

# City of Milford



## AGENDA

Monthly Council Meeting

November 8, 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

Monthly Police Report

City Manager's Report

Committee Reports

Communications

Unfinished Business -

Adoption of Ordinance 2010-17/Sewer Impact Fees/Waiver Extended

Adoption of Ordinance 2010-18/Water Impact Fees/Waiver Extended

Adoption of Ordinance 2010-19/Electric Impact Fees/Waiver Extended

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

New Business -

North Front Street Sewer Contract--Change Orders

Award of Bid/45' Aerial w/Cab-Chassis/Electric Department

Monthly Finance Report

Adjourn

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

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

071810 100710 101210 102010 110410

# 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: November 4, 2010

RE: Activity Report/October 2010

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### **Monthly Stats:**

A total of 432 arrests were made by the Milford Police Department during October 2010. Of these arrests, 200 were for criminal offenses and 232 for traffic violations. Criminal offenses consisted of 80 felonies and 120 misdemeanors. Traffic violations consisted of 12 Regular Duty Radar, 11 Drunk-Driving charges, 17 Special Duty Radar and 192 other.

Police officers investigated 58 accidents during the month (4 personal injury, and 54 property damage) and issued 129 written reprimands. In addition, they responded to 1021 various complaints including city requests and other agency assistance.

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

One False Alarm Violation Invoice was issued during the month of October.

### **Monthly Activities:**

On October 5<sup>th</sup> & 6<sup>th</sup>, Milford Police Officers received firearms training at our department which was made possible by the Delaware National Guard. The Guard has a mobile trailer with interactive computer simulation used for law enforcement in ‘shoot/no shoot’ scenarios. The training included six to twelve scenarios and a critique of their performance.

Also in October, each officer was required to spend eight hours in a two-week period at the firearms range to re-certify in their overall firearms proficiency.

Two officers attended a five-day Tactical Sniper School in New Jersey

Two of the departments dispatchers attended a two-day training seminar “Crisis Intervention for Communications Specialist” at the Delaware State Police Academy in Dover.

Captain Brooks, Sgt. Bailey & I attended the International Association of Chiefs of Police Conference held in Orlando, Florida. We attended several training seminars and were able to review the latest products and technology solutions available to law enforcement.

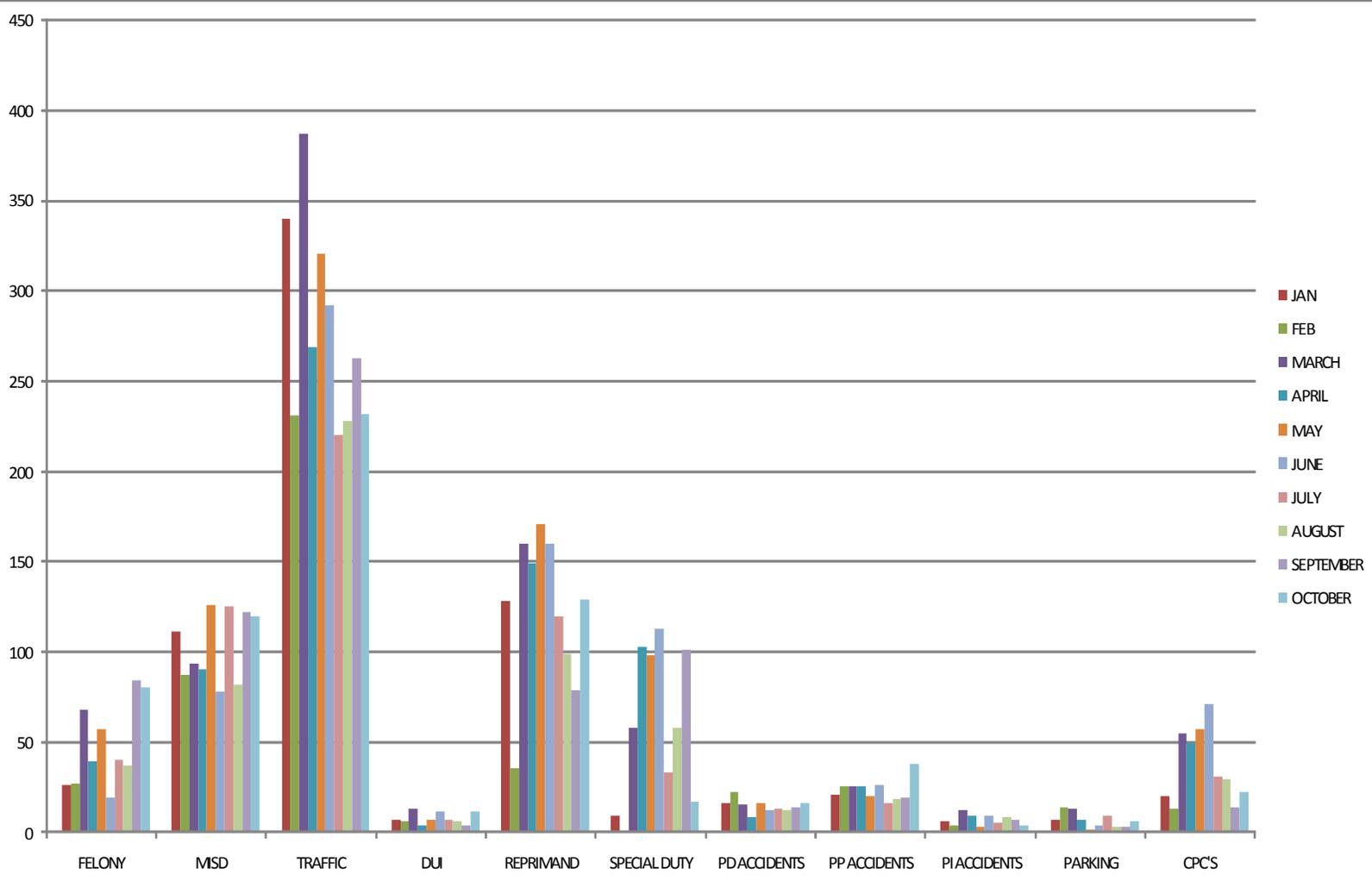
The Community Parade held during the month of October with a number of police officers from other departments assisting us. There were no major problems reported.

I am happy to report that Trick or Treat was problem free with the exception of heavy traffic in some areas.

EKH/vrk

## OCTOBER ACTIVITY REPORT

|                                | <u>OCT 2009</u> | <u>TOTAL 2009</u> | <u>OCT 2010</u>    | <u>TOTAL 2010</u>  |
|--------------------------------|-----------------|-------------------|--------------------|--------------------|
| <u>Complaints</u>              | 1157            | 12153             | <b>1021</b>        | <b>11198</b>       |
| <u>Criminal Arrests</u>        | 193             | 1970              | <b>200</b>         | <b>1511</b>        |
| Felonies                       | 48              | 591               | <b>80</b>          | <b>477</b>         |
| Misdemeanors                   | 145             | 1379              | <b>120</b>         | <b>1034</b>        |
| <u>Traffic Arrests</u>         | 235             | 4012              | <b>232</b>         | <b>2765</b>        |
| Regular Duty Radar             | 34              | 634               | <b>12</b>          | <b>223</b>         |
| D.W.I.                         | 7               | 136               | <b>11</b>          | <b>76</b>          |
| Special Duty Radar             | 42              | 687               | <b>17</b>          | <b>590</b>         |
| Other                          | 152             | 2555              | <b>192</b>         | <b>1916</b>        |
| <u>Reprimands</u>              | 95              | 2032              | <b>129</b>         | <b>1230</b>        |
| <u>Accidents</u>               | 50              | 504               | <b>58</b>          | <b>435</b>         |
| Personal Injury                | 6               | 53                | <b>4</b>           | <b>67</b>          |
| Property Damage                | 44              | 430               | <b>54</b>          | <b>377</b>         |
| Fatal (included in PI)         | 0               | 2                 | <b>0</b>           | <b>2</b>           |
| <u>Parking Summons</u>         | 13              | 107               | <b>6</b>           | <b>67</b>          |
| <u>Crime Prevention Checks</u> | 46              | 456               | <b>22</b>          | <b>360</b>         |
| <u>Fines Received</u>          | \$13,365.47     | \$114,712.92      | <b>\$11,098.72</b> | <b>\$91,517.18</b> |



## City Manager's Report November 8, 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 392.41 tons (357.95 tons of Solid Waste; 34.46 tons of Recycling)

|        | Recycling<br>Tons | Recycling<br>Rate |
|--------|-------------------|-------------------|
| Oct-09 | 42.78             | 10.26%            |
| Oct-10 | 34.46             | 8.78%             |

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<br>Rate |
|----------|-----------|-------------|---------|-------------------|
| 2009     | 442.44    | 4684.38     | 5126.82 | 8.63%             |
| 2010 YTD | 373.95    | 3918.04     | 4291.99 | 8.71%             |

- **Impact Fee Waivers**

Since the waiver of impact fees was implemented in June, the City has waived \$105,500 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$6,127,802 (based on building permit values) during the months of June, July and August, September and October.

- **N. Front St. Sewer Project**

Progress continues to be made on the N. Front Street Sewer Contract by JJID, Inc. They are meeting the revised schedule that was developed when they resumed work in late September and the project should be completed over the next month.

- **S.E. Master Plan**

Representatives from the Office of State Planning and other State Agencies will be attending the Nov. 22 Workshop to present the S.E. Master Plan to City Council. You will recall this project was a condition imposed by the State when the City annexed property east of Rt. 1. We have also requested DelDOT representatives be in attendance to provide an overview of the Wilkens Rd./Rt. 30 Overpass and the role it plays in the S.E. Master Plan and the future growth of the City.

- **Economic Development Strategy**

John Rhodes of MSB Consultants spoke with approximately 50 business owners and members of the community during his visit to Milford on Oct. 28 and 29. Mr. Rhodes has will be delivering his preliminary report to the steering committee on Friday, November 19.

The steering committee along with the Economic Development Committee will review and evaluate the recommendations and action items in the proposed strategy and make a final recommendation to City Council. It is anticipated these recommendations could come to City Council as early as December or January.

- **Street Improvements**

Paving work has been completed on Masten's Circle, Evans St. and Foster St., leaving N. Church Street and N.E. 10<sup>th</sup> Street to be completed. Concrete work has been completed on Masten Circle, Foster Street, and work continues on NE 10<sup>th</sup> St. and N. Church St.

- **Electric Utility Rate Comparison**

See the attached Residential Utility Rate Comparison from DEMEC for Nov. 2010.

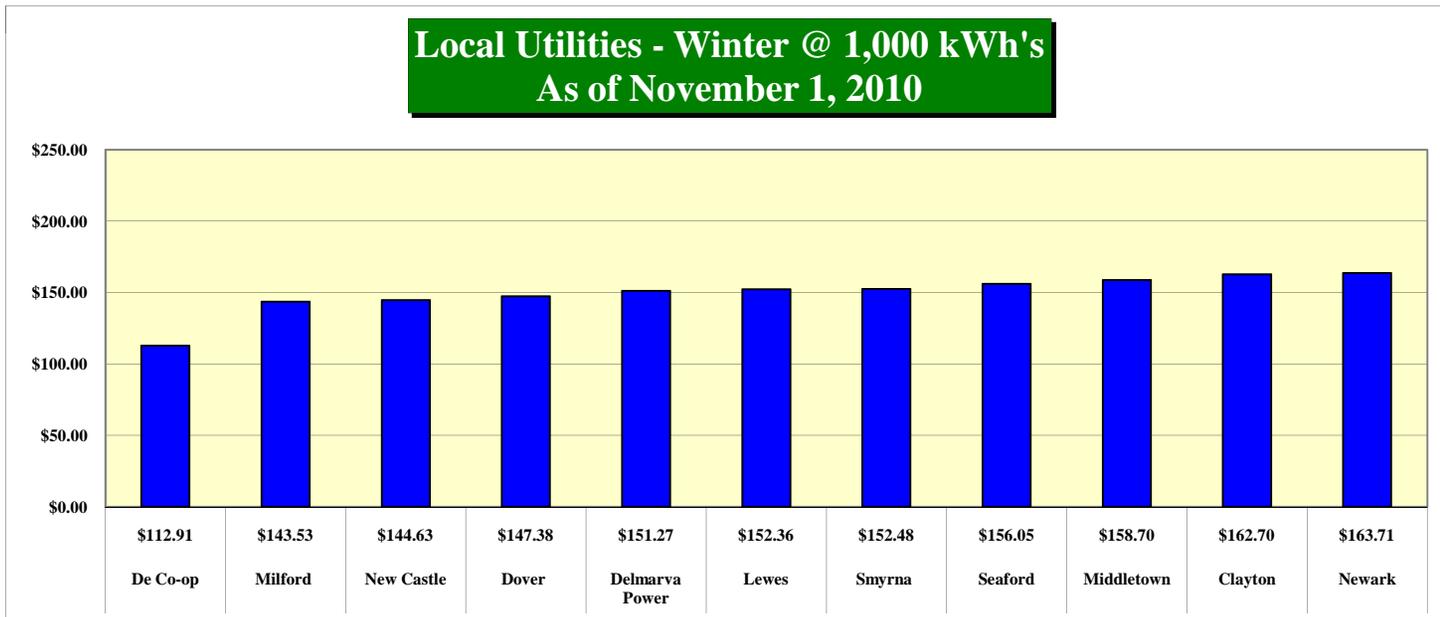
**Selected Area Utilities**

Winter (Oct. - May)

**RESIDENTIAL RATE COMPARISON @ 1,000 kWh**

|                       |          | <u>% Difference</u> | <u>% Difference</u> |
|-----------------------|----------|---------------------|---------------------|
| <u>De Co-op</u>       | \$112.91 | 0%                  | -25%                |
| <u>Milford</u>        | \$143.53 | 27%                 | -5%                 |
| <u>New Castle</u>     | \$144.63 | 28%                 | -4%                 |
| <u>Dover</u>          | \$147.38 | 31%                 | -3%                 |
| <u>Delmarva Power</u> | \$151.27 | 34%                 | 0%                  |
| <u>Lewes</u>          | \$152.36 | 35%                 | 1%                  |
| <u>Smyrna</u>         | \$152.48 | 35%                 | 1%                  |
| <u>Seaford</u>        | \$156.05 | 38%                 | 3%                  |
| <u>Middletown</u>     | \$158.70 | 41%                 | 5%                  |
| <u>Clayton</u>        | \$162.70 | 44%                 | 8%                  |
| <u>Newark</u>         | \$163.71 | 45%                 | 8%                  |

\* Approximate. DP&L's transmission capacity charge is based on each individual's Peak Load Contribution (PLC) to the overall transmission load. Each customer has a unique PLC that changes every January.





# 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.

October 11, 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 September 2010.

### September 2010 Weight in Pounds

#### MARSHALL STREET

| CARD BOARD | SINGLE-STREAM | TOTAL  | OIL GALLONS |
|------------|---------------|--------|-------------|
| 3,254      | 58,712        | 61,966 | 650         |

#### MILFORD MIDDLE SCHOOL

|     |       |       |  |
|-----|-------|-------|--|
| 916 | 4,309 | 5,225 |  |
|-----|-------|-------|--|

#### MILFORD COMMONS

|       |        |        |  |
|-------|--------|--------|--|
| 1,299 | 14,543 | 15,842 |  |
|-------|--------|--------|--|

Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

C:\RV\SIRD 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](http://www.dswa.com)



Join us for Food, Fun & Festivities!

**4<sup>th</sup> Annual  
Holiday Auction  
and  
Tastes of Milford**

**November 18, 2010**

beginning at **6pm**

at

**Shawnee Country Club**

**Benefiting:**

**Milford Senior Center**

and the

**Chamber of Commerce for Greater Milford**

**Admission: \$12** in advance/**\$15** at the door

Tickets available at Milford Senior Center & CCGM



**Del-One**

Delaware Federal Credit Union

The **One** Way to a Better Life.

2010 Sponsor



2010 Recipient



2010 Recipient



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

By: Terri K. Hudson, CMC  
City Clerk

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  
Doc# 169421  
On: May 12, 2010

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 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  $62^{\circ} 50' 42''$  East 833.11 feet to a rebar and cap set at the end of the fourth or North  $40^{\circ} 23' 12''$  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  $34^{\circ} 44' 24''$  West 216.04 feet to a rebar and cap set,
3. South  $50^{\circ} 16' 32''$  East 115.08 feet to a pin and cap (Adams Kemp) heretofore set, and
4. North  $33^{\circ} 15' 46''$  East 176.56 feet to a one inch pipe heretofore set at the end of the second or North  $53^{\circ} 30' 00''$  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  $59^{\circ} 28' 22''$  East 210.00 feet to a rebar heretofore set, and,
6. North  $38^{\circ} 06' 38''$  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  $55^{\circ} 57' 09''$  East 335.07 feet to a rebar and cap set at the end of the fourth or North  $60^{\circ} 57' 00''$  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  $34^{\circ} 04' 53''$  West 189.69 feet, thence binding in or near the center of a ditch, the following seventeen courses, viz:
9. South  $32^{\circ} 56' 39''$  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.

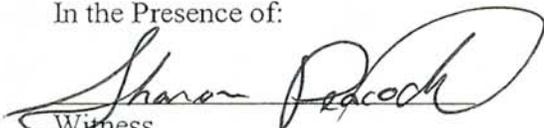
CONTAINING 7.556 acres of land, more or less.

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 11<sup>th</sup> 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

Loc ID#  
56160

"Serving Kent County With Pride"

## 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** THOMAS, WALTER N. II  
 1335 MILFORD-HARRINGTON HWY  
 MILFORD, DE 19963  
**Property Location** 1335 MILFORD HARRINGTON HWY  
 MILFORD , DE 19963  
**Zoning** AC

Acres 67.30

**Additional Owner**

### Sub-Division

| Sales History |       | Liv.Sq.Ft       |             |
|---------------|-------|-----------------|-------------|
| 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 11<sup>th</sup> 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 |       | Assessment       |             | 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                |                    |

**Petition**  
**City of Milford, City Council**  
 Page 1 of 5

We, the undersigned, resided near the property of Walter N. Thomas II. We are petitioning the City Council of Milford, Delaware to not annex the property of Mr. Thomas into the city of Milford. The property is identified as Kent County tax parcel MD-00-173.00-01-62.00 and MD-00-173.00-01-62.02 and would be located in the Fourth Ward of The City of Milford.

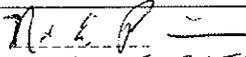
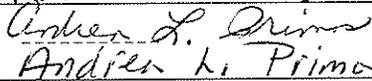
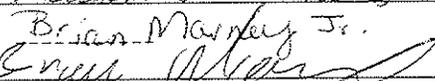
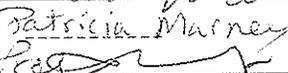
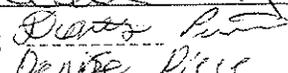
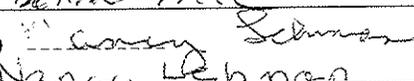
We request no annexation occur, but should annexation be approved then we ask for the individual residential zoning of R-1. An R-1 zoning would maintain a residential environment that we as neighbors wish to maintain. We would also request that all wet lands and ponds on the property of Mr. Walter N. Thomas II listed above remain protected and not developed.

| Signature/Print Name                                       | Address/City, State, Zip                          | Phone/Email   | Date    | Property Adjoins Thomas' |
|--|---|---|---------|--------------------------|
| 1 <del>Robert E. Southard</del><br>Robert E. Southard, Jr. | 1539 Milford, Harrington Hwy<br>Milford De 19963  | Ph: 302 422 6302<br>Email: 422-8383                   | 9/11/10 | Yes                      |
| <del>Jeanette Ann Southard</del><br>Jeanette Ann Southard  | 1539 Milford Harrington Hwy<br>Milford, De 19963  | Ph: (302) 422-6302<br>Email: ann.southard@cccccde.org | 9/11/10 | Yes                      |
| 3 <del>Carolyn E. Hill, Master</del><br>CAROLYN E. HILL    | 1473 Holly Hill Rd.<br>Milford, De 19963          | Ph: 302-422-9257<br>Email:                            | 9/12/10 | Yes                      |
| 4 <del>Don Brattingham</del><br>Don Brattingham            | 1488 Mil. HARR. Hwy<br>Milford                    | Ph: 302-422-8988<br>Email:                            | 9/12/10 | Yes                      |
| 5 <del>Phyllis Morton</del><br>Phyllis Morton              | 1473 Milford-Harrington<br>Milford-Harrington Hwy | Ph: 302-422-8988<br>Email:                            | 9/12/10 | Yes                      |
| 6 <del>Jeff Thomas</del><br>Jeff Thomas                    | 1539 Holly Hill Rd.<br>Milford, De                | Ph: 302-422-3389<br>Email:                            | 9/12/10 | Yes                      |
| 7 <del>Nancy J. Thomas</del><br>Nancy J. Thomas            | 1539 Holly Hill Rd<br>Milford, De 19963           | Ph: 302-422-3389<br>Email:                            | 9/12/10 | Yes                      |
| 8 <del>Raleigh Davis, Jr.</del><br>Raleigh Davis Jr.       | 899 Milford-Harrington Hwy<br>Milford, DE 19963   | Ph: 302-422-9148<br>Email: debjr2@verizon.net         | 9/12/10 | No                       |
| 9 <del>Debra A. Davis</del><br><del>Debra A. Davis</del>   | -----<br>"  | Ph: -----<br>Email: -----                             | 9/12/10 | No                       |
| 10 <del>William E. Battor</del><br>WILLIAM E. BATTOR       | 1021 CHURCH HILL RD.<br>MILFORD DE 19963          | Ph: 302-422-7226<br>Email:                            | 9/13/10 | NO                       |

**Petition**  
**City of Milford, City Council**  
 Page 2 of 5

We, the undersigned, resided near the property of Walter N. Thomas II. We are petitioning the City Council of Milford, Delaware to not annex the property of Mr. Thomas into the city of Milford. The property is identified as Kent County tax parcel MD-00-173.00-01-62.00 and MD-00-173.00-01-62.02 and would be located in the Fourth Ward of The City of Milford.

We request no annexation occur, but should annexation be approved then we ask for the individual residential zoning of R-1. An R-1 zoning would maintain a residential environment that we as neighbors wish to maintain. We would also request that all wet lands and ponds on the property of Mr. Walter N. Thomas II listed above remain protected and not developed.

| Signature/Print Name   | Address/City, State, Zip                         | Phone/Email   | Date    | Property Adjoins Thomas? |
|--|--|---|---------|--------------------------|
| 11 <br>NOEL E. PRIMOS     | 144 CHURCH HILL RD<br>MILFORD DE 19963           | Ph: (302) 422-6033<br>Email: NPRIMOS@SCHMATTROD.COM | 9/13/10 | NO                       |
| 12 <br>Andien L. Primos   | 144 Church Hill Rd<br>Milford, DE 19963          | Ph: (302) 422-6033<br>Email:                        | 9/13/10 | NO                       |
| 13 <br>Ruth G. Wiley      | 1507 Milford - HARR - Hwy<br>Milford DE 19963    | Ph: 422-7127<br>Email:                              | 9/13/10 | NO                       |
| 14 <br>William D. Scholts | 1507 Milford - HARR Hwy<br>Milford DE 19963      | Ph: 422-7127<br>Email:                              | 9/13/10 | NO                       |
| 15 <br>Brian Marney Jr.  | 1263 Milford Harrington Hwy<br>Milford, DE 19963 | Ph: 430-9323<br>Email:                              | 9/18/10 | yes                      |
| 16 <br>Patricia Murney  | 1263 Milford Harrington Hwy<br>Milford, DE 19963 | Ph: 430-9323<br>Email:                              | 9/18/10 | yes                      |
| 17 <br>Heidi M. Fuhr    | 1841 Holly Hill Rd<br>Milford, DE 19963          | Ph: 302-690-6269<br>Email:                          | 9/18/10 | yes                      |
| 18 <br>Denise Rice      | 1842 Holly Hill Rd<br>Milford, DE 19963          | Ph: 1757-284628<br>Email:                           | 9/18/10 | NO                       |
| 19 <br>Nancy Lehman     | 1763 Holly Hill Rd<br>Milford, DE 19963          | Ph: 302-393-6160<br>Email:                          | 9/18/10 | yes                      |
| 20 <br>Amy J. Lehman    | 1763 Holly Hill Rd<br>Milford DE 19963           | Ph: 302-393-2399<br>Email:                          | 9/18/10 | yes                      |
| 21 -----   | -----  | Ph: -----<br>Email: -----                           |         |                          |

**Petition**  
**City of Milford, City Council**  
 Page 3 of 5

We, the undersigned, resided near the property of Walter N. Thomas II. We are petitioning the City Council of Milford, Delaware to not annex the property of Mr. Thomas into the city of Milford. The property is identified as Kent County tax parcel MD-00-173.00-01-62.00 and MD-00-173.00-01-62.02 and would be located in the Fourth Ward of The City of Milford.

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| Signature/Print Name                                      | Address/City, State, Zip                 | Phone/Email                                    | Date    | Property Adjoins Thomas' |
|---|--|--|---------|--------------------------|
| 1 <del>Thomas H Lewalski</del><br>Thomas L. Lewalski      | 1578 Holly Hill Road<br>Milford DE 19963 | Ph: 302-424-4787<br>Email: drthom1@verizon.net | 9/13/10 | no                       |
| 2 <del>Burlene M. Lewalski</del><br>Burlene M. Lewalski   | 1578 Holly Hill Road<br>Milford DE 19963 | Ph: 302-424-4787<br>Email: drthom1@verizon.net | 9/13/10 | no                       |
| 3 <del>George G. Jester Jr.</del><br>George G. Jester Jr. | 1721 Holly Hill Rd.<br>Milford De. 19963 | Ph: unlisted<br>Email:                         | 9/14/10 | Yes                      |
| 4 <del>Cindy L. Jester</del><br>Cindy L. Jester           | 1721 Holly Hill Rd<br>Milford De. 19963  | Ph: unlisted<br>Email: None                    | 9/14/10 | Yes                      |
| 5 <del>George G. Jester Sr.</del><br>George G. Jester Sr  | 1723 Holly Hill Rd<br>Milford De 19963   | Ph: Unlisted<br>Email: _____                   | 9/14/10 | yes                      |
| 6 <del>Judy E. Jester</del><br>Judy E. Jester             | 1723 Holly Hill Rd<br>Milford De 19963   | Ph: Unlisted<br>Email: _____                   | 9/14/10 | yes                      |
| 7 <del>Kathleen S. Jester</del><br>K. Jester              | 1723 Holly Hill Rd. 19963                | Ph: 745-5931<br>Email:                         | 9/16/10 | Yes                      |
| 8 <del>Larry Rockwell</del><br>Larry Rockwell             | 1697 Holly Hill Rd.<br>Milford, DE 19963 | Ph: 422-5508<br>Email:                         | 9/22/10 | Yes                      |
| 9 <del>Chris Hill</del><br>Chris Hill                     | 968 Holly Hill Rd<br>Milford, De. 19963  | Ph: 424-1989<br>Email:                         | 9/24/10 | yes                      |
| 10 -----  | -----                                    | Ph: -----<br>Email: -----                      | 1 1     |                          |

**Petition**  
**City of Milford, City Council**  
 Page 4 of 5

We, the undersigned, resided near the property of Walter N. Thomas II. We are petitioning the City Council of Milford, Delaware to not annex the property of Mr. Thomas into the city of Milford. The property is identified as Kent County tax parcel MD-00-173.00-01-62.00 and MD-00-173.00-01-62.02 and would be located in the Fourth Ward of The City of Milford. We request no annexation occur, but should annexation be approved then we ask for the individual residential zoning of R-1. An R-1 zoning would maintain a residential environment that we as neighbors wish to maintain. We would also request that all wet lands and ponds on the property of Mr. Walter N. Thomas II listed above remain protected and not developed.

Property  
Adjoins  
Thomas'

| Signature/Print Name                                | Address/City, State, Zip                        | Phone/Email                              | Date      | Property Adjoins Thomas' |
|---|---|--|-----------|--------------------------|
| 1 <i>Shirley Mackert</i><br>SHIRLEY MACKERT         | 681 Milford Harr. Hwy<br>MILFORD, DE 19963      | Ph: 422-1842<br>Email: samackert@aol.com | 9/17/2010 | NO                       |
| 2 <i>Sam Mackert</i><br>SAM MACKERT                 | 681 Milford Harrington Hwy<br>Milford, DE 19963 | Ph: 422-1842<br>Email: samackert@aol.com | 9/17/2010 | NO                       |
| 3 <i>Clifford Lindale</i><br>Clifford Lindale       | 711 Milford Harr. Hwy.<br>Milford               | Ph: 422-9709<br>Email:                   | 9/19/10   | NO                       |
| 4 <i>Lorraine Lindale</i><br>LORRAINE LINDALE       | Same <sup>↑</sup>                               | Ph: 422-9709<br>Email:                   | 9/19/10   | NO                       |
| 5 <i>Mary Ann Timmons</i><br>Mary Ann Timmons       | 879 Milford Harr. Hwy.<br>Milford, DE.          | Ph: 302-422-5-72<br>Email:               | 9/19/10   | NO                       |
| 6 <i>Deborah Harman</i><br>Deborah Harman           | 979 Milford Harrington Hwy<br>Milford, DE 19963 | Ph: 302-422-2556<br>Email:               | 9/19/10   | NO                       |
| 7 <i>Calvin D Harman</i><br>Calvin Harman           | 979 Milford Harr. Hwy<br>Milford, DE 19963      | Ph: 302-422-2556<br>Email:               | 9/19/10   | NO                       |
| 8 <i>Janette Gottfert</i><br>JEANETTE GOTTFERT      | 839 Milford Harr. Hwy.<br>Milford               | Ph: 302-422-5423<br>Email:               | 9/19/10   | NO                       |
| 9 <i>Rev. Ronald Jarrell</i><br>REV. RONALD JARRELL | 589 Milford Harrington Hwy<br>Milford           | Ph: 422-5010<br>Email:                   | 11        | NO                       |
| 10 <i>Phyllis Bradley</i><br>Phyllis Bradley        | 625 Milford Harr. Hwy<br>Milford DE             | Ph: 422-7233<br>Email:                   | 11        | NO                       |

**Petition**  
**City of Milford, City Council**  
 Page 3 of 5

We, the undersigned, resided near the property of Walter N. Thomas II. We are petitioning the City Council of Milford, Delaware to not annex the property of Mr. Thomas into the city of Milford. The property is identified as Kent County tax parcel MD-00-173.00-01-62.00 and MD-00-173.00-01-62.02 and would be located in the Fourth Ward of The City of Milford. We request no annexation occur, but should annexation be approved then we ask for the individual residential zoning of R-1. An R-1 zoning would maintain a residential environment that we as neighbors wish to maintain. We would also request that all wet lands and ponds on the property of Mr. Walter N. Thomas II listed above remain protected and not developed.

| Signature/Print Name       | Address/City, State, Zip                                  | Phone/Email                         | Date           | Property Adjoins Thomas' |
|----------------------------|---|-------------------------------------|----------------|--------------------------|
| 11 <i>Paul Kerchliker</i>  | <i>813 N. Milford Nottingham<br/>New Milford De 19965</i> | Ph: <i>422-2149</i><br>Email: _____ | <i>9/15/10</i> | <i>NO</i>                |
| 12 <i>Nwita Kerchliker</i> | <i>813 N. Milford Nottingham<br/>New Milford De 19965</i> | Ph: <i>422-2149</i><br>Email: _____ | <i>9/15/10</i> | <i>NO</i>                |
| 13 -----                   | -----   | Ph: -----<br>Email: -----           | <i>/ /</i>     |                          |
| 14 -----                   | -----   | Ph: -----<br>Email: -----           | <i>/ /</i>     |                          |
| 15 -----                   | -----   | Ph: -----<br>Email: -----           | <i>/ /</i>     |                          |
| 16 -----                   | -----   | Ph: -----<br>Email: -----           | <i>/ /</i>     |                          |
| 17 -----                   | -----   | Ph: -----<br>Email: -----           | <i>/ /</i>     |                          |
| 18 -----                   | -----   | Ph: -----<br>Email: -----           | <i>/ /</i>     |                          |
| 19 -----                   | -----   | Ph: -----<br>Email: -----           | <i>/ /</i>     |                          |
| 20 -----                   | -----   | Ph: -----<br>Email: -----           | <i>/ /</i>     |                          |
| 21 -----                   | -----   | Ph: -----<br>Email: -----           |                |                          |

## David W. Baird

---

**From:** Tim Willard [tim@fywlaw.com]  
**Sent:** Friday, October 08, 2010 10:01 AM  
**To:** David W. Baird  
**Subject:** 230-58E or Title 22/305 Re Super Majority for Zoning Protests

David-

Having analyzed these statutes, reviewed some cases and canvassed those who work in this subject matter, my opinion is that:

Property owners within 200 feet include those not within the Town in calculating the 20%.

I have more concern about the form of the protest. In the Thomas zoning/annexation a petition was received which opposed the proposed an PC recommended zoning and indicated that if it was annexed suggested a different zoning. The petition did not cite the code and was not expressed as a formal protest; in fact it offered an alternative. I am not sure it is the Town's responsibility to figure that out. Nonetheless, to be conservative in this particular case and since the issue was raised, I would suggest the Council consider it a formal protest.

So as a matter of precedent, if the Council agrees with my opinion that a super majority is necessary in this case\*, petitions may not qualify as protests un 230-58 or 22/305. In this case of first impression, the matter was raised, I believe, by the Town itself.

---

\* The Town staff has determined that over 20% of the signers of the petition are adjacent or opposite property owners.

-Tim

***Timothy G. Willard, Esq.***  
Fuqua, Yori and Willard, P.A.  
28 The Circle  
Georgetown, Delaware 19947  
Phone 302-856-7777  
Fax 302-856-2128  
[www.fywlaw.com](http://www.fywlaw.com)

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*From the Desk of...*

*Jon A. Thomas*

*To: Gary Norris/Terry Hudson*

*RE: Walter N. Thomas Property Annexation and Zoning*

*Date: September 27, 2010*

*Dear Gary,*

*I am the property owner at 1309 Milford Harrington Highway, Milford, DE 19963. This letter is to inform you that I am in favor of the annexation and zoning of this property as requested.*

*Please let me know if you need any additional information. I can be reached at 302-540-1440.*

CITY OF MILFORD  
Ordinance 2010-13  
Annexation/Lands of Walter N. Thomas II

Tax Parcel 5-00-173.00-01-62.00-00001  
64.362 Acres Parcel of Land  
Current Zone AC/Proposed Zone R-3  
State Route 14, North of Delaware County Road 447, Kent County, Delaware

Tax Parcel 5-00-173.00-01-62.02-00001  
7.556 Acre Parcel of Land  
Current Zone AC/Proposed Zone R-3  
State Route 14, North of Delaware County Road 447, Kent County, Delaware

An Ordinance to Amend the Zoning designation of the parcel of land under the legal ownership of Walter N. Thomas II, Tax Parcels 5-00-173.00-01-62.00-00001 and 5-00-173.00-01-62.02-00001, situated south of State Route 14 and north of County Road 447, Kent County, to be annexed into the City of Milford by resolution, hereafter adopted by the City Council of Milford, Delaware.

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

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

WHEREAS, the land owned by Walter N. Thomas II is presently zoned by Kent County as "AC" (Agricultural Conservation), and

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

WHEREAS, after a Public Hearing held on September 27, 2010 and after considering the recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

That the following described land situated in Kent County, Delaware:

Tax Parcel 5-00-173.00-01-62.00-00001  
64.362 Acres Parcel of Land  
State Route 14, North of Delaware County Road 447, Kent County, Delaware

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

1. South 62° 50' 42" East 327.57 feet to a rebar and cap set at the northwest corner of Lot 1 as shown on a plat entitled "Minor Subdivision Survey, prepared for Walter N. Thomas, II" and recorded among the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence leaving the southern right of way of Delaware Route 14 and binding on the outline of said Lot 1, the following five courses, viz

2. South 34° 44' 24" West 216.04 feet:
3. South 27° 21' 26" West 201.23 feet to a pin and cap (Adams-Kemp) heretofore set,
4. South 19° 39' 12" West 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
5. South 12° 05' 37" East 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. South 46° 57' 53" East 277.57 feet to a pin and cap (Adams-Kemp) heretofore set , and
7. North 35° 10' 24" East 511.09 feet to a pin and cap (Adams-Kemp) heretofore set at the end of the second or South 38° 58' West 176.57 foot line of a deed from Grace M. Thomas to Jon A. Thomas, dated August 23, 1991 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book H, Volume 50, Page 325, thence leaving the aforesaid Lot 1 and binding reversely on the second line of said deed,
8. North 33° 15' 46" East 176.56 feet to a one inch pipe heretofore set at the end of the second or North 53° 30' 00" West 209.79 foot line of a deed from Jardevtan Corporation to Patricia M. Marney, dated August 29, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2375, Page 094, thence binding reversely on the second and first lines of the last mentioned deed, the following two courses, viz:
9. South 59° 28' 22" East 210.00 feet to a rebar heretofore set, and,
10. North 38° 06' 38" East 68.69 feet to a rebar and cap set on the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
11. By a non-tangent curve to the right with a radius of 3397.87 feet and an arc length of 335.20 feet, said curve being subtended by a chord bearing South 55° 57' 09" East 335.07 feet to a rebar and cap set at the end of the fourth or North 60° 57' 00" East 185.32 foot line of a deed from Polly Hudson to Polly O'Day and Thomas O'Day dated February 17, 2006 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2770, Page 302, thence binding reversely on said fourth line,
12. South 34° 04' 53" West 189.69 feet, thence binding in or near the center of a ditch, the following seventeen courses, viz:
  13. South 32° 56' 39" West 9.00 feet,
  14. South 36° 27' 16" West 51.77 feet,
  15. South 38° 29' 07" West 65.98 feet,
  16. South 36° 37' 41" West 48.90 feet,
  17. South 34° 05' 59" West 61.05 feet,
  18. South 27° 13' 27" West 37.39 feet,
  19. South 21° 42' 17" East 77.94 feet,
  20. South 30° 53' 41" West 71.70 feet,
  21. South 47° 36' 00" West 43.38 feet,
  22. South 49° 53' 24" West 69.97 feet,
  23. South 47° 55' 06" West 69.19 feet,

24. South 74° 09' 47" West 37.17 feet,
25. South 47° 00' 07" West 94.01 feet,
26. South 33° 44' 05" West 66.74 feet,
27. South 30° 33' 37" West 62.79 feet,
28. South 31° 20' 18" West 58.11 feet,
29. South 47° 48' 37" West 161.09 feet to the end of the fourth or South 34° 26' 35" East 95.21 foot line of a deed from Walter N. Thomas to Jeffrey A. Thomas and Nancy J. Thomas, dated March 17, 2003 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 532, Page 030, thence binding reversely on the fourth, third, and in part on the third lines of the last mentioned deed, the following three courses, viz:
30. North 38° 12' 32" West 95.21 feet,
31. North 30° 51' 16" West 72.69 feet, and
32. South 14° 11' 36" West 774.23 feet to the center of County Road 447, thence binding in the center of County Road 447,
33. South 84° 32' 03" West 1295.05 feet to a boundary line agreement between the said land of Walter N. Thomas and Walter N. Thomas II and the land conveyed and described in a deed from Wayne L. Hill to Wayne L. Hill, Trustee under the Revocable Trust Agreement of Wayne L. Hill dated 12/18/95, dated December 18, 1995 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 153, Page 274. thence binding on the boundary agreement line,
34. North 14° 56' 54" East 2255.01 feet to a ¾ inch pipe heretofore set at a common corner for the said land of Walter N. Thomas and Walter N. Thomas II and the land conveyed by and described in a deed from David E. Baker and Shirley A. Baker to Robert E. Southard, III and Jeanette Ann Southard, dated May 5, 1976 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book R. Volume 30, Page 143, thence binding in part on the land of Robert E. Southard, III and Jeanette Ann Southard and binding in part on the land described and conveyed in a deed from Willard E. Zook and Virginia Zook to Donald L. Brittingham and Margaret E. Brittingham, dated June 21, 1984 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book L. Volume 39, Page 264 and binding in part on the aforesaid land of Howard F. Morton and Phyllis Ann Morton,
35. South 62° 52' 18" East 256.08 feet, thence binding reversely on the second or South 35° 30' West 430 foot line of the aforesaid Howard F. Morton and Phyllis Ann Morton deed,
36. North 27° 07' 42" East 422.47 feet, to the place of beginning,

CONTAINING 64.362 acres of land, more or less, BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING currently known as Tax Map Parcel 500-17300-01-6200-00001.

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

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

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

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

101, Page 96, thence binding on the outline of Lot 1, as now surveyed with bearings referred to the Delaware Coordinate System (NAD'83/86),

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

CONTAINING 7.556 acres of land, more or less, BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING ALL of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for Walter N. Thomas II dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 107, Page 90. BEING currently known as Tax Map Parcel 5-00-17300-01-6202-000001,

Upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as R-3 (Garden Apartment and Townhouse District).

Dates:

Planning Commission Public Hearing: August 17, 2010

City Council Public Hearing: September 27, 2010

Adoption by City Council:

Effective Date: Ten days after Adoption by City Council

**City of Milford**  
**RESOLUTION**  
2010-15

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

**Whereas**, the Milford City Council having considered the advantages and disadvantages of annexing into the City as described herein:

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

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

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11. By a non-tangent curve to the right with a radius of 3397.87 feet and an arc length of 335.20 feet, said curve being subtended by a chord bearing South 55° 57' 09" East 335.07 feet to a rebar and cap set at the end of the fourth or North 60° 57' 00" East 185.32 foot line of a deed from Polly Hudson to Polly O'Day and Thomas O'Day , dated February 17, 2006 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2770, Page 302, thence binding reversely on said fourth line,
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29. South 47° 48' 37" West 161.09 feet to the end of the fourth or South 34° 26' 35" East 95.21 foot line of a deed from Walter N. Thomas to Jeffrey A. Thomas and Nancy J. Thomas, dated March 17, 2003 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 532, Page 030, thence binding reversely on the fourth, third, and in part on the third lines of the last mentioned deed, the following three courses, viz:
  30. North 38° 12' 32" West 95.21 feet,
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  32. South 14° 11' 36" West 774.23 feet to the center of County Road 447, thence binding in the center of County Road 447,
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35. South 62° 52' 18" East 256.08 feet, thence binding reversely on the second or South 35° 30' West 430 foot line of the aforesaid Howard F. Morton and Phyllis Ann Morton deed,
36. North 27° 07' 42" East 422.47 feet, to the place of beginning.

CONTAINING 64.362 acres of land, more or less,

BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING currently known as Tax Map Parcel 500-17300-01-6200-00001.

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

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

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

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

1. South 34° 44' 24" West 216.04 feet to a rebar heretofore set,
2. South 50° 16' 32" East 115.08 feet to a pin and cap (Adams-Kemp) heretofore set,
3. South 35° 10' 24" West 511.09 feet to a pin and cap (Adams-Kemp) heretofore set,
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5. North 12° 05' 37" West 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
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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,
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CONTAINING 7.556 acres of land, more or less,

BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated September 27, 2010 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING ALL of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for Walter N. Thomas II dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 107, Page 90. BEING currently known as Tax Map Parcel 5-00-17300-01-6202-000001,

and having considered the recommendation of the Annexation Committee appointed to investigate said annexation on whether or not to proceed with said annexation, having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code, having held a Public Hearing on September 27, 2010, having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code, the City of Milford, hereby determines as follows:

**Now, Therefore, Be It Resolved,**

That this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in Kent County, Delaware where said lands are situate.

The Petitioner and the City of Milford enter into an annexation agreement for purposes including, but not limited to, the dedication of easements and/or right-of-ways to the City of Milford or State of Delaware for future utility, roads or other public improvements as determined by the City of Milford and/or State of Delaware.

That from and after the adoption date of this resolution, the territory annexed will be assessed and taxed at the same rate and basis as other taxable properties within the City of Milford.

The annexation area is contiguous to Ward 4 and City Council intends that these parcels become part of and be included within the Ward 4 area upon annexation.

**NOW I, Joseph Ronnie Rogers, Mayor of the City of Milford**, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on November 8, 2010, at which a quorum was present and voting throughout and that the same is still in full force and effect.

---

Mayor Joseph Ronnie Rogers  
City of Milford

Sworn and subscribed before me this 8<sup>th</sup> day of November, 2010.

---

Teresa K. Hudson, Notary Public  
Commission Expires 07-25-12

|           |                  |
|-----------|------------------|
| ORDER NO. | 3                |
| DATE      | October 26, 2010 |
| STATE     | Delaware         |
| COUNTY    | Kent             |

**CONTRACT CHANGE ORDER**

CONTRACT FOR North Front Street Sewer Replacement Project

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

To JJID, Inc., 100 Julian Lane, Bear, DE 19701

*(Contractor)*

You are hereby requested to comply with the following changes from the contract plans and specifications:

| Description of Changes<br>(Supplemental Plans and Specifications Attached)  | DECREASE<br>in Contract Price | INCREASE<br>in Contract Price |
|---|-------------------------------|-------------------------------|
| Extension of Contract Period as described in the amended Agreement (Items 3, 4, and 5) between the City of Milford and JJID, Inc. | \$ 0                          | \$ 0                          |
| TOTALS  | \$ 0                          | \$ 0                          |
| NET CHANGE IN CONTRACT PRICE  | \$ 0                          | \$ 0                          |

**JUSTIFICATION:**

The attached amended Agreement was formulated by the Owner and the Contractor and by mutual agreement is to become an addendum to the Contract. The last day of the 45 day extended Contract Period will be November 29, 2010. The last day of the 60 day extended Contract Period will be December 20, 2010. This does not include work days discounted against the extended Contract Period due to inclement weather.

The amount of the Contract will be (~~Decreased~~) (~~Increased~~) By The Sum Of: Zero dollars and 00/100 Dollars (\$ 0.00 ).

The Contract Total Including this and previous Change Orders Will Be: Seven hundred ninety-six thousand two hundred forty-nine dollars and 41/100 Dollars (\$ 796,249.41 ).

The Contract Period Provided for Completion Will Be (Increased) (~~Decreased~~) (~~Unchanged~~): 60 (working) Days.

This document will become a supplement to the contract and all provisions will apply hereto.

|                    |   |                              |                            |
|--------------------|---|------------------------------|----------------------------|
| Requested          | <u>Joseph R. Rogers</u><br>City of Milford            | (Owner)                      | <u>11-5-2010</u><br>(Date) |
| Recommended        | <u>Scott Arkeson</u><br>Davis, Bowers & Friedel, Inc. | (Owner's Architect/Engineer) | <u>11-3-10</u><br>(Date)   |
| Accepted           | <u>[Signature]</u><br>JJID, Inc.                      | (Contractor)                 | <u>11-3-10</u><br>(Date)   |
| Approved by Agency | State of Delaware / DNREC                             | (Name and Title)             | (Date)                     |





(302) 422-6616  
FAX # (302) 422-1117

180 Vickers Drive  
Milford, Delaware 19963

## **INVITATION TO BID**

Sealed bids for the latest model year 45' Aerial with International Cab-Chassis will be received by the City of Milford Electric Department at the City of Milford Public Works Facilities, 180 Vickers Drive, Milford, Delaware until 2:00 p.m., local time on, Wednesday, October 20, 2010, and then at said office publicly opened and read aloud.

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

Mailing Address:      City of Milford  
                                 Attn: City Clerk  
                                 PO Box 159  
                                 Milford, DE 19963  
                                 (302) 422-6616

Bids must be clearly marked "***Sealed Bid –Electric Department-45' Aerial***". Award of the bid will be made at the next regularly scheduled City Council meeting.

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

## INFORMATION FOR BIDDERS

Bids for a latest model year 45' Aerial with International Cab-Chassis will be received by the City of Milford at the City of Milford Public Works Facilities, 180 Vickers Drive, Milford, Delaware until 2:00 p.m., Wednesday, October 20 , 2010, and then at said office publicly open and read aloud.

Each Bid must be submitted in a sealed envelope addressed to City Clerk. Each sealed envelope containing a bid must be plainly marked on the outside as *Sealed Bid-Electric Department- 45' Aerial*, and the envelope should bear on the outside the name of the Bidder and his address. If forwarded by mail, the sealed envelope containing the Bid must be enclosed in another envelope addressed to the City of Milford at PO Box 159, Milford, DE 19963.

All Bids must be made on the required Bid form. All blank spaces for Bid prices must be filled in, in ink or typewritten, and the Bid form must be fully completed and executed when submitted. Only one copy of the Bid form is required.

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

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

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

It is the intent of the following specifications to set up minimum requirements for a latest model year 45' Aerial with International Cab-Chassis that will be provided by the successful Bidder, as per the following specifications. The specifications must be considered as minimum requirements. If it is necessary to bid alternate equipment or take exceptions to these specifications as set forth, it must be stated so in the bid. Each Bidder must clearly indicate whether or not his bid is in compliance with each item listed. Any Bidder found to have bid exceptions or alternates and has not indicated such may have his bid disqualified.

Proposal of: **45' Aerial with International Cab-Chassis**

To the City of Milford,

In compliance with the Invitation to Bid, Bidder hereby proposed to furnish one (1) latest model year 45' Aerial with International Cab-Chassis in strict accordance with the specifications at the price stated below.

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

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

---

**Bid Schedule**

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

- **1 – 45' Aerial with International Cab-Chassis**      \$ \_\_\_\_\_ . \_\_\_\_\_
- **Option 1: 4 x 4**      \$ \_\_\_\_\_ . \_\_\_\_\_

**Total Net Bid Price**      \$ \_\_\_\_\_ . \_\_\_\_\_

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

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

\_\_\_\_\_.

---

**Bidder Information:**

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

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

\_\_\_\_\_

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

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

**CITY OF MILFORD, DELAWARE**  
**BID TABULATION**

45' Aerial with International Cab-Chassis

Bid Date Wednesday, October 20, 2010 2 P.M.

| <b>BIDDER</b>  | <b>Versalift East</b>                           | <b>Dueco</b>   | <b>Terex Utilities</b>            |
|--|---|--|-----------------------------------|
| <b>Make, Model, Year</b>                               | 2011<br>International<br>4300 w/Versalift VN43I | 2011<br>Terex Utilities<br>Hi-Ranger FC-40<br>w/International 4300 4x2 | 2011<br>Terex Utilities<br>5FC-40 |
| <b>45' Aerial -<br/>International Cab-<br/>Chassis</b> | 140,847   | 142,864  | 133,432                           |
| <b>*Option 1<br/>4x4</b>                               | 22,671  | 22,424   | 22,566                            |
| <b>TOTAL</b>   | <b>\$163,518</b>                                | <b>\$165,288</b>   | <b>\$155,998</b>                  |
| <b>Delivery</b>  | 180-210 ARO                                     | 210-240 ARO  | 150-180 ARO                       |

**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: September 2010

|   |             |
|---|-------------|
| Cash Balance - General Fund Bank Balance  | \$2,866,693 |
| Cash Balance - Electric Fund Bank Balance | \$2,749,934 |
| Cash Balance - Water Fund Bank Balance    | \$659,177   |
| Cash Balance - Sewer Fund Bank Balance    | \$348,259   |
| Cash Balance - Trash Fund Bank Balance    | \$592,612   |

|                            | General<br><u>Improvement</u> | Municipal<br><u>Street Aid</u> | Real Estate<br><u>Transfer Tax</u> | Water Bond<br><u>Escrow</u> |
|----------------------------|-------------------------------|--------------------------------|------------------------------------|-----------------------------|
| Beginning Cash Balance     | 460,820                       | 576,778                        | 822,511                            | 412,565                     |
| Deposits                   |                               | 91,900                         | 22,566                             |                             |
| Interest Earned this Month | 73                            | 109                            | 116                                | 34                          |
| Disbursements this Month   | (13,150)                      |                                | (134,315)                          |                             |
| Investments                |                               |                                | 1,600,000                          |                             |
| Ending Cash Balance        | \$447,743                     | \$668,787                      | \$2,310,878                        | \$412,599                   |

|                            | GF Capital<br><u>Reserves</u> | Water Capital<br><u>Reserves</u> | Sewer Capital<br><u>Reserves</u> | Electric<br><u>Reserves</u> |
|----------------------------|-------------------------------|----------------------------------|----------------------------------|-----------------------------|
| Beginning Cash Balance     | 707,060                       | 1,267,812                        | 793,667                          | 2,672,431                   |
| Deposits                   |                               | 12,238                           |                                  |                             |
| Interest Earned this Month | 4,974                         | 10,018                           | 9,975                            | 12,561                      |
| Disbursements this Month   |                               |                                  | (11,674)                         |                             |
| Investments                | 1,000,000                     | 2,960,000                        | 2,000,000                        | 7,486,000                   |
| Ending Cash Balance        | \$1,712,034                   | \$4,250,068                      | \$2,791,968                      | \$10,170,992                |

|                            | Water<br><u>Impact Fee</u> | Sewer<br><u>Impact Fee</u> | Electric<br><u>Impact Fee</u> |
|----------------------------|----------------------------|----------------------------|-------------------------------|
| Beginning Cash Balance     | 34,433                     | \$23,816                   | \$5,901                       |
| Deposits                   | 6,910                      | \$3,653                    |                               |
| Interest Earned this Month |                            |                            |                               |
| Disbursements this Month   |                            |                            |                               |
| Investments                | 850,000                    | \$625,000                  | \$250,000                     |
| Ending Cash Balance        | \$891,343                  | \$652,469                  | \$255,901                     |

INTEREST THROUGH THE THIRD MONTH OF THE FISCAL YEAR:

|                          |        |                        |        |
|--------------------------|--------|------------------------|--------|
| General Fund             | 533    | Water Fund             | 362    |
| GF Capital Reserves      | 5,083  | Water Bond Escrow      | 99     |
| General Improvement Fund | 272    | Water Capital Reserves | 10,359 |
| Municipal Street Aid     | 358    | Water Impact Fees      | 0      |
| Real Estate Transfer Tax | 476    | Sewer Fund             | 177    |
| Electric Fund            | 1,356  | Sewer Capital Reserves | 10,242 |
| Electric Reserves        | 16,603 | Sewer Impact Fees      | 0      |
| Electric Impact Fees     | 0      | Trash Fund             | 336    |

TOTAL INTEREST EARNED TO DATE \$46,256

REVENUE REPORT

Page Two

Date: September 2010

25% of Year Expended

| ACCOUNT                               | AMOUNT BUDGETED     | MTD                | YTD                 | YTD%          |
|---------------------------------------|---------------------|--------------------|---------------------|---------------|
| Budgeted Fund Balance                 | 195,749             | 0                  | 0                   | 0.00%         |
| General Fund Capital Reserves         | 226,000             | 0                  | 0                   | 0.00%         |
| Property Transfer Tax-Capital         | 152,100             | 92,648             | 92,648              | 60.91%        |
| Property Transfer Tax-Police          | 500,000             | 41,667             | 125,000             | 25.00%        |
| Real Estate Tax                       | 2,962,377           | (31,682)           | 2,953,106           | 99.69%        |
| Business License                      | 35,000              | 1,100              | 3,770               | 10.77%        |
| Rental License                        | 85,000              | 250                | 700                 | 0.82%         |
| Building Permits                      | 30,000              | 9,408              | 27,450              | 91.50%        |
| Planning & Zoning                     | 40,000              | 0                  | 1,400               | 3.50%         |
| Misc. Revenues                        | 346,775             | 14,734             | 52,058              | 15.01%        |
| Transfers From                        | 3,215,480           | 267,956            | 803,870             | 25.00%        |
| Police Revenues                       | 289,000             | 13,878             | 31,499              | 10.90%        |
| Engineering & Inspection Fees         | 40,000              | 1,500              | 1,500               | 3.75%         |
| <b>Total General Fund Revenues</b>    | <b>\$8,117,481</b>  | <b>\$411,459</b>   | <b>\$4,093,001</b>  | <b>50.42%</b> |
| Water Revenues                        | 2,139,312           | 210,059            | 655,466             | 30.64%        |
| Sewer Revenues                        | 1,966,956           | 165,508            | 512,927             | 26.08%        |
| Kent County Sewer                     | 1,400,000           | 115,504            | 360,643             | 25.76%        |
| Solid Waste Revenues                  | 1,085,702           | 90,936             | 272,136             | 25.07%        |
| Electric Revenues                     | 26,925,565          | 2,786,176          | 8,521,421           | 31.65%        |
| <b>TOTAL REVENUES</b>                 | <b>\$41,635,016</b> | <b>\$3,779,642</b> | <b>\$14,415,594</b> | <b>34.62%</b> |
| YTD Enterprise Expense                | 15,909              |                    |                     |               |
| YTD Enterprise Revenue                | 29,856              |                    |                     |               |
| LTD Carlisle Fire Building Permit Fee | 25,336              |                    |                     |               |

## EXPENDITURE REPORT

Page Three

Date: September 2010

25% of Year Expended

| ACCOUNT                                   | AMOUNT<br>BUDGETED | MTD             | YTD              | YTD%          | UNEXPENDED<br>BALANCE |
|---|--------------------|-----------------|------------------|---------------|-----------------------|
| <b>City Manager</b>                       |                    |                 |                  |               |                       |
| Personnel                                 | 320,255            | \$25,010        | 68,481           | 21.38%        | 251,774               |
| O&M                                       | 129,730            | \$4,681         | 15,115           | 11.65%        | 114,615               |
| Capital                                   | 0                  | \$0             | 0                |               | 0                     |
| <b>Total City Manager</b>                 | <b>\$449,985</b>   | <b>\$29,691</b> | <b>\$83,596</b>  | <b>18.58%</b> | <b>366,389</b>        |
| <b>Planning &amp; Zoning</b>              |                    |                 |                  |               |                       |
| Personnel                                 | 174,735            | \$13,642        | 36,268           | 20.76%        | 138,467               |
| O&M                                       | 51,176             | \$1,500         | 6,159            | 12.03%        | 45,017                |
| Capital                                   | 0                  | \$0             | 0                |               | 0                     |
| <b>Total P, C &amp; I</b>                 | <b>\$225,911</b>   | <b>\$15,142</b> | <b>\$42,427</b>  | <b>18.78%</b> | <b>183,484</b>        |
| <b>Code Enforcement &amp; Inspections</b> |                    |                 |                  |               |                       |
| Personnel                                 | 127,975            | \$9,710         | 25,941           | 20.27%        | 102,034               |
| O&M                                       | 62,245             | \$4,004         | 8,421            | 13.53%        | 53,824                |
| Capital                                   | 0                  | \$0             | 0                |               | 0                     |
| <b>Total P, C &amp; I</b>                 | <b>\$190,220</b>   | <b>\$13,714</b> | <b>\$34,362</b>  | <b>18.06%</b> | <b>155,858</b>        |
| <b>Tax Department</b>                     |                    |                 |                  |               |                       |
| Personnel                                 | 73,405             | \$5,580         | \$14,729         | 20.07%        | 58,676                |
| O&M                                       | 19,914             | \$380           | \$7,989          | 40.12%        | 11,925                |
| Capital                                   | 0                  | \$0             | \$0              |               | 0                     |
| <b>Total Tax Department</b>               | <b>\$93,319</b>    | <b>\$5,960</b>  | <b>\$22,718</b>  | <b>24.34%</b> | <b>70,601</b>         |
| <b>Council</b>                            |                    |                 |                  |               |                       |
| Personnel                                 | 31,225             | \$1,957         | 5,652            | 18.10%        | 25,573                |
| O&M                                       | 26,840             | \$900           | 3,173            | 11.82%        | 23,667                |
| Council Expense                           | 12,000             | \$753           | 8,073            | 67.28%        | 3,927                 |
| Contributions                             | 436,734            | \$75,000        | 133,000          | 30.45%        | 303,734               |
| Codification                              | 2,500              | \$0             | 0                | 0.00%         | 2,500                 |
| Employee Recognition                      | 8,000              | \$0             | 0                | 0.00%         | 8,000                 |
| Insurance                                 | 16,920             | \$3,597         | 3,597            | 21.26%        | 13,323                |
| <b>Total Council</b>                      | <b>\$534,219</b>   | <b>\$82,207</b> | <b>\$153,495</b> | <b>28.73%</b> | <b>380,724</b>        |
| <b>Finance</b>                            |                    |                 |                  |               |                       |
| Personnel                                 | 309,230            | \$23,563        | 65,216           | 21.09%        | 244,014               |
| O&M                                       | 60,900             | \$4,214         | 9,826            | 16.13%        | 51,074                |
| Capital                                   | 0                  | \$0             | 0                |               | 0                     |
| <b>Total Finance</b>                      | <b>\$370,130</b>   | <b>\$27,777</b> | <b>\$75,042</b>  | <b>20.27%</b> | <b>295,088</b>        |
| <b>Information Technology</b>             |                    |                 |                  |               |                       |
| Personnel                                 | 160,595            | \$12,515        | 37,953           | 23.63%        | 122,642               |
| O&M                                       | 171,000            | \$3,798         | 14,324           | 8.38%         | 156,676               |
| Capital                                   | 27,000             | \$0             | 0                | 0.00%         | 27,000                |
| <b>Total Information Technology</b>       | <b>\$358,595</b>   | <b>\$16,313</b> | <b>\$52,277</b>  | <b>14.58%</b> | <b>308,318</b>        |

## EXPENDITURE REPORT

Page Four

Date: September 2010

25% of Year Expended

| ACCOUNT                                    | AMOUNT<br>BUDGETED | MTD              | YTD                | YTD%          | UNEXPENDED<br>BALANCE |
|--|--------------------|------------------|--------------------|---------------|-----------------------|
| <b>Police Department</b>                   |                    |                  |                    |               |                       |
| Personnel                                  | 3,457,955          | \$269,000        | 704,098            | 20.36%        | 2,753,857             |
| O&M  | 440,245            | \$45,170         | 109,889            | 24.96%        | 330,356               |
| Capital                                    | 162,500            | \$92,648         | 92,648             | 57.01%        | 69,852                |
| <b>Total Police</b>                        | <b>\$4,060,700</b> | <b>\$406,818</b> | <b>\$906,635</b>   | <b>22.33%</b> | <b>3,154,065</b>      |
| <b>Streets &amp; Grounds Division</b>      |                    |                  |                    |               |                       |
| Personnel                                  | 399,605            | \$30,055         | 81,504             | 20.40%        | 318,101               |
| O&M  | 386,551            | \$20,620         | 62,157             | 16.08%        | 324,394               |
| Capital                                    | 91,000             | \$0              | 0                  |               | 91,000                |
| Debt Service                               | 46,445             | \$0              | 0                  | 0.00%         | 46,445                |
| <b>Total Streets &amp; Grounds</b>         | <b>\$923,601</b>   | <b>\$50,675</b>  | <b>\$143,661</b>   | <b>15.55%</b> | <b>779,940</b>        |
| <b>Parks &amp; Recreation</b>              |                    |                  |                    |               |                       |
| Personnel                                  | 468,165            | \$39,841         | 115,227            | 24.61%        | 352,938               |
| O&M  | 242,415            | \$27,876         | 79,737             | 32.89%        | 162,678               |
| Capital                                    | 54,615             | \$0              | 7,015              | 12.84%        | 47,600                |
| <b>Total Parks &amp; Recreation</b>        | <b>\$765,195</b>   | <b>\$67,717</b>  | <b>\$201,979</b>   | <b>26.40%</b> | <b>563,216</b>        |
| <b>Engineering &amp; Inspections</b>       |                    |                  |                    |               |                       |
| Personnel                                  | 162,225            | \$12,475         | 33,107             | 20.41%        | 129,118               |
| O&M  | 70,981             | \$3,914          | 13,202             | 18.60%        | 57,779                |
| Capital                                    | 0                  | \$0              | 0                  |               | 0                     |
| <b>Total Engineering &amp; Inspections</b> | <b>\$233,206</b>   | <b>\$16,389</b>  | <b>\$46,309</b>    | <b>19.86%</b> | <b>186,897</b>        |
| <b>Less Interdepartmental Revenue</b>      | <b>(\$87,800)</b>  | <b>(\$7,300)</b> | <b>(21,900)</b>    | <b>25.00%</b> | <b>(65,700)</b>       |
| <b>Net Engineering &amp; Inspections</b>   | <b>\$145,606</b>   | <b>\$9,089</b>   | <b>\$24,409</b>    | <b>16.78%</b> | <b>121,197</b>        |
| <b>Total General Fund</b>                  |                    |                  |                    |               |                       |
| <b>Operating Budget</b>                    | <b>\$8,117,481</b> | <b>\$725,303</b> | <b>\$1,740,601</b> | <b>21.44%</b> | <b>6,376,880</b>      |

## EXPENDITURE REPORT

Page Five

Date: September 2010

25% of Year Expended

| ACCOUNT                                   | AMOUNT<br>BUDGETED  | MTD                | YTD                | YTD%          | UNEXPENDED<br>BALANCE |
|---|---------------------|--------------------|--------------------|---------------|-----------------------|
| <b>Water Division</b>                     |                     |                    |                    |               |                       |
| Personnel                                 | 207,695             | \$16,496           | 43,176             | 20.79%        | 164,519               |
| O&M                                       | 1,201,567           | \$85,201           | 262,256            | 21.83%        | 939,311               |
| Capital                                   | 0                   | \$0                | 0                  | 0.00%         | 0                     |
| Debt Service                              | 730,050             | \$0                | 0                  | 0.00%         | 730,050               |
| <b>Total Water</b>                        | <b>\$2,139,312</b>  | <b>\$101,697</b>   | <b>\$305,432</b>   | <b>14.28%</b> | <b>1,833,880</b>      |
| <b>Sewer Division</b>                     |                     |                    |                    |               |                       |
| Personnel                                 | 207,695             | \$16,492           | 43,170             | 20.79%        | 164,525               |
| O&M                                       | 1,103,611           | \$34,691           | 202,746            | 18.37%        | 900,865               |
| Capital                                   | 0                   | \$0                | 0                  | 0.00%         | 0                     |
| Debt Service                              | 655,650             | \$0                | 0                  | 0.00%         | 655,650               |
| <b>Sewer Sub Total</b>                    | <b>\$1,966,956</b>  | <b>\$51,183</b>    | <b>\$245,916</b>   | <b>12.50%</b> | <b>1,721,040</b>      |
| Kent County Sewer                         | 1,400,000           | \$0                | 245,139            | 17.51%        | 1,154,861             |
| <b>Total Sewer</b>                        | <b>\$3,366,956</b>  | <b>\$51,183</b>    | <b>\$491,055</b>   | <b>14.58%</b> | <b>2,875,901</b>      |
| <b>Solid Waste Division</b>               |                     |                    |                    |               |                       |
| Personnel                                 | 338,080             | \$22,747           | 59,157             | 17.50%        | 278,923               |
| O&M                                       | 679,622             | \$52,748           | 174,711            | 25.71%        | 504,911               |
| Capital                                   | 68,000              | \$0                | 0                  | 0.00%         | 68,000                |
| <b>Total Solid Waste</b>                  | <b>\$1,085,702</b>  | <b>\$75,495</b>    | <b>\$233,868</b>   | <b>21.54%</b> | <b>851,834</b>        |
| <b>Total Water, Sewer<br/>Solid Waste</b> | <b>\$6,591,970</b>  | <b>\$228,375</b>   | <b>\$1,030,355</b> | <b>15.63%</b> | <b>5,561,615</b>      |
| <b>Electric Division</b>                  |                     |                    |                    |               |                       |
| Personnel                                 | 1,049,515           | \$75,788           | 195,580            | 18.64%        | 853,935               |
| O&M                                       | 2,013,055           | \$126,410          | 412,439            | 20.49%        | 1,600,616             |
| Transfer to General Fund                  | 2,500,000           | \$208,333          | 625,000            | 25.00%        | 1,875,000             |
| Capital                                   | 195,000             | \$0                | 0                  | 0.00%         | 195,000               |
| Debt Service                              | 667,995             | \$63,998           | 63,998             | 9.58%         | 603,997               |
| <b>Electric Sub Total</b>                 | <b>\$6,425,565</b>  | <b>\$474,529</b>   | <b>\$1,297,017</b> | <b>20.19%</b> | <b>5,128,548</b>      |
| Power Purchased                           | 20,500,000          | \$1,723,741        | 5,883,922          | 28.70%        | 14,616,078            |
| <b>Total Electric</b>                     | <b>\$26,925,565</b> | <b>\$2,198,270</b> | <b>\$7,180,939</b> | <b>26.67%</b> | <b>19,744,626</b>     |
| <b>TOTAL OPERATING<br/>BUDGET</b>         | <b>\$41,635,016</b> | <b>\$3,151,948</b> | <b>\$9,951,895</b> | <b>23.90%</b> | <b>31,683,121</b>     |

**INTERSERVICE DEPARTMENTS REPORT**

Page Six

Date: September 2010

| ACCOUNT                                | AMOUNT<br>BUDGETED | MTD           | 25% of Year Expended |               | UNEXPENDED<br>BALANCE |
|--|--------------------|---------------|----------------------|---------------|-----------------------|
|  |                    |               | YTD                  | YTD%          |                       |
| <b>Garage</b>                          |                    |               |                      |               |                       |
| Personnel                              | 129,330            | 5,472         | 13,793               | 10.66%        | 115,537               |
| O&M                                    | 76,450             | 5,054         | 16,123               | 21.09%        | 60,327                |
| Capital                                | 0                  | 0             | 0                    |               | 0                     |
| <b>Total Garage Expense</b>            | <b>\$205,780</b>   | <b>10,526</b> | <b>\$29,916</b>      | <b>14.54%</b> | <b>175,864</b>        |
| <b>Public Works</b>                    |                    |               |                      |               |                       |
| Personnel                              | 162,980            | 12,549        | 33,902               | 20.80%        | 129,078               |
| O&M                                    | 162,602            | 11,699        | 30,481               | 18.75%        | 132,121               |
| Capital                                | 20,000             | 0             | 0                    |               | 20,000                |
| <b>Total Public Works Expense</b>      | <b>\$345,582</b>   | <b>24,248</b> | <b>\$64,383</b>      | <b>18.63%</b> | <b>281,199</b>        |
| <b>Meter Department-Water</b>          |                    |               |                      |               |                       |
| Personnel                              | 118,479            | 10,161        | 25,238               | 21.30%        | 93,241                |
| O&M                                    | 108,372            | 4,367         | 9,631                | 8.89%         | 98,741                |
| Capital                                | 100,000            | 0             | 0                    | 0.00%         | 100,000               |
| <b>Total Water Meter Expense</b>       | <b>\$326,851</b>   | <b>14,528</b> | <b>\$34,869</b>      | <b>10.67%</b> | <b>291,982</b>        |
| <b>Meter Department-Electric</b>       |                    |               |                      |               |                       |
| Personnel                              | 225,995            | 17,319        | 46,337               | 20.50%        | 179,658               |
| O&M                                    | 163,667            | 4,577         | 20,387               | 12.46%        | 143,280               |
| Capital                                | 0                  | 0             | 0                    |               | 0                     |
| <b>Total Electric Meter Expense</b>    | <b>\$389,662</b>   | <b>21,896</b> | <b>\$66,724</b>      | <b>17.12%</b> | <b>322,938</b>        |
| <b>Billing &amp; Collections</b>       |                    |               |                      |               |                       |
| Personnel                              | 434,621            | 32,827        | 87,967               | 20.24%        | 346,654               |
| O&M                                    | 169,051            | 16,073        | 49,192               | 29.10%        | 119,859               |
| Capital                                | 0                  | 0             | 0                    |               | 0                     |
| <b>Total Billing &amp; Collections</b> | <b>\$603,672</b>   | <b>48,900</b> | <b>\$137,159</b>     | <b>22.72%</b> | <b>466,513</b>        |
| <b>City Hall Cost Allocation</b>       |                    |               |                      |               |                       |
| Personnel                              | 0                  | 0             | 0                    |               | 0                     |
| O&M                                    | 54,200             | 3,538         | 12,046               | 22.23%        | 42,154                |
| Capital                                | 0                  | 0             | 0                    |               | 0                     |
| <b>Total City Hall Cost Allocation</b> | <b>\$54,200</b>    | <b>3,538</b>  | <b>\$12,046</b>      | <b>22.23%</b> | <b>42,154</b>         |

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

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
October 4, 2010

A Meeting of the Economic Development Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, October 4, 2010.

PRESIDING: Chairman Garrett Grier

IN ATTENDANCE: Mayor Joseph Ronnie Rogers  
Committee Members-Councilmen Douglas Morrow and James Starling, Sr.

ALSO: City Manager David Baird and City Clerk Terri Hudson

The meeting was called to order at 4:06 p.m. by Chairman Grier.

*Economic Development Strategy*

Chairman Grier advised there is a need to establish a direction the city is trying to accomplish and in doing so, a couple of options are being considered for consultants. He then asked the city manager to comment.

Mr. Baird advised that Mayor Rogers, Mr. Grier and he have had many conversations, in addition to meeting with the Chamber of Commerce and Downtown Milford. He advised that Downtown Milford is moving forward with a lot of their targeted economic development for the downtown area. However, there is nothing in place for a city-wide proposal. Once a mission is put in place, that will assist as marketing material for those interested in Milford and as background information when applying for funding from the state or federal government in the forms of grants or loans.

The city manager reported that two proposals have been received. The first is from Development Counsellors International (DCI). Mr. Baird advised that Mayor Rogers and he spoke with Ted Levine, Chairman of DCI. He feels they are more than capable of handling the project though they typically work for places with more needs than Milford and felt it may be a lot of overkill. In addition, their price was in the neighborhood of \$60,000 plus. As a result, he and Mayor Rogers discounted their firm very quickly.

The second proposal came from Moran, Stahl and Boyer (MS&B). Mr. Baird said this firm has worked with Kent County to put an economic development strategy together. Their proposal is not just a basic report and strategy, but also lays out the framework and was found to be similar to the city's thoughts. The city could use that as a foundation moving forward as the economic development program is put together. They also offer a marketing component called the Economic Development Resource Profile. This was outlined in the proposal for the Elmira-Corning Area of New York State and is where a lot of the marketing material comes into play. It would then be used as a catalyst for economic development.

Mayor Rogers felt very comfortable with this firm noting the work they had done with Dover and Kent County. He said their representative was very familiar with Milford and our Riverwalk and Greenway Project. Mr. Grier agreed that he knew a great deal about this area and had worked with Dover City Council in the past.

Mr. Baird advised their package includes a consulting fee of \$6,500 and two estimated trips at \$1,750 which is approximately \$8,500. He feels this approach is more suitable for the city and they are prepared and ready to proceed. He recommends funding from the Capital Improvement Fund where the proceeds from our business park sales are placed.

Mayor Rogers stated if the committee agrees, he recommends authorizing up to \$10,000.

Mr. Baird asked if the committee felt it was appropriate to keep this at a committee level or present the matter to city council.

Mr. Morrow then questioned how this will tie into the current downtown and chamber projects. He does not feel it would

be feasible for three or four different groups to go in different directions.

Mr. Baird said in his opinion, the city has a number of different areas to hone down into. The first area is the business parks-both the city owned and Mastens Circle that provide opportunities for businesses to come into the city; the second area is along Route 113 which is traditional commercial areas; the third area is the downtown area; the fourth area is in the southeastern part of town where older industry exists along Marshall where Clariant & Steiner was located, extending out toward Rehoboth Boulevard where Seawatch, Perdue and KSI are found; the fifth area is on the southeastern edge of town where the potential mall will be located, Innovation Park east of Route 1, etc. He said those five areas will be the marketing pitch with one area or another appealing to everyone. This will put an umbrella strategy in place for the entire city while diving into specific areas.

The city manager plans to incorporate into the city plan what Downtown Milford is doing. The chamber will participate in the overall city plan.

Mr. Grier explained that is what MS&B will address as part of this project. They will sit down with the chamber and the downtown group in addition to Milford's larger employees to determine what they feel is needed to grow.

Mr. Baird feels this will build some bridges that were taken down the past couple years and is a good way to get input from various developers and businesses. He feels this will provide an opportunity as the economy starts to come back and will give options on where people can make investments.

Mayor Rogers added that though these are five target areas, the consultant may learn of other areas that should be included. Mr. Grier agreed this will provide some good direction and though they may point out some things we know, they will most likely discover other things that will help as well.

Mr. Grier suggests we proceed and present the proposal and the committees' recommendation to city council Monday night; the committee agreed.

Mr. Morrow agrees we should refocus our efforts in the hope of bringing new business into town which will help our overall fees remain the same or possibly be reduced.

#### *Realtor Commission-Independence Commons*

Mr. Grier advised that he has had some local realtors suggest commission be paid for promoting and selling business park land though Mr. Baird has already suggested this be done. Currently, there is no real incentive for a realtor to get involved. By not providing a commission, the realtors lean toward selling private lands versus the city business park. They have talked about a small commission rate, possibly a flat rate of 1, 2 or 3%. Mr. Baird agreed it would not be the full 6% currently earned on private sales.

Mr. Morrow explained that was never needed because the lots sold themselves with the infrastructure in place and the prices below market. The city felt that any profit would be eaten up if a commission was provided. He feels if this is done, the price of the lots should be increased to offset the commission. He noted the tremendous savings to the buyer with the infrastructure and stormwater ponds already in place.

Mr. Morrow also recalled several rules in place when we purchased the land using state funds. Part of the agreement, was that the city, through the city planner's office, would sell the lots. Before this is decided, Mr. Morrow suggests we compare similar industrial lands to our prices.

Mr. Baird said that when the north side of the park opened, they were sold at market rate and were based on an appraisal price. The least expensive lots are one acre lots for \$125,000 while lots on the south side of the park were selling for around \$30,000 an acre.

The city clerk confirmed the business park lots started at \$24,000, then doubled and increased again in price; the

Independence Commons lots started at \$160,000 but were reduced in 2008 to approximately \$124,000 an acre. Mr. Baird explained that was based on the appraised value. He said that most buyers' initial reaction is that it is high until they realize that stormwater, utility extensions and roadways are already in place. Mr. Morrow recalled the buyers paying that through shared costs noting the stormwater costs are being paid annually by the property owners; Mr. Baird agreed.

Mayor Rogers agrees to a realtor commission if that fee is added in the cost of the lot. He suggests referring to the original agreement that Senators Adams, Ewing and Representatives Carey and Caulk were part of to ensure this can be done noting there were numerous restrictions in it. He recalled a realtor at that time asking permission to sell the properties for a commission, though council would not agree at that time.

Mr. Starling agreed that this must be done correctly and in line with the manner in which it was set up.

The city clerk will research the old records but believes they were kept in the city planner's office. She also recalled there was a package that was put together with numerous documents used for promotional purposes. Those packages were also distributed from the Chamber of Commerce Office.

Mr. Baird said the account that contains the business park lot proceeds has over \$1.6 million in it. The city manager believes the money generated from business park lot sales should be used as an economic development account for an investment that will continue to produce a return.

Mrs. Hudson will add the business park information back on the city website.

Mr. Morrow pointed out there are still a couple of lots that have not been developed and recalled the conversation in a council meeting. Mr. Baird agreed that a buyer is required to build within two years otherwise the city is able to buy the land back at the original price.

Mr. Starling asked that the city manager follow up on those lots that have not been developed as are required by their contract. The committee agreed that action should be taken immediately so they can be re-marketed.

In the meantime, Mr. Baird will also review the original agreement. He will also compare the current sales prices to current values elsewhere and consider some additional marketing material and the reverter clause on those properties that have not developed.

#### *Utility Extensions*

Mr. Grier then referred to the three properties being considered for water main extensions and well and treatment sites.

Mr. Baird advised the city is ready to move forward with a new water tower on the southeast side of town. Three locations are being considered.

Option one is a ten-acre parcel belonging to Bev Thawley just east of Route 1 and north of Cedar Neck Road. It is for sale and meets our needs both now and in the future. However, it will be costly to acquire. She is asking almost \$1 million though the appraisal came in at \$750,000 to \$800,000.

The city manager said it is a good location geographically and makes sense from an engineering standpoint and will cost approximately \$1.4 million to complete. It will also get water to the east side of Route 1 with the tank, tower and well facility on this site.

The second option involves the Nelson Hall property that was recently annexed into town. It is on the west side of Route 1, east of Route 30 and south of Wilkins Road where a commercial shopping center is proposed. The developer is willing to provide a portion of their 36 acres. The cost will be \$426,000 based on the engineer's estimate.

Mr. Baird noted this is a significant savings, though the drawbacks are at some point in the future, water will still need

to be extended to the east side of Route 1. In addition, we are missing an opportunity to go under Route 1 at the same time the overpass is being constructed.

It will serve our needs in the southeastern area but mainly on the west side of Route 1. The problem is the properties on the east side of Route 1 that will still need water service.

The third option is on the MBT Land Holdings which is the former Mills property. This would extend utilities to this site east of Route 1 at an estimated cost of \$1.4 million. Approximately five acres would be provided at no cost though the extension will be more expensive according to Mr. Baird. This takes the utilities east of Route 1 and instead of paying land acquisition costs, we are putting pipe in the ground and extending the water system further which will potentially serve more properties over time.

Mr. Baird is presenting this issue to this committee because he feels this is an economic development decision. From a utility perspective, the extension can be done any of these ways.

Mr. Grier pointed out that in addition to these utilities, there will be additional land for other uses. Mr. Baird said we may also possibly need a place to make a small interconnection with the electric. The developer is willing to provide the amount of land the city needs. This will also be a big benefit to the property owners to have water on site.

Mayor Rogers feels that this will be the least sightly in comparison to the other two sites. The Thawley property is somewhat landlocked which will not be a problem to the city, but his main concern is the upscale homes in this area which are going to be a major problem. The same applies to the Hall property Mr. Baird reported and referenced the Macklin property and Matlinds and West Shores properties.

Mr. Grier pointed out the advantage of doing this utility construction as the overpass is built, which will save the city money as well as inconveniences to property owners and traffic.

When asked Mr. Baird's preference, he said from an engineering standpoint, the Thawley and Hall pieces are better properties because of the higher elevation. However, the tank can still be built on the MBT Property which puts the city in a good position in the future. It would also make those properties east of Route 1 more marketable. Once the overpass is in, access will much easier in addition to the utilities being in place. When people are ready to make an investment, it will be ready. Ultimately, it will increase utility sales and property tax revenues.

Mr. Baird said that though this will cost approximately \$1 million more, council will need to decide if it is worth the initial investment.

Mr. Grier noted that the Hall property keeps the infrastructure west of Route 1 and he recommends Thawley or the MBT property. He feels there is an advantage to extending the utilities east of Route 1, particularly with the opportunities available as a result of the overpass being built.

Mr. Baird said he will work on some of the details for the land purchase.

Mr. Grier confirmed that extending to the MBT property would be similar in costs to the Thawley property, but pointed out we are gaining a great deal more infrastructure. Mr. Baird verified that is correct; another 3,500 to 4,000 feet of water main can be installed versus waiting until the land is developed.

The mayor agreed that it will be less expensive to run it now than in the future.

Mr. Baird said what will need to be done is to compare the options in order to show the better option. Mr. Grier feels the only downfall is the slight elevation; it was agreed it would need to be built a few feet higher. The city manager noted that will cost an additional tank fee of \$4,200.

It was agreed that option 3 would be recommended to city council.

Mr. Morrow confirmed that this would accommodate all development east of Route 1 up to the Mispillion River; Mr. Baird stated yes.

Mr. Morrow then confirmed the Hall property south of Matlinds Estates would be served by existing infrastructure as well as the new infrastructure. Mr. Baird answered that both towers will contribute though the new tower will benefit all the new area where growth will occur. The water extension will tie in at Cedar Neck Road and Route 1 where the new overpass is planned. In the future, there may be a loop on Beaver Dam Road or on Sharps or Johnson Road.

#### *Impact Fee Waiver Extension*

Mr. Baird referred to the charts noting the building permit value dropped considerably in September 2010 compared to the first three months of the incentive. However, there continues to be many people putting together plans because of the incentives. Many projects are moving forward as a result.

He reported that over four months, \$101,728 have been provided in incentives. The total investment is \$5.7 million over those four months.

He said the current deadline for the impact fee waiver expires January 1, 2010. He asked if the committee feels it should expire at that time or should it be extended. Council needs to make a decision by November.

When asked the recommended time for an extension, Mr. Baird pointed out the property tax incentive is through June 2011. Mr. Morrow suggested that if council agrees, the impact fee waiver only be extended six months. At that time, its impact on the budget must be considered.

The consensus of the committee was to recommend a six-month extension. It was agreed this is a good way to show the city is working with people to ensure Milford wants to attract new projects.

The ordinances will be placed on the October 11<sup>th</sup> agenda for council consideration. Introduction will occur at the October workshop with adoption at the November monthly meeting.

Monday's packet will include the proposals for the Economic Development Strategy with a recommendation to approve the MS&B contract and \$10,000 from the General Fund Capital Improvement Account.

Mr. Baird will follow up on the business park with current sale prices compared to market value, obtain a copy of the original agreement when the city acquired the land, copies of the original marketing material and follow up on the reverter clause for those lots that have not been developed.

The last item he will address is the land for the water tower noting the committee is leaning toward Option 3--MBT Lands east of Route 1. The city manager will put some details together to present to council when the timing is right.

Mr. Morrow moved to adjourn the Economic Development Committee meeting, seconded by Mr. Grier. Motion carried.

The Committee Meeting was adjourned by Chairman Grier at 5:16 p.m.

Respectfully submitted,

Teresa K. Hudson, CMC  
City Clerk

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*October 11, 2010*

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, October 11, 2010.

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

#### CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:00 p.m.

#### INVOCATION AND PLEDGE

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

#### APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Morrow to approve the minutes of the September 13 and September 27, 2010 council meetings as presented. Motion carried.

#### RECOGNITION

##### *Parks and Recreation/Awards*

Mayor Rogers announced that Milford received four of the eight downtown awards at the Inaugural 2010 Delaware-Maryland Downtown Revitalization Conference in Rehoboth Beach.

Parks and Recreation Director Gary Emory was the recipient of the Main Street Champion award. Because he was out of state, Mayor Rogers accepted the award and planned to present the plaque this evening. He was not in attendance, so the item will be placed on the October 25<sup>th</sup> meeting.

The mayor then congratulated the award winners, noting the many volunteers that continue to put in a lot of hard work and time into the downtown area.

##### *Monthly Police Report*

Mr. Morrow moved for acceptance of the police report as submitted by Chief Hudson, seconded by Ms. Wilson. Motion carried.

It was noted another Citizens' Police Academy is scheduled in January; Mr. Morrow encouraged residents to attend noting it is very educational and provides a great understanding of what the department does.

##### *City Manager Report*

Mr. Baird then read the following report into record:

##### ***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)*

|                | <i>Recycling Tons</i> | <i>Recycling Rate</i> |
|----------------|-----------------------|-----------------------|
| <i>Sept-09</i> | <i>34.37</i>          | <i>7.48%</i>          |
| <i>Sept-10</i> | <i>48.34</i>          | <i>11.16%</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>339.49</i>    | <i>3560.09</i>     | <i>3899.58</i> | <i>8.70%</i>          |

**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 Tuesday & Thursday during cleanup week*

*Tues./Fri. collection day – fall clean up days will be Monday & Wednesday 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.*

Mr. Baird reported that yard waste will no longer be able to be co-mingled with regular household trash due to new Delaware Solid Waste Authority (DSWA) regulations. Currently, the department is considering several options on how to modify our collection procedures to collect yard waste.

Once the yard waste is separated, the city’s diversion rates will start to climb significantly. By 2015, the diversion rate must be at 50% or higher.

Mr. Brooks referenced the New Journal article about DSWA getting out of the recycling business sooner than anticipated. Mr. Baird advised that fortunately the city began to handle recycling on August 1<sup>st</sup>.

Mr. Pikus asked if a letter will be provided to residents informing them of the change with yard waste. Mr. Baird answered a letter will be provided once a more formal plan has been put in place. The letter will address both collections and the landfill side.

The city manager does not anticipate a problem with collections noting their response to the changes in recycling. The solid waste department is aware of this change and is prepared to proceed. He spoke to the employees about the goals

the city needed to achieve adding they must be part of the solution.

Mr. Brooks expressed concern about compost being made from the yard waste; Mr. Baird said that will need to be addressed though small composting may not be a problem. He agrees there are nuisances associated with composting. Mr. Pikus asked if burning is prohibited in the city; Chief Hudson advised there is an ordinance that prohibits outdoor burning in city limits. Mr. Baird added there is no ordinance against creating a pile for composting operations.

When questioned about where tree limbs and shrubs could be taken, Mr. Baird said the city will need to address the matter because there is no place to dispose those items.

The city manager then advised the Water Facility Planning Grant had been approved by the Department of Health and Social Services.

He concluded by noting that work has commenced again by JJID on Northeast Front Street and a great deal of progress has been made. Currently, they are on schedule.

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

## COMMITTEE REPORT

### *Community Affairs*

Mr. Johnson advised that the Food Bank of Delaware is receiving an award from Walmart of \$100,000. City Council has been invited to attend the event at Milford Walmart on Monday, October 25, 2010 beginning at 10:30 a.m.

### *Economic Development*

Mr. Grier advised the Economic Development Committee met last Monday. Two of the four items discussed are on tonight's agenda. The first being the possibility of hiring an outside consultant to come in and develop an economic development strategy for the city that can be used for years to come. Following a review of the two proposals, the committee recommended hiring Moran, Stahl and Boyer who have worked with the City of Dover and Kent County.

Also discussed was realtor commissions for the sale of lots at Independence Commons. No decision was made though some ideas were presented about marketing material. The city clerk provided him with a packet that was used in the past and provided to potential buyers. In addition, the website is again being used to promote the park.

The committee also agreed to extend the deadline for impact fee waivers; ordinances will be introduced later on the agenda. Currently, the waiver expires the end of December though the recommendation is to extend that through June 30, 2011 in hopes of attracting new businesses to Milford.

Utility extensions were also discussed and will be presented to council at a later date.

The committee plans to meet monthly.

## COMMUNICATIONS

The Comcast letter highlights some recent changes made. Mr. Baird asked council to refer to the letter should any questions need to be answered.

Mr. Pikus asked if cable had been run to the city hall building yet. IT Director Wes Banasan stated that he will need it for the internet. Mr. Pikus advised the cost is free to municipalities though Mr. Baird indicated they only allow for one connection. Mr. Brooks noted that city hall has always had cable; Mayor Rogers agreed. Mr. Baird said the cable was never reinstalled after the city hall renovations were completed.

Mayor Rogers stated that Comcast Representative Tom Worley will take care of having it installed here.

Ms. Wilson said a number of questions and concerns were expressed about Comcast and asked if a representative would be addressing council in the near future, She noted that a number of senior citizens had questions about the contract with the city. It was agreed this would be a good item for the workshop; Mr. Baird will contact Tom Worley about attending an upcoming workshop.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee stated they prefer to have competition besides Comcast noting their rates are locked in. He is aware Verizon is available in Dover and asked that the city consider other cable companies.

Mayor Rogers reported he will attend the upcoming City of Dover Mayor Prayer Breakfast and Ribbon Cuttings for Blooming Boutique and Fabulous Full Service Salon. He reminded council the Grand Opening of the Central Academy and the Halloween Parade are on the same date--Wednesday, October 20<sup>th</sup> which is quickly approaching.

#### UNFINISHED BUSINESS

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

Mr. Baird recalled the discussion at the previous meeting when a number of amendments were made to tax bills. He explained that though taxes can change on a regular basis, this was a significant amount that needed to be addressed.

He noted the one significant change for Eastern Shore Natural Gas. He advised that utility companies in Milford include Eastern Shore Natural Gas, Chesapeake Natural Gas, Verizon and Delmarva Power. In Delaware, utility entities, are allowed to self assess based on the value of their property. It was challenged by New Castle County unsuccessfully; following, self assessments were accepted across the board according to Mr. Baird.

The city manager advised that Eastern Shore Natural Gas had overstated their value by reporting three-quarters more gas mains than they actually have within city limits. The assessment decreased due to a reporting error for the actual lineal feet of mainline that runs through the city. They utilized GIS mapping technology to confirm the actual facilities that were reported since 2001. The main line was previously reported as 107,616 linear feet but has since been corrected to 25,832. This resulted in a credit of \$32,390.67.

Because of that substantial modification, he agreed to bring the tax warrant back for another approval.

Mr. Pikus questioned the other three changes. Mr. Baird explained they may be the result of a land use action that was never picked during the assessment process.

Mr. Pikus asked if there are other assessments that are incorrect noting the correction needed on the Pacquette property when the assessment increased from \$12,000 to \$570,000; Mr. Baird said they are reviewed as they are presented. Mr. Pikus added we cannot afford many more \$32,000 deductions. The city manager agreed noting that Chesapeake had a similar situation though they were unable to substantiate their position this year though it maybe reflected in next year's tax billing.

Mr. Pikus moved to adopt the following corrected tax warrant, seconded by Mr. Grier:

#### *GREETINGS:*

*The Charter of the City of Milford provides the following:*

*"Article X, Section 10.11: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, Signed by the Mayor and Attested to by the Secretary, commanding the City Manager to make collection of Taxes as stated in the Tax Lists."*

*THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF*

*MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS AS FOLLOWS:*

|   |                       |
|---|-----------------------|
| <i>Assessed Per Billing Register</i>                | \$768,870.718.00      |
| <i>Exemptions</i>                                   | [122,877,500.00]      |
| <br>  |                       |
| <i>TOTAL ASSESSED VALUE</i>                         | \$645,993,218.00      |
|   | <i>x .0046</i>        |
| <i>ESTIMATED TAX PER PROPERTY VALUES</i>            | \$2,971,568.00        |
| <br>  |                       |
| <i>Senior Citizen Discount</i>                      | [11,592.00]           |
| <br>  |                       |
| <b><i>TOTAL TAXABLE (Fiscal Year 2010-2011)</i></b> | <b>\$2,959,976.00</b> |

Motion carried by unanimous roll call vote.

Mr. Morrow confirmed that if a correction or addition is found in the middle of a year, that property is immediately taxed and is not put on hold until the following tax year. Mr. Baird said that is correct and as an example, stated that if a building permit is issued and a C of O issued, the assessment is completed which transfers to the billing office for a supplemental or new bill to be issued.

*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

Mayor Rogers advised that council is still considering this annexation noting that it was preferred that all eight council members be present for the final discussion. Therefore, the matter will be placed on an upcoming agenda for a final decision. The city manager pointed out that Mr. Morrow would be at a conference and not attending the workshop meeting in two weeks.

Mr. Morrow then confirmed the city solicitor will provide his interpretation of issues brought up at the last meeting. Mr. Baird stated that Mr. Willard will be in attendance but in the meantime, he will send out Mr. Willard's e-mail that contains his opinion on those matters.

**NEW BUSINESS**

*Bid Award/Power Transformers/Electric Department*

Sealed bids were received, publicly opened and read on September 23, 2010 for the purchase of Power Transformers to be installed at Delivery #2. Six bids were received that ranged from \$694,310 to \$887,356. A letter from Progressive Engineering Consultants indicated they reviewed the proposal and recommend acceptance of the proposal offered by low bidder Virginia Transformer Corporation in the amount of \$694,310.

Mr. Baird added that is also the recommendation of the city staff noting the bid is within the budget allocated for the project. This is part of the \$8.5 million project for the electric substation, transmission lines and distribution improvements. Funding is provided as a part of the overall capital project eligible for bond financing.

Mr. Pikus moved for award of the bid to Virginia Transformer Corporation in the amount of \$694,310 with funding part of the Capital Project eligible for bond financing, seconded by Mr. Adkins. Motion carried by unanimous roll call vote.

*Proposal/Economic Development Strategy*

Mr. Grier reported that two proposals were received.

The first is from Development Counsellors International (DCI). Their representative, Ted Levine, is Chairman of DCI. He feels they are capable of handling the project though they typically work for places with more needs than the city has. Their proposal is in the neighborhood of \$60,000 plus.

The second proposal is from Moran, Stahl and Boyer (MS&B). John Rhodes is the consultant the city will be working with should this proposal be accepted. Packets prepared for similar cities were included for council review. Mr. Rhodes plans to talk to 25-30 business owners, Downtown Milford and the Chamber of Commerce. He wants to review the five economic development areas in the city in order to provide a blue print for the future.

Mr. Baird advised the economic development plan would consolidate and put into one document the city's thoughts and ideas on what the economic development strategy of the city should be. It is also something that could easily be transitioned into the future. It would be used as a marketing tool for prospective developers and businesses, as well as existing businesses.

Mr. Baird feels the benefit of this firm is the work already done locally with Kent County as far as putting their economic development strategy together. Their proposal is not just a basic report and strategy, but also lays out the framework based on the city's thoughts. The city would use that as a foundation moving forward as the program is put together. As part of their work, they offer a marketing component called the Economic Development Resource Profile. This was outlined in the proposal for the Elmira-Corning Area of New York State which is where a lot of the marketing material comes into play. It will be used as a catalyst for economic development. The focus is to encourage people wanting to make an investment to make it here in Milford.

He believes the proposal from MS&B is more tailored to Milford's speed. Mr. Rhodes has a lot of the same thoughts and philosophies and is already familiar with the area. He knows what is needed from a business and economic development standpoint. He is capable of taking Milford to the next level by creating some opportunities in the city.

They are ready to proceed and should council approve this tonight, Mr. Baird expects a finished product shortly after the first of the year, if not sooner.

He reported the MS&B costs will be in the area of \$10,000 (\$6,500 consulting fee and estimated travel fees of \$3,500) versus six times that for the DCI proposal. The DCI firms works with a lot of large, national and international firms mainly on the private side. They do some public sector work but normally in larger cities.

Mr. Baird noted it is the recommendation of the Economic Development Committee to award the proposal to MS&B at a cost of \$10,000 to be paid from the General Fund Capital Reserves. The business park lot sale proceeds are put into that fund which qualifies its use for economic development purposes.

When questioned, Mr. Baird advised that Kent County's Economic Development Plan was completed in 2006 and representatives were very pleased with the work MS&B did. It was not well received in Levy Court because at the time the report came out, the economy had started to turn. The mind set they went into developing the strategy changed completely by the time the report was completed. Overall, they were very pleased with the work.

Ms. Wilson said we are taking a very proactive role in economic development noting we have invested in Downtown Milford and the Chamber of Commerce. It appears they have done some of the same work. She feels it is important to ensure we are not doing the same work that has been done in the past and our dollars are working for the benefit of the city.

She does not want the city to take this on and take away from these other two groups at the same time. She asked how this will benefit the entire city simultaneously.

Mr. Baird said the plan will cover five areas of Milford, each with its own map for growth 1) the city business park on Airport Road and the industrial park at Masten Circle, 2) the commercial land along Route 113, 3) Downtown Milford, 4) the industrial areas in the southern section of the core area of city; and 5) the newer southeast areas that will include residential centers, Innovation Park, etc. This plan will provide an umbrella over the entire realm and an outline for

opportunities that exist within those areas.

He agrees that Downtown Milford is working on the specifics of their area, in partnership with the Chamber of Commerce and the city and will take that lead. The city will take the lead on the business park components, along with the chamber. Mr. Baird added the chamber will take the lead and continue to support the retail area where a lot of their membership exists, along with the older established businesses.

They will not step on one another's toes and not duplicate each others efforts. Ms. Wilson agreed adding that we don't want to duplicate money being spent on the same work as well.

Mr. Baird said he has spoken with Mr. Rhodes is very aware of that concern. He ensured council there is no preconceived notion that this will be a quick boilerplate type report, but instead will provide a strategy for the city.

Mayor Rogers said it appears this is an appropriate way to address economic development as the economy begins to turn back around. In the meantime, we will prepare in order to be ready.

Mr. Grier moved to approve the proposal from Moran, Stahl and Boyer, not to exceed \$10,000, to be paid from General Fund Capital Reserves, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

*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*

The following ordinances were officially introduced for consideration:

*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*

#### **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*

#### **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*

Mayor Rogers advised that as this was discussed earlier, the ordinances extend the impact fee incentives by waiving those fees, initially scheduled to expire on December 31, 2010 and continuing that waiver until June 30, 2011.

Mr. Baird reported the committee unanimously agreed to move forward with the waivers. The ordinances are being introduced tonight and will be voted on November 8, 2010. The effective date would be January 1, 2011.

Mr. Adkins thanked council for approving this noting the impact speaks for itself with no development over \$5 million in the four spring/summer months prior to this year. He said what happens if we are at the point when this impact starts to level off, or it is determined that development would have occurred anyway, or if we are still seeing a spike in interest because of these waivers. Mr. Baird noted there was very little activity in September, but after considering those people who are working with our planning department on projects anticipated, he feels that over the next six months, the trend will continue. What happens after that will still need to be determined. At that point, city council will have to make a decision on whether to put those fees back into play and determine whether they should be phased in partially or in their entirety.

Mayor Rogers noted that this is a huge help to anyone wanting to expand in addition to attracting new development. He feels it is well worth the reduction in impact fees, when considering the long term financial impact.

## FINANCE REPORT

Mr. Pikus noted that though we have waived some of those fees which has taken some of the revenues away, the building fee permits have increased during that time. With 16% of the year having passed, more than half of what was budgeted for building permit fees has been received. If we continue on that pattern, he feels the city will be very successful as a result of this small incentive. If we continue with that pattern, we are way ahead of many other cities and towns.

Mr. Pikus reported that through the second month of Fiscal Year 2010-2011 with 16.7% of the fiscal year having passed, 25.56% of revenues have been received and 16.34% of the operating budget expended

He said that approximately 95% of the areas, are on target at 16%. The city is very well invested in CD's, money markets and in very safe areas with a cap in the various investment firms. He attributes the success of the city's finances to Finance Director Jeff Portmann who keeps a very close eye on our funds.

Mr. Pikus moved to accept the August Finance Report, seconded by Mr. Adkins. Motion carried.

## *Executive Session*

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

Mayor Rogers recessed the Council Meeting at 7:54 p.m. to go into a closed session.

*Return to Open Session*

Council returned to open session at 8:26 p.m.

No action required.

ADJOURN

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

Mayor Rogers adjourned the Monthly Council Meeting at 8:26 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
October 20, 2010

A Meeting of the Finance Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, October 20, 2010.

PRESIDING: Chairman S. Allen Pikus

IN ATTENDANCE: Committee Members-Councilman Garrett Grier and Councilman Douglas Morrow

City Manager David Baird, City Clerk Terri Hudson and Finance Director Jeff Portmann

The meeting was called to order at 12:35 p.m. by Chairman Pikus.

*Quarterly Finance Statement-September 2010*

Finance Director Portmann reviewed the September report after 25% of the year has passed. He referenced the reserve accounts noting they include restricted funds that are already allocated, but are reflected in the total cash balances. The electric, water and sewer accounts all include funds for debt services collected.

When discussing investments, Mr. Portmann explained that if money is needed from one of the Merrill Lynch reserve accounts, he can swap investments for cash with another reserve account, depending on the amount. He confirmed there is no more than \$240,000 in any one financial institute, which with interest, will not exceed \$250,000.

He reported that revenues are on target. Building permits are doing well at 92% though the budget was reduced to \$30,000 this year, based on \$45,000 last year. Mr. Baird advised the increase is the result of the incentives currently in place.

Mr. Portmann then explained that business and rental licenses are seasonal and will start to come in after January. Planning and zoning includes land application and annexation requests. Miscellaneous revenues are only at 15% but many of those are also seasonality in numbers including the Comcast franchise that comes in every June. Also included are the Wawa lease, three cell tower leases, the Cornelius Moore rental lease and fiber optic leases.

Mr. Baird then reported another person has expressed an interest in a large fiber optic purchase which he would market for the city.

Utility accounts are all on target though Mr. Portmann again noted that many of those are seasonal.

The finance director reported there are no issues with expenses in any department. Individually, there may be one or two that are higher. For example, council is at 67% but is also seasonal because of the contributions and dues that are paid out the beginning of the fiscal year. All departmental expenses and pay are in line.

Mr. Pikus asked why the tax department's O&M is higher; Mr. Portmann advised that is the result of a software renewal paid every July at the cost of \$7,000. He added the police capital is at 57% because of the police vehicles purchased in the beginning of the fiscal year.

The city manager asked if Mr. Portmann sees any areas where we need to improve the cash situation and specifically referenced the sewer budget and the I&I issue. Mr. Baird said the sewer is good as long as we continue to keep an eye on it. Mr. Baird referenced the project currently addressing I&I adding that a report will be presented to council within the next few weeks.

The finance director recommends a minimum of \$3 million be kept in the electric reserve accounts for emergency situations. Water and sewer reserves should contain at least \$1.5 million with \$1 million in the general fund capital reserves, less any restricted funds.

Mr. Pikus moved to accept the September finance report, seconded by Mr. Grier. Motion carried.

*Northeast Front Street & Southeast Front Street/Streetscapes Project*

Mr. Baird stated that everyone is familiar with what is being proposed on Northeast Front and Southeast Front Streets with improving the streetscapes. We had \$250,000 that DMI received years ago from the state that was never utilized and the city matched with \$375,000. He said that will get a little work done, but will not complete the project. Another \$1 to \$2 million is needed to finish the Northeast Front Street Project. That will add new sidewalks, relocate utilities underground and clean up the overall visual appearance of everything coming into the city while correcting some drainage issues at the same time.

On Southeast Front Street, the city manager recalled the state had plans to repave the road, but the city asked them to postpone the work because sidewalk work was needed. DelDOT then provided \$897,000 to the city to complete the paving and sidewalk work. Mr. Baird is hoping to relocate the utilities underground at the same time.

The city manager then provided the following numbers, noting that if we borrowed \$1 million at 3.25%, the debt service would be \$84,320 and a tax increase of 1.3 cents would be needed, etc.:

| Amount Borrowed | Annual Debt Service<br>15 Years @ 3.25% | Tax Rate<br>Increase | Annual Debt Service<br>20 Years @3.75% | Tax Rate<br>Increase |
|-----------------|---|----------------------|--|----------------------|
| \$1,000,000     | \$84,320                                | \$0.0130             | \$ 71,146                              | \$0.0110             |
| \$2,000,000     | \$168,640                               | \$0.0261             | \$ 142,292                             | \$0.0220             |
| \$3,000,000     | \$252,960                               | \$0.0392             | \$ 213,438                             | \$0.0330             |
| \$4,000,000     | \$337,280                               | \$0.0522             | \$ 284,584                             | \$0.0440             |
| \$5,000,000     | \$421,601                               | \$0.0653             | \$ 355,733                             | \$0.0551             |

He said if \$5 million were borrowed, we would be looking at a 6.5 cent tax increase. Mr. Morrow asked if this was in addition to the money already received from the state; Mr. Pikus advised we already have \$625,000 (\$250,000 DMI grant and \$375,000 from city) plus \$897,00 (state commitment) which means we would only need another \$3.5 million. Mr. Baird explained the total cost would be \$6.5 million for both streets or \$5 million plus the approximate \$1.5 million.

Mr. Baird said this would net out to a 7-cent tax increase. A home assessed at \$150,000 would increase \$105 a year. However, the city could not take on the additional debt without a referendum.

It was confirmed the city went to a referendum in 2008 for \$15.5 million (\$5.5 million for electric, \$5 million for water; \$4.5 million for sewer).

Mr. Pikus confirmed the bonds had not been sold; Mr. Portmann advised we have not actually borrowed the money for the water project and expects to go to the bond market in January.

Mr. Baird said that any additional money borrowed for these projects will need to go to referendum. Any tax rate increase associated with this \$5 million would be voter-approved. He said council will have to present this to the public and advise them if they want to do this, we would need their approval.

*Water Projects*

Mr. Baird then reported the cost of the wells, treatment facility and water tower project is \$5.5 million based on the engineer estimate. In 2008, the residents approved borrowing up to \$5 million for water projects which means we are \$.5 million short. USDA has obligated and is committed to loaning the city up to \$5.6 million which would cover the project costs. The loan rate would not exceed 2.75%. If the loan is finalized and their rates are lower, we would receive the lower rate. In addition, there is \$231,000 budgeted annually for debt services associated with this project.

Mr. Pikus confirmed that \$231,000 is coming in annually to pay that loan though we have not yet borrowed the money. Mr. Baird agreed noting that is part of the restricted money in our reserves. Mr. Portmann confirmed there is approximately \$1.1 total that has been collected on the water side.

Mr. Portmann further explained the actual borrowing of the money from the USDA will not happen until the entire project is complete. The city has to take interim financing or find a source to borrow from, up to \$5,500,000, to pay for construction. Then we settle with them at the interest rate in effect at that time not to exceed 2.75%.

He said that USDA works differently from the bond issue which will go in January. After we start construction, it will be two years down the road before we can settle with USDA

Mr. Baird said there are two scenarios to consider. One is to borrow the \$5 million at 2.75% which works within our budget number of \$231,000 and leaves approximately \$25,000; if we borrow up to \$5.6 million at the 2.75%, it still fits within the budget. If we were to borrow the \$5.6 million versus the \$5, it will not increase our water rates and is already budgeted.

Mr. Portmann emphasized the additional \$600,000 would need to be taken to referendum because the public only approved \$5 million.

#### *Water Projects-Washington Street*

Mr. Baird then recalled the Public Works Committee agreeing to the Washington Street Water Facility Project whose estimated engineering costs are \$2.36 million. This would completely tear down and build a new water plant there. He said part of the issue is the plant is antiquated and expensive to run and operate. He noted that some people will not even go in and work on it.

Mr. Pikus confirmed that the entire facility would be removed.

Mr. Baird agreed it would become a clean site with a new water plant. He said the USDA has obligated \$2.36 million at 2.625% over a 40-year term. This would also need to be taken to the voters. It would have to be incorporated into the rate because it is not within the current budget.

The city manager reported that if the costs are assigned across the board, a rate increase of 15 cents per 1,000 gallons (4.3%) would be required. From an average user, the increase would be 90 cents a month or \$10.80 a year.

However, what needs to be considered is the two biggest users. Perdue (244 million gal annually) would increase \$36,600 annually and Seawatch (96 million gal annually) \$14,400 annually. Combined, this is half the debt service for this project.

Mr. Baird said there are a number of ways to address this. From a residential side it is a small increase, but a huge impact for those two industries. He advised that Perdue has made a large capital investment on their plant installing high pressure nozzles to reduce their water consumption. Twenty years ago, Seawatch was using more than a million gallons of water a day which has been reduced to 300,000 today. A lot of the heavier water usage processing was moved to New Bedford because it is less expensive.

Mr. Portmann said there are reserves funds that could be considered for some of these projects, but that needs to be weighed against the 2.625% or less 40-year loan which is very cheap money.

When asked for confirmation that these are not shovel-ready projects, Mr. Baird stated no, we are only talking about money at this point.

Mr. Morrow asked if there are any grants or other funding the city would qualify for to pay for these projects. Mr. Baird explained that as far as grant dollars are concerned, Milford does not qualify based on our income levels in the city and because our rates are very affordable. If our rates went through the roof, Milford may be considered for grant monies.

It was agreed some type of restructuring would be needed to cover the increase. Mr. Baird pointed out that otherwise, there is always the chance these larger users would leave town. Should that occur, it would have a drastic impact on the overall rates of all customers, including residential customers who rates would increase to make up the difference.

The city manager said another option is to take \$51,000 a year out of reserves for forty years which is roughly \$2 million. He said the city could choose to subsidize a percentage of the loan over the forty years.

Mr. Portmann said the other issue is these projects may not be fully spent out for two, three or five years; hopefully, the environment will be much better in five years compared to what it is today. He understands that many people are hurting personally and three to five years things could change that.

Mr. Pikus confirmed we are going to the bond market in January; Mr. Portmann explained it is planned for January unless council is seriously considering a referendum which would cause a delay. The bonds would cover \$5.5 million for electric and \$4.5 million for sewer.

Mr. Pikus asked how much more the city is considering borrowing; Mr. Portmann said \$5 million for the Streetscapes Project. Mr. Baird said that \$2.3 is also needed though Mr. Portmann noted that is not a bond issue.

*Electric Project*

Mr. Baird said there is an associated estimated cost of \$7.5 million for this project. Citizens have approved borrowing up to \$5.5 million and \$2 million in reserves will be used. This allows the city to maintain a targeted reserve minimum of \$3 million.

The following are projected debt services on the terms versus the current budgeted numbers:

|                        | Annual Debt Service<br>15 Years @ 3.25% | Annual Debt Service<br>20 Years @ 3.75% | Annual Debt Service<br>25 Years @ 4.25% |
|------------------------|---|---|---|
| Projected Debt Service | \$463,765                               | \$391,310                               | \$357,550                               |
| Budgeted Debt Service  | \$370,000                               | \$370,000                               | \$370,000                               |
| Difference             | -\$93,765                               | -\$21,310                               | \$12,450                                |

Mr. Baird said it appears the 15 years is almost unaffordable; he feels the 25-year loan is definitely affordable and within budget. He believes we could get there by buying down some of the debt.

Mr. Baird said the city has the option to buy down the total bond amount to afford a 15 or 20-year term. At this point, we are not looking at our debt having any impact on the rates and this can be done within our current rate structure.

He reported that Electric Consultant Jay Kumar is projecting after the first of year, we will be able to reduce the 1% PPCA and another half cent to a penny to come off in the spring to summer of next year. Mr. Baird's goal is a 2% reduction in our electric rates which he feels will be huge.

A customer using a 1,000 kilowatt hours will see a \$20 reduction in their bill for a two-cent reduction. The \$20 calculates to \$240 a year.

Mr. Pikus asked if we are considering 20 year or 25-year loan, Mr. Baird believes we can afford the 25-year loan now. Mr. Portmann advised that when we go to auction, those decisions can be made then and will be dependent on the bids.

When asked how long a referendum will take, Mr. Baird answered it is at least a two to three-month process just to get there.

*Sewer Project*

On the sewer side, Mr. Baird advised we are borrowing \$1,301,872 from the SRF fund at 2% for 20 years for the North Front Street Project. The city's total payback is \$1.56 million on a \$1.3 million project. The remaining \$3.2 million, eligible for borrowing, will be used for I&I and other sewer projects that are needed.

Mr. Portmann pointed out the \$3.2 million is the bond portion. We have already borrowed the \$1.3 from the SRF program. Therefore, there will be \$5.5 million for electric and \$3.2 for sewer when we got to market.

Mr. Baird then referenced the following numbers:

|                                | 15 yrs @ 3.25% | 20 yrs @3.75% |
|--------------------------------|----------------|---------------|
| Projected Debt Service \$3.2 M |                |               |
| Bond Issue                     | \$269,825      | \$227,670     |
| Debt Serv. \$1.3 M DE-CWSRF    | \$78,920       | \$78,920      |
| Budgeted Debt Service          | \$327,305      | \$327,305     |
| Difference                     | -\$21,440      | \$20,715      |

Debt structure at 20 yrs will not require a rate increase.

Mr. Baird then summarized the issues that were discussed:

- Funding for N.E. & S.E. Front St. Streetscaping/\$5 million would need to be borrowed (worst case scenario);
- Borrow additional \$600,000 from USDA for Water Project (this increases from \$5 million to \$5.6 million);
- Borrow \$2.36M from USDA for the Washington Street Plant Project;
- Additional borrowing will require a referendum;
- Total impact of full borrowing on average residential property is \$115.80 annually or \$9.65/month;

Mr. Pikus confirmed that we would borrow an additional \$8 million for a total of \$16 million. He added that \$2.36 million and \$600,000 (approximately \$3 million) would be from the USDA.

Mr. Baird said the only thing we would take to the bond market would be the additional \$5 million. Mr. Pikus confirmed this would be an additional \$16 million on top of the \$10 million for the electric and sewer.

Mr. Baird verified we would go to referendum for \$11 million of which \$5 million would be for the Streetscapes Project, \$600,000 additional money needed for the water improvements and \$2.36 for the Washington Street Plant Project.

Mr. Pikus said we would have to sell the \$8 million referendum because everything else was approved. Mr. Baird confirmed that was for the electric substation project, water tower, wells and treatment plant and the North Front Street Project and I&I work.

Mr. Baird emphasized the need to do the Washington Street project whether it is done now or in a couple of years. It makes sense to him if we go to referendum to get the additional \$600,000 because of the low rate. If not approved, we would utilize reserves.

Mr. Baird suggested giving tours of the Washington Street plant so residents can physically see it. We can paint a picture of what Northeast Front and Southeast Front Streets could look like with these improvements and the \$600,000 add onto the water project makes sense because it is available at such a low rate versus using our cash.

Mr. Pikus asked what would happen to the Chamber of Commerce and DMI Offices when their building is torn down. Mr. Baird feels that we will need to build some sort of operations facility and add some office space and fit them in it.

Mr. Pikus questioned parking noting that Library Board President Richard Johnson recently asked the city to provide the library with additional parking across the street. Mr. Baird said that currently we are unable to, but in the future that can be done.

Mr. Morrow asked if a bike path would be incorporated in the Streetscaping project; Mr. Baird stated yes. The city manager feels that by adding the streetscaping, we will get support from the Chamber of Commerce, Downtown Milford and people who want the downtown to be beautiful. Both the chamber and downtown will do a lot of the heavy lifting to make sure people show up and support the referendum. On the other portions of the project, the \$600,000 will have a zero impact on current rates. The \$2.36 million for the Washington Street project will be 90 cents a month, as of today, though it could end up being a little higher, but still something very affordable. Mr. Baird feels there will be very little opposition.

Mr. Baird said another way to buy down the \$5 million needed for the Streetscapes Project is to utilize some of the electric reserves to pay for the relocation of placing utilities underground.

Mr. Pikus said that we will need to sit down with Downtown, Chamber, Art League and bike group to get their help to sell this package. Mr. Baird wants to start selling this before council approves it. He wants us to initiate it, but by people saying the city should do it because it makes sense will help before council takes a final vote.

Mr. Morrow and Mr. Grier both feel that borrowing now is the right time and is cheaper in the long run than using our reserves.

Mr. Pikus recommended Mr. Baird speak with those groups and present the package. Mr. Baird suggested that when Mr. Pikus is giving his committee report, he inform council we are looking at this noting the committee believes it makes sense to consider this at this time. Before it is finalized, we need to be out promoting it.

Mr. Grier asked if the public works committee has been made aware of this. Mr. Baird said that Chairman Brooks is behind the Washington Street Project 100%.

Mr. Baird will put together a package for promotional purposes. He said we would also be working on our water towers at the same time. That would be outside any borrowing and our cash would be used for that.

Before a motion was made, Mr. Portmann stated that January is a perfect time and best time of the year to go to the bond market. He is ready to proceed and has been in contact with the person handling the auction. He wants to get some idea as far as the timing of the referendum and when the potential bond issue would be. If we are expecting a referendum in January or February, then the bond issue could be delayed.

Mr. Baird feels it will be February or early March before a referendum could be scheduled.

Mr. Portmann feels that maybe we could proceed with the January date on the first issue in case the referendum does not pass.

Mr. Baird said the current approved projects are already funded should the referendum not pass and will need to be two separate issues. Mr. Portmann agreed and feels we need to go in January. But if council wants the referendum in February, he would be willing to hold off.

Mr. Baird wants it handled as two separate issues. Mr. Portmann said there are two factors 1) the referendum may not pass and 2) the referendum may not be held in a timely fashion.

He said the charter requires a couple of resolutions and a public hearing is involved. Mr. Baird feels there is an approximate 3-month period before the referendum.

Mr. Baird hopes most people will encourage council to do this. The only portion he feels may be a tough sale is the streetwork though we will need the help of those groups. He said it will increase tax rates with the worst case scenario 7 cents or approximately \$100 or \$105 on an average.

Mr. Baird said we were able to avoid tax increases last year, though it may have to be considered this year. He will break out the numbers by showing each factor that contributed to the increase.

Mr. Pikus made a motion the committee is behind what has been discussed and recommends more concrete figures be obtained, the concept presented to city council and in the meantime, go out and promote it. Mr. Morrow seconded motion. Motion carried.

The Committee Meeting was adjourned by Chairman Pikus at 1:50 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*October 25, 2010*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 25, 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:                City Manager David Baird, Police Lieutenant Steven Rust and City Clerk/Recorder Terri  
Hudson

COUNSEL:           City Solicitor Timothy Willard

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

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

COMMUNICATIONS

Nothing new to report.

UNFINISHED BUSINESS

*Downtown Delaware Awards*

Mayor Rogers recalled at the last meeting he announced that Milford had received four of the eight 2010 Downtown Delaware awards at the Delaware-Maryland Downtown Revitalization Conference in Rehoboth.

George Carroll and Chuck Stanko, owners of Dolce Coffee and Bakery, won the award for Outstanding Main Street Merchant; the Bug and Bud festival won an award for Best Special Event; and Scott Angelucci won the award for the Best Façade Improvement Over \$10,000 for the new Riverwalk Center for the Arts.

He reported that Gary Emory, Director of the City of Milford Parks and Recreation Department, won the award for Main Street Champion for his volunteer efforts downtown. Because Mr. Emory was out of state at the time the awards were presented, Mayor Rogers accepted on his behalf.

Mayor Rogers then presented the plaque to Mr. Emory, who was in attendance.

*Delaware Main Street*  
*“Main Street Champion”*  
*Downtown Milford Improvements 2010*

Mr. Emory stated that this is the result of the partnership with DMI, Chamber of Commerce and Milford Museum. He accepted the award on behalf of the entire parks and recreation department noting it is a team effort.

NEW BUSINESS

Mayor Rogers advised that Ordinance 2010-17, 2010-18 and 2010-19 are being officially introduced as was discussed at the October 11, 2010.

The mayor recalled council previously approving some incentives with the hope of attracting interest in new construction which would have a positive long term impact within the city. The ordinances allow the sewer, water and electric impact fees be waived by extending the current deadline of December 31, 2010 until June 30, 2011.

City Manager Baird reported that there has been \$101,000 waived which has been retained by the business community for reinvestment. The \$101,000 investment has generated \$5.7 million in activity through building permits. He plans to provide updated numbers at the November 8<sup>th</sup> council meeting.

*Introduction of Ordinance 2010-17/Sewer Impact Fees/Waiver Extended*

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

*Introduction of Ordinance 2010-18/Water Impact Fees/Waiver Extended*

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

*Introduction of Ordinance 2010-19/Electric Impact Fees/Waiver Extended*

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

ADJOURN

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

The Council Meeting adjourned at 7:17 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
October 25, 2010

The City Council of Milford met in Workshop Session on Monday, October 25, 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: City Manager David Baird, Police Lieutenant Steven Rust and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

The Workshop Session convened at 7:17 p.m.

*Carlisle Fire Company/Chair John Watson/Life Safety Rings Program/Misphillion River*

John Watson presented the following Power Point Presentation to City Council:

IN MEMORY OF DEE' JION M. FULLMAN  
SPONSORED BY  
CARLISLE FIRE COMPANY INC.

ON AUGUST 16<sup>TH</sup>, 2010 A YOUNG BOY DEEJION FULLMAN LOST HIS LIFE WHILE PLAYING BASKETBALL AT THE BASKETBALL COURT DOWNTOWN. MR. FULLMAN HAD WENT IN TO THE WATER TO RETRIEVE HIS BASKETBALL AND NEVER RETURNED HOME. AFTER SEVERAL FAILED ATTEMPTS OF BYSTANDERS TO SAVE MR. FULLMAN, 911 WAS ACTIVATED. MR. FULLMAN'S BODY WAS LATER RECOVERED BUT IT WAS TOO LATE. AS A RESULT, THE MEMBERS OF CARLISLE FIRE DEPT. MADE THE DECISION TO ASSEMBLE A COMMITTEE TO MAKE THE RIVERWALK A SAFER PLACE FOR OUR CITIZENS.

**DROWNING STATISTICS IN DELAWARE:**

\*EACH DAY IN THE UNITED STATES, NINE PEOPLE DROWN;

\*FOR EACH DEATH CAUSED BY DROWNING, THERE ARE 1-4 NONFATAL SUBMERSION ACCIDENTS SERIOUS ENOUGH FOR THE VICTIM TO BE HOSPITALIZED;

\*IN NEARLY 9 OUT OF 10 CHILD-DROWNING DEATHS, A PARENT OR CAREGIVER CLAIMED TO BE WATCHING THE CHILD;

\*BASED ON RECENT STUDIES FROM THE DELAWARE HEALTH STATISTICS CENTER IN 2007, ACCIDENTAL DEATHS RANKED #5 IN THE TOP TEN LIST FOR LEADING CAUSES OF DEATH; ACCIDENTAL DROWNING AND SUBMERSIONS WERE 3 PERCENT OF THIS TOTAL.

*The Committee*

\*THE COMMITTEE IS COMPOSED OF SEVERAL MEMBERS OF THE CARLISLE FIRE COMPANY;

\*ALL OF WHICH COME FROM DIFFERENT BACK GROUNDS AND PROFESSIONAL CAREERS;

\*ALL COMMITTEE MEMBERS ARE COMPASSIONATE ABOUT WORKING WITH THE COMMUNITY AND TARGET GOAL IS TO MAKE A DIFFERENCE IN OUR COMMUNITY.

*Goals of the Committee*

\*TO PROVIDE LIFE RING STATIONS ALONG THE RIVER WALK AND AREAS OF CONCERN;

- \*TO SECURE FUNDING FOR THE PROJECT THROUGH DONATIONS, GRANTS, ETC.;
- \*TO PROVIDE THE CITIZENS OF THE CITY WITH WATER SAFETY INFORMATION.

*How We are Going to be Successful*

- \*SECURE ADEQUATE PROJECT FUNDING TO MEET THE NEEDS OF THE PROJECT;
- \*PUT LIFE RING STATIONS IN AREAS OF CONCERN WITH THE ABILITY TO MAINTAIN THEM IN THE FUTURE YEARS TO COME;
- \*WORK WITH LOCAL BUSINESSES, ORGANIZATIONS, ENTREPRENEURS, MILFORD PARKS AND REC AND THE MILFORD CITY COUNCIL;
- \*HAVE PROJECT-SPECIFIC FUND RAISERS;
- \*CONTACT LOCAL NEWS MEDIA;
- \*OPEN A PROJECT SPECIFIC ACCOUNT FOR DONATIONS AND ONE TIME SCHOLARSHIP OFFERED IN MEMORY OF DEE'JION M. FULLMAN;
- \*LOOKING AT AN ANTICIPATED PROJECT COMPLETION DATE IN EARLY SPRING 2011

WHAT ARE LIFE RING STATIONS?

THEY ARE STATION'S THAT HAVE A LIFE RING AND 90 FEET OF ROPE THAT CAN BE THROWN TO A DROWNING VICTIM TO ATTEMPT TO BRING THEM TO SAFETY

EXAMPLE OF LIFE SAFETY RINGS TO BE INSTALLED IN COMMUNITY

WHERE WOULD WE INSTALL THE STATIONS?

- \*THE MILFORD POLICE STATION BOAT RAMP
- \*GOAT ISLAND BRIDGE
- \*ALL BRIDGES ALONG THE RIVER WALK
- \*SILVER LAKE
- \*SPILLWAY AT OLD MASTENS LUMBER YARD
- \*HAVEN LAKE BOAT RAMP
- \*WHEREVER A BUSINESS OR ENTREPRENEUR WOULD LIKE TO SPONSOR ONE

HOW DO YOU SPONSOR A STATION?

- \*CONTACT THE COMMITTEE;
- \*LET THEM KNOW YOU OR YOUR BUSINESS WANTS TO SPONSOR A STATION
- \*LET US KNOW WHERE YOU WANT IT
- \*COMPLETE PROPER DONATION DOCUMENTATION
- \*MAKE A DONATION FOR THE FULL PRICE
- \*THE COMMITTEE WILL HAVE IT INSTALLED AND RECOGNIZE YOUR DONATION WITH A MOUNTED PLAQUE (businesses that want to donate the entire station).

THE OFFICERS AND MEMBERS OF THE CARLISLE FIRE COMPANY WOULD LIKE TO THANK THE MILFORD CITY COUNCIL AND THE CITIZENS OF MILFORD FOR THEIR TIME AND SUPPORT IN OUR FUTURE PROJECT.

COMMITTEE MEMBERS:

JOHN WATSON, CHAIRMAN  
BRENNON FOUNTAIN  
DORIAN BENNETT

FRANKLIN FOUNTAIN  
KEVIN PETTYJOHN  
THOMAS DRUMMOND  
ALEX INGRAM  
ROBERT CAIOLA  
MICHAEL LOVE  
RICK DEPUTY  
RICHARD "BUTCH" COMSTOCK

Mr. Watson advised the committee walked the Riverwalk last Tuesday night and found some additional areas of concern. They still have some questions about where the stations should be placed. There is some concern about the distance between the bridges noting the original plan was to place them at each bridge.

Mr. Pikus asked the cost. Mr. Watson provided the following fees:

Cabinet with life ring and 90 foot of rope, audible alarm (battery operated)...\$439.00  
plus the costs of adding your name to a plaque for those that sponsor an entire station.

When asked how the alarm works, Mr. Watson advised that once the glass is broken and the door is opened, the audible alarm will go off.

Mr. Watson reported that the 30-inch life ring is the best option and can fit a small child up to a fairly decent sized adult. They are able to be placed on a pole or mounted to a railing, block wall, etc. One is ordered and Mr. Watson offered to bring it back for council to see after it arrives.

Carlisle Fire Company will purchase the first station and have it installed in the area of the basketball court. A brick podium will be built and a plaque added in memory of Dee'Jion.

Mr. Starling referenced the scholarship mentioned and asked if that ties in with the swimming scholarships being offered to children unable to swim. Mr. Watson advised they are hoping that any donations left over after this project is completed will be incorporated into a one-time scholarship for a student that graduates Dee-Jion's graduation year though they are still working on specific details.

Parks and Recreation Director Gary Emory was present and added that his department offers swim lessons throughout the year. The Boys and Girls Club and Parks and Recreation will be offering scholarships for swimming lessons for disadvantaged students. He said the Boys and Girls Club came up with the proposal for a member of their club, but instead they decided it should be offered to the entire school district in the name of Dee'Jion Fullman.

Mr. Watson advised their original plan was for eight stations from Silver Lake to Goat Island. They are hoping to get enough funding to place them at other areas, one of which will be the Pop Warner Field next to Marshall Pond. He added that anyone who has a specific location in mind is able to sponsor a station for that site.

Mr. Pikus gave his blessing for the project and suggested the city purchase a station. Mayor Rogers agreed adding the city is 100% supportive of the project and is confident the community will back it as well. Mr. Starling added that in addition, individual council members should partner and purchase a station by divvying up the costs.

The mayor then complimented the fire department on their efforts with this project and thanked them for the

work they do as they noting they are on call 24 hours a day and always prepared to aid their neighbors.

Mr. Watson concluded by stating they will remain in touch with the city on the progress and will send over the paperwork for anyone interested in purchasing one.

#### *Annexation/Land of Walter N. Thomas, II*

Mr. Adkins asked when the Thomas annexation will be voted on; Mr. Baird advised it is on the November 8<sup>th</sup> agenda. The mayor added that all eight council members should be present at that meeting. Mr. Brooks then asked if any time a matter requires six votes to pass, will it be deferred if someone is absent and until all eight council members are present. He feels that all applications should be handled in the same fashion. Mayor stated that we knew Mr. Morrow would be out of town noting that it had not been discussed since the public hearing. Mr. Brooks recalled at the last meeting, it was indicated that additional information was available by the city solicitor though it had not yet been provided.

The mayor announced the annexation will be placed on the November 8<sup>th</sup> agenda. Mr. Brooks reiterated that because we are handling the annexation in this manner, he feels that anytime a matter needs six votes, there should be eight council members present.

The mayor agreed.

#### *Milford Museum Commission Update*

City Solicitor Willard advised that Milford used to have a Historic Landmark Commission. Sometime after 1979, the City of Milford Commission of Landmarks and Museums was formed. That established a maximum 15-member commission to identify historical landmarks and inventory them. The commission was to oversee and provide funding for this.

A couple months ago, Mr. Willard met with David Kenton, Claudia Lister and Don Abrutyn to update him as the solicitor and get his opinion on some matter and what to recommend to city council.

The solicitor then advised that sometime around 2001, a corporation was formed called Friends of Milford Museum. They received the 501(c)(3) status to become a non-profit. Anyone donating is then able to use that donation as a tax deduction. He believes that participation somewhat dwindled and is the reason Mr. Kenton, who is chair of the Landmarks Commission, needed to weigh some options including whether bylaws were needed. Mr. Willard also spoke with Gary Progar, a commissioner who is also an accountant, as well as Jeff Portmann, the City Finance Director.

Mr. Willard advised that each year the city provides the commission with a donation. The city's audit does not include an expense report for the commission which makes them somewhat independent. He informed Mr. Kenton that a commission or committee of the city to be considered non-profit but are not designated 501(c)3 by a difference section of the IRS Code can be considered a non-profit. However, both Mr. Portmann and Mr. Progar believed it was better to have the 501(c)(3) status.

The solicitor reported that the commission now wants to consolidate and change the name of the Friends of Milford Museum and have them fall under the City of Milford Landmarks and Museum Commission with the 501(c)(3) status. The main purpose is to allow anyone contributing grants or donations to be able to write that off which allows them to remain somewhat separate from the town because the statute allows them to self

govern. Their only responsibility is to report to the city at least once a year after they form, sometime in March or April, and then from time to time call the mayor if there are special things they want.

David Kenton then addressed council stating they agreed with changing the name of the Friends of the Milford Museum to the Milford Commission of Landmarks and Museum and approving the new bylaws. He advised they never had a set of bylaws and council authorized them to operate since 1982. The commissioner decided to do this through the Friends though the Friends eventually dissolved and this needed to be sorted out.

Mr. Kenton said that mayor and council agreed to allow them to make those changes.

He then invited everyone to their annual Christmas Party on December 6<sup>th</sup> from 2-4 p.m. though an official invitation will follow.

He concluded by saying they appreciate the help they get from the council noting that Councilman Pikus, Adkins and Grier were involved in a couple of historic operations around town and were thinking about possibly coming under the auspices of the Commission of Landmarks though they decided to go it alone. They are thrilled the city is willing to help them noting the taxpayers are basically helping them to pay for about half of their expenses. The balance of the money is raised through projects.

Mr. Kenton said they contemplated becoming a department in the city, but realized they were not close enough to a city department to do that and the 501(c)(3) was already in place. He feels changing the name will work out and wanted council to be aware of what they are doing.

#### *Comcast Update/Thomas Worley/Director Government Regulatory Affairs*

Mr. Worley provided council with the following update on current and future Comcast services:

*As many will remember, back in the 90's we were primarily a basic video company with a 65-plus channel line and a fledgling new service called high speed internet. In 1996, we began investing billions of dollars in our nationwide cable. To date, this investment in Delaware, including Milford, totals over \$300 million. The benefits of the investment are very clear. We have dramatically increased our video offerings, while at the same time, improved the picture and audio quality of those services creating new viewing option such as video on demand and digital video recorders. We have significantly increased our internet speeds, have added new product lines like telephone and Comcast Highspeed 2Go. We are also beginning to make these products more mobile under the concept of accessing them anytime anywhere.*

*Today, we offer over 400 channels with the vast majority in a digital format with superior picture quality and sound. Of these channels, many are high definition, offering close to 50. We are on the cutting edge of channel programming delivery—3D. We were the first company in the nation to offer 3D programming.*

*Comcast has a digital guide which projects out seven days and allows you to look up programs on any channel with a brief description.*

*We have video on demand which is one of our more popular services. Back in the 90's, customers had to call a telephone number to order a movie and there were only three or four choices on five or six channels. Today we have over 13,000 on demand video choices.*

*We also have digital video recorder which is a very popular feature and allows a customer to stop, pause or record something anytime, as well as run backwards and forwards. This allows you to watch what you want when you want.*

*Back in the 90's, the internet download was at 1.5 megabytes. Today in Milford it is 50 megabytes with a 10 megabytes upload speed. The higher speeds are called wideband. With our internet service, we offer the Comcast.net ISP with the Norton Security Suite at no additional charge. A lot of people do not realize that Comcast has one of the largest ISP's in the nation.*

*We also have a Comcast security website called the Comcast Security Channel to assist families as they struggle to protect their identities, children and digital assets when using the internet.*

*They also have a program when they go out and meet with groups. I am meeting with a Foster Parent Group in Georgetown on Wednesday night to talk about ways to assist them in protecting their foster children when they are on line.*

*They are also in telephone service now as they were back in the 90's. Comcast Digital Voice is an innovative and reliable IP-enabled home phone service that delivers all of the functions of traditional phone service, plus enhanced features that are integrated with other Comcast services. Comcast Digital Voice offers digital-quality phone service with unlimited direct-dial local and domestic long-distance calling. We offer web access to voice mail, E911 service and twelve popular calling features. In addition, Comcast offers the SmartZone Communications Center, an online communication application that allows customers to manage their e-mail, voice mail and universal address book all in one place. You can actually bring up your voice mails, listen to them and forward them by e-mail.*

*We are just now beginning to offer mobile applications of our products to extend the accessibility of our video, voice and data products by making them available 'Any Time Any Where'. These applications include an iPhone/iPad application, HighSpeed 2Go wireless data service and Xfinity tv. The iPhone/iPad application provides a free mobile application for iPhones and iPads where you can bring your SmartZone, e-mail, voice mail, tv listings and movie trailers along with you on the phone to access it. In the near future, you will be able to remotely program your DVR using your iPhone or iPad.*

*Comcast High-Speed 2Go is a 3G wireless high-speed data service that provides wireless internet via wireless data cards that you can use on laptops. This allows you to access something on line regardless of where you are with a 3G card. At some point in the future, we will offer a 4G service.*

*Xfinity TV or Xfinity.com provides top video content on line for free that has never been available online includes Comcast On Demand and access to 32 networks if you are a Comcast tv subscriber. If you have Comcast 2Go card, you are able to access your tv through Xfinitytv.com.*

*Comcast is no longer just a residential service provider. They now have a robust Comcast business service product. It primarily focuses on small business of 25 or less employees. They will provide telephone, internet and video. In the not too distance future, they are planning to expand to larger businesses. This has been one of our biggest growth areas because we are very competitive price wise in this field.*

*In addition to these products and investments, Comcast has also improved plant reliability. They have developed systems where we can see an outage in a graphic form that shows the streets and the houses that are impacted. We automatically know what technicians are in those areas and can dispatch them to the outage.*

*We also have technicians assigned to individual nodes where they monitor the Node Health. Their job performance is dependent on how well they are doing that work with those nodes. We are specifically focusing on plant reliability to improve our services.*

*Generally, the future is more and more of what has been discussed. By next summer, if all goes as planned, we should be migrated to 100% digital channel lineup. The first 50-75 channels in a lineup are in an analog format. They will be moved to digital and when that is done, it dramatically increases the plant capacity, as well as improves the audio and picture quality. When the plant capacity is increased, we will be able to access over 100 HD channels, will provide an interactive on-screen programming guide with search and parental-control functions. We will have more digital cable channels, more ethnic channels and programming and faster internet speed of up to 100 megabytes download speeds, which is primarily a business product.*

*We will continue to invest in our communities through our Leaders and Achievers Scholarship Program where we provide \$1,000 college scholarships and Comcast Cares Day, a couple of which have been at the Milford Food Bank where Comcast employees donate a Saturday of their time to do a service project. Here in Milford, they packed food at the food bank. The Comcast Community Foundation has also given grants in this area to the Dover Boys and Girls Club and La Esperanza in Georgetown.*

*Last year in 2009, Comcast in Delaware more than 1,700 employees which makes us one of the largest private companies in Delaware, had 60 separate facilities and paid almost \$7 million in state and local taxes and fees, some of which Milford received through franchise fees.*

When asked for questions, Mr. Pikus asked if city hall had the ability for teleconferencing through Comcast by telephone. Mr. Worley said he is unsure of a specific product, though he believes it is available through the internet.

Mr. Pikus believes it could be used at various times, specifically when a group of people needs to discuss a matter face to face with someone that is 500 miles away; instead of driving there, it could be done by teleconferencing. Mr. Worley said the lines are there, but he will need to get back with additional information.

Mr. Pikus asked if we have lines in city hall; Mr. Baird confirmed there is access to this site. Mr. Pikus asked if there are lines coming into city hall; Mr. Baird said if we do, they are not utilized. However, our internet service is through Comcast.

Mr. Pikus asked if we can get a line hooked up in city hall; Mr. Brooks said we always had a line in here. Mr. Baird said there is one next door adding there is no television here, though we have the internet service. Mr. Pikus asked why we not have a television line in city hall. Mr. Worley said it can be done and if someone would call him, he will make those arrangements.

Mr. Worley said video conferencing is an entirely different issue. He said he has the fiber optic and the lines but is unsure exactly how that works and whether there is a way they can sell that product. Mr. Pikus asked Mr. Worley to contact the city manager with an answer on these matters. He feels it would save a lot of time and a lot of travel if we had were able to conference other city managers or other people.

Ms. Wilson said she did not have an opportunity to notify some of her constituents who had a lot of questions, many of whom are senior citizens. Many of their concerns involved billing issues and in particular, many have the same services, but their billing costs are different. She explained they have gone so far as to select a spokesperson who called Comcast for each of the residents. Unfortunately, they did not receive any concrete answers which is the reason she wanted them to be here this evening.

Ms. Wilson asked if it is possible for Mr. Worley or a Comcast representative to set up a time to meet with these residents and provide them with some answers. Mr. Worley said he would be very happy to meet with them and asked if Ms. Wilson to coordinate that through the city manager.

Mr. Baird noted there were some concerns expressed by some residents during the conversion period to digital when some fees were added for the conversion box and new channel lineups. City hall was receiving a number of calls as the franchise holder during that period.

When asked if there is a difference in Kent and Sussex counties, Mr. Worley said there is some minimal differences though he does not have the specifics. Mr. Worley explained there are regulated rates which are different because they are off different head ions. There are also slight differences in the lineup. For example, Sussex County gets the Washington, Baltimore and Philadelphia channels. Kent County only receives Philadelphia channels.

Mayor Rogers confirmed that Mr. Worley would set up a meeting with the Fourth Ward residents through the city manager.

Mr. Johnson asked if the Comcast website has pricing information and is the differences in Kent County versus Sussex County versus New Castle. Mr. Worley answered the general products are basically the same. However, when you get into the limited basic lineup, that is a regulated rate based on the way the federal government assesses that off each individual transmission station. When you plug in all the formulas they are slightly different. There are also differences in the regulated installation charges in different areas though the major key rates are basically the same.

Mr. Baird asked if there are any hurdles in the Comcast system today that may be offered in other areas in this region from the standpoint of speed of service or caliber of service that on the business side, may appear as a hindrance in this area compared to the more metropolitan areas.

Mr. Worley answered no, Comcast offers the fastest internet speeds available to businesses. Once Comcast goes to all digital transition, there will have 100 megabytes speed capability. They have found there are not a lot of people taking the 50 megabytes product mainly because it is more attractive to those who have specialized applications who want and need the higher speeds.

Mr. Pikus recalled that when people switched from Verizon to Comcast for telephone service, many residents, including himself and his neighbors, experienced a number of problems. He said that every once in awhile, they will experience a little difficulty though it clears itself very fast. Mr. Worley is unable to speak specifically but offered to look up Mr. Pikus' home address to determine those problems.

It was noted there are choice of carriers with telephone service but not with television service. Mr. Baird said the only other television option is through satellite.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, said he is a Comcast subscriber with internet and cable tv. He said on many occasions, his picture freezes up which is becoming more and more frequent of a problem. He feels the internet service is not bad, but the television service has a lot to be desired.

Mayor Rogers suggested Mr. Worley get Mr. Palermo's address and check that out for Mr. Palermo. Mr. Worley said he would be glad to.

Chuck Rini of 119 Ginger Lane, Knotts Landing, said that because there are a lot of transplants from the New York/New Jersey area, is it possible to get Comcast to bring in channels like Sports Net New York that are covered by Direct TV and FiOS TV which are supposed to be in this area within a couple of years. He also stated that when they convert completely from analog to digital, he is aware of some senior citizens and low income people that rely on basic service without a converter box. He asked what they will need after the conversion.

Mr. Worley said he is unfamiliar with the Sports Net though he knows that is a regional channel. He explained that one of those issues he has with those force networks is that the professional leagues are required to get special permission for them to play in another area. What is unique to Sussex County is there are two regional sports channels from Comcast which includes both Baltimore and Philadelphia. Kent County only receives Philadelphia. There are certain areas that teams can be shown and certain areas they cannot be.

He then stated that when it converts to complete digital, a box will be needed to convert the signal to the television set. That is also required by Direct TV and Verizon and the way digital products are delivered. The first box a customer receives is free. The digital adapters are very small boxes and are needed to convert the signal for the other tv sets though there is a small charge of \$1 to \$2 a piece.

#### *Adjourn*

Mayor Rogers acknowledged President Marvin Sharp of Carlisle Fire Company who thanked the mayor and council for their support of the Safety Ring Program.

The mayor then thanked Lieutenant Rust for filling in for Chief Hudson who was in Florida at a police conference.

With no further business, the Workshop Session concluded at 8:08 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Transcriber