

City of Milford



AGENDA

Monthly Council Meeting

March 14, 2011

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 - C&J Settlement Agreement
- FY2010-11 Budget Transfer/General Fund-Fund Balance/Live Near Your Work Program

New Business - Wickersham Preliminary Major Subdivision Extension
- URS/I&I Update
- MBI Development Company/Cascades Housing Development/Tax Abatement Request

Monthly Finance Report

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

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

Executive Session Matter-Wawa Lease

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.**

011411 020811 030311 030711 030811 City Manager Add-On

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: March 9, 2011

RE: Activity Report/February 2011

=====

Monthly Stats:

A total of 423 arrests were made by the Milford Police Department during February 2011. Of these arrests, 124 were for criminal offenses and 299 for traffic violations. Criminal offenses consisted of 61 felonies and 63 misdemeanors. Traffic violations consisted of 41 Regular Duty Radar, 8 Drunk-Driving charges, 28 Special Duty Radar and 222 other.

Police officers investigated 38 accidents during the month (2 personal injury, and 36 property damage) and issued 176 written reprimands. In addition, they responded to 1100 various complaints including city requests and other agency assistance.

A total of \$7,708.42 was collected in fines during February.

No False Alarm Violation Invoices were issued during the month of February.

Monthly Activities:

Our School Resource Office, Pfc. Melvin, provided a presentation for parents of Central Academy Students called “Cyberbullying and your Child”. Attendance was not what was expected though both Representative Harvey Kenton and Senator Gary Simpson attended as well as some local media. He has since given this presentation to all para-professionals in Milford School District and is planning another parent presentation at Lulu Ross. Pfc. Melvin’s goal is to present the program to parents of children at all schools.

Pfc. Melvin will also be doing presentations of Bully Prevention/Education for the entire 6th and 7th grade students.

New World is upgrading our C.A.D. (Computer Aided Dispatch) mapping system. We have traded non-refundable, unused training hours for this GIS work to be completed. Those hours that remain will be used when they deliver the DATA sharing module once the testing phase is completed later this year.

We are currently in the process of updating our policies in order to proceed with the State Accreditation process.

Corporal John Horsman has been nominated by the United States Attorney's Office for the District of New York for the Attorney General Award for Outstanding Contributions to Community Partnerships for Public Safety for his work on a human trafficking and child pornography case.

The department sent two officers to a three-day "Use of Force" training held at the Ocean View Police Department.

Dispatcher Hitchens attended a two day "Crisis Intervention for Communications Specialist" at the Delaware State Police Academy.

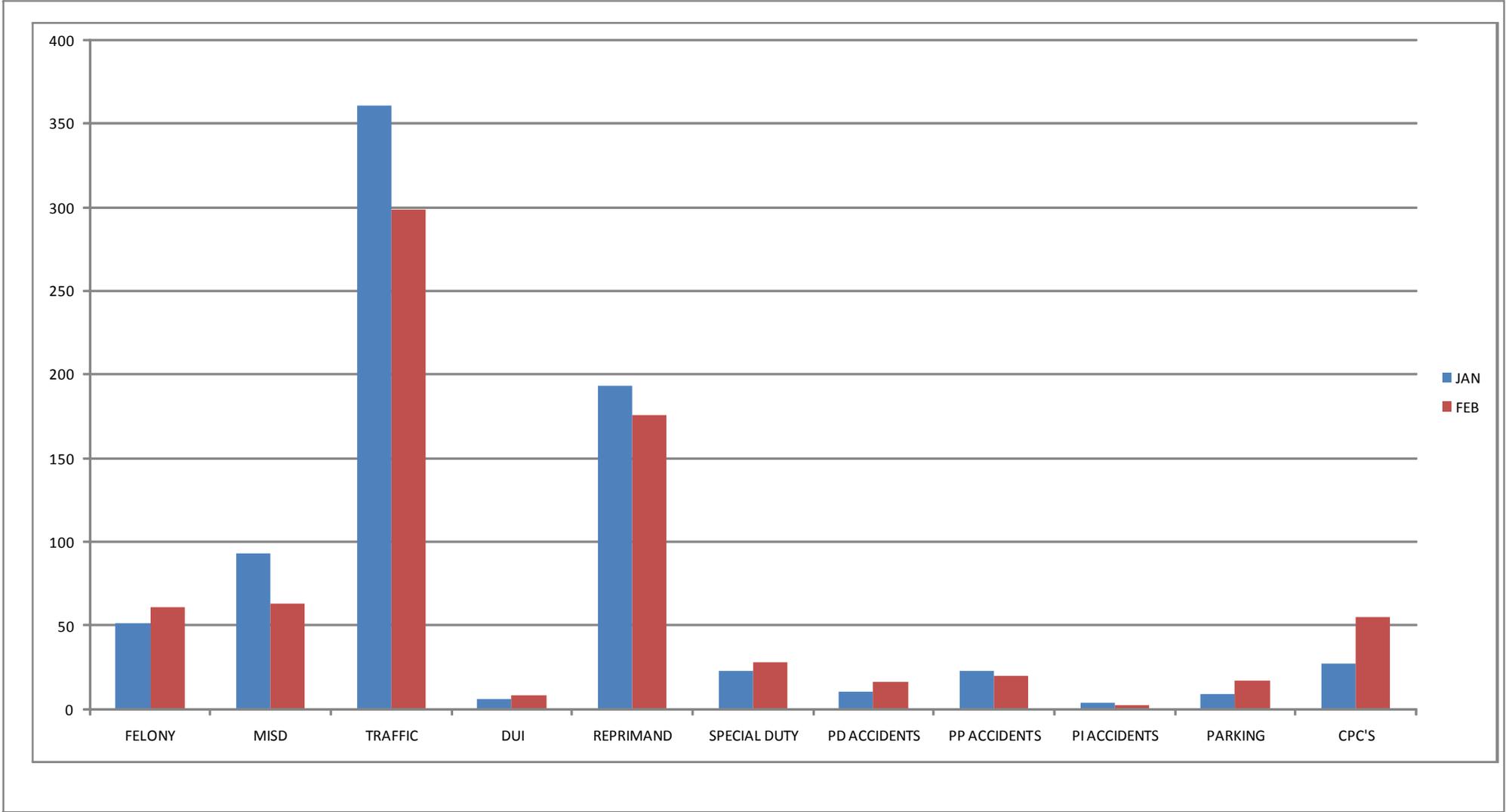
Graduation for the Citizens Police Academy will be held in the community room at the Delaware Hospice Center on Wednesday, March 16th at 7:00 p.m.

EKH

vrk

FEBRUARY ACTIVITY REPORT

	<u>FEB 2010</u>	<u>TOTAL 2010</u>	<u>FEB 2011</u>	<u>TOTAL 2011</u>
<u>Complaints</u>	872	1932	1070	2170
<u>Criminal Arrests</u>	114	251	124	261
Felonies	27	53	61	108
Misdemeanors	87	198	63	147
<u>Traffic Arrests</u>	231	571	299	651
Regular Duty Radar	13	32	28	53
D.W.I.	6	13	8	11
Special Duty Radar	0	9	41	64
Other	212	517	222	523
<u>Reprimands</u>	35	163	176	369
<u>Accidents</u>	51	94	38	69
Personal Injury	4	10	2	5
Property Damage	47	84	36	64
Fatal (included in PI)	0	0	0	0
<u>Parking Summons</u>	14	21	17	26
<u>Crime Prevention Checks</u>	13	33	55	79
<u>Fines Received</u>	\$6,071.25	\$10,108.50	\$7,708.42	\$15,430.17



City Manager's Report March 14, 2011

- **Solid Waste & Recycling**

In 2010, 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. The tables below compare the City's diversion rate by month with the same period of the previous year as well as year to date and annual totals.

	Solid Waste	Curbside Recycling	Igloo Recycling	Yard Waste	Total	Diversion Rate
Feb.2010	253.76	22.65	30.06	-	306.47	17.2%
Feb.2011	279.19	34.71	35.63	4.97	354.50	21.2%

	Solid Waste	Curbside Recycling	Igloo Recycling	Yard Waste	Total	Diversion Rate
2009	4,684.38	442.44	545.68	-	5672.50	17.4%
2010	4,630.47	450.12	505.82	37.49	5632.39	17.6%
2011(YTD)	600.38	69.40	75.56	9.80	755.14	20.5%

- **Impact Fee Waivers**

Since the waiver of impact fees was implemented in June 2010, the City has waived \$145,084 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$8,347,483 (based on building permit values) during the months of June through February.

- **Electric Utility Rate Comparison**

See the attached Residential Utility Rate Comparison from DEMEC for February 2011.

- **Economic Development Advisory Committee**

The Committee held its first meeting on Wednesday, March 9 and selected Sher Valenzuela as its chairwoman. The Committee is scheduled to meet on the second and fourth Wednesday of each month and is focusing on developing recommendations for the implantation of the Action Plan contained in the City's Economic Development Strategy.

- **201,203,205 & 207 NW Front Street**

The City provided a certified copy of the record and the Court has issued a briefing schedule that will take place over the next two months. A decision or further briefings/hearings could take place after the briefs are complete.

- **Electric Substation Transformer**

City electric crews assisted Virginia Transformer with the removal of the old transformer and the installation of a new one at the City's substation. The contractor selected for the removal of the old substation backed out of the contract at the last minute and City crews stepped in to complete the job in order to make room for the new transformer being delivered. After costs, the City should receive approximately \$32,600 for the salvage which is \$10,000 less than the awarded bidder and \$8,000 more than the second highest bidder.

- **2010 Census Data—Ward Alignment**

The U.S. Census Bureau is reporting Milford's population as 9,559 which is an increase of 2,827 (42%) over its population in 2000. We are working to obtain the detailed data so that we can begin the process of reviewing the election ward boundaries.

- **SCAT Legislative Agenda**

On Friday, March 4, 2011, Mayor Rogers and I attended the SCAT Legislative Breakfast where its Legislative Agenda was presented to the Sussex County members of the General Assembly. A copy of the presentation is included as a part of the packet.

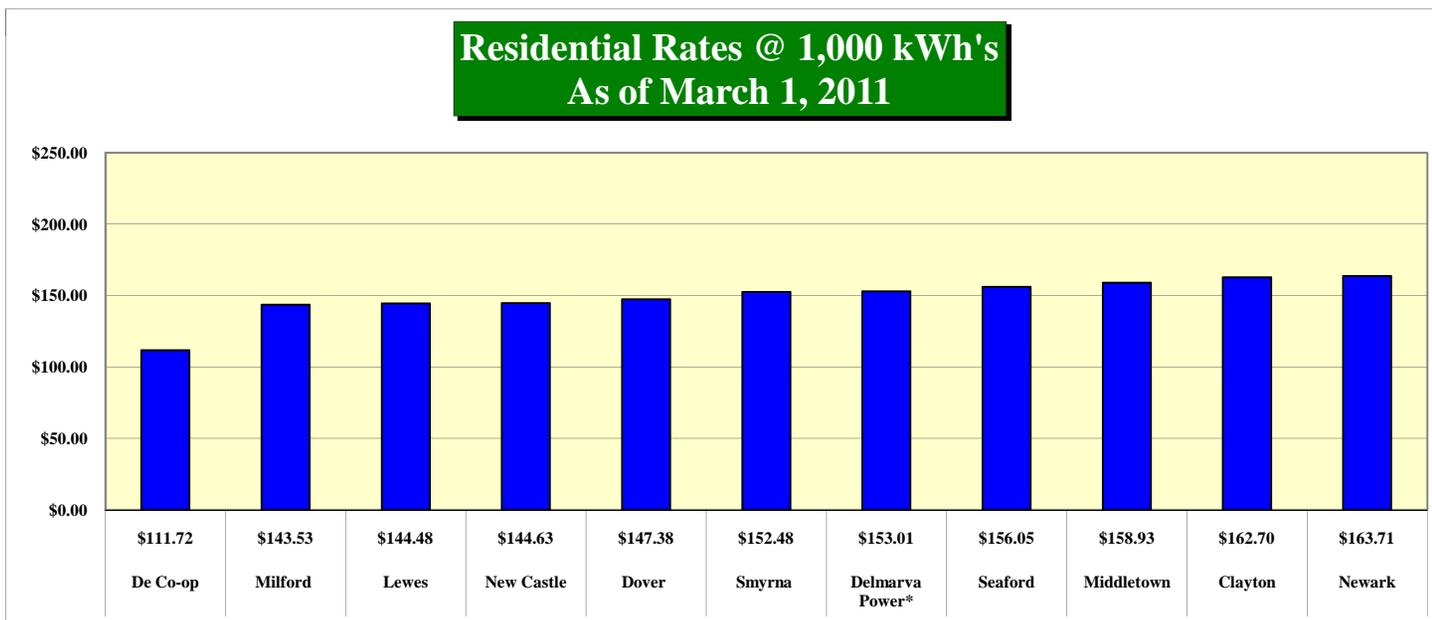
Selected Area Utilities

Winter (Oct. - May)

RESIDENTIAL RATE COMPARISON @ 1,000 kWh

		<u>% Difference</u>	<u>% Difference</u>
<u>De Co-op</u>	\$111.72	0%	-27%
<u>Milford</u>	\$143.53	28%	-6%
<u>Lewes</u>	\$144.48	29%	-6%
<u>New Castle</u>	\$144.63	29%	-5%
<u>Dover</u>	\$147.38	32%	-4%
<u>Smyrna</u>	\$152.48	36%	0%
<u>Delmarva Power*</u>	\$153.01	37%	0%
<u>Seaford</u>	\$156.05	40%	2%
<u>Middletown</u>	\$158.93	42%	4%
<u>Clayton</u>	\$162.70	46%	6%
<u>Newark</u>	\$163.71	47%	7%

* 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.

February 8, 2011

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 January 2011.

January 2011 Weight in Pounds

MARSHALL STREET

CARD BOARD	SINGLE-STREAM	TOTAL	OIL GALLONS
2,112	58,153	60,265	750

MILFORD MIDDLE SCHOOL

612	3,735	4,347	
-----	-------	-------	--

MILFORD COMMONS

862	14,405	15,267	
-----	--------	--------	--

Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

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

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

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

CITY OF MILFORD - JANUARY 2011

Date Out	Trans Num	MT Label	Bill Acct Name	Net TN
1/6/2011	746064	2550-Single Stream R	City of Milford	4.26
1/7/2011	746125	2550-Single Stream R	City of Milford	6.77
1/7/2011	746126	2550-Single Stream R	City of Milford	3.41
1/13/2011	746578	2550-Single Stream R	City of Milford	5.27
1/20/2011	747146	2550-Single Stream R	City of Milford	6.18
1/20/2011	747148	2550-Single Stream R	City of Milford	4.88
1/27/2011	747647	2550-Single Stream R	City of Milford	3.92
				34.69



February 28, 2011

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

Dear Mr. Baird:

Beginning April 1, 2011, we are adjusting some of our prices in your community.

While we have been highly focused on controlling our costs for the benefit of our customers, we continue to invest in next-generation technology and equipment to support new product features, more programming choices and to improve the customer experience. These investments make it possible to provide the additional HD and now 3D channels customers demand while delivering continued innovations such as digital video and sound, some of the fastest residential internet speeds in the U.S. – now at an incredible 105Mbps - and the soon to be launched increase in On Demand choices- up to 25,000.

At Comcast, we're hard at work transforming our products by adding the content, interactivity and new features that customers want in order to bring them the greatest value in entertainment. And we stand behind it all with the Comcast Customer Guarantee, our promise to provide a consistently superior experience backed by 24/7 customer service, more convenient appointments and the best products and services.

The enclosed table will provide you with further detailed information regarding the scheduled price adjustment.

And lastly, we are also making some programming changes to our lineup in late March. The enclosed newspaper advertisement gives the details.

As always, if you should have any questions or concerns, please call me at (302) 672-5936.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Thomas Worley".

R. Thomas Worley
Senior Director Government Regulatory Affairs

SUMMARY PRICE CHANGE TABLE

Schedule of prices effective as of April 1, 2011

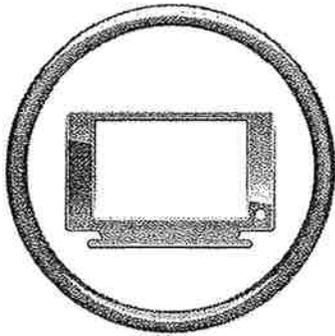
New prices will be reflected on April 2011 billing statements. All prices are subject to applicable franchise fees and state sales tax, and are subject to change.

<u>VIDEO SERVICES</u>	<u>Current Monthly Price</u>	<u>New Monthly Price</u>
Expanded Basic	\$40.50	\$43.40
Standard Service (not available for new subscription)	\$61.95	\$64.85
Digital Starter	\$61.95	\$64.85
Digital Preferred Package	\$78.90	\$82.80
Digital Preferred with HD Technology Fee	\$88.15	\$92.05
Digital Preferred with DVR Service	\$94.85	\$98.75
Digital Preferred with 1 Premium	\$93.90	\$97.80
Digital Preferred with 2 Premiums	\$103.90	\$107.80
Digital Preferred with 3 Premiums	\$111.90	\$115.80
Digital Preferred with 4 Premiums	\$119.90	\$123.80
Digital Premier	\$126.85	\$130.75
Total Premium (not available for new subscription)	\$126.85	\$130.75
Total Premium and Sports Entertainment Package (not available for new subscription)	\$131.85	\$135.75
Digital Preferred	\$16.95	\$17.95
Cable Latino (not available for new subscription)	\$24.95	\$26.95
Selecto (not available for new subscription)	\$9.95	\$11.95
Cable Latino/Selecto Additional Outlet (not available for new subscription)	\$2.95	\$9.25
MultiLatino Plus/Extra Additional Outlet	\$2.95	\$9.25
Digital Starter/Family/MultiLatino Max Additional Outlet	\$6.99	\$9.25
Starter Xfinity Triple Play Bundle	N/A	\$131.99
Preferred Xfinity Triple Play Bundle	N/A	\$144.99
HD Preferred Xfinity Triple Play Bundle	N/A	\$154.99
HD Preferred Plus Xfinity Triple Play Bundle	N/A	\$174.99
HD Premier Xfinity Triple Play Bundle	N/A	\$199.99
HD Starter (not available for new subscription)	\$134.99	\$139.99
HD Preferred (not available for new subscription)	\$149.95	\$154.95
HD Plus (not available for new subscription)	\$159.99	\$164.99
HD Premier (not available for new subscription)	\$199.99	\$204.99
Playboy TV	\$20.99	\$21.95

OTHER PRICES – Administrative Late Fees

Effective March 17, 2011, or with a customer's first billing statement thereafter, the \$8 charge for late payment on a subscriber bill will be assessed 38 days from the Billing Date of the invoice, at 68 days from the Billing Date of the invoice and at 98 days from the Billing Date of the invoice (or until service is disconnected). The amount of the late fee is not changing at this time.

Important News for Comcast Customers



On or about **Tuesday, March 29th**, the following channel changes will occur in **Dover** and **Sussex County**:

PROGRAMMING NAME	CHANNEL	LEVEL OF SERVICE
Investigation Discovery	111	from Digital Preferred to Digital Starter
MOVIEPLEX	149	from Digital Preferred to Digital Starter
WTVE	24 NEW!	Limited Basic w/Digital box*



Digital equipment required for viewing. Limited Basic digital channels are not scrambled. All other digital channels are scrambled for security reasons. Viewing a digital channel requires compatible equipment. A digital ready television with a QAM tuner will only work for digital channels that are not scrambled (i.e. the Limited Basic digital channels). A Digital converter or television set with a CableCard will work for all digital channels—scrambled and unscrambled. Service is subject to terms and conditions of Comcast Cable Subscriber Agreement. Call 1.800.COMCAST for complete details about service, prices and equipment. Other restrictions apply. © 2010 Comcast. All rights reserved.

Chamber of Commerce for Greater Milford, Inc.

	<p>5 South Washington Street Milford, DE 19963 Phone: 302-422-3344 Fax: 302-422-7503 www.milfordchamber.com Email: milford@milfordchamber.com or jschmeiser@milfordchamber.com</p>
---	---

You're Invited to the
Chamber of Commerce for Greater Milford's
Power Networking Breakfast
Wednesday March 23, 2011
8 to 9:30 a.m. @

DE Hospice Conference Room- 100 Patriots Way, Milford

~~~~~

Power Networking is like speed dating for the business world.  
You will be given time to promote your business (one on one)  
with 19 other Chamber Members.

**This is a first come- first served event, so hurry up & call today!**

**Space is limited to the first 20 people.\***

**You MUST pre-register by calling the Chamber office.**

**422.3344**

**\*Only one representative per department or company, please.**

Don't miss this opportunity to network one on one.

A free continental breakfast will be provided.

**"A Member Driven Organization"**

**DELAWARE LEAGUE OF LOCAL GOVERNMENTS  
MONTHLY DINNER MEETING  
MARCH 24<sup>TH</sup>, 2011  
SHERATON DOVER HOTEL  
1570 NORTH DUPONT HIGHWAY  
DOVER, DELAWARE**

\*\*\*\*\*

SOCIAL HOUR:           6:00 P.M. - 6:45 P.M.  
OPENING:               6:45 P.M. - 7:00P.M.  
DINNER:                7:00 P.M. - 7:20 P.M.  
PROGRAM:               7:20 P.M. - 8:00 P.M.

**PROGRAM**

In his FY 2012 Budget, Governor Markell has proposed to designate \$4 million toward Municipal Street Aid. Several of the League's mayors, members of council, and city managers are part of a task force to help draft new legislation for the Transportation Trust Fund and Municipal Street Aid. These task force members will brief the League on the progress of their meetings and the future of Municipal Street Aid. Mayor James Ford, former President of the League, will lead the group discussion.

**NEXT MEETING: APRIL 28, 2011**

\*\*\*\*\*

Special diets can be accommodated with 24 hours notice  
**WE MUST HAVE YOUR RESERVATIONS NO LATER THAN MARCH 14, 2011**

Mail To: Delaware League of Local Governments  
P.O. Box 484  
Dover, Delaware 19903  
Telephone: 302-678-0991      Fax: 302-678-4777

\_\_\_\_\_ will have \_\_\_\_\_ attendees  
(Municipality/County/Agency)

PLEASE LIST THE NAMES OF THOSE ATTENDING

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

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



A PHI Company

79NC22  
401 Eagle Run Rd  
PO Box 9239  
Newark, DE 19714

March 3, 2010

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

Dear Mr. Baird,

You are cordially invited to attend PHI's 2011 Wholesale Meeting on Thursday, April 7, 2011. This meeting is a chance for all electric wholesale entities on the Delmarva Peninsula and in southern New Jersey and Maryland to gather under one roof and learn about how Delmarva Power, Atlantic City Electric, Pepco and PHI are continuing to revise its organization and business model to address the changes in the electric industry.

The seminar and dinner will be held at the Clarion Resort Fontainbleau Hotel in Ocean City, Maryland. The business meeting will begin promptly at 3:00 PM. It will be followed by a social hour and a buffet dinner.

**GOLF OUTING**

Preceding the business meeting, Delmarva Power will host an optional golf outing at the Bayside Golf Course in Fenwick, DE. Tee times will begin at 8:10 AM.

**MEETING SCHEDULE**

|                   |                                  |
|-------------------|----------------------------------|
| 8:00 AM - 2:00 PM | GOLF OUTING                      |
| 2:30 PM - 3:00 PM | REGISTRATION                     |
| 3:00 PM - 5:00 PM | BUSINESS MEETING                 |
| 5:00 PM - 6:00 PM | SOCIAL HOUR (OPEN BAR, POOLSIDE) |
| 6:00 PM - 7:30 PM | DINNER                           |

The Clarion will provide deluxe rooms for one low price of \$120.00 for those interested in staying overnight. Accommodations can be arranged directly with Clarion Resorts Hotel at (410) 524-3535.

Please complete the enclosed form then fax it to (302) 454-4161 **ON or BEFORE March 18th.**

If you have any questions, please contact me by phone at (302) 454-5191 or by e-mail me at marianne.abdul@delmarva.com.

I look forward to seeing you at PHI's 2011 Wholesale Meeting.

Sincerely,

Marianne B. Abdul  
Wholesale Manager  
Delmarva Power

Enclosure

**PHI**  
**2011 WHOLESALE MEETING**  
April 7, 2011

COMPANY NAME: \_\_\_\_\_

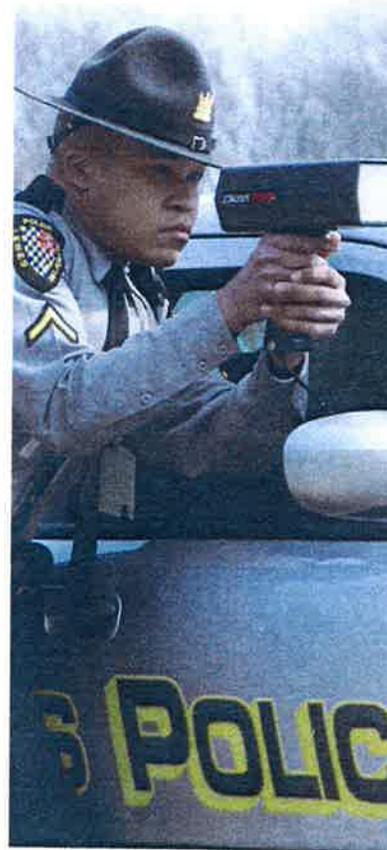
**ATTENDEES**

| NAME & Title | Meeting |    | Dinner |    | Bayside Golf Course |    |
|--------------|---------|----|--------|----|---------------------|----|
|              | Yes     | No | Yes    | No | Yes                 | No |
|              |         |    |        |    |                     |    |
|              |         |    |        |    |                     |    |
|              |         |    |        |    |                     |    |
|              |         |    |        |    |                     |    |
|              |         |    |        |    |                     |    |
|              |         |    |        |    |                     |    |
|              |         |    |        |    |                     |    |
|              |         |    |        |    |                     |    |
|              |         |    |        |    |                     |    |
|              |         |    |        |    |                     |    |

\_\_\_\_\_ No, my company will not attend the meeting.

**FAX TO: MARIANNE ABDUL – (302) 454-4161 by March 18th!**

# 2011 Legislative Issues



## **Sussex County Association *of* Towns**

**March 4, 2011**

# Who is SCAT?

The Sussex County Association of Towns (SCAT) is an organization that comprises the 25 municipalities in Delaware's southernmost county.

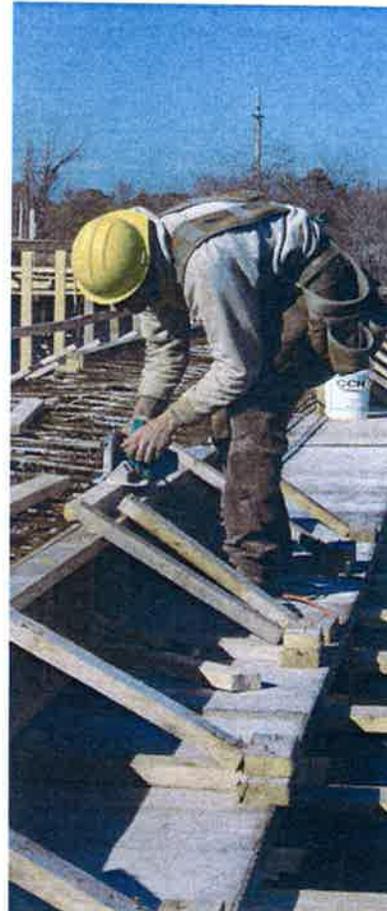
The primary function of this organization is to promote the interests and welfare of the county's cities and towns, which provide to their citizens a multitude of services, including police, public works, planning and zoning, sewer and water, building code enforcement, electrical service, and parks and recreation programs. These municipalities represent more than 1 in 4 of the residents living in the county.

SCAT accomplishes its mission through discussion, networking, sharing information, and positive political action with a view toward enhancing self-sufficiency of home rule government.

# What Does SCAT Do?

- Meets monthly to discuss common issues affecting municipalities
- Monitors actions of the Delaware General Assembly and prioritizes matters for the annual legislative agenda
- Fosters better communication among member municipalities, as well as with lawmakers, policy-makers, and other stakeholders
- Takes an active role in promoting awareness and education of municipalities and the challenges they face

# Realty Transfer Tax



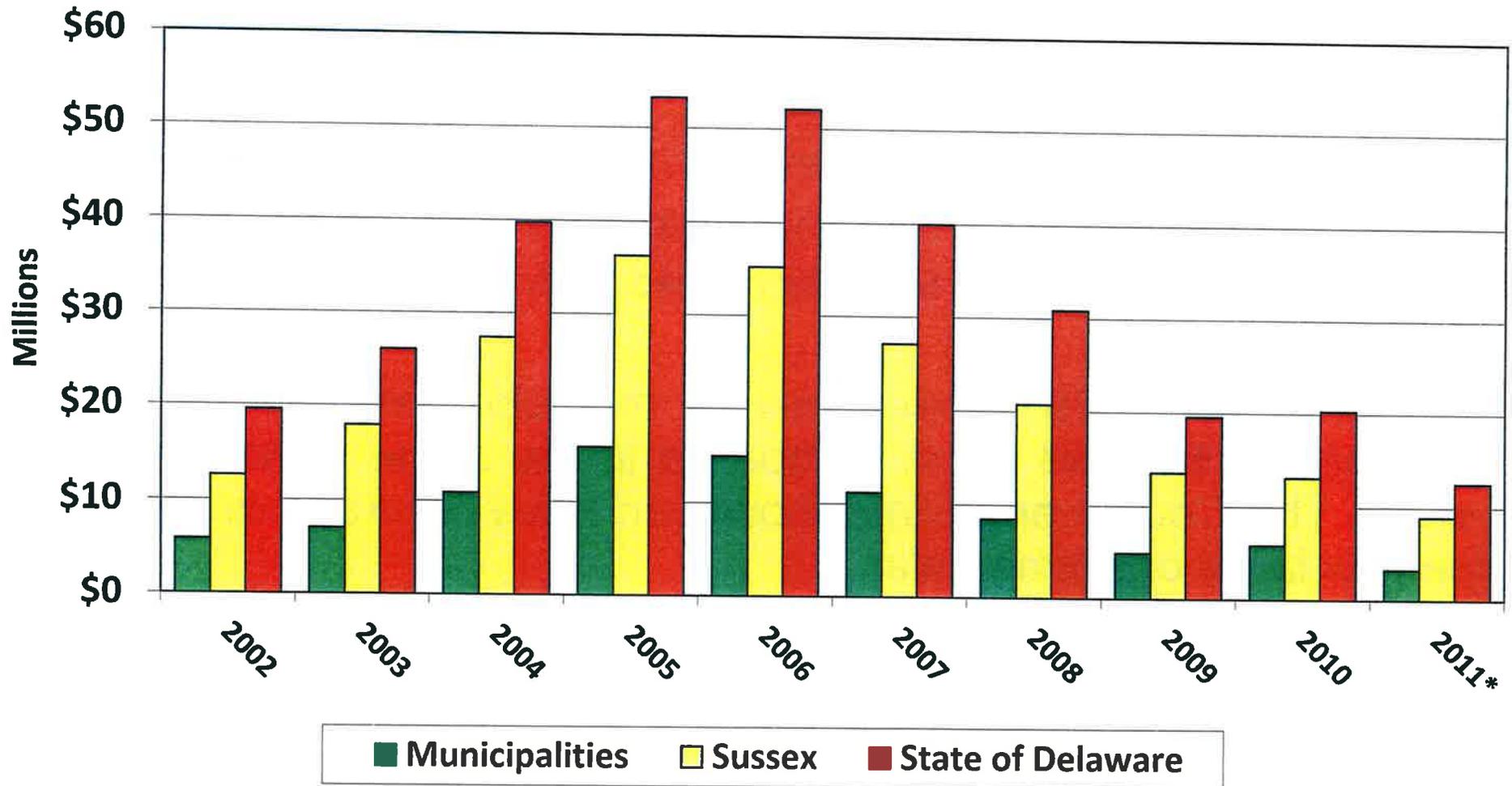
*Presented by*  
**David Baker**  
**County Administrator**  
**Sussex County**

# Realty Transfer Tax

- Revenues for Fiscal Year 2010 compared to the previous fiscal year appear to have leveled off, indicating a possible 'bottoming out' in the local real estate market:
  - ❑ The State's collection within Sussex County was up 3%
  - ❑ The County was virtually unchanged, down 3.5%
  - ❑ Sussex municipalities (in total) increased 18%
  
- Through Jan. 31, 2011, revenues for municipalities have remained relatively unchanged when compared to the same period the year before. The County and State, however, have recorded an increase due to a large one-time sale:
  - ❑ The State is up 4%
  - ❑ The County is up 15%
  - ❑ Sussex municipalities (in total) are down 2%

# Realty Transfer Tax

## Collected within Sussex County



\*FY2011 revenue shows year-to-date data through Jan. 31, 2011

# Realty Transfer Tax

- The State, County, and municipalities each have experienced drastic declines in Realty Transfer Tax (RTT) revenue between FY2005 and FY2010
  - ❑ Municipalities are down 63% (\$10 million)
  - ❑ County is down 64% (\$23 million)
  - ❑ State is down 62% (\$33 million)
- Loss of RTT revenue has meant significant budget adjustments for the State, County, and municipalities
- Further RTT reductions would mean greater cuts into public-funded services

# Realty Transfer Tax

- SCAT supports the current RTT formula
  - 3 percent levy split equally (1.5 percent each) between State and local jurisdiction
  
- In these challenging economic times, alterations to the formula could affect various local programs, including:
  - Public safety efforts
  - Open space and recreation
  - Capital improvements

# Realty Transfer Tax

- Possible effects of reduced local share to County:
  - ❑ Delaware State Police contract for 40 additional troopers (\$1,542,000)
  - ❑ Fire service funding (\$750,000)
  - ❑ Ambulance service funding (\$750,000)
  - ❑ Municipal law enforcement grants (\$420,000)  
[\$20,000 per municipality]
  - ❑ Paramedic HAZMAT program (\$50,000)
  - ❑ Human Service Grants (\$143,000)

# Realty Transfer Tax

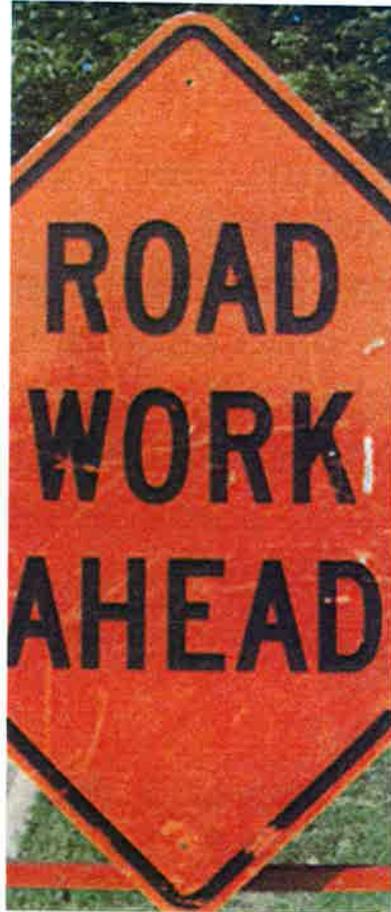
- Possible effects of reduced local share to County (continued):
  - Sewer district grants (\$270,000)
    - Inland Bays
    - Ellendale
    - Dagsboro/Frankford
  - Airport & Industrial Park improvements (\$2,900,000)
  - 100-front-foot cap on front footage assessments for sewer district customers (\$550,000)
  - Wastewater relief program for low-income residents (\$136,000)

# Realty Transfer Tax

## ➤ Possible effects of reduced local share to towns:

- Fenwick Island (\$102,675 for FY2010)
  - One-third designated as 'reserved' for contingencies (e.g. unforeseen capital costs, loan guarantees)
  - Two-thirds designated as 'non-reserved' for items such as street paving projects, sidewalks, and park land acquisition
  - Funds often used to leverage additional matching dollars through federal, State governments, and nonprofit organizations
  - Loss of RTT funding would translate to some projects going undone, and additional matching revenues being lost
- Georgetown (\$120,310 for FY2010)
  - Separate of General Fund
  - Approximately \$72,500 used for a variety for capital equipment purchases, deferred maintenance, and Information Technology upgrades, projects that would have otherwise remained on the 'back burner'

# Municipal Street Aid



*Presented by*  
**James Ford III**  
**Mayor**  
**City of Lewes**

# Municipal Street Aid

- SCAT appreciates the State's restoration of \$4 million in Municipal Street Aid (MSA) funding in FY2011, and supports Gov. Markell's inclusion of \$4 million in funding in the proposed FY2012 budget
- SCAT thanks Gov. Markell and the General Assembly for their responsiveness to municipal concerns by forming the Municipal Street Aid task force
- MSA funding supports:
  - 242 miles of municipal-maintained roads in Sussex
    - There are nearly 800 miles of municipal-maintained roads statewide
  - More than 100 local jobs in Sussex (if all funding is used for 'horizontal construction' – e.g. paving, utility work, etc.)
    - Nearly 400 jobs statewide

# Municipal Street Aid

- MSA funding will help maintain the economy
  - \$4 million has the potential to create/maintain 264 jobs statewide, with 70 of those jobs right here in Sussex
- SCAT supports the MSA allowances as they are presently outlined within Delaware Code

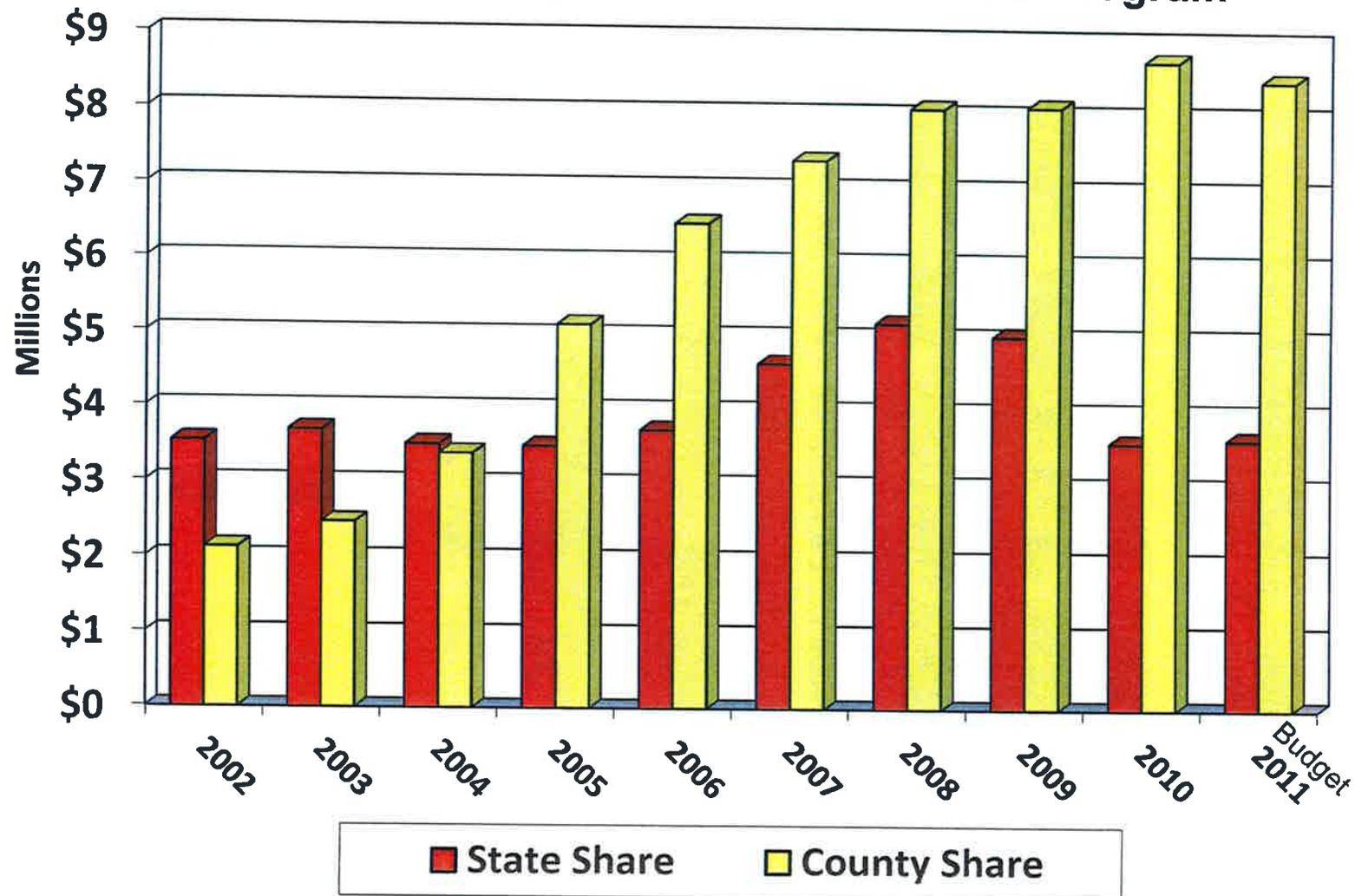
# Paramedic Funding



*Presented by*  
**David Baker**  
**County Administrator**  
**Sussex County**

# Paramedic Funding

## State and County Contributions to EMS Program



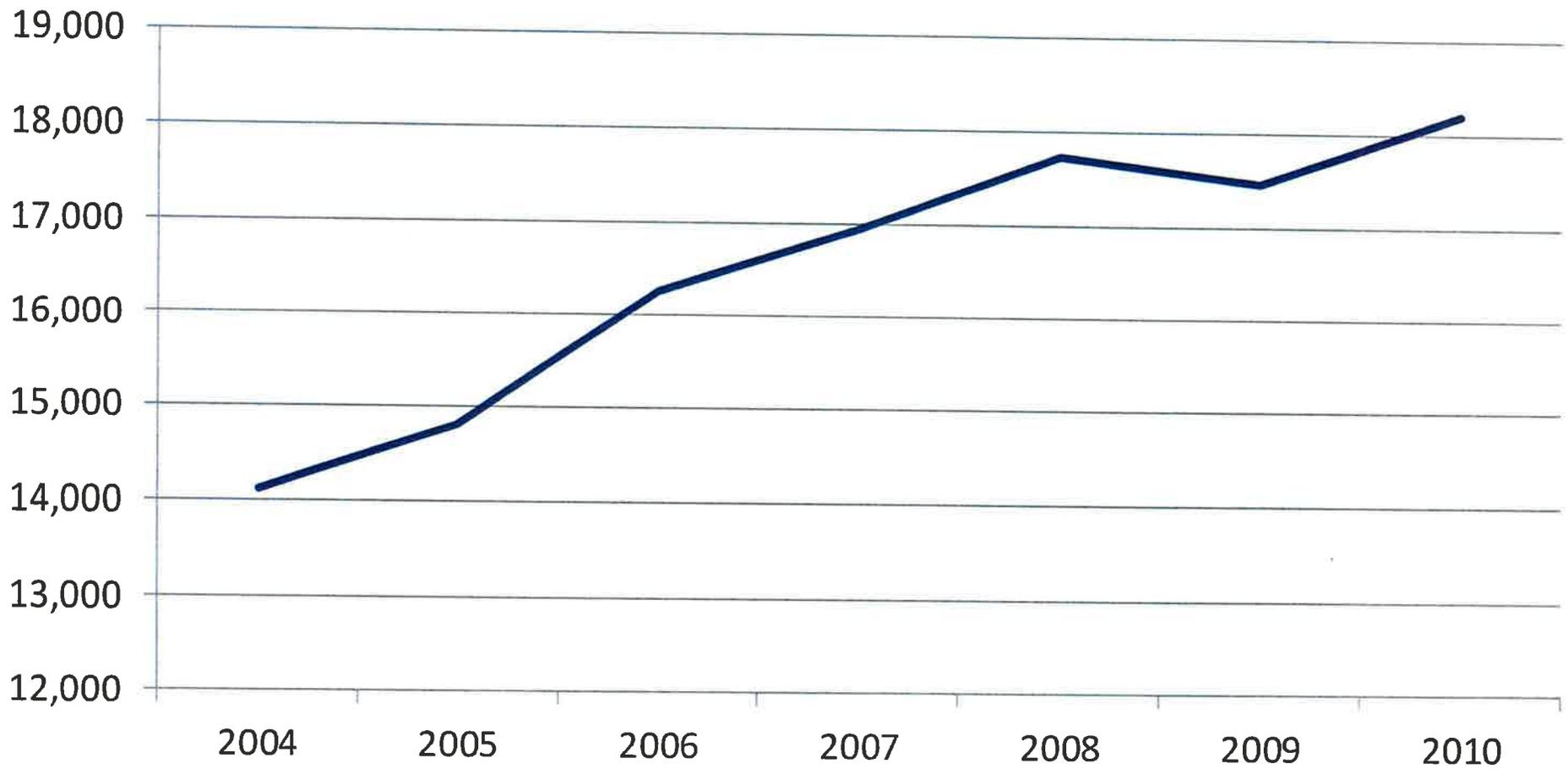
# Paramedic Funding

## Changes in State/County Funding Formula

| <b>Year</b> | <b>State Share</b> | <b>County Share</b> |
|-------------|--------------------|---------------------|
| <b>1990</b> | <b>60%</b>         | <b>40%</b>          |
| <b>2004</b> | <b>50%</b>         | <b>50%</b>          |
| <b>2005</b> | <b>40%</b>         | <b>60%</b>          |
| <b>2010</b> | <b>30%</b>         | <b>70%</b>          |

# Paramedic Funding

Sussex County EMS Calls for Service



# Paramedic Funding

- State of Delaware contributions have decreased from 60 percent to 30 percent in the previous decade
  
- Losing more or all of the remaining State contribution would mean:
  - ❑ Increased local share
  - ❑ Significant EMS service reductions
  - ❑ Possible cuts in other County-provided services

# Paramedic Funding

- Significant service reductions could include:
  - ❑ Eliminating EMS staff
    - 85 percent of EMS costs are related to personnel
  - ❑ Loss of 25 percent of full-time EMS units in County, from eight to six
  
- Other consequences:
  - ❑ Fragmented and inconsistent service
  - ❑ New lifesaving technologies may not be implemented due to costs, lack of sufficient funds
  - ❑ Scaled back recruiting, training efforts for student paramedics
  - ❑ Changes in operational protocols (e.g. reducing each unit from two paramedics on duty to only one)
  - ❑ Slower response times

# Paramedic Funding

- SCAT requests that no further reductions be imposed on this vital, lifesaving service
- SCAT recommends the General Assembly move paramedic funding from Grant-in-Aid to the State's general operating budget

# Solid Waste & Recycling



*Presented by*

**Stan Mills  
Commissioner  
City of Rehoboth Beach**

# Solid Waste & Recycling

- SCAT supports the Universal Recycling initiative
  - ❑ SCAT appreciates the State's creation of a Universal Recycling Grant and low-interest loan program to assist municipalities
  - ❑ SCAT thanks the governor, General Assembly for allowing municipalities to have an active role in the 2010 recycling legislation
  
- SCAT, however, objects to further fee increases at Delaware Solid Waste Authority landfills
  - ❑ Added cost to municipalities
  - ❑ Increases passed to consumers
  - ❑ Universal Recycling efforts should lessen demand on landfills over time, negating the need for increases

# Solid Waste & Recycling

- If Universal Recycling is to succeed, SCAT recommends:
  - Continuation of the Recycle Delaware 'igloo' program to aid the public in the transition
  
- SCAT continues to recommend the State establish in Sussex County a program similar to one in New Castle County offering public locations to deposit and pick up yard waste
  - DSWA yard waste ban now in effect at Sussex landfill

# Economic Development

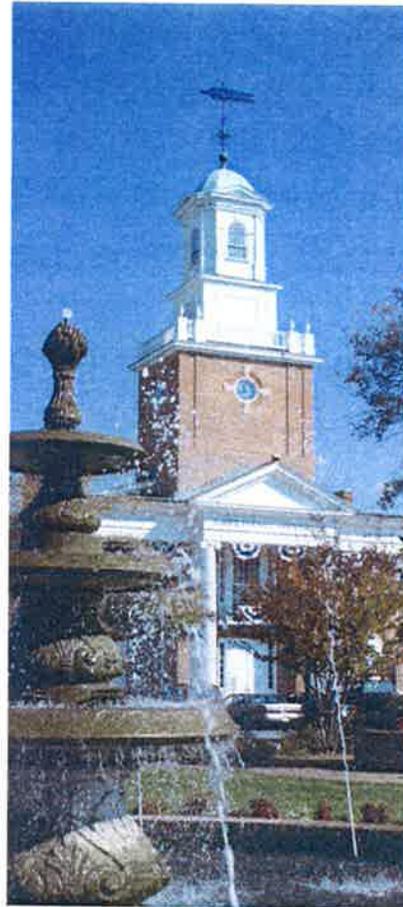


*Presented by*  
**Gene Dvornick**  
**Town Manager**  
**Town of Georgetown**

# Economic Development

- SCAT thanks the governor, DEDO for their commitment in the past year to enhance economic growth in Sussex County
  - ▣ \$2.1 million in Strategic funds to relocate Perdue AgriBusiness headquarters from Maryland to Seaford, Del.
  - ▣ \$787,500 in Strategic funds to expand Mountaire operations near Millsboro
  
- SCAT supports the County's efforts to extend the Sussex County Airport main runway, and encourages the State and federal governments to allocate the necessary funds to make this important safety and economic development project possible

# Other Legislative Issues



*Presented by*  
**Hal Godwin**  
**Deputy Administrator**  
**Sussex County**

# Other Legislative Issues

## ➤ Row Offices consolidation

- ❑ SCAT supports Clerk of the Peace, Recorder of Deeds, Register of Wills, and Sheriff remaining at County level
  - Shifting to State would increase size of State government
  - Losing Row Offices would mean a net annual loss of \$2.5 million to Sussex County
- ❑ SCAT will not support any legislation to take away local control

## ➤ Assessors certification

- ❑ Delaware Code, as of 2011, would require County and municipal assessors to undergo training and certification the same as private appraisers
- ❑ Requirements would mean increased cost, logistical issues for local governments
- ❑ Assessment and appraisal services are not one and the same
  - Assessment determines construction costs and taxable value
  - Appraisal determines 'fair market' or sale value
- ❑ SCAT objects to unnecessary requirements until statewide reassessment occurs

# Discussion & Closing Remarks



*Presented by*  
**Mike Smith**  
**Mayor**  
**Town of Blades**

# Discussion & Closing Remarks

*Thank You!*

**And Remember ...**

**Our Constituents are YOUR Constituents**

Barbara DeRue  
17 East Bullrush Drive  
Milford,  
Delaware 19963

March 3, 2011

Mayor Rogers and Members of the Milford City Council  
Milford City Hall  
201 South Walnut Street  
Milford, De 19963

Dear Mayor Rogers and Members of the Milford City Council;

The attached list of members and friends of the Milford Garden Club are concerned with the proposed ordinance No. 2011-4. The list was signed by attendees of the March 2, 2011 garden club meeting.

The consensus at our meeting was that the problem should be addressed with the person or persons creating the problem.

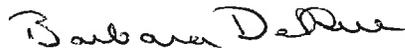
The entire community should not be penalized because of a few.

We are therefore opposed to this ordinance that dictates a home owner's vegetable garden location and we feel that it should be withdrawn.

A suggestion was made that a modification to the current lawn ordinance could possibly include a reference to "nuisance vegetation" which could address the current problem noted by the City.

Thank you for your attention to this matter. \_\_\_\_\_

Sincerely,



Barbara DeRue  
Milford Garden Club President.

Encl:

cc: Milford Beacon, no encl.  
cc: The Milford Chronicle, no encl.

mgcletter

# Petition

Cindy Mullorkey  
Kathleen Friedman  
Carol Kiefer  
John V. Higgins  
Creole Burns  
Martha Deshaies  
Michael Deshaies  
Russell French  
Rose Legg  
Brenda Keeper  
Joan Cichman  
Deborah Young  
June Campbell  
Carol Sjerra  
Beth Kuhl Rasch  
Dale Herron  
David Rosen  
Marianne Cardea  
Elizabeth Gilbert  
Caya Wiseman  
Margery Walls  
Bea Whitehead  
Sara F. Gallagher  
Kellen Dominguez  
Doris Prober  
Antonette Salis  
Lynn Wheeler

Roberta A. Kenney  
Patricia Marshall

Joyce Nelson  
Florence Milton

Helen Annable

Nancy Aycock

Eric W. Wake

Paul Garner

Bob Feenick

Paula and Debra

## SETTLEMENT AGREEMENT

MADE THIS \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the CITY OF MILFORD, a municipal corporation of the State of Delaware, with offices at 201 South Walnut Street, Milford, Delaware 19963, hereafter the "City" and C & J PAVING, INC., a Delaware corporation, of 12518 Union Street Extended, Milton, Delaware 19968, hereafter "C & J."

WHEREAS, City contracted with C & J to make improvements to and pave Church Street from North Front Street to North Street, and Foster Street from King's Highway to Jefferson Street, and Evans Street from Rehoboth Blvd. to Cedar Beach Road, and N.E. 10<sup>th</sup> Street from Walnut Street to a butt joint near Silicato Parkway, all in accordance with an Invitation to Bidders issued by City entitled 2010 Road Improvements; and

WHEREAS, C & J has completed the work under the contract but for the work on Church Street from North Front Street to North Street; and

WHEREAS, disputes have arisen between the parties regarding certain aspects of the work to date; and

WHEREAS, the parties now desire to terminate the balance of the contract.

NOW, THEREFORE, in consideration of the promises and representations hereafter made, the parties hereto agree as follows:

1. City will pay C & J the sum of Forty Thousand, Three Hundred Thirty Five and 10/100 Dollars (\$40,335.10) which represents a reduction of Twelve Thousand Three Hundred Thirty Five and 2/100 Dollars (\$12,436.02) of the last invoice C & J issued to the City.

2. C & J agrees to accept the payment of Forty Thousand Three Hundred Thirty Five and 10/100 Dollars (\$40,335.10) as full and final payment of all sums due to C & J by the City.

3. City shall pay the Forty Thousand Three Hundred Thirty Five and 10/100 Dollars (\$40,335.10) to C & J within two (2) business days of the execution of this Agreement by both parties.

4. Attached hereto as Exhibit A is a punch list of items to be repaired by C & J on Masten Circle, Foster Street, Evans Street and N.E. 10<sup>th</sup> Street. C & J agrees to make the punch list repairs, which agreement to repair shall survive the execution of this Agreement and the payment of the Forty Thousand Three Hundred Thirty Five and 10/100 Dollars (\$40,335.10) by the City to C & J.

5. Upon satisfactory completion of the Exhibit A punch list repairs the City will release the retainage held from the previous invoices for paving work on Masten Circle, Foster Street, and Evans Street.

6. The punch list attached as Exhibit A shall not include any pavement and/or utility modifications on N.E. 10<sup>th</sup> Street and C & J shall not be responsible or obligated to make any repairs in that regard. City shall be solely responsible for such pavement and/or utility modifications.

7. City and C & J mutually agree that C & J's obligation to do the work on North Church Street is terminated and that neither party is obligated to the other for any work or payment on this portion of the underlying contract.

8. In consideration of the mutual obligations and promises set forth herein, and upon execution of this Agreement, the parties hereto do hereby release, waive and

discharge one another from and against any further claims, demands, actions, liabilities, suits, causes of action, damages or attorney's fees or costs, of any kind or nature, whether known or unknown, which the parties may have one against the other, now or in the future, related to or arising out of the underlying contract between them. Provided, however, the obligation of C & J to perform the punch list work stated in this Agreement and any matters arising therefrom shall survive this Agreement.

9. The parties expressly acknowledge and agree that neither their respective executions of this Agreement nor their performance of any of the terms of this Agreement shall be deemed or construed as an admission of any fault or liability whatsoever.

10. All parties hereby declare that the terms of this Agreement have been completely read and are fully understood and voluntarily accepted for the purposes expressed herein.

11. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Delaware.

CITY OF MILFORD

\_\_\_\_\_(SEAL)  
ATTEST

By: \_\_\_\_\_(SEAL)  
Joseph R. Rogers, Mayor

C & J PAVING, INC.

\_\_\_\_\_(SEAL)  
ATTEST

By: \_\_\_\_\_(SEAL)  
Clarence J. Reed, III  
President

FY2010-11 Budget Adjustment

Transfer \$1,000 from General Fund/Fund Balance 101-0000-399-10-00 to pay For the Live Near Your Work Program.

Set up a new expense line item #101-1110-411-68-31 in Council's budget called Live Near Your Work Program.

# City of Milford



PLANNING & ZONING DEPARTMENT  
302.424.3712, FAX 302.424.3559

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

www.cityofmilford.com

## EXTENSION REQUEST

The undersigned hereby makes formal application to the City of Milford for a one year extension of a:

- FINAL SITE PLAN  
 CONDITIONAL USE  
 PRELIMINARY MAJOR SUB-DIVISION

TAX MAP & PARCEL NUMBER: 3-30-16-00-5.00

PROJECT NAME and NUMBER: Wickardham 08-013

DATE OF LAST APPROVAL FROM CITY COUNCIL: March 23, 2010

REASON FOR REQUEST: As detailed in the attached letter the efforts involved in finally resolving the off-site sewer and water systems delayed completion of the final site plan. These plans have been submitted to and substantially completed on by the required review agencies.

OWNER NAME: CCM-Koelig LLC PHONE NUMBER: 302-948-9464  
ADDRESS: 4600 New Linden Hill RD Wilmington DE 19808

SIGNATURE: [Signature] AS AUTHORIZED REPRESENTATIVE OF CCM DATE: 1/10/11  
PLEASE NOTE: LEGAL OWNER MUST SIGN APPLICATION! Koelig, LLC

APPLICANT NAME: SAME AS ABOVE PHONE NUMBER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

CONTACT FOR APPLICATION: John Tracey PHONE: 302-571-6740  
APPLICATION RECEIVED BY: Christine Church DATE: 01-11-11

P.C. MTG: 02-15-11 COUNCIL MTG: 03-11

# YOUNG CONAWAY STARGATT & TAYLOR, LLP

BEN T. CASTLE  
SHELDON N. SANDLER  
RICHARD A. LEVINE  
RICHARD A. ZAPPA  
DAVID C. MCBRIDE  
JOSEPH M. NICHOLSON  
CRAIG A. KARSNITZ  
BARRY M. WILLOUGHBY  
ANTHONY G. FLYNN  
JEROME K. GROSSMAN  
EUGENE A. DIPRINZIO  
JAMES L. PATTON, JR.  
ROBERT L. THOMAS  
WILLIAM D. JOHNSTON  
TIMOTHY J. SNYDER  
BRUCE L. SILVERSTEIN  
WILLIAM W. BOWSER  
RICHARD A. DILIBERTO, JR.  
MELANIE K. SHARP  
CASSANDRA F. ROBERTS  
RICHARD J. A. POPPER  
TERESA A. CHEEK  
NEILL MULLEN WALSH  
ROBERT S. BRADY  
JOEL A. WAITE  
BRENT C. SHAFFER  
DANIEL P. JOHNSON  
CRAIG D. GREAR  
TIMOTHY JAY HOUSEAL

MARTIN S. LESSNER  
PAULINE K. MORGAN  
C. BARR FLINN  
NATALIE WOLF  
LISA B. GOODMAN  
JOHN W. SHAW  
JAMES P. HUGHES, JR.  
EDWIN J. HARRON  
MICHAEL R. NESTOR  
ROLIN P. BISSELL  
SCOTT A. HOLT  
JOHN T. DORSEY  
M. BLAKE CLEARY  
CHRISTIAN DOUGLAS WRIGHT  
DANIELLE GIBBS  
JOHN J. PASCHETTO  
NORMAN M. POWELL  
ELENA C. NORMAN  
EDMON L. MORTON  
JOHN E. TRACEY  
ADAM W. POFF  
SEAN M. BEACH  
JOSEPH M. BARRY  
SHARON M. ZIEG  
DAVID R. HURST  
TIMOTHY E. LENGKEEK  
MATTHEW B. LUNN  
DANIEL F. X. GEOGHAN  
(NY, NJ, MI ONLY)

THE BRANDYWINE BUILDING  
1000 WEST STREET, 17TH FLOOR  
WILMINGTON, DELAWARE 19801

P.O. Box 391  
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600  
(800) 253-2234 (DE ONLY)  
FAX: (302) 571-1253

110 WEST PINE STREET  
P.O. Box 594  
GEORGETOWN, DELAWARE 19947

(302) 856-3571  
(800) 255-2234 (DE ONLY)  
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6740  
DIRECT FAX: (302) 576-3382  
jtracey@ycst.com

IAN J. BAMBRICK  
RYAN M. BARTLEY  
DONALD J. BOWMAN, JR.  
ELISABETH S. BRADLEY  
MICHELE SHERRETTE BUDICAK  
EMILY V. BURTON  
ERIKA R. CAESAR  
JEFFREY T. CASTELLANO  
DOUGLAS T. COATS  
KARA HAMMOND COYLE  
KRISTEN SALVATORE DEPALMA  
MARGARET M. DIBIANCA  
JUSTIN P. DUDA  
MARY F. DUGAN  
ERIN EDWARDS  
KENNETH J. ENOS  
MARIS FINNEGAN  
DAVID M. FRY  
WILLIAM E. GAMGORT  
MARGARET WHITEMAN GREECHER  
SEAN T. GREECHER  
A. DAVID HANSEN  
STEPHANIE L. HANSEN  
JAMES L. HIGGINS  
LAUREN HUDECKI  
PATRICK A. JACKSON  
KAREN E. KELLER

SPECIAL COUNSEL  
KAREN L. PASCALE  
  
SENIOR COUNSEL  
CURTIS J. CROWTHER

JENNIFER M. KINKUS  
SARA BETH A. R. KOHUT  
EVANGELOS KOSTOULAS  
PILAR G. KRAMAN  
JOHN C. KUFFEL  
PAUL J. LOUGHMAN  
ANDREW A. LUNDGREN  
JAIME N. LUTON  
ANDREW L. MAGAZINER  
ADRIA B. MARTINELLI  
KATHALEEN MCCORMICK  
TAMMY L. MERGER  
MARI BETH L. MINELLA  
LAUREN E. MOAK  
MICHAEL S. NEIBURG  
JENNIFER R. NOEL  
ROBERT F. POPPITI, JR.  
NICHOLAS J. ROHRER  
ANDREW E. RUSSELL  
JUSTIN H. RUCKI  
CHERYL A. SANTANIELLO  
MORGAN L. SEWARD  
MONTE T. SQUIRE  
MICHAEL P. STAFFORD  
RICHARD J. THOMAS  
JAMES M. YOCH, JR.

OF COUNSEL  
BRUCE M. STARGATT  
STUART B. YOUNG  
EDWARD B. MAXWELL, 2ND  
JOSY W. INGERSOLL

January 10, 2011

## BY FIRST CLASS MAIL & E-MAIL

Gary J. Norris, AICP  
City Planner  
City of Milford  
201 South Walnut Street  
PO Box 159  
Milford, DE 19963

CITY OF MILFORD

JAN 11 2011

RECEIVED

Re: Subdivision Project No. 08-013/Wickersham

Dear Gary:

As you are aware, the above-referenced project received and extension of its preliminary approval from the City Council on March 8, 2010. At that time, matters were on hold pending the resolution of the design of the off site water and sewer systems that this project would ultimately connect with. Since the date of that extension, however, while the plans for these utility systems have progressed, the utility work has not progressed to a point where it can be implemented, thus forestalling completion of the Record Plan submission.

This timing necessitates me to request an additional extension of the preliminary major subdivision approval which is currently set to expire on March 23, 2011. My client's plans have progressed significantly since the last request for an extension was considered and granted. Plans have been submitted to all review agencies and comments have been received back to a point where the applicant could, in short order, request and receive its letters of no objection. The continued delay remains attributable to the progress of the water and sewer utilities that will serve this development. Progress was made during the year to where, during the late summer, a design for the sewer was finalized. These discussions included meetings with DelDOT to coordinate the design with proposed intersection improvements. The City then

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Gary J. Norris, AICP

January 10, 2011

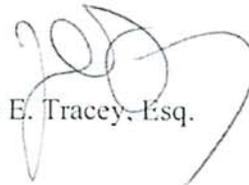
Page 2

provided the applicant with estimated prices and the applicant has now proceeded to solicit bids to complete the work. Once bids have been submitted, approved and accepted, work, which is anticipated to take some time, could be initiated.

The time and effort invested in pushing forward a resolution for the offsite services needed to serve this project have, unfortunately, prevent the final approval of this plan. Now that the utility issues have been concluded (from a design standpoint), the plans are in a position where they can be completed and recorded, presuming such recordation would not trigger any unintended sunseting impacts on the Plan. As we will not be able to accomplish this prior to the March 23, 2011 date, we are respectfully requesting an extension of our approval until March 23, 2012.

I have attached the required form provided to me by the City of Milford. Please advise me as to the date and time of the scheduled hearing so that I can make sure that someone will be in attendance to answer any questions. As always, I can be reached at 302-571-6740.

Very truly yours,



John E. Tracey, Esq.

cc: Ramesh C. Batta, P.E.  
Ms. Christine R. Crouch

**CITY OF MILFORD  
PLANNING COMMISSION**

**RESOLUTION NO. PC11-001**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,  
DELAWARE, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF  
MILFORD  
THE APPROVAL OF AN EXTENSION OF A PRELIMINARY MAJOR SUBDIVISION  
FOR  
CCM-KOELIG LLC  
AT STATE RT 1 AND JOHNSON ROAD  
FOR A 205 LOT, 205 UNIT SUBDIVISION  
TO BE KNOWN AS WICKERSHAM  
IN AN R-3 ZONING DISTRICT  
TAX MAP 3-30-16.00-5.00

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

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

WHEREAS, the Planning Commission met and heard said application during a public hearing on February 15, 2011; and,

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

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

- 1.

APPROVED: \_\_\_\_\_  
Charles Rini,  
Planning Commission Chairman

SIGNED: \_\_\_\_\_  
Christine Crouch,  
Planning Commission Rec Secretary

Mr. Pilla moved to table the project until April 20, 2010, seconded by Mrs. Stevenson. After polling the commission the motion carried unanimously.

John Tracey on behalf of CCM Koelig LLC; Project 08-013  
Extension of a Preliminary Major Subdivision to be known as Wickersham  
Johnson Rd  
Tax Map 3-30-16.00-5.00; 40.69+/- acres; R-3 Zoning  
Adoption of Resolution PC10-004

Mr. John Tracey with Young, Conoway, Stargate & Taylor was present to represent the application. He was here this time last year, seeking the first extension for this project. The primary reason for that extension is the City is coming up with an overall sewer and water plan for that area and he was unable to progress because that plan has not been finalized. Since that time, two things have happened. First, there was a collective meeting of developers, property owners, the City and others in August or September of last year to try to generate some momentum towards finalizing the plan, although nothing further has occurred after that. In addition, the City has annexed the property to this project's immediate North, which is a commercial site on Rt1 signaling a further intent to want to do things in this area. Construction drawings have been submitted by his client in hopes of spurring some conclusions in regard to sewer, but none have been forthcoming as of yet. This brings the project to the time period where another extension is necessary. He does know his clients have spoken to Randy Duplechain of Davis, Bowen & Friedel, who he understands is the City's Engineer, about some alternatives that would allow this project to get moving so the plans can be finished and be recorded. His client does want to get moving on this project and start building.

Mr. Norris concurred with Mr. Tracey.

Mr. Sharp asked where the location of the property is. Mr. Tracey replied at the intersection of Johnson Road and Rt 1.

Mr. Rini stated he knows when this project goes to council, they will ask if the project has extreme hardship conditions and asked for greater elaboration on those as well as maybe project what might be seen happening between now and when the extension would end.

Mr. Tracey replied the hardship is waiting on the City to making a decision with regard to how to provide utilities to that area. The only reason they have not moved forward with a final subdivision plan is because no decision has been made on utilities. He would find it difficult to deny an extension when the applicant has been doing everything it can to move a project forward, but being unable to do so due to lack of direction from the City.

Mr. Rini asked what the time table would be upon receiving a decision from the City on utilities. Mr. Tracey would like to say less than six months. DelDOT and Fire Marshal approval is still necessary though.

Mr. Tracey asked if the City has given Mr. Tracey a time table on the utilities. Mr. Tracey replied not to his knowledge. He reiterated the meeting in the fall with the group of area property owners is the last he has heard from the City.

Mr. Norris had no additional information to offer as far as the time table goes and confirmed Mr. Tracey is correct in the issues that have prevented the project from progressing to final approval and recordation.

Mr. Rini called for public comment. No one came forward.

Mr. Pilla confirmed no site work has begun.

Mr. Rini asked if Mr. Tracey needs a full year extension. Mr. Tracey felt that would be the safest time period.

Mr. Rini stated Council's opinion is to keep on top of these extensions because contact can be lost in a year's time. Mr. Tracey stated they have been in very good contact over the past year.

A motion by Mr. Campbell to recommend a one year extension of the preliminary major subdivision, Resolution PC10-004 was seconded by Mr. Burk. Following a poll of the commission, the motion carried unanimously.

Mr. Rini confirmed with Mr. Willard the extension will be valid until March 23, 2011.

Ordinance 2010-1/Chapter Zoning Code/EMB Sign/Public Hearing

Mr. Norris began by stated the planning commission has reviewed this extensively for the last six months. It was introduced to City Council and has since been pared down per the commission's comments. He recommendation is to make a recommendation to City Council.

Mr. Rini called for public comment. No one came forward.

Mr. Rini stated the Commission did a lot of work on this ordinance and came up with something that was not mentioned at all in the code that needed to be there. He thinks the commission cooperated with not only the people in the City but also the outside business world. Under Mr. Sharp's guidance a subcommittee was created worked with the downtown business association and worked well with them which is a sign of working in the right direction in the future.

Mrs. McColley made a motion to recommend approval of Ordinance 2010-1 to City Council, seconded by Mr. Burk. The motion carried with the following votes:  
Yes-Pilla, Sharp, Stevenson, Campbell, McColley, Burk, Rini  
No- Gleysteen believes they should be permitted in the C1 and C2 districts.

### ***UNFINISHED BUSINESS***

Review and Recommendation Ordinance 2009-17/Chapter 230; Zoning Code/Open Space

Mr. Rini stated Ordinance 2009-17 and 2009-18 will be discussed together and voted separately.

Review and Recommendation Ordinance 2009-18/Chapter 200: Subdivision Code/Open Space

Mr. Norris noted the commission has reviewed these ordinances extensively. To his recollection Mr. Emory spoke to the commission and was in favor of the ordinances. Mr. Norris's recommendation is to recommend approval of the ordinances to City Council for approval and adoption.

He asked if Mrs. Stevenson was still interested in more options be made available to developers. Mrs. Stevenson explained she wants it clearly written as to when the fee in lieu of open space can be utilized. After discussing the changes to the ordinance, it was determined that option was removed from the ordinance to prevent that option from being used.

The discussion then turned to whether to use eight units or lots as the threshold for requiring recreational uses in an R3 district. Open space will be required no matter how many lots or units are created, but currently the ordinance reads that any subdivision creating eight or more lots will require recreational uses. After discussing

Mayor Marabello advised there is still a replacement needed from Ward I. This remains on the agenda to prevent it being overlooked; any future unfinished business items will continue to be added to the agendas until their conclusion.

He advised that in addition to Charles Goswick of Hearthstone Manor, Patty Atkinson of Matlinds Estates is also still interested. The mayor suggested a quick interview at the next workshop and if acceptable, council will confirm the appointment of the ninth planning commissioner.

Mr. Workman suggested it be filled as soon as possible.

*Snow Removal Reimbursement Request-Hearthstone Manor*

Mr. Spillane recalled that the streets at Meadows at Shawnee were plowed during the recent snow storms though they had not been accepted by the city while other city streets were overlooked. He feels that some sort of reimbursement is needed because taxpayers' money should not have been used to maintain the streets before they were officially dedicated.

Mr. Spillane moved the Meadows at Shawnee reimburse the city for the costs of plowing their streets during the snowstorm. Motion failed for lack of a second.

Councilman Spillane then stated a number of residents have questioned why Phases I, II and III were not being plowed noting they were properly paved.

Mr. Baird said the city has never plowed in Hearthstone Manor because those streets were not dedicated. He explained that Meadows at Shawnee has been plowed for a couple of years because the project was finished. He reiterated that Phases I, II and portions of III of Hearthstone are completed but have not been dedicated. At this time, the developer is not interested in dedicating it.

Mr. Spillane confirmed the problem is not the city but is the developer. Mr. Baird agreed stating they have discussed the possibility with the developer though the last couple of months, it has not been a priority due to a lack of interest.

Mr. Spillane asked how that can again be considered so that Hearthstone residents would receive the same services as the Meadows at Shawnee. He asked what Hearthstone and other areas not yet accepted get for the taxes they pay and asked if that can be considered.

Mayor Marabello suggested it be added to the next agenda in an effort to resolve it.

NEW BUSINESS

*Preliminary Major Subdivision Extension Request/Wickersham*

City Planner Norris noted the primary reason for the extension is because the city continues to work on utility extensions to this area though it has not been completed. It was confirmed this property is located at the corner of Route 1 and Johnson Road and are at the end of the line. In order to proceed from a cost standpoint that will work, property owners are needed to participate between their site and where the current utilities exist. Those property owners will need to determine how best to finance that which is the primary reason for the delay.

Mr. Brooks moved to approve the extension until March 23, 2011, seconded by Mr. Morrow.

Motion carried by unanimous roll call vote.

*Cascades Subdivision/Ingerman Group Presentation*

David Holden of Ingerman Group based out of Wilmington, stated the Ingerman Group develops, builds and manages affordable housing in Delaware, Maryland, Pennsylvania and New Jersey.

# *Sewer System Evaluation Study (SSES)*

## *High Priority Area Investigation Results*

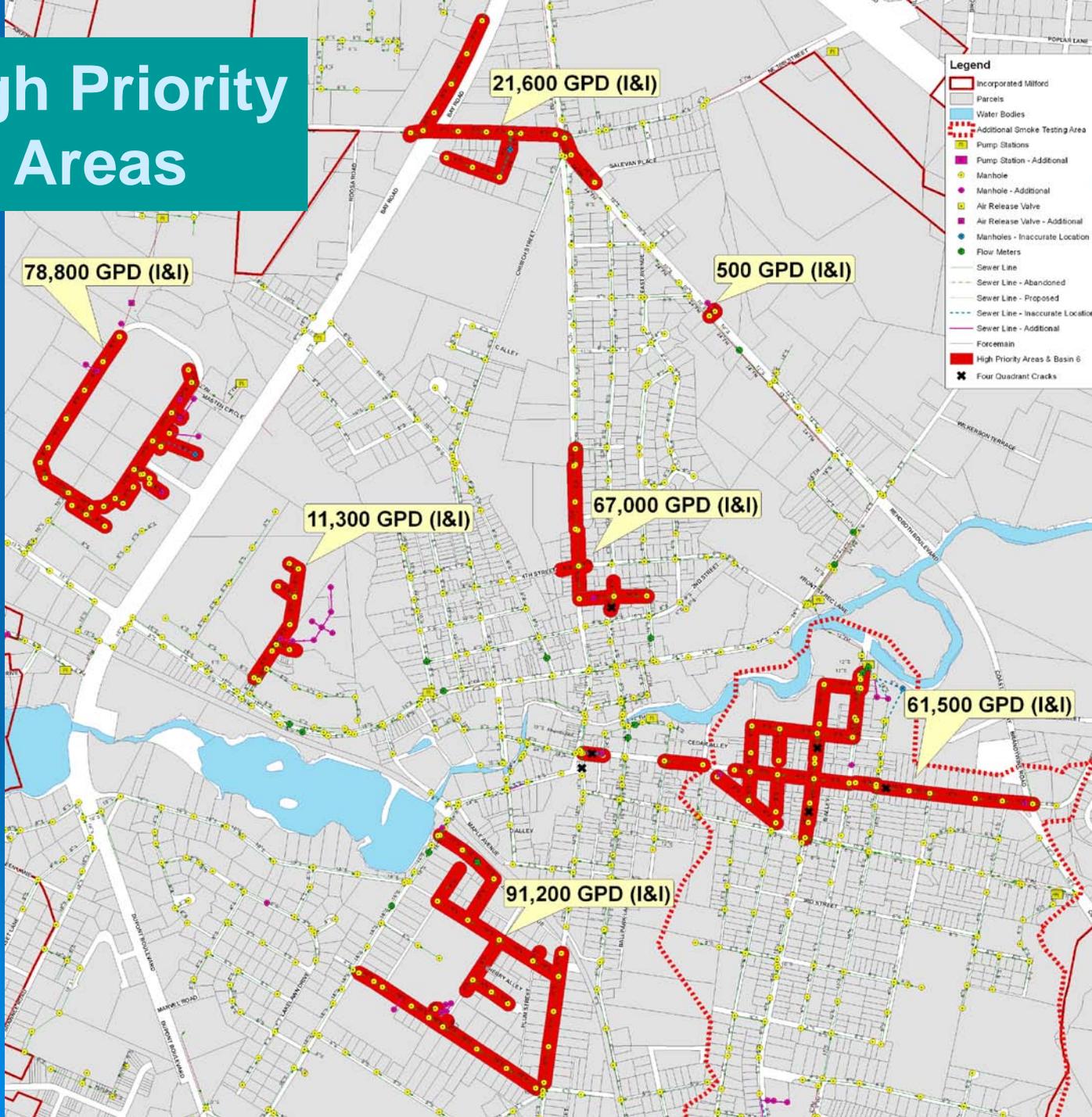


*City of Milford, Delaware*

14 March 2011

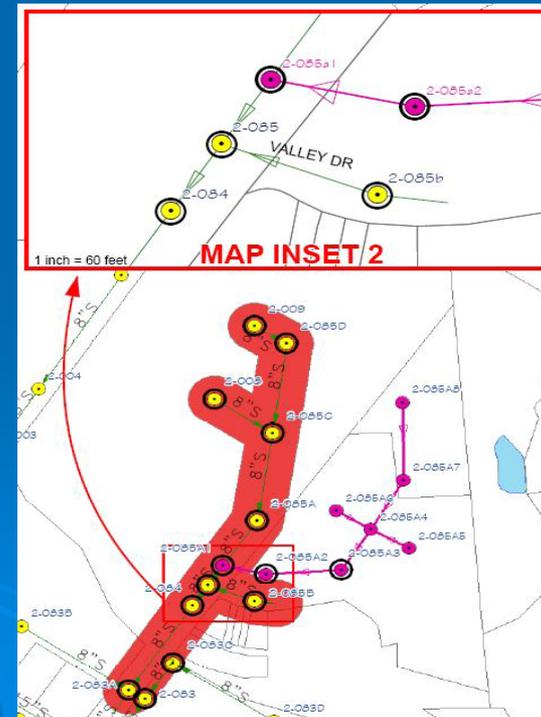
**URS**

# High Priority Areas



# Project Activities

- Surface and Internal Manhole Inspections
- Smoke testing
- Closed Circuit Television (CCTV) Inspection of Mains
- Field updates of sewer system mapping
- Project Recommendations
- Prepare Project Bid Documents



# Manhole Inspections

- Inspections Attempted at 258 Structures
  - 240 fully inspected, 18 incomplete due to accessibility
- Evidence of inflow in most due to old and broken frames and covers.
- Active Infiltration found in 19 structures
  - Evidence of infiltration in 89 structures

# Manhole Gushers

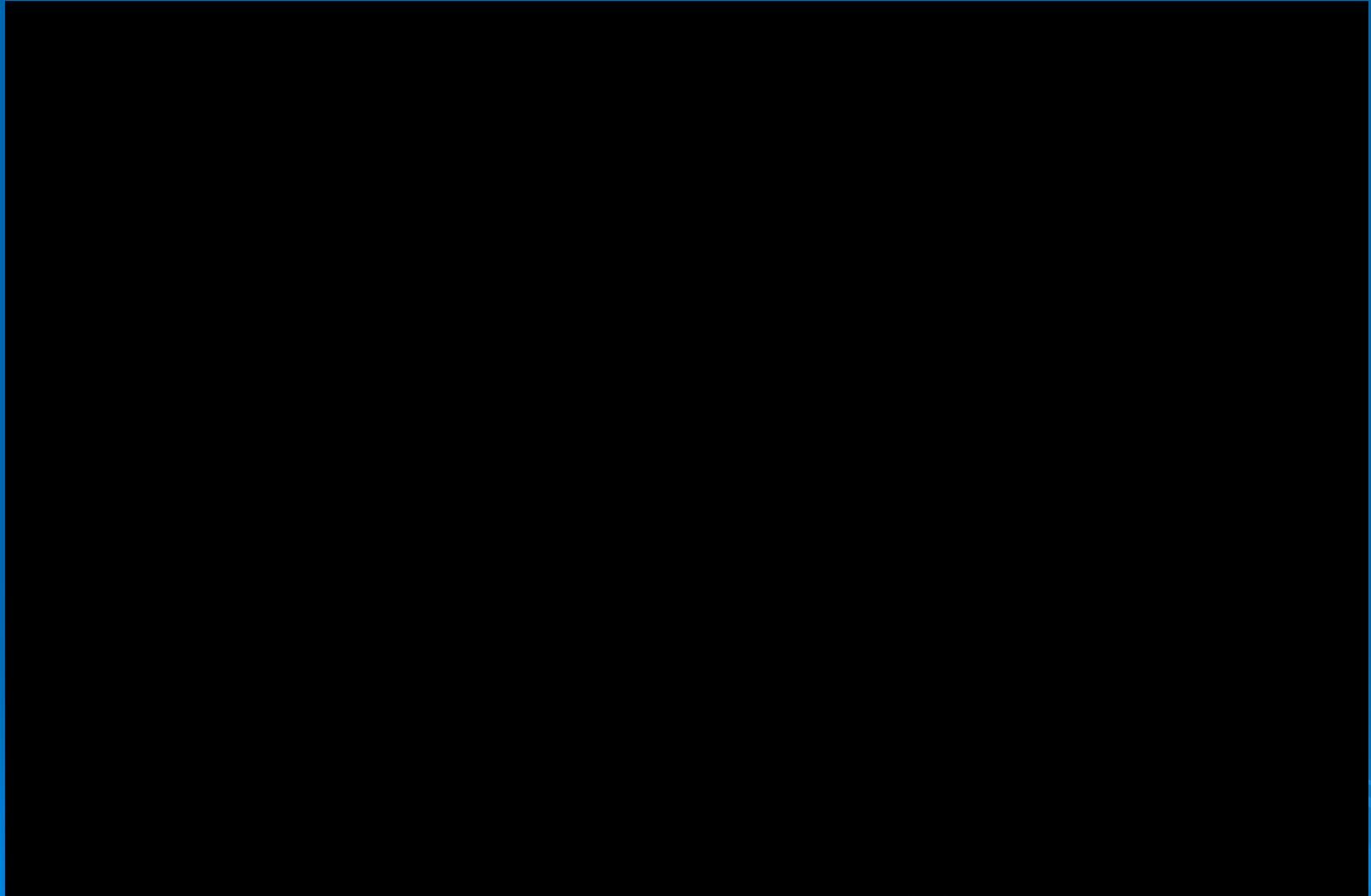


Manhole 1-164  
Kings Highway

~1 to 2 GPM  
(~\$3.37 - \$6.74/day)

**URS**

# Manhole Gusher



**Manhole 1-153**  
**Kings Highway**

~3 to 4 GPM  
(~\$10.10 - \$13.40/day)

**URS**

# Smoke Testing

- Smoke Introduced at 80 manholes resulting in 119 observations
- Significant observations include:

| Observation               | Property Status |
|---------------------------|-----------------|
| 23 Downspout Connections  | Private         |
| 72 Cleanout Defects       | Private         |
| 6 Manhole Defects         | Public          |
| 4 Storm Basin Connections | Public          |

# Private Property Observations



Cedar Beach Road



West Clarke  
Avenue

**URS**

# Private Property Observations



KSI Roof Drainage  
~840,000 gallons per year  
(~\$5.40/day)

West Clarke  
Avenue

**URS**

# KSI Roof Sump



NORTH REHOBOTH BOULEVARD  
(SE Front & SE 2<sup>nd</sup>)

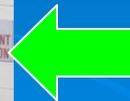
**URS**

# Private Property Observations



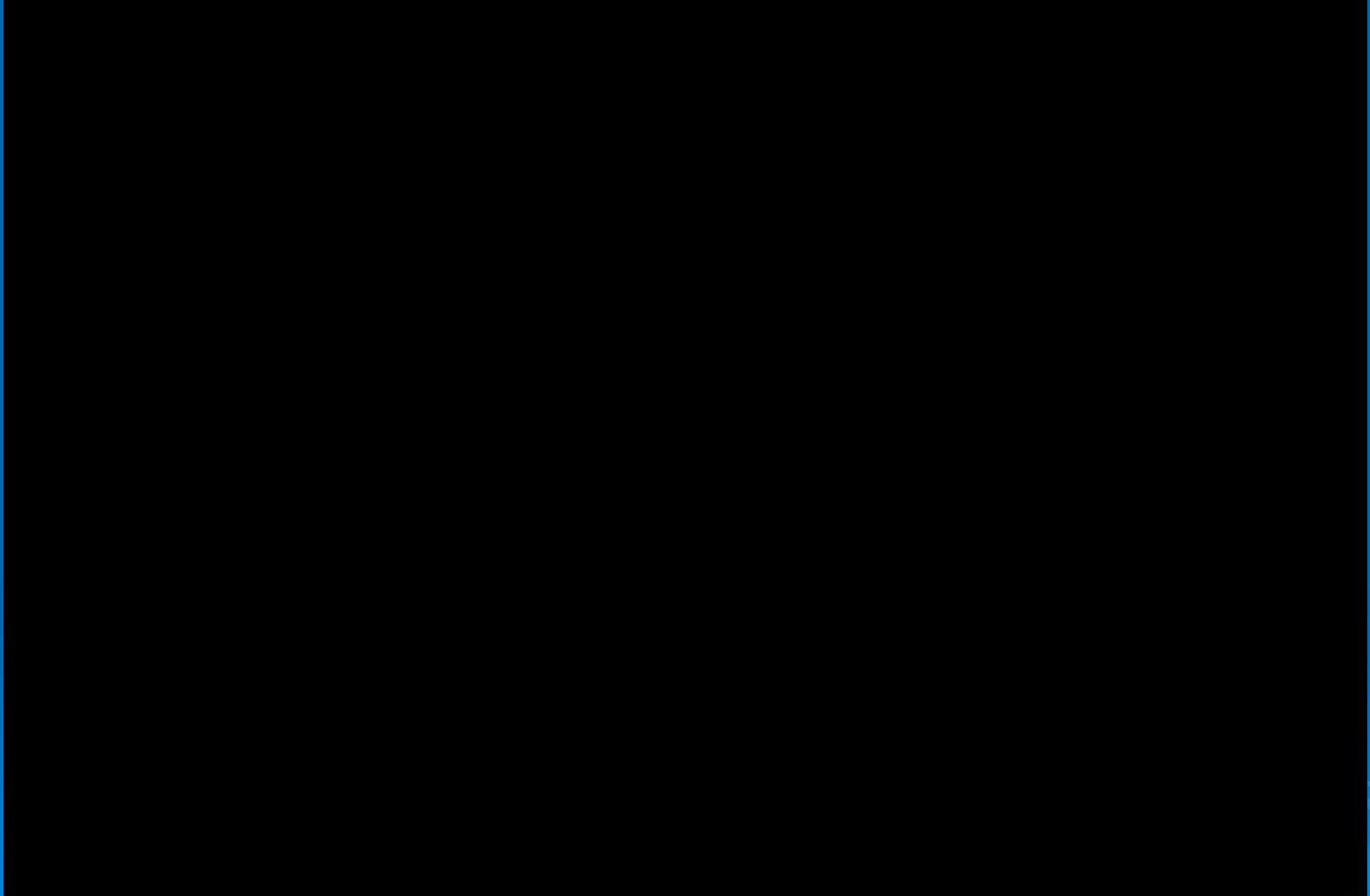
North Walnut Street  
(lateral defect)

East Masten Circle  
~225,000 gallons per year  
(~\$1.45/day)



**URS**

# East Masten Circle



Defective clean out  
with downspout

**URS**

# East Masten Circle



Open clean out  
with downspout

**URS**

# Public Property Observations

## Manhole Defects

South Walnut Street



Columbia Street

## Storm Basin Connections

**URS**



# Public Property Observations



1-011 United Methodist Church  
(North Church Avenue)

**URS**

# Public Property Observations

Gilcrest Street



NW 10<sup>th</sup> Street

**URS**

# CCTV Inspection

- CCTV Inspection of 160 pipe sections of 6" to 24" pipe
- Inspections covered 29,500 feet (5.6 miles) of the system
- Pipe was assessed for both Infiltration related and structural defects



# CCTV Inspection

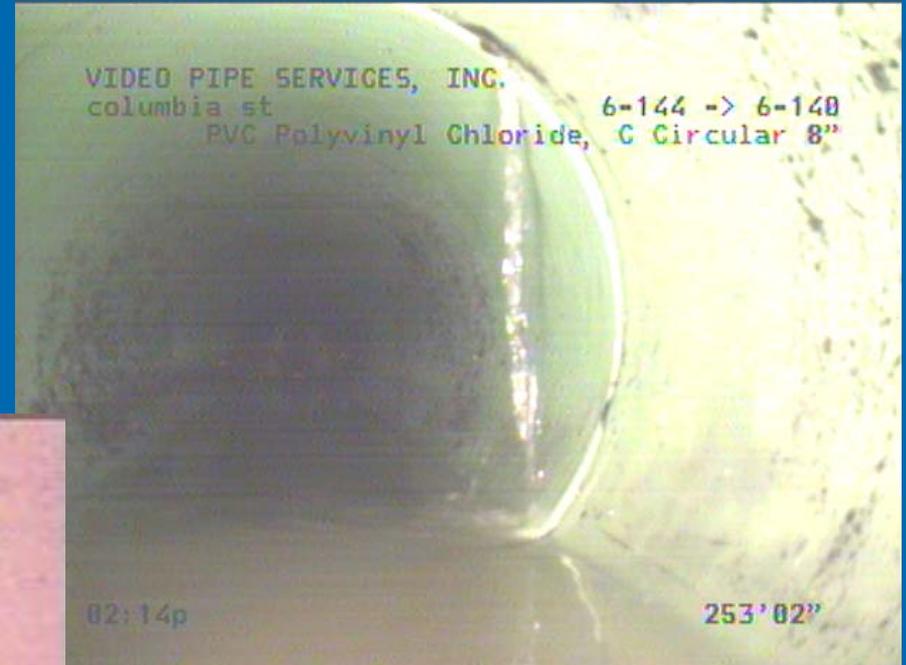
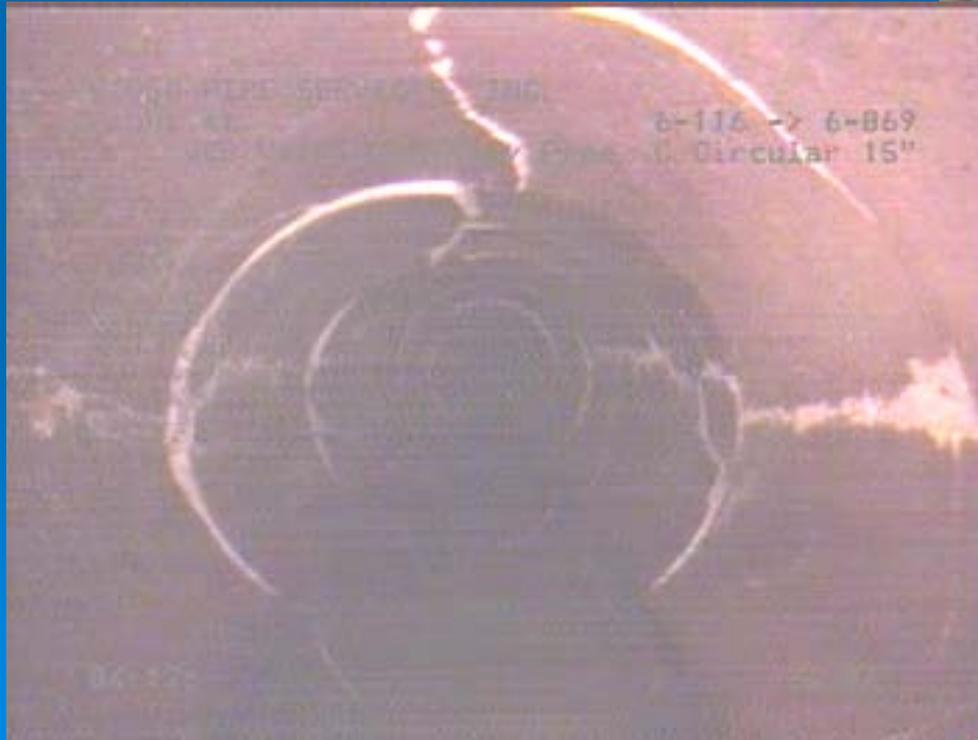
Recommendations include:

- 4,000 linear feet of pipe to be Removed and Replaced
- 14 Spot Repairs
- 9,000 linear feet of pipe to be rehabilitated using Cured-In-Place Pipe
- 4,000 linear feet of pipe to be Tested & Sealed



# CCTV Inspection

SE Front Street



Columbia Street  
~3 to 4 GPM  
(~\$10.10 - \$13.40/day)

URS

# CCTV Inspection



**MARSHALL STREET**  
**(SE Front & SE 2<sup>nd</sup>)**

~3 to 4 GPM  
(~\$10.10 - \$13.40/day)

**URS**

# CCTV Inspection



**MARSHALL STREET  
(SE Front & SE 2<sup>nd</sup>)**



# CCTV Inspection



**MARSHALL STREET  
(SE Front & SE 2<sup>nd</sup>)**

**URS**

# CCTV Inspection



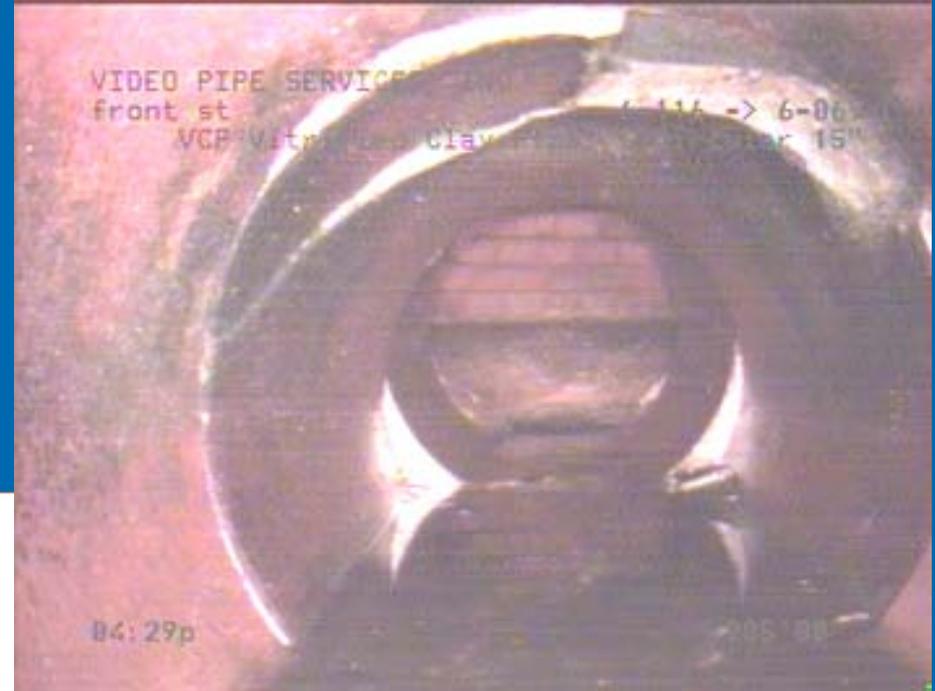
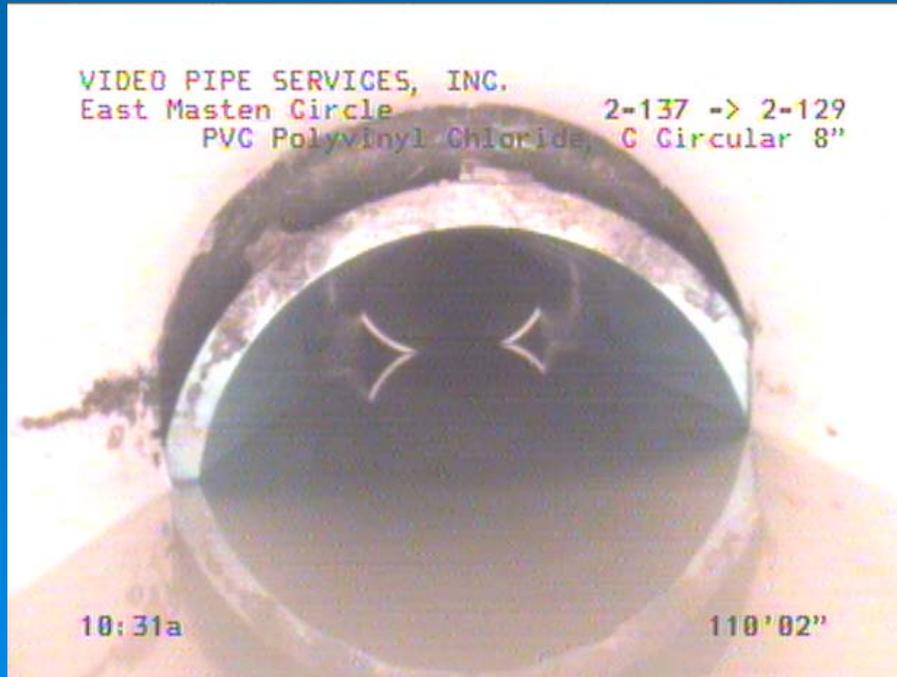
**BEECHWOOD AVENUE**  
**(at Maple Street)**

~10 GPM  
(~\$33.70/day)

**URS**

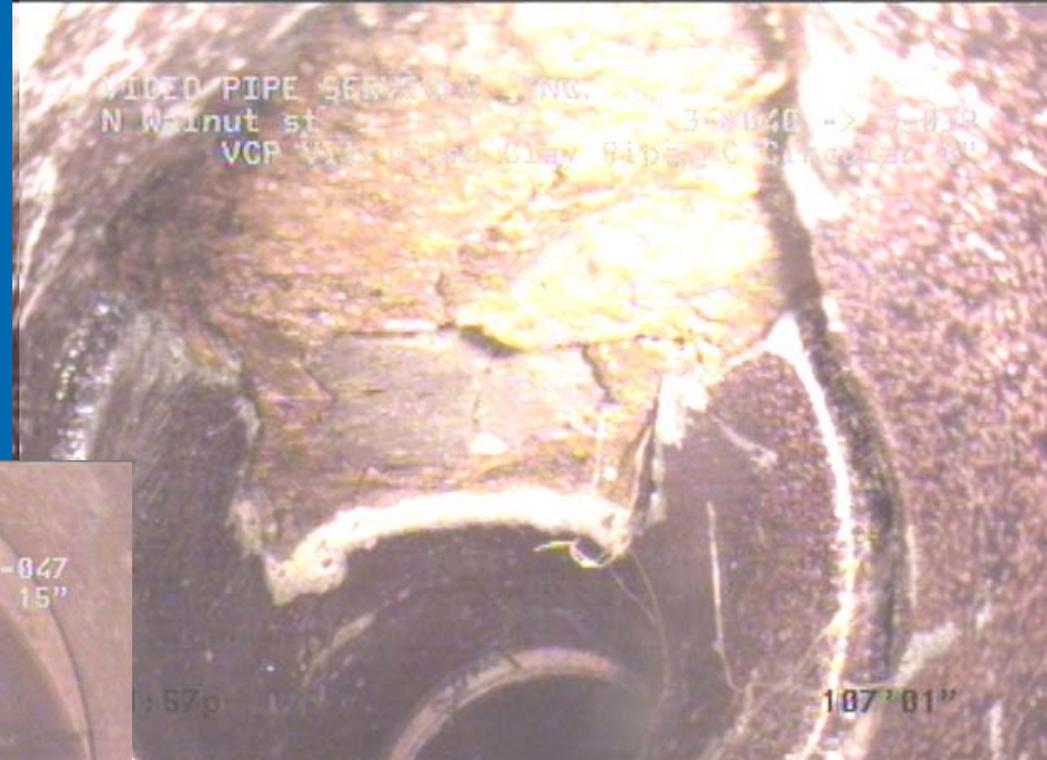
# CCTV Inspection

## East Masten Circle



## SE Front Street

# CCTV Inspection

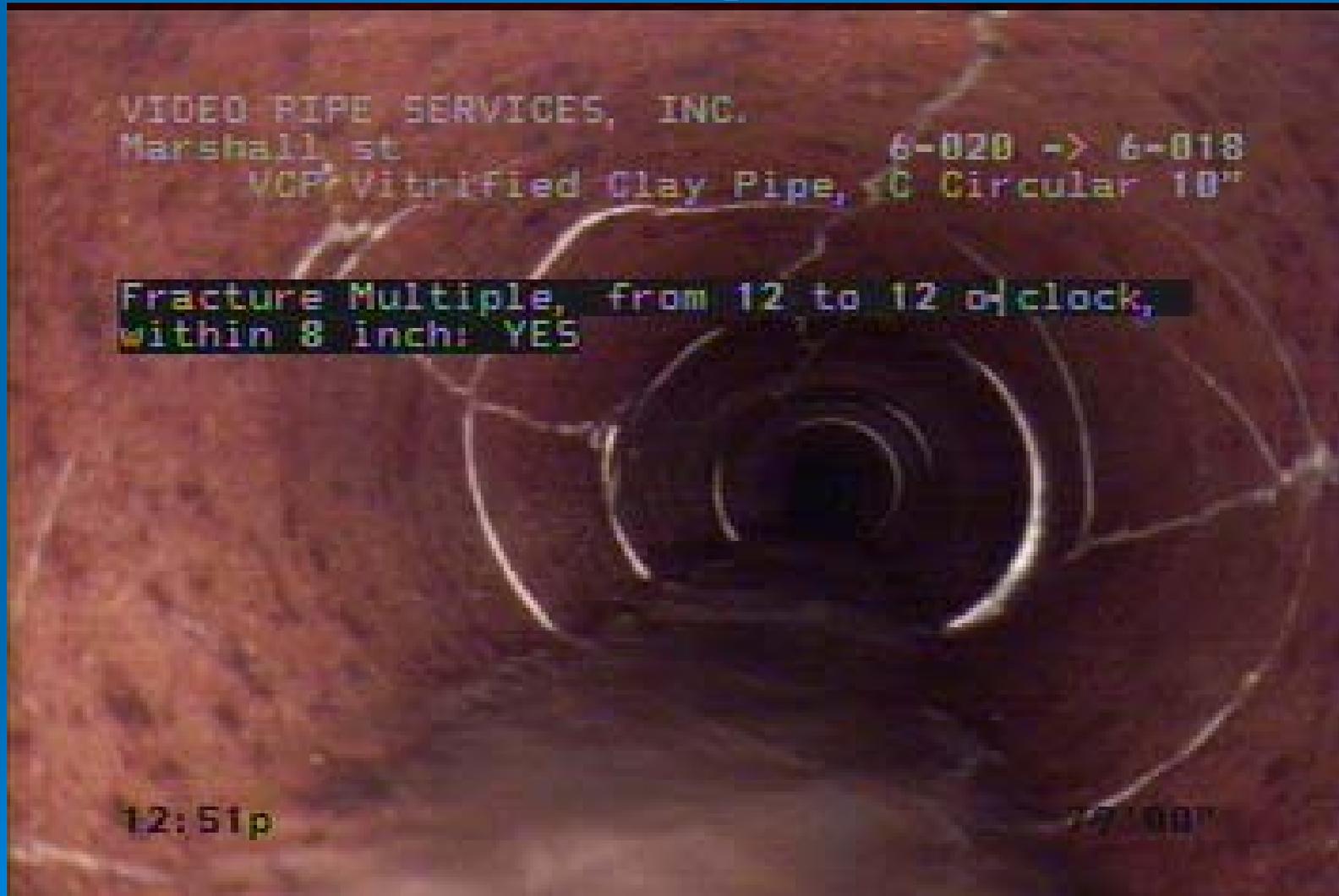


North Walnut Street

South Walnut Street



# CCTV Inspection



MARSHALL STREET  
(SE Front & SE 2<sup>nd</sup>)

URS

# CCTV Inspection



Carlisle Lane



# Assumptions

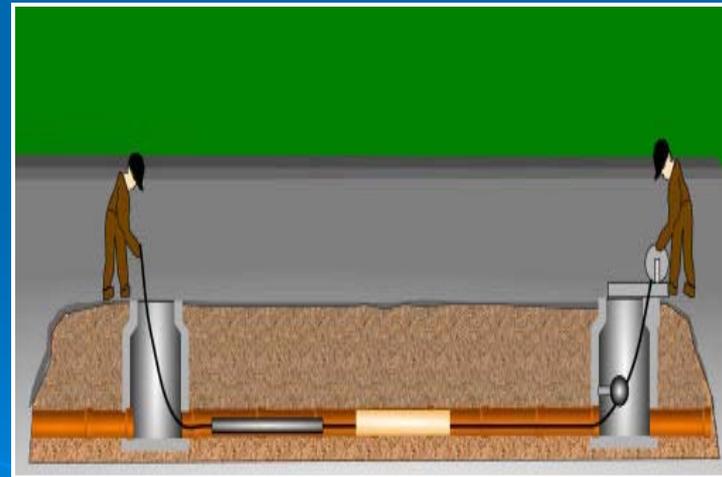
- Project Budget is \$3,000,000
- Project had to include trenchless work on SE Front Street
- Open Cut work on SE Front Street removed from Project
- Flow reductions are based on a conservative 40% reduction in infiltration
- Flow reductions do not include removal of inflow from the system
- Potential cost savings due to proactive repairs (areas with 4 quadrant cracks) are not included in the results. Proactive repairs eliminate the need for emergency repairs in the future.
- The County Rebate is a credit on future County impact fees. This savings is not included in the results.

# Recommendation

- Proceed with rehabilitation work in Selected High Priority Areas shown on next slide
  - Finalize construction documents (Open cut & Trenchless)
  - Advertise work
  - Complete construction



OPEN CUT



TRENCHLESS

# Project Areas

- Legend**
- Incorporated Milford
  - Parcels
  - Water Bodies
  - Additional Smoke Testing Area
  - Pump Stations
  - Pump Station - Additional
  - Manhole
  - Manhole - Additional
  - Air Release Valve
  - Air Release Valve - Additional
  - Manholes - Inaccurate Location
  - Flow Meters
  - Sewer Line
  - Sewer Line - Abandoned
  - Sewer Line - Proposed
  - Sewer Line - Inaccurate Location
  - Sewer Line - Additional
  - Forcemain
  - Project Area
  - High Priority Area
  - Trenchless
  - Four Quadrant Cracks

78,800 GPD (I&I)

21,600 GPD

500 GPD (I&I)

11,300 GPD (I&I)

67,000 GPD (I&I)

61,500 GPD (I&I)

91,200 GPD (I&I)

# Projected Project Cost

- All High Priority Areas: \$5,300,000
- Recommended Project Areas: \$3,000,000

# Potential Annual Savings

- All High Priority Areas: \$110,000
- Recommended Project Areas: \$70,000

# Potential County Rebate

- All High Priority Areas: \$865,000
- Recommended Project Areas: \$557,000

# Schedule of Work

- April 1, 2011: Advertise
- May 1, 2011: Open Bids
- May 21, 2011: Award
- June 1, 2011: Begin Construction
- February 2012: Complete Construction

# Alternatives

- Do Nothing
- Complete All High Priority Area Rehabilitation Work
- Complete Recommended Project Areas Rehabilitation Work

# Questions?

The logo for URS, consisting of the letters 'URR' in a bold, white, sans-serif font. The background of the slide features several faint, concentric circular patterns in a lighter shade of blue, resembling ripples in water, scattered across the lower half of the image.

**URR**

March 4, 2011

David Baird, City Manager  
City of Milford  
201 Walnut Street  
Milford, DE 19963

RE: Cascades Apartments

Dear Mr. Baird,

MBI Development Company is proposing to develop the Cascades Apartments on Airport Road with an application to the Delaware State Housing Authority for an allocation of Low Income Housing Tax Credits. This year's application will be similar to the one submitted in 2010. I am hoping that you will be able to provide supporting documentation similar to what you furnished for last year's application.

Enclosed you will find letters and other pieces of information you provided to us from 2010. Please let me know if you need any of enclosed information in an electronic (word document) format:

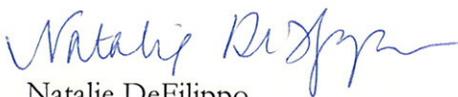
- Letter of support from the Mayor, including a recommendation to approach the community via a City Council meeting (agenda and minutes of this meeting included)
- Letter from the city engineer confirming availability of utilities; specifically, sewer, water, and electric power, and the steps necessary to secure the proper zoning and permit approvals
- Letter from the City Clerk and a letter from the City Manager confirming the five-year tax abatement as well as City Council meeting minutes where the abatement was discussed

In order to satisfy our community outreach requirements, a community meeting of some type needs to take place in which this proposed development can be discussed. Due to the tight timeframe, we were hoping that this could take place prior to March 15, 2011.

If you have any questions, please call David Holden at 302.661.1560 or [dholden@ingerman.com](mailto:dholden@ingerman.com) or myself at 856.662.1730x112 or [ndefilippo@ingerman.com](mailto:ndefilippo@ingerman.com). Mr. Holden will follow up with you as well.

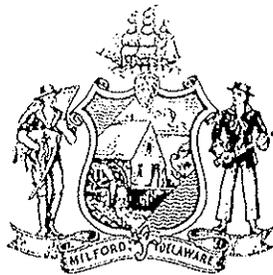
Thank you for your time.

Sincerely,



Natalie DeFilippo  
Development Associate, Ingerman

# CITY OF MILFORD DELAWARE



"THE GARDEN CITY OF TWIN COUNTIES"

OFFICE OF THE MAYOR  
(302) 422-6616  
FAX # (302) 422-1120

201 S. WALNUT STREET  
P.O. BOX 159  
MILFORD, DELAWARE 19963

March 10, 2010

Mr. David Holden  
Development Principal  
The Ingerman Group  
1500 Shallcross Avenue, Suite 2B  
Wilmington, Delaware 19806

RE: Cascades Apartments

Dear Mr. Holden:

Thank you for the presentation on the Cascades Apartments at the City of Milford's Council Meeting on March 8, 2010.

We understand that the Ingerman Group is proposing to develop the Cascades Subdivision on Airport Road as an affordable rental community. The first phase will include 76 apartments with a mix of one, two and three bedroom units. Additional improvements will include a community building for management, maintenance and resident activities, a tot lot and extensive landscaping. The proposed residents will consist of individuals and families with incomes at both 60% and 50% of the area median income and below.

In addition, we understand that the Delaware State Housing Authority (DSHA) encourages community outreach for proposed affordable housing projects such as this. In light of this property's specific location in the City of Milford, I can confirm the recommended approach for involving the relevant community members was to place this project on the City Council meeting agenda, which is posted on the City website and to have the presentation at the City Council meeting. This provided information regarding the proposal though the modifications to the approved subdivision plans will still be required to go through the City's land use approval process.

Finally, the City of Milford supports this proposed development and endorses your application in the upcoming DSHA tax credit application round. We believe this project will help address the critical need for affordable housing in our community.

Sincerely,

Daniel Marabello  
Mayor

## Community Outreach

This exhibit includes documentation to confirm the community outreach and notifications that were distributed. Per the QAP guidelines, we contacted the local legislator, essentially the Mayor and City Council, and were advised that the appropriate forum for a community meeting/presentation would be the regular City Council meeting. This Council meeting occurred on March 8 and the meeting agenda, including our presentation, was distributed to the public and posted on the City's website in advance of the Council meeting and consistent with the City's requirements.

# City of Milford



## AGENDA

Monthly Council Meeting

March 8, 2010

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

PUBLIC COMMENT SESSION - 7:15 p.m.

COUNCIL MEETING - 7:30 p.m.

Call to Order - Mayor Daniel Marabello

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition - Adoption of Resolution/Express Condolences to the People of Haiti/Haitian Pastors Lionell Sainseme and Reverend Amos

Monthly Police Report

City Manager's Report

Committee Reports

Communications

Unfinished Business

- Introduction of Ordinance 2010-2/Cypress Hall/Conditional Use
- Adoption of Ordinance 2010-3/Chapter 119/Electric Standards
- Adoption of Resolution/Accepting Public Areas/Meadows at Shawnee
- Planning Commission Vacancy & Appointment
- Snow Removal Reimbursement Request-Hearthstone Manor
- City of Milford Charter Review\*\*

New Business

- Preliminary Major Subdivision Extension Request/Wickersham
- Cascades Subdivision/Ingerman Group Presentation
- Milford Community Cemetery-Financial Overview
- FY2009-2010 Budget Amendment/General Fund-Fund Balance Funding\*

Monthly Finance Report

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

Motion/Executive Session-Legal Matter\*

Adjourn

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

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

02/05/10 02/09/10 02/12/10 02/22/10 02/23/10 \*03/03/10 Requested by City Manager \*\*03/04/10 Workshop removed; item added under Unfinished Business

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
March 8, 2010

The Regular Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, March 8, 2010.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor Timothy Willard

Mayor Marabello called the Monthly Meeting to order at 7:30 p.m.

*Cascades Subdivision/Ingerman Group Presentation*

David Holden of Ingerman Group based out of Wilmington, stated the Ingerman Group develops, builds and manages affordable housing in Delaware, Maryland, Pennsylvania and New Jersey.

He reported the Cascades Development is located on Airport Road and was originally designed as an eighty plus single family home community. The development is in foreclosure and is currently owned by Wilmington Trust. The bank approached Ingerman Group a few months ago about redeveloping the site.

Mr. Holden then explained the plan is to redevelop the site in two different phases. The first phase consists of 76 rental units with a mix of one, two and three bedrooms. He referenced the site plan showing eight-unit buildings. He then informed council they also built Colony South located behind IG Burton on Route 113 and this will be very similar. It would include a community building with on-site management and maintenance in addition to recreational areas and tot lots. Financing would be through the Delaware State Housing Authority (DSHA).

In addition to the support of the site plan, he is asking for support of the DSHA application and a tax abatement for five years. He feels the city contribution will help their application be more competitive in comparison to others.

Mr. Holden advised the property would be owned by a private or profit entity and will eventually be added to the tax rolls. They will pay all associated connection fees and utility and permit fees.

He asked for councils' support to allow them to move forward with the application to DSHA. He advised the monthly rental will range from \$500 to \$700. The ground floor units will be ideal for senior citizens for 62 and over and the larger apartments would accommodate families with children.

City Solicitor Willard confirmed the site plan that was previously approved is being changed to allow apartment complexes. Mr. Holden agreed the prior approval will have to be amended and the application resubmitted to the planning commission. However, they are working within the existing footprints, street layouts and utilities. He reiterated a new site plan will be submitted.

Mr. Willard directed Mr. Holder to prepare a new subdivision application noting the amendments to the plan.

Mr. Holden stated that tonight, he is only asking support of the DSHA application process. He understands that is in addition to the land use process still required.

Mayor Marabello confirmed this plan only addresses Phase I. Mr. Holden explained there will only be two phases with the second being very similar in size and area.

Mr. Baird recalled a similar project under the management of Volunteers of America at Bright Ways Commons. That involved an addition to the units in the rear, while rehabilitating the older units in the front. Council was required to approve it as part of the DSHA process. He asked if the DSHA application included acquisition and development of the site; Mr. Holden stated yes.

Mr. Holden stated the acquisition will not occur if the application does not rank successfully because there will be no funding. He added that any support would be contingent upon the action of the planning commission in addition to meeting all other city requirements.

Mr. Baird explained the request is to support the application this evening. The request for the five-year tax abatement will need to be a separate matter. Mr. Holden advised his application will need to be submitted by April 9<sup>th</sup>. He further explained the 100% tax abatement the first year will be reduced by 20% each year thereafter. By the fifth year, it will be taxed at 100%.

Mr. Spillane expressed concern about the increase in housing from the original plan and its impact on stormwater runoff. Mr. Holden explained there can be no additional runoff with the new plan.

Mr. Holden stated that based on the proposal, there will be no changes to the stormwater ponds; Mayor Marabello also confirmed they will request a reduction in the required number of parking spaces from 2.5 to 2. It was agreed those issues would be part of the land use approval process.

Ms. Wilson moved to support the process for application to Delaware State Housing for affordable housing at Cascades Apartments, seconded by Mr. Starling.

Mr. Adkins said he will support the conceptual plan.

Motion carried by unanimous roll call vote.

The tax abatement matter will be added to the March 22<sup>nd</sup> agenda at which time the financial impact on the city will be presented by the city manager.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

**CITY OF MILFORD**  
DELAWARE



"THE GARDEN CITY OF TWIN COUNTIES"

Phone (302) 422-1110  
FAX # (302) 422-1119  
[www.cityofmilford.com](http://www.cityofmilford.com)

Engineering Department  
180 Vickers Drive  
Milford, Delaware 19963

March 23, 2010

David Holden  
The Ingerman Group  
1500 Shallcross Avenue, Suite 2B  
Wilmington, DE 19806

RE: Status of Cascades Utilities and Streets

David,

This letter is to confirm the City of Milford can supply sewer, water and electric power to the Cascades subdivision which is partially constructed. The sewer and water systems are in place but would require inspection to determine if they are still in acceptable condition prior to use. This may include bacterial testing on the water mains and CCTV inspection of the sewers. The previous owner paid a \$97,200.00 fee for electric power, but no power distribution system has been installed to date. You can expect to pay approximately \$6,000.00 for redesign of the electric distribution network. The previously paid fee may be applied to the redesign; however you can expect additional electric fees for future phases.

Pending the results of the utility inspections and completion of any resulting corrective actions the outstanding bond may be reduced for work that may be accepted by the City and placed on a 10% maintenance bond for one year. The streets do not have the final paving course in place, so if they are to be dedicated to public use the City must maintain two bonds pending street completion. Both bonds would be renewable during the construction period; one would be a 10% maintenance bond for the road base and the other a 125% bond to cover the final wearing course of roadway.

Prior to issuing any building permits you may need to resolve outstanding issues with the Planning and Zoning department such as approval of a new record plan. You will also need engineering review of the revised site plans, cost \$250 per building review. The Kent Conservation District (KCD) has informed me their approval for this site expires Monday March 29, 2010, so you can expect additional cost to receive approval from KCD prior to resuming construction activity. I have attached a spreadsheet of itemized costs that you may use to calculate bond reductions.

To summarize the Cascades site has the following:

- An operating sewage lift station and gravity sewer system in place. Parts of the sewer system will require inspection prior to acceptance and bond reduction.
- Some of the water system, consisting of an eight inch water main, valves and fire hydrants are also installed. Inspection and testing will be needed prior to acceptance and bond reduction.
- Streets with asphaltic base course and curbs are in place. No final wearing course has been placed. Owner should determine if streets will be public per revised design and if so specify limits of dedication. Bonding issues pending.
- Storm water pond and drainage system have been installed, however the permit expires March 29, 2010. This must be addressed with Kent Conservation District.
- Electric distribution fees were paid per previous design, but no power system has been installed. It is likely phase one power can be covered by these fees, but not phase two.

I hope this information is useful to you and your company to bring this project back, and look forward to working with you in the future.

Best Regards,



Mark S. Mallamo, P.E.  
City Engineer

# Agency Approvals

Multiple approvals need to be updated prior to pulling another building permit

| Approval                          | Date Approved                          | Sunset Provision | Comments                                                                                                                                                                                                                                          |
|-----------------------------------|----------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Delaware Health & Social Services | ◆ 2/6/2006                             | ◆ 2/6/2007       | ◆ Permit is for water main construction and must be renewed or reissued in order to construct the remaining water mains                                                                                                                           |
| Department of Transportation      | ◆ Not required due to city roads       | ◆ NA             |                                                                                                                                                                                                                                                   |
| DNREC Wastewater Permit           | ◆ 5/22/2006                            | ◆ 5/21/2009      | ◆ Permit is for sewer main construction and must be renewed or reissued before another building permit can be issued<br>◆ Permit is for erosion and sediment control and must be renewed or reissued before another building permit can be issued |
| Kent Conservation District        | ◆ 3/29/2006                            | ◆ 3/29/2009      |                                                                                                                                                                                                                                                   |
| Notice of Intent                  | ◆ On file with DNREC for SWM and NPDES |                  |                                                                                                                                                                                                                                                   |
| Public Works                      | ◆ Approved                             |                  |                                                                                                                                                                                                                                                   |
| State Fire Marshal                | ◆ 11/29/2005                           |                  |                                                                                                                                                                                                                                                   |
| Performance Bond                  | ◆ NA                                   | ◆ NA             | ◆ Opportunity to reduce the performance bond (according to City Engineer) since the pump station has been completed. A maintenance bond may be required                                                                                           |

 Print

§ 230-11 - R-3 Garden Apartment and Townhouse District.

In an R-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A.

Purpose. The purpose of the R-3 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.

B.

Permitted uses. Permitted uses for the R-3 District shall be as follows:

(1)

All uses permitted in an R-2 District and subject to its area regulations, unless otherwise indicated in this section as provided below:

(a)

Single-family and two-family dwellings shall be subject to the following area regulations:

[1]

Minimum lot area shall be 7,500 square feet.

[2]

Maximum lot coverage shall be 45%.

[3]

Minimum lot width shall be 60 feet.

[4]

Height of buildings shall not exceed three stories or 35 feet.

[5]

Minimum building setback line shall be 30 feet.

[6]

Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.

[7]

Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.

[8]

Decks, subject to the following requirements:

[Added 9-8-2008 by Ord. No. 2008-13]

[a]

The deck cannot be located in the front yard.

[b]

A minimum distance of 10 feet must be maintained from the deck to the rear property line.

(2)

Garden or low-rise apartments, subject to site plan review and the following requirements:

(a)

The number of dwelling units per acre shall not exceed 16.

(b)

Lot coverage shall be a maximum of 20% for any lot developed for garden apartments.

(c)

The maximum number of dwelling units per building shall be 12.

(d)

Distance between buildings or groups of buildings shall be as follows: each building or group of buildings

shall be at least 25 feet from any other building or group of buildings.

(e)  
Minimum lot width on any public street shall be at least 50 feet.

(f)  
Minimum lot size shall be one acre for garden apartment properties or complexes, with a minimum of 2,500 square feet of lot area for each dwelling unit.

(g)  
A minimum of 40% of the total area developed for garden apartments shall be designated as open space. The Mayor and Council shall have the option to require all or a portion of the open space to be public open space or dedicated open space, with appropriate conditions for maintenance and use.

(3)  
Townhouses or row dwellings, subject to site plan review and the following requirements:

(a)  
The number of dwelling units per group shall not exceed eight nor be fewer than three.

(b)  
The number of dwelling units per acre shall not exceed 12.

(c)  
Maximum lot coverage shall be 60%.

(d)  
No group of townhouses shall be closer than 60 feet as to facing walls and 30 feet as to end walls from any other group of such dwellings nor closer than 60 feet from any boundary line of a designated townhouse area of which the group is a part.

(e)  
There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.

(f)  
The minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet.

(g)  
Height of buildings shall not exceed three stories or 35 feet.

(h)  
Alleys in the rear of townhouse groups are required for access to units by owners and to facilitate City services, trash collection, meter reading and parking.

(i)  
Minimum lot size shall be one acre for townhouse projects or complexes, with a minimum of 2,000 square feet of lot area for each dwelling unit.

(j)  
A minimum of 40% of the total area developed for townhouses shall be designated as open space. The Mayor and Council shall have the option to require all or a portion of the open space to be public open space or dedicated open space, with appropriate conditions for maintenance and use.<sup>1</sup>

**Editor's note—<sup>1</sup> Editor's Note: Former Subsection B(4), regarding planned unit developments, was repealed 6-11-2001 by Ord. No. 4-2001. See now Subsection C(8).**

C.  
Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter:

(1)  
Rooming or boarding houses.

(2)  
Business offices for administrative purposes only.

(3)  
Professional offices (nonresident).

(4)

Medical clinics.

(5) Sanatoriums or nursing homes.

(6) Mobile home parks, subject to conformance with the following requirements and subject to site plan review:

(a) The total area to be developed as a mobile home park shall be at least 20 acres.

(b) The maximum density shall not exceed eight units per acre.

(c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.

(d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.

(e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.

(f) Off-street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on-street parking.

(g) Signs.

[1] An identification sign may be set up at the park entrance. This sign may be illuminated and shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may not exceed 20 square feet of area on either side.

[2] Illuminated traffic direction signs may also be erected. These signs shall have a street and property setback of 15 feet. They shall be no more than four square feet in area or two feet in height.

(h) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.

(i) Minimum requirements for mobile home lots.

[1] Lot area shall be 5,000 square feet per mobile home.

[2] Width shall be 40 feet.

[3] Public street setback shall be 50 feet.

[4] Mobile home park setback shall be 35 feet.

[5] Mobile home street or parking area setback shall be 30 feet.

[6] Distance from other mobile homes and buildings shall be 25 feet.

[7] One patio shall be required per unit, 10 feet by 40 feet paved.

[8] Landscaping shall be one tree per lot.

[9] Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.

[10] The entire lot occupied by a mobile home park shall be maintained in single ownership throughout the

entire life of the mobile home park.

(7)

Art or specialty shops/galleries. The following items shall be reviewed for conformance during the site plan review hearing by the Planning Commission:

[Added 7-16-1990]

(a)

The residence shall remain as the predominant feature of the site.

(b)

The shop or gallery shall occupy only 40% of the residence.

(c)

Public parking shall be available, with the determination of said parking requirements being made by the Planning Commission during the site plan review hearing. These determinations and recommendations must be done in conjunction with any state regulations concerning traffic control within the given site area.

(d)

The Fire Marshal review must be applied for and recommendations made by the agency must be presented two weeks prior to the hearing date. All requests or recommendations shall be adhered to.

(8)

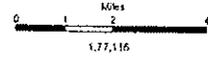
Planned unit residential development.

[Added 6-11-2001 by Ord. No. 4-2001]



# State Strategies for Policies and Spending

-  Area of Dispute  
Area subject to legal action
-  Area of Study  
Area subject to further study
-  Env. Sens. Dev.  
N.A.M. Co. only
-  Out of Play  
Planned temporary reactions
-  Level 1  
NOTE: Please refer to the chapter "Planning Strategy" in the State Strategic Investment Levels
-  Level 2
-  Level 3
-  Level 4

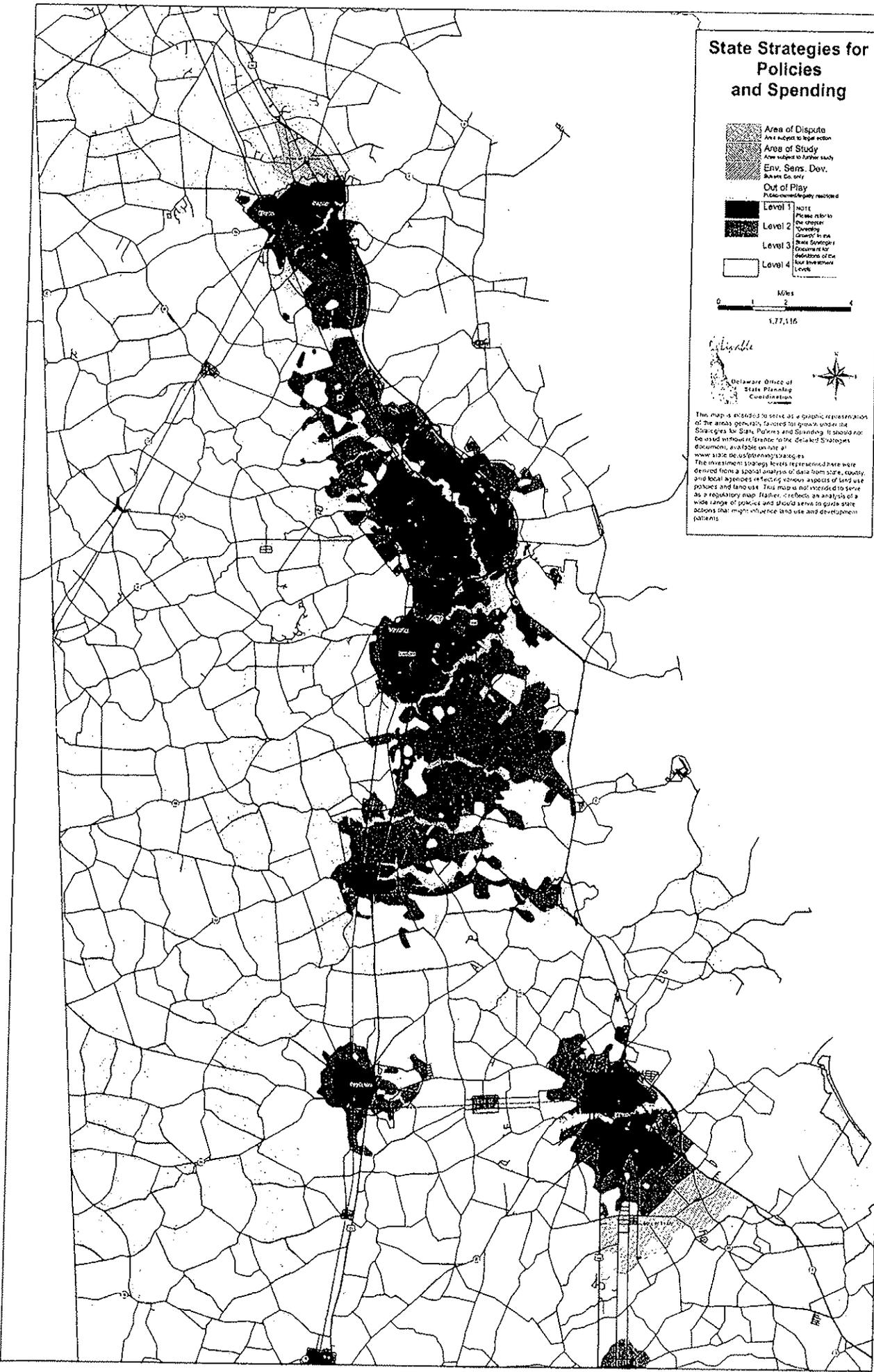


*Delaware*

Delaware Office of State Planning Coordination



This map is intended to serve as a graphic representation of the areas generally favored for growth under the Strategies for State Policies and Spending. It should not be used without reference to the detailed Strategies documents available online at [www.state.de.us/planning/strategies](http://www.state.de.us/planning/strategies). The investment strategy levels represented here were derived from a spatial analysis of data from state, county, and local agencies reflecting various aspects of land use policies and land use. This map is not intended to serve as a regulatory map. Rather, it reflects an analysis of a wide range of policies and should serve to guide state actions that might influence land use and development patterns.



**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: January 2011

|                                           |             |
|-------------------------------------------|-------------|
| Cash Balance - General Fund Bank Balance  | \$2,687,245 |
| Cash Balance - Electric Fund Bank Balance | \$3,151,272 |
| Cash Balance - Water Fund Bank Balance    | \$561,661   |
| Cash Balance - Sewer Fund Bank Balance    | \$352,323   |
| Cash Balance - Trash Fund Bank Balance    | \$496,746   |

|                            | 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     | 426,432                       | 669,105                        | 610,085                            | 412,757                     |
| Deposits                   |                               | 91,900                         | 11,671                             |                             |
| Interest Earned this Month | 62                            | 107                            | 84                                 |                             |
| Disbursements this Month   |                               | (28,554)                       | (41,667)                           |                             |
| Investments                |                               |                                | 1,600,000                          |                             |
| Ending Cash Balance        | \$426,494                     | \$732,558                      | \$2,180,173                        | \$412,757                   |

|                            | 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     | 721,062                       | 1,294,421                        | 372,633                          | 2,584,942                   |
| Deposits                   |                               |                                  |                                  |                             |
| Interest Earned this Month |                               |                                  |                                  | 3,491                       |
| Disbursements this Month   | (8,938)                       | (7,237)                          | (3,368)                          | (2,022)                     |
| Investments                | 1,000,000                     | 2,960,000                        | 2,245,000                        | 7,486,000                   |
| Ending Cash Balance        | \$1,712,124                   | \$4,247,184                      | \$2,614,265                      | \$10,072,411                |

|                            | Water<br><u>Impact Fee</u> | Sewer<br><u>Impact Fee</u> | Electric<br><u>Impact Fee</u> |
|----------------------------|----------------------------|----------------------------|-------------------------------|
| Beginning Cash Balance     | 62,632                     | \$38,516                   | \$7,828                       |
| Deposits                   |                            |                            |                               |
| Interest Earned this Month |                            |                            |                               |
| Disbursements this Month   |                            |                            |                               |
| Investments                | 850,000                    | \$625,000                  | \$250,000                     |
| Ending Cash Balance        | \$912,632                  | \$663,516                  | \$257,828                     |

INTEREST THROUGH THE SEVENTH MONTH OF THE FISCAL YEAR:

|                          |        |                        |        |
|--------------------------|--------|------------------------|--------|
| General Fund             | 7,172  | Water Fund             | 764    |
| GF Capital Reserves      | 9,336  | Water Bond Escrow      | 257    |
| General Improvement Fund | 547    | Water Capital Reserves | 23,198 |
| Municipal Street Aid     | 783    | Water Impact Fees      | 6,765  |
| Real Estate Transfer Tax | 10,252 | Sewer Fund             | 275    |
| Electric Fund            | 3,372  | Sewer Capital Reserves | 18,080 |
| Electric Reserves        | 64,115 | Sewer Impact Fees      | 3,368  |
| Electric Impact Fees     | 1,927  | Trash Fund             | 674    |

TOTAL INTEREST EARNED TO DATE \$150,885

**REVENUE REPORT**

**Page Two**

| Date: January 2011<br>ACCOUNT         | AMOUNT BUDGETED     | MTD                | 58% of Year Expended |               |
|---------------------------------------|---------------------|--------------------|----------------------|---------------|
|                                       |                     |                    | YTD                  | YTD%          |
| Budgeted Fund Balance                 | 215,749             | 20,000             | 215,749              | 100.00%       |
| General Fund Capital Reserves         | 226,000             | 0                  | 33,975               | 15.03%        |
| Property Transfer Tax-Capital         | 152,100             | 0                  | 139,460              | 91.69%        |
| Property Transfer Tax-Police          | 500,000             | 41,667             | 291,667              | 58.33%        |
| Real Estate Tax                       | 2,962,377           | 904                | 2,954,961            | 99.75%        |
| Business License                      | 35,000              | 14,775             | 25,645               | 73.27%        |
| Rental License                        | 85,000              | 49,225             | 70,875               | 83.38%        |
| Building Permits                      | 30,000              | 700                | 41,724               | 139.08%       |
| Planning & Zoning                     | 40,000              | 2,400              | 6,250                | 15.63%        |
| Misc. Revenues                        | 346,775             | 16,845             | 121,839              | 35.13%        |
| Transfers From                        | 3,215,480           | 267,956            | 1,875,696            | 58.33%        |
| Police Revenues                       | 289,000             | 28,935             | 104,419              | 36.13%        |
| Engineering & Inspection Fees         | 40,000              | 0                  | 2,000                | 5.00%         |
| <b>Total General Fund Revenues</b>    | <b>\$8,137,481</b>  | <b>\$443,407</b>   | <b>\$5,884,260</b>   | <b>72.31%</b> |
| Water Revenues                        | 2,139,312           | 174,393            | 1,376,212            | 64.33%        |
| Sewer Revenues                        | 1,966,956           | 143,673            | 1,109,462            | 56.41%        |
| Kent County Sewer                     | 1,400,000           | 96,803             | 766,786              | 54.77%        |
| Solid Waste Revenues                  | 1,085,702           | 90,185             | 633,413              | 58.34%        |
| Electric Revenues                     | 26,925,565          | 2,396,965          | 16,873,919           | 62.67%        |
| <b>TOTAL REVENUES</b>                 | <b>\$41,655,016</b> | <b>\$3,345,426</b> | <b>\$26,644,052</b>  | <b>63.96%</b> |
| YTD Enterprise Expense                | 42,477              |                    |                      |               |
| YTD Enterprise Revenue                | 58,029              |                    |                      |               |
| LTD Carlisle Fire Building Permit Fee | 27,319              |                    |                      |               |

**EXPENDITURE REPORT**

Page Three

Date: January 2011

58% of Year Expended

| ACCOUNT                                   | AMOUNT<br>BUDGETED | MTD              | YTD              | YTD%          | UNEXPENDED<br>BALANCE |
|-------------------------------------------|--------------------|------------------|------------------|---------------|-----------------------|
| <b>City Manager</b>                       |                    |                  |                  |               |                       |
| Personnel                                 | 336,780            | \$25,317         | 180,702          | 53.66%        | 156,078               |
| O&M                                       | 128,205            | \$4,777          | 53,426           | 41.67%        | 74,779                |
| Capital                                   | 0                  | \$0              | 0                |               | 0                     |
| <b>Total City Manager</b>                 | <b>\$464,985</b>   | <b>\$30,094</b>  | <b>\$234,128</b> | <b>50.35%</b> | <b>230,857</b>        |
| <b>Planning &amp; Zoning</b>              |                    |                  |                  |               |                       |
| Personnel                                 | 174,735            | \$13,540         | 93,357           | 53.43%        | 81,378                |
| O&M                                       | 51,176             | \$536            | 14,998           | 29.31%        | 36,178                |
| Capital                                   | 0                  | \$0              | 0                |               | 0                     |
| <b>Total P, C &amp; I</b>                 | <b>\$225,911</b>   | <b>\$14,076</b>  | <b>\$108,355</b> | <b>47.96%</b> | <b>117,556</b>        |
| <b>Code Enforcement &amp; Inspections</b> |                    |                  |                  |               |                       |
| Personnel                                 | 127,975            | \$9,946          | 69,393           | 54.22%        | 58,582                |
| O&M                                       | 62,245             | \$3,887          | 33,285           | 53.47%        | 28,960                |
| Capital                                   | 0                  | \$0              | 0                |               | 0                     |
| <b>Total P, C &amp; I</b>                 | <b>\$190,220</b>   | <b>\$13,833</b>  | <b>\$102,678</b> | <b>53.98%</b> | <b>87,542</b>         |
| <b>Tax Department</b>                     |                    |                  |                  |               |                       |
| Personnel                                 | 73,405             | \$5,714          | \$40,185         | 54.74%        | 33,220                |
| O&M                                       | 19,914             | \$490            | \$10,789         | 54.18%        | 9,125                 |
| Capital                                   | 0                  | \$0              | \$0              |               | 0                     |
| <b>Total Tax Department</b>               | <b>\$93,319</b>    | <b>\$6,204</b>   | <b>\$50,974</b>  | <b>54.62%</b> | <b>42,345</b>         |
| <b>Council</b>                            |                    |                  |                  |               |                       |
| Personnel                                 | 31,225             | \$2,318          | 15,281           | 48.94%        | 15,944                |
| O&M                                       | 26,840             | \$1,830          | 8,435            | 31.43%        | 18,405                |
| Council Expense                           | 17,000             | \$360            | 16,696           | 98.21%        | 304                   |
| Contributions                             | 436,734            | \$140,000        | 436,734          | 100.00%       | 0                     |
| Codification                              | 2,500              | \$0              | 1,952            | 78.08%        | 548                   |
| Employee Recognition                      | 8,000              | \$4,510          | 9,107            | 0.00%         | (1,107)               |
| Insurance                                 | 16,920             | \$0              | 7,194            | 42.52%        | 9,726                 |
| <b>Total Council</b>                      | <b>\$539,219</b>   | <b>\$149,018</b> | <b>\$495,399</b> | <b>91.87%</b> | <b>43,820</b>         |
| <b>Finance</b>                            |                    |                  |                  |               |                       |
| Personnel                                 | 309,230            | \$24,126         | 174,214          | 56.34%        | 135,016               |
| O&M                                       | 60,900             | \$4,389          | 23,331           | 38.31%        | 37,569                |
| Capital                                   | 0                  | \$0              | 0                |               | 0                     |
| <b>Total Finance</b>                      | <b>\$370,130</b>   | <b>\$28,515</b>  | <b>\$197,545</b> | <b>53.37%</b> | <b>172,585</b>        |
| <b>Information Technology</b>             |                    |                  |                  |               |                       |
| Personnel                                 | 160,595            | \$12,781         | 93,199           | 58.03%        | 67,396                |
| O&M                                       | 171,000            | \$16,567         | 74,055           | 43.31%        | 96,945                |
| Capital                                   | 27,000             | \$0              | 26,960           | 99.85%        | 40                    |
| <b>Total Information Technology</b>       | <b>\$358,595</b>   | <b>\$29,348</b>  | <b>\$194,214</b> | <b>54.16%</b> | <b>164,381</b>        |

EXPENDITURE REPORT

Page Four

Date: January 2011

58% of Year Expended

| ACCOUNT                                    | AMOUNT<br>BUDGETED | MTD              | YTD                | YTD%          | UNEXPENDED<br>BALANCE |
|--------------------------------------------|--------------------|------------------|--------------------|---------------|-----------------------|
| <b>Police Department</b>                   |                    |                  |                    |               |                       |
| Personnel                                  | 3,457,955          | \$287,258        | 1,889,888          | 54.65%        | 1,568,067             |
| O&M                                        | 440,245            | \$26,160         | 283,442            | 64.38%        | 156,803               |
| Capital                                    | 162,500            | \$0              | 122,280            | 75.25%        | 40,220                |
| <b>Total Police</b>                        | <b>\$4,060,700</b> | <b>\$293,418</b> | <b>\$2,295,610</b> | <b>56.53%</b> | <b>1,765,090</b>      |
| <b>Streets &amp; Grounds Division</b>      |                    |                  |                    |               |                       |
| Personnel                                  | 399,605            | \$37,580         | 222,595            | 55.70%        | 177,010               |
| O&M                                        | 386,551            | \$38,328         | 187,602            | 48.53%        | 198,949               |
| Capital                                    | 91,000             | \$0              | 0                  |               | 91,000                |
| Debt Service                               | 46,445             | \$0              | 42,011             | 90.45%        | 4,434                 |
| <b>Total Streets &amp; Grounds</b>         | <b>\$923,601</b>   | <b>\$73,908</b>  | <b>\$452,208</b>   | <b>48.96%</b> | <b>471,393</b>        |
| <b>Parks &amp; Recreation</b>              |                    |                  |                    |               |                       |
| Personnel                                  | 468,165            | \$28,163         | 254,520            | 54.37%        | 213,645               |
| O&M                                        | 242,415            | \$11,863         | 155,360            | 64.09%        | 87,055                |
| Capital                                    | 54,615             | \$0              | 7,015              | 12.84%        | 47,600                |
| <b>Total Parks &amp; Recreation</b>        | <b>\$765,195</b>   | <b>\$40,026</b>  | <b>\$416,895</b>   | <b>54.48%</b> | <b>348,300</b>        |
| <b>Engineering &amp; Inspections</b>       |                    |                  |                    |               |                       |
| Personnel                                  | 162,225            | \$12,809         | 89,291             | 55.04%        | 72,934                |
| O&M                                        | 70,981             | \$4,831          | 29,309             | 41.29%        | 41,672                |
| Capital                                    | 0                  | \$0              | 0                  |               | 0                     |
| <b>Total Engineering &amp; Inspections</b> | <b>\$233,206</b>   | <b>\$17,640</b>  | <b>\$118,600</b>   | <b>50.86%</b> | <b>114,606</b>        |
| <b>Less Interdepartmental Revenue</b>      | <b>(\$87,600)</b>  | <b>(\$7,300)</b> | <b>(51,100)</b>    | <b>58.33%</b> | <b>(36,500)</b>       |
| <b>Net Engineering &amp; Inspections</b>   | <b>\$145,606</b>   | <b>\$10,340</b>  | <b>\$67,500</b>    | <b>46.36%</b> | <b>78,106</b>         |
| <b>Total General Fund</b>                  |                    |                  |                    |               |                       |
| <b>Operating Budget</b>                    | <b>\$8,137,481</b> | <b>\$688,776</b> | <b>\$4,615,508</b> | <b>56.72%</b> | <b>3,521,975</b>      |

**EXPENDITURE REPORT**  
**Page Five**

Date: January 2011

58% of Year Expended

| ACCOUNT                                   | AMOUNT<br>BUDGETED  | MTD                | YTD                 | YTD%          | UNEXPENDED<br>BALANCE |
|-------------------------------------------|---------------------|--------------------|---------------------|---------------|-----------------------|
| <b>Water Division</b>                     |                     |                    |                     |               |                       |
| Personnel                                 | 207,895             | \$18,527           | 117,719             | 56.68%        | 89,976                |
| O&M                                       | 1,200,927           | \$48,102           | 556,126             | 46.47%        | 642,801               |
| Capital                                   | 640                 | \$0                | 0                   | 0.00%         | 640                   |
| Debt Service                              | 730,050             | \$0                | 451,392             | 61.83%        | 278,658               |
| <b>Total Water</b>                        | <b>\$2,139,312</b>  | <b>\$66,629</b>    | <b>\$1,127,237</b>  | <b>52.69%</b> | <b>1,012,075</b>      |
| <b>Sewer Division</b>                     |                     |                    |                     |               |                       |
| Personnel                                 | 207,895             | \$18,527           | 117,687             | 56.66%        | 90,008                |
| O&M                                       | 1,103,611           | \$83,139           | 564,511             | 51.15%        | 539,100               |
| Capital                                   | 0                   | \$0                | 0                   | 0.00%         | 0                     |
| Debt Service                              | 655,650             | \$0                | 255,752             | 39.01%        | 399,898               |
| <b>Sewer Sub Total</b>                    | <b>\$1,966,956</b>  | <b>\$101,666</b>   | <b>\$937,950</b>    | <b>47.69%</b> | <b>1,029,006</b>      |
| Kent County Sewer                         | 1,400,000           | \$98,396           | 768,380             | 54.88%        | 631,640               |
| <b>Total Sewer</b>                        | <b>\$3,366,956</b>  | <b>\$200,062</b>   | <b>\$1,706,310</b>  | <b>50.68%</b> | <b>1,660,646</b>      |
| <b>Solid Waste Division</b>               |                     |                    |                     |               |                       |
| Personnel                                 | 338,080             | \$23,509           | 159,144             | 47.07%        | 178,936               |
| O&M                                       | 679,622             | \$51,500           | 389,320             | 57.28%        | 290,302               |
| Capital                                   | 68,000              | \$0                | 0                   | 0.00%         | 68,000                |
| <b>Total Solid Waste</b>                  | <b>\$1,085,702</b>  | <b>\$75,009</b>    | <b>\$548,464</b>    | <b>50.52%</b> | <b>537,238</b>        |
| <b>Total Water, Sewer<br/>Solid Waste</b> |                     |                    |                     |               |                       |
|                                           | <b>\$6,591,970</b>  | <b>\$341,700</b>   | <b>\$3,382,011</b>  | <b>51.31%</b> | <b>3,209,959</b>      |
| <b>Electric Division</b>                  |                     |                    |                     |               |                       |
| Personnel                                 | 1,049,515           | \$75,430           | 529,162             | 50.42%        | 520,353               |
| O&M                                       | 2,013,055           | \$90,865           | 883,313             | 43.88%        | 1,129,742             |
| Transfer to General Fund                  | 2,500,000           | \$208,333          | 1,458,333           | 58.33%        | 1,041,667             |
| Capital                                   | 195,000             | \$6,409            | 16,208              | 8.31%         | 178,792               |
| Debt Service                              | 687,995             | \$0                | 63,998              | 9.58%         | 603,997               |
| <b>Electric Sub Total</b>                 | <b>\$6,425,565</b>  | <b>\$381,037</b>   | <b>\$2,951,014</b>  | <b>45.93%</b> | <b>3,474,551</b>      |
| Power Purchased                           | 20,500,000          | \$1,941,332        | 12,724,050          | 62.07%        | 7,775,950             |
| <b>Total Electric</b>                     | <b>\$26,925,565</b> | <b>\$2,322,369</b> | <b>\$15,675,064</b> | <b>58.22%</b> | <b>11,250,501</b>     |
| <b>TOTAL OPERATING<br/>BUDGET</b>         |                     |                    |                     |               |                       |
|                                           | <b>\$41,655,016</b> | <b>\$3,352,845</b> | <b>\$23,672,581</b> | <b>56.83%</b> | <b>17,982,435</b>     |

**INTERSERVICE DEPARTMENTS REPORT**

Page Six

Date: January 2011

| ACCOUNT                                | AMOUNT<br>BUDGETED | MTD           | 58% of Year Expended |               | UNEXPENDED<br>BALANCE |
|----------------------------------------|--------------------|---------------|----------------------|---------------|-----------------------|
|                                        |                    |               | YTD                  | YTD%          |                       |
| <b>Garage</b>                          |                    |               |                      |               |                       |
| Personnel                              | 129,330            | 5,359         | 36,427               | 28.17%        | 92,903                |
| O&M                                    | 76,450             | 5,199         | 34,492               | 45.12%        | 41,958                |
| Capital                                | 0                  | 0             | 0                    |               | 0                     |
| <b>Total Garage Expense</b>            | <b>\$205,780</b>   | <b>10,558</b> | <b>\$70,919</b>      | <b>34.46%</b> | <b>134,861</b>        |
| <b>Public Works</b>                    |                    |               |                      |               |                       |
| Personnel                              | 162,980            | 13,371        | 90,867               | 55.75%        | 72,113                |
| O&M                                    | 162,602            | 16,857        | 81,551               | 50.15%        | 81,051                |
| Capital                                | 20,000             | 0             | 0                    |               | 20,000                |
| <b>Total Public Works Expense</b>      | <b>\$345,582</b>   | <b>30,228</b> | <b>\$172,418</b>     | <b>49.89%</b> | <b>173,164</b>        |
| <b>Meter Department-Water</b>          |                    |               |                      |               |                       |
| Personnel                              | 118,479            | 10,050        | 67,112               | 56.64%        | 51,367                |
| O&M                                    | 108,372            | 3,744         | 24,310               | 22.43%        | 84,062                |
| Capital                                | 100,000            | 0             | 0                    | 0.00%         | 100,000               |
| <b>Total Water Meter Expense</b>       | <b>\$326,851</b>   | <b>13,794</b> | <b>\$91,422</b>      | <b>27.97%</b> | <b>235,429</b>        |
| <b>Meter Department-Electric</b>       |                    |               |                      |               |                       |
| Personnel                              | 225,995            | 18,233        | 125,238              | 55.42%        | 100,757               |
| O&M                                    | 163,667            | 4,576         | 37,581               | 22.96%        | 126,086               |
| Capital                                | 0                  | 0             | 0                    |               | 0                     |
| <b>Total Electric Meter Expense</b>    | <b>\$389,662</b>   | <b>22,809</b> | <b>\$162,819</b>     | <b>41.78%</b> | <b>226,843</b>        |
| <b>Billing &amp; Collections</b>       |                    |               |                      |               |                       |
| Personnel                              | 434,621            | 33,401        | 235,057              | 54.08%        | 199,564               |
| O&M                                    | 169,051            | 12,251        | 91,640               | 54.21%        | 77,411                |
| Capital                                | 0                  | 0             | 0                    |               | 0                     |
| <b>Total Billing &amp; Collections</b> | <b>\$603,672</b>   | <b>45,652</b> | <b>\$326,697</b>     | <b>54.12%</b> | <b>276,975</b>        |
| <b>City Hall Cost Allocation</b>       |                    |               |                      |               |                       |
| Personnel                              | 0                  | 0             | 0                    |               | 0                     |
| O&M                                    | 54,200             | 6,063         | 32,569               | 60.09%        | 21,631                |
| Capital                                | 0                  | 0             | 0                    |               | 0                     |
| <b>Total City Hall Cost Allocation</b> | <b>\$54,200</b>    | <b>6,063</b>  | <b>\$32,569</b>      | <b>60.09%</b> | <b>21,631</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  
February 9, 2011

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 Wednesday, January 9, 2011.

PRESIDING: Chairman Garrett Grier, III

IN ATTENDANCE: Committee Member Councilman Douglas Morrow

Mayor Joseph Ronnie Rogers  
Councilman S. Allen Pikus

City Manager David Baird and City Clerk/Recorder Terri Hudson  
Economic Director Richard Carmean

Chairman Grier called the meeting to order at 5:36 p.m.

Mr. Grier reviewed the items discussed at the last meeting which included funding possibilities with First State Manufacturing and the Economic Development Director position which has since been filled by former City Manager Richard Carmean.

City Manager Baird then reported that at that meeting, First State Manufacturing discussed energy issues and a business incubator program. Since that meeting, a draft proposal for a USDA Rural Business Opportunity Grant Proposal has been prepared for the business incubator program at their site in Milford. He said if the committee wants to endorse the city side, First State Manufacturing would jointly make the application.

Also discussed were several financial and energy incentives at the state level as well as the LIFT Program. A number of options through the USDA were also reviewed including the Business Opportunity Grant. Mr. Baird informed the committee that Economic Development Director Richard Carmean was provided the information.

The Intermediary Lending program was also discussed and both he and Mr. Carmean believe that has some merit.

Mr. Baird then updated the committee on the impact fee incentives currently available. He reported that through the first eight months, the city has forgiven \$139,280 in impact fees. That has produced a return of \$7,817,395 in investments. He said it is a major part of the applicant's decision making process when applying for permits and will have a tremendous long-term impact in the city.

Mr. Grier then referred to John Rhodes' Strategy for Economic Development and the priorities established for the Economic Development Director. He then asked Mr. Carmean to update those present on what has been done since he was hired.

Mr. Carmean said he has probably talked with everyone in attendance over the past ten days. The first few days, he was able to make some calls to local businesses. When he looks over the strategy, a lot of the goals are long term goals. However, there are certain tasks that can be addressed in the four to five months he will be working. One of the tasks is to determine whether this will become a full time position after that time. At this juncture, he believes a point person will be needed though he is unsure if it should be a full-time position. He also expects there will also be some direction once the advisory panel is in place.

He recalled the Growmark and amphitheater possibility being considered several years ago. Those doors have been opened back up. He has also met with a gentleman regarding some land issues and a local business that was recently purchased. It employs a number of people in Milford with a satellite facility in Georgetown. He is building a 5,000 square foot addition which will put some construction people to work for a while. The Georgetown business will be closed and those ten jobs transferred to Milford. The Georgetown site is being sold to another commercial business so it is not a loss for

that town either.

Mr. Baird had the city planner and building inspector meeting with a local businessman last week who was having some difficulty getting his development plans together. Mr. Baird asked him to sit in on that meeting. The city was able to meet his needs without a lot of problems and he began his permit process. Bringing those ten people to Milford will provide some additional business to our restaurants and stores in addition to other local businesses.

He has been reviewing and discussing several grant possibilities for local businesses. They have been talking to some local businesses about the possibility of green/solar power. That is something that could be attractive to those businesses that are struggling with utility costs. There may be some opportunities to work with them to build a solar field or something similar.

Mr. Carmean concluded by stating that once the committee lays out the priorities, he will begin addressing them.

Mr. Grier then recommended the committee began prioritizing those items. To him, the most important item is to touch base with some local businesses. He recalled Mr. Rhodes going to every business he could though he was only able to touch base with Baltimore Air Coil though a phone conversation. Though they are not physically in the city, they are a large employer that has a huge impact in the city. He suggests Mr. Carmean follow up with them. Perhaps a letter can be drafted and Mr. Carmean's contact information provided and a brief summary of how he can help.

Mr. Morrow agrees that is a good way to start. Besides attracting new businesses, this position should work with existing businesses by addressing some of their issues and concerns. Some may just need to be brought out in the open and discussed. That dialogue could provide opportunities on both sides.

Mr. Carmean agrees that our local businesses and enterprises are a good place to start. Mr. Grier suggests opening the conversation by asking where they are now, where they want to be and what the city can do to help them.

Mr. Morrow then added that we need to look at is how new businesses can dovetail with our current business park. Emphasize what the park has to offer as far as price per acre, stormwater management and existing infrastructure. He feels that could be a huge advantage to businesses that are considering building elsewhere.

He then added that priority five or six should be finding land for other businesses or for a new business park.

Mr. Grier recalled the first meeting when the committee discussed the need for the business park to be marketed more aggressively and having that information available on the website. Because local realtors are not involved, the only people responsible for marketing the park is our staff. He agrees that should be a significant role for Mr. Carmean.

Mr. Morrow said that in addition and as important, are the number of vacant commercial sites throughout the city. He suggests putting a list together of what is available at all locations and making that available to potential businesses.

Mr. Carmean advised one of the things covered in a memo to Chairman Grier, was how important it was to fill the vacant commercial areas throughout the city.

He agrees that considering properties for a new business park could be added to his duties, though that is not something he would do on a regular basis. However, if that is something the committee wants done, he is willing to make some calls. He agrees that working with local businesses is something we need to do. At the same time, anytime he has an opportunity to reach out to a new endeavor, that needs to be addressed immediately.

Mr. Carmean feels that prioritizing is important, but at the same time he does not want to put something put on hold because it has a lower priority when the time is right to address it. The committee agreed.

Mr. Grier then stated the 100-acre idea should be kept fresh. The map that Mr. Rhodes provided lays out the whole city and maps out the different segments and where these businesses would best fit. Depending on the business, certain areas

could be targeted.

He then brought up the utility issues in the southeast part of town. Mr. Grier asked that Mr. Carmean readdress that issue in hopes of working out an agreement.

Mr. Carmean said when it comes to utilities and what can be offered to perspective entities, he feels there are two ways of looking at utilities. Operationally, it is up to the city manager and staff. However, he does feel he could play a part with DelDOT, for example. One of the concerns people have had over the years is when and if an overpass will be built. As long as he keeps the city manager in the loop with those type issues, he feels he could help.

He agrees that getting utilities to those lands will make them much more attractive to prospective buyers. Chesapeake and Comcast, for example, need to be aware of what the city is doing. A utility package needs to be put together. He has talked to people who think the city should offer some enticement to businesses though that can be pro and con.

He met with Planning Chair Chuck Rini and informed him he will be attending a future planning commission meeting to speak with them in hopes of obtaining their supports in his efforts as well.

Mr. Grier then confirmed the impact fee waiver does not expire until July 1, 2011. In addition, there is a one-year tax abatement on any new improvements.

Mr. Carmean believes it would be unfair to give a new business coming into town a better electric rate than an existing business. He explained the importance of treating all customers under one class the same when working under a tariff. The same applies to sewer and water. He emphasized the need for any reduction to be across-the-board.

Mayor Rogers said Mr. Baird is planning to talk to Jay Kumar, Electric Consultant, in the near future. Mr. Baird then pointed out that electric rates come under the most scrutiny. Water and sewer rates are also important particularly with the larger industries in town. He agrees the city must cover the costs of services but also remain competitive from a rate standpoint.

The city manager then said we are currently focused on the next five to six months and what is attainable during that time frame. He realizes there will be some long-term issues that will need to be addressed.

He then shared some of the thoughts that he and Mr. Carmean have had noting they are not in any particular order.

Mr. Baird said there is discussion about the need for an additional business park. It is not an urgent need but something that the city needs to decide if we want to continue to pursue that over the next 36 months.

We must also consider infrastructure issues and how we are positioning ourselves for growth and expansion of our utilities as well as rate design and structure. Annually, we are looking at our rate structure and design from a budgetary perspective but also a determination needs to be made of what costs are out there.

When we get into the organization support for economic development, two items were discussed and the economic development director was hired. A determination will need to be made over the next couple of months of whether that position will continue and if so, how that will be handled.

The city manager said the other issue is the economic development advisory committee. He said if this is something the committee wants to do, some general perimeters will need to be established. After that decision is made, the city manager and economic development director can put together that scope.

The next issue is how to support the business community and whether it is existing or new businesses coming in. At the last meeting, the intermediary loan program was discussed. We need to determine if that is something that is needed. We want to know what these businesses are facing and see if there is a way the city can play a role in making things better.

The city needs to continue supporting the things occurring in the downtown area. That is a successful program and we need to support their efforts in any way possible.

He then discussed quality of life things. The addition of hiking and biking trails that is being worked on by our city planner and the director of parks and recreation. We know the riverwalk will soon be built out. This would be the next step of that planning.

Mr. Baird commented that we really need to look at how to market the community profile that was part of the strategy. The new position can focus their energy on the best way to get the word out about Milford.

He said something the city is doing is having frequent and regular conversations with the chamber of commerce, Downtown Milford and the county and state economic development offices about the services they can bring to the table. In this manner, we know what one another is doing. Also, there is a lot of common overlap and how each others talents and resources can be used.

From a planning standpoint, Mr. Baird said this will answer the question of what we are doing, where is this going and are we all working together. Some of this can be put into the advisory committee as well.

He said this is where the focus should be in the infant stages of this new position.

Mr. Carmean said he is unsure if we can wait five months to decide whether to hire a full-time or permanent part-time employee. He pointed out that Milford has a lot of people that have only lived here a short time as Mr. Rhodes pointed out during one of his presentations. One of the most difficult things he faced when he was city manager was the feeling of distrust toward government and even local government from some of those people. He thinks we need a 'what do you want' conversation with a lot of people here in town. There are a lot of folks living here that came from areas where they saw atrocious things happen through government misconduct or government not doing their job. They saw uncontrolled growth and things running rampid. Many lived with that their entire lives before coming here to retire. Suddenly it hit him that many of these people came here scared of what is occurring in the council chambers.

He said that if a homeowners' association wants to talk to him, he will be glad to do that. A lot of the retirees are not interested in a 12-screen movie theater, but a lot of people with middle school aged kids would love it.

Mr. Carmean recalls that for years, all everyone talked about was that nothing happened in Milford. There was nothing for children to do and there was no recreation and no decent restaurants with the exception of Geyers. He was being pushed to get things here. Every once in awhile, someone would open a restaurant, but it would not stay open. Now people in Milford have a choice of restaurants.

Mr. Grier would like to have the advisory panel put in place with the hope of meeting every couple of weeks. He suggests the committee determine who will field that panel.

Leigh Nagy of Minor Bird said that two years ago, Downtown Milford did a community visioning process which was a public meeting. For their organization, they were able to take a lot out of the visioning process and figure out what people wanted to see for downtown. She suggests the city consider hiring this firm to do a series of public meetings for a citywide visioning process. That would prevent random meetings from occurring all over the city. This would be an organized effort and the information incorporated into the plan.

Bill Pilecki then applauded the mayor and council for creating this opportunity for the residents and business owners of the City of Milford.

He then offered several recommendations. He reiterated than an advisory panel should be considered. Some suggested members would be the economic development director, two council members, representatives from the governor's office, senate, assembly, Milford Chamber of Commerce President, Downtown Milford, Incorporated President, Milford School District Superintendent, Delaware State University and/or Del Tech representatives, a representative from a coalition of

local nonprofit organizations and a representative from a coalition of charities. The creation of the coalitions listed should be encouraged.

The benefits of this panel would include knowledge of available grants for business upgrades, expansion and new ventures, ability to develop educational programs that meet the needs of local employers, needs of local charities not funded by government programs, have qualified local manpower identified and utilized and it could provide an opportunity to enlist the services of a large motivated volunteer work force for approved community projects.

He recommended the chamber president do a survey of member businesses to determine manpower needs and required skills for the coming year. Many of these positions could be filled locally with the right training.

He also recommends a meeting be scheduled with the superintendent of the schools, president of the chamber and the economic development director to discuss the creation of jobs and scholarship programs for motivated students. Jobs grants could be applied for which would benefit local business by reducing labor costs. Students could be employed who are living at the poverty level while providing access to scholarship monies for college or advanced technical training.

Mr. Pilecki suggests the economic development director do a study to determine the costs and benefits of creating a solar energy farm. He said grants are available to cover part of the initial cost and the balance could be covered by the reduction in electrical costs. Having this option available to the city would allow electric rates to be adjusted to be competitive with other regional cities. This would be an additional tool to be used to encourage new businesses to come to Milford.

He concluded by stating a feasibility study should be considered regarding the building of an amphitheater and/or an aquarium. He suggested a visit to the aquarium and conference center in Riverhead, New York. The facility is ten years old with more than one million visitors already. Milford would draw school children from all over the Delmarva Peninsula. Tourists would also be able to make a destination of Milford or at least a day trip. This would generate short term and long term jobs, increase foot traffic to downtown Milford, establish a regional educational destination and generate positive cash flow for the city and many of its businesses. It could also create an opportunity to partner with the Delaware State University marine biology program.

Mr. Carmean then commented that though it is too late for this year, there are federal monies under the art's program and one of the things mentioned was the building of an amphitheater. If something can be done with the land, there is the potential for funding of the amphitheater.

Downtown Milford President Irv Ambrose then reported they have someone looking at that grant. He said the problem with the grant is it requires a one to one match with a minimum \$25,000. He said Milford does not have \$25,000; however, the person writing the grant seems to think the donation of land may satisfy that match.

Mr. Ambrose then thanked the city manager for his words about their progress noting they are very pleased with the support of the city. He said they are committed to the economic development, not only of the downtown, but all areas of the city. Even if something happens in a strip mall, there is the potential of getting people off the highway and possibly attracting them into the downtown area. He said as long as he is president, the downtown group will be willing to get involved in all aspects of the town though their main concern is downtown.

Mayor Rogers noted that a number of things have been discussed since this began a few months ago. One of the key issues is working together with the downtown group, the chamber and now this committee. Having a point of contact available in the city will be a tremendous benefit.

He also thinks it is important for the city to maintain its 'customer-friendly' approach when it comes to new residents. He would like a package put together for those new residents which would provide some good, useful information and hopefully answer a lot of their questions. Issues such as utilities, billing, council information, etc. could be provided.

Mr. Grier then suggested the committee decide who should be placed on the advisory panel.

David Markowitz of Meadows at Shawnee referenced the empty business sites around town. He indicated that he worked in retail so he is familiar with what is needed to open a store. He said it does not help there are vacant sites on the highways or stores not filled in the downtown areas when you are trying to entice someone to your town. He said that is a way a subcommittee could take on that responsibility. He hopes somebody is looking at Super Fresh right now because A&P is now bankrupt. He said he worked for the company that did their trucking until yesterday.

Mr. Markowitz commented that he was disappointed and thought this was a lot further along and we would actually start drafting the committees. He thought we would be sitting down talking about whether there are subcommittees and subgroups noting the people that came tonight are ready to work. He hopes there will be more of an organizational meeting at the next meeting so everyone that attends will have a job to do.

Mr. Grier then announced that anyone interested in serving on the advisory panel provide him with their name tonight before they leave.

When asked what number is recommended, Mr. Carmean noted that Mr. Rhodes recommended ten. Mr. Carmean emphasized it was very important to get that committee underway to help with his goals. He pointed out that between the mayor and council, this committee, the advisory panel and the city manager, he will have a much clearer direction.

To summarize, Mr. Baird stated that Mr. Carmean and Mr. Grier can work together adding that he will provide input as needed. The frame work of the committee and its scope can be established. That can be drawn up from a straw man perspective that can come back to this committee. The committee can then endorse the organization of the panel and how it operates and what it is expected to accomplish. Mr. Baird suggests that be the focus of the next meeting.

Mr. Carmean said he would like to have the responsibilities and their authority defined. He said that everyone that sits around this table is elected, so it is difficult to leave the mayor and other elected officials out of that process. He said it was uncomfortable choosing this committee and feels that input from council was needed.

Mr. Morrow suggests bringing the list of those people interested in serving to the next committee. At that time, it would be approved. He agrees it is important to get the panel up and running.

Mr. Carmean pointed out the strategy did not include the authority and scope of that committee would be.

Mr. Grier agrees and suggests doing it in the fastest possible manner. He feels the group should be diverse and people from different walks of life with different input and ideas.

Mayor Rogers agrees the ten person advisory panel should be formed. However, there may be some consideration for additional subcommittees if specific issues need to be addressed.

Mr. Grier said this is the top priority of the committee. He reiterated that anyone interested in serving on the panel should sign the sheet before they leave.

Nolan Williams of 111 Barksdale Court, Hearthstone Manor said he lives in North Carolina and goes back and forth to his home in Milford. He grew up around the Chesapeake Bay in the Baltimore area. He said they plan to fully reside here once they finish their employment in North Carolina. He feels the important thing is to get this message out to the people. He thinks there are many people here who are interested in what is going on and interested about future growth.

Mr. Williams suggests bringing in some youth. He suggests going to Milford High School and determine what will bring those students back to Milford, including the types of jobs and industry they are interested in. He emphasized they are Milford's future.

He stressed the need for planned growth and something to bring those young people back is very important, whether it is office jobs in administration, law or industrial jobs. He does not think we will build ships any more but asked if we can attract New Jersey type jobs as far as pharmaceutical related work, for example. He said to consider industries that might

be looking for a good work force in an area convenient to Philadelphia and Baltimore.

He asked how to market Milford to get those type jobs here. Despite all these amenities, we have to get people that want to live here, work here and enjoy the surrounding environment.

Mr. Williams suggested going outside this room adding there are a lot of good ideas out there and some in the African American community and some in the Latino community and all should be considered.

With no further business, Chairman Grier then adjourned at 6:44 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
*MINUTES OF MEETING*  
*February 14, 2011*

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, February 14, 2011

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Brooks to approve the minutes of the January 3, January 10, January 24, February 1 and February 2, 2011 Council and Committee Meetings as presented. Motion carried.

POLICE REPORT

Mr. Morrow moved to accept the police report as submitted by Chief Hudson, seconded by Mr. Brooks. Motion carried.

CITY MANAGER REPORT

Mr. Baird read the following report into record:

*Solid Waste & Recycling*

*On August 1, 2010 the City Solid Waste Department began the collection of curbside recycling. During the month of January, the Solid Waste Department collected 360.71 tons (321.19 tons of Solid Waste; 34.69 tons of Curbside Recycling and 4.83 tons of yard waste) In 2010, 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>Solid Waste</i> | <i>Curbside Recycling</i> | <i>Igloo Recycling</i> | <i>Yard Waste</i> | <i>TOTAL</i>    | <i>Diversion Rate</i> |
|-------------|--------------------|---------------------------|------------------------|-------------------|-----------------|-----------------------|
| <i>2009</i> | <i>4,684.38</i>    | <i>442.44</i>             | <i>545.68</i>          | <i>-</i>          | <i>5,672.50</i> | <i>17.41%</i>         |
| <i>2010</i> | <i>4,630.47</i>    | <i>450.12</i>             | <i>505.82</i>          | <i>37.49</i>      | <i>5,623.90</i> | <i>17.66%</i>         |
| <i>2011</i> | <i>321.19</i>      | <i>34.69</i>              | <i>44.16</i>           | <i>4.83</i>       | <i>404.87</i>   | <i>20.60%</i>         |

*Impact Fee Waivers*

*Since the waiver of impact fees was implemented in June 2010, the City has waived \$139,280 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$7,817,395 (based on building permit values) during the months of June through January.*

*Proposed Ordinances*

*Per the request of a few members of City Council and the Code Official, staff is preparing drafts of the following proposed ordinances for your review. I anticipate these ordinances will be introduced on February 28, 2011.*

*1. Outdoor Woodburning Furnaces—This ordinance is written with two options. Option 1 prohibits these types of furnaces, while Option 2 permits them under certain conditions.*

*Ordinance 2011-5 – DRAFT*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*ORDINANCE NO. 2011-5*

*Chapter 230: Zoning*

*It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor woodburning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, with the adoption of this article, it is the intention of the City of Milford to establish and impose restrictions upon the construction and operation of outdoor woodburning furnaces within the limits of the city for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the city and its inhabitants.*

*Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by defining and regulating Outdoor Woodburning Furnace in the City of Milford.*

*Section 2.*

*Amends §230-4, Definitions, by adding a definition for Outdoor Woodburning Furnace.*

*OUTDOOR WOODBURNING FURNACE—An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.*

*Section 3.*

*Amends §230-4, Definitions, by adding a definition for Firewood.*

*FIREWOOD—Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.*

*Section 4.*

*Amends §230-4, Definitions, by adding a definition for Stack or Chimney.*

*STACK or CHIMNEY—Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.*

*Section 5.*

*Amends §230-41, Accessory Uses, by adding a new paragraph (D) regulating Outdoor Woodburning Furnace to read as follows:*

*D. Outdoor Woodburning Furnaces.*

*OPTIONS (SELECTION NEEDED)**(1) Prohibited.*

*(A) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.*

*(2) Nonconforming Uses.*

*(A) Except as hereinafter provided, the lawful use of any outdoor woodburning furnace existing at the time of the adoption of this ordinance may continue though such use shall conform with the following provisions:*

*(1) Outdoor woodburning furnace existing at the time of the adoption of this article shall thereafter not be extended or enlarged.*

*(2) Any existing outdoor woodburning furnace which is abandoned or discontinued for a period of one year shall not be permitted to be reestablished as a nonconforming use, and must be immediately removed by the property owner from the subject premises.*

*(3) Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.*

- (4) Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.
- (5) The use of such furnaces must follow all operating instructions supplied by the manufacturer.

OR

(1) Permitted.

- (A) Minimum lot size. Outdoor furnaces shall only be permitted on lots of 3 acres or more.
- (B) Setbacks. Outdoor furnaces shall be set back not less than 200 feet from the nearest lot line.
- (C) Months of operation. Outdoor furnaces shall be operated only between October 1 and April 30.
- (D) Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.
- (E) The unit must be located with due consideration to the prevailing wind direction.
- (F) The use of such furnaces must follow all operating instructions supplied by the manufacturer.
- (G) Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.
- (H) Building permit required prior to installation.

Section 6. Dates.

2. Licensing (Still being drafted and is not included in the packet)—This ordinance will require those applying for licenses from the City to be current on all charges and fees due the City are paid and in good standing.

*North Front Street Sewer Project*

The City and our engineers with Davis, Bowen & Friedel, Inc. are in the process of preparing the final change order and obtaining the release of liens from the contractor and subcontractors on the project. I will provide updates on the status of the project as more is finalized.

*Electric Utility Rate Comparison*

The Residential Utility Rate Comparisons from DEMEC for January 2011 are as follows:

RESIDENTIAL RATE COMPARISON @ 1,000 kWh

|                |          | % Difference | % Difference |
|----------------|----------|--------------|--------------|
| Del Co-Op      | \$111.72 | 0%           | -27%         |
| Milford        | \$143.53 | 28%          | -6%          |
| New Castle     | \$144.63 | 29%          | -5%          |
| Lewes          | \$146.92 | 32%          | -4%          |
| Dover          | \$147.38 | 32%          | -4%          |
| Smyrna         | \$152.48 | 36%          | 0%           |
| Delmarva Power | \$153.01 | 37%          | 0%           |
| Seaford        | \$156.05 | 40%          | 2%           |
| Middletown     | \$158.93 | 42%          | 4%           |
| Clayton        | \$162.70 | 46%          | 6%           |
| Newark         | \$163.71 | 47%          | 7%           |

*Electric—Demand Response Program*

The City's Demand Response Program allows its electric customers to sign on with a third party Curtailment Service Provider (CSP) to, when called upon, reduce demand on the electric grid in exchange for financial incentives. Last year the City adopted ordinances allowing for third party vendors to serve as CSP's with the approval of the City Manager on an annual basis. This year, DEMEC, has selected Comverge, Inc. to serve as a CSP working on behalf of DEMEC and its members. While it is believed that DEMEC's arrangement with Comverge will offer our customers greater incentives for participation in the program (80% rebates versus the standard 60-70% rebates), I do not feel Comverge should be the exclusive CSP within our electric system. Therefore, in accordance with the City Ordinance governing this issue, I plan to continue to approve other CSPs to compete for business along with Comverge in Milford for the 2011 Program Year. The City should continue to evaluate this issue over the course of the next year and recommend to City Council any changes for the 2012 Program Year.

*North Front Street Sewer Project*

*The City and our engineers with Davis, Bowen & Friedel, Inc. are in the process of preparing the final change order and obtaining the release of liens from the contractor and subcontractors on the project. I will provide updates on the status of the project as more is finalized.*

#### *North East 10th Street & N. Church Street Paving*

*The City is in discussions with the contractor regarding a resolution on N.E. 10th Street and I believe an agreement will be reached by your next meeting. Additionally, Mr. Mallamo will be taking a closer look at N. Church Street to avoid any similar issues that were experienced on N.E. 10th Street*

#### *10th Street Water Tower*

*The City has just received proposals for washing, surface preparation and touch up painting on the 10th Street Water Tower. After reviewing the proposals with Mr. Mallamo and based upon comments from the contractors, we will be pursuing the possibility of full exterior painting as well. We anticipate the proposals being presented to City Council no later than March and work taking place this spring.*

#### *City Holiday*

*City offices will be closed on Monday, February 21, 2011 in observance of President's Day.*

Mr. Brooks then confirmed the ordinances being presented will be reviewed during a workshop session.

When asked if JJID has fulfilled their obligations under the contract, Mr. Baird advised it is about 98% complete with a couple of road restoration items left. The sewer work is complete on the city side; any ongoing work is the result of the Kent County project.

Mr. Baird then verified the utility line will extend east, then turn south down the Silicato Parkway and cross over behind the high school athletic fields, then wrap back over to Route 113.

The city manager reported that electric rates have not changes over the past 22 months with the exception of the credit that was the result of an overpayment to DEMEC in 2009.

Mr. Pikus referenced programs thru other electrical carriers that educate their customers about the advantages of cutting back during peak times and similar issues. Mr. Baird advised that DEMEC is currently considering those programs because there is a push for them to get more involved with customer education and service.

When asked about who regulates Delaware Co-Op, the city manager advised they are self regulated as are other municipal electric companies in Delaware. However, they do fall under some federal requirements.

Mr. Brooks recalled the Water Tower Maintenance Programs considered several years ago though it was never approved. Once the city has the new water tower up and running, Mr. Baird said the city will revisit a possible long-term maintenance program for the entire city.

Mr. Pikus then moved for acceptance of the City Manager Report, seconded by Mr. Grier. Motion carried.

## COMMITTEE REPORTS

### *Economic Development Committee*

Mr. Grier advised that work continues with First State Manufacturing. Their plan is to submit a USDA application to establish a small business incubator entrepreneurial center.

He reported that Richard Carmean is on board as the Economic Development Director. A recent highlight of the program is a company who is planning to build a new 5,000 square foot building and bring ten additional jobs to the city. The impact fee waiver and tax deferral played a major role in their decision to expand their business here.

Another committee meeting was held on February 9<sup>th</sup> at which time several of the goals were reviewed and prioritized.

Currently, an advisory panel is being established with eight to ten people expressing an interest to serve. He encouraged any other interested persons to contact city hall. Those members will be appointed at the February 28<sup>th</sup> meeting.

#### *Milford Cold Weather Shelter*

Mr. Starling reported that the Cold Weather Shelter for the homeless, sponsored by Circle of Light, Incorporated is up and running. A number of church groups have volunteered to help with the program.

#### COMMUNICATIONS

Mayor Rogers advised the next SCAT meeting will be held at the Cheer Community Center in Georgetown on March 2<sup>nd</sup>.

Delaware League of Local Governments will hold their monthly meeting on February 24<sup>th</sup> at the Sheraton in Dover.

#### *Comcast Cable*

Mr. Pikus asked the status of the Comcast complaints the city received several months ago in relation to picture freezing and pixelation problems. Mr. Baird said they were in the process of meeting with some of our citizens to address some of these concerns. It is his understanding they are still working with those residents.

Any other customers should call city hall so that Comcast can be contacted. Mr. Brooks advised there is also an audio problem on the Lifetime Channel that occurs on a regular basis.

It was noted that Comcast has attempted to correct the freezing problem at several residences though it continues to occur.

#### NEW BUSINESS

#### *Resolution/Application for DNREC Funding/Development of a Wastewater Facilities Plan*

Mr. Baird reported the city is in the process of working on our Water Facilities Plan which should be wrapped up within the next two to three months. We are planning to develop a Wastewater Facilities Plan to address immediate needs and provide long term guidance for future wastewater needs.

A grant application of \$99,840 is being submitted, of which 50% would be the city's responsibility.

Erik Retzlaff of Davis, Bowen and Friedel advised this began with the water facility plan during which time there were a number of questions raised about the overall city water facilities. To provide a justifiable recommendation, some funding was secured for the water facilities evaluation. Money is now available from DNREC to do the same thing with the wastewater.

Mr. Retzlaff said the study includes an evaluation of the existing nineteen pump stations to identify their condition. It will provide a schedule for a replacement and improvements project, along with a schedule for the expansion of existing facilities.

Mr. Retzlaff explained the second portion, which is the largest undertaking, is to construct a wastewater model. This model would allow all the pump stations and approximate seventy miles of piping in the ground to be evaluated very quickly.

The plan allows for a more proactive approach than a reactive approach. He said that considering the age of the infrastructure, it is best to identify any problem now so repairs can be budgeted rather than dealt with on an emergency basis.

The water system model will also allow a quick evaluation of any improvements needed to bring new developments or new economic projects into the area.

They will make application and hear on Wednesday whether the application is approved. At that time, he will return for council approval to move forward.

Mr. Morrow asked if this will assist in identifying the I&I issues; Mr. Baird said it will compliment some of that work that URS is doing. That can be worked into the model to determine any downstream impacts. If an I&I project is identified, that would be a reason to move it up on the priority list.

Mr. Brooks asked if the nineteen pumping stations are on routine maintenance; Mr. Baird advised that our current staff addresses daily, as well as annual maintenance. However, we are lacking on the capital end. For example, a lot of the pumping stations were installed or updated at the same time so repairs are all coming due. They need to be prioritized which will be determined by the flow going thru those stations.

Mr. Pikus recalled that years ago, though maintenance occurred on a regular basis, the city had a problem because there were no mapping or charts of the water and sewer lines in the city. He asked if this computer model will generate reports and identify bottlenecks and other problem areas in the city and whether it would assist the city engineer with knowing where these utilities are. Mr. Retzlaff explained it will create a database or structure that can be maintained and updated. The model will be built on the available information today, though it may be determined later that things are different. Once that capacity is used up, a dollar amount can be associated with how much capacity is remaining in the transmission main.

When asked if city staff will have the ability to access the computer to find a problem quickly, Mr. Retzlaff explained that they will provide a report after the plan is completed. He is uncertain the model would be available to city staff because there is no one on staff that has been trained to use the program. However, DBF can prepare it and turn it over to the city though it is his understanding, DBF will continue to oversee it.

Mr. Brooks asked if one of the nineteen pump stations on the SCADA system would suddenly stop, would it be recognized immediately. Mr. Baird stated that most are on SCADA and it is our goal to add those that are not tied in. He added that the last two years, they have added about five a year.

Mr. Pikus moved for adoption of Resolution 2011-1, seconded by Mr. Brooks:

*RESOLUTION 2011-1*

*WHEREAS, the Mayor and Council of the City of Milford have approved a project to perform an evaluation of the City's wastewater utility, and*

*WHEREAS, the State Department of Natural Resources and Environmental Control (DNREC) has funding available for such projects in their Wastewater Planning Matching Grant Program through the Clean Water State Revolving Fund (CWSRF) Non-Federal Administrative Account.*

*BE IT RESOLVED, the Mayor and Council of the City of Milford approve of submitting an application to the State Department of Natural Resources and Environmental Control for a Wastewater Planning Matching Grant to assist in funding the cost of performing an evaluation of the City's wastewater utility.*

Motion carried by unanimous roll call vote.

The city manager advised that once the application is approved by DNREC, approval of the plan will be needed by city council.

*Request for FY 2010-11 Budget Transfer from Capital Account/Solid Waste Department*

The letter included in the packet from Public Works Director Brad Dennehy stated the recent trash truck purchased came in under budget which left \$52,243 in the capital account. As a result, Mr. Dennehy is requesting council approve a purchase of 200 new ninety-five gallon residential trash containers for \$10,463 and 15 commercial dumpsters for \$11,100 totaling \$21,563.00.

Mr. Dennehy is requesting \$21,563 be transferred from the account which would leave a balance of \$30,680.

Mr. Morrow left the meeting temporarily.

When asked what happens to the old containers, the city manager stated he is unsure though some of the steel is probably recycled.

Mr. Pikus moved to approve the transfer of \$21,563.00 from the Solid Waste Fund Balance Account 204-0000-399-40-00 to the Solid Waste Supply Account 204-4040-432-60-10, seconded by Mr. Starling. Motion carried by unanimous roll call vote.

Mr. Morrow returned at this time.

#### *Introduction of Ordinance 2011-4/Chapter 174-Property Maintenance-Vegetable Gardens*

City Building Inspector Don Williams advised that the next two ordinances are the result of several complaints received last year.

The vegetable garden ordinance is needed because of the increasing number of residents growing vegetable gardens. He is not trying to prevent them, but only restrict them from front yards thus preventing them from becoming a public nuisance. It contains a definition for a vegetable garden with the intent to keep it in the back or rear yards. For corner lots, vegetable gardens are required to be in the rear yard on the side furthest from the side street, though it cannot extend beyond the line of the house closest to the street.

Mr. Williams explained that there is nothing currently on the books to address these problems, which is why the ordinance was needed.

The following ordinance was then officially introduced:

*The City of Milford hereby ordains as follows:*

#### *ORDINANCE 2011-4*

#### *Chapter 174: Property Maintenance*

##### *Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 174, thereof, entitled, Property Maintenance, by defining and regulating Vegetable Gardens in the City of Milford, so as not to detract from the character of the existing neighborhood.*

##### *Section 2.*

*Amends §174.2 H, Definitions, (Section PM-202) by adding a definition to read as follows:*

*VEGETABLE GARDEN-An area dedicated to the cultivation of edible plants. Most vegetable plants are annual in nature or grown as such, but there are some perennials (e.g., rhubarb, asparagus etc.) A vegetable garden can vary from strictly utilitarian to highly ornamental.*

##### *Section 3.*

*Amends §174.2, Additions, Insertions and Changes, by inserting a new Section "L" regulating the location of a vegetable garden, to read as follows:*

*Section PM 302.11. Vegetable Garden. No vegetable garden shall extend beyond the back line of the house or structure toward the front of the house or structure. For corner lots, vegetable gardens must be in the rear yard on the side furthest from the side street not to extend beyond the side line of the house closest to the side street.*

*Section 4.*

*Amends §174.2 , Additions, Insertions and Changes, by renumbering successive sections as follows:*

*Renumbering existing Section L to M.*

*Renumbering existing Section M to N.*

*Renumbering existing Section N to O.*

*Renumbering existing Section O to P.*

*Section 5. Dates.*

*Introduction to City Council: 02/14/11*

*Workshop Review: 02/28/11*

*Projected Adoption Date: 03/14/11*

*Ordinance becomes effective ten days following adoption date by City Council.*

There were some questions about whether a person would be grandfathered this season because they had an existing garden.

Questions were also raised about gardens in empty lots that are kept in good condition. Mr. Morrow pointed out there are a couple on Walnut Street that are well maintained.

Mayor Rogers said this ordinance would not apply because it addresses houses and house lines. Mr. Baird said that in each of those cases there is a yard defined by our zoning code which would dictate that scenario.

Mr. Williams said he is unaware of those Mr. Morrow was referring to and is not familiar with any large gardens on the side of a house. He prefers they be kept in the rear yards and typically, they be kept to the rear of the property on the second lot.

Mr. Pikus referenced one property that fronts two streets by running from one street to the other. He said it has been there for years and asked that discretion be used in some of these cases. Mr. Williams said his main problem are those gardens left to grow uncontrollably until the plants are left to die.

Mayor Rogers said the intent is not to penalize anyone, but to prevent them from becoming unsightly in the front yard of a residential area. It was agreed the ordinance would require further discussion at the workshop.

*Introduction of Ordinance 2011-6/Chapter 230-Recreational Vehicles*

The following ordinance as officially introduced:

***NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:***

***ORDINANCE NO. 2011-6***

*Chapter 230: Zoning**Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by defining and regulating Recreational Vehicles in the City of Milford.*

*Section 2.*

*Amends §230-4, Definitions, by adding a definition for Recreational Vehicle.*

*RECREATIONAL VEHICLE- Any vehicle used for recreational purposes, including but not limited to, antique or classic autos, drag or race cars, motorcycles, boats, boat trailers, jet skis, campers, camper trailers, motor/mobile homes, snowmobiles, ATVs, all-terrain vehicles and utility trailers.*

*Section 3.*

*Amends §230-4, Definitions, by adding a definition for Vehicle Height.*

VEHICLE HEIGHT -- A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.

Section 4.

Amends §230-4, Definitions, by adding a definition for Vehicle Length.

VEHICLE LENGTH -- A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/motor home will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.

Section 5. Amends Article IV Off Street Parking and Loading, §230-20 General Provisions, by repealing Paragraph I and inserting a new Paragraph I to read as follows:

~~Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile.~~

I. Storage of Recreational Vehicles.

(1) One recreational vehicle, less than 9 feet in height and less than 20 feet in length may be stored in the driveway; however, it cannot utilize the required area designated for off street parking and no additional storage in the front yard is permitted.

(2) A recreational vehicle may be stored in the side yard, provided that it shall:

(A) Be stored parallel to and adjacent to the structure;

(B) Not exceed the dimension of the structure plus 6 feet or a maximum of 35 feet, whichever is less;

(C) Be provided with either an evergreen screening or a solid fence 6 feet high, planted or installed between the vehicle and the property line. Plantings shall be planted a minimum of 4 feet high and be allowed to grow and be maintained to a minimum of 6 feet high; and

(D) Be set back a minimum of 5 feet from the side property line.

(3) A recreational vehicle may be stored in the rear yard, provided that it shall:

(A) Be stored parallel to and adjacent to the structure;

(B) Not exceed the dimension of the structure plus 6 feet or a maximum of 35 feet, whichever is less;

(C) Be provided with either an evergreen screening or a solid fence 6 feet high, planted or installed between the vehicle and the property line. Plantings shall be planted a minimum of 4 feet high and be allowed to grow and be maintained to a minimum of 6 feet high; and

(D) Be set back a minimum of 5 feet from the rear property line.

(4) A maximum of two recreational vehicles may be stored outside of a building on any lot containing a dwelling unit. Only one such vehicle may be equal to or greater than 9 feet in height or 20 feet in length. Such vehicles must be owned or leased by the property owner or the property tenant, except that on lots of 5 acres or larger, the option shall exist that both of the two allowed recreational vehicles may be equal to or greater than 9 feet in height or 20 feet in length.

(5) No camper, motor home or camper trailer shall be used for residential purposes, except that visitors with such vehicles may sleep in them for a period not to exceed two weeks in a calendar year.

(6) All parking areas must have a minimum parking surface of gravel, extending two feet around the perimeter of the vehicle and be free from all vegetation.

(7) Recreational vehicles must be maintained in a clean, well-kept state, including but not limited to, operable motors, engines, equipment and maintain its original design.

(8) All recreational vehicles/trailers that require tags or registration must be kept current and visible at all times.

Section 6. Dates.

Introduction to City Council: 02/14/11

Planning Commission Hearing: 03/15/11

City Council Hearing: 03/28/11

Projected Adoption Date: 03/28/11

Ordinance becomes effective ten days following adoption date by City Council.

Mr. Williams said we have a small paragraph that covers vehicles and what can be considered recreational vehicles. He does not want to restrict someone from having a boat, a camper and a car. However, a lot of residents have a recreational

vehicle that is parked in the corner with grass and weeds growing up around it. A trailer must be tagged or it can be towed, but a boat is a different case because many are found sitting on the ground without tags. He needs some guidelines so that he can have these vehicles removed. Some residents are storing boats that belong to people living in places that prohibit them from being stored in a yard in their jurisdiction.

The building inspector then reviewed the ordinance.

When asked if they would be permitted to park in a front yard, Mr. Williams said that one recreational vehicle would be permitted in the front driveway, provided there is adequate space. It could also be parked in the side or rear yard based on the guidelines in the ordinance. He said he is trying to prevent vehicles from being left in the front, grassy areas. However, there are many older narrow homes that do not have a driveway. He considered introducing another ordinance that would require a new house to provide at least a blacktop pad though the city added a minimum requirement that gravel be provided. He said there are a number of homes that have vehicles parked in the grassy area though many have a curb cut. He allows that because it has always been there. Any new home that has a designated gravel area and is using other grassy areas for parking would be written up.

Mr. Brooks agreed there are a number of older homes that do not have driveways though some have alleys in the rear. Mr. Williams said that would be a different scenario. He referenced one home with a curb cut off SE Front Street where vehicles have always parked on the grass. He said his hands are tied in that case.

Mr. Baird said if parking in the grassy areas is an issue that council wants to address, he recommends it be treated as a separate ordinance and not confused with the one being presented for recreational vehicles.

Mr. Pikus then asked if a home has a camper and a tractor used for recreational purposes, could they be stored side by side on the lot. Mr. Williams does not feel the tractor would be considered a recreational vehicle.

Mr. Williams said this was a very difficult ordinance to write which is why he borrowed language from another municipality. He emphasized that some guidelines are needed so he is able to address the complaints he is receiving.

It was noted that because this is part of the zoning code, a public hearing before the planning commission and council will be required.

#### *Discontinuation of Voluntary Green Energy Subscription Program*

Mr. Baird explained that currently there is a Voluntary Green Energy Subscription Program that allows municipal electric customers the opportunity to purchase blocks of 100kwh for one-year terms. With the recent renewable portfolio standard adopted by the general assembly last year, they are required as part of our portfolio. That makes the voluntary program non-effective. Therefore, he recommends that the voluntary program be discontinued.

Mr. Adkins asked the impact of the renewable energy portfolio standard by 2025. The city manager advised that a percentage of each municipality's portfolio, as well as DEMEC's portfolio, must be comprised of renewable sources of energy. One of the major concerns is the cost of renewable energy. Right now, it is considerably higher than traditional sources though DEMEC has a contract with Blue Water Wind. There are a couple of solar projects being considered as well. These projects would help stabilize our rates and not increase the rates. Because of the concern of their impact on rates, the hope is that over time, municipalities will be able to take on some of the smaller projects that will collectively help meet that requirement.

Mr. Baird said that in the meantime, we can buy some time while the cost of these technologies comes down. There is a cap on solar energy for municipalities and Delaware Co-Op; if it exceeds costs by 2%, the city will not have to meet that requirement until it falls below that number.

Mr. Pikus moved that the Voluntary Green Energy Subscription Program be discontinued, seconded by Mr. Adkins. Motion carried.

#### MONTHLY FINANCE REPORT

Chairman Pikus reported that through the sixth month of Fiscal Year 2010-2011 with 50% of the fiscal year having passed, 55.96% of revenues have been received and 48.80% of the operating budget expended.

Mr. Pikus reported the Finance Committee met this month noting the budget is in excellent shape. At the meeting, Finance Director Jeff Portmann reported to the committee that our revenues are up with the exception of a couple of lines items. The biggest revenue is electric which is up though the billing increased on the other side.

He added another item discussed were ways of raising revenues and the potential for some beautification work on NE Front and SE Front Streets. Also being considered are ways to match revenues the city has in place through the transfer of funds and/or lands.

Revenues are on target and expenditures are good. Parts of the budget are lower than expected and will be considered during the budget reviews for FY 2011-2012. There may be some budget cuts, but overall, our financial picture is extremely good and much healthier than many cities in this state.

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

ADJOURN

Motion to adjourn was made by Mr. Pikus and seconded by Mr. Grier. Motion carried.

The Monthly Meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
Recorder/City Clerk

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
February 22, 2011

A Meeting of the Police 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 Tuesday, February 22, 2011.

PRESIDING: Chairman Douglas Morrow, Sr.

IN ATTENDANCE: Committee Members: Council Members Katrina Wilson & S. Allen Pikus  
Police Chief Keith Hudson and Recorder/City Clerk Terri Hudson

ALSO: Alvin French, R.A. of French and Ryan, Incorporated

CALLED TO ORDER

The meeting was called to order at 5:43 p.m. by Chairman Morrow.

*Executive Session*

Mr. Pikus then moved to go into Executive Session pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, seconded by Mr. Morrow.

Motion carried.

*Return to Open Session*

Council returned to open session at 6:42 p.m.

*Executive Session Matters*

No action required.

ADJOURN

With no further business, the Police Committee meeting was adjourned by Chairman Morrow at 6:42 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
Recorder/City Clerk

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
February 23, 2011

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 Wednesday, February 23, 2011.

PRESIDING: Chairman Garrett Grier, III

IN ATTENDANCE: Committee Members Councilman Douglas Morrow and Councilman James Starling, Sr.

Councilman S. Allen Pikus

City Manager David Baird and Recorder Christine Crouch

Economic Director Richard Carmean

The meeting was called to order at 5:30 p.m. by Chairman Grier. Mr. Grier asked for an update from Economic Director Carmean.

Mr. Carmean advised he has received a number of phone calls for information as well as business people requesting help in various manners including financial matters. He has been in contact with various county and state economic development officials. He has also taken some warehouse inventories to determine those that are available for sale or lease.

He has also been speaking with one of our larger processing employers about the possibility of adding a third shift with another seventy jobs either here in Milford or at their site in Connecticut. He feels that if we can secure some training money from the strategic funds, we will have a good shot at getting those seventy jobs.

From the industrial side of their business, they are also contemplating adding a packaging line for a nationally-known company.

He has been talking with a very successful out of town business who is considering a distribution center here. Mr. Carmean said Mr. Baird has been meeting with Sussex County Economic Development and Melody Booker of Delaware Economic Development (DEDO) to discuss some possible funds and incentives available through the state.

He had also met with a property owner with a highly visible commercial property who is dealing with a couple of large businesses who are interested in Milford. This would provide some additional jobs.

Mr. Carmean met with Julie Wheatley of Sussex County Economic Development along with Mr. Baird and Downtown President Irv Ambrose. She explained the value of jobs and that one production job could produce 4.5 to 5 other jobs and that one retail job produces another 1.5 other jobs.

They set up a forum for non-profits. Mr. Starling and Irv Ambrose were both in attendance along with churches and civic organizations. They also prioritized issues they felt the city should be working on. Number one was higher education and job base expansion. They encouraged higher education campuses be brought to Milford. Economic development was also very high on their list. Homeless issues was number four. A community calendar was suggested. A lot of their funding comes from organizational work such as the Riverwalk Festival. They felt there were constant conflicts; for example, Little League Opening Day and the Bug N Bud Festival.

Mr. Ambrose announced a committee through DMI is putting together a community calendar which will be out for 2012.

Mr. Carmean then continued by stating that number 6 is storefront rentals because they were concerned about the number of vacant buildings in town.

They discussed the need for non-profit collaboration because some dual services are occurring. Better communication would provide more valuable services. They feel more information needs to be provided to the community about the number of ways that churches help by feeding and housing people. Food pantries would be more productive with this shared information.

They agreed that retaining our graduates was important to the community which they ranked number eight. Utility expenses were ranked last.

Mr. Carmean said we do not hear much from the people that have moved here from out of state during the past five to six years about utility expenses. Because we came from being highest in the state down to number two, a lot of people still think we are the highest. Getting that information out is very important.

Mr. Baird then advised that Gwen Guerke is writing a related article in the Chronicle to address that issue.

Mr. Carmean said a follow up meeting will be scheduled with the non-profits.

He added there has also been a lot of discussion about the appointments to the economic development advisor panel.

Mr. Carmean recalled that at the last committee meeting, there was mention of Super Fresh Market closing due to their company recently filing bankruptcy. Mr. Carmean discussed it with one of the assistant managers who stated they have closed 32 stores on the east coast. Fortunately, the present list does not show the Milford store.

Though he is unsure what we can do to help keep this store open, he recommends the city manager or mayor write a letter to the corporate office stating this is a very important business in our community and offer any assistance.

Mr. Ambrose agreed that an exploratory letters be sent to other chains. He recalled that at one point when the Geyer property was being planned for development, there were rumors that Acme may return to Milford. Should Super Fresh vacate their store, other chains may be interested.

Mr. Carmean said he has met with Nolan Williams, who is in the franchise business and owned some stores that were sold to a national company. He bought Mr. Carmean some letters he had written when he was in North Carolina to businesses trying to spark some interest. He agrees it is a good idea to put that out there.

He has also spoken with Dennis Silicato who works with Home Depot about any potential interest. He agrees letters should be sent to these businesses expressing our interest. Home Depot was one of the businesses interested in Milford, but there was opposition to commercial development in that area at the time, which slowed the process down. In the meantime, the economy went south and it never happened.

Mr. Pikus reported the Assistant Manager from Harris Teeter was in his store this past weekend. She stated that she was asked to look at the Milford and Dover area as well.

Mr. Baird asked Mr. Carmean to comment on a business park issue. Mr. Carmean said that he spoke with a property owner that has approximately two hundred acres and explained that one of John Rhodes' recommendations was to look for approximately one hundred acres for another business/industrial park. He is interested, but his land is currently under contract until October.

The owner felt this would be more of an asset to the neighboring property owners considering that many area residents currently use the existing business park for bike riding, walking, etc.

He said the city will not be able to look at the price he wanted for a residential development noting it would be closer to the appraised value.

Mr. Carmean is also planning to talk with a property owner about a potential land swap.

Mr. Pikus advised there is a group of residents that meets every morning downtown. A lot of them are aware of the city economic development plan and are very enthused about it. They gave him a couple of ideas to pass onto the committee and economic development director. One person is a retired industrialist whose son has taken over his business with plans to expand. He suggested we develop an informational handout that describes Milford and shows photos of buildings, etc. The low property tax rates, both state and local, should be included as well along with our electric rates.

Mr. Pikus then advised there is someone that is also interested in opening a bottling plant for water. He explained the water companies are getting water from the ground and not from the springs as a lot of people think. He said Milford has an excellent water system which is going to be improved even more which will be beneficial to this company.

Mr. Carmean then recalled the brochure the city put together just before the boom. Mr. Grier said Mr. Rhodes' profile should be added as well.

Mr. Carmean feels an informational packet should be created. In addition, the information should be highlighted on the city website.

Mr. Baird said that is part of the marketing component we need to get into. He felt that should be one of the things the advisory committee could handle.

Mr. Carmean said we were talking about meeting with local businesses and asked if the letter should be sent out offering to meet with them. He recalled when First State called the city and asked us to meet with them and look at their operation. He said the other option is to meet with them one on one, but that should be their choice.

Mr. Grier suggested sending a letter introducing Mr. Carmean and explaining the city's plan and asking to meet and discuss any of their needs.

Sher Valenzuela of First State Manufacturing was present and noted that John Rhodes sent in the first draft of the feasibility study for the Entrepreneurial Center which will be housed in the excess space at the proposed First State Manufacturing site (previous Sussex Company). She said the USDA has already assured them it will be fast tracked. She will be very surprised if they do not get approval of the application very quickly. Part of this plan is conducting the feasibility study which will include round tables, one on ones and group gatherings to get the information.

Ms. Valenzuela reported there is funding available such as the Department of Labor funds through the Workforce Investment Board. She advised the Department of Labor is getting involved on a national level and are asking the Workforce Investment Board to bring up businesses and First State Manufacturing was invited to participate on a national level. The US Secretary of Labor will be asking questions like what are you doing in your community to create growth and create jobs and how can we help you. She feels that right now, there are a lot of opportunities and Milford is meeting with the USDA, gathering information from DEDO and the Department of Labor and pooling those funding resources. She feels a lot of information can be obtained during these meetings.

Mr. Carmean talked about what a big part of Governor Markell's agenda is jobs and economic development. Ms. Valenzuela said that though they are working towards this, Milford should present a plan to DEDO and Governor Markell. The state is hungry for a city with a plan and a vision. She feels they will immediately get behind it.

Mr. Baird added that two weeks ago, we had discussed preparing a grant application for the feasibility study, either jointly or through the city which he had asked Mr. Rhodes to assist with. A draft is being prepared and once that is refined, it will be submitted.

Mr. Grier advised they have reviewed several names for the Economic Development Advisor panel. Considered were representatives from various businesses, industries, distribution and marketing areas. A couple of private residents were also added. City Council will grant final approval on Monday, February 28<sup>th</sup>.

The following names are being submitted:

David Markowitz  
Bill Pilecki  
Nolan Williams  
Sher Valenzuela  
Dave Hitchens  
Harvey Kenton  
Bob Connelly  
Jason James  
Irv Ambrose  
Fred Rohm  
Craig Crouch  
Milford School District Representative

He noted there may be one more spot filled by another local legislators though Mr. Grier has not heard back from him.

Mr. Morrow moved for approval of the above list, seconded by Mr. Starling. Motion carried.

Mr. Carmean said the structure of the committee still needs to be established. In addition, a chair person will need to be appointed, along with a vice chair. The committee will also set up meeting dates and times. A letter will then be mailed out to the members, along with information on the first meeting.

Mr. Grier suggests their group meet in two weeks.

The city manager announced that because this panel will be an advisory group, it will be functioning as a city entity and is subject to FOIA laws.

It was confirmed the advisory panel would report to the Economic Development Committee. Mr. Carmean agreed stating that both he and Mr. Grier would attend their meetings to coordinate back and forth between the elected body.

When asked about any start-up money available to new businesses through Downtown Milford, Mr. Ambrose advised there is \$18,000 in a revolving loan program for property enhancement. Of that, \$9,000 is available because \$9,000 is out in loans.

Mr. Ambrose stated that in addition to the Milford legislators, he suggested reaching out to Kent County Levy Court Commissioner Eric Buckson, who is Milford's representative and has a genuine interest in our community. He is not familiar with our representatives from Sussex County Council.

Mr. Grier agrees we should reach out and invite him to participate with the panel.

With no further business, Mr. Morrow moved to adjourn the meeting, seconded by Mr. Grier. Motion carried.

The Economic Committee Meeting adjourned at 8:13 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Transcriber

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
February 28, 2011*

The City Council of the City of Milford met in Workshop Session on Monday, February 28, 2011 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 Chief Keith Hudson and Recorder Christine Crouch

The Workshop Session convened at 7:00 p.m.

*Carlisle Fire Company/Life Safety Rings Program/Follow Up*

No members of the fire company were present.

*Review of Ordinance 2011-4/Chapter 174-Property Maintenance-Vegetable Gardens*

The following ordinances were presented for council review and discussion:

*The City of Milford hereby ordains as follows:*

**ORDINANCE 2011-4**

*Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 174, thereof, entitled, Property Maintenance, by defining and regulating Vegetable Gardens in the City of Milford, so as not to detract from the character of the existing neighborhood.*

*Section 2.*

*Amends §174.2 H, Definitions, (Section PM-202) by adding a definition to read as follows:*

*VEGETABLE GARDEN-An area dedicated to the cultivation of edible plants. Most vegetable plants are annual in nature or grown as such, but there are some perennials (e.g., rhubarb, asparagus etc.) A vegetable garden can vary from strictly utilitarian to highly ornamental.*

*Section 3.*

*Amends §174.2, Additions, Insertions and Changes, by inserting a new Section “L” regulating the location of a vegetable garden, to read as follows:*

*Section PM 302.11. Vegetable Garden. No vegetable garden shall extend beyond the back line of the house or structure toward the front of the house or structure. For corner lots, vegetable gardens must be in the rear yard on the side furthest from the side street not to extend beyond the side line of the house closest to the side street.*

*Section 4.*

*Amends §174.2, Additions, Insertions and Changes, by renumbering successive sections as follows:*

*Renumbering existing Section L to M.*

*Renumbering existing Section M to N.*

*Renumbering existing Section N to O.*

*Renumbering existing Section O to P.*

*Section 5. Dates.*

Ms. Wilson arrived at this time.

Building Inspector Don Williams recalled this ordinance being introduced at the last council meeting. Since that meeting, he has received a number of concerns regarding a number of scenarios and potential hardships. He explained the intent was to address unsightly and overgrown gardens in front yards.

Mayor Rogers agreed that he has also had a number of calls. He said at one time, there was a similar ordinance that prohibited vegetable gardens in front yards in residential districts. When the city re-codified several years ago, there were a number of ordinances left out in error. This ordinance was the result of the gardens throughout town that are overgrown and offensive to neighboring property owners.

He then asked for input from the public.

Stan Koropka of 611 Marvel Road stated that requiring vegetable gardens in the rear lot would create a hardship to people whose backyards do receive a lot of sunlight. Any person that is unable to support a vegetable garden in their backyard and participates in the hungry program through Delaware Food Bank, would no longer be able to provide those items to the Food Bank, thus resulting in fewer people being served.

Mr. Koropka said there are also residents in the town that depend on their garden to supplement their diet. In addition to using the fresh fruit and vegetables available during the growing season, they are also canned and preserved for the balance of the year.

In addition, planting a vegetable garden is a hobby and many enjoy planting and watching it grow into food.

Dr. Richard Ingram of 601 Marvel Road stated that he has resided in Milford for fifteen months and has gardened for most of his eighty years. Gardening is a normal part of his life. In the lot he lives on, the rear is full of trees with a creek running through it. The creek often floods into the yard after a heavy rain which prevents anything from growing there.

He said that Mr. Williams indicated there could be some exceptions though it was not clear how to handle those that live in an exceptional situation and do not have an appropriate rear yard.

Dr. Ingram agrees that people have a responsibility to maintain their yards even if they have a garden. Therefore, he is not opposed to some type of limitation.

Roberta Ranney of 640 Beechwood Avenue, Marshall Commons, referenced the letter she submitted. She said this would be a hardship if the ordinance is adopted as proposed because her rear yard is too shady to support vegetables adding they need six to eight hours of sun a day.

She asked if there is a number or list of the gardens that are creating this problem. She then suggested that someone speak to those homeowners in lieu of adopting this ordinance. The mayor explained that is the reason public input is being taken this evening. With suggestions, he hopes to solve the problem without creating hardships.

Ms. Ranney said she also depends on her gardens as a food supplement throughout the year. Therefore, the ordinance could potentially create a hardship for her.

She said that neither Dover, Georgetown or Lewes have this ordinance though Georgetown has language that states "unregulated vegetation" and would cover these situations.

Jim Higgins of 20 Meadow Lark Drive, Meadows at Shawnee, asked who is going to be the plant police that tell him what he can and cannot plant in his yard. There are a number of edible plants that would not be allowed such as dandelions and ornamental cabbage. He said the ordinance does not specify what is edible which is left up for interpretation. He asked if code will come by and arbitrarily tell him that because of the way it looks, he will have to remove it.

In his opinion, the ordinance is too wide open to interpretation.

Dan Marabello of 1 Windy Drive, Meadows at Shawnee, said he is in favor of beautification. He feels it is not a question of where to place a garden, but how to maintain a vegetable garden. It sounds like there is not a big amount of people causing the problem. We are required to maintain our grass and feels that could be made broader by adding a vegetable garden.

He said a house could sit on an acre of ground, with the house at the rear and the whole front yard excluded. The ordinance refers to side corner lots and does not allow planting on one side except the side facing the side street. In the Meadows at Shawnee, that could be a substantial part of the person's lot. Removing the side yard takes away a good portion of the property. If it is allowed on the side, a fence should be required.

Bob Connelly of 107 Barksdale Court, Hearthstone Manor, drove around town today and looked at a number of areas on the main thoroughfares into town. From what he has heard tonight, it is the result of five or six people who have overgrown gardens. There is already an ordinance that requires a person to mow their lawn. He does not understand why this is not part of that ordinance.

He then discussed various properties in town that need to be addressed instead of going after vegetable gardens. He referenced the tree stump left when the house was moved by Avenue Church, a mound of debris by the Putt-A-Rosa Golf Course, logs and dead trees by Truitt Avenue, piles of asphalt next to police department on the Mispillion River and piles of pallets on the Kenton property on Northeast Front Street and Route 14. He suggests a fence be put up around the pallets to prevent a bad impression for first time visitors. He also referred to Carrillo Body Shop whose wrecked cars are leaking fluids into the river.

Mayor Rogers agrees that a way to handle this may be to directly address the properties with the overgrown gardens. He explained we are not trying to penalize our residents noting a number of residents throughout town that maintain beautiful gardens.

Mr. Brooks agrees these property owners should have been addressed which would have prevented the uproar it caused.

Mayor Rogers said he is very pleased with the input from those with concerns. This will provide more insight and ways to correct the problem. Mr. Williams stated that for the record, the people that had issues had already been spoken to.

Mr. Pikus noted a couple of lots that run from Washington Street to Walnut Street, for example. Mr. Pikus said that the garden would be in the rear yard on Walnut, but in the front yard on Washington Street. He feels that would be an exception; Mr. Morrow agreed.

Mr. Williams agreed there are a number of scenarios that need to be considered. He explained that in the past, he used the grass maintenance code to address garden maintenance, but this also addresses placement. He said the placement of a garden does not belong in the grass code. A new ordinance was done to keep anything related to a garden in one area.

Mr. Pikus said a lot of this is interpretation and not standard. In his opinion, it is a matter of communicating and working with these people.

Mr. Williams explained this ordinance is the result of complaints received that were the result of the location of the garden. He cannot address that because there is nothing concrete right now. It is not a major issue, according to the building inspector, but he was receiving enough complaints that it needed to be addressed.

He said common sense dictates and if it is possible, it should be kept in the backyard, If that is not possible, then there could be an exception. He pointed out that most of the other ordinances stated "in the opinion of the code official, he has the authority to say ok".

In this case, he needs something written to refer to when he receives a complaint. He said that council has the right to mold it into whatever manner is needed to enforce it.

Mr. Baird asked if council wanted to proceed by adding language that the code official could use discretion in cases where exceptions exist.

Mr. Johnson prefers the ordinance be withdrawn completely; Mr. Starling feels the individual property owners who are causing the problems should be contacted in lieu of an ordinance that would impact the entire city. It appears there may be four to five properties causing the problem.

Mayor Rogers said there is an ordinance in place that deals with weeds and grass maintenance. Mr. Williams said if council is uncomfortable with the location section, he would simply add language to maintain a garden in the same area as the grass.

Mr. Pikus suggested that an ordinance be developed that states "maintained in proper condition".

Mayor Rogers said the public has expressed a number of concerns and with a little control, any future problems should take care of it.

The mayor suggested rewording the ordinance and bringing it back before council; however, he agrees the language should be added to the section where grass and yards are discussed.

Mr. Baird and Mr. Williams will review the ordinance and bring it back before council.

*Review of Ordinance 2011-5/Chapter 230/Outdoor Woodburning Furnaces*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*ORDINANCE NO. 2011-5*

*Chapter 230: Zoning*

*It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor wood burning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, with the adoption of this article, it is the intention of the City of Milford to establish and impose restrictions upon the construction and operation of outdoor woodburning furnaces within the limits of the city for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the city and its inhabitants.*

*Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by defining and regulating Outdoor Woodburning Furnace in the City of Milford.*

*Section 2.*

*Amends §230-4, Definitions, by adding a definition for Outdoor Woodburning Furnace.*

*OUTDOOR WOODBURNING FURNACE-An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.*

*Section 3.*

*Amends §230-4, Definitions, by adding a definition for Firewood.*

*FIREWOOD-Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.*

*Section 4.*

*Amends §230-4, Definitions, by adding a definition for Stack or Chimney.*

*STACK or CHIMNEY-Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.*

*Section 5.*

*Amends §230-41, Accessory Uses, by adding a new paragraph (D) regulating Outdoor Woodburning Furnace to read as follows:*

*D. Outdoor Woodburning Furnaces.**(1) Prohibited.*

*(A) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.*

*(2) Nonconforming Uses.*

*(A) Except as hereinafter provided, the lawful use of any outdoor woodburning furnace existing at the time of the adoption of this ordinance may continue though such use shall conform with the following provisions:*

*(1) Outdoor woodburning furnace existing at the time of the adoption of this article shall thereafter not be extended or enlarged.*

*(2) Any existing outdoor woodburning furnace which is abandoned or discontinued for a period of one year shall not be permitted to be reestablished as a nonconforming use, and must be immediately removed by the property owner from the subject premises.*

*(3) Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.*

*(4) Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.*

*(5) The use of such furnaces must follow all operating instructions supplied by the manufacturer.*

*(3) Permitted.*

*(A) Minimum lot size. Outdoor furnaces shall only be permitted on lots of 3 acres or more.*

*(B) Setbacks. Outdoor furnaces shall be set back not less than 200 feet from the nearest lot line.*

*(C) Months of operation. Outdoor furnaces shall be operated only between October 1 and April 30.*

*(D) Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.*

*(E) The unit must be located with due consideration to the prevailing wind direction.*

*(F) The use of such furnaces must follow all operating instructions supplied by the manufacturer.*

*(G) Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.*

*(H) Building permit required prior to installation.*

*Section 6. Dates.*

*Introduction to City Council: 02/14/11*

*Planning Commission Hearing: 03/15/11*

*City Council Hearing: 03/28/11*

*Projected Adoption Date: 03/28/11*

*Ordinance becomes effective ten days following adoption date by City Council.*

When asked how many of these we have, Building Inspector Williams stated there are two or three here. He said this is more of a health issue. He explained these furnaces look like big metal boxes kept in a yard but are used to heat homes and water. However, when they get to a certain temperature, it is often very difficult to control the heavy smoke they create. They create a nuisance for a next door neighbor.

He said council needs to decide whether they should be allowed or not. If they are permitted, he recommends they be kept a required number of feet from the property line.

Mr. Brooks said there are also problems associated with the amount of wood they require. As a result, large piles of logs and tree branches are often found in a yard.

Mr. Williams explained there are two options should council decide to proceed with the ordinance.

When asked if they are permitted by the fire marshal, Mr. Williams stated they can still be purchased today.

Council will continue to review the ordinance.

*Review of Ordinance 2011-6/Chapter 230/Recreational Vehicles*

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*ORDINANCE NO. 2011-6*

*Chapter 230: Zoning*

*Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by defining and regulating Recreational Vehicles in the City of Milford.*

*Section 2.*

*Amends §230-4, Definitions, by adding a definition for Recreational Vehicle.*

*RECREATIONAL VEHICLE- Any vehicle used for recreational purposes, including but not limited to, antique or classic autos, drag or race cars, motorcycles, boats, boat trailers, jet skis, campers, camper trailers, motor/mobile homes, snowmobiles, ATVs, all-terrain vehicles and utility trailers.*

*Section 3.*

*Amends §230-4, Definitions, by adding a definition for Vehicle Height.*

*VEHICLE HEIGHT -- A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.*

*Section 4.*

*Amends §230-4, Definitions, by adding a definition for Vehicle Length.*

*VEHICLE LENGTH -- A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/motor home will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.*

*Section 5. Amends Article IV Off Street Parking and Loading, §230-20 General Provisions, by repealing Paragraph I and inserting a new Paragraph I to read as follows:*

~~*Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile.*~~

*I. Storage of Recreational Vehicles.*

*(1) One recreational vehicle, less than 9 feet in height and less than 20 feet in length may be stored in the driveway; however, it cannot utilize the required area designated for off street parking and no additional storage in the front yard is permitted.*

*(2) A recreational vehicle may be stored in the side yard, provided that it shall:*

*(A) Be stored parallel to and adjacent to the structure;*

*(B) Not exceed the dimension of the structure plus 6 feet or a maximum of 35 feet, whichever is less;*

*(C) Be provided with either an evergreen screening or a solid fence 6 feet high, planted or installed between the vehicle and the property line. Plantings shall be planted a minimum of 4 feet high and be allowed to grow and be maintained to a minimum of 6 feet high; and*

*(D) Be set back a minimum of 5 feet from the side property line.*

- (3) *A recreational vehicle may be stored in the rear yard, provided that it shall:*
- (A) *Be stored parallel to and adjacent to the structure;*
  - (B) *Not exceed the dimension of the structure plus 6 feet or a maximum of 35 feet, whichever is less;*
  - (C) *Be provided with either an evergreen screening or a solid fence 6 feet high, planted or installed between the vehicle and the property line. Plantings shall be planted a minimum of 4 feet high and be allowed to grow and be maintained to a minimum of 6 feet high; and*
  - (D) *Be set back a minimum of 5 feet from the rear property line.*
- (4) *A maximum of two recreational vehicles may be stored outside of a building on any lot containing a dwelling unit. Only one such vehicle may be equal to or greater than 9 feet in height or 20 feet in length. Such vehicles must be owned or leased by the property owner or the property tenant, except that on lots of 5 acres or larger, the option shall exist that both of the two allowed recreational vehicles may be equal to or greater than 9 feet in height or 20 feet in length.*
- (5) *No camper, motor home or camper trailer shall be used for residential purposes, except that visitors with such vehicles may sleep in them for a period not to exceed two weeks in a calendar year.*
- (6) *All parking areas must have a minimum parking surface of gravel, extending two feet around the perimeter of the vehicle and be free from all vegetation.*
- (7) *Recreational vehicles must be maintained in a clean, well-kept state, including but not limited to, operable motors, engines, equipment and maintain its original design.*
- (8) *All recreational vehicles/trailers that require tags or registration must be kept current and visible at all times.*

*Section 6. Dates.*

*Introduction to City Council: 02/14/11*

*Planning Commission Hearing: 03/15/11*

*City Council Hearing: 03/28/11*

*Projected Adoption Date: 03/28/11*

*Ordinance becomes effective ten days following adoption date by City Council.*

Building Inspector Williams referenced Chapter 215 that addresses street parking and the police department has sole jurisdiction over.

He said this ordinance allows you to park anything in your backyard as long as you are five feet from the backyard. He needs an ordinance to have some of these vehicles removed from front yards. Currently, he does not have the authority to remove a stripped boat sitting in someone's yard.

Mayor Rogers recommends Mr. Williams have the solicitor review this ordinance.

When asked if there is an ordinance that prohibits cars from parking in front yards, Mr. Williams explained that some homes have had vehicles parked in their yards for years. He is uncomfortable requiring those residents to remove those vehicles because it has always been done. However, any new homes will have a minimum of gravel which is a requirement of the property maintenance code. If council wanted that restriction, he said the yard would need gravel or stone or the vehicles would have to be parked around the block. There are a number of scenarios that apply in that situation as well.

Mr. Pikus feels it does not look good in a residential area. He suggested Mr. Williams look at some of the properties on Southeast Front Street and Walnut Street where two to three cars are parked in the front grassy areas adding it is deterrent to the beautification program we encourage.

With no further business, the Workshop Session concluded at 7:31 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Transcriber

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
February 28, 2011*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, February 28, 2011.

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 Chief Keith Hudson and Recorder Christine Crouch

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:31 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

No guests were present.

COMMUNICATIONS

Mayor Rogers reported the 4<sup>th</sup> Annual Gala will be held at Milford Senior Center on March 12<sup>th</sup>. Tickets are available at city hall for those council members wishing to attend.

NEW BUSINESS

*Approval for Mosquito Spraying Activities in City of Milford*

Ms. Wilson moved for approval to allow DNREC to provide mosquito spraying in the city, seconded by Mr. Brooks. Motion carried.

*Introduction of Ordinance 2011-3/Chapter 230/Zoning Code/Issuance of Licenses*

Mr. Baird then addressed the next five ordinances. He explained that currently we have a clause in the zoning permit that does not permit zoning permits, certificates of occupancy, building permits or any applications be accepted unless all accounts are in good standing. To stay consistent with those guidelines, this amendment prohibits any city license from being issued for the same reasons.

Each of the subsequent ordinances addresses that restriction accordingly.

Mr. Pikus moved for introduction of Ordinance 2011-3, 2011-7, 2011-8, 2011-9 and 2011-10, seconded by Mr. Brooks:

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-3

Chapter 230: Zoning

Section 1. An Ordinance to Amend the Code of the City of Milford, Chapter 230, thereof, entitled Zoning, by requiring that all fees due the City of Milford are paid and in good standing before a license can be issued.

Section 2. Article XIII Permits and Certificates, §230-62 Application and Issuance, Paragraph D, is hereby amended by inserting the word "LICENSES" after certificates of occupancy and before building permits, to read as follows:

- D. No zoning permits, certificates of occupancy, LICENSES or building permits shall be issued nor shall any applications for changes of zoning, conditional uses, variances or special exceptions be accepted unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the city are paid and in good standing.

Section 3. Dates.

Introduction by City Council: 02/28/11  
 Planning Commission Hearing: 03/15/11  
 City Council Public Hearing & Review: 03/28/11  
 Projected Adoption Date: 04/11/11

Ordinance will become effective ten days following its adoption.

*Introduction of Ordinance 2011-7/Chapter 168/Peddling, Soliciting & Transient Merchants/Issuance of Licenses*

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-7

Chapter 168: Peddling, Soliciting and Transient Merchants.

§168-5. Issuance of license or permit; list of vendors.

Section 1. An Ordinance to Amend the Code of the City of Milford, Chapter 168, thereof, entitled Peddling, Soliciting and Transient Merchants, by requiring that all fees due the City of Milford are paid and in good standing before a license or permit can be issued.

Section 2. Section 168-5(A) "Issuance of license or permit; list of vendors" is hereby amended by adding a new sub-paragraph §168-5(A)(1) to read as follows:

- (1) No license or permit shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

Section 3. Dates.

Introduction & Review by City Council: 02/28/11  
 Workshop Review: 03/28/11  
 Projected Adoption Date: 04/11/11

Ordinance will become effective ten days following its adoption.

*Introduction of Ordinance 2011-8/Chapter 180/Residential Rental Operating License/Issuance of Licenses*

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-8

Chapter 180: Residential Rental Operating License.

§180-7. Regulation for Issuance of Licenses.

Section 1. An Ordinance to Amend the Code of the City of Milford, Chapter 180, thereof, entitled Residential Rental Operating License, by requiring that all fees due the City of Milford are paid and in good standing before a license can be issued.

Section 2. Existing Paragraph E of Section 180-7 "Regulations for Issuance of Licenses" is hereby renumbered as Paragraph F.

Section 3. A new Paragraph E shall be added to Section 180-7 "Regulations for Issuance of Licenses" to read as follows:

(E) No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

Section 4. Dates.

Introduction & Review by City Council: 02/28/11

Workshop Review: 03/28/11

Projected Adoption Date: 04/11/11

Ordinance will become effective ten days following its adoption.

*Introduction of Ordinance 2011-9/Chapter 193/Solid Waste/Issuance of Licenses*

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-9

Chapter 193. Solid Waste.

Article I. Collection and Disposal.

§193-6: Commercial Hauling of Solid Waste.

Section 1. An Ordinance to Amend the Code of the City of Milford, Chapter 193, thereof, entitled Solid Waste, by requiring that all fees due the City of Milford are paid and in good standing before a license can be issued to a commercial hauler.

Section 2. Section 193-6(B) is hereby amended by adding a new sub-paragraph §193-6(B)(1) to read as follows:

(1) No license or permit shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

Section 3. Dates.

Introduction & Review by City Council: 02/28/11

Workshop Review: 03/28/11

Projected Adoption Date: 04/11/11

Ordinance will become effective ten days following its adoption.

*Introduction of Ordinance 2011-10/Chapter 208/Teen Centers/Issuance of Licenses*

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-10

Chapter 208: Teen Centers.

## §208-1. License Required.

Section 1. An Ordinance to Amend the Code of the City of Milford, Chapter 208, thereof, entitled Teen Centers, by requiring that all fees due the City of Milford are paid and in good standing before a license can be issued by the City Code Official.

Section 2. Existing Section 208-1 is hereby renumbered as Section 208-1, Paragraph A, by removing and inserting text to read as follows:

A. Whoever operates, as a commercial venture, a teen center or place of amusement or dance hall catering solely or primarily to the teenage trade, shall first obtain a license FROM THE CITY CODE OFFICIAL to do so as provided under in this chapter.

Section 3. A new Paragraph B will be added to Section 208-1, to read as follows:

(B) No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

Section 4. Dates.

Introduction & Review by City Council: 02/28/11

Workshop Review: 03/28/11

Projected Adoption Date: 04/11/11

Ordinance will become effective ten days following its adoption.

Motion carried by unanimous roll call vote.

*FY2010-11 Budget Transfer/General Fund-Fund Balance/Live Near Your Work Program*

Mr. Baird explained the Live Near Your Work Program is a partnership between the city, Delaware State Housing Authority and local employers. Under this program, each makes contributions for their employees to purchase homes in the City of Milford. It encourages people to live near their employment. There has been a recent resurgence with an application being submitted previously for a Perdue employee and a second one was just submitted. In order to accommodate the \$1,000 the city has committed, a budget transfer is needed. In addition, Mr. Portmann has requested a new expense line item be set up.

Mr. Pikus moved for approval of the transfer \$1,000 from General Fund/Fund Balance 101-0000-399-10-00 to pay for the 'Live Near Your Work Program' and establish a new expense line item #101-1110-411-68-31 in Council's budget called Live Near Your Work Program, seconded by Mr. Morrow. Motion carried.

UNFINISHED BUSINESS

*Proposal-DBF/Wastewater Facilities Evaluation*

The city manager recalled council authorizing Davis Bowen and Friedel to make application to the State's Clean Water Council for a 50% grant to complete a Wastewater Facilities Evaluation. Since that time, the grant application was approved by DNREC.

Erik Retzlaff of Davis, Bowen and Friedel reported the city is planning a wastewater facility evaluation and construct a sewer model of the entire network to include our nineteen wastewater pumping stations and all sewer pipes. He said this would ensure reliable service to our users and allow city employees to identify problem areas more easily. The cost of the project is \$99,800 with half of the funding coming from the grant and the city supplying the other half.

Mr. Baird added this will allow us to model flows while determining the impact of any new projects coming on board. The detailed information will ensure that decisions, including costs analysis, will be made much quicker and more accurately, thus aiding in economic development and capital improvement projects.

Mr. Baird confirmed the DNREC funding is in place.

Mr. Pikus then verified this information will be available at all times to Economic Development, City Manager and City Engineer though DBF will oversee the software. In that manner, he said if Economic Development gets an inquiry and needs the information right away, it will be readily available. Mr. Retzlaff and Mr. Baird both stated yes.

Mr. Pikus moved to proceed with the proposal as presented with the city funding 50% from the Sewer Capital Reserve Account 203-3030-432-95-52, seconded by Ms. Wilson. Motion carried by unanimous roll call vote.

#### *Appointment of Economic Development Advisory Panel*

Economic Director Committee Chair Garrett Grier recalled this panel being discussed during the past couple of meetings. He said the advisory panel was a recommendation of John Rhodes and was part of his Economic Development Strategy Plan. One of his top priorities was to put together a panel with members of the community. It was to be a diverse group made up of business representatives and private citizens. In addition to those that expressed an interest, they sought others to round out the group.

Mr. Grier then announced the recommendations of the Economic Development Committee:

Bill Pilecki - Resident  
David Markowitz - Resident  
Bob Connelly - Resident  
Nolan Williams - Marketing  
Sher Valenzuela - Manufacturing  
Dave Hitchens - Development  
Harvey Kenton - Legislative  
Jason James - Logistics/Warehousing and Distribution  
Irv Ambrose - Downtown Milford, Inc.  
Fred Rohm - Chamber of Commerce  
Craig Crouch - Non Profits  
Sharon Kanter- Milford School District Superintendent

Mr. Grier reported the first meeting will be held Wednesday, March 23, 2011.

Mr. Adkins asked if any thought had been given to a representative of the service industry being added. Mr. Grier said there were a large number of persons who had expressed an interest and not everyone was selected. However, he asked Mr. Adkins to provide the name after he meeting.

Ms. Wilson also stated that she had the name of someone who had expressed an interest; she will provide that name to Mr. Grier as well.

Mayor Rogers advised that another member can always be added at a later date.

Mr. Grier commented that the public is encouraged to attend all meetings though this will be the core advisory panel at this time.

Mr. Brooks confirmed that minutes will be kept of each meeting; Mayor Rogers explained that is required by law.

Mr. Grier moved for approval of the appointment of the Economic Development Advisory Panel as submitted, seconded by Mr. Brooks.

Motion carried.

Economic Development Director Richard Carmean was in attendance. Mr. Carmean stated the goal was to get a cross section of members with people bringing different talents to the table which he feels has been accomplished. He stated that Chairman Grier gave a great deal of thought when building this committee. He looks forward to working with this group and welcomes their ideas and suggestions.

*Executive Session*

Mr. Pikus moved to go into Executive Session pursuant to 29 Del. C. §10004(b)(2) preliminary discussions on site acquisitions for publicly funded capital improvements at 8:01 p.m., seconded by Mr. Morrow.

Motion carried.

*Return to Open Session*

(Mr. Garrett not in attendance.)

Council returned to open session at 9:59 p.m.

*Executive Session Matters*

Mr. Morrow moved to freeze Lots 12 and 13 in Independence Commons at this time, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

Before a vote was taken on the sale of the Wawa land, Mr. Baird suggested drafting a document to show the financial impact on the city. Initially, this came up to fund some capital projects. Mr. Adkins does not want to give up this funding arbitrarily and suggests it be earmarked for economic development as has been discussed.

Mr. Pikus agrees that money should be used to enhance the city's economic capabilities.

It was agreed that the city solicitor and city manager work on this issue and bring it back before city council.

ADJOURN

With no further business, the Council Meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Transcriber

MILFORD CITY COUNCIL

MINUTES OF MEETING

March 9, 2011

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, March 9, 2011.

PRESIDING: Chairman S. Allen Pikus

IN ATTENDANCE: Committee Members: Councilmen Douglas Morrow, Sr. and Garrett Grier III

Mayor Joseph Ronnie Rogers

City Manager David Baird and Recorder/City Clerk Terri Hudson

The meeting was called to order at 8:05 a.m. by Chairman Pikus.

*Executive Session*

Mr. Morrow moved to go into Executive Session pursuant to pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements and 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, seconded by Mr. Grier. Motion carried.

Mr. Pikus recessed the Finance Committee Meeting at 8:05 a.m. to go into a closed session.

*Return to Open Session*

The committee returned to open session at 8:25 a.m.

*Executive Session Matter*

Mr. Morrow moved the committee recommend to city council that the city immediately begin the process to sell the Wawa land as outlined in the lease agreement, specifically earmark those proceeds for economic development and that the process be expedited, seconded by Mr. Pikus.

Motion carried by the following 2-0 vote:

|            |         |
|------------|---------|
| Mr. Grier  | Abstain |
| Mr. Morrow | Yes     |
| Mr. Pikus  | Yes     |

Mr. Baird then advised that Solicitor Rutt is working on three separate contracts that will be presented to city council on March 28<sup>th</sup>. One involves the Fordmill property being purchased as the site for the electric substation. Though the entire parcel is ninety acres, the city had verbally worked with them to purchase twenty acres though additional land had been considered for a business park. In the meantime, a group of private investors is interested in putting a solar field on the remaining seventy acres which would tie into our substation. Because the entire twenty acres was not needed by the city, they had also expressed an interest in the unused portion of that area.

When asked the price, Mr. Baird advised it was just under \$50,000 an acre explaining the appraisal was in the low 40's.

The city manager said we are also purchasing two additional properties south of the Transfer Station on Route 113. The city will subdivide a portion of the Calhoun property to be used for the interconnection point with Delmarva Power. That agreement will also need to be finalized by council.

The front piece, owned by Bruce Geyer, is where the existing billboard and large electric power lines are located. He said the appraisal for the one acre parcel, done by Joe Wells, came in at \$190,000. Though it appeared high, Mr. Baird confirmed that is the figure the city will have to work with.

He then advised that Mr. Geyer is asking for a straight up trade of one of the one-acre lots in Independence Commons. The city is selling those lots for \$125,000. It was agreed the infrastructure, roads and stormwater are already in place which makes them more valuable.

Mr. Baird said the terms are currently being worked out with Mr. Geyer. In this trade, our electric proceeds would pay for the business park because it is related to the electric project. Those funds would be placed into the General Fund Capital Reserves and pledged toward economic development.

Part of terms will allow Mr. Geyer to enter into a license agreement with the city which would allow him to keep the billboard. In turn, he would pay the city an annual fee. Mr. Rutt was directed to work the terms out with Mr. Geyer's attorney.

Mr. Baird said that would inflict a value of \$190,000 plus on the one acre lot at the business park after considering the utilities are already in place. He said the city is selling them at a lower than appraised value to create some economic development interest.

Mr. Morrow then addressed the four undeveloped lots on the original side of the business park (Greater Milford Business Park). He explained that the most recent was sold in 2009; the other three were purchased in 2004 and 2005 for \$24,000, \$24,000 and \$43,000. The assessed value on those three properties is almost \$400,000. Mr. Morrow recalled the city contacting those property owners to advise them we would be purchasing them back per the breach of contract which required them to build within two years.

The committee agreed the city needs to begin the legal proceedings to get these parcels back. Mr. Baird advised there are potential buyers interested on that side of the park who thought there were no lots available. It was confirmed they would be sold at fair market value, though we would purchase them back at their original price.

Mr. Baird advised the city solicitor is currently checking to see how to proceed.

The city manager confirmed the lots are owned by Performance Devices (2009), Professional Enterprises, Roger Alexander and Kaza. Mr. Morrow feels this is as critical as selling the Wawa property because there is a potential \$5 million worth of land sitting idle. Those proceeds could also be used toward the purchase of an additional business park. At the same time, a new business could bring more jobs to Milford.

Mr. Baird said that two to three years ago, letters were sent reminding the owners of the two-year building requirement. Mr. Morrow suggested getting those letters together to confirm our track record and proceed accordingly to get those lots back under city ownership; the committee agreed.

Mr. Grier asked if any of the residual land at Fordmill should be considered for a business park. Mr. Baird explained that he originally planned to purchase twenty acres, put the substation there and begin to develop the balance as a business park. The land butts up to the city business park and also to Masten Circle. Mr. Grier pointed out that would provide access from Airport Road all the way over to Route 113.

Mr. Morrow said a solar park could help the city meet the green energy requirements needed by 2025. Mr. Baird explained that DEMEC would be the actual land purchaser though it could count toward the 25% requirement for green energy. In this case, Milford would benefit from a cost standpoint though it will help DEMEC from a portfolio standpoint.

With no further business, Mr. Morrow moved to adjourn the Finance Meeting at 8:39 a.m., seconded by Mr. Grier. Motion carried.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder