • Rising housing costs will be a chronic issue due to the significant influx of retirees from higher cost areas. • Unpredictable fuel costs can ultimately impact the ability of County employers from drawing labor from a large geographic area.

Each of the SWOT entries were considered when preparing the goals and action items for the strategic plan outlined in subsequent sections of this executive summary.

■ VISION STATEMENT FOR THE STRATEGIC PLAN

The Vision Statement provides a sense of direction for economic development for the next 10+ years. Key aspects of the vision include:

- **Economic Diversity:** Provide a diverse and vibrant economy that offers a broad range of job opportunities while supporting the delivery of high quality government services to its residents and includes manufacturing, services, tourism and agriculture.
- **Organizational Collaboration:** Collaborate on all levels (local, region, and state) to maximize the economic opportunities for the area in a cost-effective manner.
- **Resource Development:** Make available, in a timely manner, the resources necessary to support the growth of existing and prospective businesses (e.g., developed sites, utilities) within prudent financial constraints.
- **Entrepreneurship:** Create an environment that encourages, values and supports entrepreneurship.
- **Build Awareness of Local Opportunities:** Build a strong level of awareness amongst students and young adults of the availability of local career and economic opportunities.
- **Respect for Heritage and Environment:** Promote a quality of life that embraces our heritage, preserves the environment and effectively manages the resources we have been given.

■ GOALS FOR THE STRATEGIC PLAN

The Goals provide a focus on what is important for the County should be doing to meet the Vision for strategic plan. Five key goals were identified:

1. Improve Organizational Effectiveness and Communications
2. Support Existing Businesses
3. Stimulate New Business Activities
4. Enhance Labor Resources
5. Enhance Physical Infrastructure and Site Readiness

These five goals address the different categories of issues and opportunities identified in the SWOT analysis.

RECOMMENDATIONS/ACTION ITEMS FOR EACH GOAL

For each goal a number of recommendations/action items were identified along with those organizations that are responsible for completing the action item. Timing was set at short-term (within 18 months), medium-term (18 months to 3 years) and long-term (greater than three years)

Goal 1: Improve Organizational Effectiveness and Communications

Discussion: With support from the Shenandoah Valley Partnership, Augusta County has engaged in a significant level of external marketing efforts. However, there is a need to understand and address the evolving resource requirements of existing employers, support the growth of local entrepreneurial businesses, and maintain ongoing communication with the community on economic development-related issues and opportunities. The establishment of an independent economic development organization provides an important identity as well as a platform for raising funds to support economic development that a county agency does not have.

Recommendation	Responsibility	Timing
1.1. Establish 501(c) organization (Greater Augusta Economic Partnership)	Joint effort of Augusta County and the Greater Augusta Chamber	Short-term

Supplementary Details on Establishing a 501(c) Organization

Staffing: Initially, one staff member with County admin support

Financial Support: Initially, County and Chamber funds

It Would be Controlled by a Board of Directors With Representatives From:

- Representative from the Board of Supervisors
- Greater Augusta Chamber
- Area large and small business leaders
- Educators
- Other stakeholders

Key Roles the Organization Would Provide:

1. Gather feedback from existing employers on resource needs
2. Liaison with Workforce Investment Board and area colleges and universities
3. Facilitate review process for key expansion projects
4. Support entrepreneurial activities in County
5. Communicate with community on economic development topics
6. Raise funds to support economic development
7. Interface with the Cities of Staunton and Waynesboro
8. Support the attraction of new business (longer term)

Organization Would Have Interface With:

- County staff
- Chamber staff/members
- Local employers
- Regional educators
- Shenandoah Valley Partnership
- Cities of Staunton and Waynesboro
- Other organizations

Recommendation	Responsibility	Timing
1.2. Enhance economic development relationships with the cities of Staunton and Waynesboro (they have complementary strategies)	Greater Augusta Economic Partnership	Mid-term
1.3. Keep public and other stake-holders informed via newsletter, press releases, web site updates and other media.	Greater Augusta Economic Partnership	Mid-term
1.4. Link academic/R&D resources of local colleges and universities with local business and industry	Greater Augusta Economic Partnership	Long-term

■ **RECOMMENDATIONS/ACTION ITEMS FOR EACH GOAL (CONT'D)**

Goal 2: Support Existing Businesses

Discussion: One of the most important aspects of economic development is supporting the growth of existing businesses in Augusta County. Critical to this effort is anticipating the need for resources – whether for additional labor, capacity of utilities, a building expansion or new site, etc. – and being able to respond at a pace that meets the requirements of individual companies. Companies also need to be aware of the resources that are available to them at the local and state level. The recommendations noted below represent components of a system to detect and address company resource needs.

Recommendation	Responsibility	Timing
2.1. Expedite development review and permitting process for expansion projects	Augusta County	Ongoing
2.2. Assist businesses with site and infrastructure needs by issuing bonds for selected activities	Augusta County IDA	Ongoing
2.3. Identify opportunities for farmers to grow/diversify their businesses (Set specific targets and action plans)	<ul style="list-style-type: none"> • VA Cooperative Extension • Shenandoah Resource Conservation and Development Council • Augusta County Agriculture Industry Board • Small business assistance providers 	Ongoing
2.4. Establish formal business visitation and survey program to identify and anticipate needs of existing businesses	Joint effort of Chamber and the Greater Augusta Economic Partnership	Short-term
2.5. Promote awareness of current workforce training resources, incentives and other available resources via web site and e-mail	Greater Augusta Economic Partnership	Short-term
2.6. Provide resource package to small emerging businesses <ul style="list-style-type: none"> • Financial assistance options • Business/marketing plans • Operations advice • Location of low-cost space 	Greater Augusta Economic Partnership with support from SBDC, SCORE, local banks, BRCC, etc.	Mid-Term
2.7 Establish Technology Zone in the County to offer incentives for job growth and investments to businesses within target industries	Augusta County	Mid-Term

Technology Zone (Background Information)

- Established by ordinance
- Can grant tax incentives for up to 10 years that may include:
 - ♦ Reduction of permit fees
 - ♦ Reduction of user fees
 - ♦ Reduction of any type of gross receipts tax
- Can also provide regulatory flexibility related to:
 - ♦ Special zoning for the designated area
 - ♦ Permit process reform (enhance time for processing)
 - ♦ Exemption from certain ordinances
- Opportunity to establish an Enterprise Zone that has incentives for:
 - ♦ Providing jobs at or above certain wage levels
 - ♦ Making certain levels of investment in facilities

■ **RECOMMENDATIONS/ACTION ITEMS FOR EACH GOAL (CONT'D)**

Goal 3: Stimulate New Business Activities

Discussion: A healthy local economy not only supports existing business but also supports the attraction and start-up of new businesses. This constant flow of opportunities not only broadens job opportunities and the tax base, but also helps to fill in gaps that are formed as some businesses decline for various reasons. Periodic “churn” of business should be anticipated and new business growth helps address this situation, particularly in the current economic situation.

Recommendation	Responsibility	Timing
3.1. Expand local use of locally grown agricultural products	<ul style="list-style-type: none"> • VA Cooperative Extension • Shenandoah Resource Conservation and Development Council • Greater Augusta Chamber 	Ongoing
3.2. Recruit new targeted businesses to the area through expanded marketing efforts	Greater Augusta Economic Partnership with support from the Shenandoah Valley Partnership	Mid-Term
3.3. Establish Technology Zone to provide additional incentives to attract incremental businesses to the area	<ul style="list-style-type: none"> • Augusta County with support from state-level programs 	Mid-Term
3.4. Stimulate entrepreneurial activities and the start-up of new businesses	<ul style="list-style-type: none"> • Greater Augusta Economic Partnership • SBDC • SCORE, etc. 	Mid-Term
3.5. Encourage development of agri-tourism and supplemental business activity on existing farms	<ul style="list-style-type: none"> • Augusta County • Augusta County Agriculture Industry Board 	Mid-Term
3.6. Expand tourism activities <ul style="list-style-type: none"> • Package hospitality/attractions • Develop additional outdoor venues and signage/maps • Establish Grandma Moses Museum and the Center for the Visual Arts in Verona • Sponsor farm technology exhibit at the Frontier Culture Museum 	<ul style="list-style-type: none"> • Greater Augusta Regional Tourism Board • Greater Augusta Chamber • Frontier Culture Museum of VA • Augusta County • Other interested stakeholders 	Mid-Term to Long-term



Develop recreation industry cluster that includes:

- Bike trails
- Hiking trails
- Bed & Breakfasts
- Bike shops
- Outfitters
- Other related businesses



Develop a Visual Arts Center that includes:

- Museum of Grandma Moses and other regional art (quilts)
- Art studio with classes
- Sale of local art work



Farm Technology Exhibit at the Frontier Culture Museum to include:

- Model of original reaper
- Other “high tech” devices used in the Valley over the years
- Have a portion of the exhibit interactive and hands on
- Teach about how technology changes our productivity

■ **RECOMMENDATIONS/ACTION ITEMS FOR EACH GOAL (CONT'D)**

Goal 4: Enhance Labor Resources

Discussion: There is a significant number of good paying jobs – particularly in manufacturing – that require a high school education plus some training and experience. When the economy expands again, a number of employers will need additional labor; however, most high school students, parents and career counselors are unaware of this situation and are focusing on sending students to college to the exclusion of other alternatives. Potential labor shortages could jeopardize the sustainability of local manufacturers. There is also a continuing need to recruit talent for jobs in health care and related industries as the community continues to grow and the retire-age population expands.

Recommendation	Responsibility	Timing
4.1. Support regional workforce initiative coordinated by the Shenandoah Valley Partnership and SRI International	<ul style="list-style-type: none"> • Greater Augusta Partnership • Augusta County Public Schools 	Ongoing
4.2. Conduct awareness campaign for students, parents and career counselors on local job opportunities and entrepreneurship <ul style="list-style-type: none"> • Work with employers to define future job opportunities • Develop materials on jobs vs. skill requirements • Identify internship opportunities • Establish a Young Entrepreneurs Society (YES) 	<ul style="list-style-type: none"> • Augusta County Public Schools • Greater Augusta Chamber • SRI International – 21st Century Workforce Transition Project • Greater Augusta Partnership 	Short-Term
4.3. Expand the Center for Manufacturing, Technology and Engineering to other area high schools	Augusta County Public Schools	Short-Term to Mid-Term (for two schools)
4.4. Establish an initiative to recruit students who have left the County to come home to work after college	<ul style="list-style-type: none"> • Greater Augusta Chamber • Greater Augusta Partnership • Augusta County Public Schools 	Long-Term
4.5. Adopt policies to sustain the availability of younger/lower-wage workers <ul style="list-style-type: none"> • Provide quality housing in the \$100,000 to \$175,000 range • Policy to support lower cost housing in new developments • Enforce production of lower cost housing 	Augusta County	Long-Term

Young **YES** Society

- A Unique Local Program That Provides Students the Opportunity to:
- Learn the basics of running a business through applying concepts from classroom material.
- Visit and build relationships with local businesses.
- Opportunities for internships.
- Draft business and marketing plans.
- Gain advice on related career planning.



■ **RECOMMENDATIONS/ACTION ITEMS FOR EACH GOAL (CONT'D)**

Goal 5: Enhance Physical Infrastructure and Site Readiness

Discussion: A critical aspect of both business attraction and retention is to have the utilities, infrastructure and sites/buildings at the level of readiness needed by the local of prospective company. Readiness is critical for companies to assure speed-to-market and overall competitiveness .

Recommendation	Responsibility	Timing
5.1. Update County zoning regulations to support business friendly development in accordance with Comprehensive Plan	Augusta County	Short-Term
5.2. Invest in sites and buildings to increase the County's readiness for business expansion/attraction <ul style="list-style-type: none"> • Construct spec-built flex building in Mill Place Commerce Park • Secure options on 2-3 sites in Stuarts Draft area • Acquire some sites in Stuarts Draft area and assure utilities and road access within 3-6 months of a signed contract 	Augusta County	Short- to Mid-Term Mid-Term Mid-Term
5.3. Monitor the quality, cost and coverage of broadband service in the County (incorporate in annual business survey)	<ul style="list-style-type: none"> • Greater Augusta Economic Partnership • Area telecom service providers 	Mid-Term
5.4. Upgrade wastewater treatment system <ul style="list-style-type: none"> • Develop plans and set aside funds for Weyers Cave area • Develop plans and set aside funds for pretreatment system for Stuarts Draft area in response to specific opportunity 	<ul style="list-style-type: none"> • Augusta County • Augusta County Service Authority 	Mid- to Long-Term
5.5. Upgrade Mount Vernon Road in Stuarts Draft area by expanding to four-lane from Wayne Ave. to Route 340	VDOT	Long-Term



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This profile was prepared by Moran, Stahl & Boyer, a leading economic development and site selection consultant, as an objective overview on the Elmira/Corning area as a potential destination for business.

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■ SUMMARY OF AREA POTENTIAL FOR SUPPORTING BUSINESSES

The Elmira/Corning area is located in south central New York State within the Chemung River Valley (see map on next page). Based on an evaluation of resources and business environment, the area is a favorable candidate for the following types of operations:

- Call center, customer service center or back office support operation with up to 100-150 initial jobs with a ramp-up to 300-400 or larger. There are several of these operations in the area and those job opportunities with good work environments, reasonable compensation and a benefits package are in strong demand.
- Light manufacturing or technology-based manufacturing of moderate size requiring high school with some training and two-year degree skill levels that is supported by region-based engineering talent will do well in this area.
- Distribution centers with moderate to large land requirements can be located in the area.

Unique Features and Opportunities of the Area

- Strategic Location: the area is centrally located between six major metropolitan areas with interstate access in four directions as noted on the next page and in section 8.
- Work Force: readily available qualified workers with reputation of high work ethic and skill level that are supported by a substantial number of education and training resources. Details are noted in Sections 5 and 6.
- Quality of Life: the area has substantially more cultural, educational and healthcare opportunities than a typical community of its size. Details in Section 9.
- Available Sites and Facilities: there are a number of available sites and buildings available within the region as outlined in Section 10.

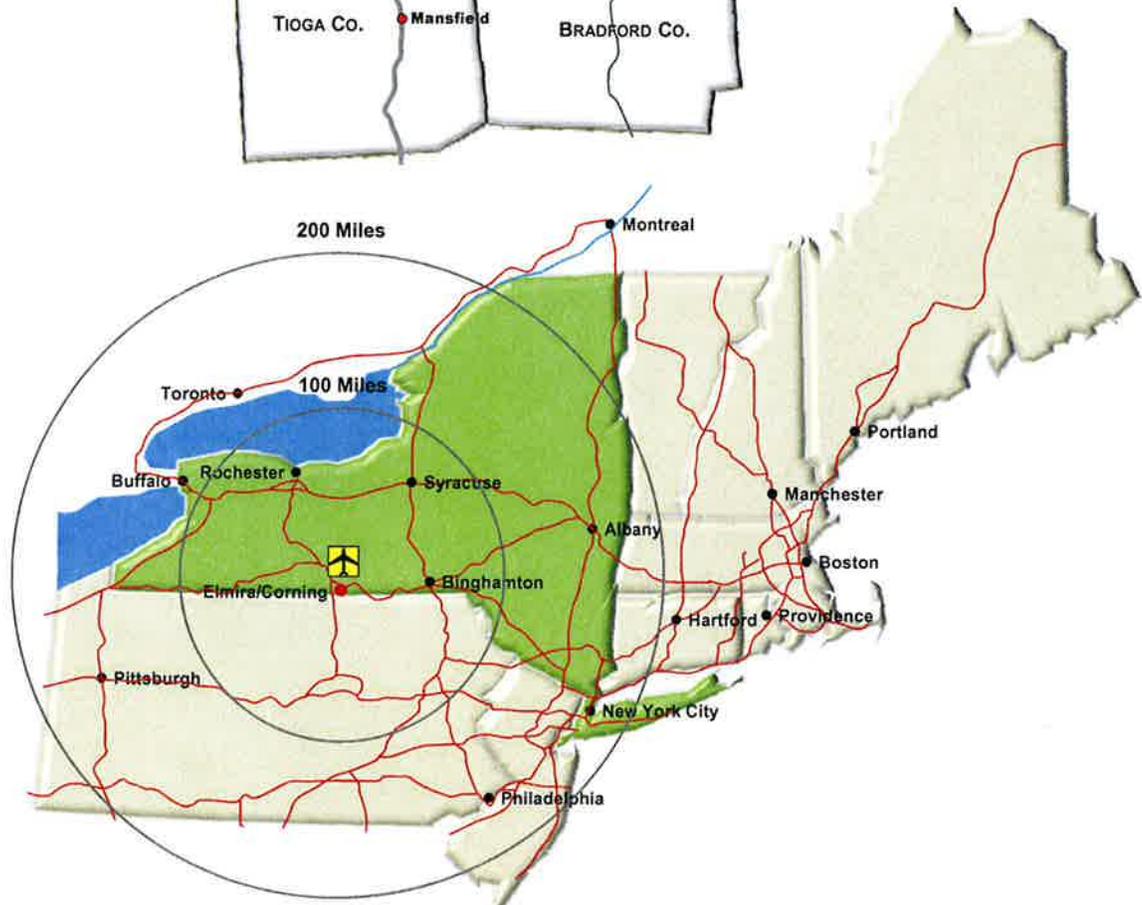
■ STRATEGIC LOCATION

Location

The Elmira/Corning area is located in south central New York State commonly known as the Southern Tier. From a resource and local market perspective, the area is comprised of Steuben and Chemung Counties and their surrounding counties in New York and Pennsylvania as noted below.

Proximity to Major Metropolitan Areas

The area has very good access to both New England and the Mid-Atlantic states as well as the Canadian Provinces of Ontario and Quebec.



■ PERSPECTIVE ON LOCAL ECONOMY: PAST AND PRESENT

The area economy has had a strong industrial base since the mid-1800's leveraging access to available flat land, an expanding labor force, natural resources that included coal from nearby Pennsylvania, local timber, high grade silica sand for making glass, plentiful water and transportation to markets. In 1833, the Chemung Canal was completed and provided access to the Erie Canal to the north near Syracuse. The Buffalo to New York City railroad came through the area in the 1850's and more recently interstate highway I-86 has reached completion as an upgrade of State Route 17.

Elmira/Corning became a major manufacturing center that produced glass products, lumber and furniture, food products, bricks, milled flour, cigars, fabricated metal products, industrial machinery, aircraft, electrical and electronic components and equipment, and many other products. Manufacturing continues to be critical to the area and local residents place a high value on production jobs.



Edison light bulbs



Examples of cut glass



Railroad signal glass



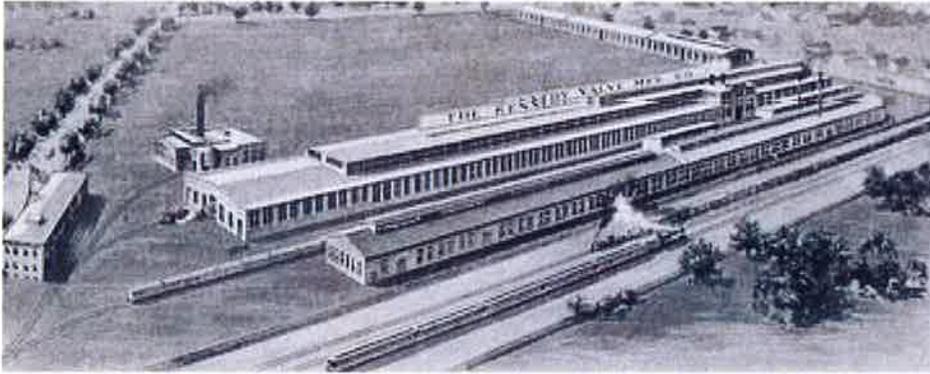
Steuben glass circa 1920's

The Brooklyn Flint Glass Company relocated to Corning in 1868 to take advantage of the area's resources. It changed its name to the Corning Glass Works in 1875 and later became Corning Incorporated. The company learned early on to meet market needs with innovative products including a unique railroad signal glass lens and the bulbs for Edison's early incandescent lamps. Other area glass manufactures produced the popular cut glass decorative ware as well as art glass that was both functional and ornamental.



Schweizer training helicopter and the famous Blackhawk helicopter.

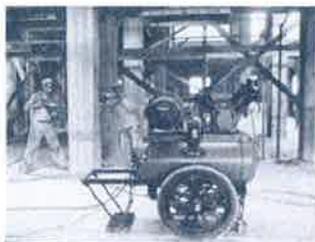
Aeronautics is another industry familiar to the region. With the support of local businesses in Elmira, the Schweizer Metal Aircraft Company relocated to the Elmira area in 1939. They have since developed sailplanes (gliders), helicopters, agricultural aircraft and other innovative aircraft. The company is now part of Sikorsky Aircraft, a division of United Technologies and still engages in product development and manufacturing facilities on the Elmira/Corning Regional Airport site.



The Kennedy Valve Company, producers of large valves and water hydrants, relocated to a 20 acre site in Elmira in 1907. The company has been acquired several times and is today a subsidiary of McWane Company of Binghamton, NY. Over the years the facility has expanded to over 50 acres and now employs 400 people.



From 1876 to 1985, American LaFrance produced a wide line of fire apparatus in Elmira beginning with the early steam-driven machines.

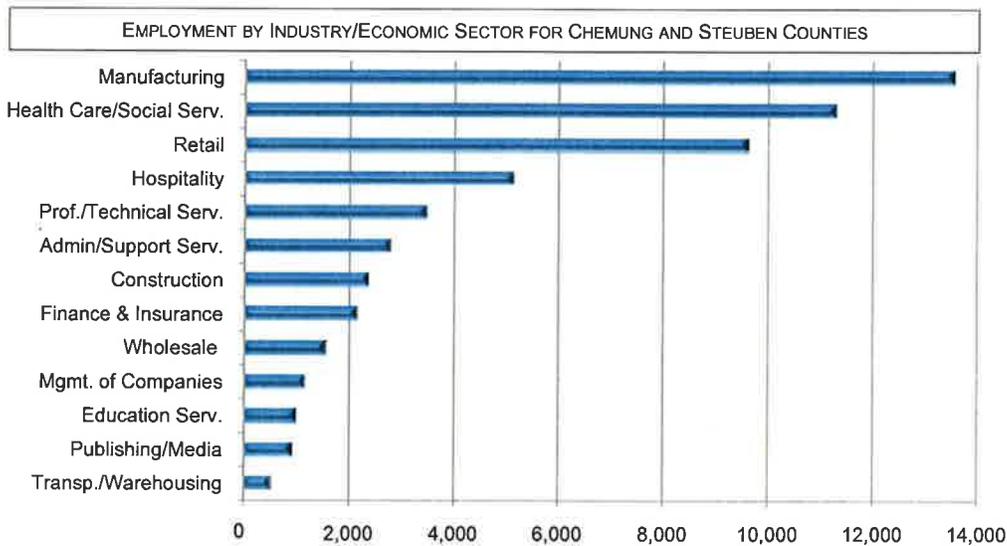


1930's industrial compressor

In 1899, the Rand Drill Company began manufacturing compressors in the Village of Painted Post. They later merged with the Ingersoll-Sargeant Company to form the Ingersoll Rand Corporation.

The current area economy is relatively diverse with a strong manufacturing base as noted in the chart below. Major manufacturing segments are listed along with key employers on the following page and include:

- Food products
- Non-metallic minerals (glass, salt and crushed stone)
- Fabricated metal products
- Computers and electronics
- Electrical equipment and appliances
- Transportation equipment
- Furniture
- An emerging medical equipment segment



Another major economic sector has been regional and local healthcare services. The area services a large portion of south central New York State and north central Pennsylvania with services ranging from primary and acute care to clinical, restorative and elder care. Major medical facilities are located in Corning, Bath, Elmira and just south in Sayre, Pennsylvania and are operated by different private organizations.

The local economy also has education services such as Elmira College and Corning Community College. There is also an emerging back office and customer contact center presence that is leveraging the local high school and community college-trained labor force with a reputation for effectively delivering engaging in both inbound and outbound customer interface.

Warehousing operations are significantly expanding locally with the construction of a major distribution center to serve CVS stores throughout the Northeast that will be staffed with approximately 600 employees at full capacity.

There are several company headquarters in the area with the largest being Corning Incorporated in Corning. In addition to their headquarters function, they have a world class R&D center, back office operations and several manufacturing facilities within the two-county area.

Manufacturing Companies in the Elmira/Corning Area			
Manufacturing Sector	Employment	Major Companies in Sector	Description of Local Business Activity
Food Products	500-999	<ul style="list-style-type: none"> • Crowley Foods • DeMet's Candy Company • Kraft Foods (Polly-O Dairy) 	<ul style="list-style-type: none"> › Dairy products › Chocolate covered confections › Manufacture Italian cheeses
Paper Products	250-499	<ul style="list-style-type: none"> • F.M. Howell and Company 	<ul style="list-style-type: none"> › Paper and plastic packaging
Nonmetallic Mineral Products	1,000-2,499	<ul style="list-style-type: none"> • Anchor Glass • Corning Incorporated • Swift Glass • Cargill Salt • Dalrymple Rock Products 	<ul style="list-style-type: none"> › Glass food and beverage containers › Laboratory glassware, catalytic converter substrates for diesel engines, corporate R&D › Tempered glass components › Salt products for multiple applications › Graded rock products for construction and related activities
Fabricated Metal Products	1,000-2,499	<ul style="list-style-type: none"> • Trayer Products • McWane/Kennedy Valve • Nucor/Vulcraft • Hilliard Corporation • Cameron Mfg. & Design • Custom Fabricators • Mercury Aircraft 	<ul style="list-style-type: none"> › Fabricated metal parts › Valves and hydrants › Steel joists and joist girders › Industrial brakes/clutches/oil recovery equip. › Custom fabrication and equip. mfg. › Custom metal and plastics components › Fabricated metal parts/components
Machinery Manufacturing	1,000-2,499	<ul style="list-style-type: none"> • Emhart Glass • Hardinge Brothers • Dresser-Rand 	<ul style="list-style-type: none"> › Glass manufacturing equipment › Diverse line of machine tools › Compressors and drilling equipment
Computers and Electronics	500-999	<ul style="list-style-type: none"> • Thomas & Betts • PaneLogic 	<ul style="list-style-type: none"> › Electrical/electronic components › Process control systems
Electrical Equipment and Appliances	500-999	<ul style="list-style-type: none"> • Eaton/Cutler Hammer • Philips Lighting 	<ul style="list-style-type: none"> › Electrical equipment › Residential/commercial lighting equipment
Transportation Equipment	1,000-2,499	<ul style="list-style-type: none"> • Sikorsky/Schweizer Aircraft • Alstrom Transportation • CAF-USA 	<ul style="list-style-type: none"> › Light Helicopters, Covert Surveillance Aircraft, Unmanned Aerial Vehicles, Rapid Prototyping, Components and Assemblies › Railway/subway car renovation › Spanish subway car manufacturer
Furniture and Related Products	500-999	<ul style="list-style-type: none"> • HNI/Gunlocke Company • Storfex Fixtures 	<ul style="list-style-type: none"> › Wooden furniture › Wooden and metal shelving/fixtures
Medical Equipment	250-999	<ul style="list-style-type: none"> • Synthes 	<ul style="list-style-type: none"> › Orthopedic prosthetics



Gunlocke produces multiple lines of high-end office furniture.



Food processing ranges from DeMet's candy to Kraft Food's Polly-O cheeses.



Sikorsky/Schweizer Aircraft are developing next-generation manned and unmanned aircraft.



Corning produces pre-filters and substrates for diesel engine catalytic converters.



Alstrom overhauls railroad rolling stock and transit cars.



Vulcraft fabricates structural steel and decking components.



Hardinge Brothers offer a broad line of machine tools.

Service-Related Companies in the Elmira/Corning Area			
Service Sector	Employment	Major Companies in Sector	Description of Business
Health Care Services	10,000+	<ul style="list-style-type: none"> • Arnot Ogden Medical Center • Guthrie Medical Group • Elcor Health Services • Founders Pavilion • Ira Davenport Hospital • Pathways • St. Joseph's Hospital • St. James Mercy Hospital • The Absolut at Three Rivers • Bethany Village. 	<ul style="list-style-type: none"> › Regional tertiary medical facility located in Elmira, founded in 1888, and has 256 beds, 300 physicians and 50 specialties. › Regional healthcare organization located just south in Sayre, PA and operates healthcare facilities throughout the region including Corning Hospital, a 99 bed facility providing acute care, clinical and health/wellness services. › Founded in 1965 in the Village of Horseheads, the facility provides on-site elder care, rehab, dental and other medical services. › Eldercare facility in Corning founded in 1970. › Located in Bath and founded in 1910, provides primary, acute, restorative and residential health services. › Multiple medical services related to Developmental Disabilities, Child and Family, Mental Health, Traumatic Brain Injury, Nursing Home Transition and Diversion and Home Care Services. › Catholic hospital in Elmira in 1908 currently providing a wide range of medical services. › Catholic hospital with comprehensive services in Hornell/Bath for over 100 years. › Eldercare facility in Painted Post › Eldercare facility
Finance and Insurance	1,000-2,499	<ul style="list-style-type: none"> • Travelers Insurance • Chemung Canal Trust Co. • Community Bank • Elmira Savings Bank • Five Star Bank • M&T Bank • Visions Federal Credit Union 	<ul style="list-style-type: none"> › Back office operation › Local banking operation
Third Party Customer Contact Centers	1,000-2,499	<ul style="list-style-type: none"> • American Customer Care • Sallie Mae/General Revenue Corporation • Sitel 	<ul style="list-style-type: none"> › Customer service center › Customer service center › Customer service center
Education Services	250-499	<ul style="list-style-type: none"> • Corning Community College • Elmira College 	<ul style="list-style-type: none"> › Local community college › Liberal arts college



Arnot Medical Center



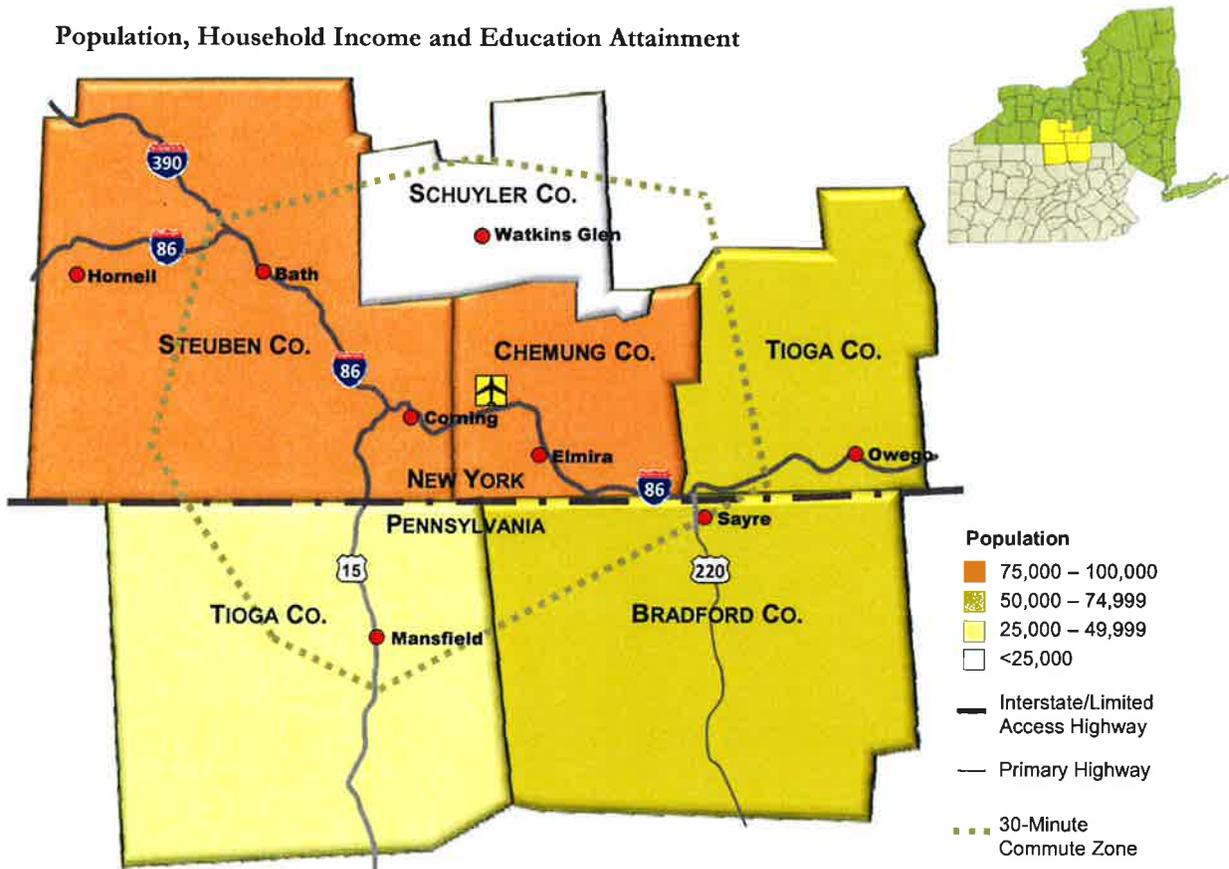
Sallie Mae/General Revenue Corporation



Chemung Canal Trust Company

■ AREA DEMOGRAPHICS

Population, Household Income and Education Attainment

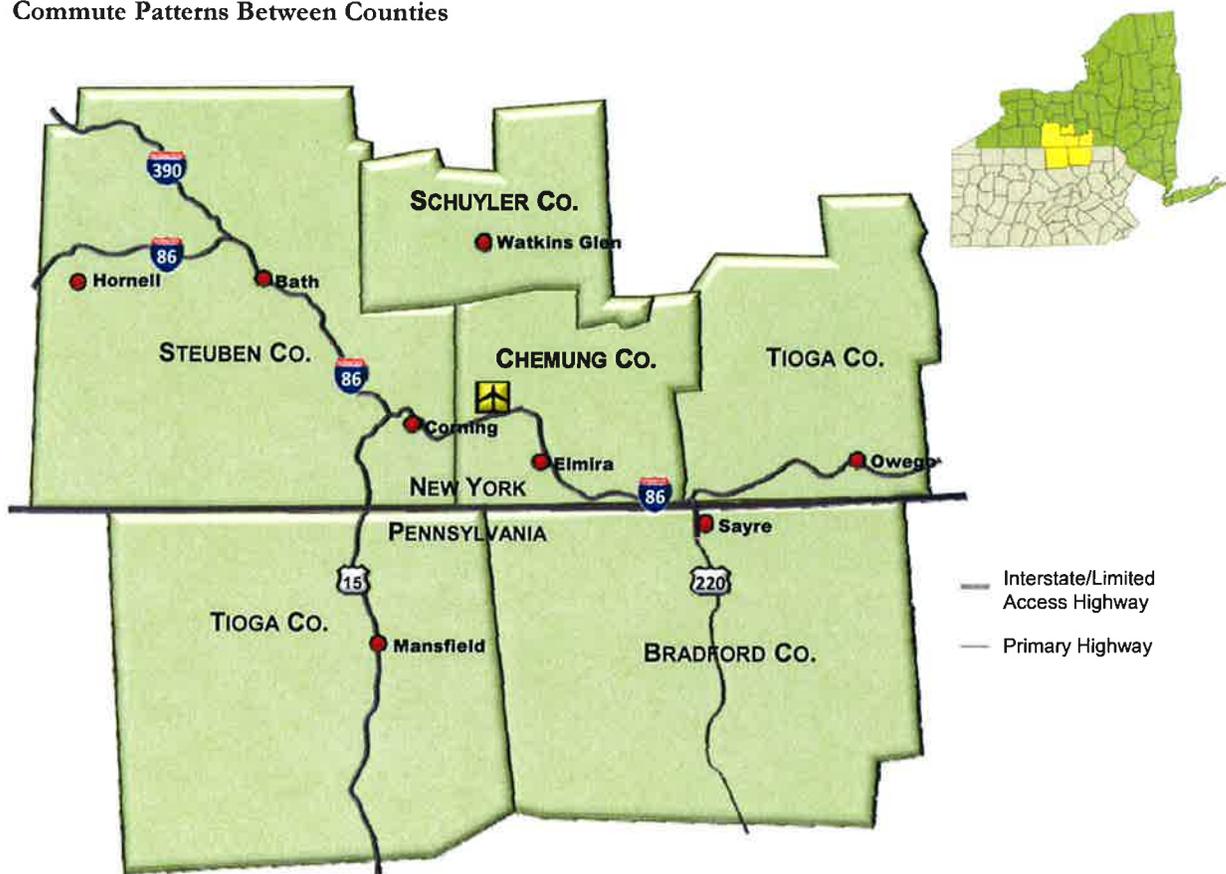


EDUCATION ATTAINMENT WITHIN 30 MINUTE COMMUTE ZONE	
Education Attainment	No. Residents 25+ Years Old
High School	18,260
Some and 2-Year College	13,000
4-Year College and Above	28,600

POPULATION, INCOME AND EDUCATION ATTAINMENT BY COUNTY					
County	Estimated Population	Median Household Income	Education Attainment (High School)	Education Attainment (4-Yr+ College)	% of Population (20-34 Year Old)
Steuben	96,650	\$43,662	86.4%	19.5%	19.1%
Chemung	87,900	\$41,611	86.0%	21.0%	20.1%
Schuyler	19,200	\$46,808	82.4%	15.5%	16.2%
Tioga, NY	50,300	\$51,135	87.5%	22.3%	18.6%
Bradford, PA	61,375	\$37,830	83.8%	15.5%	16.3%
Tioga, PA	40,600	\$42,149	84.2%	17.5%	18.9%
National Avg.	-	\$52,175	84.5%	27.4%	20.2%

WORK FORCE PROFILE

Commute Patterns Between Counties



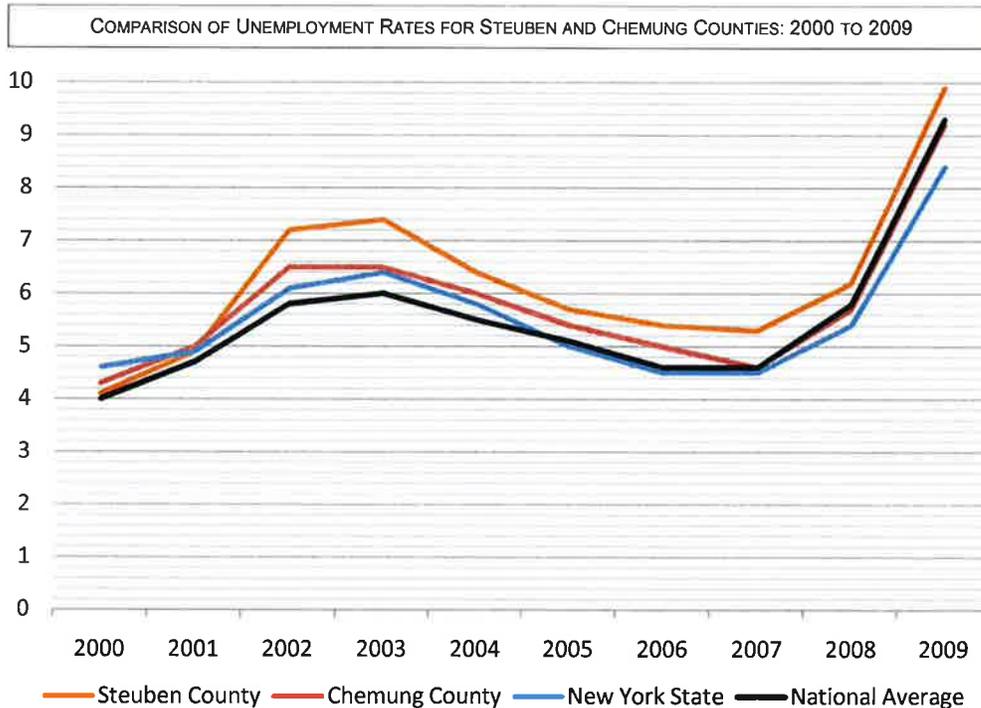
COMMUTE PATTERNS OF RESIDENTS WITH THE REGION						
County of Residence	County in Which Residents Work					
	Steuben	Chemung	Schuyler	Tioga, NY	Bradford, PA	Tioga, PA
Steuben	33,580	3,530	300	15	30	295
Chemung	3,420	31,175	500	450	750	85
Schuyler	925	1,390	3,780	20	5	2
Tioga, NY	35	905	20	9,970	1,880	5
Bradford, PA	130	3,000	-	1,160	20,910	400
Tioga, PA	1,175	1,170	-	-	525	13,535

Residents live and work in same county

Source: U.S. Census Bureau (based on 2000 census)

Unemployment Rate Trend

Chemung County unemployment has been tracking close to national average over the past three years. Steuben County has been higher due to restructuring of several local employers with limited options to absorb available labor. Residents are tied to the area and will seek local options whenever possible.



Labor Cost Comparison

Local labor costs are inline with other smaller metro areas. The higher production rates are skewed by long-term employees in these positions.

Location	Customer Service Representative	Accountant	Machinist	Machine Operator	Mechanical Engineer
Elmira/Corning	\$28,840	\$60,280	\$41,230	\$37,220	\$69,870
Syracuse, NY	\$30,300	\$68,210	\$34,240	\$34,830	\$75,190
Buffalo, NY	\$29,830	\$64,790	\$40,080	\$33,100	\$66,230
New York, NY	\$36,360	\$82,820	\$41,060	\$37,490	\$83,950
Scranton, PA	\$28,820	\$54,770	\$34,350	\$34,180	\$61,490
Allentown, PA	\$30,990	\$62,970	\$39,520	\$34,630	\$79,010
Richmond, VA	\$32,600	\$64,080	\$39,400	\$29,730	\$77,140
Greensboro, NC	\$29,880	\$60,400	\$35,360	\$34,200	\$74,240
Charlotte, NC	\$32,880	\$62,750	\$33,580	\$34,050	\$74,980
National Average	\$31,790	\$65,840	\$37,490	\$34,520	\$78,200

Legend: 10% under National Average (green), 10% over National Average (yellow)

Feedback From Local Employers

Interviews were conducted with local employers to gain an understanding of the local labor situation. A summary of the interview results is provided below:

	Opportunities	Challenges
Labor Availability	<ul style="list-style-type: none"> • Employers report an adequate supply of customer service/back office operations and manufacturing personnel to supply existing employers and new entries to the labor market. • A company seeking 50-150 employees in the short term with a ramp-up over time would be successful in the area. • The area is transitioning from being predominantly a high school-based labor force to more four-year college talent available in both technical and back office-type operations. Labor can be tapped from throughout the six-county area and beyond for top paying positions. 	<ul style="list-style-type: none"> • The labor market is relatively small and may not be appropriate for supporting larger operations with large (500+) employment levels and those operations with high turnover.
Labor Quality	<ul style="list-style-type: none"> • Overall, employers are quite satisfied with the work ethic and technical competence of the area work force. Workers take their jobs serious and maintain a high level of loyalty to employers. • Turnover rates for most reasonably paying jobs are very low, compared to national norms. Companies report very strong retention rates with average tenures in excess of 5 years is common. 	<ul style="list-style-type: none"> • Sourcing specialized skill sets can be more challenging, often requiring recruitment from outside the region. Companies with strong brand recognition and solid job opportunities that enhance career experience will be strong competitors in this region. • High tenure rates tend to drive up the published mean salary levels for jobs in the area. Overall, the pay levels are very competitive to other regions of comparable size and larger.
Education Resources	<ul style="list-style-type: none"> • The education resources of the area produce high school level talent that is similar to some two-year college level talent in other locations. (see information on Technology Training at the High School Level in Section 6). • Corning Community College continues to strive in meeting the unique needs of local employers – particularly the leadership/organization soft skills . • Regional colleges and universities in Ithaca, Binghamton, Syracuse, Alfred, Rochester and northern Pennsylvania provide a diversity of technical and business training resources. 	

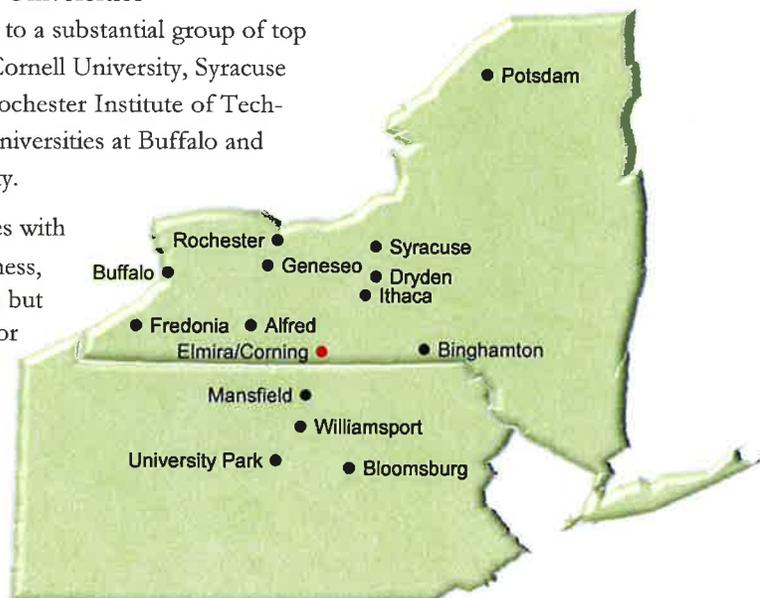


EDUCATION AND TRAINING

Four-Year and Above Colleges and Universities

The Elmira/Corning area has access to a substantial group of top colleges and universities that include Cornell University, Syracuse University, University of Rochester, Rochester Institute of Technology, Clarkson University, SUNY Universities at Buffalo and Binghamton, and Penn State University.

The schools provide not only graduates with a variety of skills in engineering, business, computer science and the bio sciences but also access to related R&D activities for both product and process improvements. Several local companies maintain formal R&D and recruiting relationships with one or more of these institutions.



LISTING OF SELECTED COLLEGES AND UNIVERSITIES IN CENTRAL/WESTERN NEW YORK AND ADJACENT PENNSYLVANIA						
College/University	Location	Full-Time Students	Engineering BS / MS / PhD	Business BS / MBA	Computer Sc./IT BS / MS / PhD	Biology/Biomed. BS / MS / PhD
New York State						
SUNY University at Buffalo	Buffalo	28,200	405 / 240 / 48	777 / 242	62 / 149 / 16	309 / 74 / 49
SUNY College at Buffalo	Buffalo	11,200	-	136	56	25 / 5
Syracuse University	Syracuse	19,400	177 / 206 / 26	399 / 74	86 / 174 / 6	102 / 7 / 7
SUNY College at Geneseo	Geneseo	5,600	-	167	7	112
Clarkson University	Potsdam	3,050	297 / 47 / 19	99 / 39	17 / 7	42 / 0
Rochester Institute of Tech.	Rochester	15,100	379 / 151 / 4	248 / 144	19 / 345 / 160	0 / 143 / 22
University of Rochester	Rochester	9,700	112 / 81 / 27	325 (MBA)	26 / 11 / 3	160 / 79 / 74
SUNY Univ. at Binghamton	Binghamton	14,900	218 / 69 / 8	379 / 78	64 / 66 / 13	211 / 13 / 3
Cornell University	Ithaca	20,300	636 / 427 / 86	433 / 439	91 / 129 / 13	424 / 11 / 66
Ithaca College	Ithaca	6,500	-	136 / 12	13 / 0	39 / 0
SUNY – Fredonia	Fredonia	5,600	-	159 / 0	15 / 0	34 / 1
Alfred University	Alfred	2,430	77 / 15 / 4	43 / 16	3 / 0	14 / 0
Elmira College	Elmira	1,650	-	2 / 41	-	15 / 0
Pennsylvania						
Penn State University	Univ. Park	44,400	1,273 / 297 / 163	1,637 / 208	473 / 17 / 29	375 / 51 / 53
Bloomsburg University	Bloomsburg	8,560	6 / 0	338 / 25	35 / 0	60 / 3
Mansfield University	Mansfield	3,420	-	52 / 0	12 / 0	21 / 0

Source: National Center for Education Statistics (2007/2008 school year)

Community Colleges and Other Two-Year Schools

The Elmira/Corning area also has access to several community colleges that provide Associates Degrees in engineering, production technologies, business, computer science and a variety of other programs. The schools also provide training in organizational and soft skills for existing employees.

LISTING OF SELECTED COMMUNITY COLLEGES IN ELMIRA/CORNING AREA AND ADJACENT PENNSYLVANIA			
College/University	Location	Full-Time Students	Business/Industry-Related Programs
New York State			
Corning Community College	Corning and Big Flats (near airport)	5,190	<ul style="list-style-type: none"> • Engineering technology • Machine tool and manufacturing technology • Business • Computer and information sciences • Wide array of organizational/soft skills (Lean Concepts, Process Management, Leadership, etc.)
SUNY College of Technology	Alfred	3,300	<ul style="list-style-type: none"> • Engineering technology • Machine shop technology and industrial equipment maintenance • Business • Computer and information sciences
Tompkins-Cortland Community College	Dryden	3,270	<ul style="list-style-type: none"> • Business • Computer and information sciences • Engineering technology
Broome Community College	Binghamton	6,625	<ul style="list-style-type: none"> • Business • Computer and information sciences • Engineering technology
Pennsylvania			
PA College of Technology	Williamsport	6,510	<ul style="list-style-type: none"> • Engineering technology • Machine shop, tool and die, welding and cabinetmaking/millwork technology • Business • Computer and information sciences

Technology Training at the High School Level

The area has a very progressive approach to career development at the high school level and students from specific programs are in high demand among local employers. The students get classroom and hands-on training on current techniques, have an opportunity to co-op with local employers, and earn college credit through articulation agreements with local colleges. Examples of manufacturing and technology-related programs include:



- **Machine Trades** - exposure to CNC machines, CAD/CAM with AutoCAD and Mastercam, manual machining operations.
- **Welding and Fabrication** - basic training on multiple welding and fabrication techniques.
- **Computer Information Technology** - operating systems, software installation, PC hardware and peripherals, electronic communications, networking, router setup and programming, etc.
- **Aviation Studies** - airport basics, meteorology/weather forecasting, principles of flight, communications, security, airframe design, power plant operation, instruments, navigation, FAA regulations, etc.

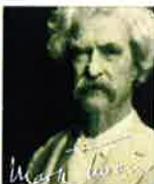
■ AREA RESIDENTS THAT HAVE MADE THEIR MARK

The area has been “hometown” to a host of individuals that have made their mark in different careers.



Tommy Hilfiger, Fashion Designer and Marketer. Began as a local entrepreneur selling jeans to teenagers, he has become a world-renowned fashion designer with his own line of clothes.

Colonel Eileen Collins, USAF, Retired. Her dream of being an astronaut came in elementary school and she went on to be the first female pilot and commander of a space shuttle. She participated in four missions and was highly decorated for her service. Her education began in Elmira and she later attended Corning Community College, Syracuse University and other education/training institutions.



Mark Twain (Samuel Clemens). Although not a native to the area, he married a local girl and spent many days writing and creating new adventures in his retreat house in Elmira (shown above).



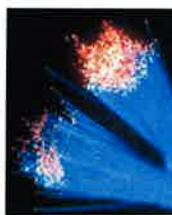
Ernie Davis, Athlete and Scholar. An All-American football player for Syracuse University and the first African-American to win the Heisman Trophy. He was a top draft pick to play for the Cleveland Browns but tragically died of leukemia before his professional career began. He was known as an excellent student and outstanding athlete.



News Anchor Brian Williams. Having spent ten of his growing up years in Elmira, he has gone on to have a bright career in broadcast journalism that includes his current role as both managing editor and anchor for NBC Nightly News.



Moviemaker Hal Roach. His career in film began in 1912 in silent movies and spanned 80 years. Known for producing early hits with Laurel & Hardy and Our Gang, he later did feature films as well as TV shows.



Robert Maurer, Donald Keck, and Peter Schultz. These three Corning Incorporated researchers developed optical fiber technology that spurred a quantum change in telecommunications and other applications.



Airplane and Motorcycle Builder Glenn Curtiss. Native of Hammondsport, he was known for his early motorcycles, engines, and later made significant contributions to military aeronautics, including the production of the “Jenny” (Curtiss JN-4). He was instrumental in demonstrating aerial bombing techniques, land/sea landings, and take-offs from ships. In 1929, Curtiss and the Wrights merged their companies to form the Curtiss-Wright Company.

TRANSPORTATION ACCESS

Interstate Access

The Elmira/Corning area is located on I-86 with an east/west orientation that also provides access to north/south and northeast destinations as noted in the map below. Travel times to major metropolitan areas listed in the table below.

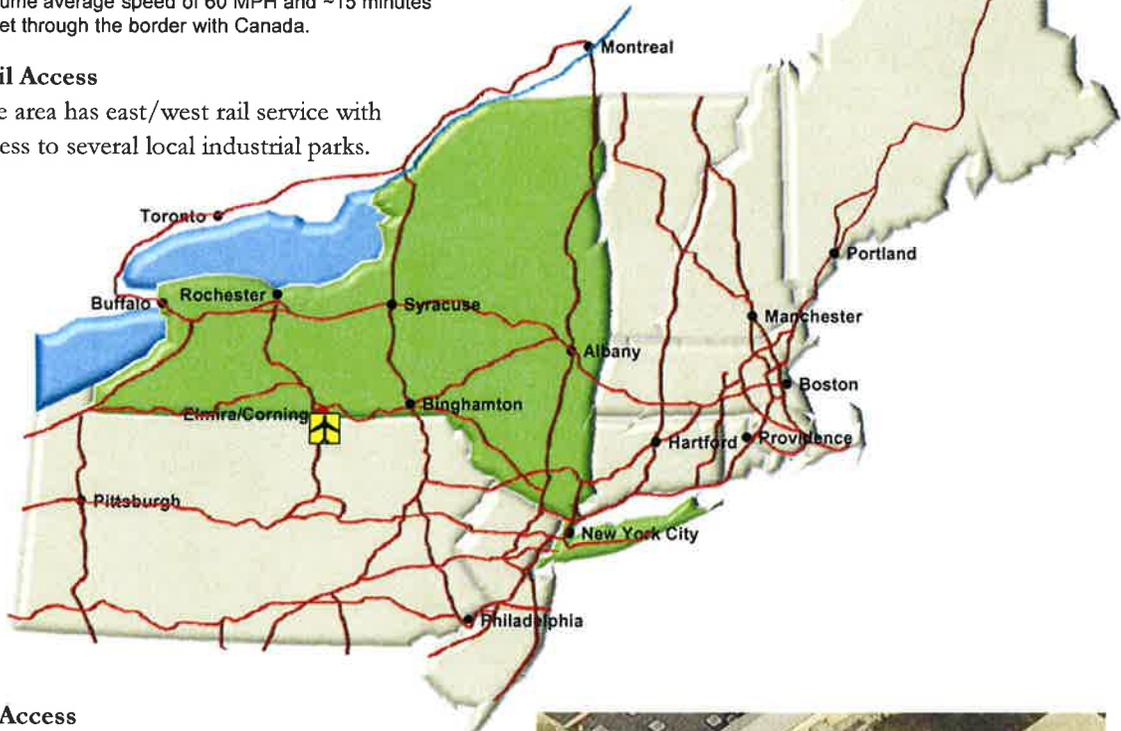
Destination	Distance (Miles)	Drive Time*
Toronto	170	3 hrs.
Montreal	285	5 hrs.
Boston	295	5 hrs.
New York City	175	3 hrs.
Philadelphia	170	<3 hrs.
Pittsburgh	200	<3.5 hrs.



Assume average speed of 60 MPH and ~15 minutes to get through the border with Canada.

Rail Access

The area has east/west rail service with access to several local industrial parks.



Air Access

The Elmira/Corning Regional Airport has multiple daily flights to the hub cities of Philadelphia and Detroit. The airport complex also has full service for corporate jets that is utilized by local corporations.



ELM

■ QUALITY OF LIFE

Cost of Living

The estimated Cost of Living Index (including housing, food, utilities and transportation for the area) ranges from 72 in Elmira to 77 in Corning with 100 being the national average.

Availability and Cost of Housing

The Elmira/Corning area has housing options in a broad range of price points. Examples of housing that was listed on the market in 2009 within the \$225,000 to \$350,000 price range and are relatively new are shown at the right.

Healthcare Operations

The area has high quality healthcare facilities in each population center that address a range of life stage needs. A listing and general description of healthcare organizations is provided on page 7.

K-12 Education

In New York State, K-12 education is provided by school districts that are independent of county governments and in some cases cross county lines. The quality of schools in the area are overall quite good but there is a range in performance. Details on specific districts and schools can be found at www.nystart.gov/publicweb/home.do?year=2008.

SAMPLE AREA HOUSING LISTINGS: \$225,000 - \$350,000 RANGE



Asking Price	\$350,000
Bedrooms	4
Baths	3.5
Size of House	2,666
Size of Property	~18,000 SF
Year Built	2005
Garage	Two car



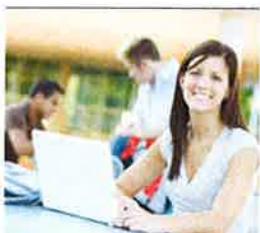
Asking Price	\$339,000
Bedrooms	4
Baths	2.4
Size of House	2,485
Size of Property	~17,100 SF
Year Built	2004
Garage	Two car



Asking Price	\$238,000
Bedrooms	3
Baths	2.5
Size of House	2,002
Size of Property	33,976 SF
Year Built	1999
Garage	Two car



Asking Price	\$250,000
Bedrooms	4
Baths	2.5
Size of House	2,094
Size of Property	14,180 SF
Year Built	2006
Garage	Two car



Activities for Every Life Style

The Elmira/Corning area is located in a very picturesque setting characterized by small towns and cities surrounded by rolling hills and farmland. The Finger Lakes are to the north and to the south are the hills of Pennsylvania.



Wine County

The Finger Lakes Region produces a variety of fine wines with numerous opportunities for tours and tasting.



Museums and Historic Activities

- Corning Museum of Glass
- Rockwell Museum of Western Art
- National Soaring Museum
- Glenn H. Curtiss Museum
- National Warplane Museum
- Tanglewood Nature Center
- Benjamin Patterson Inn Museum
- Arnot Art Museum
- Greyton Taylor Wine Museum
- Planetarium at Corning Community College



Outdoor and Sports-Related Activities

Residents enjoy the four-seasons climate with many sports activities, including:

- Golf at area courses
- Hiking on numerous designated trails
- Biking on trails and back roads
- Skiing locally and regionally
- Car racing at Watkins Glen
- Hunting and fishing
- Lake and river kayaking and canoeing
- Boating and sailing on the Finger Lakes
- Camping and picnics at local state parks
- Flying sailplanes
- NCAA sports at local colleges and universities
- Professional hockey team in Elmira



Cultural Facilities and Events

There are a wide variety of cultural facilities and events throughout the region that focus on both the performing arts and aesthetic arts.

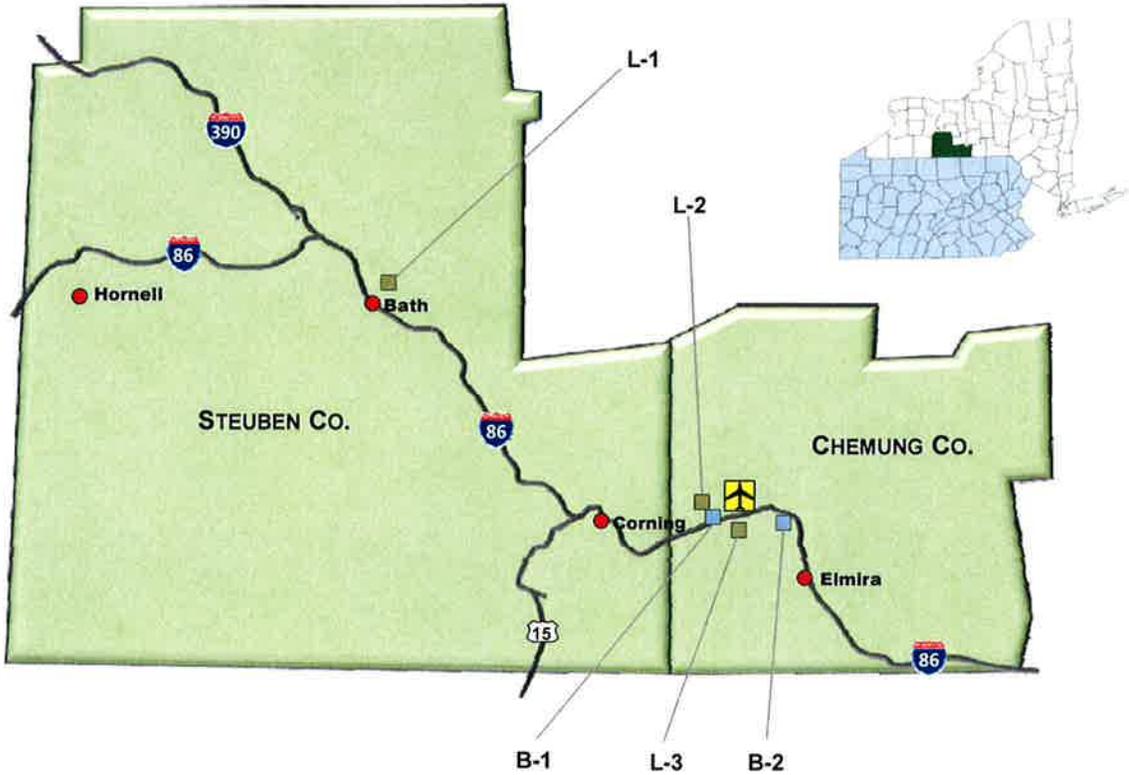


■ REAL ESTATE OPPORTUNITIES

Summary of Options: Buildings and Business Parks

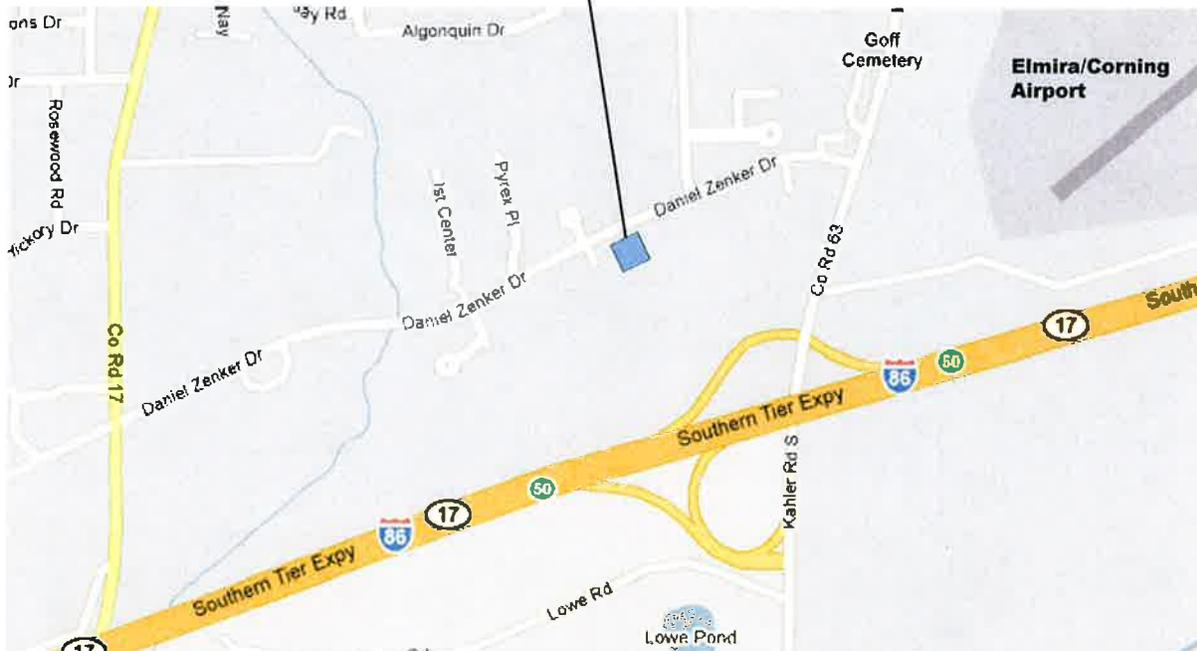
AVAILABLE BUILDINGS			
Building	Description	Location	Space Available
B-1	Two story back office with open floor plan	Zenker Rd in Village of Big Flats	63,000 SF
B-2	Large scale manufacturing facility	Westinghouse Circle in Village of Horse Heads	750,000 SF

AVAILABLE LAND			
Site	Description	Location	Number of Acres
L-1	Steuben County Industrial Park	Route 54, in the Village of Bath	99 (subdivide)
L-2	Airport Corporate Park	Daniel Zenker Rd in Village of Big Flats	50 (subdivide)
L-3	Airport Corporate Park South	Kehler Rd in Village of Big Flats (Just off I-86, Exit 50)	220 (subdivide)



B-1: 326 Daniel Zenker Rd (Village of Big Flats)

Building Profile			
Type of Space	Back office and/or customer contact center	Size of Space	63,000 sf on two floors
Year Built	2000	Lease Rate	Sublease until 2016
Interstate Access	I-86, Exit 50 (1 mile)	Electricity Provider	NYSEG
Airport Access	Adjacent to Elmira/Corning Airport	Dual Feed (Y/N)	Yes
Current Owner(s)	Sublease from Corning Incorporated	Telecom Provider	Verizon and Time Warner
Parking	Ample parking adjacent to building	Redundancy (Y/N)	Yes
Other Features	Open floor plan with cafeteria on first floor, furniture and fixtures available		



B-2: 2801 Westinghouse Circle (Village of Horse Heads)

Building Profile			
Type of Space	Manufacturing with some office	Size of Space	Mfg. (750,000 sf), Office (80,000 sf)
Year Built	1952 and 1997	Offering Price	Negotiable
Interstate Access	I-86, Exit 52 (adjacent to site)	Electricity Provider	NYSEG
Airport Access	Elmira/Corning Airport (5 miles west)	Dual Feed (Y/N)	Yes
Rail Access (Y/N)	Yes	Gas Provider	NYSEG
Current Owner(s)	Silagi Development & Management, Inc.	Telecom Provider	Time Warner and Verizon
Parking	Adequate on site	Water Utility	Village of Horseheads/City of Elmira
Tax Rate	\$33.23/ \$1,000 assessed	Sewer Utility	Chemung County



L-1: Steuben County Industrial Park (Off Route 54 in Bath, NY)

Site Profile			
Total Land	99 acres (can be divided)	Electricity Provider	NYS&E (Service:
Zoning Classification		Gas Provider	Bath Electric, Gas & Water (4" line)
Interstate Access	I-86, Exit 38 (6.2 miles)	Telecom Provider	Verizon, Time Warner
Airport Access	Elmira/Corning Regional (20 miles)	Cell Phone Provider	Multiple
Rail Access	Yes	Water Provider	Village of Bath (8" main)
Current Owner(s)	Steuben County IDA	Sewer Provider	Village of Bath
Offering Price	Negotiable	Tax Rate	Not available



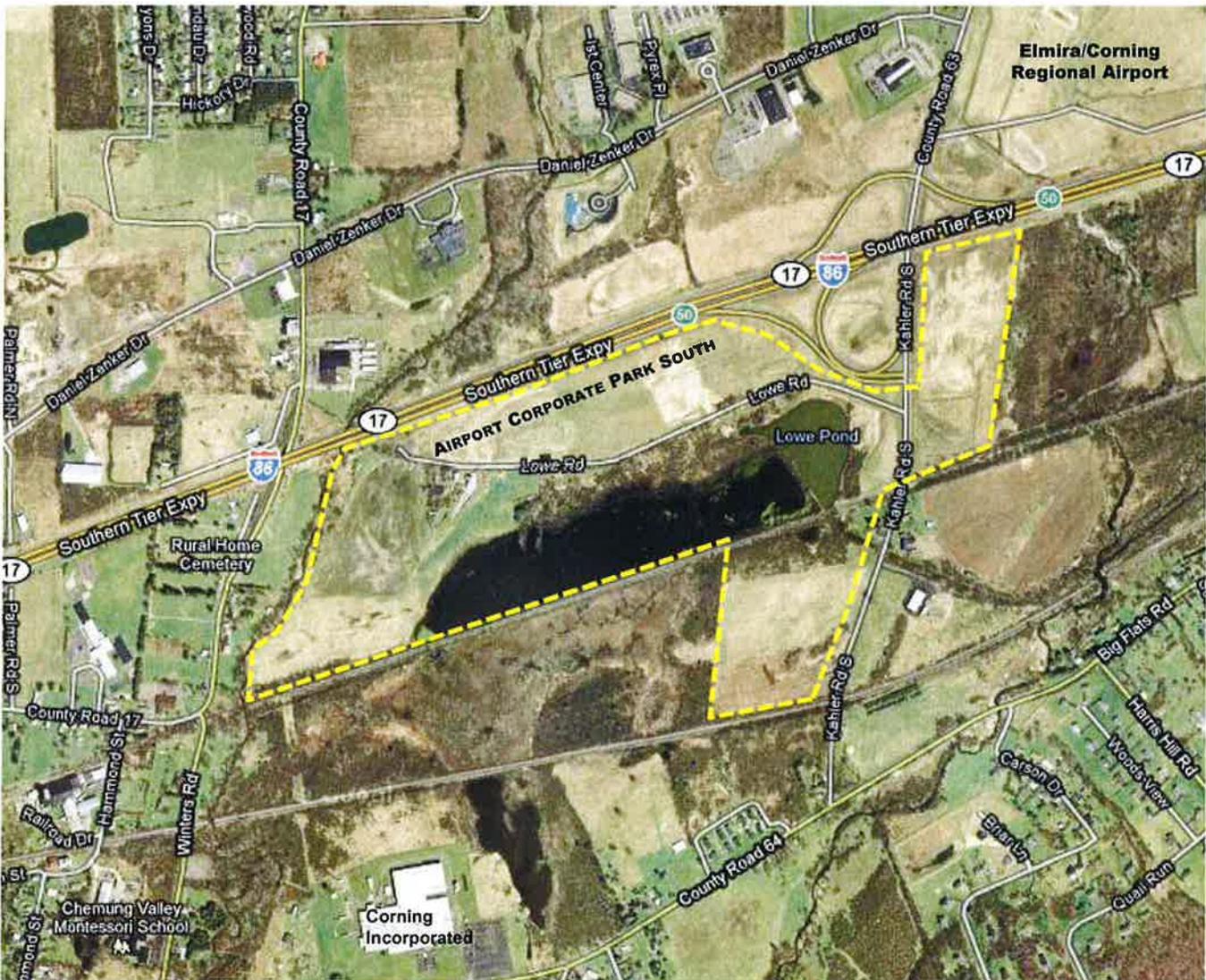
L-2: Airport Corporate Park (Daniel Zenker Dr. near I-86, Exit 50)

Site Profile			
Total Land	50 acres	Electricity	NYSE&G (Service: 4.8 kV , 3 ph, not dual feed)
Zoning Classification	Airport Business Development	Gas	NYSE&G (4" main)
Interstate Access	I-86, Exit 38 (6.2 miles)	Telecom	Verizon (fiber optics w/ digital switch), Time Warner
Airport Access	Elmira/Corning Regional (2+ miles)	Cell Phone	Full coverage with multiple providers
Rail Access	No	Water	Town of Big Flats (8" main)
Current Owner(s)	Yunis -Welliver Development	Sewer	Chemung County Sewer District (8" line)
Offering Price	\$70,000/acre	Tax Rate	\$33.23/ \$1,000 assessed



L-3: Airport Corporate Park South (Off I-86, Exit 50 in Chemung County)

Site Profile			
Total Land (acres)	220 acres (can be divided)	Electricity	NYSE&G
Zoning Classification	Airport Business Development	Gas	NYSE&G (4" main)
Interstate Access	Located at I-86, Exit 50	Telecom	Verizon (fiber optic with digital switch), Time Warner
Airport Access	Elmira/Corning Regional (2+ miles)	Cell Phone	Full coverage with multiple providers
Rail Access	Yes	Water	Town of Big Flats (8" main)
Current Owner(s)	STEG, Chemung County & IDA	Sewer	Chemung County Sewer District (8" line)
Offering Price	\$40,000 per acre	Tax Rate	\$33.23/ \$1,000 assessed



CITY OF MILFORD ORDINANCE 2010-17

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2010-17

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in July and August 2010 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of sewer impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by extending the deadline from December 31, 2010 to June 30, 2011 as follows:

§185-24 D. The sewer impact fee described in §185-24C shall be waived for all permits issued between June 3, 2010 and ~~December 31, 2010~~ **JUNE 30, 2011**. The waiver shall be for a maximum of 5 EDUs per project. The City will continue to collect the impact fee charged by Kent County during this period.

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(1) shall remain in effect until the extended deadline of June 30, 2011:

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction to City Council—October 25, 2010

Projected Adoption by City Council—November 8, 2010

Projected Effective Date—January 1, 2011 - June 30, 2011

Complete copies of the City of Milford Code are available for review at the City Clerk's Office at Milford City Hall, 201 South Walnut Street, Milford, Delaware or on the website cityofmilford.com

By: Terri K. Hudson, CMC
City Clerk

CITY OF MILFORD ORDINANCE 2010-18

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2010-18

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in July and August 2010 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by extending the deadline from December 31, 2010 to June 30, 2011 as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued between June 3, 2010 and ~~December 31, 2010~~ **JUNE 30, 2011**. The waiver shall be for a maximum of 5 EDUs per project.

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect until the extended deadline of June 30, 2011:

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction to City Council—October 25, 2010

Projected Adoption by City Council—November 8, 2010

Projected Effective Date—January 1, 2011 - June 30, 2011

Complete copies of the City of Milford Code are available for review at the City Clerk's Office at Milford City Hall, 201 South Walnut Street, Milford, Delaware or on the website cityofmilford.com

By: Terri K. Hudson, CMC
City Clerk

CITY OF MILFORD ORDINANCE 2010-19

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2010-19

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in July and August 2010 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 119 of the Code of the City of Milford, entitled Electrical Standards, shall be amended by extending the deadline for the waiver of Electric Impact Fees as follows:

The electric impact fee established under this Chapter shall be waived for all permits issued between January 1, 2011 and ~~December 31, 2010~~ **JUNE 30, 2011**.

Section 2. The following sections of Chapter 119 of the Code of the City of Milford shall remain in effect until the extended deadline of June 30, 2011:

To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction to City Council—October 25, 2010

Projected Adoption by City Council—November 8, 2010

Projected Effective Date—November 18, 2010 - June 30, 2011

Complete copies of the City of Milford Code are available for review at the City Clerk's Office at Milford City Hall, 201 South Walnut Street, Milford, Delaware or on the website cityofmilford.com

By: Terri K. Hudson, CMC
City Clerk

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: August 2010

Cash Balance - General Fund Bank Balance	\$1,692,264
Cash Balance - Electric Fund Bank Balance	\$2,298,039
Cash Balance - Water Fund Bank Balance	\$557,121
Cash Balance - Sewer Fund Bank Balance	\$241,385
Cash Balance - Trash Fund Bank Balance	\$584,464

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Water Bond Escrow</u>
Beginning Cash Balance	460,729	576,664	847,218	412,522
Deposits			16,797	
Interest Earned this Month	91	114	162	43
Disbursements this Month			(41,666)	
Investments			1,600,000	
Ending Cash Balance	\$460,820	\$576,778	\$2,422,511	\$412,565

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	706,999	1,050,219	717,823	2,302,073
Deposits		231,000	350,000	370,000
Interest Earned this Month	61	196	155	358
Disbursements this Month		(13,603)	(274,311)	
Investments	1,000,000	2,960,000	2,000,000	7,486,000
Ending Cash Balance	\$1,707,060	\$4,227,812	\$2,793,667	\$10,158,431

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>
Beginning Cash Balance	16,380	\$14,074	\$5,901
Deposits	18,053	\$9,742	
Interest Earned this Month			
Disbursements this Month			
Investments	850,000	\$625,000	\$250,000
Ending Cash Balance	\$884,433	\$648,816	\$255,901

INTEREST THROUGH THE SECOND MONTH OF THE FISCAL YEAR:

General Fund	229	Water Fund	255
GF Capital Reserves	108	Water Bond Escrow	65
General Improvement Fund	199	Water Capital Reserves	341
Municipal Street Aid	249	Water Impact Fees	0
Real Estate Transfer Tax	360	Sewer Fund	120
Electric Fund	908	Sewer Capital Reserves	267
Electric Reserves	4,041	Sewer Impact Fees	0
Electric Impact Fees	0	Trash Fund	239

TOTAL INTEREST EARNED TO DATE \$7,381

REVENUE REPORT

Page Two

16.7% of Year Expended

Date: August 2010	AMOUNT BUDGETED	MTD	YTD	YTD%
ACCOUNT				
Budgeted Fund Balance	180,400	0	0	0.00%
General Fund Capital Reserves	226,000	0	0	0.00%
Property Transfer Tax-Capital	152,100	0	0	0.00%
Property Transfer Tax-Police	500,000	41,666	83,333	16.67%
Real Estate Tax	2,962,377	2,983,209	2,984,788	100.76%
Business License	35,000	860	2,670	7.63%
Rental License	85,000	100	450	0.53%
Building Permits	30,000	12,731	18,042	60.14%
Planning & Zoning	40,000	0	1,400	3.50%
Misc. Revenues	346,775	15,256	37,324	10.76%
Transfers From	3,215,480	267,958	535,914	16.67%
Police Revenues	289,000	3,095	17,621	6.10%
Engineering & Inspection Fees	40,000	0	0	0.00%
Total General Fund Revenues	\$8,102,132	\$3,324,875	\$3,681,542	45.44%
Water Revenues	2,139,312	215,862	445,407	20.82%
Sewer Revenues	1,966,956	168,399	347,419	17.66%
Kent County Sewer	1,400,000	117,926	245,139	17.51%
Solid Waste Revenues	1,085,702	90,228	181,200	16.69%
Electric Revenues	26,925,565	2,923,268	5,735,245	21.30%
TOTAL REVENUES	\$41,619,667	\$6,840,558	\$10,635,952	25.56%
YTD Enterprise Expense	9,744			
YTD Enterprise Revenue	14,777			
LTD Carlisle Fire Building Permit Fee	22,564			

EXPENDITURE REPORT

Page Three

Date: August 2010

16.7% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	320,255	\$24,810	43,471	13.57%	276,784
O&M	129,730	\$4,247	10,434	8.04%	119,296
Capital	0	\$0	0		0
Total City Manager	\$449,985	\$29,057	\$53,905	11.98%	396,080
Planning & Zoning					
Personnel	174,735	\$13,730	22,626	12.95%	152,109
O&M	51,176	\$3,489	4,659	9.10%	46,517
Capital	0	\$0	0		0
Total P, C & I	\$225,911	\$17,219	\$27,285	12.08%	198,626
Code Enforcement & Inspections					
Personnel	127,975	\$9,710	16,231	12.68%	111,744
O&M	62,245	\$3,149	4,417	7.10%	57,828
Capital	0	\$0	0		0
Total P, C & I	\$190,220	\$12,859	\$20,648	10.85%	169,572
Tax Department					
Personnel	73,405	\$5,578	\$9,149	12.46%	64,256
O&M	19,914	\$1,509	\$7,609	38.21%	12,305
Capital	0	\$0	\$0		0
Total Tax Department	\$93,319	\$7,087	\$16,758	17.96%	76,561
Council					
Personnel	31,225	\$2,153	3,695	11.83%	27,530
O&M	26,840	\$1,373	2,273	8.47%	24,567
Council Expense	12,000	\$1,821	7,320	61.00%	4,680
Contributions	378,400	\$18,000	58,000	15.33%	320,400
Codification	2,500	\$0	0	0.00%	2,500
Employee Recognition	8,000	\$0	0	0.00%	8,000
Insurance	16,920	\$0	0	0.00%	16,920
Total Council	\$475,885	\$23,347	\$71,288	14.98%	404,597
Finance					
Personnel	309,230	\$23,564	41,653	13.47%	267,577
O&M	60,900	\$2,134	5,612	9.22%	55,288
Capital	0	\$0	0		0
Total Finance	\$370,130	\$25,698	\$47,265	12.77%	322,865
Information Technology					
Personnel	160,595	\$12,515	25,438	15.84%	135,157
O&M	171,000	\$3,698	10,526	6.16%	160,474
Capital	27,000	\$0	0	0.00%	27,000
Total Information Technology	\$358,595	\$16,213	\$35,964	10.03%	322,631

EXPENDITURE REPORT

Page Four

Date: August 2010

16.7% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,457,955	\$259,883	435,098	12.58%	3,022,857
O&M	440,245	\$22,999	64,719	14.70%	375,526
Capital	162,500	\$0	0	0.00%	162,500
Total Police	\$4,060,700	\$282,882	\$499,817	12.31%	3,560,883
Streets & Grounds Division					
Personnel	399,605	\$30,472	51,449	12.87%	348,156
O&M	386,551	\$24,358	41,337	10.69%	345,214
Capital	91,000	\$0	0		91,000
Debt Service	46,445	\$0	0	0.00%	46,445
Total Streets & Grounds	\$923,601	\$54,830	\$92,786	10.05%	830,815
Parks & Recreation					
Personnel	468,165	\$41,958	75,386	16.10%	392,779
O&M	242,415	\$25,366	51,861	21.39%	190,554
Capital	97,600	\$0	7,015	7.19%	90,585
Total Parks & Recreation	\$808,180	\$67,324	\$134,262	16.61%	673,918
Engineering & Inspections					
Personnel	162,225	\$12,368	20,632	12.72%	141,593
O&M	70,981	\$4,231	9,288	13.09%	61,693
Capital	0	\$0	0		0
Total Engineering & Inspections	\$233,206	\$16,619	\$29,920	12.83%	203,286
Less Interdepartmental Revenue	<u>(\$87,600)</u>	(\$7,300)	(14,600)	16.67%	(73,000)
Net Engineering & Inspections	\$145,606	\$9,319	\$15,320	10.52%	130,286
Total General Fund					
Operating Budget	\$8,102,132	\$545,835	\$1,015,298	12.53%	7,086,834

EXPENDITURE REPORT

Page Five

Date: August 2010

16.7% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	207,695	\$15,644	26,680	12.85%	181,015
O&M	1,201,567	\$88,782	177,055	14.74%	1,024,512
Capital	0	\$0	0	0.00%	0
Debt Service	730,050	\$0	0	0.00%	730,050
Total Water	\$2,139,312	\$104,426	\$203,735	9.52%	1,935,577
Sewer Division					
Personnel	207,695	\$15,644	26,678	12.84%	181,017
O&M	1,103,611	\$104,566	168,055	15.23%	935,556
Capital	0	\$0	0	0.00%	0
Debt Service	655,650	\$0	0	0.00%	655,650
Sewer Sub Total	\$1,966,956	\$120,210	\$194,733	9.90%	1,772,223
Kent County Sewer	1,400,000	\$117,942	245,139	17.51%	1,154,861
Total Sewer	\$3,366,956	\$238,152	\$439,872	13.06%	2,927,084
Solid Waste Division					
Personnel	338,080	\$21,535	36,410	10.77%	301,670
O&M	679,622	\$55,914	121,963	17.95%	557,659
Capital	68,000	\$0	0	0.00%	68,000
Total Solid Waste	\$1,085,702	\$77,449	\$158,373	14.59%	927,329
Total Water, Sewer Solid Waste	\$6,591,970	\$420,027	\$801,980	12.17%	5,789,990
Electric Division					
Personnel	1,049,515	\$70,119	119,792	11.41%	929,723
O&M	2,013,055	\$162,969	286,029	14.21%	1,727,026
Transfer to General Fund	2,500,000	\$208,334	416,667	16.67%	2,083,333
Capital	195,000	\$0	0	0.00%	195,000
Debt Service	667,995	\$0	0	0.00%	667,995
Electric Sub Total	\$6,425,565	\$441,422	\$822,488	12.80%	5,603,077
Power Purchased	20,500,000	\$2,015,129	4,160,181	20.29%	16,339,819
Total Electric	\$26,925,565	\$2,456,551	\$4,982,669	18.51%	21,942,896
TOTAL OPERATING BUDGET	\$41,619,667	\$3,422,413	\$6,799,947	16.34%	34,819,720

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: August 2010

ACCOUNT	AMOUNT BUDGETED	MTD	16.7% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
Garage					
Personnel	129,330	4,927	8,321	6.43%	121,009
O&M	76,450	5,555	11,069	14.48%	65,381
Capital	0	0	0		0
Total Garage Expense	\$205,780	10,482	\$19,390	9.42%	186,390
Public Works					
Personnel	162,980	12,550	21,353	13.10%	141,627
O&M	162,602	9,457	18,782	11.55%	143,820
Capital	20,000	0	0		20,000
Total Public Works Expense	\$345,582	22,007	\$40,135	11.61%	305,447
Meter Department-Water					
Personnel	118,479	8,597	15,077	12.73%	103,402
O&M	108,372	3,299	5,264	4.86%	103,108
Capital	100,000	0	0	0.00%	100,000
Total Water Meter Expense	\$326,851	11,896	\$20,341	6.22%	306,510
Meter Department-Electric					
Personnel	225,995	18,079	29,018	12.84%	196,977
O&M	163,667	13,948	15,810	9.66%	147,857
Capital	0	0	0		0
Total Electric Meter Expense	\$389,662	32,027	\$44,828	11.50%	344,834
Billing & Collections					
Personnel	434,621	33,268	55,140	12.69%	379,481
O&M	169,051	21,275	33,119	19.59%	135,932
Capital	0	0	0		0
Total Billing & Collections	\$603,672	54,543	\$88,259	14.62%	515,413
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	54,200	3,387	8,508	15.70%	45,692
Capital	0	0	0		0
Total City Hall Cost Allocation	\$54,200	3,387	\$8,508	15.70%	45,692

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
September 13, 2010

The Regular Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, September 13, 2010.

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

COUNSEL: City Solicitor Timothy Willard

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Pikus to approve the minutes of the August 9, August 23 and September 1, 2010 council and committee meetings as presented. Motion carried.

RECOGNITION

No special guests were in attendance.

CORRESPONDENCE

Harrington Prayer Breakfast

Mayor Rogers advised the Harrington Prayer Breakfast will be held October 7, 2010 at 7:00 a.m. at Harrington Fire Company. The deadline to respond is September 24, 2010.

Riverwalk Festival

The Mayor then commended the Chamber of Commerce and Parks and Recreation for another successful festival noting that this year's event was largest yet. He also has received numerous comments about the outstanding fireworks display.

Delaware/Maryland Revitalization Conference

Downtown Milford, Incorporated will receive four awards on September 28th in Rehoboth Beach.

POLICE REPORT

Mr. Morrow moved to accept Chief Hudson's report, seconded by Mr. Brooks. Motion carried.

Since school is back in session, Mayor Rogers reported he has received a number of complaints from several bus contractors whose buses are having trouble getting through the light when turning onto the Airport Road at Route 113. The timing on the light needs to be changed to allow more vehicles to get through the intersection. He advised that in

addition to this being a safety issue, it is also creating delays with the bus schedules. He asked if the timing of the green light could be increased.

Chief Hudson offered to contact DelDOT who has jurisdiction over the lights and intersection.

CITY MANAGER REPORT

City Manager Baird read the following report into record:

(Ms. Wilson arrived at this time.)

Road & Utility Work

As part of the street paving and sidewalk/curbing work approved by City Council at your last meeting, City utility and street crews have started preparation for this work by beginning the replacement of water services on the streets to be paved. Work is about to be completed on NE 10th Street and then they will be moving to complete the same work on N. Church Street. An appropriation for funding for the utility work is a part of the agenda for this meeting.

Demolition of 125 NW 2nd Street

City Code Officials are moving forward with the demolition of the condemned structure located at 125 NW 2nd St. (See attached engineers' report and photos). Mrs. Thomas has removed personal belongings from the property and utilities are in the process of being disconnected. Code Enforcement will be utilizing funds budgeted for demolition and the property owner will be billed and/or the property lien for the cost of demolition.

Recycling

On August 1, the City Solid Waste Department began the collection of curbside recycling.

During the month of August, the Solid Waste Department collected 394.31 tons (355.29 tons of Solid Waste; 39.02 tons of Recycling)

	<i>Recycling Tons</i>	<i>Recycling Rate</i>
<i>Aug-09</i>	<i>31.76</i>	<i>7.00%</i>
<i>Aug-10</i>	<i>39.02</i>	<i>9.90%</i>

Earlier this year, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill.

	<i>Recycling</i>	<i>Solid Waste</i>	<i>Total</i>	<i>Diversion Rate</i>
<i>2009</i>	<i>442.44</i>	<i>4684.38</i>	<i>5126.82</i>	<i>8.63%</i>
<i>2010 YTD</i>	<i>291.15</i>	<i>3175.31</i>	<i>3466.46</i>	<i>8.40%</i>

Impact Fee Waivers

Since the waiver of impact fees was implemented in June, the City has waived \$97,356.84 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$5,626,808 (based on building permit values) during the months of June, July and August. This is an increase of \$2,206,006 from the same period in 2008 and an increase of \$4,427,380 from the same period in 2009.

Electric Rate Comparison

I have attached the electric rate comparison as of September 12, 2010 as prepared by DEMEC (see below). Milford's residential electric cost of \$155.27 for 1,000 kWh ranks 5th out of the 11 electric utilities in Delaware.

<i>De Co-op</i>	<i>\$122.50</i>	<i>0%</i>	<i>-21%</i>
<i>Dover</i>	<i>\$147.38</i>	<i>20%</i>	<i>-5%</i>

<i>New Castle</i>	<i>\$152.13</i>	<i>24%</i>	<i>-2%</i>
<i>Delmarva Power</i>	<i>\$154.48</i>	<i>26%</i>	<i>0%</i>
<i>Milford</i>	<i>\$155.27</i>	<i>27%</i>	<i>1%</i>
<i>Lewes</i>	<i>\$156.44</i>	<i>28%</i>	<i>1%</i>
<i>Middletown</i>	<i>\$156.76</i>	<i>28%</i>	<i>1%</i>
<i>Smyrna</i>	<i>\$158.48</i>	<i>29%</i>	<i>3%</i>
<i>Clayton</i>	<i>\$162.70</i>	<i>33%</i>	<i>5%</i>
<i>Newark</i>	<i>\$163.71</i>	<i>34%</i>	<i>6%</i>
<i>Searford</i>	<i>\$164.45</i>	<i>34%</i>	<i>6%</i>

Mr. Baird advised winter rates go into effect in October and will go down by one cent.

Bid Openings

The City has bid openings scheduled for the Substation Power Transformers on September 23, 2010.

Mr. Baird noted that beginning January 1, 2011, yard waste can no longer be co-mingled with regular trash. A separate collection will be required by city crews but should help in the diversion numbers needed to reach the 50% requirement by 2015.

Regarding the increases in building permits, Mr. Pikus asked the breakdown of commercial and residential; Mr. Baird answered that the majority of projects seen over the past two to three months have been new commercial buildings. Included are the Nemours Dental Clinic, Grottos and a new condominium. There have also been some renovations to existing duplexes and three to four new single family homes.

It was also noted the old I.C. Isaacs (Sussex Company) building was sold, which will create some new jobs in Milford.

Mr. Pikus moved to accept the City Manager Report, seconded by Mr. Brooks. Motion carried.

COMMITTEE REPORTS

Finance Committee

Chairman Pikus advised he will be meeting with the Finance Director and City Manager monthly to review the finance report. In addition, the finance committee will meet quarterly for a review of the overall budget.

Police Committee

Chairman Morrow asked Committee Member Wilson to report on the recent meeting held. Ms. Wilson advised the police committee met on September 1st at which time Chief Hudson provided some information from two architectural firms interested in the preliminary work for a new facility. It was noted that Redstone Architects, who are experts in planning public safety facilities, is affiliated with local firm French and Ryan.

Once this preliminary work is completed, they will present their findings and proposals to city council.

As a reminder, \$50,000 was allotted for the needs and feasibility study.

UNFINISHED BUSINESS

Adoption of Ordinance 2009-10/Lighting Standards

Mayor Rogers asked council members with concerns regarding this ordinance to present their views.

Mr. Pikus noted there has been a lot of work put into this ordinance though there is a lot of red tape and bureaucracy tucked into this ordinance. In addition, there are concerns about safety because of the requirements for lower lighting. He then commended the planning commission for the amount of work that was put into the ordinance.

His concern is we are becoming over-regulated. Another concern is who is going to enforce these new regulations. After speaking with a number of residents, most of whom are in his ward, he is having second thoughts on whether this type of regulation is needed in the city. He does not ever recall the city having a problem with lighting in the past. He then noted the board of adjustment is in place should someone have a problem.

When questioned, Chief Hudson agreed there is some concern about the reduction in lighting particularly in parking lots after a business closes. He feels there is the potential for increased criminal activity particularly in these commercial areas.

When asked the history behind this ordinance, Planning Chairman Chuck Rini explained it began with the comprehensive plan. During the review, state planning suggested the planning commission review current ordinances to determine what needed to be tweaked or updated. This was the result of the National Lighting plan being adopted by other states that prevents lights from projecting unnecessarily into the sky. He explained this would not only save energy, but minimize the impact of artificial light on wildlife habitat because darkness is needed for animals to hunt, conceal their location and navigate.

However, Mr. Rini agrees that Chief Hudson's concerns are valid and supports his opinion in this matter.

Mr. Grier asked if Mr. Rini is aware of any place in Milford where lighting is a problem. Mr. Rini answered no, this would only be considered for new construction or major renovation projects. This was being considered by the planning commission as a design feature of the Dark Sky Awareness Policy being implemented throughout the country. The intent was not to create a public safety problem.

Mr. Pikus asked if there have been problems with any of the major housing developments constructed in the last few years; Mr. Rini said that in Knotts Landing, there are street lamps that not only shine on the ground and outward, but upward as well. The only change is to redesign future street lamps which still allows the safety aspects to remain though the amounts of light projected into the sky will be reduced. It would also prevent such things as a sign light from shining into passing vehicles or prevent the lights from a parking lot from shining into a residential development.

When asked if the ordinance is mirrored from other ordinances, Mr. Rini explained the regulations came from the National Dark Sky Report supported by National Geographic. This was also used as a model by the State of Arizona as a way to classify dark sky cities.

Mr. Wilson said it appears we are being proactive when considering future development and growth. Mr. Rini said yes that is a major goal of the work the planning commission is charged with.

Mr. Baird said this will add another layer of regulations as was discussed at the last meeting which is a concern he has. One option is to use this as a guidance document if council does not want to adopt this as an ordinance. For anyone bringing projects into the city, the guidelines will be in place and recommended as something the city would like incorporated into the design.

The city manager feels the lighting contractors will implement this type of product into their business models as well which will most likely become more of the norm used in future projects.

Mr. Pikus agrees the planning commission could incorporate some of these guidelines into the planning commission review when developers are applying for land development applications. The restrictions could be considered during that review and then passed onto council as part of their recommendation.

He agrees with Mr. Brooks' concern about who would enforce all the restrictions noting this only adds more bureaucracy.

Mr. Rini said one of his preferences is to add a school bus shelter and not just a bus stop for children to use during inclement weather. He said they have received a very positive response from most developers on this subject though that is not a requirement in our zoning ordinance either.

Though he understands the skyward effect, Mr. Pikus hears many comments about the lack of streetlights in Milford and believes reduced ground lighting would become a safety hazard. Many people walk in the evening and he encourages more lighting.

Bob Connelly of 107 Barksdale Court, Hearthstone Manor, said it sounds to him like the city is going to be managed by personal preference of a board member which is not governance. Mr. Pikus explained Mr. Rini is the chairman of the planning commission who is charged with overseeing and having input in site design of developments.

Mr. Pikus then moved to remove Ordinance 2009-10 from the agenda, seconded by Mr. Brooks. Motion carried by unanimous roll call vote.

Mr. Johnson recommends the wording causing the problem be reconsidered and believes it is a good thing when you can look to the future which is something the city needs to do. He prefers this be sent back to the planning commission. He votes yes to remove it from tonight's agenda.

Mr. Adkins pointed out that many aspects of the ordinance have a lot of merit. If a large shopping center is being developed near a subdivision, there is a lot of merit by not having the lights shine into that housing development. He would like to see the planning commission at least use this as a guidance tool during reviews of new construction; he also does not want to abide by this permanently. One part is that everyone must be in compliance by 2025. He does not believe we have any violations per say. He votes yes to remove it as an ordinance but feels it has a lot of merit as a guidance document.

Ms. Wilson votes yes though she agrees this should not totally disappear either. She prefers it be used by the planning commission and become part of their review process when considering applications.

Mr. Baird asked if there is any objection from city council if this were used as a guidance document. Council had no problem with that suggestion.

Mr. Rini asked for clarification as he heard a couple of council members who recommended it go back to the planning commission which he personally is not in favor of it because if they came up with the same exact wording, they would just be going around in circles.

Mayor Rogers suggests it be changed from an ordinance to a guidance document for future reviews and consideration.

Adoption of Ordinance 2009-22/Zoning Code Amendment/Billboards

Mr. Baird then clarified the intent of the ordinance is to establish a definition for billboards which will permit billboards in a C-3 zone as a conditional use which are to be constructed and maintained in accordance with Delaware Code.

Dan Marabello of 1 Windy Drive, Meadows of Shawnee, said he is against this ordinance which will be bad for the city in the long run. He recalled the meeting in 2006 at Carlisle Fire Company where Keynote Speaker Ed McMahon presented a "Better Models for Development in Delaware/Ideas for Creating more Livable and Prosperous Communities". He then referenced some of the highlights stating that billboards are out of place in most locations, billboards are a form of visual pollution, billboards are the only form of advertisement you can't turn off or avoid, billboard companies are selling something they don't own, billboard companies exercise almost no restraint in the placement of outdoor pads, billboards are both the cause and symptom of community blight. He said they also impact the value of homes that are close which local real estate agents will confirm.

He continued by stating that billboard companies destroy trees on public land. Billboards are ineffective and unnecessary especially in the light of new technologies. He said he has never bought anything based on a billboard and has used

directional signs to restaurants which are effective and neat. He noted that interstate roadways with small blue signs are more beautiful than those with billboards. They get you to restaurants, hotels and gas stations without lighting up the community.

Mr. Marabello said the most effective billboard regulations are those that are enacted locally adding we should not rely on Title 17. He suggests deferring action on this tonight.

He recalled that billboards were never allowed and the only problem in litigation was a definition was needed. He remembers an applicant coming before the board of adjustment who wanted three more signs on Route 1 and felt it was clear a billboard was not allowed without a hardship.

Mr. Marabello asked that the focus of the local people working downtown be on a broader scale with the whole city.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, said that as was stated at the previous meeting, the majority of the signs will not benefit Milford. He said Pot Nets, Beebe Medical Center, Harley Davidson and Grottos do not reflect on Milford but on other areas for vehicles passing through Milford. He said there are a number of homes that border Highway 1 that will be impacted by these signs if permitted.

Mr. Morrow feels the challenge is to define billboards as the court directed. In addition, if there is a process in place, either through the board of adjustment, or by way of a review by the planning commission and city council. Either way, this will not allow a flood of billboards. He is more comfortable allowing the final decision to be made by eight people rather than by three members of the board of adjustment.

Solicitor Tim Willard feels is a misunderstanding. He said this ordinance was drafted to namely define a billboard. Prior to this, it was understood that billboards were not permitted. The problem was our ordinance was vague or ambiguous. In the section that prohibited signs, billboards were not listed. In the chart that described where certain signs were allowed, it stated "n/a" or non-applicable under billboards which does not mean they were prohibited. This ordinance clarifies these issues by defining them and by stating that billboards are prohibited in every zoning district except in the highway commercial district. The only way it is permitted in a highway commercial zone is through the conditional use process which requires the planning commission, as well as council to approve it.

In addition, Mr. Willard explained the rules of Title 17, Chapter 11 will apply. He also noted that in Milford, all highway commercial is on a state road which gives the state jurisdiction over signs adjacent and up to 660 feet. The city only has exclusive jurisdiction beyond the 660 feet. He does not believe there is much property beyond that distance that would apply.

He also advised the conditional use standard is a fairly broad standard which allows city council to consider things like adversely affecting developments or neighborhoods and whether it is appropriate. In that manner, it gives council the discretion to deny. Mr. Willard emphasized this ordinance will not open the door to let everyone simply come in.

Mr. Adkins said if someone came in and requested a billboard within 505 feet of a previous one, and council felt they did not really want it and there was no development or no justified reason to deny it, does the conditional use still allow it to be denied. Mr. Willard answered that if you look at the conditional use language, it is broad enough that courts have found that if it logically makes sense, you can articulate having another billboard that close would adversely affect . . . which talks about safety and if there is an objection to it. He advised that courts have upheld 'if it logically makes sense'. The only check is if there were a long history of decisions and applicants were being treated differently and not in a uniform manner.

Mr. Brooks stated he would like to see billboards continue to be reviewed by the board of adjustment because it has worked for years. Mayor Rogers agreed noting they are also only permitted in the C-3 District.

Mr. Brooks recalled the former city manager stating in 2006 there will be no more billboards. The mayor is unsure where more billboards could be added noting that Meadows at Shawnee is zoned residential.

Mr. Brooks moved to leave the ordinance as it currently exists with the requirement it go before the board of adjustment.

Ms. Wilson noted that part of this ordinance provides a billboard definition which as was required by the court. She asked if the ordinance could be adopted and the language be changed from the planning commission back to the board of adjustment.

Mr. Willard explained the reason it was going to the board of adjustment was because the applicant was applying for a variance of laws that exist in the zoning code. If there is a billboard law, a person may ask for a variance because of a hardship adding it is very difficult to prove that. However, if an ordinance is needed to protect the status quo, it would still need to be defined and instead of being permitted in a C-3, it would simply be prohibited.

The solicitor explained it would then be listed as the last sign in the prohibited section. If an applicant has an unnecessary hardship, they would then apply for a variance. Mr. Brooks stated that is what he wants and then moved that Mr. Willard draft the ordinance as he suggested.

Mr. Baird then recommended that section 2 of the proposed ordinance that allows it as a conditional use be stricken; the sign table that is being proposed to read it is allowed as a conditional use in a C-3, per DelDOT standards, would then read prohibited. Mr. Willard agreed that in addition, billboards would need to be added to §230-24(b) 'signs prohibited in all zoning districts'.

Mr. Baird asked if this will need a new document; Mr. Willard feels this is a substantive enough change to draft a new ordinance.

Council then discussed whether it would be more appropriate to address this through the planning commission and council or through the board of adjustment process. For the board of adjustment to address, Mr. Willard explained it would have to involve an unnecessary hardship or exceptional practical difficulty. In this manner, it cannot be considered for economic reasons and cannot be self-created.

Mr. Johnson asked if a motion needs to be made to go back to the city solicitor or can it be changed to say prohibited everywhere in the city. Mr. Willard suggests it be tabled with instructions to draft a new ordinance based on tonight's discussion.

Mr. Johnson then moved to table action and added if that was Mr. Brooks' motion, he will second it.

If it is tabled, Mr. Mr. Pikus asked if another ordinance would be prepared whose intent was to define a billboard as was needed from the beginning; Mr. Willard said the chart would have to be amended with billboards added to the prohibited section. Mr. Pikus confirmed the proposed ordinance would prohibit them in every district with the exception of the C-3 zone.

Mr. Pikus then referenced the amount of money that was spent on a lawsuit that was the result of the omission of a definition. He stressed the need to accomplish that. Mr. Willard agreed that by tabling, the same definition will be coming back. Also by tabling, he recommends another ordinance be drafted for introduction with two other sections.

Mr. Grier prefers the ordinance that is being presented versus totally prohibiting billboards. In that manner, it will give council the opportunity, in unique situations and with a conditional use, for someone to advertise a local business. Otherwise, the opportunity is completely eliminated.

Mr. Baird then asked if council prefers billboards be through a conditional use process or through the variance process which involves the board of adjustment. His concern is that drafting another ordinance will present another version.

The previous motion was then withdrawn by Mr. Brooks and Mr. Johnson.

Mr. Grier then moved to adopt the ordinance as is being presented, seconded by Mr. Pikus:

WHEREAS, the City acknowledges the current zoning ordinance does not adequately define and address the placement of billboards within the City limits;

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 230, Section 4 of the Code of the City of Milford, entitled Zoning, is hereby amended by adding the following definition:

BILLBOARD – A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.

Section 2. Chapter 230, Section 14.C of the Code of the City of Milford, entitled Zoning, is hereby amended by adding the following language:

(18) Billboard, subject to the following:

(a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

Section 3. Chapter 230, Section 26.B, of the Code of the City of Milford, entitled Zoning, is hereby amended as follows:

SIGN CHART

Section 4.

Motion failed by the following 3-4 roll call vote:

- Yes-Grier, Pikus, Morrow
- No-Johnson, Adkins, Brooks
- Abstain-Starling

Mr. Adkins stated he is voting no and is in agreement with Mr. Johnson that he would rather see it tabled and rewritten so it is prohibited whereby it would go before the board of adjustment.

Mr. Morrow votes yes because he prefers that eight council members make a decision over a three -person board that consists of non-elected officials.

Ms. Wilson stated she has been educated on billboards from the public to council members noting there are a number of things she did not realize about billboards and how offensive or non-offensive they are and how they do not benefit our town. She liked Mr. Brooks’ initial motion and votes no.

Mr. Johnson then moved that the city solicitor take the advice of the council and prohibit billboards in all zoning districts of the city and draft an applicable ordinance. Ms. Wilson seconded motion.

Motion carried by the following 4-3 roll call vote:

- Yes-Johnson, Adkins, Brooks, Wilson
- No-Grier, Pikus, Morrow
- Abstain-Starling

Mr. Grier votes no stating he is not in favor of completely prohibiting billboards in every area of the city.

Mr. Pikus votes no because he does not want to completely prohibit billboards for the various reasons that have been discussed this evening.

Mr. Morrow agrees it needs to be rewritten and prefers it be required to come before the planning commission and city council for a final decision and votes no.

Mr. Baird asked for confirmation that by voting this ordinance down, will the process start again as an amendment to the zoning code. Mr. Willard responded that his recommendation is it go back before the planning commission for another review.

NEW BUSINESS

Proclamation 2010-15/Family Day

Mayor Rogers signed the following document proclaiming Family Day in Milford on September 27, 2010:

WHEREAS the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS 15 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse;

WHEREAS the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented;

WHEREAS parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances;

WHEREAS family dinners have long constituted a substantial pillar of family life in America.

NOW, THEREFORE, BE IT RESOLVED, I, Joseph Ronnie Rogers, Mayor of the City of Milford, do hereby proclaim Monday, September 27, 2010 as

Family Day – A Day to Eat Dinner with Your Children

and urge all citizens to recognize and participate in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 13th day of September in the Year of our Lord Two Thousand and Ten.

Award of Bid/Trash Truck/Street Department

Sealed bids were received, publicly opened and read on August 24, 2010 for a 2010 International Trash Truck and Chassis. The following proposals were submitted:

Barr Truck Group	\$149,330.00
GranTurk Equipment	\$137,757.00

It was noted that \$190,000 was budgeted for this vehicle. Following a review of the proposals, the recommendation is to award the bid to the low bidder.

Mr. Pikus moved to award the Trash Truck Bid to GranTurk Equipment in the amount of \$137,757.00, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

Tenth & Church Street Water and Sewer Connections/Water and Sewer Capital Reserves

City Engineer Mark Mallamo had reported that prior to paving, aged water and sewer services on 10th Street and Church Street needed to be replaced in addition to old and leaking manhole frames, covers and water valve boxes. The estimated cost is \$26,000.00 for water upgrades and \$9,000.00 for sewer upgrades. Because city crews are performing the work, the estimated costs are for materials only.

Mr. Pikus moved for payment from Water Capital Reserves in the amount of \$26,000 and from Sewer Capital Reserves in the amount of \$9,000 for the Tenth and Church Street Water and Sewer Project, seconded by Mr. Brooks. Motion carried with no one opposed.

Tenth Street Road Improvements/Municipal Street Aid

The city manager asked for council to approve the funding source for the paving and curb/ADA ramp work on Tenth Street, approved at the last meeting, in the amount of \$54,000.

Mr. Pikus moved for payment from Municipal Street Aid in the amount of \$54,000 for the Tenth Street Paving Project, seconded by Mr. Brooks. Motion carried with no one opposed.

Boys and Girls Club Agreement/Amendment No. 1

Mr. Baird presented a proposed agreement to the original Boys and Girls Club Agreement dated September 18, 2008. That agreement provides \$527,000 to the Boys and Girls Club over a five-year period. Two of the five year payments were already made. The amendment provides the club with an additional \$175,000 as indicated below:

WHEREAS, the City intends to provide an additional \$175,000 to the Boys and Girls Club; and,

WHEREAS, the City and Boys and Girls Club desired to modify the remaining payment schedule.

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

Section 1 of the agreement shall be deleted and replaced with the following language:

CITY will provide a total of \$703,000.00 to the Boys and Girls Club payable in five installments of \$105,400 per year for years one and two, \$163,734 in year three and \$163,733 in years four and five. The annual distribution by the CITY will be made on or before October 1 of each year.

Mr. Pikus then explained the additional \$175,000 will come from monies given to the city from Senator Colin Bonini whose intent was it be used in this area. It also enables the city to live up to its original obligation.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee stated he did not think it was appropriate for this money to be paid out of the city treasury to the Boys and Girls Club and asked for confirmation we are using Senator Bonini's money.

Mr. Pikus then moved for approval of Amendment #1 to the Boys and Girls Club Agreement, seconded by Ms. Wilson. Motion carried by unanimous roll call vote.

MONTHLY FINANCE REPORT

Mr. Pikus reported that through the first month of Fiscal Year 2010-2011 with 8.3% of the fiscal year having passed, 9.12% of revenues have been received and 8.12% of the operating budget expended. He advised that through regular meetings, the finance committee will report back to keep council and the public well informed as to the savings, investments and expenditures in the city.

EXECUTIVE SESSION

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation.

Mr. Wilson moved to go into Executive Session reference potential litigation, seconded by Mr. Pikus. Motion carried.

Mayor Rogers recessed the City Council Meeting at 8:26 p.m. to go into a Closed Session.

Return to Open Session

City Council returned to Open Session at 8:57 p.m.

In reference to the urgent situation affecting public health and safety in the city, Mr. Pikus moved for approval of a change order to the original contract, not to exceed \$115,000, to complete the North Front Street Sewer Project, in which ample money is available, seconded by Mr. Brooks. Motion carried by unanimous roll call vote.

Mr. Morrow stated that in the interest of public safety, this verges on being an emergency situation and votes yes.

Adjourn

With no further business, Chairman Pikus moved to adjourn the Monthly Council Meeting, seconded by Ms. Wilson. Motion carried.

The City Council Meeting was adjourned by Mayor Rogers at 8:59 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 27, 2010

Members of Milford City Council visited Milford Public Library at 11 S.E. Front Street, Milford, Delaware on Monday, September 27, 2010 at 6:00 p.m.

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr. and Douglas Morrow.

The Mayor and City Council were invited by Library Director Kay Hudson to view the progress of the building expansion project whose construction began in January 2009. It was confirmed that no business would be discussed.

After the tour, Board President Richard Johnson raised questions regarding additional parking for the library; however, no decisions were made by those in attendance.

After approximately 30 minutes, the group returned to City Hall for a regular meeting at 7:00 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 27, 2010

The City Council of Milford met in Workshop Session on Monday, September 27, 2010 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

ALSO: Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

The Workshop Session convened at 7:04 p.m.

The following tribute was read into record and presented by Mayor Rogers to the family of the late Lance Corporal Lee Ryan Folke:

TRIBUTE
2010-18
In Honor of Fallen Warrior Lance Corporal Lee Ryan Folke

WHEREAS, Lance Corporal Lee Ryan Folke, a resident of Milford, Delaware, joined the United States Marine Corps on March 12, 2007; and

WHEREAS, Lance Corporal Folke, who was assigned to the 1st Battalion, 2nd Marines, died at Camp Lejeune, North Carolina on July 19, 2009; and

WHEREAS, a dedicated and brave soldier, Lance Corporal Folke had recently returned to the United States after completing a tour of duty in Iraq; and

WHEREAS, following a memorial service, interment with full military honors took place at the Lincoln Cemetery in Delaware on July 26, 2009; and

WHEREAS, Lance Corporal Folke provided faithful and honorable service to the people of Milford, Delaware and the people of the United States of America; and

WHEREAS, the people of Milford, Delaware, along with his mother and father, Wendy Bradley Moore and Dennis Moore, sister Lauren Moore and brother Dustin Moore, continue to mourn the death of Lance Corporal Lee Ryan Folke.

NOW, THEREFORE, I, Joseph Ronnie Rogers, Mayor of the City of Milford, by the authority vested in me, ask all Milfordians to pause for one minute to recognize the contributions made by Lance Corporal Lee Ryan Folke and all of the Soldiers, Sailors, Airmen, Coast Guard and Marines who have died while in the service of our nation so that we may continue to enjoy the liberties we so deeply cherish.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Milford, this 27th day of September 2010.

Joseph Ronnie Rogers

Butch Elzey of 199 Jenkins Pond Road, Milford, then thanked council for taking this action and recognizing Lance Corporal Folke noting it meant a great deal to his family.

With no further business, the Workshop Session concluded at 7:11 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Transcriber

*MILFORD CITY COUNCIL
MINUTES OF MEETING
September 27, 2010*

The Milford City Council held Public Hearings on Monday, September 27, 2010 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

ALSO: Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

Mayor Rogers called the Public Hearing to order at 7:11 p.m.

Public Hearings were scheduled for the purpose of taking public comment and to make final determinations on the following matters:

Annexation:

Tax Parcel 5-00-173.00-01-62.00-00001-64.362 Acres Parcel of land, Land of Walter N. Thomas, II

Tax Parcel 5-00-173.00-01-62.02-00001-7.556 Acre Parcel of Land, Land of Walter N. Thomas, II

Adoption of Ordinance 2010-13/Adoption of Resolution 2010-15/Approval of Annexation Agreement

City Solicitor Willard explained the public hearing process noting there are two issues before council—the zoning of the land and the annexation. He asked that when the public speaks, any questions or comments be directed to the Mayor; the Mayor can then recall the applicant or planner to respond.

City Planner Gary Norris then referred to the petition from Walter Thomas II requesting the annexation. He advised the parcels are bounded on the north by State Route 14 and on the south by Holly Hill Road. It is south of the Fry property which was approved as a Planned Unit Development. He advised this was reviewed by the annexation committee, reviewed by the planning commission for a zoning recommendation and this is the third and final step of the process.

Mr. Norris also advised the Plan of Services was approved by State Planning as is confirmed by the letter dated August 26, 2010 from David Edgell, Principal Planner, Office of State Planning Coordination.

The initial request was for an R-3 zone, but after several deliberations and a great deal of public input, by a vote of 7-1, the Milford Planning Commission recommended the zoning for the proposed annexation be R-8.

The city planner confirmed that the maximum density in the R-3 is 16 dwelling units to the acre; the maximum density in the R-8 is 8 units to the acre. Different types of units are allowed as are permitted in the R-1, R-2 and R-3.

Phillip Tolliver, P.E., of Morris and Ritchie Associates, 18 Boulden Circle, New Castle, Delaware introduced himself along with Eric Dunn of Hickory Glen LLC, the equitable owner of the property. Mr. Tolliver advised that he began talking with City Planner Gary Norris more than two years ago regarding this annexation. He said this is a multi-step process and one of the first steps was to work with the city and the state in updating the comprehensive plan. Most recently, the plan of services was submitted to state planning and approved as can be seen in the letter sent to the city. Mr. Tolliver then read the letter of acceptance from David Edgell into record.

Mr. Tolliver then explained the initial request was for an R-3 designation. After the comprehensive plan was approved, the next step was for the annexation committee to meet which occurred July 19, 2010. After the committee weighed the pros and cons of the annexation and ensuring the request was consistent with the comprehensive plan, they recommended the annexation with an R-3 zone.

The next step occurred August 17th when the planning commission reviewed the request and a public hearing was held. At that hearing, Mr. Tolliver said there were a lot of good comments and questions. He noted that many of the persons speaking that night indicated they did not want any growth nor the annexation. The result is what Mr. Tolliver believes is a compromise and instead of recommending the R-3 zone, there was a settlement for an R-8 district which allows up to eight units or half of what was allowed in the original request.

Mr. Tolliver emphasized the application is consistent with the zoning designations in the area. To the north is the Fry Farm, approved as an R-3 with a planned unit development though the subdivision has not been officially recorded. Mr. Tolliver asked if the plat is not recorded by October, will the subdivision expire; Mr. Norris confirmed it will be voided one year after its approval.

Mr. Tolliver advised that he was the engineer in the subdivision to the south, called Amberwood which is a townhouse project. To the southwest is Baltimore Aircoil Company, which is an industrial property. The Thomas property is somewhat of a donut surrounded by higher density and industrial uses.

He reported the property is approximately 72 acres and includes two ponds/wetlands. Approximately two years ago, when they first considered the property, it was being considered as a cluster subdivision in the county. Per the Kent County Code, Mr. Tolliver said that can still be done because it is within 1,000 feet of a growth zone. This allows them to petition Levy Court to provide sewer to this property. Artesian or Tidewater would most likely be the water provider.

Mr. Tolliver said that does not make sense considering the city water line runs along Route 14 within 500 feet of the property. Also, he engineered a pump station on the Amberwood property which is 50 feet from this property. For these reasons, he feels the subdivision should be developed in the city with city sewer and water. He also pointed out the property sits on Route 14 which is a wide road with appropriate sized shoulders.

To him, it does not make sense to develop the land without the city's input in the land use plan or to prevent the city from receiving tax benefits. In addition, the state does not want sprawls which means developments outside the city and instead encourages subdivisions be developed within a city as opposed to a project out in the hinterlands.

Mr. Tolliver said one of the issues raised is the perceived abundance of approved units that have not been developed somewhere in the area of 6,000 units. In discussing this with Gary Norris on September 17th, Mr. Norris believed that number is more like 1,500 units. He explained that some of that is due to the Fry Farm not being recorded and other mitigating factors. He also stressed that the slowdown in housing construction is a national trend and not something occurring only in the City of Milford.

Mr. Tolliver advised that they want to be different from the other subdivisions that were engineered back in 2004-2007 at the peak of the real estate market. Some of the real estate prices at that time were off the chart. He recalled the Fry Farm was on the market for almost \$120,000 per acre. He advised those numbers do not translate to a successful project now. Having to pay that much money for an acre of land means that a builder will need to charge a very high price for a house or apartment rental which would be significantly higher than what the market is able to bear right now. He said that is one of the reasons many of these projects are falling to the wayside.

In addition, in Sussex and Kent Counties, there is a five-year sunset rule. That means that after a record plat is recorded in the county, construction must initiate within five years. If not, the codes of both counties require those plats to be expunged. He is unsure if it is constitutionally legal to take a plat, recorded in the Recorder of Deeds Office, expunge it and say it no longer exists. Milford's Code does not have such a restriction which he says means the real estate value and value on a piece of property in the City of Milford will only increase while other projects are dying. As things are continuing to recover and he feels these projects will as well.

Mr. Tolliver feels this project is different because Mr. Dunn entered into a sales contract with the property owner at reasonable market rate prices that respect today prices.

He agrees the real estate market right now is hostile and the economy is sluggish which is the reason for the need for flexibility. Mr. Tolliver stated there is a need to adapt to situations as they arise in the market which is the reason they

requested the R-3 zone. He said they could never realize 16 units to the acre and added they would be unable to fit that much density on that property. However, the R-3 provides a great deal of flexibility and allows single families, duplexes, townhouses, apartments, etc. In this manner, different market types can be captured.

Mr. Tolliver said the same applies to the R-8 designation. It affords the same flexibility that is crucial to their request. He said they need the flexibility of either the R-8 or R-3 designation.

He believes they will be ok with the R-8 designation, which cuts the R-3 designation in half. After hearing the public comments last month, Mr. Tolliver feels this is a logical compromise. He said the R-1 or R-2 designation would be a deal cutter. The R-1 only permits single family housing and to pay those prices for real estate in the City of Milford does not work. There are many single family lots everywhere. Mr. Tolliver believes that Mr. Dunn could probably go to another property outside the growth zone and pay pennies on the dollars of what he is under contract now to purchase this land. He indicated there is no current market for more single family products in this area. They need the flexibility that comes with being in the City of Milford and paying the higher city taxes.

Mr. Tolliver also advised that this project would be developed over phases and would not done at once. They would keep an eye on the market and if it was not reacting well to a particular product type, they would change gears and come back before the city.

He is also familiar with the subdivision process which is very detailed; a traffic impact study will be required on Route 14 and the surrounding roads. The R-8 or R-3 zone gives the flexibility to capture markets that are unable to be captured with the R-1 and R-2 zone.

Mr. Tolliver reiterated they are currently at the annexation phase which requires approval of the annexation and approval of the zoning designation. The land use application is a separate process. He explained that is when the developer would come before council with a site plan that meets the preliminary plan checklist and go through a public input and hearing process again.

He noted this project is in full compliance with the comp plan and has been designated as a property to be annexed and a property to receive moderate or high density.

He then noted that the comprehensive plan addressed what citizens in Milford wanted through a detailed questionnaire mailed to the residents of Milford. One question was what kind of development they wanted to see in Milford. There were various suggestions for businesses; others in the same response indicated they wanted multi-family housing, which is what could be proposed in the R-8 or apartments for young people. Mr. Tolliver feels this plan addresses that recommendation.

He concluded by saying they would be willing to compromise with the planning commission's recommendation of an R-8 zone which cuts the density in half from the R-3 zone, but provides the flexibility vital to this project.

Mr. Tolliver then referenced the petition in the packet which was signed by 41 persons not to annex the property. He said those 41 people represented 26 different properties and only one of those persons lived in the City of Milford.

He explained the petition asked that the city not annex the property, but if it was annexed, it be assigned an R-1 zone. It also stated they did not want any wetlands or the two ponds removed or disturbed. Mr. Tolliver assured those present they will not touch the ponds or the wetlands which will be held in pristine state.

Mayor Rogers then asked if city council had any questions.

Mr. Pikus asked where this development could tie into the county sewer system. Mr. Tolliver responded by stating there is a pump station for Amberwood which is approximately 50 feet south of this property. There is an existing force main that runs on the south side up Holly Hill Road and through the adjacent property and dumps into a receiving gravity system that belongs to Kent County.

Mr. Pikus then recalled when Mr. Tolliver stated at the annexation committee meeting that if the R-3 was not approved, this would be a no-go project. He asked how many units per acre R-2 allows; Mr. Norris stated that R-2 is single family detached dwellings and a conditional use is required for a duplex. The minimum lot size in an R-1 zone is 10,000 square feet and 8,000 in an R-2. The minimum lot area for each unit of a duplex in an R-2 is 4,000 square feet or theoretically, ten per acre. When considering streets, green space and parking, it would be much less.

Mr. Pikus asked how much is left when you take out the wetlands, streets, open space, etc.; Mr. Tolliver guessed upper 50's. He added the flexibility is what they are looking for; the R-8 designation does that. He said the maximum worst case in the R-8 would allow 575 units based on the 71.92 acres, which is the gross acreage. If the maximum density was planned, the units would have to be clustered.

With no additional questions from council, Mayor Rogers opened the floor for public comment.

Veronica Haesler of 10 Canterbury Road explained her house sits at the intersection of Canterbury Road and Route 14. She was given the notice before the planning commission but was unable to attend. She has lived in her home since 2000 and has gone through the cal-de-sac problem when her access was changed. The traffic is terrible even with the addition of the traffic light. Last week, she noticed they were already surveying the right side of the highway going into Milford. She is unsure if they are already planning to widen Route 14 coming out of Holly Hill Road. In front of her house, there is already a turn lane going toward the light and when they put the cal-de-sac in, the state left Ms. Haesler holding the bag. When we had the winter storm last year, she was unable to get plowed out. The snow, which was 8 feet high, blocked her in and ended up costing her a lot of money in order to get out.

There is a well on her property and it is not annexed into the city at this time. In the future, if she needs to connect to sewer or water, she will consider it. But she is concerned about the development and whether it will be townhouses. She said they did this in Bear, Delaware and was the reason she moved down here to get away from all the congestion. She has a friend that bought a townhouse in Bear and cannot unload it. It turned into somewhat of a ghetto type area with a lot of crime.

Ms. Haesler said the town is great and she appreciates some of the comments that it would be better for that property to be annexed in and better controlled by the city. But her concern is the number of units, what type of units and the type of people will be housed there. She said they are very safe out there but is scared of what may come. Across the street, the Homestead project is approved for 1,200 units. She understands they have a deadline of October, which will be void after that.

She said she knows that eventually both will be developed. Ms. Haesler stated the city has grown tremendously the past ten years and it is a fabulous place to live and the people are top notch but she does not want it to go downhill.

If they get the R-8, which is 8 to an acre, the developer is talking 578 units though the sheet she received said 768 units. If the 768 applied to the R-3, she believes that would be cut in half and not 578.

City Planner Norris advised the original request was for an R-3, which allowed them to build up to 16 dwelling units to the acre. However, they were only planning to build 10 to 11 units per acre, which is less than the maximum permitted. The planning commission made a recommendation of R-8, which allows a maximum of 8 dwelling units per acre. That is less than the original request but streets, open space, preservation of ponds, wetlands, etc. will need to be taken into consideration.

Noel Primos of 144 Church Hill Road stated he is a 4th Ward Resident and a city resident. He is unsure if he is the one that Mr. Tolliver referred to as the city resident and wants to point out there is no requirement the petition be signed by only city residents but instead says adjoining property owners and people in the vicinity. Those people are very concerned about this application primarily because of the character of the area which is a very rural area. The residents appreciate their way of life very much and this would not be in keeping with that by allowing a development of this density, including the R-8, in this area.

Mr. Primos also wanted to point out there is already a problem with traffic on the Milford-Harrington Highway, which

is a two-lane road and this would significantly exacerbate the traffic problem. He also believes the statement regarding 8 units per acre, as Mr. Pikus has pointed out, is very deceptive because you would end up with significantly more than eight units per acre because of the usable property. If only 50 to 60 acres can be used, and the density is calculated on the gross acreage, the results would be more than eight units per acre.

Mr. Primos attended both the annexation committee meeting and the planning commission meeting. He said it was stated very clearly at both meetings that if the developer did not receive the R-3 zoning, he would not be able to develop the property. Now the developer is saying he does not need the R-3 and can develop with the R-8 zone. He does not understand why that was made very clear and has now changed. Those that signed the petition prefer the annexation be denied; but if council approves the annexation, Mr. Primos asks that the R-1 be designated which is more in keeping with the area. He said that Mr. Tolliver made the point this is not a good time for the real estate market in general. Because there is no sunset law in Milford, if an R-1 zoning were approved, even if this was not the opportune time to develop single family homes, at some point in the future, when the market turns around, it would be and could be viable. He reiterated that an R-8 zone would be inappropriate when considering the nature of this rural area.

Kay Jester of 1723 Holly Hill Road stated her property adjoins these parcels. She is in opposition and states that she has lived there for 46 years and does not choose to live in the city. Ms. Jester explained that was not final and only a motion for the R-8. Neither the R-3 or the R-8 is suitable for that area and added there were many reasons provided.

Bob Southard of 1539 Milford-Harrington Highway stated he is also against the annexation. After considering the situation, if this property must be annexed, he also prefers the R-1. They have talked to individual members of council to let them know how the area residents feel about the traffic problems and the ability to take care of the people that will be there as far as emergency services. He then pointed out that this area is actually in the Houston fire district which may be a problem for Milford.

Mr. Southard said they also do not want to see more development and referenced the number of developments that have come to a standstill with most becoming very unsightly. They do not want that type of development in their backyards. She agrees they are not citizens, per say, of Milford. However, many of them work in and around Milford, many have businesses in Milford, their kids attend Milford Schools, many are volunteers for the fire company and civic organizations. Therefore, they consider themselves Milfordians even though they are not citizens of the incorporated area of Milford. Being Milfordians, he is hoping council will look at them as if they are citizens. Mr. Southard stated that council was elected to represent them and that is what they are asking council to do.

William Walls of 2176 Milford-Harrington Highway questioned the zoning related to the R3 or R-8 involving the number of apartment units. City Planner Norris then read the following subparagraph from the Milford zoning code:

Garden, low-rise apartments, and condominiums subject to site plan review and the following requirements: The number of dwelling units per acre shall not exceed eight.

Mr. Walls then asked how many family units are within an apartment unit; Mr. Norris explained the minimum lot size under the garden, low-rise apartment is one acre and 2,500 square feet of lot area is needed for each dwelling unit. Mr. Walls asked if that is surface area or going up; Mr. Norris stated lot area—2,500 square feet of lot area per dwelling.

Mr. Walls said his point is if you can put eight apartment or garden apartments on one acre, how many families would that be or how many families can you put in an apartment unit per acre. He referenced Silver Lake Apartments that are 3-story high with a 2,500 square foot surface area. This would allow many apartments depending on how tall the buildings are.

He then asked if the requirements is for one family per 2,500 square feet. Mr. Walls then said we appear to be a pig in a poke because we are unsure about what can or cannot be done. The one thing we are sure of is certain things can be done in the R-3 or R-8 zone. He said someone might say they are not going to put 8 units on an acre, but instead plan to put only five. He feels that right now, that is only an offer and their position at this moment. As they proceed and submit plans, they could increase from 6 to 8 apartments because that is permitted under that zone. He feels should not be approved by considering what they are suggesting, but instead by what they are allowed to do.

City Planner Norris responded by saying his comment again is what Mr. Tolliver said; at this point council is only addressing the annexation and zoning. If approved, they will have to come back and submit a land development plan and go through a new process which includes public hearings.

Mr. Walls agreed pointing out the R-8 allows 8 units per acre regardless of what they are saying now. He asked if there is enough information to make a rational decision. He does not believe we are here tonight on a compromise and does not believe there was a compromise from the beginning. That was a decision made by the planning commission. The developer may feel it was a compromise because the deal breaker was nothing but an R-3. That is their strategy and is now possible with an R-8. He said if we theorize and come back another time, it could go down to R-2 or R-1.

He understands the procedure about any future development plans needing approval though it is important to understand exactly what can be done under that zoning classification.

Mr. Walls feels that everyone is fully aware of the background and familiar with the arguments being made. He does not believe anyone is against growth and progress, but feels we need rational growth and rational progress.

Ann Southard of 1539 Milford-Harrington Highway stated she is opposed to the R-8 zoning. She advised she is the one that wrote up the petition at the request of a number of parties. They want to stress to the developer that they do not want to be annexed in. She said these residents like the rural environment but they are also realistic people. So the petition said they would prefer the property not be annexed. But they also understand that council has a responsibility to make sure that Milford grows in an appropriate manner. That is why they are asking council to take into consideration their concerns and make a very informed decision about where Milford goes and how it grows. She said if we are going to grow, let's grow in the environment and the way this community is. This area is a rural, individual home community. They want to keep it that way.

She said they are not against growth and love Milford. When she and her husband got married, one of the things they looked for was a home in the Milford School District. He grew up in Houston and his family's roots go back to the 1600's. They are Delawareans and Milford people who care and love Milford. This petition was circulated to the people it impacted the most. They went door to door trying to get as many people as possible to let council know they care about this situation. The Thomas' are her neighbors and she cares deeply for them. She wants them to succeed and be successful with their property. If Milford is going to annex this, she asked that council consider the people who live out there and that this is their lives.

Ms. Southard said she was an Air Force brat and knows what it is like to live in developments and is familiar with lighting that takes away the stars at night and how it impacts animals and other natural habitat. She has called most of city council and has expressed her viewpoint about how important it is to have the R-1.

She is also concerned that when this developer came before the annexation committee and zoning committee, he stated that if this was not an R-3, it would not be economically feasible for them to develop. Now he is saying they can do the R-8 though he is unsure exactly how and will figure that out down the road.

Ms. Southard concluded by saying that right now, this really matters to these residents who really care about their neighbors and really love their life in this area.

Walter Thomas of 1335 Milford-Harrington Highway stated that obviously he is in favor of this annexation and zoning. He referenced the question about the compromise and explained the compromise was the recommendation for an R-8 as opposed to the original request for an R-3. He said the developer is now willing to accept an R-8 instead of the R-3 though they preferred the R-3.

Mr. Thomas said there was also a question about the ponds and wetlands on the farm. He advised they would be protected and no one is planning to dig them up or develop on them. Though it does not make a difference because they are not planning to do anything with them, these ponds are not actually ponds. He said the only time there is water in them is when it rains heavily. When the rain goes away, the water drains out and they turn into mud holes or wetlands or however someone wants to refer to them.

Karen Moore, formerly Karen Thomas, stated that 1335 Milford-Harrington Highway was her childhood home. She said she grew up with a lot of the children of the people who are here tonight. They were all family friends and does not want anyone to be hurt by this and cares for these neighbors. She explained this is the next step for their family. She grew up not realizing she did not live in the City of Milford. She was from Milford and she did not realize that until she was in the Middle School when she called for the police. Milford Police were unable to come to her house because they were not in city limits. She was stunned to learn she did not live in Milford and always thought she was from Milford.

Ms. Moore said there is growth and needs to be growth in Milford. From what she has heard tonight, there is some confusion between the R-8 and R-3 though it can be developed with the R-8 though originally they were not going to proceed if they did not get R-3. What she really heard is they need flexibility so when they develop it and bring the plans to the city, they can say this is what we want to do. She recalled the comments received from the people who want to live in the City of Milford. She said we need flexibility and do they want single family homes or do they want garden apartments or housing for younger people and families without kids. They want the flexibility that either R-3 or R-8 is able to give people at that time. That is what is going to sell. People are talking we have been doing this for two years. She said her brother has been working on this for almost six years. Their father passed away and her brother has been dealing with this property all this time.

When she looks at this property and sees an R-3 on one side, an R-3 on the other and commercial properties in another area. She said there have been trailers in a tight formation on one side of the property and there was even a bar called the Hideaway at one time at the back of this property.

The name of their road has always been Milford-Harrington Highway which does not say rural to her. She feels that rural means once you get off the highway, where there are many rural developments. She also understands there were a lot of farmers that lived along Route 14, but when you look at their property, you see pieces of their property they have sold so people could live in rural developments. Many of those homes fill the front areas of these farms.

Ms. Moore said that finally, she hopes that she grew up in a house that will be annexed and on a property that will finally be in the City of Milford. She supports the annexation request for the R-8 which is consistent with the comprehensive plan that was approved through the state. Again, she emphasized that what they are asking for is flexibility so they can come back before this group after it is annexed, and say this is what we are hearing people want. If it is not selling, it will not be built. They will build what people want and need the flexibility to do that.

Patricia Marney of 1263 Milford-Harrington Highway stated her property is two doors down from the Thomas property. She said her concern and what she has not heard tonight is how exactly this will affect her property. If her well goes up and this property is annexed, what is her responsibility; will it be her responsibility to tie into city water and sewer. She does not begrudge the Thomas' from doing anything they want to. If they want to pay higher taxes, then so be it, because that is their money, not hers. She just wants to know how that will affect her.

Ruth Abbate of 2102 Milford-Harrington Highway stated she lives less than a half mile from this property. She stated she has lived here since 1976 and her kids have been educated here. Her concern is the R-3 at the Homestead development which has over 1,050 lots. Also, the R-3 on Holly Hill Road where there is more than 270 lots. She is concerned with safety stating there is a light at Route 15. There is another exit off the Homestead site less than 1/4 mile away with no light; you can make a left to go to Milford or a right to go to Harrington. Now there will be another exit that will come out in the same area with no light or supervision.

She said with the amount of traffic currently on Route 14, she must sit four to six minutes just to get out of her driveway. When this develops into an R-8, it will be more. She asked they keep the same footprint of the rural community with an R-1 zone.

Howard Webb of Cedar Neck Road said he lives on the opposite side of town. However, he shares many of their concerns. He said the engineer brought up one thing he thinks is great. Kent County has a sunset rule and if a bad decision is made, there is a chance to correct it in five years. He asked Milford consider that. He also mentioned a petition the residents signed and it was stated that only one was a citizen of the City of Milford. He said they eat and breath just like the rest of us and are no lesser citizens than anyone else.

Mr. Webb then asked Mr. Norris if the drainage areas and wetlands are still counted as buildable acreage. He then noted that Baltimore Aircoil is one of the top five employers in the city. He asked if this will create a hostile environment for that employer. Mr. Webb said if they decide to leave, the city is in big trouble which should also be considered.

Mr. Norris then read the following district regulations from the zoning code:

Allowable density shall be based upon the net developable land for any given parcel. Net developable land shall be equal to the gross acreage of the parcel minus nondevelopable acreage, including regulated state and federal wetland areas, the one-hundred-year floodplain as depicted on the most current FEMA panels and conservation easement areas.

Mr. Norris said in his opinion, you have to subtract any land designated as state or federal wetlands, one-hundred year floodplain and conservation easement areas. That would be subtracted from the total acreage and could not be used as developable land.

Mr. Webb recalled a time when those areas could be calculated; Mr. Norris agreed.

Mr. Webb recalled the planning sessions at Carlisle Fire Company for the eastern side of Milford that involved green areas and TDR sending areas. He said for those TDR sending areas to have value, you cannot have high density. Therefore, the planning sessions were a waste of time; Mr. Norris disagreed strongly.

Mr. Pikus then stated he has a couple of concerns. First is the usable land which bothers him a great deal. He also heard a comment from Mr. Tolliver when he earmarked one person and as Mr. Webb stated, these people are Milfordians and he takes exception that they are not Milfordians and will go on record stating that.

He said there is also a problem with the petition submitted and whether the 20% of property owners opposed to the zoning requires a 3/4 vote. It appears there is a question and recommends our city solicitor research that.

Mr. Willard stated there is a section of the Milford Code, which is almost identical to the Delaware Code, that indicates if more than 20% of adjacent property owners protest (Milford Code defines adjacent property owners as those within 200 feet of the subject property) a 3/4 vote is needed. He did some brief research on whether that applies to non-residents and did not find case law on it.

Another issue he said is the 40 plus people that signed the petition and whether the 20% requirement was met. In his opinion, there is a threshold issue whether a super majority is needed. His initial read and basic research is the statute is broad enough it speaks to anyone adjacent and does not distinguish whether they are in town or not.

In regard to density, when a property is being annexed and a zone is applied, there is no site plan so there is no specific density details. Mr. Willard also emphasized that a property is unable to be annexed without a zoning designation. The question of the zone depends on a lot of factors such as adjacent property, the comprehensive plan, what the neighbors think and whether it will adversely affect the neighborhood and other general considerations.

Mr. Pikus stated that based on Mr. Willard's statements, he moves we defer action on the request, seconded by Mr. Brooks.

The city clerk was directed to poll the council.

Mr. Johnson asked how long this would be deferred; Mayor Rogers answered until the city solicitor is able to provide clear answers to these questions and concerns.

Mr. Johnson, Mr. Grier and Mr. Pikus voted yes.

Mr. Adkins said he pauses because of the number of homeowners in the area that took the time to come to this hearing tonight; he does not want to see them have to come back again. It is fresh in their minds and a lot of comments have been made though he does want to see this done correctly and votes yes.

Mr. Brooks votes yes and agrees with Mr. Adkins. He respects the citizens that are present but he also does not want to handle this as has been done with many other things in the past by making an incorrect decision and having to revisit it at the next meeting. He prefers that when this vote is taken, it is based on clear information and is done in a correct manner.

Mr. Morrow votes yes and agrees this needs to be done right the first time to prevent having to address it over and over. There are some issues that need more research which could have an effect on the manner in which the city does business in the future. Potentially, all lands could eventually be annexed as R-1 which basically means there would be no further annexations because today's business model is not conducive to an R-1. After the research is done, it can be brought back before city council for a final vote. He appreciates the number of good comments but does feel the developer was willing to compromise as well as some of the neighbors he spoke with, though on the other hand, many were not. He thinks the R-8 may be a reasonable compromise and does cut the density in half, but that decision will be made after council is provided with the additional information.

Mr. Starling votes yes.

Ms. Wilson said councils' hands are tied though we do want to make sure these matters are handled properly. She appreciates the calls she received and respects the opinions and feelings of those individuals who are adjacent to these properties as well as her constituents. She is happy to know the developer was willing to make a compromise and understands that compromise. That means the developer did take into consideration the surrounding property owners. She recalls many of the developers who have come before council who were unwilling to choose a lower density.

She said she is unable to support the R-1 simply because she understands the needs of the majority of old and incoming families within our community. She feels that if we do not consider the lower middle, medium middle and upper middle class as Milford grows, we are going to have problems and will be sorry in the future. We need to consider the various economic levels as well as keep diversity in mind. She feels it is important to meet the needs of our people. She appreciates this being in the rural area and though difficult to understand, the R-1 does not meet the needs of the majority of our residents today. The surveys provided some good information which Mr. Norris sent to help the city as we plan for the future. When you look at the whole picture, our entire community needs to be considered. The way the economy is today, the city is not going to see a lot of R-1 developments for a long time. She was ready to make this happen today, but agrees there are some issues that need to be clarified and does not want this to come back and haunt the city so she will vote yes.

Motion carried by unanimous roll call vote.

Mayor Rogers thanked council and the developer and equitable owner for the time put into this. He feels this was the right decision tonight to allow time for additional information to be obtained before a final vote is taken. He also thanked those that attended this public hearing and particularly the orderly fashion in which they conducted themselves. He knows this is a very emotional issue and appreciates their conduct. Council will obtain the additional information and make a decision in the very near future.

Mayor Rogers then closed the floor to any further public comment.

Mr. Pikus then asked how this will impact Carlisle Fire Company because this land is in the Houston Fire Company district.

Carlisle Fire Company President Marvin Sharp was present and agreed this was a concern when he first saw this. The city charter requires Carlisle Fire Company to provide the city with fire protection. He said there has been two cases in Delaware where this was an issue. One was in the Five Points Fire Department district that was annexed by the City of Wilmington. The other occurred when the City of Dover annexed property that was in the Cheswold Fire Department district. Both went to the Fire Commission who ruled on behalf of the department currently serving those areas. It was appealed through the courts and the decision was reversed giving the Wilmington and Dover Fire Departments those properties.

He reported that Carlisle and Houston Fire Departments have one of the best working relationships in the State of Delaware which was a concern of Mr. Sharp and Chief William Carpenter. By the city code, Carlisle will serve this area. Mr. Sharp said this is a very delicate situation and the fire department's district is somewhat like sacred ground.

He said that in addition, Carlisle Fire Department needs surrounding departments more than they need Carlisle. He recalled five years ago when nineteen departments were invited to fight a large downtown fire that lasted an entire day. He said that Milford Hospital, LD Caulk and Baltimore Air Coil would need the assistance of these other fire companies in the case of an emergency. Carlisle wants to maintain that relationship with Houston and this is new territory to him as president of the fire company though the priority is to maintain their close relationship. He is hoping they will be able to sit around the table and work this out.

Ordinance 2010-14

An Ordinance to Amend the Code of the City of Milford, Chapter 230, thereof, entitled Zoning, Waiver of Off Street Parking Spaces

The following ordinance was presented to city council for final action:

The City of Milford hereby ordains as follows:

Chapter 230: ZONING

Section 1.

An Ordinance to Amend the Code of the City of Milford, Chapter 230, thereof, entitled Zoning, by providing a potential waiver in the number of off street parking spaces for large commercial developments.

Section 2.

Section 230-21, Parking and loading standards, Subsection B, Use Standards, is hereby amended by adding a new subparagraph entitled §230-21- B (1) to read as follows:

§230-21- B (1) Reduction in the Required Number of off Street Parking Spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

Section 3.

Dates.

Introduction to City Council: 08-09-10

Planning Commission Hearing: 09-21-10

City Council Hearing and Projected Adoption Date: 09-27-10

Effective Date: October 7, 2010

City Planner Norris advised that Ordinance 2010-14 reduces the number of required parking spaces for developments such as shopping centers and commercial developments requiring fifty off street parking spaces or greater. He recalled a few instances where the number of parking spaces required was excessive in comparison to the number of employees and potential clients. This will allow additional green space be used for future parking should it later be determined that more parking is needed. The developer would have to provide 80% of the required off street parking spaces with 20% kept in green space. When the last application in this situation was submitted to the DAC meeting, it was suggested that based on the situation, there may be a need to amend the requirements and reduce the larger parking requirements.

In addition, Mr. Norris reported this will also reduce the amount of runoff off impervious surfaces that typically ends up in the Mispillion River. In addition, one of the goals of the Mispillion Tributary Action Committee in the City of Milford is to reduce the pollutants in the Mispillion River. This helps both of those issues.

The planning commission recommended adoption of the ordinance by a vote of 8-0.

Mr. Adkins moved to adopt Ordinance 2010-14, seconded by Ms. Wilson. Motion carried by unanimous roll call vote.

With no further business, Mayor Rogers adjourned the Public Hearings at 8:38 p.m.

A short recess followed.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

*MILFORD CITY COUNCIL
MINUTES OF MEETING
September 27, 2010*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 27, 2010.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

ALSO: Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 8:44 p.m. City Manager David Baird was out of state at a conference.

PLEDGE AND INVOCATION

Following the Pledge of Allegiance, the invocation was given by Councilman Starling.

At the request of Councilman Pikus, a moment of silence was observed in honor of Bob Burris whose funeral services were held this past week. Councilman Pikus noted Mr. Burris' many charitable endeavors and contributions to the community and the business world.

UNFINISHED BUSINESS

Adoption of Ordinance 2010-16/Chapter 204/Establishing a Due Date for Property Taxes & Penalties

The charter requires the due date for property taxes be set by council; in addition, the penalty fee for late payments must be established by ordinance. Ordinance 2010-16 confirms September 30th as the due date for property taxes each year while addressing the penalty rate.

Ms. Wilson moved to adopt the following ordinance, seconded by Mr. Starling:

Ordinance 2010-16

*AN ORDINANCE TO AMEND CHAPTER 204 OF THE CODE OF THE CITY OF
MILFORD, TAXATION, FOR THE PURPOSES OF ESTABLISHING A DUE DATE
FOR PROPERTY TAXES AND PENALTIES FOR NON-PAYMENT.*

WHEREAS, the City recognizes many of its citizens are experiencing financial challenges; and,

*WHEREAS, both the County and City property tax bills are due and can be paid without penalty by September 30, 2010;
and,*

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 204 of the Code of the City of Milford, entitled Taxation, is hereby amended to include a new Article to read as follows:

ARTICLE III—Property Taxes

§204-10 Due Date for Payment of Property Taxes.

Property taxes shall be payable on or before September 30 of each year.

§204-11 Penalties.

To every tax not paid after the said date established in §204-10, there shall be added and collected a penalty, for each month that the said tax remains unpaid. A penalty of one percent per month or fraction thereof shall be charged on all unpaid property taxes. City Council, by resolution, may impose a date later than that established in §204-10 for the addition and collection of penalties.

Section 2. Dates

Introduction to City Council—August 23, 2010

Projected Adoption by City Council—September 27, 2010

Projected Effective Date—October 7, 2010

Motion carried.

Adoption of Resolution 2010-16/Extension of Due Date for Property Tax Payments & Establishment of Penalty Date

A resolution is required to extend the normal deadline as was established in Ordinance 2010-16. The deadline is slightly beyond the 30 days because of city offices being closed over the weekend and election day.

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

Resolution 2010-16

Extending the Payment Deadline for Real Property Taxes in the City of Milford

Fiscal Year 2010-2011

Whereas, the City of Milford Property Taxes are due and payable on or prior to September 30th of each year; and

Whereas, Milford property owners, like most Americans, are suffering in this economic downturn; and

Whereas, the property owners in the City of Milford, more than ever, are depending on the City Council and City Leadership to be mindful of the financial burden created by the due date for property taxes being the same for Kent and Sussex Counties; and

Whereas, after due consideration, City Council finds that it to be in the best interest of property owners in the City of Milford property owners to provide temporary property tax relief this fiscal year; and

Whereas City Council recommends an extension of the due date for real property taxes owed for Fiscal Year 2010-2011 from September 30, 2010 to November 3, 2010.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Milford hereby authorizes the City Manager to defer the deadline for the payment of property taxes in the City of Milford for Fiscal Year 2010-2011 by extending the due date from September 30, 2010 to November 3, 2010.

AND BE IT FURTHER RESOLVED that payments received after the close of business on November 3, 2010 shall be considered delinquent and a one percent penalty assessed on the unpaid balance.

Motion carried.

Adoption of Ordinance 2010-15/Realignment of Boundary Lines of Ward I and Ward III

City Solicitor Willard recalled this error being brought to the city's attention by the charter review committee. The error involved an area of land in Ward III that was not contiguous to that ward. The problem was created when the Meadows at Shawnee was erroneously placed in Ward III at the time of its annexation. Mr. Willard advised the Constitution and numerous court cases that have interpreted redistricting require lands be contiguous in addition to the city code requirement. The charter states that areas within a ward must be contiguous and as rectangular in shape as possible. Around the time the charter amendment was being finalized, council addressed the issue. The charter allows council to rearrange the boundaries of the four wards in the event of annexation. He feels this is the result of an annexation and could be interpreted as a delayed rearrangement based on a correction.

Mr. Willard also pointed out the charter has a provision that allows reapportioning by the first day of January of the second year following a census, which will occur a year from January. At that time council will reconsider the wards based on population.

He explained the ordinance addresses the contiguous issue, required by the charter and federal case law, by placing the area currently in Ward III, but not contiguous to Ward III, in Ward I.

For the record, Mayor Rogers advised the Attorney General's Office was called for an opinion on the matter. Their response was they had no jurisdiction over the matter and they referred us to the city charter and city solicitor. This mirrored the response given to those residents who had contacted their office as well.

Ms. Wilson moved to adopt Ordinance 2010-15, seconded by Mr. Johnson:

Section 1.

WHEREAS, an error was discovered by the Charter Review Committee in which it was determined that lands in Ward 3 were not contiguous with other lands in that ward but did share a common boundary with Ward I; and

WHEREAS, this resulted in a failure to comply with the contiguous and compactness requirements of Article II, Section 2.07 of the City of Milford Charter; and

WHEREAS, this matter was presented to the City Council who recognized the need to protect communities of interest; and

WHEREAS, adjustments to the City Council Districts ensures fair representation for all citizens and conforms with the requirements of the United States Constitution and federal statutes; and

WHEREAS, upon completion and distribution of data from the 2010 Census, additional examination by the Districting Commission may result in an overall Redistricting Plan for the City of Milford.

Section 2.

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

- 1. Portions of Ward I and Ward III, southeast of Milford, are hereby realigned by excluding therefrom Ward III, those lands not contiguous and including therein and therewith subject lands into Ward I.*
- 2. Attached maps display current Wards (#1) and revised Wards (#2) comprised of four contiguous Council districts.*
- 3. This Ordinance has been properly advertised and copies of the Ordinance and related materials made available to the public on August 23, 2010.*
- 4. By a vote of 8 to 0, Milford City Council approves the realignment of Council District Boundaries, specifically Ward I and Ward III, and whose legal descriptions, in their entirety, as shown below:*

CITY OF MILFORD-DESCRIPTION OF WARD BOUNDARIES

The First Ward shall consist of all the territory within the City limits as follows: Beginning at a point in the center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route 1 in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southeast Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly

direction to the point of its intersection with Southeast Front Street; thence by the centerline of Southeast Front Street, in a westerly direction to its point of intersection with South Walnut Street; thence by the centerline of South Walnut Street in a southerly direction to the corporate limits of the City; thence along the corporate limits in a northeasterly direction to the intersection of the corporate limits to the western most point of Shawnee Country Club; thence along the corporate limits in a generally southeasterly direction to the point of intersection of Johnson Road; thence continuing with the corporate limits in a northeasterly direction to the intersection with DE Route 1; thence continuing with the corporate limits in a northwesterly direction to the point of intersection on the easterly R.O.W. of Route 1 and Business Route 1; thence continuing with the corporate limits in a northeasterly direction 2,150 feet to the intersection of Beaver Dam Road; thence along the corporate limits in a southeasterly direction to the point of intersection with Sharps Road; thence with the corporate limits and Sharps Road in a Northeasterly direction 2,700 feet; thence leaving Sharps Road and continuing with the corporate limits in a generally northwesterly direction to the intersection with the centerline of Deep Branch; thence with the corporate limits and along the center of the meanderings of Deep Branch in a northeasterly direction through the run of Marshall Mill Pond to its intersection with Business Route 1.

The Second Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U. S. Route 113; thence along the centerline of U. S. Route 113 in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U. S. Route 113); thence southerly (in a line parallel to and Five Hundred Feet from the westerly boundary of U. S. Route 113) along the westerly boundary of the City to the shore of Haven Lake; thence westerly following along the shoreline of said Lake to the north side of Evergreen Lane; (thence along the north side of Evergreen Lane to the intersection of Evergreen Lane and a line parallel with and Five Hundred Feet west of the western boundary of U. S. Route 113); thence continuing in a southerly direction along the western boundary line of the City to the southern point of what is known as the Susan & Bruce Geyer property; thence in a northeasterly direction along the corporate limits of the City and Herring Branch to the intersection of the corporate limits and the centerline of South Walnut Street; thence north by the centerline of South Walnut Street to the intersection of Northwest Front Street.

The Third Ward shall consist of all territory within the City limits as follows: Beginning at a point in the center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route 1 in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southeast Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly direction to the point of its intersection with Southeast Front Street; thence by centerline of Southeast Front Street in a westerly direction to its point of intersection with South Walnut Street; thence by the centerline of Walnut Street in a northerly direction to the point where it intersects the centerline of U. S. Route 113; thence along the centerline of U.S. Route 113 and U.S. Route 1 in a northerly direction to the intersection of the City limits; thence along the corporate limits in a northerly direction to the northern most point of the City limits; thence along the eastern boundary of the City in a southeasterly direction to a point on the southeast corner of U.S. Route 1 and State Route 36; thence along the corporate limits in a southwesterly direction to the point of its intersection with U.S. Business Route 1; thence with the corporate limits in a northwesterly direction to the center of the intersection of Deep Branch and Business Route 1.

The Fourth Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U. S. Route 113; thence along the centerline of U. S. Route 113 in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U. S. Route 113); thence in a generally northerly direction along the western boundary of the City to a point where said line would intersect the northerly boundary of the Third Ward; thence southerly along the aforesaid line of the Third Ward, to the point of intersection of the centerlines of North Walnut Street and U. S. Route 113; thence by the centerline of North Walnut Street to its intersection with Northwest Front Street. The City Council may provide for a fifth ward and re-arrange the boundaries of the four wards provided for herein, in the event of annexation or re-apportionment as hereinafter set forth.

Section 3. The new Council districts and boundaries shall supersede previous districts and boundaries and whose legal

description, contained herein, and official map shall be filed in the Office of the City Clerk.

Section 4. Official Maps (see attached).

#1 Current Wards

#2 Proposed Wards (Ward I and Ward III realigned)

Section 5. Dates.

Ordinance & Map Publication Dates:

Milford Chronicle 08/25/10

The Beacon 08/26/10

Introduction - City Council: 08/23/10

Adoption Date - City Council: 09/27/10

Effective Date - 10/07/10

Motion carried by the following roll call vote:

Yes-Johnson, Grier, Pikus, Adkins, Brooks, Morrow, Starling, Wilson

Mr. Brooks recalled this error being discussed during the Charter Review Subcommittee Meetings at least five or six times. It was the consensus of the committee members that this item be corrected. It was then brought before council who agreed it should be changed. Therefore, he votes yes.

Mr. Morrow votes yes, noting it is a requirement of the charter.

Re-Adoption of FY2010-11 Tax Warrant

Significant changes to this year's tax assessments have occurred since the original warrant was approved in August, a few the result of assessment corrections. Copies of those accounts were included in the council packets.

Mayor Rogers advised the numbers had not been received so action will be deferred until the October meeting.

Approval of Change Order No. 1/Gravity Sewer Installation

Mr. Willard advised that city council is being requested to approve Change Order No. 1 in the amount of \$6,054.51 for work that was needed to extend the gravity sewer line back in August.

Mr. Brooks moved for approval of Change Order No. 1, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Reaffirmation /Approval of Change Order No. 2/North Front Street Sewer Project & FY2010-11 Budget Amendment

The solicitor advised council to reaffirm the compromise agreement voted on at the September 13th meeting as a specific agenda item. The vote also authorizes the Mayor and City Manager to enter into a change order with JJID for an amount not to exceed \$115,000 which is needed to complete the North Front Street Sewer Project.

Ms. Wilson moved to approve Change Order No. 2, seconded by Pikus. Motion carried with no one opposed.

Billboard Ordinance-Proposed

Billboards/Zoning Code/Ordinance/2009-22

City Planner Norris advised he is not a proponent of items such as billboards, but believes as a planner for more than thirty years, we cannot exclude certain things of which one is billboards. He stated the first amendment of the constitution is freedom of speech. He feels that as long as Milford has on-site advertisement, he feels it is fair and equitable to allow

advertisements off site. He believes the ordinance presented at the last meeting, is a fair compromise and he supports it. He noted the planning commission started with six pages and after a great deal of work, ended up with one page.

Mr. Brooks asked if the city planner feels this should continue to be reviewed through the board of adjustments; Mr. Norris' opinion is they should be regulated as is proposed with a clear definition and as a conditional use in the C-3 district. That requires a review, public hearing and a recommendation by the planning commission and a public hearing with final action taken by city council.

Mr. Norris knows the Board of Adjustment heard these cases in the past but because the ordinance stated they were 'non-applicable', the city ended up in court. The judge's ruling implied that further action was needed to clarify the city's intent. He feels they should be allowed but with restrictions as is being proposed.

It was confirmed the ordinance also adopts the state standards; Mr. Norris feels that is a fair way of handling especially considering that Milford is divided into two counties.

Mr. Willard reminded council that if something is subject to a conditional use, the purpose is to allow some flexibility to add conditions that meet any concerns or objectives to a particular location. The last ordinance was written as a conditional use in the C-3 district with the minimum standards being the state requirements. This applies regardless of whether it is on a state highway or elsewhere. It would then require a complete conditional use review.

After due consideration, Mr. Grier moved to reconsider Ordinance 2009-22, seconded by Mr. Pikus.

Mr. Willard then clarified that six members of council must vote in favor of the reconsideration, in order for the ordinance to be voted on.

Motion carried by the following 7-1 vote:

Yes-Grier, Pikus, Adkins, Brooks, Morrow, Starling, Wilson
No-Johnson

Mr. Adkins stated yes for reconsideration.

Mr. Brooks agreed that he will vote yes in favor of the reconsideration and added he is tired of rehashing the same issues over and over. He prefers action be taken and the matter resolved.

Mr. Grier then moved that Ordinance 2009-22 be adopted, seconded by Mr. Pikus:

ORDINANCE 2009-22

AN ORDINANCE TO AMEND CHAPTER 230 OF THE CODE OF THE CITY OF MILFORD, ZONING, FOR THE PURPOSE OF ALLOWING BILLBOARDS AS A CONDITIONAL USE IN A HIGHWAY COMMERCIAL (C-3) DISTRICT.

WHEREAS, the City acknowledges the current zoning ordinance does not adequately define and address the placement of billboards within the City limits;

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 230, Section 4 of the Code of the City of Milford, entitled Zoning, is hereby amended by adding the following definition:

BILLBOARD – A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.

Section 2. Chapter 230, Section 14.C of the Code of the City of Milford, entitled Zoning, is hereby amended by adding the following language:

(18) Billboard, subject to the following:

(a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

Section 3. Chapter 230, Section 26.B, of the Code of the City of Milford, entitled Zoning, is hereby amended as follows:

ZONING

City of Milford

Sign Types and Allowable Dimensions and Restrictions

SEE ATTACHED

Section 4. Dates.

Introduction to City Council 11/23/09

Planning Commission Public Hearing 12/15/09

City Council Public Hearing 07/26/10

Adoption Date 09/27/10

Effective Date 10/07/10

Mr. Brooks confirmed that Mr. Willard indicated that if the state requirements are for 500 feet, under the conditional use process, council has the right to require a larger distance such as 1,000 or 2,000 feet; Mr. Willard stated that is correct.

Motion carried by the following 7-1 vote:

Yes-Grier, Pikus, Adkins, Brooks, Morrow, Starling, Wilson

No-Johnson

Mr. Adkins stated he wants to clarify his reason for changing his vote. He voted originally for the language of the prohibition. A lot of that comes out of recent court history and he was a little gun shy. He wanted to make sure council had adequate ground if they felt a billboard should not be at a specific location. In the past week, he has reviewed what a conditional use is and not only can council add restrictions, but time limits can be added. It gives council the right to consider property values and he is comfortable based on the words and the power council has under a conditional use to vote yes.

Mayor Rogers thanked council for these final decisions noting there has been a great deal of time spent on these items over the past months.

FY 2010-2011 Budget Amendment/Boys & Girls Club Contribution

Mr. Pikus advised a budget adjustment was needed at the time of the September 13th meeting when council approved an additional \$58,334 contribution that amended the Boys and Girls Club Agreement.

He reported this will decrease the Capital Parks Expense Account and increase the General Fund/Fund balance by \$58,334. He recalled that City Manager Baird confirmed the city is using funds made available by Senator Bonini providing \$175,000 to the city.

Mr. Pikus moved to decrease Capital Parks Expense Account 101-1910-451-70-50 by \$42,985 and increase General Fund//Fund Balance Revenue Account 101-0000-399-10-00 by \$15,349 for a total of \$58,334, thus increasing the Boys & Girls Club Account 101-1110-411-68-21 by \$58,334 (\$105,400 to \$163,734).

Mr. Brooks votes yes based on the fact that Senator Bonini is providing funding to subsidize this budget change.

Motion carried by unanimous roll call vote.

NEW BUSINESS

Fall Clean Up Week

Mr. Pikus moved to approve the date of October 18-22, 2010 as Fall Clean Up Week, with rain dates for the following week. Motion seconded by Mr. Brooks. Motion carried.

French and Ryan Proposal/Police Department

Chairman Morrow recalled this being discussed by Councilwoman Wilson at the last meeting as a police committee item; however, it does require the approval of city council. He explained this is a professional agreement in which \$50,000 was previously budgeted for a Needs and Feasibility Study for a new police facility. Chief Hudson confirmed it came in below budget at \$47,300.

Mr. Morrow moved to approve the French and Ryan Proposal, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

City Code Official

Ms. Wilson asked the record reflect the hard work being done by the Code Official CC Dennis in her neighborhoods. Just last week, there was a property being demolished on Second Street and often, people are unaware of the work needed before something like this can happen.

She reported that not only did this family have to move out of a home they had lived in for decades, but alternative housing had to be found. This involved a senior citizen which made the situation even more difficult.

Ms. Wilson said that many things the city does impacts peoples' lives more than the decisions made by council during a meeting. Because the code official and planner have been working hard to bring up the standard of living in some of the older neighborhoods, similar situations may occur. As a result, there is a need for affordable housing as well as programs and assistance for those individuals.

She thanked council and gave special thanks to Councilman Pikus for his assistance in this endeavor. Mr. Pikus added it would not have been done without Ms. Wilson's help either.

Church Street & Northwest Front Street Properties

Mr. Starling discussed the structure on Church and Front Street that has been in disrepair for years and is now actually falling apart. He recalled it being discussed more than a year ago and it has gotten to the point it is now buckling over. His concern was and remains that it will fall on someone.

Mr. Starling was then advised the Board of Appeals gave them 90 days to tear the house down.

Carlisle Fire Company/Fire Prevention Week

Mayor Rogers advised that Fire Prevention Week is October 3-9, 2010 in the city. He reported the fire company has an active campaign in which the city will see a great deal of literature. The emphasis of this year's campaign is "Unattended Cooking-Help Us Stuff Out Kitchen Fires".

ADJOURN

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

Mayor Rogers adjourned the Monthly Council Meeting at 9:13 p.m.

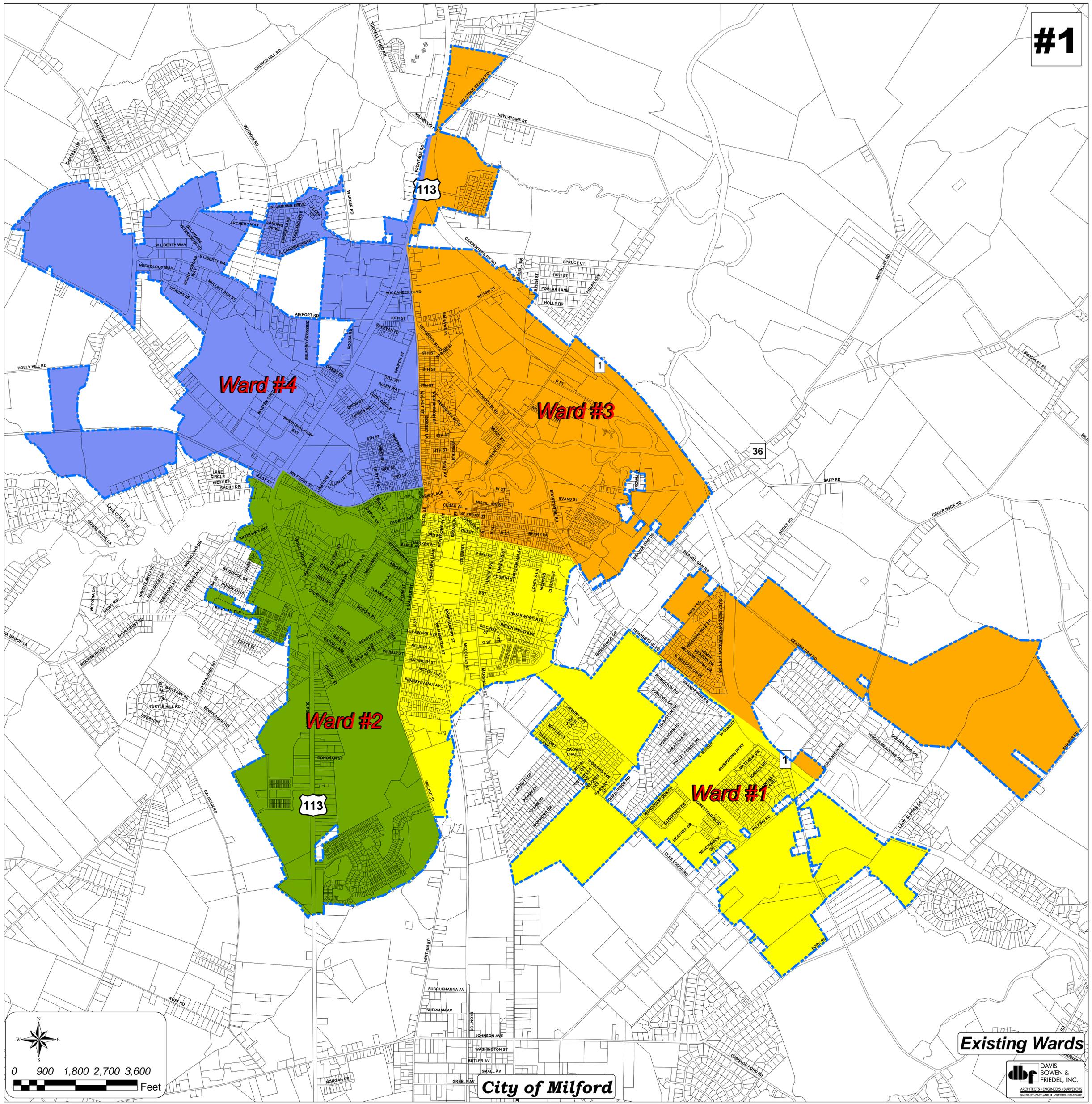
Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

Attachments:

Ward Maps

Sign Chart



Ward #4

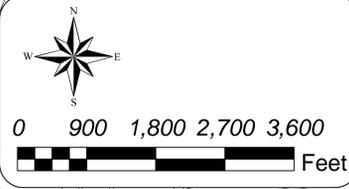
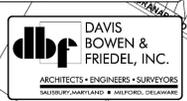
Ward #3

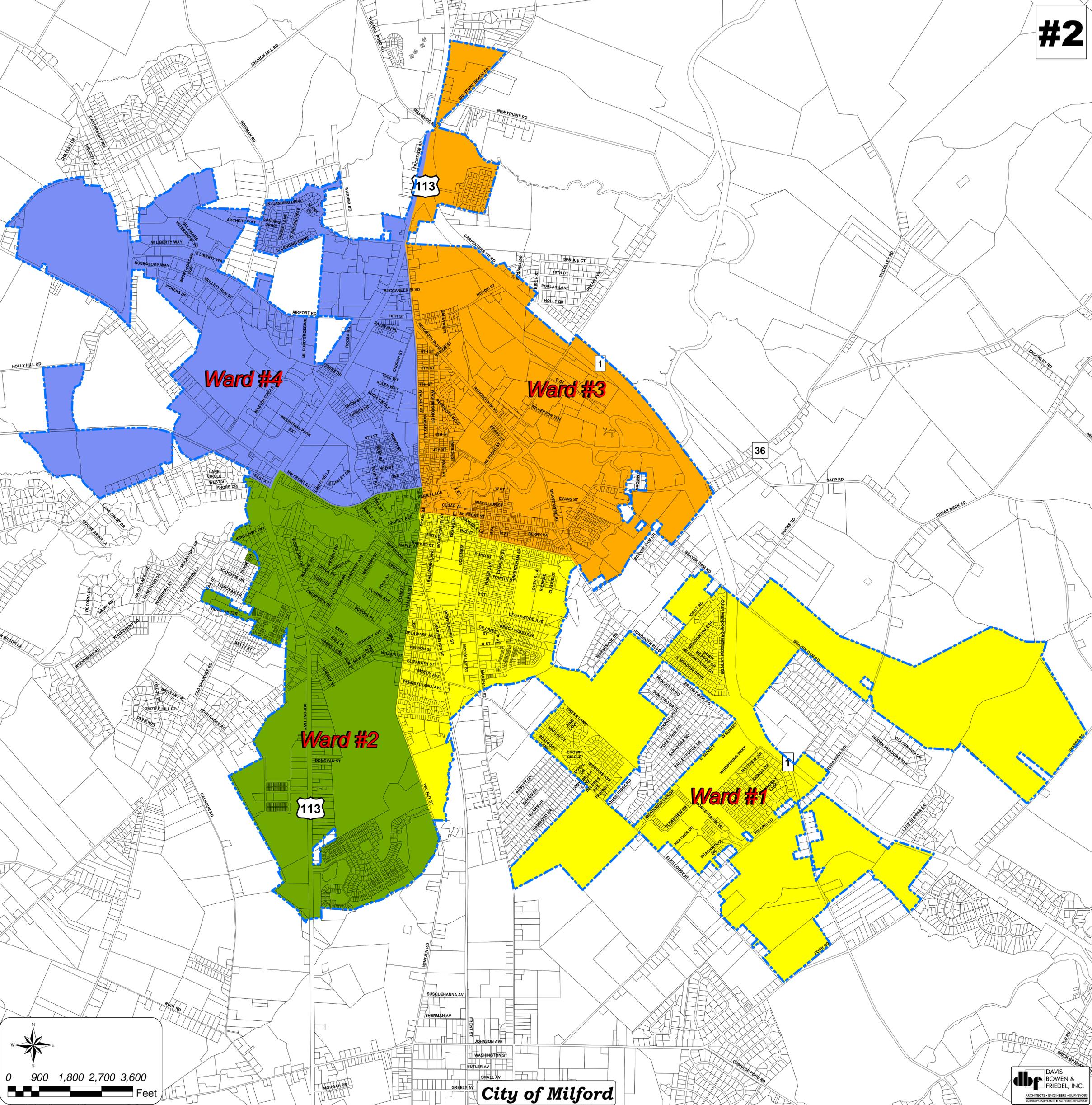
Ward #2

Ward #1

City of Milford

Existing Wards



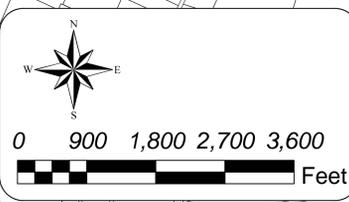


Ward #4

Ward #3

Ward #2

Ward #1



Zoning District	TYPES OF SIGNS													PROPOSED Billboard
	Wall or Mailbox (residence/occupant ID)		Freestanding (mounted on posts(s))		Fascia: Commercial (wall, roof edge, etc) (of wall square feet)	Hanging/ Projecting (extended from wall) (square feet)	Marquee (movable letters)		Illuminated (non flashing)		EMB Sq Ft	Mobile (mounted, trailer, etc.)	Billboard (outdoor advertisement)	
	Ht	Sq Feet	Ht	Sq Feet			Ht	Sq Feet	Ht	Sq Feet				
R-1	42"	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited
R-2	42"	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited
R-3	42"	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited
C-1	42"	2	48"	4	10%	15	48"	9	48"	4	Prohibited	N/A	N/A	Prohibited
C-2	N/A	N/A	48"	4	10%	20	48"	9	48"	4	Prohibited	N/A	N/A	Prohibited
C-3	N/A	N/A	28'	225	10%	20	10'	48	28'	225	32 and ratio of 4:8	N/A	N/A	CONDITIONAL USE - PER De/DOT Standards
H-1	N/A	N/A	25'	70	5%	N/A	N/A	N/A	25'	70	Prohibited	N/A	N/A	Prohibited
OC-1	N/A	N/A	28'	225	5%	N/A	10'	48	28'	225	Prohibited	N/A	N/A	Prohibited
I-1	N/A	N/A	28'	200	5%	N/A	10'	48	28'	200	Prohibited	N/A	N/A	Prohibited
I-2	N/A	N/A	28'	200	5%	N/A	10'	48	28'	200	Prohibited	N/A	N/A	Prohibited