

# City of Milford



## AGENDA

Monthly Council Meeting

May 14, 2012

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 - *Boy Scout Troop 116*  
*Proclamation 2012-7/Police Memorial Day*

Monthly Police Report

City Manager Report

Committee & Council Reports

Communications

Unfinished Business

New Business

*Reserved Parking Request-Delaware Fitness & Pelican Bar*

*Sign Ordinance/Public Discussion*

*Kent Economic Partnership Joint Participation*

*Adoption of Resolution 2012-04/Scheduling Board of Revision and Appeals/Property Tax FY2012-13*

*Introduction to Ordinance 2012-07/Chapter 230--Zoning Code/Article VI--Signs*

*Adoption of Resolution 2012-05/Copying & Fees Related to FOIA Requests*

*Adoption of Revised FOIA Request Form*

*FY2011-2012 Budget Adjustment/AMR Meter Project Final Upgrade/Electric Reserves (Meter Department)*

*FY2011-2012 Budget Adjustment/Council/Appraisal Fees/General Fund Capital Reserves\**

*FY2011-2012 Budget Adjustment/City Hall/Basement Repairs/General Fund Capital Reserves\**

*Adoption of Resolution 2012-06/Authorizes DEMEC to Execute MOU with Governor\*\**

*Memorandum of Understanding/Governor Jack Markell & DEMEC\*\**

*Discontinuance of Late Payment Notice/Utility Bills\*\**

Monthly Finance Report

Executive Session-

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

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

Executive Session Matters

Adjourn

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

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

# City of Milford



## PROCLAMATION

2012-7

### POLICE WEEK & PEACE OFFICERS' MEMORIAL DAY

WHEREAS, *the Congress and President of the United States have designated May 15, 2012 as Peace Officers' Memorial Day and the week in which it falls as National Police week; and*

WHEREAS, *the members of the law enforcement agency of Milford, Delaware play an essential role in safeguarding the rights and freedoms in Milford, Delaware; and*

WHEREAS, *it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and*

WHEREAS, *the men and women of the Milford Police Department unceasingly provide a vital public service.*

NOW, THEREFORE, I, Joseph Ronnie Rogers, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, call upon all citizens of Milford, Delaware, and upon all patriotic, civic and educational organizations to observe the week beginning May 13, 2012 as Police Week during which time all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens in the City of Milford.

I further call upon all citizens of Milford, Delaware, to observe May 15, 2012 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

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

---

Mayor Joseph Ronnie Rogers

Attest \_\_\_\_\_

# Milford Police Department



E. Keith Hudson  
Chief of Police



400 N.E. Front Street  
Milford, Delaware 19963

## MEMORANDUM

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: May 14, 2012

RE: Activity Report/April 2012

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### **Monthly Stats:**

A total of 761 arrests were made by the Milford Police Department during April 2012. Of these arrests, 220 were for criminal offenses and 541 for traffic violations. Criminal offenses consisted of 70 felonies and 150 misdemeanors. Traffic violations consisted of 243 Special Duty Radar, 5 Drunk-Driving charges, and 293 other.

Police officers investigated 39 accidents during the month (5 personal injury, and 34 property damage) and issued 149 written reprimands. In addition, they responded to 1236 various complaints including city requests and other agency assistance.

### **Monthly Activities:**

Five Seasonal Officers have been hired for the summer and are attending weekend training sessions hosted by the Dewey Beach Police Department. They should be available by the end of the month.

The department has obtained its second K-9 (Henk) who will begin training this week in Wilmington. hi

Lieutenant Huey, the department's Administrative Lieutenant, attended a CAD Conference in Chicago last week for update training on our Computer Aided Dispatch Software.

Our required spring firearms training is ongoing. Our officers just completed an annual in-service training that includes Policy Reviews, First Aid, AED, & CPR.

The department received the new emergency phone and radio recorder system. We would like to thank City Council for their support and assistance with this project.

School Resource Officer Report:

Pfc. Melvin had a kick-off meeting with Safe Routes to Schools at Lulu Ross. The group met with the Engineers McCormick and Taylor to discuss concerns of the roadways and sidewalks in the area.

Pfc. Melvin testified at Kent County Levy Court Chambers before Lieutenant Governor Denn and Attorney General Biden on cyberbullying. He discussed how out of school incidents affect Milford Students in school. The Lieutenant Governor and Attorney General are preparing a statewide policy to combat the issue in Delaware's schools.

Pfc. Melvin made a presentation for all Banneker Employees and spoke with "Communities in Schools" classes about how negotiation is used in law enforcement (Milford Central Academy).

K-9 Report:

From April 2<sup>nd</sup> thru April 6<sup>th</sup>, K-9 Eros and his handler attended annual recertification in Wilmington. The K-9 Unit successfully obtained a national recertification through the National Police Canine Association as a dual purpose narcotics and patrol police canine. In addition to narcotics and tracking certification, K-9 Eros also obtained "Patrol 2" certification which is a new and advanced variation on the patrol certification.

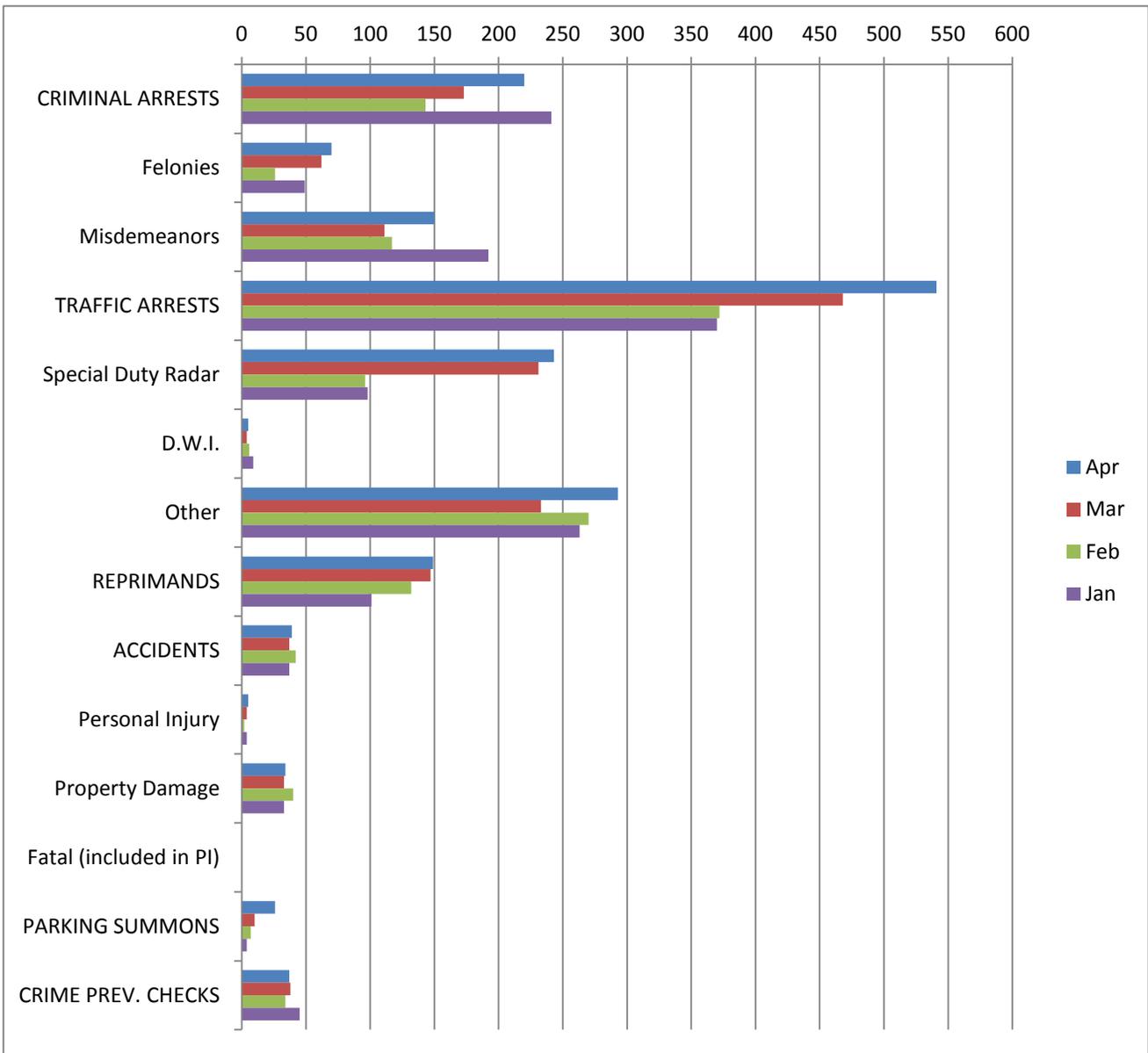
From April 17<sup>th</sup> thru April 19<sup>th</sup>, the K-9 Unit, along with two members of the Special Operations Group attended training in Wilmington. K-9 Eros obtained certification as a "SWAT K-9" through the C.A.T.S and S.K.I.D.D.S Course (Canine Tactical School and SWAT & K-9 Interacting during Deployment School)

K-9 Eros had a no-bite apprehension on a suspect found to be armed with a sawed-off 12 gauge shotgun in the waistband of his pants.

EKH

APRIL 2012 ACTIVITY REPORT

	APR 2012	TOTAL 2012	APR 2011	TOTAL 2011
COMPLAINTS	1236	4673	1281	4579
CRIMINAL ARRESTS	220	777	114	498
Felonies	70	207	8	149
Misdemeanors	150	570	96	333
TRAFFIC ARRESTS	541	1751	496	1440
Special Duty Radar	243	668	234	487
D.W.I.	5	24	7	23
Other	293	1059	255	960
REPRIMANDS	149	529	159	730
ACCIDENTS	39	155	36	149
Personal Injury	5	15	2	11
Property Damage	34	140	34	138
Fatal (included in PI)	0	0	0	0
PARKING SUMMONS	26	47	4	38
CRIME PREV. CHECKS	37	154	38	151
FINES RECEIVED	\$ 10,856.26	\$ 43,297.76	\$ 10,753.84	\$ 36,682.71



# **COUNCIL REPORT**

**May 14, 2012**

## **City Hall Lower Level**

I have moved our Planning and Zoning employees back to the lower level. I intend in the near future to also move our enforcement and inspection employees back into the same area. My inspectors have expressed that they would like to remain in their present location at Public Works. Mr. Baird had moved all these staff members to the Public Works building after the last flooding incident, but now that we have apparently located the problem, I think they should all move back. These four employees interact on a daily basis and the public is better served by having them all together.

## **SEWER AND WATER**

As I previously reported the test well at our Washington Street treatment site failed due to hitting contaminants. After discussion with DBF engineers I decided that because of past usages of that property, it would not be a good idea to disturb the area any further. I therefore ordered a test well be done on a vacant lot we purchased several years ago. This property is located directly across from the rear parking lot of city hall on South Washington St. The preliminary results are better than our expectations. The water produced by this well, if the quality proves satisfactory, will either be sent down South Washington St. to our future treatment facility and billing offices, or I may recommend we actually build the treatment plant at the well site.

The test bore on the Wickersham site is very promising. The sand quality is much better than what we saw on the Hall site. I will be meeting with Gary Farrar next week to attempt to come to an agreement on a partnership to place the new water tower on his property.

Design for our water main to be located on Wilkins Road is moving along. This will be part of the system of our new tower and treatment project in S.E. Milford. The main will also be placed under Rt. 1 to serve the southeastern part of Milford limits.

The inflow and infiltration project is almost complete. We are hoping for some positive cuts in the amounts of storm water and ground water entering our sewer collection system. This should reduce the amount the sewer treatment costs to Kent County.

## **STREETS**

We have finished our inventory of maintained roads within the city. This inventory decides our State Municipal Aide funding. The number of miles we are able to claim is 41.40. This amount is a little less than last year due to some roads claimed in Hearthstone Manor have not actually been accepted by the city. This will mean about \$200,000.00 for the city streets budget.

The Washington St. Bridge is still on schedule. We expect work to begin in early summer. We received a picture of the plaque that will be placed on the bridge to explain the historical significance of the structure. A copy of the plaque will be placed in your packets.

## **ADMINISTRATION**

Our Finance Director and I will begin our budget discussions with my department heads the week of May 14, 2012. I can only advise mayor and council that we are going to be facing a challenge stretching our revenue to cover our expenditures. Mr. Portmann and I will attempt to bring to the Finance Committee a budget that can be refined to make our financial situation work..

I, along with other DEMEC communities, met with Governor Markell to sign a memorandum of understanding regarding our electric revenue policies. I have had the city clerk include a copy of the MOU in the packets. I will also need the council to approve the document.

Respectfully submitted,

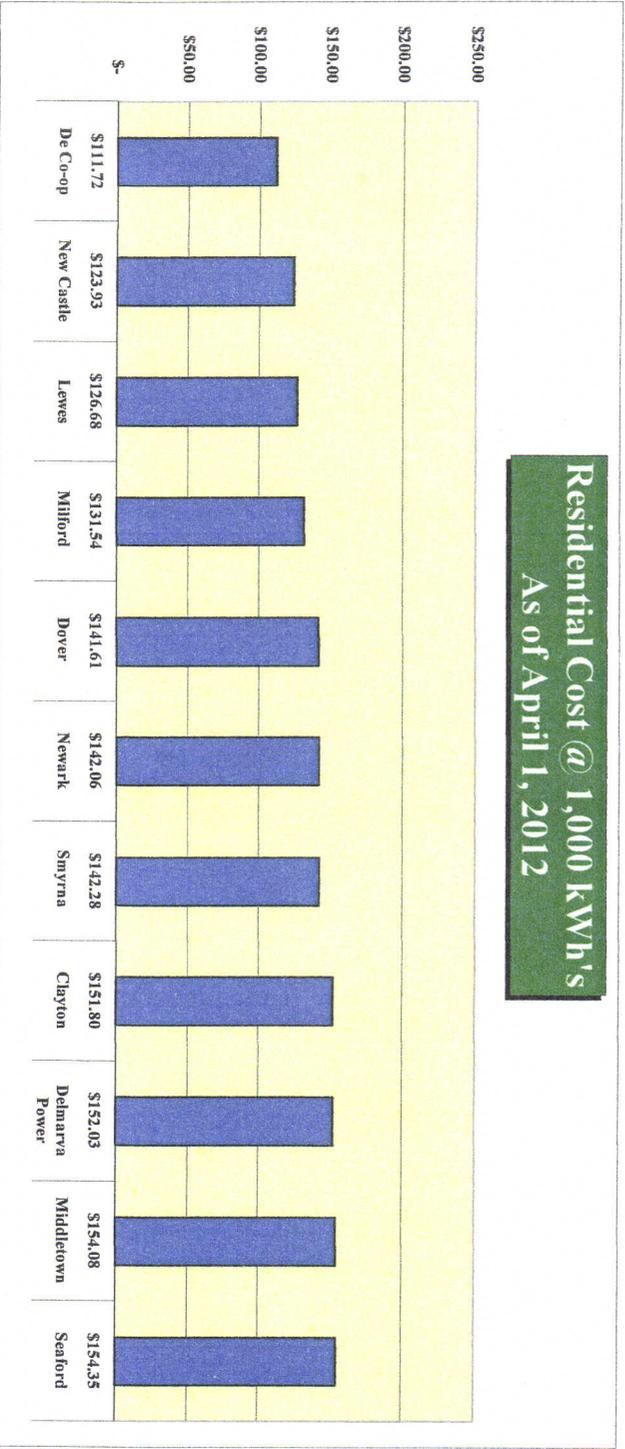
Richard D. Carmean

Selected Area Utilities  
Winter (Oct. - May)

# RESIDENTIAL RATE COMPARISON @ 1,000 kWh

	DE COOP	DPL
	% Difference	% Difference
<u>De Co-op</u>		
<u>New Castle</u>	\$ 111.72	0%
<u>Lewes</u>	\$ 123.93	11%
<u>Milford</u>	\$ 126.68	13%
<u>Dover</u>	\$ 131.54	18%
<u>Newark</u>	\$ 141.61	27%
<u>Smyrna</u>	\$ 142.06	27%
<u>Clayton</u>	\$ 142.28	27%
<u>Delmarva Power</u>	\$ 151.80	36%
<u>Middletown</u>	\$ 152.03	36%
<u>Seaford</u>	\$ 154.08	38%
	\$ 154.35	38%

\* Approximate. DP&L's transmission capacity change 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

APR 24 2012

**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.

April 11, 2012

Mr. Richard Carmean  
City of Milford  
P.O. Box 159  
Milford, DE 19963

Dear Richard:

Enclosed please find the City of Milford's numbers for the month of March 2012.

**March 2012  
Weight in Pounds**

**MARSHALL STREET**

SINGLE-STREAM TOTAL	OIL GALLONS
16,840	400

**MILFORD MIDDLE SCHOOL**

4,372	
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**MILFORD COMMONS**

10,201	
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Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc

Christie Murphy

Attachments: City of Milford Curbside 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  
MARCH 2012**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
3/1/2012	787708	2550-Single Stream R	100-Inventory	City of Milford	3.68
3/1/2012	787710	2550-Single Stream R	100-Inventory	City of Milford	4.2
3/2/2012	787756	2550-Single Stream R	100-Inventory	City of Milford	2.64
3/2/2012	787758	2550-Single Stream R	100-Inventory	City of Milford	2.69
3/9/2012	788490	2550-Single Stream R	100-Inventory	City of Milford	1.46
3/9/2012	788492	2550-Single Stream R	100-Inventory	City of Milford	2.5
3/12/2012	788792	2550-Single Stream R	100-Inventory	City of Milford	2.98
3/15/2012	789223	2550-Single Stream R	100-Inventory	City of Milford	4.66
3/15/2012	789226	2550-Single Stream R	100-Inventory	City of Milford	3.75
3/16/2012	789280	2550-Single Stream R	100-Inventory	City of Milford	3.07
3/16/2012	789284	2550-Single Stream R	100-Inventory	City of Milford	3.27
3/23/2012	790054	2550-Single Stream R	100-Inventory	City of Milford	1.11
3/23/2012	790055	2550-Single Stream R	100-Inventory	City of Milford	6.09
3/29/2012	790774	2550-Single Stream R	100-Inventory	City of Milford	4.08
3/30/2012	790823	2550-Single Stream R	100-Inventory	City of Milford	0.64
3/30/2012	790824	2550-Single Stream R	100-Inventory	City of Milford	4.41
				<b>TOTAL</b>	<b>51.23</b>

# City of Milford



## Agenda

Committee Meeting

Wednesday, May 30, 2012

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

### FINANCE COMMITTEE

FY 2012-2013 Budget

**5:30 p.m.**

Call to Order - Chairman S. Allen Pikus

Review and Discussion of FY 2012-2013 Budget

Adjourn

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# City of Milford



## *Agenda*

**Committee Meeting**

**Thursday, May 31, 2012**

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

### **FINANCE COMMITTEE**

**FY 2012-2013 Budget**

**5:30 p.m.**

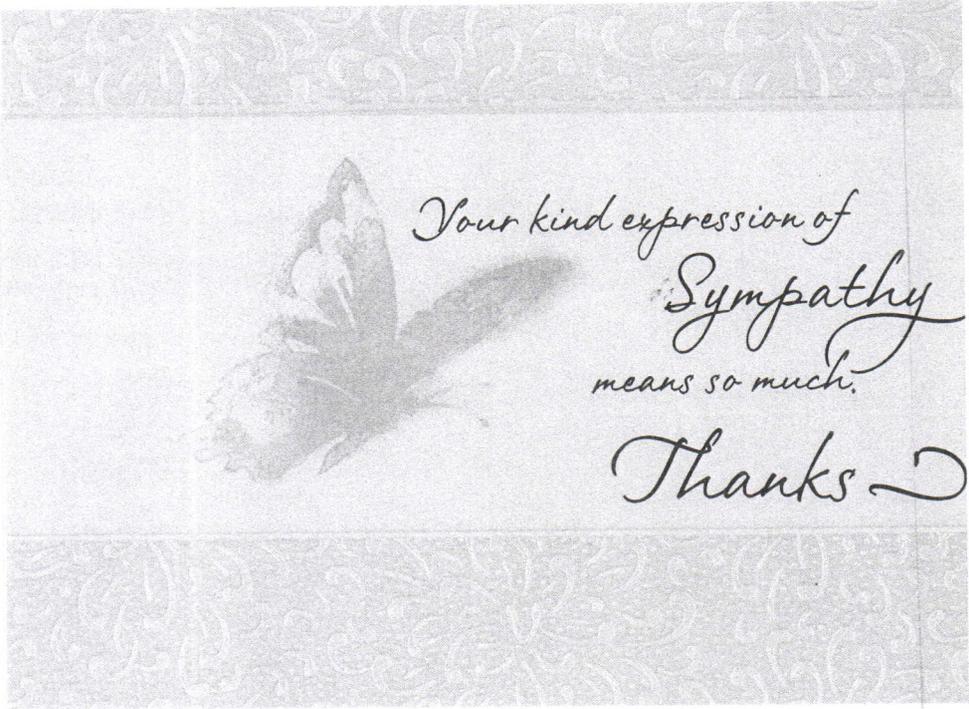
Call to Order - Chairman S. Allen Pikus

Review and Discussion of FY 2012-2013 Budget

Adjourn

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Your kind expression of  
*Sympathy*  
means so much.

Thanks ☺

Mayor Ronnie, City Council  
members + Terri,

Thank you all very much for the  
beautiful plant you sent following  
the death of my sister. Amazing,  
that the plant is one of my  
sister's favorites so it was  
especially nice to receive. You  
are a special group of people &  
your thoughtfulness + friendship  
are appreciated.  
-Robin-



**DELAWARE LEAGUE OF LOCAL GOVERNMENTS  
MONTHLY DINNER MEETING  
MAY 24<sup>TH</sup>, 2012  
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**

PNC Bank will discuss the range of general banking services available to municipalities and counties. This discussion will include Short and Long term financing (taxable & tax-free), Cash Management Services, Capital Markets Bond Financing, Workplace Banking, and Credit Cards. PNC will also have a team available to help answer any questions before or after the presentation.

**NEXT MEETING: SEPTEMBER 23<sup>RD</sup>, 2012**

\*\*\*\*\*

Special diets can be accommodated with 24 hours notice

**WE MUST HAVE YOUR RESERVATIONS NO LATER THAN May 14th, 2012**

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



Comcast  
5729 West Denneys Road  
Dover, DE 19904

May 7, 2012

Mr. Richard D. Carmean  
Interim City Manager  
City of Milford  
201 S. Walnut Street  
Milford, Delaware 19963

Dear Mr. Carmean:

I am write to inform you that effective July 1, 2012, Comcast will charge \$1.99 per month for each new Digital Adapter Additional Outlet subscribed to on or after July 1, 2012 by customers with Digital Starter and above services. Customers will receive notification of this change through a message on their monthly billing statement. A copy of that bill message is attached.

If you should have any questions, please give me a call at 302-672-5936.

Sincerely,

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

R. Thomas Worley  
Sr. Director Government Regulatory Affairs

Bill Message:

**Effective July 1, 2012, Comcast will charge \$1.99 per month for each new Digital Adapter Additional Outlet subscribed to on or after July 1, 2012 by customers with Digital Starter and above. Pricing is subject to change.**

Attention City Of Milford,

Delaware Fitness 204 N.E. Front St. , Pelican Bar  
200 N.E.Front St. is located in the Nelson  
Silicato Building located next to the Milford  
Senior Center. We are having a very big  
problem with the parking lot in front of our  
businesses EVERYDAY it gets filled up with  
people that are going to the senior center and  
atleast twice a month they hold an event at  
their center that we have NOOOOOOOOOO  
parking at all for any of our customers.....this is  
a big problem for us cause we will no longer be  
in business if we have no parking for our paying  
customers....who would come and buy a  
membership at a gym if there is no parking for  
them to come to the gym and same for the  
Pelican Bar if a customer was to come to eat at

this place of business, and there is no parking we all know what will happen the customer takes their business elsewhere!!!! I should never have to stand in my parking lot as ive had to do too many times and tell people they can not park in front of my business that it is for paying gym members,or never should my paying members have to park down the street or in the parking lot across the street and walk here!!!!!!

We pay rent here and inorder for us to pay our rent and keep our businesses open we MUST have parking!!!! In front of our 2 large businesses there is 13 parking spaces which is not even enough for the 2 businesses, so our customers must use the parking lot that sits right here which was put here for businesses , so we are requesting for the City to allow us to reserve the 13 spaces in front of our building

and directly in front of our business there is 14 additional parking spaces which we would like to also be reserved to our business customers ONLY. That would still leave two more 14 sections and all the parking spaces that face front street and all the parking spaces that are lined up all along the sides of this parking lot. So we asking for the 13 in front of our businesses and then the other 14 spaces to be reserved to our businesses still leaves well over 50 spaces to the public well I should say MILFORD SENIOR CENTER to use which I think is very fair to ALL!!!!!! Please understand our businesses is our livelihood and we are not complaining just to complain we must protect our businesses if we want to stay in business!!!

THANK YOU ALL FOR YOUR  
TIME AND HELP WITH THIS BIG PROBLEM!!!

KIM WINGROVE Owner of  
Delaware Fitness 204 N.E. Front St Milford

4-18-10

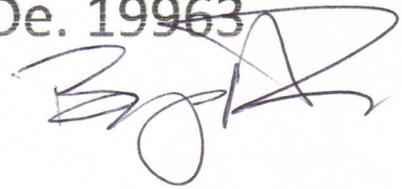
302 430-0508/or 222-3982

Kim Wingrove



Brian Hahn Owner of Pelican  
Bar 200 N.E. Front St. Milford De. 19963

302-422-5236/ or 943-5269

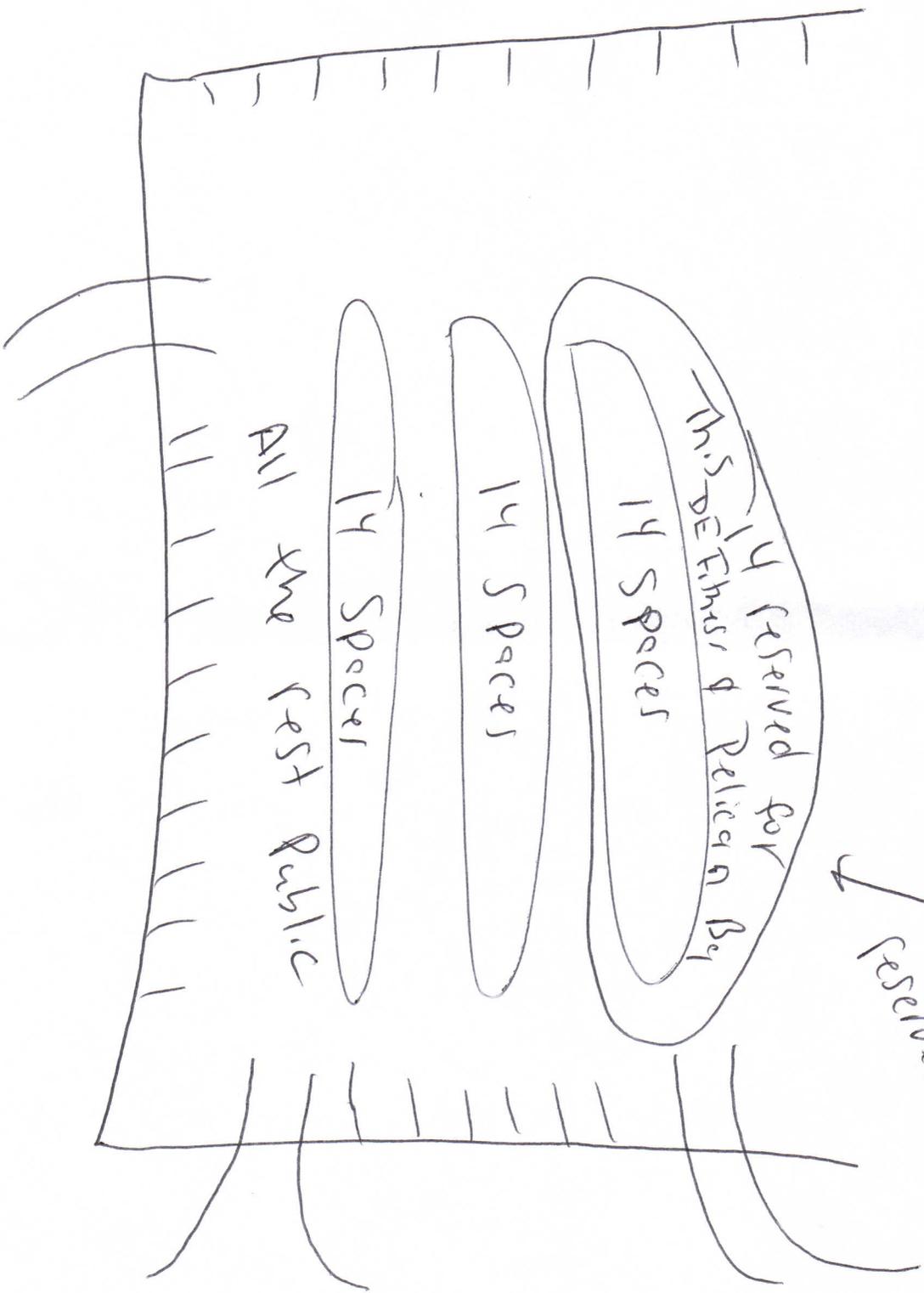


4-19-12



13 parking in front  
5 spaces ok

reserved



# City of Milford



## RESOLUTION 2012-4

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

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

**NOW, THEREFORE, BE IT RESOLVED, that on Monday, the 9<sup>th</sup> day of July 2012 at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2012-2013 General Assessment.**

**Mayor Joseph Ronnie Rogers**

Attest: \_\_\_\_\_  
City Clerk

**Adopted: May 14, 2012**

# City of Milford



## ***PUBLIC NOTICE***

### *City of Milford Property Tax Appeals*

Please be advised that on Monday, the 9<sup>th</sup> day of July 2012 at 7:00 p.m., the City Council of the City of Milford will sit in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, as a Board of Revision and Appeal in regard to the 2012-2013 City of Milford General Property Assessment.

Property owners wishing to appeal the value of their property under the 2012-2013 General Assessment must contact Christine Crouch at 302-424-3712 Extension 308 by 4:30 p.m. on Friday, June 1, 2012\*.

Copies of the 2012-2013 General Assessment are posted for public information at Milford City Hall, 201 South Walnut Street, Milford, Delaware and at the Milford Public Library, 11 Southeast Front Street, Milford, Delaware.

Issued this 14<sup>th</sup> day of May 2012 pursuant to Article 7 of the Charter of the City of Milford, Delaware.

Richard D. Carmean  
City Manager

*Posted 051412 \*Deadline changed from June 15, 2012 to June 1, 2012*

PUBLIC NOTICE  
PLANNING COMMISSION & CITY COUNCIL PUBLIC HEARINGS  
City of Milford Zoning Chapter Amendment  
Ordinance 2012-07

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Code on Tuesday, May 15, 2012 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Tuesday, May 29, 2012 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2012-07 may be adopted, with or without amendments.

AN ORDINANCE TO AMEND Chapter 230--Zoning, Article VI--Signs, of the Code of the City of Milford.

The City of Milford hereby ordains:

Section 1. Amends §230-26-General Standards.

Section 2. Adds a New Paragraph 10 to §230-26(F)--EMB Signs which will read as follows:

**(10) All EMB Signs shall have a height of no less than a minimum of two feet and no greater than a maximum of five feet. All EMB signs shall have a width of no greater than a maximum of twelve feet and shall be no larger than thirty two square feet total.**

Section 3. Amends Sign Chart by clarifying size restrictions of EMB signs in the C-3 zoning district (attached).

Section 4. Dates.

Introduction to City Council: May 14, 2012

Planning Commission Review and Public Hearing: May 15, 2012

City Council Review and Public Hearing: May 29, 2012

Section 5. The Ordinance shall become Effective no sooner than Ten Days after Adoption by City Council.

By: Terri K. Hudson, MMC  
City Clerk

**§ 230-24. - PERMITTED AND PROHIBITED SIGNS.**

For the purpose of this article of this chapter, the regulations are hereby set forth as follows:

A. Signs permitted without limitation in all zoning districts shall be as follows:

- (1) Authorized signs regulating traffic under state or city authority.
- (2) Signs designating public transportation pickup points.
- (3) Informational signs: those erected for safety or those installed to provide directional information and those erected for the identification of public rest areas, public parking areas, entrances or exits and loading or unloading zones (not to exceed 2 1/2 square feet in area and nonilluminated).
- (4) Warning signs and no trespassing signs.
- (5) Memorial plaques, corner stones and signs designating historical sites.
- (6) Signs required to be posted by law.
- (7) Duly authorized governmental signs, public notices and signs posted or maintained by governmental order, rule or regulation.
- (8) Flags or emblems of governmental, educational or religious organizations.
- (9) Address signs, not to exceed one for each principal building or premises, not to exceed 160 square feet in area. The signs shall show only numerical address designations of premises upon which they are affixed/maintained.
- (10) Signs designating permanent subdivisions, not to exceed 20 square feet in area, with only two per each street frontage.
- (11) Signs which are attached or are integral to fuel dispensing pumps or devices, to be no larger than the servicing device to which they are attached.
- (12) Temporary sign for sale (realty, private owner, etc.), rental or lease of premises at location. Allowance shall be determined by the Code Official.

B. Signs prohibited in all zoning districts shall be as follows:

- (1) Flashing signs.
- (2) Animated signs.
- (3) Signs producing noise or sounds.
- (4) Signs emitting visible smoke, vapor, particles or odor.
- (5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.

(6) Signs which, by reason of wording, position, shape or color, may cause interference with or obstruction of view or may be confused with authorized traffic signage. The allowance shall be determined by the Code Official.

(7) Signs attached to fire-fighting equipment, emergency egress doors, windows and like emergency purposes.

(8) Signs causing radio, television or other communication interference because of lighting or control mechanism(s).

(9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures. Allowance shall be determined by the Code Official.

(10) Signs attached to trees, fences, utility poles or any other means not designated by this article or that which is not approved by a City Code Official. Exceptions are public notices and public announcements (as previously stated).

(11) Portable signs, fixed on movable stands or chassis, or those self-supported types not permanently embedded or any sign that allows ready transport from site to site.



SPONSOR: Sen. Peterson & Rep. Bennett  
Sens. Bushweller, Henry, Katz, Sokola & Bonini;  
Reps. Briggs King, Hudson, Lavelle, Miro, Osienski,  
D. Short, Wilson & Kenton

DELAWARE STATE SENATE  
146th GENERAL ASSEMBLY

SENATE BILL NO. 87

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §10003(b) Title 29 of the Delaware Code by inserting the following sentence at the end of §10003(b):

“The Department of Justice shall establish and provide a standard request form to public bodies for citizens making requests pursuant to this Chapter and the public bodies shall use the form exclusively and make the form available to the public for FOIA requests.”

SYNOPSIS

This Bill requires the Department of Justice to establish and provide standardized FOIA request forms. These forms shall be used by all public bodies. The uniformity should help provide prompt compliance and less questions at the front end of the request.

Author: Senator Peterson



SPONSOR: Sen. Peterson

DELAWARE STATE SENATE  
146th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1  
TO  
SENATE BILL NO. 87

AMEND Senate Bill No. 87 by deleting lines 3 through 5 and substituting in lieu thereof the following:

“The Department of Justice shall establish and provide a standard request form to public bodies for persons making requests pursuant to this Chapter. Public Bodies shall use this form exclusively and shall make it conveniently available for copying, completion, and/or submission via the internet, e-mail, U.S. mail or at the public body offices.”

SYNOPSIS

This Amendment requires the Department of Justice to establish and provide a standardized FOIA request form. This form shall be used by all public bodies. The uniformity will eliminate confusion about how each public body accepts FOIA requests.

Author: Senator Peterson

## RESOLUTION 2012-05

### A RESOLUTION OF THE CITY OF MILFORD, DELAWARE AUTHORIZING THE USE OF A STANDARD FOIA FORM AND CHARGES FOR COPYING AND RELATED SERVICES BY THE CITY OF MILFORD

WHEREAS, requests are made of the City of Milford for public records, certain documents, correspondence and reports by person(s); and

WHEREAS, §10003(b) Title 29 of the Delaware Code requires municipalities to use a standard FOIA request form established by the Delaware Department of Justice; and

WHEREAS, the FOIA request form will be adopted by the City Council of the City of Milford for use by all City Departments; and

WHEREAS, the City Council of the City of Milford authorizes the Office of the City Clerk and other City departments (hereafter referred to as "The City") to assess and collect a reasonable fee by an interested person pursuant to the Freedom of Information Act or other applicable law; and

WHEREAS, the City shall make every reasonable effort to respond to a request within ten (10) days ; and

WHEREAS, the City is not required to create records that do not exist at the time the request is made; and

WHEREAS, the City may authorize certain exemptions from such fees and charges, as deemed appropriate; and

WHEREAS, all requests for Law Enforcement Records fall under the jurisdiction and policies and procedures of the Milford Police Department and shall be immediately forwarded to the Chief of Police or made directly at the Milford Police Department; and

WHEREAS, this Resolution supersedes any previous Resolution adopted on the same subject.

NOW THEREFORE, IT IS HEREBY RESOLVED that the Mayor and Council authorize the following fees be charged for complying with a request under the FOIA, as applicable:

#### Duplicating/Copying Fees

The following are duplicating/copying charges for providing public records:

- (1) Standard Sized, Black and White Copies  
Cost for duplication or publication, including labor, for standard sized, black and white public records shall be \$0.25 per page, for 8.5" x 11", 8.5" x 14", and 11" x 17" sized paper.
- (2) Computer/Electronically Generated  
Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including, but not limited to: cassette tapes, video tapes, computer disk costs) and administrative costs. Actual costs shall be assessed for copying computer generated records and providing other materials such as video tapes, computer disks, etc.

#### Administrative Fees

The following are administrative fees for providing public records:

(1) Actual Labor Costs

In calculating the cost of labor incurred, the City may not charge more than the hourly wage of the lowest paid City employee capable of retrieving the information necessary to comply with the request. Labor charges will be billed to the requestor per quarter hour. Labor charges will be in addition to any duplicating/copying charges. Charges for actual labor costs include:

- \* Staff time associated with processing FOIA requests;
- \* Locating and reviewing files;
- \* Monitoring file reviews;
- \* Generating computer records (electronic or printouts); and
- \* Any other time rendered by the employee in researching, examining, developing, duplicating, reviewing, and separating exempt from nonexempt information that has been requested.

(2) Other Costs

Any other actual costs associated with fulfilling a request for information, such as postage, shall be at the expense of the requestor.

If the City does not have the resources or equipment to duplicate requested records, the City, at its discretion, may arrange to have records duplicated by an outside contractor. In this instance, the requestor will be liable for payment of these costs.

RESOLVED THIS 14<sup>th</sup> DAY OF MAY 2012

# REQUEST FOR PUBLIC RECORDS

PURSUANT TO THE DELAWARE FREEDOM OF INFORMATION ACT 29 Del. Chapter 100



TO: City of Milford-City Clerk's Office  
201 South Walnut Street  
Milford, DE 19963  
thudson@milford-de.gov

NAME \_\_\_\_\_ DATE OF REQUEST \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE (optional) \_\_\_\_\_ EMAIL (optional) \_\_\_\_\_

RECORDS REQUESTED: **(Be as specific as you can,** describing types of records, dates, parties to correspondence, subject matter, etc. The public body will make every reasonable effort to assist you in identifying the record being sought. **Requests for voluminous records may be delayed.)**

There may be costs involved in responding to your request. The public body can require you to examine the records at the office of the public body. Refer to the public body's policy or regulations for information about costs and access to records.

PLEASE CONTACT ME IF COSTS WILL BE GREATER THAN \_\_\_\_\_.

\*Within 15 business days from receipt of your request the public body must either provide you with access to the records, deny your request, or state that additional time is needed.\*

To convert to weekly billing, a K-base meter upgrade is needed to finalize our AMR meter project.

Meter Department Supervisor Jim Bailey was notified by Landis/Gyr that the k-base meters would not get the AMR upgrade as once thought. The cost to make the upgrade will be \$ 40,000.00 for both the single and three phase services.

It will be paid from Capital Equipment for Electric Meters 223-6250-436-70-40.

*MASTEN REALTY, LLC  
James J. Masten, Owner  
715 South Dupont Highway  
Milford, Delaware 19963  
(302) 422 – 1850*

**INVOICE FOR APPRAISAL SERVICES RENDERED**

May 3, 2012

City of Milford  
c/o Richard Carmean, City Manager  
201 South Walnut Street  
Milford, Delaware 19963

APPRAISAL OF:

Commercial Appraisal, Milford, Delaware 19963 Our File # 12/073	\$1,500.00
Commercial Appraisal, Milford, Delaware 19963 Our File # 12/074	\$1,500.00
Residential Appraisal, Milford, Delaware 19963 Our File # 12/075	\$350.00
Residential Appraisal, Milford, Delaware 19963 Our File # 12/076	\$350.00
INVOICE AMOUNT	\$3,700.00
PREVIOUS BALANCE	\$0.00
TOTAL DUE	<u>\$3,700.00</u>

*All Invoices Are Due Upon Receipt. A Service Charge  
Of One (1%) Percent Per Month Will Be Assessed  
On Balances 30 Days Beyond Invoice Date*

***Please Return This Copy With Your Payment***

*MASTEN REALTY, LLC  
James J. Masten, Owner  
715 South Dupont Highway  
Milford, Delaware 19963  
(302) 422 – 1850*

**INVOICE FOR APPRAISAL SERVICES RENDERED**

May 3, 2012

City of Milford  
c/o Richard Carmean, City Manager  
201 South Walnut Street  
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INVOICE AMOUNT	\$3,700.00
PREVIOUS BALANCE	\$0.00
TOTAL DUE	<u>\$3,700.00</u>

*All Invoices Are Due Upon Receipt. A Service Charge  
Of One (1%) Percent Per Month Will Be Assessed  
On Balances 30 Days Beyond Invoice Date*

*Please Keep This Copy for Your Records*

For: City of Milford  
Job #:2597  
Date: March 2012

Remodeling, Baths, Kitchens, Decks  
Additions, Roofing,  
Paintings, Windows and doors

# Proposal

I am pleased to submit specifications and estimates for:

## Miscellaneous

Install plastic on floor and seal off work area  
Remove drywall on back wall  
Remove foam based insulation  
Install temporary hepa filter system for air  
Discard Rubbish from building

**All construction debris will be taken off site.**

**I propose to furnish material and labor - complete in accordance with the above specifications for the sum of :**

**Total:**

**\$2,340.00**

Work Done  
Approved  
R. Cameron

# CITY OF MILFORD



## RESOLUTION 2012-06

AUIHORIZING DELAWARE MUNICIPAL ELECTRIC CORPORATION  
TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH GOVERNOR JACK MARKELL  
REGARDING MUNICIPAL ELECTRIC UTILITY RATES; ECONOMIC DEVELOPMENT RATES;  
AND TRANSFERS TO GENERAL FUND FROM THE ELECTRIC FUND

WHEREAS, the City of Milford, Delaware owns and operates an electric utility which services the electricity needs of all residential, commercial and industrial users within its designated service area; and

WHEREAS, the City of Milford is empowered exclusively by the laws of this State and its charter to establish the rates to be charged to its customers for the supply of electric power; and

WHEREAS, The Governor has called upon the City of Milford and its sister municipalities who are members of the Delaware Municipal Electric Corporation (DEMEC) to endorse a reduction in the rates charged to its customers in aid of the Governor's multi-faceted efforts to attract additional commerce and industry, and the jobs resulting there from, to Delaware; and

WHEREAS, the municipalities and DEMEC have negotiated a Memorandum of Understanding, a copy of which is appended to and made part of this Resolution, in which DEMEC, on behalf of its member municipalities, voluntarily endorses certain measures regarding a reduction in electric rates and the transfer of electric utility revenues which are intended to enhance the economic development efforts of the Governor without conflicting with the legal and operational autonomy of the municipal electric utilities or the sovereign right and obligation of the City of Milford, and of its sister municipalities, to have local control of its own budget and to respond to its financial needs as it sees fit.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE City of Milford, Delaware that the City of Milford does by these presents authorize the duly designated officers of the Delaware Municipal Electric Corporation to execute on its behalf and in its name the aforementioned Memorandum of Understanding with the Governor of the State of Delaware; and

BE IT FURTHER RESOLVED, that all of the officers and employees of the City of Milford shall, for the stated duration of said Memorandum of Understanding, take or forego such actions as shall be necessary to implement its terms.

Mayor Joseph Ronnie Rogers

Attest:

Teresa K. Hudson, City Clerk

Adopted: May 14, 2012

# MEMORANDUM OF UNDERSTANDING

## BETWEEN THE HONORABLE JACK MARKELL, GOVERNOR OF DELAWARE & THE DELAWARE MUNICIPAL ELECTRIC CORPORATION ON BEHALF OF ITS NINE MUNICIPAL MEMBERS

This Memorandum of Understanding between the Honorable Jack Markell, Governor of the State of Delaware (“Governor”), and the Delaware Municipal Electric Corporation, a body corporate and politic formed pursuant to Title 26, Delaware Code, for itself and on behalf of the nine duly chartered municipalities comprising its membership, being New Castle, Newark, Middletown, Smyrna, Clayton, Dover, Milford, Lewes and Seaford (collectively, “DEMEC”, or the “DEMEC Municipalities”).

WHEREAS, the Governor and the DEMEC Municipalities are fully committed to and engaged in the task of attracting new businesses to Delaware and expanding existing Delaware businesses in order to provide job opportunities for all Delawareans; and

WHEREAS, DEMEC and the DEMEC Municipalities are potential beneficiaries of the Governor’s job creation initiatives and accordingly, are fully committed to aiding and supporting such initiatives consistent with the responsibilities vested in them by their charters; and

WHEREAS, the Governor has identified the commercial and industrial electric rates charged by certain of the DEMEC Municipalities-owned electric utilities as a potential disincentive for the recruitment of new businesses to, and the expansion of existing businesses in Delaware; and

WHEREAS, historically, the DEMEC Municipalities have used varying percentages of their return on investment in their municipal electric utilities to supplement general fund revenues in order to assure adequate funding for various essential and valuable municipal services provided to all of their residential, commercial and industrial customers, including sewer, water, public safety and street maintenance; and

WHEREAS, the Governor recognizes and appreciates both the critical importance to each of the DEMEC Municipalities of the supplemental revenues provided by their electric utilities to the provision of cost-effective funding for the full complement of municipal services, as well as the sovereign right of each of the municipalities pursuant to their home rule charters to control their respective budgetary processes and their exclusive right to provide electric power to their residential, commercial and industrial citizens; and

WHEREAS, the Governor and DEMEC find and determine that it is in the best interests of their respective constituencies to advance the shared goal of creating economic opportunity for all Delawareans without unduly encroaching upon the home rule authority of the DEMEC Municipalities.

NOW, THEREFORE, DO THE GOVERNOR AND DEMEC AGREE AS FOLLOWS:

1. Each of the DEMEC Municipalities will, prior to the conclusion of the three (3) year period commencing January 1, 2012, reduce their retail electric rates by not less than an average of ten percent (10%);
2. Each of the DEMEC Municipalities shall, by appropriate action of its governing body, if not previously accomplished, authorize an economic development rate, or a process for permitting the negotiation of an economic development rate, to be fixed and determined in the sole discretion of each such municipality. The primary purpose of such economic development rate shall be to incentivize job creation in the DEMEC municipalities by providing for a discounted electric rate;

3. Each of the DEMEC Municipalities shall to the extent possible within the constraint of the needs of the municipalities to maintain efficient and reliable utilities and services, including coverage of capital costs and related debt service costs of providing those services, by appropriate action of its governing body, agree to maintain for a five year period commencing with their 2012 fiscal year a limit on the transfer of revenues from its electric utility into its general fund which limit shall for each municipality be equal to the actual dollar amount of such transfer in Fiscal year 2012; provided, however, that, prior to the start of its 2015 fiscal year, and for each of the two fiscal years that follow, each municipality shall, upon a determination by its governing body of a compelling and unanticipated municipal financial need, notice of which shall be provided to the Governor, have the right to transfer revenues from its electric utility in excess of the amount of revenue transferred by such municipality during the 2012 fiscal year into its general fund as it deems necessary to meet such need.
4. For as long as the DEMEC Municipalities are in compliance with paragraphs 1 through 3 of this MOU , the Governor will actively oppose any effort to interfere with the exclusive right of the DEMEC Municipalities to provide electric power to all residential, commercial and industrial customers within their respective service territories. Specifically but without limitation, the Governor shall actively oppose any legislative initiative which would grant to any such customer the right to freely choose an alternate source of electric power.

IN WITNESS WHEREOF, AND INTENDING TO BE MORALLY BOUND HEREBY, the Governor and DEMEC have respectively executed and caused this Memorandum of Understanding to be executed this \_\_\_\_day of May, 2012.

---

Governor Jack Markell,  
State of Delaware

Delaware Municipal Electric Corporation  
On behalf of its Members

By: \_\_\_\_\_  
Patrick E. McCullar  
President & CEO

In the case of varying readings from past readings, an investigation into the reason for such variations will be made at Customer's request.

#### 5.5 RETURNED CHECKS

Checks given in payment for Service, customer Deposits, or reconnection charges which are returned to the City unpaid by the Customer's Bank, will result in an additional returned check charge per check, per occurrence (see the Fee Schedule, Appendix 1). The return check charge shall be levied against the Customer's account. Upon the second occurrence of a returned check, the Customer shall be notified that they will be placed on a cash only basis for a period of one year.

#### 5.6 LATE PAYMENT NOTICE

A notice will be sent to the Customer stating that Service will be terminated by a given date if payment is not received.

The City reserves the right to discontinue Service in accordance with provisions of these Rules and Regulations and the accompanying Tariff and/or take any other action permitted by law with respect to any Customer who fails to make full and timely payment of all amounts due the City. (See Section 16.)

#### 5.7 DELINQUENT CHARGE INSTALLMENT AGREEMENT

The City may make arrangements for installment payments for those residential Customers who are unable to pay their bill due to unusual or severe circumstances.

The installment payment agreement constitutes a contract between the Customer and the City, which guarantees payment by the Customer for the amount of the agreement over the specified period. Request for installment payment agreements are subject to City approval and must be approved, in writing, by the City's billing supervisor or designee.

Failure of the Customer to meet the conditions of this installment payment agreement including prompt payment of the current bill shall constitute a breach of this agreement and entitles the City to pursue collection and Service termination procedures under the rules and regulations outlined in these Rules and Regulations and the accompanying Tariff.

#### 5.8 BUDGET BILLING

The City reserves the right to establish a budget billing program.

#### 5.9 POST-DATED CHECKS

Post-dated checks will not be accepted until the date of the check. Post-dated checks will not abate imposition of any late charges incurred.

### **SECTION 6 ADMINISTRATION OF SERVICE CLASSIFICATION**

**CITY OF MILFORD  
FUND BALANCES REPORT**

**MARCH 2012**

Cash Balance - General Fund Bank Balance	\$2,075,773
Cash Balance - Electric Fund Bank Balance	\$4,198,250
Cash Balance - Water Fund Bank Balance	\$1,396,494
Cash Balance - Sewer Fund Bank Balance	\$362,624
Cash Balance - Trash Fund Bank Balance	\$571,968

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Water Bond Escrow</u>
Beginning Cash Balance	91,230	889,094	340,496	412,477
Deposits			6,737	
Interest Earned this Month				
Disbursements this Month	(21,373)	(2,263)	(41,666)	
Investments			1,600,000	
Ending Cash Balance	\$69,857	\$886,831	\$1,905,567	\$412,477

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	1,827,141	1,181,076	1,164,589	2,213,812
Deposits		1,077,094	1,046,349	1,453,331
Interest Earned this Month	5,000	10,000	10,000	12,861
Disbursements this Month	(1,032,470)	(77,394)	(181,202)	(282,677)
Investments	2,268,370	1,960,000	1,379,212	7,086,834
Ending Cash Balance	\$3,068,041	\$4,150,776	\$3,418,948	\$10,484,161

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>
Beginning Cash Balance	77,206	\$46,854	\$10,953
Deposits			
Interest Earned this Month			
Disbursements this Month	(77,094)	(\$46,349)	(\$10,331)
Investments	926,157	\$670,755	\$260,185
Ending Cash Balance	\$926,269	\$671,260	\$260,807

**INTEREST THROUGH THE NINTH MONTH OF THE FISCAL YEAR:**

General Fund	5,901	Water Fund	929
GF Capital Reserves	20,755	Water Bond Escrow	20
General Improvement Fund	118	Water Capital Reserves	34,323
Municipal Street Aid	329	Water Impact Fees	4,250
Real Estate Transfer Tax	6,023	Sewer Fund	203
Electric Fund	3,091	Sewer Capital Reserves	28,427
Electric Reserves	73,570	Sewer Impact Fees	3,125
Electric Impact Fees	1,250	Trash Fund	293

TOTAL INTEREST EARNED TO DATE \$182,607

**REVENUE REPORT**

**Page Two**

**March 2012**

75% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%
Budgeted Fund Balance	421,235	5,567	421,233	100.00%
General Fund Capital Reserves	320,786	21,948	203,967	63.58%
Municipal Street Aid	195,000	0	0	0.00%
Property Transfer Tax-Police	500,000	41,667	375,000	75.00%
Real Estate Tax	3,004,155	5,589	2,998,421	99.81%
Business License	35,000	3,375	31,525	90.07%
Rental License	85,000	1,350	82,625	97.21%
Building Permits	50,000	1,900	44,522	89.04%
Planning & Zoning	20,000	6,544	22,492	112.46%
Misc. Revenues	313,601	72,328	194,917	62.15%
Transfers From	3,215,480	267,956	2,411,610	75.00%
Police Revenues	287,000	10,751	160,360	55.87%
<b>Total General Fund Revenues</b>	<b>\$8,447,257</b>	<b>\$438,975</b>	<b>\$6,946,672</b>	<b>82.24%</b>
Water Revenues	2,245,517	201,249	1,844,281	82.13%
Sewer Revenues	1,914,725	181,072	1,591,583	83.12%
Kent County Sewer	1,350,000	128,514	1,128,078	83.56%
Solid Waste Revenues	1,126,000	107,868	847,755	75.29%
Electric Revenues	27,885,500	1,898,210	19,864,073	71.23%
<b>TOTAL REVENUES</b>	<b>\$42,968,999</b>	<b>\$2,955,888</b>	<b>\$32,222,442</b>	<b>74.99%</b>
YTD Enterprise Expense		57,282		
YTD Enterprise Revenue		45,618		
LTD Carlisle Fire Company Building Permit Fund		45,854		

## EXPENDITURE REPORT

Page Three

March 2012

75% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>City Manager</b>					
Personnel	447,261	\$53,201	329,729	73.72%	117,532
O&M	103,672	\$6,831	76,752	74.03%	26,920
Capital	0	\$0	0		0
<b>Total City Manager</b>	<b>\$550,933</b>	<b>\$60,032</b>	<b>\$406,481</b>	<b>73.78%</b>	<b>144,452</b>
<b>Planning &amp; Zoning</b>					
Personnel	123,335	\$13,938	90,398	73.29%	32,937
O&M	54,935	\$1,459	25,603	46.61%	29,332
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$178,270</b>	<b>\$15,397</b>	<b>\$116,001</b>	<b>65.07%</b>	<b>62,269</b>
<b>Code Enforcement &amp; Inspections</b>					
Personnel	130,715	\$14,315	94,157	72.03%	36,558
O&M	72,452	\$3,444	53,314	73.59%	19,138
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$203,167</b>	<b>\$17,759</b>	<b>\$147,471</b>	<b>72.59%</b>	<b>55,696</b>
<b>Tax Department</b>					
Personnel	51,155	\$0	\$44,003	86.02%	7,152
O&M	13,265	\$322	\$13,385	100.90%	(120)
Capital	0	\$0	\$0		0
<b>Total Tax Department</b>	<b>\$64,420</b>	<b>\$322</b>	<b>\$57,388</b>	<b>89.08%</b>	<b>7,032</b>
<b>Council</b>					
Personnel	31,225	\$2,621	21,198	67.89%	10,027
O&M	37,600	\$3,950	28,349	75.40%	9,251
Council Expense	17,000	\$701	13,323	78.37%	3,677
Contributions	447,735	\$140,000	447,733	100.00%	2
Codification	4,000	\$0	0	0.00%	4,000
Employee Recognition	8,572	\$0	8,571	0.00%	1
Insurance	16,000	\$3,903	15,614	97.59%	386
DMI-Tree and Grate Project	175,000	\$6,126	175,559	100.32%	(559)
Wawa-Sale Expenses	15,000	\$0	15,063	100.42%	(63)
<b>Total Council</b>	<b>\$752,132</b>	<b>\$157,301</b>	<b>\$725,410</b>	<b>96.45%</b>	<b>\$26,722</b>
<b>Finance</b>					
Personnel	321,855	\$35,838	236,111	73.36%	85,744
O&M	54,600	\$2,734	25,783	47.22%	28,817
Capital	0	\$0	0		0
<b>Total Finance</b>	<b>\$376,455</b>	<b>\$38,572</b>	<b>\$261,894</b>	<b>69.57%</b>	<b>114,561</b>
<b>Information Technology</b>					
Personnel	165,870	\$17,914	122,285	73.72%	43,585
O&M	173,250	\$84,827	142,123	82.03%	31,127
Capital	13,000	\$0	12,990	99.92%	10
<b>Total Information Technology</b>	<b>\$352,120</b>	<b>\$102,741</b>	<b>\$277,398</b>	<b>78.78%</b>	<b>74,722</b>

**EXPENDITURE REPORT**

Page Four

March 2012

75% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Police Department</b>					
Personnel	3,528,870	\$375,255	2,479,688	70.31%	1,046,984
O&M	475,120	\$39,754	370,379	77.95%	104,741
Capital	71,500	\$13,995	81,856	114.48%	(10,356)
<b>Total Police</b>	<b>\$4,073,290</b>	<b>\$429,004</b>	<b>\$2,931,921</b>	<b>71.98%</b>	<b>1,141,369</b>
<b>Streets &amp; Grounds Division</b>					
Personnel	407,665	\$44,013	298,544	72.74%	111,121
O&M	450,900	\$29,887	284,455	63.09%	166,445
Capital	225,000	\$0	0	0.00%	225,000
Debt Service	48,115	\$0	35,976	78.01%	10,139
<b>Total Streets &amp; Grounds</b>	<b>\$1,129,680</b>	<b>\$73,700</b>	<b>\$616,975</b>	<b>54.82%</b>	<b>512,705</b>
<b>Parks &amp; Recreation</b>					
Personnel	474,915	\$48,061	325,712	68.58%	149,203
O&M	236,875	\$20,266	173,523	73.26%	63,352
Capital	55,000	\$8,890	42,099	76.54%	12,901
<b>Total Parks &amp; Recreation</b>	<b>\$766,790</b>	<b>\$77,217</b>	<b>\$541,334</b>	<b>70.80%</b>	<b>225,456</b>
<b>Total General Fund</b>					
<b>Operating Budget</b>	<b>\$8,447,257</b>	<b>\$972,045</b>	<b>\$6,082,273</b>	<b>72.00%</b>	<b>2,364,984</b>

## EXPENDITURE REPORT

Page Five

March 2012

75 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Water Division</b>					
Personnel	217,500	\$21,229	152,483	70.11%	65,017
O&M	1,199,827	\$99,571	807,851	67.33%	391,976
Capital	25,000	\$0	24,877	0.00%	123
Debt Service	803,190	\$0	386,543	48.13%	416,647
<b>Total Water</b>	<b>\$2,245,517</b>	<b>\$120,800</b>	<b>\$1,371,754</b>	<b>61.09%</b>	<b>873,763</b>
<b>Sewer Division</b>					
Personnel	217,500	\$21,223	152,471	70.10%	65,029
O&M	1,040,500	\$88,536	869,846	83.60%	170,654
Capital	0	\$0	0		0
Debt Service	656,725	\$0	292,127	44.48%	364,598
<b>Sewer Sub Total</b>	<b>\$1,914,725</b>	<b>\$107,759</b>	<b>\$1,314,444</b>	<b>68.65%</b>	<b>600,281</b>
Kent County Sewer	1,350,000	\$128,236	1,128,237	83.57%	221,763
<b>Total Sewer</b>	<b>\$3,264,725</b>	<b>\$235,995</b>	<b>\$2,442,681</b>	<b>74.82%</b>	<b>822,044</b>
<b>Solid Waste Division</b>					
Personnel	335,485	\$34,322	235,748	70.27%	99,737
O&M	722,320	\$51,396	536,663	74.30%	185,657
Capital	68,195	\$0	0	0.00%	68,195
<b>Total Solid Waste</b>	<b>\$1,126,000</b>	<b>\$85,718</b>	<b>\$772,411</b>	<b>68.60%</b>	<b>353,589</b>
<b>Total Water, Sewer Solid Waste</b>					
	<b>\$6,636,242</b>	<b>\$442,513</b>	<b>\$4,586,846</b>	<b>69.12%</b>	<b>2,049,396</b>
<b>Electric Division</b>					
Personnel	947,130	\$103,008	700,068	73.91%	247,062
O&M	1,824,105	\$141,037	1,210,379	66.35%	613,726
Transfer to General Fund	2,500,000	\$208,333	1,875,000	75.00%	625,000
Capital	946,710	\$31,187	168,630	17.81%	778,080
Debt Service	667,555	\$236,277	398,234	59.66%	269,321
<b>Electric Sub Total</b>	<b>\$6,885,500</b>	<b>\$719,842</b>	<b>\$4,352,311</b>	<b>63.21%</b>	<b>2,533,189</b>
Power Purchased	21,000,000	\$1,406,356	14,485,758	68.98%	6,514,242
<b>Total Electric</b>	<b>\$27,885,500</b>	<b>\$2,126,198</b>	<b>\$18,838,069</b>	<b>67.56%</b>	<b>9,047,431</b>
<b>TOTAL OPERATING BUDGET</b>					
	<b>\$42,968,999</b>	<b>\$3,540,756</b>	<b>\$29,507,188</b>	<b>68.67%</b>	<b>13,461,811</b>

INTERSERVICE DEPARTMENTS REPORT

Page Six

March 2012

ACCOUNT	AMOUNT BUDGETED	MTD	75% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
<b>Garage</b>					
Personnel	91,865	7,335	50,044	54.48%	41,821
O&M	61,940	4,890	40,370	65.18%	21,570
Capital	0	0	0		0
<b>Total Garage Expense</b>	<b>\$153,805</b>	<b>12,225</b>	<b>\$90,414</b>	<b>58.78%</b>	<b>63,391</b>
<b>Public Works</b>					
Personnel	338,940	36,876	245,898	72.55%	93,042
O&M	190,870	11,886	116,934	61.26%	73,936
Capital	0	0	0		0
<b>Total Public Works Expense</b>	<b>\$529,810</b>	<b>48,762</b>	<b>\$362,832</b>	<b>68.48%</b>	<b>166,978</b>
<b>Meter Department-Water</b>					
Personnel	120,315	13,531	89,907	74.73%	30,408
O&M	68,950	1,965	24,580	35.65%	44,370
Capital	60,000	0	3,806	6.34%	56,194
<b>Total Water Meter Expense</b>	<b>\$249,265</b>	<b>15,496</b>	<b>\$118,293</b>	<b>47.46%</b>	<b>130,972</b>
<b>Meter Department-Electric</b>					
Personnel	229,635	18,598	144,468	62.91%	85,167
O&M	99,550	17,919	52,124	52.36%	47,426
Capital	0	0	0		0
<b>Total Electric Meter Expense</b>	<b>\$329,185</b>	<b>36,517</b>	<b>\$196,592</b>	<b>59.72%</b>	<b>132,593</b>
<b>Billing &amp; Collections</b>					
Personnel	435,195	47,806	315,542	72.51%	119,653
O&M	210,790	16,393	138,120	65.52%	72,670
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$645,985</b>	<b>64,199</b>	<b>\$453,662</b>	<b>70.23%</b>	<b>192,323</b>
<b>City Hall Cost Allocation</b>					
Personnel	0	0	0		0
O&M	58,000	8,738	43,939	75.76%	14,061
Capital	0	0	0		0
<b>Total City Hall Cost Allocation</b>	<b>\$58,000</b>	<b>8,738</b>	<b>\$43,939</b>	<b>75.76%</b>	<b>14,061</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.

DATE: April 16, 2012

BOARD OF ELECTIONS

Pre-Election Complaint:

Mr. Kevin Smith  
15 E. Green Lane  
Orchard Hill  
Milford, DE 19963

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PRESIDING: City of Milford Board of Election Chair Tamela Mallamo

IN ATTENDANCE: City of Milford Board Member Phyllis Fox  
City of Milford Board Member Joanne Leuthauser

City Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

**State Statute:**

Pursuant to Delaware State Law 15 Del. C. §7552(a) a citizen of the municipality may submit a written complaint, regarding any aspect of pre-election activity that is contrary to the provisions of subchapters IV and V of this chapter, to the municipality's Board of Elections; The municipal Board of Elections shall meet in a special public meeting held as soon as practicable in compliance with the Delaware Freedom of Information Act following receipt of the complaint and determine if the complaint has any merit.

Within 24 hours of the special public meeting, the municipal Board of Elections shall issue a written decision on whether the pre-election action or activity was legally incorrect and ordering lawful action necessary to correct such legal error in the pre-election action or activity. The Board of Elections shall immediately make its decision available to the public. (Title 15, Chapter 75, Subsection IV of the Delaware Code Dealing with Municipal Elections except for the City of Wilmington).

**Complaint:**

15 Del. C. §7554(c) requires that municipalities that maintain their own voter rolls shall provide eligible citizens a reasonable opportunity to register to vote. The dates, times and hours provided by the city for voter registration do not constitute a "reasonable" opportunity to register to vote. The existence of federal and state statutes indicates that a "reasonable" opportunity should include mail-in registration. Requiring in-person registration does not meet the statutory requirement.

**Public Hearing:**

The City of Milford Board of Elections met in a public hearing on Monday, April 16, 2012 in the Council Chambers at Milford City Hall, 201 S. Walnut Street, Milford, Delaware.

The public hearing began at 5:31 p.m.

Chairwoman Mallamo opened the proceeding by referencing the written pre-election complaint received from Kevin Smith. She then read the complaint into record.

Mr. Smith then read the following statement into record:

*I want to begin by thanking the city clerk and all of you, the members of the city board of elections, for responding promptly to my complaint regarding pre-election activity in the lead-up to the April 28, 2012 municipal elections. I will keep my remarks very brief so you can render your decision and we can get on our way.*

*While I have any number of concerns with the city of Milford's current voter registration procedure and the potential barriers it erects to resident participation in this local expression of our great democracy, I by necessity will limit my remarks to the current complaint. The fundamental question is whether the city of Milford's voter registration process constitutes a "reasonable opportunity" to register to vote under Delaware's statutes pertaining to municipal elections. Those statutes supersede the city's charter and ordinances relating to elections, and we must therefore consider the city's process in light of those statutes.*

*What constitutes "reasonableness" may well be in the eye of the beholder, but I would like to evaluate the city's policy in light of other Delaware municipalities, existing law, and common sense.*

*In regard to other municipalities, I undertook this weekend to examine the policies of every municipality in Delaware with over 1,000 residents. I was able to identify voter registration procedures in 26 of them. Of these 26, 14 municipalities allowed mail-in registration either through the state's voter registration system or their own system. Another 3 did not require registration to vote, instead asking for proof of identity and residency at the polls. About one-third (9 municipalities) did not allow mail-in registration. Seven of these (including Milford) are located in Sussex County. The existence of a minority of municipalities that do not permit mail-in registrations hardly justifies a fairly modern and efficient a city as Milford not offering a mail-in option.*

*While statutes regarding federal and state elections do not specially apply to the city of Milford, they do inform an understanding of what constitutes a "reasonable" opportunity. The National Voter Registration Act applies to any election for federal office and requires states to permit voter registration (1) at the time of driver license application (2) by mail and (3) in-person. Delaware statutes relating to state elections, including for senator and representative, direct the commissioner and county departments of elections to accept mail-in registrations. The code regulating municipal elections falls silent on what municipalities must do, but other statutes strongly suggest that mail-in registration is part of any reasonable process of voter registration.*

*Finally, common sense dictates that mail-in registrations constitute the most "reasonable" opportunity possible for residents to register. Requiring residents to register in-person excludes residents who are disabled, home-bound, or (in the case of military members) on active duty outside of the district at the time their family moves here. It could therefore open the city to a potential lawsuit though he is not a lawyer. It also excludes some shift workers (even with the additional special registration times offered). It also requires a minimal administrative load on the part of the city, in terms of the reasonableness and how likely it could be to be implemented. He thinks the only additional duties that would be required presumably of the clerk would be to verify the proofs of residency and identity that are offered by mail that are already offered in person and also returning completed applications and those requiring additional documentation. It would, therefore, be reasonable in terms of administrative load on the city's personnel and resources.*

*I therefore ask the board of elections to recommend that the city council modify the town's ordinances or charter to permit mail-in registrations and correct the current legal error. Had mail-in registrations been permitted, my family would likely have registered to vote in time for this election. Therefore, I also ask the board of elections to permit my family, my parents, brother, and I, to vote in the municipal election of April 28. Thank you for your time, and I trust you will reach a fair and equitable decision.*

Chair Mallamo thanked Mr. Smith for his comments. She asked if Mr. Smith was out of town during the special registration times because Mr. Smith had stated he could have mailed in a registration though he came in after the registration deadline.

Mr. Smith stated that he works at a school in Georgetown. He said that 8:00 to 4:30 (city office hours) is hard and he is generally required to be at school several days a week until 4:15 which makes it impossible for him to get here. He said he was not aware of the special times provided. He said there was a public notice posted here at city hall and he believes it was mentioned it was in the newspapers though he did not see it in the newspapers. When he came in and registered

was when it was mentioned the notice was in the newspapers. He did not know about those times. The way he found out about it was somebody told his parents and he then looked it up on line and it was already after the deadline. He said to be honest, he was not aware of it. He stated if he had been able to mail it in and presumably if he had been aware there was a requirement to register, he would have been able to do it quickly. It is just a challenge, according to Mr. Smith, even with those special times were offered though it would have been a real challenge for him to get in here.

Chair Mallamo then thanked Mr. Smith for his comments.

City Solicitor Rutt then suggested the clerk identify the notice posted in the paper and advise when it was posted.

City Clerk Hudson then advised that all election notices include statements regarding the city's voter registration statements. She said it begins with the notice of solicitation for candidates, the voter registration notices and other notices including deadline and election day notices. She then referenced the affidavits of publication for the Voter Registration Notices which were published in the Milford Beacon on February 9, February 23, March 8 and March 22, 2012. Also referenced were the affidavits of publication for the Voter Registration Notices published in the Milford Chronicle on February 1, February 15, February 29 and March 14, 2012. She said the notice is published in a local paper every week beginning on February 1<sup>st</sup>. In addition, she referenced articles in the local newspapers that addressed the city election. An article was published in the Milford Chronicle on March 7, 2012 which included an explanation of the city's registration process. Milford Beacon ran a similar article on March 22, 2012. She noted that both articles were in advance of the March 29, 2012 deadline. Additionally, there was a related article on Milford Live dated March 6, 2012. All three explained the voter registration and deadline.

The city clerk then presented documents related to the November 19, 2011 referendum. Several notices were published in the local newspapers after the Smith family moved to Milford (September 2011). Those notices included voter registration information as well. At that time, there were numerous articles explaining the reason for the referendum, the referendum process and the fact that residents must be registered in the City of Milford to be eligible to vote in the referendum.

Chair Mallamo then acknowledged the special registration times offered by the city. She said they included a Thursday and Saturday in February. Evening hours on Thursday were from 4:30 to 8:00 p.m. Saturdays hours were from 10:00 a.m. to 2:00 p.m. There were also two dates in March. Included was Wednesday hours from 4:30 to 8:00 p.m. and a second Saturday from 10:00 a.m. to 2:00 p.m.

She feels those hours provides a lot of leeway for people to come in and register. To address Mr. Smith's concern about mail-ins, she noted that state law states as follows:

"A municipality that uses the State's Voter Registration System as the source of its list of registered voters must enter into a written agreement with the Department of Elections that specifies the responsibilities of each party registering voters, maintaining voter records and providing Election Day support. A municipality that maintains its own voter registration system shall publish and post a schedule of when eligible citizens may register to vote. The municipality shall provide eligible citizens a reasonable opportunity to register to vote."

Chair Mallamo stated that she believes the additional times provide a reasonable opportunity to register. She then asked when Mr. Smith's family moved to Milford. Mr. Smith stated early September though he knew nothing about the referendum.

Mr. Smith continued by stating they received a new resident package that outlined stuff about utilities and things like that, but he did not know and assumed it was from the city because it had City of Milford information but nothing about elections. He said that being from a state that has a unified system, and more recently from New York that has a unified system where every municipality is required to participate in the state's voter registration system. So they had no idea.

Chair Mallamo stated that mail-in registration sounds like a nightmare to her. She said she would prefer to see the voter, the voter's face and the identification when they come in to register.

She asked for any additional questions.

Ms. Hudson then asked and was granted permission to ask Mr. Smith a question.

Ms. Hudson stated it was her understanding that Mr. Smith moved here from Georgetown. Mr. Smith stated that is correct, he did live in Georgetown. Ms. Hudson asked how long he lived in Georgetown; Mr. Smith stated they were not in the town of Georgetown and lived outside town limits. He actually lived in New York for a period in the middle, from April to February of 2010 to January of 2011 and then moved back with his family in August of 2011.

Ms. Hudson asked if Mr. Smith was aware that Georgetown has their own voting registration list. Mr. Smith stated yes but he was not eligible because they were not in the municipality. She confirmed he was aware of that; Mr. Smith then clarified that no, he was not aware of it. The city clerk explained that Georgetown has the same requirements as Milford with regard to publications. Mr. Smith explained that was one of the municipalities he found when he was looking through all the municipalities. He did see that Georgetown, and possibly Selbyville, Seaford, Blades and a number of municipalities in Sussex County do require that but he did not know that until this weekend. In Georgetown, he was about three miles outside of town limits so he was not eligible to vote. The city clerk stated she understands, but asked if he had access to their local papers even though he lived outside the city limits.

Mr. Smith stated they had a subscription to the News Journal though he does not know if it was only a Sunday subscription. But they did not have any paper of local circulation other than the News Journal. He said that here, the Beacon comes to their door, but in Georgetown they did not have a local paper that was circulated to them.

Mr. Smith's father asked to speak. Mr. Rutt asked if he is a complainant.

Mr. Smith's father stated he is not part of the complaint.

Daniel Smith, then addressed the board, stating he is Kevin's father and a Milford resident. He stated he was aware of the in-person registration and he registered after the deadline. He registered after the deadline because he goes to work at 7 o'clock in the morning and leaves Harrington at 5:30 p.m. He was not aware of the Saturday and later times in February.

Mr. Daniel Smith stated the big issue is not whether they can vote this election because they did not register in time for the deadline. He said the question is you are not being criticized and you are not being put down. The question is what could easily be done to improve or increase participation in the democratic process. He said it was said that mail-in registrations would be a nightmare. He said the state does it. Many municipalities do it. He said he is pretty sure it is not a nightmare. He does not know firsthand because he has not done it. So the question is and Kevin asked the question can we vote; he said he is not concerned about that. He knows he did not meet the deadline. But he wants an answer on that. What he is concerned with is the way we are looking at this complaint. He said it is not oh, you do not know what you are doing. He said this is a way to improve the democratic process in Milford. He said from the brief response and reactions verbally, he is not getting that vibe on how this is being viewed.

Mr. Daniel Smith said Kevin is not a troublemaker. He is not trying to stir up trouble. He is looking outside himself and at homebound people, handicapped people. They are not going to get in here to register. He said why should they not be able to vote. He said maybe mail-in registrations would be minimal. He does not know and he does not know the answer to some of those questions but the big question is what would improve or increase participation in the democratic process which we all know seems to decrease as time goes by.

Chair Mallamo apologized if they feel they are being attacked and they certainly are not. She admires this herself and the reason she participates in the process and the reason that Joanne (Leuthauser) and Phyllis (Fox) volunteer their time as well. She stated there is nothing more she would love than for them to vote, but we have to have deadlines.

The city clerk asked and was given permission to respond to Daniel Smith's comments.

Ms. Hudson explained she is not here from only 8:00 a.m. to 4:30 p.m. each day. She advised that they have gone to many

people's houses to register voters. She herself works almost every night until 7:00, 7:30, 8:00 p.m.. She has been here many, many nights and people have called her, called the receptionist and state there is a problem and they are unable to get here during the day. She said she has always accommodated them and it has worked well.

Ms. Hudson explained she has only had one problem with someone claiming they registered though they did not. That was two years ago (two mayor elections ago). She had to dedicate more than three days to that complaint alone and that was with a secured, numbered system (registration). Accepting mail-ins in a perfect world would work. She would love to see that as well. But the city cannot accommodate it right now because we are not set up for it. She asked what happens when someone calls and says they mailed their registration though we have no record of receiving it. Worst yet, have someone confronts the staff on election day with that complaint. She agrees the state has a more updated system that accommodates mail-ins. In addition, they have more employees to deal with it. They have the software that allows mail-ins; the city does not. Her biggest fear is losing a registration. Currently, because of the numbering system, we can prove who has registered and who has not.

She again emphasized they have been to many homes to get people registered so that has never been a problem.

She said that having moved here last September, she would think there must have been a Christmas break or holiday break when Mr. Smith could have come in to register to vote. She said there have been numerous public notices during that time and surely someone must have read about the referendum.

Mr. Kevin Smith reiterated that he does not remember the referendum though that may be his fault for not seeing it in the Beacon. He said that he did not know about the notices in the newspaper and does not want to make a case of it being an unusual thing in Delaware. But because it is unusual from his experience in New York and for a brief time he lived in Michigan because both had unified registration systems that addressed state and local elections. He knows that some municipalities use them including some smaller ones than Milford like Camden, which has 3,400 and Dover which had way more than Milford. He believes that Harrington also uses the state's system. He said that Smyrna, which is about the same size as us, Elsmere and New Castle, which is smaller than us, all tie in with the state's voter registration system. Therefore, they allow mail-ins.

Chair Mallamo again explained that is the agreement they entered into with the state. Milford does not have an agreement with the state. We still operate as a municipality and our laws allow our own registration list.

Mr. Kevin Smith stated in terms of others that operate as a municipality in terms of elections, New Castle, Newport and Odessa offer mail-ins. Here in Sussex County, Bethany Beach offers mail-in registration as does Fenwick Island. He believes Ocean View does though they do not have an election this year.

The city clerk asked if Mr. Smith is stating these municipalities use the state registration system. Mr. Smith stated no, they have their own voter rolls just like Milford though they allow mail-in registration.

Ms. Hudson advised that she contacted most of these municipalities and did not get that overall response.

Mr. Smith stated that is what their notices state and his source for Newport and Odessa is from the 2012 voter registration notices. Bethany Beach is from the voter registration website and Fenwick Island's election site. Ocean View he said is hard to say because they did not have an election this year.

Ms. Hudson advised that at one time Ocean View did allow mail-in registrations, but ran into a number of problems and no longer permits it.

Mr. Rutt agrees that Mr. Smith raised some valid points, but not for this election. For going forward, the points he raised are things this board has no authority to deal with. Instead it is something that would need to be brought before the city council.

Mr. Rutt informed Mr. Smith he could legitimately raise that point to council about registrations for the future elections and referendums, etc. He suggests he speak with his city council representatives.

Mr. Rutt then pointed out that Delaware Code does specifically cite in Title 15 §7554(a)–voter eligibility shall be as specified within the town charter.

Mr. Rutt explained there was a dispute in 2005 in Smyrna concerning absentee ballots. In that particular case, the Superior Court ruled the person challenging the ballot in question did not have standing because they brought it under the section of Title 15. The court concluded that Delaware law states that as to home rule municipalities, the home rule enabling statute permits qualified municipalities to assume all powers which would be competent for the general assembly to grant. For those reasons, the court said that you had to follow the home rule charter as far as voter registration and found that person had no cause of action.

Mr. Rutt noted that Mr. Smith's question has actually been decided by the Delaware Courts.

Mr. Rutt said he is providing that information though he does not have a vote on this matter and instead will be determined by the board of elections. However, he wanted Mr. Smith to know there has been a precedent established on this. In the meantime, he urged Mr. Smith to talk to his councilmen.

Chair Mallamo then stated that she was in Mr. Smith's shoes at one time. She also moved here from another state that allowed a person to register to vote at the time they registered your car. The person could then register for municipal, state and federal elections. At one time, she was also upset that she was not registered because her neighbor was running for mayor and she was unable to vote for him. She understands Mr. Smith's pain, but stated we have to have a deadline and asked Mr. Smith to come and help next time if he likes this process should we begin mail-in registrations.

Chair Mallamo then asked for any discussion.

Board of Election Member Phyllis Fox then stated the following:

The rules and regulations of the town are in place and cannot be bent. We just need to do what they say. As was recommended, Mr. Smith needs to go through his councilmen and discuss his recommendation. Then it could be brought to council for changes.

There was no statement given by Board of Election Member Joanne Leuthauser.

Chair Mallamo then asked Mr. Smith who his council representatives are; Mr. Smith stated he just sent him a letter though he has not yet spoken to him in person yet. He said this is the first time he has had a contact.

Ms. Hudson advised Mr. Smith he has two representatives. It was noted his council representatives are Steve Johnson and Garrett Grier. Mr. Smith stated he was trying to remember who he sent the letter to because he just told him about the situation.

He thinks it was Garrett but he would have to look back and only chose one to write to.

### **Decision**

Ms. Fox moved that Mr. Smith is ineligible to vote at the 2012 election, seconded by Ms. Leuthauser. Motion carried by unanimous vote.

With no further business, the public hearing was adjourned at 5:58 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Transcriber



*MILFORD CITY COUNCIL*  
**MINUTES OF MEETING**  
*March 26, 2012*

The Milford City Council held a Public Hearing on Monday, March 26, 2012 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to hear the application of:

Carmen Kemper on behalf of Greater Milford Development Corporation for a conditional use  
to allow additional uses beyond those (skating and related events)  
currently permitted at Milford Skating Center, Incorporated as described below:

Dances for 15 year olds and younger, dances for 16 to 21-year-olds, adult dances, dance classes, private parties/gatherings, nonprofit dances, parties and socials (bikers, parade, colleges), DJ competitions, all night (skating) sessions, alcoholic beverages at private parties or bouts, church functions, drop-in childcare, summer programs for children, indoor sporting events, segway events, exercise classes and walking programs, high school mentoring programs, after-school programs, community meetings, boy scout and girl scout events, award events and family resources (immigrants).

requested hours of operation:

Sunday 8:00 a.m. - 10:00 p.m.  
Monday thru Thursday 8:00 a.m. - 11:00 p.m.  
Friday 8:00 a.m. - 1:00 a.m. (Saturday morning)  
Saturday 8:00 a.m. - 10:00 p.m. Sunday

Property is in a C-2 District at 1 Park Avenue, Milford, Delaware (Tax Map MD-16-183.10-04-43.00) and consists of .552+/- acres.

**PRESIDING:** Honorable Mayor Joseph Ronnie Rogers

**IN ATTENDANCE:** Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Doug Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Richard Carmean, Police Chief E. Keith Hudson and City Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

Mayor Rogers called the Public Hearing to order at 7:01 p.m.

City Solicitor Rutt opened the meeting by explaining this is a legislative action that requires an accurate record. He then described the procedure that would be followed. He also noted that the rules are very clear that any documents in writing that were being presented for consideration this evening must have been provided to the city clerk for inclusion in the packet (as noted on the agenda).

City Planner Gary Norris then reported the conditional use application was reviewed by the City of Milford Planning Commission. After a lengthy discussion, the commissioners amended some of the items requested. The planning commission recommended approval of the application by a vote of 5-1 with the following amendments and conditions:

**Hours of Operation:**

Sunday	8:00 am until 10:00 pm
Monday	8:00 am until 11:00 pm
Tuesday	8:00 am until 11:00 pm
Wednesday	8:00 am until 11:00 pm

Thursday 8:00 am until 11:00 pm  
Friday 8:00 am until 1:00 am on Saturday  
Saturday 8:00 am until 1:00 am on Sunday

#### Teen Center License Obtained

Roller skating – 7 days per week.

Senior walkers – Monday, Wednesday and Friday mornings.

High school student mentoring – Mornings.

Benefit Dances or skates – i.e. Diabetes, Autism

Birthday parties – 7 days per week, during regular skating session times.

After school programs – Wednesdays.

Jr. Teen Dances – 12 to 15 years old, weekends only.

Sr. Teen Dance – 16 to 19 years old, weekends only.

Adult Dance – i.e. DJ Competition, weekends only, considered a private party, not during regular skating sessions.

Exercise programs – Mornings.

Dancing / Classes – i.e. country line dancing/classes, ballroom dancing/classes.

Private parties – considered a private party, not during regular skating sessions.

Private nonprofit organizations – i.e. church, bikers, parade and colleges, considered private party, not during regular skating sessions.

Roller derby practices or bouts

Indoor sports – i.e. dodge ball, indoor hockey, soccer, segways

Community meetings or events – i.e. Boy/Girl scouts, churches, cheerleaders, awards nights.

Jam skating

Family resources (immigrants)

Summer children's programs/camp – summer only.

Holiday parties – considered a private party, not during regular skating sessions.

No alcoholic beverages are permitted.

Mayor Rogers then recognized the applicant.

Attorney William Chasanov advised that he is representing Carmen Kemper at this hearing. He stated he did not file the application nor was he present at the planning commission meeting.

He then reported that the skating rink has been leased since 1987 which was prior to the C-2 zoning. It has held the following events:

Skating, teen dances, country line dances, adult dances, dodge ball, senior walkers, derbies, hockey drop ins, youth hockey, ballroom dancing, holiday parties, baby showers, graduation parties, after school programs, school award programs, fundraisers, all night skating, zumba exercise classes, private birthday parties, nonprofit organization parties, community meetings, boys and girl scout events, segway relays, jam skating, church functions and skating lessons.

Mr. Chasanov said with having all of these events occurring since 1987, he does not understand why a conditional use is needed. He said Ms. Kemper worked as the manager since 2000. She purchased the business in 2011 and is doing the exact same things that were done since 1987. He asked why a conditional use is now being required.

Mr. Chasanov said the second question is why the city is having a hearing. When he looks at the C-2 Central Business District, the code states the regulations are designed to encourage the development and opening of new businesses. He then read some of the uses allowed in a C-2 zone which includes taprooms, taverns and restaurants--where alcohol can be served, fraternal, social service, union and civic organizations--where alcohol is served and dances are held. He said

some of the uses require a lot more presence and supervision than running a skating center. Yet, they are permitted uses.

The second question he would like answered is why we are here for a conditional use when this is a much lesser use than what is permitted in a C-2 zone to begin with.

City Solicitor Rutt responded by stating that as far as the necessity for the application, this was a skating rink. It has been identified as a skating rink and was that before zoning. The items related to skating are what Ms. Kemper has done in the past. As far as some of the other items Mr. Chasanov has identified, Mr. Rutt does not feel there has been proof or anything presented that show they existed. He noted that Mr. Chasanov mentioned segways which Mr. Rutt pointed out did not exist in 1987. Some of the items requested have been identified by the city as uses that do not fall within a skating rink.

Mr. Rutt said that secondly, Mr. Chasanov talked about permitted uses. He referenced the conditional uses, noting the first one under 230-13(c)(1) Commercial Indoor Recreational Activities that includes amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities. He submits this falls within that category. He explained that a conditional use only allows these type activities within the C-2 zone.

Mr. Chasanov stated that what Mr. Rutt just read was not put in place until 1992 and this has been occurring since 1987 as was testified to at the planning commission by Debbie Lavere, former owner of the skating center. He said this should be grandfathered in because all the uses existed prior to the city enacting any of these codes.

Mr. Rutt stated that Mr. Chasanov has the right to put forth a legal argument. However, the intent tonight is to create a public record as to why this application should be approved or denied.

Mr. Chasanov said he has reviewed the entire list he just read. He said it was handwritten and then reviewed by Debbie Lavere. He said these are all the things she did when she owned the skating center. Therefore, he asks that be admitted into the record. Then he will have Ms. Kemper testify to the same thing.

Mr. Rutt advised they are not accepting any other documents noting the rules are clear. Mr. Chasanov said he just read it into the record. He said this includes everything done from 1987 on. He is not asking the document be accepted and instead read it into the record. It includes all the things done and were testified to at the planning commission hearing which is why it was approved by a vote of 5-1. He reiterated the application should be grandfathered and Ms. Kemper does not need a conditional use because nothing is different than what was done since 1987.

Mr. Chasanov called Ms. Kemper to the podium. He said he read from the same list that he did and asked Ms. Kemper who prepared the list. Ms. Kemper stated that she did. He asked Ms. Kemper how long she has been manager at the skating center; she stated since 2000. Mr. Chasanov said Debbie Lavere ran the place from 1987 on; Ms. Kemper stated yes. Mr. Chasanov asked what the list of activities are because Mr. Rutt called it a skating rink. He asked Ms. Kemper to state all the activities that occurred in the skating rink since 1987. Ms. Kemper stated they have done skating, teen dances, country line dances, adult dances, dodge ball, senior walking, derbies, hockey drop-in, hockey youth, ballroom dancing, holiday parties, baby showers, graduation parties, after school programs, school award programs, fundraisers for different organizations, all night skating, zumba exercise classes, private birthday parties, nonprofit organization parties as well as community meetings, boys and girls scout events and awards. She said the segways have been in there and also jam skating, church functions and skating lessons.

Mr. Chasanov asked Ms. Kemper that in addition to skating, have all the different activities taken place to the best of her knowledge since 1987; Ms. Kemper stated yes.

Mr. Chasanov concluded his questioning at this time.

When asked if anyone else wished to speak on behalf of the applicant.

Monica Morrow of 7 Causey Avenue stated she is speaking on behalf of Ms. Kemper for a couple reasons. She lives about a block away from the roller rink and has three children under the age of ten. She said she and her husband are very active in the community and are both leaders in scouts. The roller rink has been a very important part of their family's life. Their son participates in the roller hockey program after school. They have used the roller rink for about five years. With three children, she is concerned with any possible issues only a block away from her house. She supports the skating activities but is also supporting Ms. Kemper be able to provide the youth activities. Her son will be a teen in a few years and if she has a choice between hanging out somewhere else or at a place where he can be supervised with no alcohol at a teen dance, she would rather him go to the roller rink. She said in relation to the other issues, the roller rink is not a bar. There are bars in Milford but they are not looking at a place where alcohol will be sold or where people will go to buy alcohol. She said in her mind, this is a controlled and safer environment than the local bars. She wants to support Ms. Kemper so she can do all the programs she has. She emphasized that it makes it better for the adults that live in Milford, but will also allow kids to have the opportunities. She would hate to see the skating rink close because she can no longer afford to keep it open without these other needed activities.

Mr. Pikus advised Ms. Morrow said there is no question that the city wants the skating and related events to continue. He noted that his children skated at the rink when it was owned by Ms. Lavere. He emphasized there is no plan nor intent to have the skating rink closed.

Ms. Morrow said she understands but her concern is the other activities being questioned. She understands Ms. Kemper needs the financial support from the other activities. She wants Ms. Kemper to continue to get all the financial support she can. Ms. Morrow does not believe the danger with the other programs is enough to outweigh allowing them.

Mr. Pikus reiterated the intent is not to close the skating rink. He has no problem with any of the youth activities, church activities, school activities, walkers, etc. being able to use it.

Ms. Morrow said she understands that everyone in attendance wants that same thing as well.

Charles Gray of Harrington stated he is speaking in support of Carmen Kemper. He is the Milford Community Parade Chairperson, former employee of the skating center and Ms. Kemper's brother. Mr. Gray stated that he wants everyone here to know Ms. Kemper is a professional business owner. She is not a fly-by-night person coming into the community to shake things up. She has come in here and with the assistance of the previous owner and her staff, has continued to provide a service to the children and adults of this community.

Mr. Gray said he was at the planning commission meeting and the teen center proposal was suggested. According to what he read with the teen center proposal, it does not allow any adults into the teen center. Mr. Gray said if anyone has attended the Milford Skating Center, there are adults in the skating center. One example is Tuesday night which traditionally is Family Night. He explained that for a discounted rate on Family Night, the whole family can come in, which means a mom, a dad, one, two or four children and enjoy 2.5 hours of roller skating. He said that cannot happen if she has to apply for a teen center license according to what he has read. Mr. Gray said he does not see that as an option for her.

Mr. Gray said the Milford Skating Center has been responsible for benefit skating, benefit dances and the diabetes association. Ms. Kemper has been an asset to the community and to Downtown Milford.

He feels the teen center license is unacceptable. When he attended the planning commission meeting with others in attendance this evening, the discussion was brought up with the police department. He said the information so eloquently provided by the police was something that when they look at everything we are having to go through (he said he is only saying we because Ms. Kemper is his sister) in order to get approval on things Ms. Kemper has been doing for a long time. He thinks it only comes down to a couple events that were questioned by the police department.

Mr. Gray's final statement is that no business owner has the ability to determine what and where their customers go and do once they have completed or participated in the activity being presented.

He knows that no one wants to shut down the skating center, but he also knows that as a businessperson, Ms. Kemper is trying very hard to further improve the economic situation that has hurt a lot of our businesspeople. He said it is obvious there is a community that wants her to succeed.

Darrell Kerrison of 1046 Old Cemetery Road, Milford, said he is speaking on behalf of Carmen Kemper. He said he moved to Milford about a year ago and was looking for a place to take his family and kids. He found the skating center and got to know Carmen. He has been going there ever since. He said he has 20 plus years of security experience which includes residential, commercial, retail, body guard work and bouncing. Ms. Kemper hired Mr. Kerrison to be head of her security staff and to handle all events such as the diabetes event, walks or anything else when there will be a large group of people who are not roller skating. He said he also works roller skating if there is a big crowd.

Mr. Kerrison said at the Milford Skating Center, their primary goal is to provide a safe, fun-filled, comfortable environment for their guests. He looks forward to building a good working relationship with the Milford Police Department in cases where they have persons coming to the rink or who are determined to ruin an event. When extracted from their premises, they want the Milford Police Department there to greet them and give them a free ride if need be to the station. He believes in working together with the Milford Police Department. He wants to ensure that their guests can come to the Milford Skating Center and have a good time. They also want to send a clear message to those who engage in destructive behavior that it will not be tolerated or more importantly, not tolerated anywhere in the town of Milford.

Mr. Pikus asked Mr. Kerrison about his certification in security and if he was trained and by whom. Mr. Kerrison stated he originally came from New York. Mr. Pikus asked if he was a police officer in New York; Mr. Kerrison answered no though he has been security his entire life. Mr. Pikus asked if he is certified in the State of Delaware as a bouncer, police officer, security officer. Mr. Kerrison said not as a police officer but as security. He confirmed he was trained as a security officer and is licensed. He explained he was licensed in New York which has since been transferred here. He is now licensed in Delaware though still licensed in New York. Mr. Pikus again asked if he was trained; Mr. Kerrison stated yes adding he has over twenty years experience.

Ms. Wilson asked how long Mr. Kerrison has worked with Ms. Kemper at the skating center. Mr. Kerrison said he has been working with Ms. Kemper for the last six or seven months.

Mr. Brooks asked Mr. Kerrison how many people he has working for him; Mr. Kerrison explained the number depends on the event. When asked the minimum and maximum, Mr. Kerrison stated the least would be ten to twelve. If it is a big event, it would be much more. He stated that we all know that certain music or certain events require more security. The bottom line is he makes sure it is taken care of.

When asked, he said the most security he would provide is twenty. Mr. Brooks said that would be twenty for 300 people; Mr. Kerrison stated yes and emphasized that twenty would be needed. He said you need to make sure the guests come in, have a good time and can leave in the same manner as they came in.

Mr. Brooks agreed.

Mr. Pikus asked if all Mr. Kerrisons' security are all certified; Mr. Kerrison said they are all qualified and he will not have them if not. Mr. Pikus asked who certifies them. Mr. Kerrison said he does not want Milford PD coming in, asking them to show their credentials and his guys ends up looking stupid.

Mr. Pikus again asked who certifies his employees; Mr. Kerrison explained they have to go through their own certification which is through the state. He said they are required to have that.

Mr. Pikus then asked if all the uses Ms. Kemper has requested qualify as conditional uses. Mr. Rutt said there was a question raised about the teen dances. He said in reviewing Chapter 208, Teen Centers, it states whoever operates as a commercial venture, a teen center, catering solely or primarily to the teenage trade. He is unsure that fits at this point.

Mr. Rutt said it may be questionable whether the teen center license falls under the conditional use. However, if council approves teen dances, it could be required as a condition that they meet all or most of the criteria in that code. Under Section 230-13 of the zoning code (C-2 District), there is a broad statement of use under the conditional use that includes commercial indoor recreational activities and states similar facilities. He feels that most of the uses being proposed could fall under that area. However, council is not required to approve any or all. They have the right to cherry pick what they want approved, then set any stipulations or conditions.

Mr. Rutt said there is also a separate subsection on conditional use for daycare centers. That is one of the uses Ms. Kemper is requesting and is listed use under the C-2.

He feels it could be suggested that use falls beneath the conditional use.

Mr. Gleysteen then asked what is and what is not permitted as far as the sale of alcoholic beverages. Mr. Rutt said it is not identified. He emphasized it is something council has to right to allow or prohibit. He noted a separate section of the code that indicates that alcoholic beverages must have a 1,000 foot separation. He has been in contact with the ABCC (Alcoholic Beverage Control Commission) for their opinions.

Mr. Rutt explained that is also a condition that council could impose by prohibiting or permitting alcoholic beverages; planning commission recommended not allowing it.

Mr. Gleysteen said he was reviewing prohibited uses and what he did not understand is where it first talks about the 1,000 foot rule. It also states that the approval to sell alcoholic beverages at special events or gatherings for a period of time, not to exceed three days, may be granted if approved by city council. He asked if this is a one-time approval or is it required each time someone has a special event; Mr. Rutt explained that the gathering licenses are granted by ABCC and council does not have that authority. Under the law, city council has the authority to say the property has the proper zoning. Council granting a conditional use for the sale of alcoholic beverages for gathering licenses would be the zoning piece. Despite any of this, the granting of actual alcohol license falls under the jurisdiction of the ABCC. He emphasized that gathering licenses are restricted solely to nonprofit organizations under vary strict guidelines. He said there is a section of their regulations that discusses those. For example, he said they cannot be for more than three days at a time. He noted as an example the St. John's Oktoberfest. The applicant must always apply to the ABCC for a liquor or alcohol license.

Mr. Rutt believes there is a flaw in the ordinance in terms of where it appears the city council has the right to approve each event.

Attorney Chasanov then stated that Ms. Kemper never sold alcohol and has no intent to sell alcohol. However, a group that holds an affair at her place can apply to the ABCC. He stated that they are able to apply for one event to serve alcohol themselves and it has nothing to do with her facility. He said Ms. Kemper does not want to sell alcohol and is not asking for permission to sell alcohol at any time.

Mr. Gleysteen confirmed she is asking permission to allow people who rent her facility to sell alcohol. Mr. Chasanov responded by stating they would apply to the ABCC to get that license. Ms. Kemper has nothing to do with the application or with serving the alcohol.

Mr. Gleysteen again asked if Ms. Kemper wants the approval to sell alcohol; Mr. Chasanov responded by saying if the group wants to do that. He said if someone wants to hold a dance at the skating center, such as the diabetes group or another adult group such as the seniors, and they wanted to serve alcohol, they would have to apply to the ABCC to get permission for their nonprofit group to do that.

Mr. Pikus asked Mr. Chasanov if he previously stated there has never been alcohol dispensed at the skating center; Mr. Chasanov stated that Ms. Kemper never sold any alcohol. He said there was a group that obtained a license from the ABCC as he understands though she had nothing to do with it. They applied on their own. In that case, he said it is then the decision of the ABCC to grant or deny it.

Mr. Rutt advised that a condition of the ABCC grant is that proper zoning must be in place to allow the alcohol. Mr. Chasanov then pointed out that Park Place is across the street, Milford Tavern is a block away and both serve alcohol. Mr. Rutt noted that taverns and restaurants are permitted uses under the C-2 zone.

Mr. Pikus asked for clarification as to gathering licenses only being issued to nonprofit organizations; Mr. Rutt stated solely and Mr. Chasanov agreed. Mr. Pikus referenced Carlisle Fire Hall and St. John's Church stating both are nonprofits. Both attorneys agreed.

Mr. Pikus then asked if the group that acquired the license to sell alcohol at the skating center was a nonprofit organization; Ms. Kemper stated yes, it was a nonprofit.

Ms. Kemper said she has a group of adults that do not like the bar scene. They want to come into her facility because of the way it is laid out. She is only allowed to have 299 people in her building whether they are dancing, skating or walking. She said that is the state fire marshal's doing.

She stated that those adults are coming to her and asking to rent her building out. They are looking for the use of her floor to be able to dance. She said the adults want to bring alcohol in. There are some groups that want to sell alcohol and be able to have a dance.

Ms. Kemper feels it is no different from going to the senior center for a function like a wedding or any kind of function they have. She said because they want to use her facility, they have to go to ABCC and ask for that. They have to fill out the form to do this. Also, ABCC has told her if she wants to give out alcohol and not charge at the door, she has the right to do so. It is no different than being at her home, supplying alcohol to 21 year olds. Then she would have a street full of cars because she would have 300 people in her house. She said she is allowed to do that because she is giving it away and not selling it.

Ms. Kemper advised this is the same thing with her facility. She stated that if a nonprofit organization would like to come in and do a birthday party or a gathering of adults and they want to have alcohol present and are not selling it to the people and just have it there, they still have to go through ABCC to let them know that is what they are doing. However, ABCC will also tell them they are allowed to do that because they are not selling it. They will tell them that as long as they have 21 year olds and older and everyone has a license, they can pop in anytime to see what is going on, but that is good. She reiterated it is no different than going to a bar. They could then come in randomly and ask for her license.

Mr. Pikus asked what is required if tickets are sold and the tickets include a drink or two. Ms. Kemper told Mr. Pikus you have to go through ABCC for permission. Mr. Pikus said in essence, you are selling alcohol through a ticket. Ms. Kemper stated yes and they are assuming that amount for the ticket is going toward the alcohol. Mr. Pikus said in that case, there is a charge for the alcohol. Ms. Kemper stated yes, that is what ABCC would say. However, if she rents out the building and the renter supplies the alcohol for free and does not charge anything at the door and people are just walking in and they have provided alcohol there for free, they can do that.

City Manager Carmean then asked if the rental fee for nonprofits selling alcohol is the same as 299 people coming in for a roller skating event. Ms. Kemper stated yes, there is no difference. Her rental fee is \$100 an hour which she hears is very cheap rent.

Ms. Kemper said she is only trying to provide a safe place for the adults. She is not going to do anything that would jeopardize herself or anyone else in the community or the facility. She has never been that kind of a person and does not intend to be that person.

Mr. Johnson asked if the \$100 an hour pays for the 20 security agents; Ms. Kemper stated no, not if she has to provide that. She explained that in her contract if someone is planning to have a big group there, she allows a choice. They can either provide their own security people which must accommodate her staff and her security guy. He then makes sure they are up to par of what they are supposed to be. If not, they have to pay Ms. Kemper for her security people.

Mr. Johnson clarified that Mr. Kerrison checks out the security people coming in and ensures they are certified. Ms. Kemper stated yes, that is his job.

Mr. Pikus referenced the hours of operation recommended by the planning commission--Sunday from 8 a.m. to 10 p.m., Monday, Tuesday, Wednesday and Thursday from 8 a.m. to 11 p.m. and Friday from 8 a.m. to 1 a.m. and Saturday from 8 a.m. to 1 a.m. Ms. Kemper explained her original request was from 8 a.m. to 8 a.m. and that is only because she did all night skating on Saturday. Mr. Pikus calculated the hours on her original request noting that Ms. Kemper is asking for Saturday from 8 a.m. to 8 a.m. and Sunday from 8 a.m. to 10 p.m. He noted that is a total of 38 hours beginning Saturday morning. Ms. Kemper stated she uses different staff during that time. She said that would not be done every weekend nor every Saturday. Her all nighters might be once a month. Her adult dances might be once every two to three months. It would depend on whoever is asking to rent her facility. She explained she is not doing it every weekend and is not doing it every Saturday night or Friday night. Her Friday night has always been and will remain be strictly for the kids. She emphasized she will not change that for anyone.

Ms. Kemper said her Saturday nights seem to be the night when her adults need another venue or another way out. She said they are grown and most are 35 years old and older and too old for the bar scene because of the little teeny boppers or 21 year olds that hang out there. These older adults are looking for other facilities to go. She is trying to accommodate them and provide a safe place. As her security guard said, they are coming in with a smile on their face and they will leave with a smile on their face because they have had a good, safe time. They do not want it any different.

Mr. Chasanov emphasized that many of city councils' kids hung out at the skating center as did his kids and his grandchildren. They all went to the all-nighters. They skated all night long or until they got tired and could not take it anymore. Ms. Kemper said her all nighters usually last until 7 in the morning. She only asked for 8 a.m. because that gives her enough time for the parents to come in and get their children. She said she is the one that is there the entire time. She will not let somebody else come in and run her establishment.

Mayor Rogers then asked if anyone wished to speak against the application.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, stated he is not opposed to businesses thriving in Milford. When he read the ordinance that included her request, he asked himself what wasn't left out. Mr. Palermo wants to see young people enjoy themselves like he enjoys himself. He likes to go out and dance, have a drink and have a good time. Unfortunately, that can come with incidents. He noted the two incidents that occurred there as well as the one that recently occurred in Harrington. He said that is his concern.

Mr. Palermo wants to see everyone have a good time but after listening to the comments, he thinks this can be worked out by removing some of the items and amending a few. His concern is that when there is a large number of people and alcohol is present, that could be a recipe for a disaster. He does not feel that Milford Police Department would appreciate that.

Lieutenant Kenneth Brown, Milford Police Department, then presented the following Power Point presentation:

*The Milford Skating Center opened in 1982 with Phil Smalley. It was a great place for family exercise and youth entertainment. Many of us enjoyed Friday and Saturday nights skating when we were in middle school. Parents appreciated a safe environment for middle-school aged youth.*

*In 1986, Milford Skating Center attempted a Dance Night. The effort to draw more business backfired. Many fights occurred inside and outside the skating center. Police responded on a routine basis until it got so dangerous for both the management and employees, the management put a stop to it. When the police were going in to stop the fights, the large crowds overwhelmed the officers and were grabbing at their guns. More than once, mace had to be sprayed inside the center to back the aggressive crowds away to allow the officers to get to the fight in order to break it up. Officers then had to fight their way back out with the prisoners.*

*Since then, the skating center has been operated without any cause for concern as a family-friendly, community-based center.*

*They have supported community events including Milford Community Parade, Skate for a Cure (Diabetes), Sunday Night Christian Skate and children's birthday parties.*

*The Milford Skating Center features Christian Night, Family Night, kid's birthday parties as well as exercise and fitness professionals. It was a 'family-friendly atmosphere trying to make Milford a better place by bringing more activities and events to the Milford Skating Center'.*

*However, the police feel a home for a roving night clubs is not family-friendly. A roving night club is a dance club that does not actually have a home. They go from facility to facility, renting venues by giving landlords a story such as 'it's for a birthday party'. In those situations, everyone pays at the door. There are no presents and no birthday cake. It is a profit-motivative way for those that don't respect anyone's property or security to have a nightclub without the investment of a building. They tear it up, fight, do damage, cause havoc and contribute nothing to the community bur problems. Most venues in Milford and Dover will not rent to them.*

*Except now the Milford Skating Center:*

*On Friday, October 29<sup>th</sup>, there was a private party that involved a roving night club. Tickets sold by someone else—not the skating center. This was a 'roving night club operation'.*

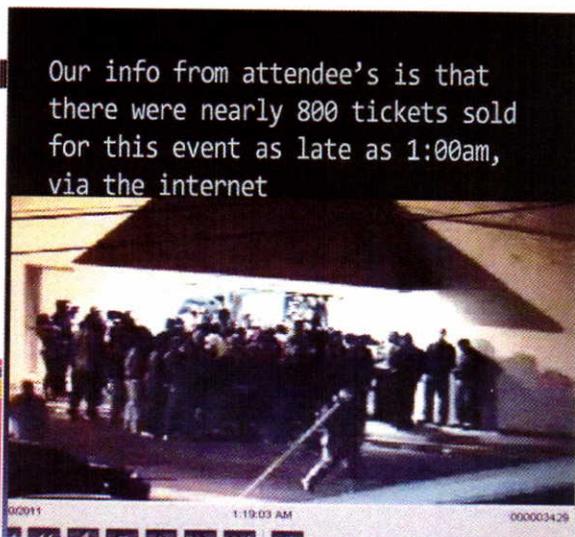
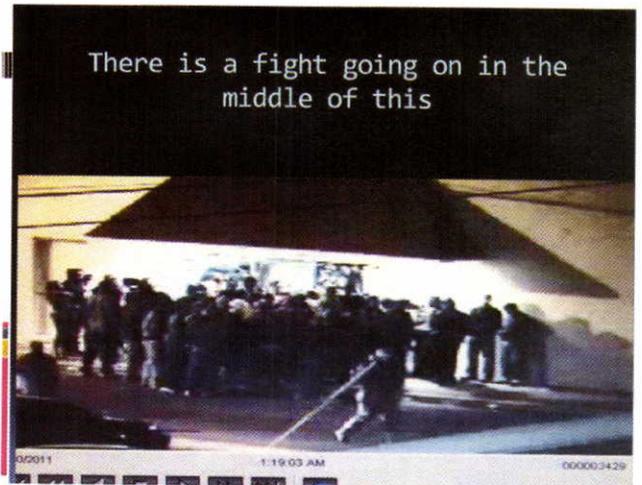
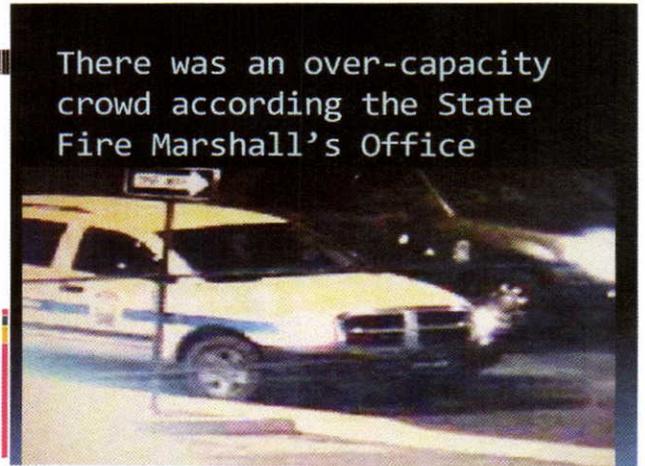
*Te next night, Saturday, October 30<sup>th</sup>, there was another private party alleged to be a Delaware State Party. Dover venues would not rent to them as a result of bad experiences in the past and because it was part of the roving night club operation.*

*We love the Milford Skating Center as a skating center. We are opposed to it as a nightclub or as an adult college party facility.*

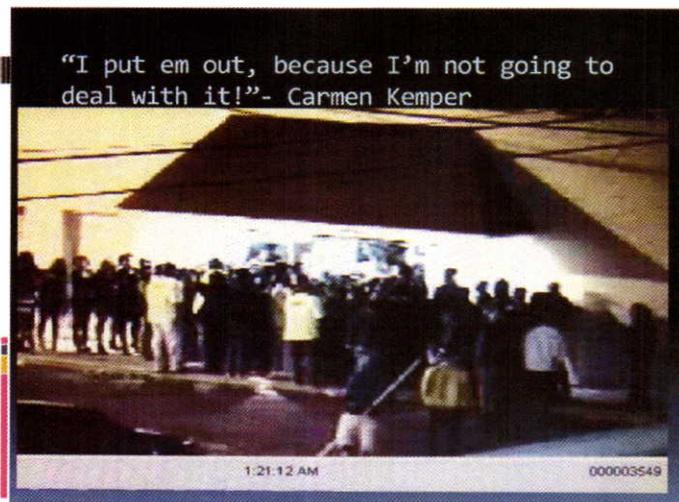
*The following are photos from those parties:*



*A Family Tradition since 1982 or  
AN ADULT COLLEGE PARTY FACILITY?*



*Ms. Kemper responded by stating she put them out because she will not deal with it.*



*As a result, there are 800 angry people left out on the street at 1:00 a.m. This is a recipe for a fight of which many occurred throughout our town.*

*And, there are only four cops on duty to handle multiple fights.*

*Several police recordings (audio) were then played.*

*The first audio was of an officer calling Milford Police Department dispatch requesting more units at the skating center for a large crowd who was beginning to get physical. They were asking for more help.*

*The next audio was where a prisoner was in custody, which then ties up one officer, leaving fewer resources to deal with what is occurring next. Only three officers remain at the site.*

*The next clip was a call made from the skating center in relation to additional problems out front. Because of the large crowd, the caller was unable to see that the police are on the scene.*

*With the officers on the scene and in desperate need of more help, the search is on for additional officers to assist because Milford Police Officers are way outnumbered.*

*The officer in the next audio has requested dispatch call Kent County Dispatcher and Sussex County Dispatcher to get every possible police officer available to assist them.*

*The taxpayers throughout the area are now footing the bill for event security after the skating center puts their attendees out on the street. It is much more of a crowd than the three remaining officers can handle. As a result, there is a need to borrow from other police agencies.*

*The next recording is of police officers asking that these other police officers step up their response time—that help is needed immediately.*

*The next clip is the K-9 officer hollering on the radio that it is really getting bad and requesting these (police) units get to the scene.*

Now, all resources are tied up with prisoners. The final clip is of officers stuck at the scene who are aware of what is going to happen next and are asking that dispatch contact local businesses and warn them of the situation.

Milford Police knows from experience that if they are able to get the situation handled at that location, the problem only spreads to other establishments who are open 24 hours—Wawa, Dash-In, McDonalds, etc. In addition, shots were fired on Northwest Front Street. As a result, other businesses are asked to close their doors to prevent further problems. It is a known fact the problems at these convenience stores are a direct result of the large crowds. They include flash mob robberies and thefts, assaults. Bottles and other items are thrown inside stores.

Experience has taught these establishments that when Milford Police call and warn them of the large crowds, they close and lock their doors immediately. Wawa even recently closed their gas pumps because they did not want anyone even on their property. Unfortunately, other local businesses suffer as a result of another business's poor decision to sponsor a roving night club.

These are not isolated incidents as can be seen below:

April 9, 2011 - Over 21 Party at Milford Skating Center. A "Private Event" was advertised on Milford Skating Center's Facebook site.

Flyer for same date show it was a "Pay per Entrance" nightclub operation for the Street Warriors Motorcycle Club for an over 21 crowd (see below):



Two fights occurred after this event.

*May 29, 2011 - Pre-Hot Summer Bash from 9 p.m. until 2 a.m. Received a call requesting four or five police cars for a large fight inside the skating center. A short time later, Milford Police was called to assist Delaware State Police for a large fight just outside the city.*

*An audio of the call to Milford Police dispatch was then played. The female caller is requesting Milford Police respond to Milford Skating Center because 'the crowd is acting crazy'. She states they are fighting right now and there is also a whole bunch outside fighting and they are going to need about four or five cop cars right now. She said they are fighting in front of the skating rink. She emphasized there is too much commotion and they are acting really crazy. She said they are punching people in the face and are throwing fire hydrants (extinguishers) inside. She concluded by stating they are threatening the owner and needed Milford Police to come on.*

*The skating center has advertised several teen dance events on Saturday nights. They vary in age restrictions but the majority are 13 years old and older with no cut off at age 18; there are 16 and up and no cut off at age 18. This violates the code of the City of Milford, Chapter 208 Teen Centers. Though they call them teen dances, one is advertised for 16 years of age to 21 years of age. This is not a teen dance, but an adult dance with teens allowed.*

*Hours vary as advertised but again violates Chapter 208 which requires that teen events conclude by 11 p.m. Such dances are advertised on the Facebook page.*

*The weekend before the planning commission hearing on February 21, 2012, a large brawl occurred in Harrington similar to what has been encountered in Milford. Harrington Police reported that three people were arrested after officers broke up a fight involving a large crowd at the Gene Price Community Center. Police were called to the community center shortly after 1 a.m. Sunday. They found between 200 and 300 people fighting. Harrington Police called for assistance from State Police, Felton, Milford and Wyoming Police Departments.*

*A girl was struck in the face with a brick and was treated at Milford Hospital. There was a brick thrown through the windshield of a vehicle and another brick was stuck in the windshield.*

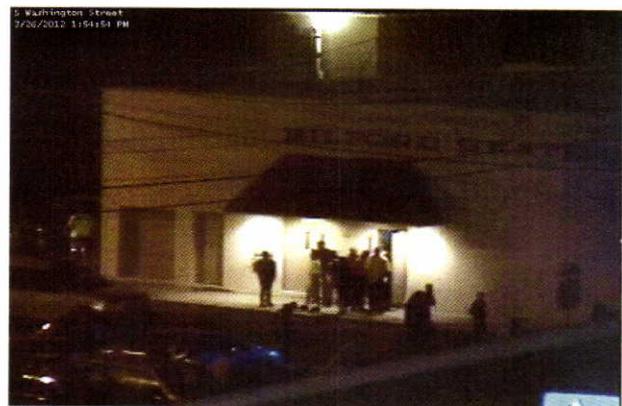
*Another person was taken to the hospital after being struck by a board. The crowd was throwing rocks at the police as they attempted to disperse the crowd.*

*The same night, state police responded to a call at 2:30 a.m. outside D-Lows Nightclub on the outskirts of Bridgeville. Police reported an 18-year-old man and a 23-year-old woman were leaving a private party at the nightclub, when a large group gathered outside the club and became disorderly after they were told they would not be admitted into the nightclub. The two were driving away from the nightclub when a male suspect came out of the crowd, produced a handgun and discharged several rounds into the air and into the direction of the victim's car striking the rear window. The 18-year-old, who was in the driver's seat, was struck and suffered a gunshot wound to the head. The passenger was able to drive the teen to the hospital who was admitted in serious condition.*

*Though he does not classify this a roving night club, a photo was presented of a large crowd outside Milford Skating Center shortly after 1 a.m. this past Saturday night. (Difficult to see because of the darkness and the camera zooming at its max and the foggy conditions.)*



*Vehicles are also shown in and around the streets with a large number of pedestrians.*



*A clip of a call received that evening was then played. The call was made from someone in attendance who stated there was a riot there and cars were unable to get out and were going the wrong way. She said it is so packed the vehicle they were in was unable to get out of the parking lot.*

*Milford Police Department is not opposed to Milford Skating Center. It has served the Milford community for more than 20 years as a place for our young people to spend a Friday or Saturday night. They support the various family and child oriented skating events that occur there. What they oppose is that it becomes a roving nightclub facility. They oppose the attempt to mix a teen center with an adult bar/nightclub. They oppose the skating center be allowed to operate as an "anything goes" facility that disrupts the peace and tranquility of our city, causes disruption to other businesses and puts the public and our police officers at unnecessary risks.*

Lieutenant Brown then thanked Mayor Rogers and City Council for allowing him this time.

Mr. Brooks then asked if most of the events being discussed involve alcohol. Lieutenant Brown said they encounter a number of intoxicated individuals after these events

City Solicitor Rutt then asked Lieutenant Brown, that as an officer of the Milford Police Department, was he provided with a copy of a petition in opposition to another application before the Alcohol Beverage Control Commission; Lieutenant Brown stated yes.

The solicitor then asked permission to read the petition and for Lieutenant Brown to confirm if the petition, dated February 13, 2012, stated the following:

"Alcohol Beverage Control Commissioner:

We, the people of Milford, Delaware, are writing this letter in response to an application for a license for a new restaurant and liquor called Pelican Bar, LLC at 200 NE Front Street, Milford, Delaware 19963. I am strongly opposed to the granting of such a license at this location and urge the board to deny this license.

My community is facing numerous crimes and public safety challenges:

- \*Public drinking, loitering, public urination, disorderly conduct and other quality of life concerns are blatant in the area.
- \*In the last nine months, within two blocks of the site, there have been several thefts, robberies and fights near this proposed location.
- \*It is located in the middle of already established restaurants and business that already sell liquor, to many churches in the immediate area.

Because of these items, I do not feel safe spending time in this area. My quality of life is declining.

In addition, our community is already amply served by outlets selling beer, wine and liquor. In fact, it is saturated with establishments. A total of 26 liquor licenses exist in the Milford community. Seven of these businesses are within 500 feet of the proposed business. There is no need for additional alcohol licenses, particularly a restaurant and bar in this neighborhood.

Approving Pelican Bar, LLC license will only exacerbate the crime activity in the Milford community, will contribute to an unsafe feeling in this corridor and will jeopardize the community's desire to revitalize the area. It is not in the best public interest. For these reasons, we are asking you to DENY Pelican Bar, LLC of a license to sell any form of alcohol.

Thank you so much for your attention and for your interest in protecting the community's interest."

Mr. Rutt asked Lieutenant Brown if he knows who signed the first two lines of the petition. Lieutenant Brown stated yes--Carmen Kemper did. Mr. Rutt asked if it is correct that she signed individually and on behalf of the skating center. Lieutenant Brown stated that by the separate addresses, he would assume yes. .

When asked of questions from council, Mr. Pikus asked if the city was notified of the number of tickets sold. He then asked Ms. Kemper if her capacity by the fire marshal rules are 299 and if almost 800 tickets were sold. Ms. Kemper stated she has no idea where they got that number from but that number is totally wrong. Mr. Pikus said from the pictures and what was presented, there seemed to be a very large crowd. Ms. Kemper stated that the picture Mr. Pikus saw was of teenagers getting off a bus in front of her building and going into the skating center. Not coming out but going in. As procedure, she has at her building, they have to all be patted down to make sure they do not have cigarettes, alcohol, knives or anything else. She said that is what her security people do.

Mr. Pikus asked if her security was present when these problems occurred; Ms. Kemper stated yes, sir. Mr. Pikus asked how much security was working that night; Ms. Kemper stated she had twenty people there. Mr. Pikus asked if they were unable to control it with twenty security staff present; Ms. Kemper said they were patrons. Mr. Pikus said Ms. Kemper stated she had security on site which is what Mr. Kerrison is in charge of. Ms. Kemper stated that is right. Mr. Pikus reconfirmed that Mr. Kerrison is in charge of the skating center's security along with all of his qualified people though Milford Police Department was still needed to keep peace and bring some order. Ms. Kemper emphasized they did not call the police. She stated that they did not have any problems inside the building whatsoever.

Mr. Pikus referenced the audio recordings which indicated there were calls for help from the skating center. Ms. Kemper said they were people who were outside the building that called. Mr. Pikus asked if a lady called from inside. Ms. Kemper said no-- she was not inside.

Ms. Kemper continued by stating she (caller) could not get through because the police had blocked the whole block area and they could not get out of the parking lot. She said that is what she was talking about.

Mr. Pikus asked if the skating center security was on the inside or outside of the skating center. Ms. Kemper said they are inside. She said the picture the officer is showing is not a revolving night club but is when Del State came down after their parties in Dover and were running late. She said the picture was taken at 1:30 in the morning. They did not arrive

until 1:25 a.m. They were getting off the buses and there were only three buses. They were parked at Miss Q's parking lot. They arrived and in order to get into the building they had to be searched and patted down to make sure they did not bring anything with them. It was their homecoming and it was supposed to last until 5 o'clock in the morning. She said the police officers took it upon themselves to call in the fire marshal who called her out of her building to talk to her. The fire marshal wanted to know if she was at her capacity; she said yes she was. Then he asked if the people in the lobby are part of the capacity. She said she brought them in out of the cold so they would not be in the cold and on the street starting any trouble. She had control over them. He asked Ms. Kemper if she could possibly get them out and she told him to give her a couple of minutes to do that. He asked how much time Ms. Kemper needed. She said to give her at least 30 minutes; the fire marshal stated no problem.

Ms. Kemper stated that within 30 minutes, she had police officers and the fire marshal coming into her establishment to check her out. They found nothing illegal other than she had to bring everything up to code which was already done and in place. Mr. Pikus asked if Ms. Kemper was cited that evening by the fire marshal. Ms. Kemper stated yes but he also knew that she had just taken over the business and understood it takes time for them to come out and do that. But he was aware it had been done and was already being approached.

Ms. Kemper said he could not find anything other than that.

Mr. Pikus asked what Ms. Kemper was cited for; Ms. Kemper stated that she had to have her final inspection. Mr. Pikus asked if she was cited for having too many people; Ms. Kemper stated no. She said she had exactly 299 in her building that evening.

Mr. Brooks then referenced the woman who was calling from the parking lot that could not get out was made this past Saturday night. He agrees with Mr. Pikus about the call from within. If said if you review the previous recordings, there was a call made from within the skating rink for help. He remembers two females calling; one was inside and the more current call was from the female who was unable to get out of the parking lot.

Ms. Kemper then asked if Lieutenant Brown was referring to last Saturday night. She said last Saturday night was the Pub Crawl and all Milford's liquor places and bars were at their capacity if not more. She said she did have a party Saturday night and instead had an actual skating party. She said there were adults at the party with the kids from Del State which was put on by a sorority group of young ladies. She said yes, they sold tickets. They had 250 people that bought tickets. Then they had some that came from the school who paid at the door.

Mr. Pikus asked if alcohol was served; Ms. Kemper stated no, sir. She said none of the teen dances they are talking about had alcohol. Mr. Pikus said a teen dance should not have alcohol. Ms. Kemper stated exactly and even at the Del State dances where there were 16 to 21 years olds, there was never any alcohol in that building. She said the only time there was alcohol was when the Street Warriors were there. She advised that they are the gentlemen sitting in the back of the council chambers adding, they are all adults.

Ms. Kemper stated that she is not soliciting alcohol to young kids.

Mr. Pikus asked if there was alcohol at the party Del State had after homecoming. Ms. Kemper stated no—there was none. Mr. Pikus asked again if alcohol was present when Del State had a party there. Ms. Kemper said none—no, sir. She said if they are 21 years old, they can go right across the street to Park Place, Miss Q's or Milford Tavern at anytime and drink all they want at 21. She said but they will have to wait to get back in and until someone walks out.

Mr. Morrow asked Ms. Kemper if she receives a percentage of the tickets sold by organizations she rents her facility to for \$100 an hour; she stated no, she does not get a cut.

Mr. Kerrison then stated that when the lady called from the parking lot, they should have her security on camera because he was standing out at the front door. The little group that was standing out front were actually kids and he was standing along the sidewalk with them waiting for their parents to come pick them up. He said there was another group looking for the bus so they were walking that way. He believes that some of them missed their bus because the bus only gave them five minutes to get on and some of them missed the five minute time slot.

Mr. Kerrison said the picture of the other crowd walking around was at 1:10 a.m. He emphasized that council keep in mind that Park Place is across the street and also lets out at that time. He added that their bar is at full capacity at the same time at 1 a.m. He said the parking lot is full of Park Place people who are all drinking. However, the people from the skating center are not drinking. The Park Place people are drinking and belligerent and are all over the parking lot.

Lieutenant Brown stated that he was called in the night of the Del State event. He arrived at 2:30 a.m. and remained there until 4:00 a.m. He advised there were five buses parked on North Washington Street all the way to Front Street. He said that all the surrounding parking lots were completely full all the way and including the parking lot in front of Miss Q's. The parking lot beside the Bicentennial Park was completely filled. Any spot a car could pull in was taken including all areas of the street. Delaware State Police sent 42 troopers to assist Milford that night. Almost every town in Kent and Sussex County sent police officers. He personally witnessed a much higher number of people at the skating center than 299. He emphasized that people continued to arrive at 3 a.m. and everyone was expecting to get into the skating center.

Lieutenant Brown said it is no fault of these attendees because they thought they could get into this party. He would have been angry himself if that had happened to him. He explained that when these invitations are put out on Facebook, it draws huge crowds. Flyers were also distributed for this event. The people attending have no idea how many others will be there. They just continue to arrive.

He explained that Milford Police were there because the skating center threw someone out who was fighting. They were actually thrown out into the street toward the officers because they were unable to handle them inside.

The police officers were then left to deal with it. He said that prisoner then ties the officer up thus taking one officer off the street to assist the others. The officers are then down an officer to still deal with 800 people. He said they do not have the manpower or the equipment to handle a crowd of this size.

Lieutenant Brown stated that when the fire marshal arrived, he informed Ms. Kemper he was going inside to inspect her building and gave her 30 minutes to come into compliance.

City Manager Carmean then stated that he would like something considered by everyone in this room.

He stated this is a skating center and the person managing it has to search people for weapons and alcohol. He has been in many establishments in town that serve alcohol. He has never been searched for weapons or alcohol or anything else. Mr. Carmean recalled that he spent thirty years at the police department. He remembers a bar many years ago that the city was spending a couple thousand dollars every weekend to pay extra duty police officers to sit outside because the fights and problems there had gotten so bad. The owner could not be forced to hire security so security was provided by the taxpayers. He said that every weekend that occurred, he sat in his living room or at the police station praying that no young person would get shot by the police which could set this city back fifty years.

Mr. Carmean said that a lot of those kids from Del State may have had a right to be angry when they came down here expecting to get in and instead being turned away. The city eventually bought the other bar and it was eventually torn down. Today, there is a Head Start on that location. In the long run, it saved the city money and possibly lives. He would not want this city to be faced with a situation that would set them back decades.

He is unsure if Ms. Kemper is getting \$100 an hour and at this point, the city might be better off just paying her. At least no one would get injured and no one would get killed. He said just give her a \$100 an hour and just shut down the operation of those type events.

The city manager emphasized this is a skating center. A place where children can go and have fun and feel safe. That is its purpose. He said that the conditional uses aside, everyone knows this is leading to a disaster. Sooner or later, it will be a disaster and he cannot see it.

Mr. Carmean really wishes Ms. Kemper would reconsider this and even the people that attend these events. It is the small percentage that creates the problems that could put everyone in an awful place in this city.

He knows Chief Hudson worries about this every weekend. He also knows that while he worries about his officers, he also worries about the kids that go to these dances and that he does not want them hurt.

Mr. Carmean feels there has to be a way that Ms. Kemper can continue to run a successful business without using the facilities for nightclub purposes.

Chief Hudson then stated that what has been presented by Lieutenant Brown on behalf of the entire department this evening explains only some of the problems created by the adult parties that are currently being promoted at Milford Skating Center. His concern is the safety of the people in this town, the safety of the visitors coming to this town and safety of the police officers who have to deal with these situations firsthand. Having to respond to party with several hundred people who have been drinking and eventually spill out onto the street and end up at Wawa, Royal Farms, McDonalds, or wherever, is very difficult for four officers. Yes, those officers can call in other police agencies for assistance, but he said to keep in mind there is never a guarantee of whom or how many units we will get. That depends on what is happening in their towns or their jurisdictions. He said it is nothing more than a roll of the dice.

He said that Milford Police have absolutely no problem with the kids' events and related skating activities or that the skating center wants to provide family resources, sporting events, senior walkers, dance and exercise events. He is in agreement with the recommendation of the planning commission that the skating center close no later than 1 a.m. and that alcohol is prohibited.

Mr. Brooks asked if he feels that closing at 1 a.m. will work on Fridays and Saturdays. Chief Hudson noted that was the recommendation of the planning commission and is the latest time it should close.

Mr. Brooks' concern is that closing at 1 a.m. is a conflict as the security person pointed out. The problem the security person sees is that Park Place closes at that same time which causes everyone to exit at the same time. He feels if they closed at 11 p.m. or midnight, those kids would be long gone before Park Place starts letting out.

Chief Hudson agrees it is a problem and an earlier closing would work better.

Planning Commission Chairman Rini then explained that the 1 a.m. closing was recommended because it coincided with the teen curfew law. He said that with the curfew law, teens could remain in the vicinity even if the skating rink was closed.

Chief Hudson believes the curfew for persons under 17 is midnight on Fridays and Saturday during school and 1 a.m. in the summer. Chairman Rini agreed noting that is what was used as a guidelines for the planning commission.

Mr. Brooks said that based on Mr. Kerrison's statement, his preference is to keep both establishments from closing at the same time.

Solicitor Rutt confirmed that children 16 and young have a curfew of midnight on Friday and Saturdays and 11 p.m. on any other night. The summer curfew is 1 a.m. on Friday and Saturday and midnight on all other nights.

Ms. Wilson then asked if Ms. Kemper had requested permission for a daycare center. Ms. Kemper stated she was told by the code official to add any use she could think of that she may want to do. She said there were only a couple of other things she had not tried yet. She advised that she was approached about a daycare drop-off childcare during the summer, similar to a camp. She would not have the daycare during the school year.

Ms. Wilson stated that she has participated in their events for many years. She is one of the individuals that rented the facility, had teen dances and provided her own security. She notified the police department and did everything according to the book. She said there were no problems even though there was a large group of kids that participated.

She then addressed the teens with adult events. She said there were adults at her events who were acting as chaperones because the parents wanted to be there. However, her rules were very strict. Because of the way youth are today, she agrees that patting them down is necessary. She hopes that teenage would not get past security if they were carrying in

a bottle of liquor. She recalled years ago when today's adults were a little more sneaky and got away with this type behavior.

Ms. Wilson said she has mixed emotions and is trying to look at this from all sides. She is aware of how the complexion of the skating center has recently changed. She said that unfortunately, the presence of alcohol is what changed it and has given it a negative image. Regardless of whether or not there is a gathering license, it adds a negative twist to the entire facility which is a bad thing.

She remembers all night skating since the 80's. Ms. Wilson never allowed her children to go and were picked up at midnight on those nights. She does not feel that event is necessarily wrong with the right supervision.

Ms. Wilson also does not want to prevent our youth from having a good time. It is also almost impossible to prevent the angry ones or the ones that cause trouble. She recalled some football games with large crowds; once they were over, everyone went to McDonalds. She said there have been hundreds of kids there at those times.

She said that this community cannot cover every large event because we do not have enough protection. She knows we need more police officers which she has said before. However, police officers cost the community a lot of money, but safety should always come first.

Ms. Wilson would like for everyone to compromise in order to continue to provide activities for the youth. She believes 1 a.m. is a good time to close on weekends. She agrees the problem is the adult events and capacity issues. She would like to see those things fine tuned.

Ms. Wilson would also like to see better communication between the management of the skating center and our police department. She does not know what happened to prevent any communication but it needs resolving. She emphasized that our police officers have children who are being raised in this community. She knows those officers want fun things for their children to do. In the meantime, they are also tasked with protecting the children and adults in this community.

She would like those issues resolved and if necessary, the police committee will invite Ms. Kemper to a meeting with the police to discuss these matters.

Ms. Wilson said she did not know that Ms. Kemper had hired a security person which is a good thing. She recalled providing their own security at events adding that they also rented a metal detector. She even went the extra step to inform the police and she believes that is needed in this day and time.

Overall, she does not want to prevent kids from having fun. More important, they need to learn how to properly socialize. She recalled a teen event at Milford Senior Center which ended in disaster. She does not believe this is an isolated incident at the skating center noting that in the past, there have been birthday parties at other establishments including the fire hall, American Legion, Masonic Hall and Kiwanis Club, to name a few.

She asked that council consider the youth in the community and that they need to have fun in a controlled environment. She asked that Ms. Kemper consider bending and fine tuning some of her requests. We can then go from there.

Ms. Wilson said she agrees with some of what the city manager said though she does not want to see the skating center become anything other than a reputable, vibrant business for use by our youth.

She concluded by stating that she feels the adults that have come into that establishment and turned it into a roving nightclub is very negative for our city.

Karen Lloyd of Milford Senior Center then spoke by reporting they had a similar incident occur at the Milford Senior Center. However, the way they prevented it was to no longer allow it. She emphasized it was not worth the \$100 an hour rental and also felt it was not worth risking the safety of the entire neighborhood. She said in that case, the renter also charged a fee per ticket. That fee resulted in thousands of dollars profit for that person while the senior center made only \$400.

Ms. Lloyd said her safety was in jeopardy the entire evening. A stabbing even occurred that evening in the senior center parking lot.

She also reported that after that event, they found knives in the senior center parking lot which were turned over to the Milford Police Department. Ms. Lloyd said their parking lot became a filthy mess and it was so bad, someone had to be hired to come in and clean it up.

Ms. Lloyd said that speaking on behalf of the Milford Senior Center, these type events are not worth the \$400 rental they received. She said the overall behavior exhibited by the attendees was extremely unruly and as a staff member involved, she felt it was a very scary situation.

Ms. Lloyd reiterated that they allowed it one time, but it will not be permitted again.

Mayor Rogers also emphasized that no one in the room, including himself and city council, want the skating center to close. He agrees that our youth need activities and over the years, the skating center has been beneficial to the community. He then suggested that Ms. Kemper consider withdrawing her request to have alcohol at the skating center which he feels would resolve many of these issues.

He said there have never been problems with the kids' events over the years. He has a grandson that skates there on a regular basis. He agrees it provides a variety of events for our youth and adults. Adding alcohol to an establishment like this often attracts undesirables.

The mayor noted the skating center has been in Milford a long time and he has always supported it and will continue to.

Mr. Starling said he wants the skating center to remain open as well. He noted that he has been through a lot in his life and recalled when he used to come down from Del State to go to the Chicken Shack on Friday nights.

Mr. Starling is against having alcohol 100%. He said he has probably consumed as much during his life as anyone else in the room. He also agrees this community needs a place for teenagers to go though it must be properly supervised. He does not want the skating center to close. He said he was a big sports fan and went to sporting events though he suddenly stopped. He was in the parking lot at Cape when there was a shooting. He also recalled the Caesar Rodney shooting and the fights that occurred at Milford High School during some events.

He noted that Milford Police are required to work the basketball and football games. Mr. Starling feels that when we come up with a way to stop all of this, we need to let other communities know. He said we can talk about it, but as long as they continue to use alcohol and drugs, there will not be a solution.

He said the world today is so different and people will walk into Walmart or other stores and rob them in broad daylight. Mr. Starling agrees this is a rough world right now.

Ms. Lloyd said there are ways to eliminate or at least minimize these incidents. The answer is not allowing them. Mr. Starling agreed though it will likely occur somewhere else.

John Dean then spoke stating he grew up in Rehoboth Beach, went to Cape Henlopen High School and currently lives in Milton. He said he went to school with Ms. Kemper. He said his son roller skates at the rink every Saturday or every Sunday afternoon and does roller hockey. He said he lives in an area that had a roller rink and bowling alley. It is no longer there. He said they have replaced that with wonderful places to hang out such as two Wawa stores. Today, those kids go to the movies and then hang outside unsupervised.

He said he has been to roller hockey, family skating and birthday parties at the skating center. He has seen all type of socioeconomic people there has never seen anyone out of control. He has seen people who were asked to leave.

Mr. Dean does not want Milford to lose that. He brings his children up from Milton because they do not have a skating center or a place for students to go though he wishes they did. He agrees some give and take is needed, but decisions

should be based on fear. He said there is a need to sit down and try to find solutions that work for everyone. However, the solution is not to shut it down or make it so they cannot operate because Ms. Kemper needs to make a profit.

He said if Milford loses this and if they are no longer there, they will only go somewhere else. He feels the skating center is supervised with standards set.

With no other person wishing to speak, Mayor Rogers then closed the floor to public comment.

*Adoption of Ordinance 2012-04/Amended*

Mr. Morrow said that based on the comments heard this evening, it is obvious that most people are in agreement. He said he read the minutes and the planning commission's recommendation. Based on the planning commission's recommendations and Resolution PC12-001, Mr. Morrow moved to approve the ordinance as amended with all skating events as presented and approved by the planning commission along with their conditions. In addition, teen dances and events will be permitted but must comply with the City's Teen Ordinance Chapter 208 and specifically age and hour restrictions. In addition, all skating center events must also comply with the City's Curfew Ordinance Chapter 111. No alcohol will be permitted and is therefore, prohibited. He also moves that the skating center close at 12 midnight on Friday and Saturday nights instead of 1:00 a.m. as was recommended by the planning commission.

Mr. Morrow explained that the change is based on the security person's observation. Mr. Morrow agrees it would be beneficial to stagger the closing time in comparison to other local establishments. Mr. Morrow said Ms. Kemper testified she makes \$400 for four hours on Saturday night and confirmed she would not be selling alcohol so it is not a financial issue. As a result, there would be no profit on alcohol by the skating center.

Ordinance 2012-04 is also adopted and amended as herein stated.

Motion seconded by Mr. Gleysteen.

Mr. Johnson stated that all of us want to see businesses prosper in Milford. He said that public safety is the first priority. As long as there is no alcohol permitted, he will support the approval and votes yes.

Mr. Grier votes yes adding that he supports the planning commission's recommendation.

Mr. Pikus votes yes adding he also supports the planning commission. He said he is a businessperson in Downtown Milford and concurs with his fellow councilpersons. However, he hopes that Ms. Kemper and her family understand that no one wants the skating rink to disappear. With the correct promotions and good management, he feels Ms. Kemper is capable of being, as her predecessor did, doing well with the skating rink and able to make profit. He has chatted with the former owner who was an excellent manager and feels that Ms. Kemper and her family will be. By changing and promoting the skating rink itself, he believes it will end up a profitable business. Therefore, he supports the motion.

Mr. Gleysteen votes yes. He agrees the skating rink has been an asset to the community for a long time and everyone hopes it stays that way. He said that Lieutenant Brown made a compelling argument there are serious security issues during some of the events. He does not like to restrict any business in what they can and cannot do, but based upon the security and safety issues, he feels that restricting alcohol at all events is a necessity.

Mr. Brooks stated he has lived in Milford all his life. Since he can remember, Milford has always had a skating rink recalling the skating rink across from the old fire house. He said not one person on council wants to do away with the skating rink. All they want to do is help keep peace by controlling the crowds. He votes yes which includes the 12 midnight closing on Fridays and Saturdays and that no alcohol is permitted at any event.

Mr. Morrow votes yes as stated in his motion.

Mr. Starling said before he votes yes, he has some comments. He then asked why we have to give in to Park Place; he said we are requiring the kids' activities to close at 12 midnight but nothing is requested of Park Place. Instead, they are

able to drink as long as they want and stay open until 1 a.m. Instead, we are cutting back activities for the children one hour. He asked if we can look into that and asked if they could stay open until 2 a.m., which would allow the skating center to close at 1 a.m. He noted he is unfamiliar with any related laws.

Mr. Morrow responded by stating that Mr. Starling referenced the children in our community. He does not believe most parents want their children out at 1 a.m. on Friday and Saturday nights. The patrons at Park Place are adults, but the majority of her customers are 12 year olds and young teenagers, who he does not feel should be out at 1 a.m. He would not even think they should be stopping at Wawa at 1 a.m. on their way home. However, he also understands that everyone raises their children differently.

Mr. Brooks said he was unaware there was an ongoing problem at Park Place. He understands they have the usual problems associated with a bar though they address them. Ms. Wilson said there are fights there.

Mr. Starling then voted yes.

Ms. Wilson votes yes and is somewhat in agreement with the closing at 1 a.m. to prevent limiting the number of hours Ms. Kemper can be paid for. However, Ms. Kemper should have questioned that. She then voted yes in favor of the motion.

Mayor Rogers announced the motion carried by a unanimous 8-0 vote.

The mayor concluded by stating the skating center has been an asset to the community for a long time. He believes that Park Place is only able to serve alcohol until a certain hour after which, the patrons must leave the building within another hour or so. Mr. Rutt agreed noting that state law allows alcohol to be served until 1 a.m. and the establishment must close by 2 p.m.

Mayor Rogers said as far as the children, that is the responsibility of the parent. He said that if council decides later, the hours could be revisited at a future time.

He asked Ms. Kemper to meet with the police chief or police committee to resolve any issues. He agrees everyone needs to work together.

With no further business, Mayor Rogers adjourned the public hearing at 8:53 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*

MINUTES OF MEETING

April 4, 2012

A Joint Meeting of the Police and Finance Committees 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, April 4, 2012.

PRESIDING: Police Committee Chairman and Finance Committee Member Douglas Morrow, Sr.

IN ATTENDANCE: Finance Chair & Police Committee Member Councilman S. Allen Pikus  
Police Committee Member Katrina Wilson  
Finance Committee Member Garrett Grier III

STAFF: City Manager Richard Carmean  
Police Chief Keith Hudson  
Finance Director Jeff Portmann  
Recorder/City Clerk Terri Hudson

*Called to Order*

The meeting was called to order at 8:02 a.m. by Police Committee Chairman Morrow. Chairman Morrow advised the meeting was called to discuss financial alternatives to fund the future police department that was unanimously approved by city council.

City Manager Carmean arrived at this time.

Finance Committee Chairman Pikus then discussed the recent reassessment and tax situation.

Mr. Pikus noted the increase in assessments which should bring in an additional \$1.2 million. Mr. Portmann said he has not seen the final numbers though the city manager has. Mr. Carmean confirmed there is a 30% increase.

Mr. Pikus mentioned the need to lower our tax rate and asked the particulars. He asked the city manager and finance director to put together some figures to determine how much we need to drop our tax rate to comply with Delaware Law. Mr. Portmann explained the rate must be rolled back in order to be revenue neutral or to prevent new revenues initially. After that, there is a 15-day waiting period before the rates can be increased again.

Mr. Pikus advised the additional revenues would be brought in after we rolled back taxes. An announcement would then be made that the rate was being increased to 39 cents, for example. He would like for the city manager and finance director to put those figures together.

Mr. Portmann agrees the tax revenue will be needed just to meet the operating budget. He expects it will be approximately seven to eight cents initially. Once it is determined what is needed for the new police department, it can be discussed in totality.

Mr. Carmean agreed that Chief Hudson and council have been discussing this for some time. Grants and other funding possibilities have also been considered. At this point, he feels the best way to address this is through an \$8 million loan over a 40-year period.

Mr. Morrow asked if Mr. Portmann can provide a list of options.

Mr. Portmann said he and Mr. Pikus have discussed this and the hope was to get \$1 million for the sale of the police department and \$2 million from the bond bill which drops the costs down to around \$5 million. They also discussed the use of some reserve funds. He emphasized that \$5 million has been set aside in the electric reserves for commitments to capital projects or for capital funding from a prior year's budget, which earmarks it for those specific items for three years.

Mr. Carmean advised the substation will be started this summer and may end up costing as much as \$4 million though it could be less. We will know the real numbers in the very near future.

Of the \$5 million left in electric reserves, \$3 million has always been the minimum threshold. Because a number of projects are just beginning, it is difficult to state how much is in the water and sewer reserve accounts. Because of so many unknowns, we do not know what will be left over.

Mr. Morrow asked that no water or sewer reserves be considered at this point. He is hoping we will receive approximately \$1 million for the sale of the current department, possibly \$2 million on the bond bill and could use potentially \$1.5 million of reserves. Mr. Pikus said the bond bill is only a possibility and not etched in stone.

Mr. Morrow said if that occurred, it would take the price down to \$3.5 million.

Mr. Portmann said he ran a twenty-year bond issue which comes out to \$250,000 a year or \$182,000 for forty years though he does not recommend that.

Mr. Morrow confirmed that equals out to a 4.5-cent tax increase; Mr. Grier feels that is worth presenting to the public.

It was agreed the city should consider a five or six-cent increase. Mr. Portmann reiterated that a tax increase is going to be needed to fund other matters including the economic development directors' salary and city manager's position not funded over last year's budget.

The finance director noted that Mr. Carmean had talked about getting the real estate transfer tax dependency down. When asked what was left in that account; Mr. Portmann advised \$1.9 million.

It was confirmed that \$500,000 is transferred into the police budget each year. Mr. Portmann noted that has been done since the last four officers were hired because council chose not to raise taxes. Mr. Portmann would prefer the dependency be eliminated and recommends a tax increase to offset the \$500,000 transfer and pay the \$250,000 loan for the police department out of that fund. He emphasized that transfer taxes can be used for police services. He explained that if this occurs, the \$500,000 dependency would be replaced with a \$250,000 dependency which is what is being brought in on an annual basis. Real estate taxes would be increased to cover the \$500,000 transfer tax and the cost of the economic development director's position as well as the additional city manager costs.

Mr. Portmann advised the city will have a deficit this year if nothing is done. The costs of the FOP contract need to be covered in addition to other expenses.

Mr. Pikus stressed that city council is committed to building a new police department noting the current department is unsafe because of the need for more space. He said that funds need to be found and he is hoping to get \$2 million from the bond bill. They continue to work on the congressional representatives. He recently spoke with USDA Rural Development State Director Jack Tarburton who informed him there may be some money in agricultural funds.

Chief Hudson advised he continues to follow up with DNREC to determine their interest in the building though he has not been able to get a response.

Mr. Morrow noted that the 14 acres across from the police department has again become the preferred location. As was agreed in the beginning, the choice is to keep the department in the downtown area though there were some logistical issues including flooding concerns and land costs. Chief Hudson noted that before the search began for another location, that was the preferred site.

When asked if Mr. Carmean had contacted the owner of the property, Mr. Carmean said that last week he did speak with Norman Hampstead of Growmark FS. Mr. Hampstead informed him their comptroller had been out and was due back last week.

The city manager also offered to contact Growmark Headquarters by telephone or letter to discuss the matter. However, Mr. Hampstead felt that his opinion would have a bigger impact depending on the Milford plants' needs.

Ms. Wilson arrived at this time.

Mr. Pikus suggested Mr. Carmean offer swapping some land; Mr. Carmean said he offered several scenarios—a full donation, partial donation, swapping of lands and cash or a total cash purchase. He said they could also take the police department which would make them a great headquarters with a little tweaking.

Mr. Carmean also explained the cash price would have to be in line with an appraisal.

When asked when Mr. Carmean is expecting a response, Mr. Carmean said he has no idea. Mr. Grier stated he is familiar with Mr. Hamstead; Mr. Grier then offered to call Mr. Hamstead.

Ms. Wilson pointed out that more funding will be needed on this site considering land costs and utility and infrastructure fees.

At this point, Mr. Morrow said he plans to schedule a meeting between the police committee, police chief, city manager and finance director to get the momentum moving.

Mr. Pikus emphasized that first and foremost, there needs to be a plan developed on how we will pay for this. He agrees that we can negotiate as much land as we want, but if we do not have the money to pay for the building, we are spinning our wheels. He feels we need more concrete options. At that time, Mr. Morrow, Chief Hudson and Mr. Carmean will need to talk to the owners of the land. If they can lock that in, all the parts of the puzzle will start to come together.

Mr. Morrow then reviewed the issues at hand—the land, the bond bill and the sale of the police station. It was confirmed the city manager prefers the city purchase the entire parcel which is approximately 15 acres. He said that would address the police departments' needs for 100 years. Chief Hudson confirmed that at a minimum, five acres are needed. Mr. Pikus agrees we should buy the entire parcel to prevent the department from being landlocked. In addition, access is needed from the front and the rear considering this is still near the river.

Mr. Carmean said he is also discussing another land purchase with a smaller business in the area which would tie into this parcel. The city manager had confirmed the owners were interested though he informed them it would have to be based on an appraisal.

The city manager then advised that in order to accomplish everything that has been discussed, a twelve-cent tax increase is needed though he does not believe it will be that high with the tax rollback.

Mr. Carmean then asked about the costs of future personnel needs for the police department. Mr. Morrow and Chief Hudson both agree that additional officers are needed. At this point, Mr. Morrow does not feel it would be appropriate to consider any new hires because of the overcrowding that currently exists at the department. He also does not want their current conditions to result in potential turnovers. It was agreed there is a need, but at this point, will be difficult.

Mr. Morrow noted that the COPS Grant is more restrictive this year adding that the police committee met on that last week. Funding is not 100% for three years as it was in the past. Instead, it is less than 75% with a cap of \$125,000.

Mr. Carmean said he is not talking about this year and asked if additional officers will be needed in the future.

Chief Hudson said there is justification to hire additional officers within the next couple of years. As Mr. Morrow implied, the COPS Grant was submitted with some reservations because of the new restrictions. It was also submitted with the understanding that if approved, council would make the final decision and it could always be turned down.

Mr. Carmean referenced the earlier comments that as the utility projects move along, we will have a better idea of what money will be left. He said the substation could end up costing the city \$1 to \$1.5 million more than expected as a result of the connection to the main transmission station on Route 113. Therefore, the city has no idea of the costs to run that line at this point.

When asked when that will be determined, Mr. Carmean expects sometime in June. The bids should be returned in June or July with construction starting in July. He said the substation is not a bid deal though the problems are the unknowns which need to be considered.

Mr. Morrow asked if the new legislators are aware of the new location. Mr. Pikus said he advised Senator Simpson and Representative Kenton the city was not locked into the business park location and were reconsidering the location across from the police department.

Mr. Pikus said they are on board and politically will do what they can.

When asked if another trip to Washington, D.C. to meet with our federal legislators is worth the effort. Mr. Pikus said it is always worth the trip. He wants to keep the conversation ongoing with our legislators.

Recalling the various options Senator Carper offered at the last meeting at the police department, Chief Hudson advised he has been in touch with the Department of Agriculture though their options all involved high interest loans. When discussing it with the finance director, Mr. Portmann felt he could obtain a better deal.

It was noted that former Representative Bob Walls was recently appointed to a position with the governors office through the Department of Agriculture. He is the one that referred Mr. Pikus to Jack Tarburton. He emphasized that the more people they keep informed, the better the chances are of obtaining funding.

Chief Hudson will coordinate a meeting with the federal legislators in Washington, D.C. Mr. Pikus wants to schedule a meeting with Bob Walls and Jack Tarburton, adding that Mr. Walls will fight for Milford.

Mr. Pikus then confirmed that \$3.5 million will cost the city \$250,000 for twenty years with a 4.5 cent tax increase. When asked if the city can still get a 1% loan, Mr. Portmann stated no though Chief Hudson tried. Chief Hudson explained that is not offered for public safety facilities.

Ms. Wilson is concerned with the readjusted tax assessment and increased property taxes. Mr. Morrow explained that any tax increase is totally separate from the reassessment. Initially, the city is required to rollback the tax rate to prevent any new revenue. A tax increase can then be announced 15 days later and recalled that being done after the reassessment in 2002.

Mr. Portmann confirmed the last tax increase was in 2008 when the rate went from 41 to 46 cents. Mr. Carmean recalled doubling it when we locked in our \$2.5 million which he says is paying dividends with Governor Markell in regard to his electric restructuring plan. He advised the governor's newest recommendation to communities with an electric utility mirrors what Milford has been doing for years.

The committee members agreed that more concrete numbers must be provided before a tax increase is considered. Mr. Morrow asked for a history going back twenty years. Mr. Carmean advised that before 2000, there was no tax increase though electric rates were increased.

Mr. Grier also pointed out that with these potential deficits, there is nothing more to cut in this year's budget. Mr. Carmean agreed stating that every week, he is receiving requests from departments citywide asking that funds be moved in order to continue operating. For example, in the city hall budget, he was unable to purchase tires for the city manager's vehicle without transferring money.

Mr. Portmann agreed noting there have been approximately 100 transfers the past two years.

Mr. Grier asked if there are any areas being increased beyond projections in revenues; Mr. Portmann stated no.

Mr. Pikus then asked that Mr. Portmann provide figures on taxes, increases, percentages, our financial picture, reserve accounts and how much money is needed to fund the \$250,000 a year. In the meantime, Mr. Carmean will work on securing the Growmark land.

In the meantime, Mr. Pikus will contact Jack Tarburton for a potential meeting; Chief Hudson will coordinate the federal legislators.

Mr. Grier suggested that we contact them and follow up on a monthly basis. He believes that writing a letter or e-mail on a monthly basis stating how badly the new station is needed will work better than trying to meet with them periodically. That keeps the issue fresh in their minds. He recommends something similar be done with our state legislators.

Mr. Pikus recalled Senator Carper asking how much money the city has to contribute to this project. He said we need an answer to that before we meet with them again. Ms. Wilson agreed that we need to have our facts in order.

With no further business, the meeting was adjourned at 8:48 a.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*April 9, 2012*

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, April 9, 2012.

PRESIDING: Mayor Joseph Ronnie Rogers

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

City Manager Richard Carmean, 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 Mayor Rogers.

#### APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Brooks to approve the minutes of the February 27, 2012, March 12, 2012 and March 26, 2012 (Council Meeting) meetings as presented. Motion carried.

#### RECOGNITION

No special guests in attendance.

#### COMMUNICATIONS

Mayor Rogers provided a thank you card received from City Mechanic Jim Morris and wife for city council and the city employee's support after the recent and sudden death of his son.

#### MONTHLY POLICE REPORT

Presenting the monthly police report on behalf of Chief Hudson, Mr. Morrow noted the increased activity reflected in the report. Chief Hudson agreed that warm weather is upon us and will create a spike in complaints and overall activity. Mr. Pikus moved to accept the police report as submitted, seconded by Mr. Grier. Motion carried.

Motion carried.

#### CITY MANAGER REPORT

Councilwoman Wilson arrived at this time.

Mr. Carmean presented the following report:

*While I have advised most of the council, I want to report that I have found the major water leak in our lower level. I am also happy to advise you that the repairs appear to be minor and should not be excessively costly. I have left the wall exposed, although it is covered with plastic, until we have a northeast rain event. If we do not have a problem at that time, I will have the wall covered and painted. Since the wall is not in the business area, I have moved our Planning and Zoning employees back to the location noting there was no trace of any mold or mildew.*

*There has been a slowdown of the solar project. I expect to have a definite idea of how it is going to proceed by the middle of the month. The problem is not being caused by the City and is more related to the sale of the energy. DEMEC will be meeting on the 17<sup>th</sup> of April to vote on our purchase agreement with the company. We do have a certain amount of our purchased power that must be generated by renewable sources. The plan has been to purchase from the Milford site for our future needs.*

*The planned substation is moving along at a satisfactory rate. We have our entrance permit from DELDOT and bidding is currently being planned. It is projected we will be on line in late fall of 2012. The substation will be constructed regardless of the outcome of the solar field.*

*Our sewer rehabilitation program is about 90% complete. City Engineer Mark Mallamo feels confident this will make positive improvements in our inflow and infiltration problems.*

*(Mr. Mallamo was in attendance and provided council with a brief update of the project.)*

*I have ordered three appraisals on three properties that the city has interest in purchasing. I will discuss the prices with mayor and council in executive session once they are in hand. I am willing to discuss the properties with any councilperson, but I think it best if we do not identify them publicly.*

*The economic development position hiring is moving forward. We have finished our interviews with five very capable applicants, which has been narrowed down to three. I will not hire this person until I have further discussed the funding of the position with mayor and council.*

*I have had Finance Director Jeff Portmann request anticipated capital needs for the next five years. This information will be reviewed by Finance Chair Pikus and his committee. Other committee members may need to be involved once the department heads submit their requests.*

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

## COMMITTEE & COUNCIL REPORTS

### *Community Affairs*

Mr. Johnson noted the Community Prayer Breakfast held on March 30<sup>th</sup> was another successful event. He commended Mayor Rogers for his efforts in overseeing the affair.

### *Public Works*

Mr. Brooks advised that he recently received an updated status of city projects emphasizing there remains a great deal of work that needs to be done.

### *Workforce Development Commission Meeting*

As a member of the Workforce Development Commission, Ms. Wilson reported that she recently attended a meeting where some subcommittees were discussed that will be presented to council later this evening.

## COMMUNICATIONS

All communications included in packet.

## UNFINISHED BUSINESS

*Tyler Technologies Contract Amendment*

Mr. Carmean then introduced Tyler Technologies John Valente, Senior Appraiser Supervisor. Mr. Valente advised Tyler signed a contract with Milford to do the re-evaluation services for approximately \$261,000. The contract was to re-evaluate 4,168 accounts whose number was provided by the city at the time. As Tyler did their work, they determined there were actually 5,559 accounts or 1,391 more accounts.

The contract included a clause that allowed Tyler to charge an overage amount of \$50 for each and every parcel above the 4,168 parcels specified in the agreement. Because of the difference, Tyler had the option of charging the city an additional \$70,000 because of the difference in the number of accounts originally reported by the city.

What they are proposing is roughly \$22,000 in additional overage fees or one-third of what could be charged. Mr. Valente explained this is approximately \$16 an account versus the \$50 specified in the contract.

Mr. Pikus asked how many of the 1,391 parcels are undeveloped lots in approved subdivisions; Mr. Valente advised there are 998 accounts that were considered vacant and not reported originally. They estimated \$10 per account for those undeveloped lots.

Mr. Pikus asked the process required for those lots; Mr. Valente explained they have to be placed in a neighborhood to ensure assignment to the right location. They then review topography and zoning districts. He explained it is more than just inputting information into a computer and placing a number on it.

Mr. Pikus asked if this is only done from a map; Mr. Valente advised a map is used though the appraisers physically drive to the areas to ensure it is in the correct neighborhood and that the lots are associated with a specific section of town. He explained they cannot simply place an assessment figure on them because they are all vacant. There are a number of variables taken into consideration with regard to each lot.

He explained the balance of the unreported accounts involve full re-evaluations. For example, there are 112 houses, 84 condos and 33 commercial structures that were not submitted in the original numbers provided by the city and cost more than \$10 an account to assess.

Mr. Pikus expressed concern we are spending more than \$250,000 again this year. Approximately the same amount was spent ten years ago and because of some glitches over that time frame, it was recommended by city staff that a full re-assessment was needed. His concern is the 1,000 empty lots that he said can be seen on a plot which he feels is excessive.

Mr. Valente reiterated that Tyler is only charging \$998 for those lots.

Mr. Valente then explained there are some accounts which take a little time and some accounts that take a tremendous amount of time. He referenced the Walmart property which took an exorbitant amount of time that was not anticipated. However, they understand they will encounter that which is the reason they balance out the overall costs. They then estimate a fair amount per parcel as was done with these parcels.

Mr. Brooks recalled that ten years ago when the city hired Tyler, the initial cost was around \$250,000. At that time, council was told the city would not require a complete re-assessment in ten years. Instead, the information in the computer would be updated with a press of a button and very little field work needed. In addition to paying over \$250,000, we are now being charged another \$22,000.

Mr. Carmean recalled that ten years ago, council was told if the city purchased the software recommended by Tyler, that 10 years later during the next reassessment, the appraisers would come in, load comparables and update the accounts with the new appraisals.

Mr. Valente agreed noting that was done. He said the fact it cost the same amount ten years ago reflects the difference in the cost of labor and materials over that period of time.

Mr. Carmean agreed that it was also stated the appraisers would not need to go out and measure and photograph every property again in ten years. It would involve more computer work than field work. However, he does understand that field work is the bulk of the contract costs.

Mr. Valente said he is unable to speak to that because he was not here at that time. It was noted that Paul Miller may have made that presentation and unfortunately, he is in Pittsburgh tonight and asked Mr. Valente to represent him. However, Mr. Valente feels Mr. Miller would advise council that this involves more than pushing a button.

Mr. Brooks asked what the city will receive ten years from now. Mr. Valente offered to relay the comments and concerns of council to Mr. Miller for clarification. He emphasized that Mr. Miller will agree that Tyler is trying to be reasonable by charging \$16 which is substantially less than what was called for in the contract.

Mr. Valente is confident Mr. Miller would like some resolution on this issue regardless of whether council agrees to pay the overage amount or prefers to wait for a future conversation.

Mr. Valente explained that Tyler has completed the appraisal of all properties in Milford, thus acting in good faith. They have mailed the notices, held reassessment hearings and are presently in the final stages of the project. Their work should be finished on time and ahead of schedule. The contract date is the end of May though their work will be completed on May 1<sup>st</sup>.

Mr. Morrow asked if the city was responsible for the numbers provided to Tyler and how was this overlooked. He asked why they were not on the books. Mr. Carmean confirmed the city provided the parcel numbers to Tyler and the error was not caused by Tyler.

Mr. Carmean pointed out the contract signed in July clearly states the city is responsible for paying \$50 for each parcel above the 4,168 parcels. He also agrees that a portion of the parcels are in a recorded subdivision but cannot understand how those lots were never loaded in our system or were missed by the employee when the count was taken.

Mr. Morrow stated that considering it was the city's error, he believes we are getting a good deal.

Mr. Carmean pointed out there has been substantial growth in residential and commercial properties over this time frame and city staff was responsible for adding those parcels to our system. Mr. Pikus asked why that was not done; Mr. Carmean said he does not have that answer. He said two individuals doing the work blamed each other though he is unsure how it occurred.

Mr. Pikus then commended Mr. Valente's work adding he is very confident in his ability. Mr. Valente added that he has been doing this work for 35 years.

Mr. Carmean recalled that it was recommended by city staff that a complete reassessment be done. From that sense, he does not feel the city was overcharged.

It was agreed the question needs to be answered of where the city will be ten years from now. Mr. Brooks noted that we have signed on to have Tyler handle our annual maintenance and he would like to know if that will make a difference in the reassessment costs in ten years. Mr. Carmean explained that Tyler will come in periodically, review and input permit information which includes any new construction and renovations. He feels that will keep the files current.

Mr. Morrow said that is what he thought was regular maintenance and should have been done over the past ten years.

Council agreed that they would like to further discuss the matter further with Mr. Miller.

Mr. Rutt then pointed out the contract specifically states that any overage above the amount of parcels listed on the contract will be charged \$50 per account. In his opinion, this is a significant reduction.

Mr. Pikus stated that reluctantly, he moves to pay Tyler \$22,230 as outlined in the amendment to their original contract, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Mr. Johnson stated he votes yes though part of the reason why we have a reassessment every ten years is to find these problems, which in this case, was accomplished.

Mr. Grier votes yes adding it is a fair price based on the original contract that calls for a \$50 fee per parcel for any over the 4,168. In this case, they are only charging \$16. He agrees with Mr. Morrow that the 1,400 parcels found is the fault of the city. However, he would also like Paul Miller to come back to discuss the concerns expressed by council. In addition, more clarification on the \$27,000 contract over the next ten years is needed to ensure it will be handled correctly to eliminate a recurring problem in ten years.

Mr. Pikus said he votes yes but hopes we will have a better understanding of this contract in the future.

Mr. Gleysteen votes yes stating that he feels we are contractually obligated. He also feels it is not Tyler's fault that the city overlooked 1,400 parcels. In his opinion, it was created by sloppiness on the part of the city. If they had known this at the time, the original contract most likely would have been higher.

Mr. Brooks said that the city solicitor pointed out the city has a contract with Tyler and as a result, we are obligated so he votes yes. However, he would like to have a better understanding of what the city will receive for the \$27,000 being paid in the future. He emphasized he does not want to pay another \$250,000 over the next ten years only to turn around and pay another \$270,000 when the next reassessment is needed. He clearly remembers what he was told ten years ago.

City Manager Carmean stressed that \$27,000 is a fair and reasonable price to keep our land records current. His question is where we will be ten years from now as well and will the \$27,000 ensure the city a better deal at the time of the next reassessment.

Mr. Brooks feels that unless there is a big boom each year, considering the lower number of permits the city now receives, he is unsure if that is reasonable.

Mr. Morrow stated that he also votes yes and agrees with the comments that have been stated.

Ms. Wilson votes yes and agrees with the comments. She noted that Mr. Morrow also referenced the fact that we need to be more educated so we do not have to question the appraisers. As time goes on, she feels council needs to keep updated on this project before it gets to this level again.

Mr. Brooks stated we need to figure out how the 1,400 parcels were missed because in his opinion, that is inexcusable.

Mr. Valente then provided an update on the current reassessment. He explained that approximately 5,000 notices were mailed in the city. Only 100 to 125 property owners have responded with questions or concerns about their assessment.

Also sent at the same time was a request for residential houses to send them information about their homes and whether there were questions about the number of bedrooms, bathrooms, fireplaces, etc. They received less than forty back. They feel this was a very quiet response especially considering these properties had not been reassessed for ten years.

Mr. Valente explained that though there were some value increases over the past ten years, there were also some declines. As a result, there is not a tremendous shift when comparing the two values.

In terms of commercial responses, between 20 and 25 had questions or concerns. He emphasized they are not filled with anger, but instead more interested in how the process worked.

He stated that overall, it has been a very quiet, fair process for the property owners in Milford.

Mr. Valente concluded by thanking council for allowing him to address them and encouraged them to contact them if there are any additional questions. He said he will also relay councils' interest in having Mr. Miller meet with them for some additional clarification on the contract.

*Adoption of Ordinance 2012-5/Water Code Chapter 220/Fire Service Line (Amended)*

City Manager recalled this being discussed at the previous council meeting. After a more thorough review, he explained the city has received a \$10,000 grant from SRF which will cover 112 commercial inspections for dangers of any potential contamination to our water system.

He advised that City Engineer Mark Mallamo will oversee the survey to ensure the welfare and safety of our water system.

City Engineer Mark Mallamo was in attendance. He noted that the grant does not obligate the city to future maintenance; however, if during the inspections we find a health threat to our water system, the city will be obligated to take action.

He explained that commercial establishments have a greater risk of contamination or health threat though typically a restaurant is not a high hazard threat to our water system. In those cases, the city would have some flexibility on how to address the problem and what devices need to be installed to protect the system.

Mr. Pikus asked about an estimate on costs, for example, if a large restaurant was found to be in violation. Mr. Mallamo explained that a large restaurant most likely has a one-inch water line. If it was not considered a high risk, they could probably get by with a double-check valve assembly which would cost a few thousand dollars, depending on the size of the device. A one-inch diameter versus a three or four-inch diameter for a larger user will cost substantially more.

Mr. Pikus asked if new establishments are equipped to solve any potential problems. Mr. Mallamo explained the state plumbing code addresses cross connections but not as a containment program. The plumbing code states that certain devices are required to protect the water system in the building. For example, if there was a soap dispenser for the dishwashing sinks or dishwasher, or a janitor sink with a soap dispenser, that soap is under pressure and could be pushed back into the water system. With the correct devices in place, the system is contained.

The city engineer explained it is very difficult for the city to inspect all those devices on a regular basis. He would recommend a containment system which would protect the water system at the property boundary. A single device would be installed, just past the meter, to protect anything coming from that property into the public water system. It does not pertain to each individual device in a building where in some cases, there may be a dozen different devices. Each sink, dishwasher, soap dispenser and even toilets could be affected. He said that toilets have backflow devices to prevent sewage from getting back into the water system.

Mr. Pikus referenced Milford Middle School, which is a very large and old structure. He asked if it would cost thousands of dollars to update that building. Mr. Mallamo explained that the containment approach would require the middle school to install one device, at the property boundary or where the water line enters the building. He believes it would still cost a few thousand dollars. However, this would relieve the city from any liability should the water system inside the building become contaminated as a result of a cross contaminant. It would be the school's responsibility because it was part of their system. The city's responsibility would end at the property boundary or where the water system enters their building.

Mr. Mallamo advised that the city will not force the middle school to install 25 or 30 different types of cross connection devices at each connection. However, they would be informed of any potential health threat within the building. The responsibility of the city would be at the service boundary where the water enters with city water lines.

Mr. Mallamo explained that there are consultants involved in this program who have done this type work for years in other states. Currently, he is being trained as a cross connection control administrator to review survey requirements and similar work.

He said if the city wishes to continue, the obligation will be to set up a program to have everything surveyed the first time. The following years, letters would be sent out to each owner asking for test reports on their backflow preventor or reduced pressure backflow device.

The test results would be sent to the city, kept in a log after which the city would send an annual report to the Department of Health stating the city's water system is protected.

The city engineer emphasized that currently, he is only asking for permission to proceed with the program through the grant in order to get the 112 commercial surveys done which would include medical facilities, restaurants, carwashes, food processing plants, etc. Any threats would be identified and a program developed to monitor them in the future.

Mr. Mallamo added the city would not be obligated by proceeding unless they find problems. The city would then be obligated to take action. He does not believe the city should ignore a high threat at the middle school, for example. If action was not taken to remedy the situation and at least inform them, then follow up, the city could be negligent.

He stated that he has no idea of what we will find. He has had conversations with Public Works Director Brad Dennehy who stated that in his former position as the city’s building inspector, he saw a number of things that caused him concern. He said that Mr. Dennehy agrees with Mr. Mallamo there are potential threats that need to be identified.

In the meantime, a program needs to be set up to allow regular monitoring; future surveys would be on new installations. He feels that we could contract someone to do that next year or train some of our city staff to handle it in house. The reports from the vendors would then need to be monitored. Some administration work will be needed once the program is initiated.

Mr. Mallamo referenced the ordinance being presented tonight for adoption, which addresses the two-inch fire lines only. Also added, was a definition for cross connections though it is mentioned in our code in several areas. He noted that Chapter 222 states that we may choose to require testing of the installation and testing at the owners’ cost. After taking the next step to do the surveys, he said a decision will need to be made of where to go from that point.

He advised that the two-inch fire line connection was missing from the code. The city has updated to a newer standard building code which requires sprinklers in some smaller buildings though that was not required in the past. Previously, it required 10,000 square feet of floor space to have a sprinkler whose lines were typically all four-inch fire lines. With the smaller space, only two-inch lines are required which is why the two-inch service connection fee is needed.

Mr. Mallamo explained that fire connection fees are a one-time fee. The city does not meter that water; nor does it charge for fire events at this time.

Mr. Brooks then moved to adopt Ordinance 2012-5 as presented, seconded by Ms. Wilson:

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 222 THEREOF, ENTITLED WATER, FOR THE PURPOSE OF ADDING A FEE FOR TWO-INCH FIRE SERVICE LINES.**

WHEREAS, changes in the building code have created a need for small fire service lines; and

WHEREAS, the current schedule of water rates and charges does not address this need; and

WHEREAS, water services are available to businesses and residences within the City of Milford; and,

WHEREAS, it is necessary that these services be utilized and that for health and safety purposes, persons within the City of Milford are not allowed to connect to the City water system except as defined herein.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS AS FOLLOWS:

§222-1 - Schedule of Water Rates and Charges.

B. Fire service line.

(1) Fire service line availability charge due at time of installation

Section 1. §222-1(B)(1), Schedule of Water Rates and Charges, Fire Service Line, is hereby amended by adding a two (2) inch fire service line and applicable fee as follows:

<i>Size of Fire Service Line (inches)</i>	<i>Fee</i>
---	------------

2	\$2,500
4	\$3,000
6	\$3,500
8	\$4,000
10	\$6,000

Section 2. §222-3 - Definitions, is hereby amended by adding the following definition:

**CROSS CONNECTION - Actual or potential connections between a potable water supply and a non-potable source, where it is possible for a contaminant to enter the drinking water supply.**

Section 3. Dates

Adoption by City Council: 04-09-12

Effective Date: 04-19-12

Motion carried by unanimous roll call vote.

Mr. Gleysteen voted yes stating it is appropriate to keep up with the current regulations.

*Appointment of Workforce Development Commissioner*

Workforce Development Commission Chairman Bill Pilecki explained that when the commission was originally organized, the city approved eleven positions. At that time, ten were filled. Phillip Ruiz has been recommended by Councilwoman Katrina Wilson as the eleventh member.

Ms. Wilson moved to appoint Phillip Ruiz to the Workforce Development Commission. Mr. Morrow seconded the motion. Motion carried.

*Workforce Development Commission Subcommittees*

Mr. Pilecki asked that the following three subcommittees be approved:

- Student Selection (Sylvia Henderson, Chair)
- Student Employer Support (David Markowitz, Chair)
- Community Financial Support (Fred Rohm, Chair)

Mr. Carmean advised that these members will be doing work within the community seeking matching funds. He has asked if the three committee members could have some type of business card.

The city manager advised that Mr. Pilecki had cards made some time ago. However, some concern was expressed that the cards will look as though the subcommittee members are employees of the city which could be a potential problem. He asked if council feels it is appropriate for the cards to contain the city seal, city logo, etc.

Mr. Pilecki explained that originally he was chairman of the Workforce Development Subcommittee of the Economic Development Advisory Panel. One of his responsibilities at the time was to solicit funds. He found it beneficial to have a card when he walked into a business. He emphasized that there was never a time when he claimed to be an employee of the city. He said this is a grassroots program whose members will be going out to discuss the matter with the community will need a business card.

Mr. Pikus stated he does not feel there is a problem with a card though it would be inappropriate to use the city seal. Mr. Rutt said as long as there is some distinction they are a city volunteer or liaison. He agrees they need verification they are affiliated with the city.

Mr. Pikus agrees that some type of business card is needed to present when they go to the bank or another business.

Council agreed and directed the city manager to work with Mr. Pilecki to determine his needs and satisfy the city's concerns.

Though the city's website address was added to Mr. Pilecki's card, he does not feel that is necessary. However, in his case, Mr. Pilecki will need an updated card showing the commission and his new e-mail address. Mr. Carmean said he hopes to have this accomplished this week.

Ms. Wilson then moved for approval of the three subcommittees presented, seconded by Mr. Morrow. Motion carried.

*Workforce Development Commission Subcommittee Chair \*Replacement)*

Mr. Pilecki then advised that Milford School Superintendent Sharon Kanter will be retiring in June. She has recommended Sylvia Henderson fill in for her until the next full appointment by city council.

When asked whether Superintendent Kanter is able to exercise her delegation authority or if Ms. Henderson should replace Superintendent Kanter, Mr. Carmean said that most committees he serves on, he is able to designate a delegate. It is Mr. Pilecki's understanding that the commission will be reappointed in the near future. At that point, the new superintendent will fill Ms. Kanter's position on the commission. Until the end of June, Ms. Kanter will continue as a commissioner. However, she will also delegate Sylvia Henderson to sit in for her as chairman of the subcommittee.

**NEW BUSINESS**

*Award of Bid/138kV Tap Station & Delivery #2 Substation Equipment*

Sealed bids were received, publicly opened, and read on March 20, 2012 for furnishing the major electrical equipment for the 138 kV Tap Station and Delivery #2 Substation.

Electric Superintendent Rick Carmean advised the bids were analyzed by Progressive Engineering Consultants, Incorporated to ensure the items meet the requirements of the specifications in addition to meeting the city's needs.

During the review, it was decided that the third 138 kV circuit breaker from Delivery 1 would no longer be in use once the transformer was moved to Delivery #2. It is also recommended that the existing breaker be moved to Delivery #2 and one additional 138 kV circuit breaker be purchased in lieu of buying two (2) 138 kV circuit switchers. A price was negotiated for the additional 138 kV circuit breaker.

It was also noted that the lowest cost proposals submitted by Stuart Irby, followed by HD Supply Utilities for both the 25 kV feeder breakers and the 25 kV solar breakers did not meet the specifications. As a result, it is recommended that the 25 kV feeder breakers and the 25 kV solar breakers be purchased from National Transformer Sales.

As a result, it is recommended that the following contracts be awarded to National Transformer Sales for a total of \$515,384.00 which includes the solar breakers:

<u>Bidder</u>	<u>Quantity</u>	<u>Item</u>	<u>Total Price</u>
National Transformer Sales	1	138 kV Circuit Breaker	\$ 53,900.00
National Transformer Sales	1	Additional 138 kV Circuit Breaker	\$ 50,500.00
National Transformer Sales	2	25 kV Bus Breakers	\$ 34,980.00
National Transformer Sales	4	25 kV Feeder Breakers	\$ 90,848.00
National Transformer Sales	2	25 kV Solar Breakers	\$ 51,576.00
National Transformer Sales	1	Spare Relay	\$ 4,800.00
HD Supply Utilities	12	14.4 kV Voltage Regulators	\$228,780.00
<b>Total Recommended Award</b>			<b>\$515,384.00</b>

Mr. Gleysteen asked how the affiliation with Progressive came about. Rick Carmean advised former Electric Superintendent Phil Young brought them on board in 1993. He confirmed they are the best consulting firm the city has worked with. In addition, he noted that the company maintains the water and electric SCADA systems.

The city manager agreed with the electric superintendent recalling a more local firm we had worked with whose costs were exorbitant.

Mr. Gleysteen said he has no problem considering the long standing working relationship the city has with Progressive.

Mr. Carmean asked the electric superintendent to explain the need for the new substation.

Rick Carmean advised that during the summer, the city uses approximately 50 megawatts which is our max at our current substation. During the summer, there is zero maintenance on it because it cannot be shut down because all circuits are loaded.

This year, they replaced the 25-year-old underground with an aerial. If there had been an underground blowout, one-third of the town would most likely have been without power for four to ten hours. With the new substation, maintenance can be done and the load split. Currently, there are 6,800 customers on one station.

The electric superintendent said that 4.5 miles of transmission is being run into this new station off Route 14 and not tied into the old station.

The city manager added this will provide a two-way feed to cover from one end to the other. Rick Carmean agreed explaining they can be tied together through the secondaries or primaries of the system. One station can be shut down while the other station covers the entire town.

Mr. Brooks moved to award the bid to National Transformer Sales in the amount of \$515,384.00, seconded by Mr. Pikus. Motion carried with no one opposed.

Rick Carmean estimates the new substation should be started in June and the transmission line in July.

Introduction of Ordinance 2012-06/Conditional Use for a PUD/Dunn Development on behalf of Legal Owner Walter N. Thomas II

City Planner Gary Norris advised this ordinance is only being introduced this evening. The proposal has been reviewed by the DAC and will be heard by the Planning Commission this month.

He explained that the owner originally proposed a subdivision with condominiums, apartments and townhomes. That has been revised and they are now coming in for a conditional use for a PUD, reducing the number of apartments and providing a plot of land for assisted living. The number of townhomes will remain the same.

Ordinance 2012-06 was then officially introduced:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING A CONDITIONAL USE TO ALLOW A PLANNED UNIT DEVELOPMENT TO BE KNOWN AS HICKORY GLEN FOR ERIC DUNN OF DUNN DEVELOPMENT, LLC ON BEHALF OF WALTER N. THOMAS II ON 71.918 +/- ACRES IN AN R-8 DISTRICT LOCATED AT 1335 MILFORD-HARRINGTON HIGHWAY, MILFORD, DELAWARE. TAX MAP NO(S): MD-16-173.00-01-21.00 and MD-16-173.00-01-22.00.

Whereas, the City of Milford Planning Commission reviewed the application at a Public Hearing on April 17, 2012 and has presented item to be considered by the City Council; and

Whereas, Milford City Council held an advertised Public Hearing on May 29, 2012 to allow for public comment and review of the application; and

Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Planned Unit Development as herein described.

Now, Therefore, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Eric Dunn of Dunn Development, LLC on behalf of Walter N. Thomas II is hereby granted a Conditional Use Permit in accordance with the application, approved plans and any conditions set forth.

Section 2. Construction or operation shall be commenced within one year of the date of issuance or the conditional use permit becomes void.

Section 3. Dates.

Introduction to City Council: 04-09-12

Planning Commission Review & Public Hearing: 04-17-12

City Council Review & Public Hearing 05-29-12

This ordinance shall take effect and be in force ten days after its adoption.

*FY2011-2012 Budget Adjustment/Code Enforcement & Inspections Department*

The following request was submitted by Building Inspector Don Williams:

Request to transfer of \$1500.00 from WAWA Revenue, Account #101-0000-359-10-10, to the Gas & Oil, Account #101-1045-429.60-17. Currently, we are (\$148.00) in arrears and need this for the remainder of the year.

Mr. Pikus moved for approval of the budget transfer as submitted, seconded by Mr. Gleysteen. Motion carried.

*Certification of 2012 City of Milford Voter List*

With some minor amendments, Mr. Pikus moved to certify the 2012 City of Milford Voter List, seconded by Mr. Gleysteen. Motion carried.

*City of Milford Election Board*

Mr. Pikus moved to reappoint the following individuals to the City of Milford Election Board for the April 28, 2012 election, seconded by Mr. Brooks:

- |                    |                      |
|--------------------|----------------------|
| Mallamo, Tamela    | 320 Lakelawn Drive   |
| Leuthauser, Joanne | 509 Ashley Way       |
| Fox, Phyllis       | 200 E. Clarke Avenue |

Motion carried.

*City of Milford Election Officers*

Mr. Pikus moved to appoint the following election officers for the April 28, 2012 election, seconded by Mr. Brooks:

- |                 |                             |
|-----------------|-----------------------------|
| Patricia Bailey | 999 S. DuPont Boulevard     |
| Rita Cartwright | 711 Truitt Avenue Extension |
| Kayla Boone     | 402 N.E. Fourth Street      |

1st Ward Clerks		
Carole Mason		153 Barksdale Court, Hearthstone Manor
George Mason		153 Barksdale Court, Hearthstone Manor
2nd Ward Clerk		
Donna Merchant		108 Franklin Street
3rd Ward Clerk		
Karen Boone		402 N.E. Fourth Street
4th Ward Clerk		
Teresa Franklin	5	Lucia Circle

*City of Milford 2012 Election-Milford Middle School*

It was clarified that voting for the City of Milford Election will be at Milford Middle School, 612 Lakeview Avenue from noon to 8:00 p.m. on Saturday, April 28th.

*FY2011-2012 Budget Adjustment/Administration/General Fund Capital Reserves*

City Manager Carmean submitted the following vehicle bid for consideration:

2012 4x4 Ford Expedition  
Delaware State Contract #GSS10560  
Base vehicle \$27,425.00

He noted that Public Works Director Brad Dennehy thought his budget included a four-wheel drive vehicle though the request had not been submitted. As a result, he plans to take the vehicle currently being used by City Manager Carmean with Mr. Carmean using this new vehicle.

Mr. Pikus moved for approval of the state bid purchase and budget transfer, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the eighth month of Fiscal Year 2011-2012 with 67% of the fiscal year having passed, 68.11% of revenues have been received and 60.43% of the operating budget expended.

Mr. Pikus moved to accept the February 2012 Finance Report, seconded by Mr. Gleysteen. Motion carried.

EXECUTIVE SESSION

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

Mr. Grier moved to go into Executive Session reference potential site acquisitions, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 8:14 p.m. for the purpose of an Executive Session to discuss site acquisitions.

*Return to Open Session*

City Council returned to open session at 8:34 p.m.

*Executive Session Matter*

No action required.

ADJOURN

With no further business, Mr. Pikus moved to adjourn the Council Meeting, seconded by Mr. Morrow. Motion carried.

The Council Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*April 19, 2012*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Thursday, April 19, 2011.

PRESIDING: Vice Mayor Katrina Wilson

IN ATTENDANCE: Councilpersons Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO: City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk Terri Hudson

CALL TO ORDER

Vice Mayor Wilson called the Special Council Meeting to order at 5:39 p.m.

She then confirmed that everyone had reviewed the proposed ordinance.

It was noted the ordinance is being officially introduced this evening. The intent is to adopt it Monday night though it would not be effective for ten days.

Mr. Morrow then explained the purpose of the ordinance noting the only course of action for noncompliance is fines. He asked that if an establishment continually violates the ordinance, is it possible to suspend their operation for a period of time or take away its business license if the violations continue.

Mr. Rutt advised that the city does not have a business license so you cannot revoke something it does not have. He explained that what this includes besides the fines is the inclusion of additional expenses being charged including attorney fees, court costs and the cleanup and removal of debris.

Mr. Gleysteen asked if we can revisit the zoning or an approved conditional use.

Mr. Rutt said the city cannot unilaterally change the zone on a parcel. The problem is if it is in the downtown area, for example, a bar or tavern in the downtown area is permitted in that zoning district.

It was asked if an approved conditional use can be amended. Mr. Rutt believes it can be done though he needs to review that further.

Mr. Morrow believes the conditional use no longer exists when the property is sold. He also noted that the code states if the conditional use is abused or not adhered to, city council has the right to do away with the conditional use. He does not want to run anyone out of Milford, but feels a fine will not be enough depending on what kind of profit is made for the event. He feels that option is already on the table, though he knows the zone cannot be changed to disallow a permitted use in the current zone.

Mr. Rutt then explained the procedure. He said the city code official would cite them for a violation of the conditional use. They would then be required to come back through the process.

Council agreed the Teen Center ordinance needs to be updated.

Mr. Gleysteen feels that if an establishment has ongoing problems and is paying increasing fines and related expenses, they have no choice but to make some changes to correct the situation.

It was agreed the citation should be issued the following day versus at the time of the complaint. This would prevent any potential problems during the event which could cause the crowd to get out of control.

Mr. Rutt explained this ordinance was patterned after the City of Newark ordinance. This is called a 'first-bite' ordinance. The offender is issued a warning the first time. If it happens again within the 180-day period, they would receive a

violation/fine. Mr. Rutt drafted it in that manner to prevent an establishment who never has a problem, but suddenly has an issue, from being penalized. The owner/manager then takes control of the situation and there are no further problems. Any further occurrences after that and within the 180 days would be a violation.

He explained the 180 days is an arbitrary number noting that there was a question about possibly shortening the time frame to 30 days. He said that in that situation, at the end of the 30 days, the violator would receive another warning before there was a violation. The longer period allows for more fines and encourages more awareness during that time frame.

Chief Hudson explained that using a 30-day period would allow an establishment to have a disorderly event every 31 days and receive only a warning each time.

Mr. Starling then provided a scenario. He said an establishment is rented out and the attendees pay an entrance fee. A fight then starts and the police respond. He asked if the establishment or the people fighting are fined under this ordinance. Mr. Rutt explained that the person is defined as owner, owner's agent, manager, caretaker, tenant, occupant or person occupying or responsible for the premises. Therefore, any of those persons could be fined. In addition, the people fighting will also be arrested.

Mr. Rutt explained that the owner of the facility is also included. Though they may not be involved, a lien can be placed on the property for unpaid fines and expenses. In those cases, he feels the owner will address the issue through their tenant to prevent the lien.

Mr. Brooks recommends any concerns be discussed this evening so that it is ready to be adopted Monday night.

It was confirmed that the City of Wilmington has a similar ordinance. Ms. Wilson asked if the City of Dover has something similar noting they are experiencing the same problems. Mr. Brooks agreed adding that a number of towns are experiencing the same problems. Mr. Rutt referenced the recent ordinance adopted by Selbyville restricting the sale of alcohol to 11:30 p.m. and requiring bars to close at midnight. This was the result of a roving nightclub situation that caused these early closings for other bars that typically have no problems.

Chief Hudson then asked if it was appropriate to include a jail term if there was a constant, reoccurring problem. Mr. Rutt said he will look at the crime statute with the intent to tie it into a level two misdemeanor. The chief feels that could be could be an added deterrent.

Ms. Wilson asked how this affects the reoccurring house problems that are also occurring. Chief Hudson explained this ordinance covers those situations as well. This is not intended just for commercial establishments. She confirmed that the tenants of a home could receive the citation. The chief stated yes, though it can also fall back on the property manager.

For the record, Ms. Wilson stated the ordinance has been reviewed by council. She officially introduced it and asked that it be placed on the April 23, 2012 agenda for adoption.

With no further business, the Special Council Meeting adjourned at 6:12 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
*MINUTES OF MEETING*  
*April 23, 2012*

The Milford City Council held a Public Hearing on Monday, April 23, 2012 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to hear the application of:

Davis, Bowen and Friedel, Incorporated on behalf of Siobain-VI, LLC requesting a Lot Consolidation and Final Minor Re-Subdivision of 19.15 +/- Acres into three lots to be known as Cascades. Property is located in an R-3 District on the south side of Airport Road, 1,600 feet west of US Route 113, Milford, Delaware. Tax Map MD 16-173.00-01 - 04.03; -04.04; -04.05; -04.06; -04.07; -04.08; -04.09; -04.10; -04.11; -04.12; -04.13; -04.14; -04.15; -04.16; -04.17; -04.18.

PRESIDING:                   Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE:       Councilpersons Steve Johnson, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr.,  
Doug Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Richard Carmean, Police Chief E. Keith Hudson and City Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

Mayor Rogers called the Public Hearing to order at 7:04 p.m.

City Planner Gary Norris reported that by a vote of 8-0, the planning commission recommended approval of the subdivision. He pointed out a development agreement will be done for a bypass lane on Airport Road as well as a utility agreement within the site.

Ring Lardner, P.E. of Davis, Bowen and Friedel, Incorporated then thanked City Manager Carmean, City Clerk Terri Hudson and Administrative Assistant Christine Crouch for accommodating their request to place this matter on tonight's agenda. He understands this is out of the normal cycle and appreciates the hard work by the staff to prepare the minutes and other documents needed for this hearing.

Mr. Lardner stated he is representing Siobain-VI LLC and requesting the lot consolidation and final subdivision approval of the three parcels. He explained the subdivision plan items approved as part of the amended PUD approval from Council in February. The application being presented will combine all seventeen parcels of the previously approved and recorded subdivision and then subdivide them into three lots.

He then referenced the six record documents noting the first plan is an overview of the site, maps and some signatory items. The second document contains additional information with general notes and tables encompassing the overall amended conditional use. It includes density calculations, parking space requirements, etc. He noted the maximum number of units is 142. Setback adjustments were reviewed in addition to the bypass lane which the developer is committed to completing prior to Phase II.

He has spoken with City Engineer Mark Mallamo who verbally approved the bypass lane. A written letter is anticipated within the next couple days.

The bypass lane will be included as part of the developer's agreement and is currently under review by city staff.

Mr. Lardner referenced the document showing the lot consolidation showing the subdivision approved in 2006, reconsolidated back to its original tract. It removes the right of way dedication, removes the previous easements recorded for utilities and drainage and will remove a much earlier easement for a sewer main and pump station. He discussed the plan with the city manager and Mr. Mallamo who have agreed the easement can be abandoned. Easements will be rededicated in the subdivision plan.

He then presented the three-parcel subdivision plan for council approval showing the right of way being dedicated back to the city. Easements will be reestablished for water and sewer. Also pointed out by Mr. Lardner were the pump station and force main currently existing at Milford Commons.

All agency approvals have been obtained. DelDOT is not needed because Airport Road is owned and maintained by the City of Milford.

He advised the bid set for the final site plan has been distributed with those bids due on April 26, 2012. With councils' approval this evening, all required signatures will be obtained and the documents recorded around May 1<sup>st</sup>. The goal is to break ground on June 1<sup>st</sup>.

The renderings of the buildings have been included in the submission.

When asked for questions or comments from council, Mr. Pikus stated he is pleased to see the bypass lane is included as was requested by residents in the area as a safety precaution; Ms. Wilson agreed.

Mayor Rogers then opened the floor for public comment. No one responded. The public comment session was then closed.

Ms. Wilson moved to approve the Lot Consolidation and Final Minor Re-subdivision of 19.15 +/- Acres into 3 lots to be known as Cascades, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

Mr. Gleysteen voted yes, stating he is anxious to see the project to move forward.

With no further business, the Public Hearing was adjourned at 7:13 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/ Recorder

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
April 23, 2012*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, April 23, 2012.

PRESIDING:               Honorable Mayor Joseph Ronnie Rogers

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

City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/Recorder  
Terri Hudson

City Solicitor David Rutt

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:13 p.m.

(Councilman Grier arrived at this time.)

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests were in attendance.

COMMUNICATIONS

All communications were included in packet.

RECOGNITION

Mayor Rogers then surprised Vivian F. Ginn by presenting her with the following proclamation:

*TO HONOR AND COMMEND VIVIAN F. GINN  
FOR MERITORIOUS SERVICE TO THE PEOPLE OF MILFORD, DELAWARE*

*WHEREAS, Milford's heritage is based on citizen involvement and participation and is essential to its spirit; and*

*WHEREAS, it is fitting that the City of Milford salute those citizens, who, through their extraordinary efforts, have distinguished themselves as community leaders of whom we can be proud; and*

*WHEREAS, before moving to Milford in January 2006, Vivian F. Ginn volunteered at numerous women shelters and orphanages; and*

*WHEREAS, while raising two sons on her own, Ms. Ginn committed countless hours as a volunteer mentor to our nation's soldiers; and*

*WHEREAS, having earned the respect of those she worked with, Ms. Ginn received the distinct honor of being named the employee of the year at Fort Monroe, Virginia; and*

*WHEREAS, Ms. Ginn continues to dedicate her efforts to local organizations, most notably the Carlisle Fire Company and Elks Lodge No. 2401; and*

*WHEREAS, Ms. Ginn was presented the Elks Distinguished Citizenship Award for Outstanding and Meritorious Service to Humanity by Milford Lodge No. 2401 and the Grand Lodge Benevolent and Protective Order of Elks on March 31, 2012; and*

*WHEREAS, Vivian F. Ginn is always willing to give of herself to others who can benefit from her life-learned experiences and consistently demonstrates her unfailing support and assistance in providing a voice and help for those in less than fortunate circumstances and ideal situations; and*

*WHEREAS, her time, so willingly devoted over the years as a volunteer on various committees, organizations and humanitarian efforts has not only identified her as a person of character and humility but also as a compassionate, caring human willing to give to others, unconditionally.*

*In appreciation of her efforts to ensure the vitality of this community and her contribution to the citizens of Milford, it is hereby proclaimed by Joseph Ronnie Rogers, Mayor of the City of Milford, that the week of April 22 - April 28, 2012 is hereby declared "Vivian F. Ginn Appreciation Week" in the City of Milford.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 23<sup>rd</sup> Day of April in the Year of our Lord Two Thousand and Twelve.*

*s/Mayor Joseph R. Rogers*

Ms. Ginn expressed her appreciation noting this has been a glorious and happy month for her. She celebrated a milestone birthday, received an award from the Elks Lodge and now the City of Milford.

#### UNFINISHED BUSINESS

None to report.

#### NEW BUSINESS

*Bid Award/138 kV Substation, Switching Facilities, and 138 kV Tap Station*

Electric Superintendent Rick Carmean was present.

Sealed bids were received, publicly opened and read on April 3, 2012 to furnish the substation and switching facilities for the 138 kV Tap Station and Delivery #2 Substation. Four bidders responded as was shown on the bid tabulation included in the council packet. Of those bids, Tatman Associates, Incorporated (Solon, Ohio) submitted the lowest cost proposal for a base bid of \$492,800.00. Also bid was an alternate for the solar, though that is not being presented this evening.

Following a review by the electric superintendent and Progressive Engineering Consultants, it is agreed and recommended that the city accept the proposal from Tatman Associates, Incorporated and purchase the substation and switching facilities in the amount of \$492,800.00.

Mr. Pikus questioned the approximate \$250,000 difference in the bids. The electric superintendent stated the base bid was higher on the alternate without any real justification. He assured council that Tatman is one of the oldest fabricators in the substation industry and well respected.

Mr. Gleysteen noted that under Tatman and delivery for anchor bolts, it states "static mast" 28 weeks and asked what that means. The electric superintendent will contact his engineering firm to confirm and provide that information to Mr. Gleysteen.

When asked the target date of being on line with the new substation, Rick Carmean advised the Delmarva Power is planning to tap the 138 by the middle of October. He confirmed that with the new purchase, the city will have four transformers in stock noting it takes a substantial amount of time to receive.

It was confirmed that Tatman would obtain a Delaware Engineers' license prior to starting the project.

Rick Carmean pointed out that with the new substation, this takes the city from 60 megawatts of capacity to 80 megawatts. Another 20 megawatts can be added to the old station if needed.

Mr. Brooks moved to award the bid to Tatman Associates, Incorporated and purchase the substation and switching facilities in the amount of \$492,800.00, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

*Bid Award/Mispillion Greenway Goat Island Nature Trail Design Phase*

Parks and Recreation Director Gary Emory submitted a request asking that Landscape Architectural Services LLC receive the Mispillion Greenway Goat Island Nature Trail Design Project in the amount of \$114,984.00.

A letter from Principal Matthew Spong was included in the packet outlining the costs and plans.

Ms. Wilson moved that Landscape Architectural Service LLC be approved to provide professional services for the Goat Island Nature Trail in the amount of \$114,984.00, seconded by Mr. Starling. Motion carried by unanimous roll call vote.

*Workforce Development Commission/Delaware Community Foundation Contract*

William Pilecki, Chairman of the Workforce Development Commission, advised the commission met on April 18, 2012 at which time the contract was reviewed. By a vote of 6-0, it was recommended that city council consider approving the contract in order to allow the commission to move forward.

Mr. Pikus asked who is liable should a student be injured while employed under this program. City Solicitor David Rutt advised it would be the employer's obligation. Mr. Pikus confirmed there would be no recourse from the city; Mr. Rutt stated none that he can think of.

Mr. Pilecki emphasized the only role the city has is to forward and request money from the foundation.

With no other questions, Ms. Wilson moved for approval of the Delaware Community Foundation Contract as presented, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

*Adoption of Ordinance 2012-8/Disorderly Establishments*

Police Committee Chairman Morrow recalled this ordinance being introduced and discussed during a special meeting on Thursday, April 19, 2012.

Police Chief Hudson and council members agreed that the ordinance is appropriate and should be enacted.

City Solicitor Rutt noted that the agenda has the ordinance listed as Disorderly 'Establishments', though the ordinance is entitled Disorderly 'Premises'. He asked that be clarified in the motion.

Mr. Morrow moved to approve Ordinance 2012-8, to be entitled Disorderly Premises, as presented, seconded by Mr. Pikus:

*AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD BY ADDING A NEW CHAPTER ENTITLED DISORDERLY PREMISES.*

*ORDINANCE 2012-08*

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

*Section 1.*

*Amend the City of Milford Code by adding a new Chapter entitled Disorderly Premises to read as follows:*

*Disorderly Premises.*

*A. For purposes of the “Disorderly Premises” ordinance, the following definitions shall apply:*

*(1) “Person” shall be defined as “any owner, owner's agent, manager, caretaker, tenant, occupant and/or Person occupying and/or responsible for any residential, commercial or any other premises located in the City of Milford regardless of whether it be a Person or artificial entity.*

*(2) “Unauthorized Conduct” shall be defined as “any conduct which causes public inconvenience, annoyance, alarm or danger to a reasonable Person, has the reasonable likelihood of causing public inconvenience, annoyance, alarm or danger or disrupts the quiet use, enjoyment and good order of adjoining and surrounding properties including, but not limited to, engaging in fighting or in violent, tumultuous, or threatening behavior, making unreasonable noise or an offensively coarse utterance, gesture or display or addressing abusive language to any person present, obstructing vehicular traffic or pedestrian traffic, creating a hazardous or physically offensive condition which serves no legitimate purpose or engaging in any unlawful conduct.*

*B. It shall be unlawful for any Person to engage in any Unauthorized Conduct at any time on any premises located in the City of Milford. Any Person who fails to obey the order of a Police Officer to dispel and disperse or otherwise discontinue the Unauthorized Conduct may be cited for an additional violation of this Chapter.*

*C. Any Person who occupies or exercises any control over the premises where the violation of Subsection B hereof has occurred, or where the violation of Subsection B originated should the violation move immediately to another public venue, shall be presumed to allow, suffer or permit such conduct after receiving notice that such conduct has occurred and shall be in violation of this Chapter if a further violation of Subsection B occurs within One Hundred Eighty (180) days of receiving said notice.*

*D. Notice is properly served upon a Person if a copy of such notice is:*

- (1) delivered to the Person personally;*
- (2) hand delivered to the Person's registered office;*
- (3) left at the Person's usual place of abode or business, in the presence of an employee or family member who has reached the age of majority, whichever the case may be, who shall be informed of the contents of such notice;*
- (4) sent by certified mail, return receipt requested addressed to the Person at the Person's last known address; or*
- (5) sent by certified mail, return receipt requested to the mailing address of the owner of the subject premises as recorded on the City of Milford Assessment Records.*

*After service of notice, the Person shall make a good faith effort to develop a plan of action with the City Council of Milford and the City of Milford Police Department to prevent further violation of Subsection B. Failure to make such effort to develop the plan shall be considered a violation of Subsection B.*

*E. Any Person convicted of a violation of this Chapter shall be fined no more than one thousand dollars (\$1,000.00) for any offense but no less than one hundred dollars (\$100.00) for the first offense, no less than three hundred dollars (\$300.00) for the second offense, and no less than five hundred dollars (\$500.00) for each subsequent like offense. In the event the Person convicted is a minor, the minor's parent or guardian shall be financially responsible for the payment of any and all fines assessed under this provision. In any prosecution for an offense under this Chapter, it shall be an affirmative defense, which must be proved by the preponderance of the evidence, that the tenant or occupant has been evicted and is no longer on the premises,*

*or if there is pending at the time of trial an eviction action against the tenant or occupant of the premises which action is being pursued in good faith. Otherwise the fines imposed under this Subsection shall not be suspended.*

- F. *Any Person convicted of a violation of this ordinance shall be responsible for any and all additional expenses incurred by the City of Milford as a result of the Person's Unauthorized Conduct and shall indemnify the City of Milford and its personnel from any claims for loss or damage to person or property (real or personal) that may directly or indirectly be occasioned by the Unauthorized Conduct. In the event the Person convicted is a minor, the minor's parent or guardian shall be financially responsible for the payment thereof.*

*Additional expenses shall include, but shall not be limited to, attorneys' fees, court costs and expenses incurred in conjunction with any such claim, removal of all debris and litter from public property and surrounding properties affected by the Unauthorized Conduct, damage to personal property located on public property and surrounding properties, the cost of retaining outside law enforcement and/or other emergency assistance, the cost for police officers or other emergency personnel to appear in court, damages to personal or real public property, and personal injury damages (including death) to City of Milford employees and other outside law enforcement and/or emergency personnel.*

- G. *In the event a Person convicted of a violation of this ordinance fails or refuses to comply with an order of the City of Milford Police Department and/or the City of Milford Code Enforcement Officer, after due notice thereof, either actual or constructive, to remit payment for any fines or additional expenses owed in accordance with Subsections E and F. hereof, said amounts shall be charged against the real estate upon which the violation occurred and shall be a lien upon such real estate. Upon certification of a lien to the appropriate City or official by the City of Milford Police Department and/or the City of Milford Code Enforcement Officer, the amount of such lien shall be recorded in the Office of the Recorder of Deeds in the County where the property is located. The City Manager, in the name of the City of Milford, may institute suit before any Justice of the Peace within Kent County or Sussex County, or in the Court of Common Pleas in and for Kent or Sussex County, or in the Superior Court of the State of Delaware, for the recovery of the unpaid additional expenses in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas or in the Superior Court as the case may be.*

- H. *This Chapter shall be enforced by the City of Milford Police Department and/or the City of Milford Code Enforcement Officer. Jurisdiction for violations of this ordinance shall be in the Justice of the Peace Court.*

*Section 2. Dates.*

*Adoption: 04/23/2012*

*Effective: 05/03/2012*

Mr. Brooks advised the president of Milford Little League contacted him after she was informed that this ordinance would impact their organization. He informed her he did not believe this would affect her and asked for council's opinion.

Mayor Rogers deferred to City Solicitor Rutt for an opinion. Mr. Rutt stated that it would be like any other organization or owner who continually has problems and allows them to continue. Mr. Brooks noted that he has been involved in the league for many years and the few problems that have occurred are dealt with immediately.

Mr. Rutt explained this has a 'first-bite rule' and if there is a big problem, they are notified. They would then sit down with council or Chief Hudson to come to a resolution. He feels that as long as the problem is addressed and not overlooked, there should not be an issue.

Ms. Wilson said it applies to any organization in this city. She understands that problems can arise anywhere, but they need to be addressed, not overlooked and allowed to fester and become an even bigger problem. She agrees it was being portrayed that as soon as someone has a problem, they would be fined immediately.

She stressed this is a way for the city to help keep the community safe and simply encourages these establishments to keep order.

Mr. Brooks and Ms. Wilson agreed that the intent is to protect everyone equally and do what we can to prevent someone from being hurt in Milford.

Mayor Rogers asked if there were any comments from the public.

Chuck Rini of 119 Ginger Lane, Knollac Acres, stated that premises is being used instead of establishments. He asked if the ordinance will also apply to individual private residences should a home continually throw parties that result in ongoing problems.

The solicitor stated yes, it is defined as residential or commercial premises. Chief Hudson agreed referencing a similar reoccurring problem at a house in Milford.

Motion carried by a unanimous 8-0 roll call vote.

Mr. Gleysteen stated that fortunately, the ordinance is not necessary for the vast majority of businesses in town. However, there are a few establishments in town that will require this type of action. Because it is to protect the welfare of the local residents as well as the patrons and employees of Milford businesses and property owners, he votes yes.

Mr. Brooks votes yes stating he agrees with Mr. Gleysteen's comments.

Mr. Morrow votes yes for the protection and safety of citizens and visitors to the City of Milford.

ADJOURN

With no further business, Mr. Pikus moved to adjourn, seconded by Mr. Grier. Motion carried.

The motion adjourned at 7:48 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

**CITY OF MILFORD  
PLANNING COMMISSION**

*Minutes of Meeting*

*January 17, 2012*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, January 17, 2012.

**PRESIDING:** Chairman Charles Rini  
**IN ATTENDANCE:** George Pilla, Ed Holloway, Kerri Fry, William Lane, Archie Campbell, Jamie Burk  
**ALSO:** Solicitor David Rutt, City Planner Gary Norris and Department Administrative Assistant Christine Crouch

Chairman Rini called the meeting to order at 7:01pm noting the absence of Mr. Sharp. Chairman Rini welcomed Mr. Ed Holloway to the Planning Commission.

***APPROVAL OF MINUTES***

The minutes for the December 2011 regular monthly planning commission meetings were approved with a motion by Mr. Lane and seconded by Mr. Pilla.

***CHAIRMAN MONTHLY REPORT***

Chairman Rini reminded commissioners of the meeting dates for 2012 and asked the commissioners to please see Mrs. Crouch to update their information on the commissioner listing. Chairman Rini attended the Council meeting of 01/09/12 where Mr. Holloway was appointed by the Mayor and reminded the commission one vacancy remains.

***UNFINISHED BUSINESS***

***NEW BUSINESS***

**Appointment of Officers**

A motion by Mr. Campbell, seconded by Mr. Pilla, to appoint Mr. Rini as Chairman was approved unanimously.

A motion by Mr. Rini, seconded by Mr. Lane, to appoint Mr. Pilla as Vice Chairman was approved unanimously.

A motion by Mr. Lane, seconded by Mr. Fry, to appoint Mr. Burk as Secretary was approved unanimously.

**First State Signs Incorporated on behalf of Key Properties Group; Project No 11-177  
Conditional Use to allow two billboards  
State Route 1 and County Road 206  
Tax Map 3-30-11.00-405.00; 4.81 +/- Acres; C-3 Zoning  
Adoption of Resolution PC11-021**

Mr. Dale McCalister of First State Signs was present on behalf of the owner, Key Properties Group. Mr. McCalister explained to the commission he has attempted to receive a written approval from DelDOT, however he was only able to receive verbal approval, as has Mrs. Crouch which was provided to the commission, essentially stating the billboards are within the DelDOT requirements.

Mr. McCalister displayed a photo rendition of the proposed signs. He explained as per the City Code, this is a conditional use, which they meet the restrictions of DelDOT. The two existing structures must and will come down upon installation of the footers for the new signs. He understands that may be a condition placed on the approval.

The only other issue he can foresee is the lighting for the neighbors. This would be very similar to the uplighting that is on City Hall at night. There will be no light shining over or around the signs. Naturally the signs will be seen by neighbors; however it is commercial property along a major highway.

Mr. Norris confirmed the edge of sign must be 25' from the ROW. He also asked Mr. McCalister to explain why one sign is 45' tall. Mr. McCalister explained the sign code for the City states the sign must meet with DelDOT specifications. DelDOT has approved the height of the sign, and has approved other billboards that are taller in both Kent and Sussex Counties.

Chairman Rini questioned the timing of the billboard installation versus the overpass installation. Mr. McCalister is unsure of when the overpass is being constructed but was estimating the billboard installation in March or April.

Mr. Campbell confirmed the applicant is seeking a 45' tall billboard because of the pending overpass. Mr. McCalister added if the sign were shorter it would not be visible from the south. The intent is not to read it while on the overpass, but over the overpass. Chairman Rini stated the overpass will be similar to the one in Frederica.

Chairman Rini called for public comments.

Gary Long, 201 Matthew Cir-stated his house faces Rehoboth Blvd and Rt 1 and this is a quality of life issue which may have a negative effect on property values. He urged the commission to deny the application. He stated there is already one sign on the north end of his development that does not meet code because it does not have a dark background and lights up everything around it.

Mr. Bob Connelly, 107D Barksdale Ct- read Title 17, Chapter 11 it talks about billboards and signs can't be put in the inner curve of an off ramp. Looking at the model, without seeing any plans, he asked if these signs are going on the inner curve of the off ramp or where they will be. To him it seems without DelDOT's plans for what the off ramp is going to look like, the cart is before the horse.

Jim Higgins, 20 Meadow Lark Dr- stated he has been before council a couple of times about billboards. He is an amateur astronomer and when he looks northwest of his property, nothing can be seen in the sky because of billboard lights. There is a lot of light pollution that come from billboards. Besides, at 45', he will be able to see this from his backyard. His house is his

retirement home and was told when he moved here billboards would only be in a C3 zoning district but there would be no new billboards put up. Now there have been two built on Rt 1, and two more being built on the other side of his property. Who is going to pay him for his reduction in property value? Conditional use states that he should be satisfied in what is going to happen. He is not going to be satisfied with the loss in revenue that he is going to lose on his property values because he doesn't know anybody that wants to look out of their back yard and have a big, glowing 45', four story tall building, basically in their backyard. He didn't buy a commercial property, he bought residential. To be asked again to allow more billboards when we don't even know where the off ramp is going and what the plans are, is abysmal.

Linda Boone, 12 Meadow Lark Dr- stated her property is right down the road from Mr. Higgins and she has the same concerns. She is very concerned with decisions that are made here and she has voiced them here before, which is that first there were two billboards, now we have two more. She questioned what will prevent Rt 1 from becoming billboard alley like it is in Florida along Rt 95. Billboards affect property values, especially those in Matlinds Estates. And now across the road, there is a new cell tower that was approved. So there are a lot of that kind of thing going on that will affect property values and asked the commission to please consider that when making this deliberation. Citizens make up the City.

Frank Bason, 400 Matthew Cir-stated he sits on the Board of the HOA in Matlinds Estates. He stated there are three signs of Key Properties that are standing right now, all within a half mile of each other. Without proper planning as to where the signs will be set, he urges the commission to deny the request at this time.

Daniel Marabello, 1 Windy Dr-concurred with his neighbors at Meadows at Shawnee as far as the impact of home values. He stated one of the signs will be about 576 square feet, based on 12 x 48. He asked if the height and/or square footage restrictions that the city has trump by DelDOT. Chairman Rini explained the ordinance the City has on billboards, as Mr. Marabello is aware, states the conditional use is per DelDOT standards, which override any other standards that are in. But the billboards in the city code do not have any other standards. Mr. Marabello referred to the table in the code for signs where it states 225 square feet and 28' tall. Chairman Rini read the chart and explained what Mr. Marabello was referring to is for freestanding signs, not billboards.

Jeanee Quent, 104 Matthew Cir-stated her house backs up to this site. She is going to almost have an overpass going over her house and aesthetically it's not nice to look at for the rest of her life. If a billboard goes up, not only will residents have an ugly overpass, but now a huge billboard as well. She can currently sit on her deck and enjoy the traffic going by on Rt 1 in the summertime. She doesn't think any of the commissioners would appreciate having to look at a billboard as well as the overpass for the rest of their retirement. It won't be a nice area to live in anymore.

Jim Higgins spoke again. He asked if what he is hearing that it doesn't matter what the audience has to say or what they have to do. The city cannot decline the billboard if it is approved by the state, but they've already been told by a gentleman here that it doesn't adhere to state standards but it's county by county. He asked if the city is going to say they don't want this billboard according to the citizens here or is it going to be saying if a waiver from the state is obtained there is not a damn thing the city can do. That's what it sounds like is being said. That it doesn't

matter what a damn thing the city has to say. If it's approved by the state, that's what we have to live with. And the state doesn't control his life, he knows he lives in the state, but he lives in the city too and he voted for the people on council. He voted for the mayor and for everybody else and everything in this city. But he doesn't have voice in it. He has to go by what the state says? And the people from DeIDOT don't live here. They are up in Dover and he's already been told by this gentleman that they are over height restrictions, so a waiver has been gotten for that. He says this stops right here unless the commission just wants to be a rubber stamp for the council.

Gary Long spoke again. He asked what standards of the state did the City adopt. Chairman Rini explained in a C3 zoning a billboard can go up if they meet state standards. Mr. Long asked if it is a structural standard or what? Mr. Norris explained the applicant will get a building permit from the city for structure, but the size, height, location, and spacing is via a permit from DeIDOT, under their standards.

Howard Webb, 5536 Cedar Neck Rd-stated he is not in city limits and has no axe to grind in this situation but wanted to remind the commissioners this is our town and if we want a little higher quality than what DeIDOT would have, we should be able to have our town a little better. If DeIDOT's specifications are fine, then maybe the application should be approved.

Hearing no further comments, Chairman Rini closed public comment session.

Mr. Burk recalled heading up a subcommittee for eight months with Mr. Sharp where they tried specifically to address this situation. There were meetings with the Chamber of Commerce, sent out numerous questionnaires, and came up with what they felt was a fair billboard ordinance and presented it to Council. Council decided to not go with what the commission presented but instead to go with the less restrictive DeIDOT regulations. He has an idea of who introduced that, but if the audience goes through the minutes, they will see the details of that. That's the code the commission has to follow. This body did make an attempt to put in tighter restrictions, just so the public is aware of that.

Mr. Campbell reminded the public two signs will come down when these two go up. He understands the concern of the height of 45'.

Chairman Rini asked Mr. McCalister to come back to the podium to address the questions from the audience. He asked what the size of the existing signs are on the site. Mr. McCalister had no idea as he has never measured them. Chairman Rini asked Mr. McCalister to explain the location of the proposed signs as it relates to the "inner loop" referred to earlier. Mr. McCallister explained DeIDOT has very stringent requirements for signs to be so far away from a merge lane, an interchange and a ramp. DeIDOT has looked at these plans, and has approved them. The inner loop is on DeIDOT property. These signs will be on Key Properties Group land therefore not in the inner loop.

Mr. McCalister referred to on-premise advertising as opposed to off-site advertising. These signs are for off-site advertising. What Mr. Marabello referred to in the code is for on-premise advertising. The Federal government and DeIDOT have a great deal of restrictions on locations of signs along highways, which is all tied to the Federal Highway Administration. Federal dollars can be withheld to the state if the regulations are not followed.

Mr. McCalister confirmed the size of one of the proposed signs is 576 sq ft. He also stated the sign is allowed to be as big as 20 x 60, per the DelDOT standards, but Key Properties Group and Mr. McCalister did not feel that size would be appropriate in this area. The owner of the signs intends to rent the spaces to local businesses, within a five to ten mile radius.

Chairman Rini closed the public hearing.

Mr. Campbell confirmed again the two existing signs will be removed.

A motion was made by Mr. Pilla to approve the application and seconded by Mr. Burk. Motion carried following a poll of the commission.

Mr. Pilla	Yes
Mr. Holloway	Yes
Mr. Fry	Yes
Mr. Lane	Yes
Mr. Campbell	Yes
Mr. Burk	Yes
Mr. Rini	Yes

***City Planner Monthly Report***

Mr. Norris hopes to have training in March for all members, topics to be announced. Training is usually around 5:30 pm or 6:00 pm prior to monthly meeting.

With no further business, a motion to adjourn by Mr. Lane was seconded by Mr. Pilla. The meeting adjourned at 7:46 pm.

Respectfully submitted,



Christine R. Crouch  
Department Administrative Assistant/Recording Secretary

**CITY OF MILFORD  
PLANNING COMMISSION**

*Minutes of Meeting*

*February 21, 2012*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, February 21, 2012.

PRESIDING: Chairman Charles Rini  
IN ATTENDANCE: George Pilla, Ed Holloway, Archie Campbell, Jamie Burk  
ALSO: Solicitor Jamie Sharp, City Planner Gary Norris and Department  
Administrative Assistant Christine Crouch

Chairman Rini called the meeting to order at 7:00 pm noting the absence of Mr. Fry, Mr. Lane, and Mr. Sharp.

***APPROVAL OF MINUTES***

The minutes for the January 2012 regular monthly planning commission meetings were approved with a motion by Mr. Holloway and seconded by Mr. Campbell.

***CHAIRMAN MONTHLY REPORT***

Chairman Rini referred to Mr. Norris' city planner report which will be later in the meeting.

***UNFINISHED BUSINESS***

***NEW BUSINESS***

**Davis, Bowen & Friedel Inc on behalf of Milford, City of; Project No 12-180**

**Final Minor Subdivision**

**Milford-Harrington Hwy**

**Tax Map MD-16-173.00-01-06.01; 21.694 +/- Acres; C-3 Zoning**

**Adoption of Resolution PC12-002**

Mr. Randy Duplechain, of Davis, Bowen & Friedel, was present to represent the application stating the City is requesting a minor subdivision for a 21.70 parcel into two parcels. One will be a little more than 10 acres and the other is a little over 11 acres.

Mr. Fry arrived at 7:05 pm.

Mr. Norris asked for an explanation of the access easements and DelDOT's approval. Mr. Duplechain replied DelDOT has approved the minor subdivision. Access to the second parcel will be via a 60' easement the City will provide on the first parcel. The purpose of the subdivision is for the City to construct an electric substation on the parcel closest to Milford Harrington Hwy. The second parcel will be potentially sold the solar panel project, which is the next application on the agenda.

Mr. Norris noted there are non-tidal wetlands on the second parcel. He asked if those will have to be maintained. Mr. Duplechain stated yes.

Mr. Campbell asked when the solar project would be completed. Mr. Rini replied that is next on the agenda.

Mr. Rini called for public comments.

Mr. Gary Rhodes of Southern States, 7308 Williamsville Rd, asked if the easement will it be right next to property Southern States owns? Yes, per Mr. Duplechain. Mr. Rhodes hopes that does not affect anything Southern States does in the future as far as easement off of Milford Harrington Hwy into their property.

Hearing no further comments, the public comment session was closed.

A motion to approve PC12-002 was made by Mr. Pilla and seconded by Mr. Burk. Motion carried unanimously following a poll of the commissioners.

**Davis, Bowen & Friedel Inc on behalf of Fordmill LLC; Project No 12-181  
Final Site Plan  
Milford-Harrington Hwy  
Tax Map MD-16-173.00-01-06.00, 06.01 (part of); 81.05 +/- Acres; R-3 and C-3 Zoning  
Adoption of Resolution PC12-004**

Mr. Randy Duplechain, of Davis, Bowen & Friedel, was present to represent the application explaining he is representing Sunolar Power, which is the company developing the solar project. This project will be located adjacent to the property the City owns that was last on the agenda. It will be an 81 acre site of basically solar panels and then access roadways to get access to the panels for maintenance. There are two parcels involved in this. The first being a 70 acre piece that is currently owned by Fordmill LLC. The second parcel is an 11.2 acre parcel that is second parcel subdivided as part of the earlier application that will be incorporated into the 70 acre parcel. As far as access to this site, as discussed earlier, it will be shared between the City and this solar project through the 60' easement. Pretty much the whole property will be covered in solar panels and the entire property will be surrounded with a chain link fence for security purposes.

Power from this facility is going to feed the substation that will constructed on the property that the City is keeping on the 10 acre parcel. All approvals have been received, being DelDOT, Conservation District, Fire Marshal, Public Works.

Mr. Norris had no questions.

Mr. Rini asked if there will be water or sewer to the site. Mr. Duplechain replied no. When asked what the output of the solar project is, Mr. Duplechain stated he understood it to be 14.4 megawatts.

Mr. Pilla asked who will maintain the solar project. Mr. Duplechain stated a solar company will operate and maintain the facility. The power generated will feed a substation that will be owned and operated by the City.

Mr. Rini stated the City will buy the power from this facility in lieu of buying it from an outside source at a higher rate. This will decrease the cost of electricity to the City.

Mr. Rini called for public comments. Hearing none closed the public comment session.

A motion by Mr. Holloway to approve PC12-004 was seconded by Mr. Campbell. Motion carried unanimously following a poll of the commission.

**Carmen Kemper on behalf of Greater Milford Development Group; Project No 12-178  
Conditional Use  
1 Park Avenue  
Tax Map MD-16-183.10-04-43.00; .552 +/- Acres; C-2 Zoning  
Adoption of Resolution PC12-001**

Ms. Carmen Kemper on behalf of Greater Milford Development Group, the property owner, is the owner of the Milford Skating Center and was present to represent the application.

Ms. Kemper read the following statement:

“I have managed the Skating Center since 2000 and have recently purchased the Skating Center in July 2011. I am here asking for the conditional use of the building to have recreational programs offered at the skating center. Some of those requests have not been requested to offer options to serve the community better and enhance the programs offered in our downtown area. Milford Skating Center has occupied the building in Downtown Milford since 1982. As the current zoning is written, skating centers are not accepted in the downtown district. Having been here since 1982, I first am asking for the conditional use to be enhanced and then ultimately suggesting the zone be changed to include roller skating and activity center as provided uses within the conditional use permit needed. With this request, I am not changing the appearance of physical building or property, inside or out. I am requesting to enhance the services that can be offered within the building to better serve children and adults from Milford and across Delmarva. We attract families from Salisbury, Maryland, skaters and non-skaters from Dover, Eastern and Western Sussex County, Smyrna and even Southern Pennsylvania. All of which must arrive through our Downtown Business District and park next to our beautiful Riverwalk. Milford Skating Center attracts hundreds of participants weekly to the downtown area. This request was prompted by the City Code Enforcer so that I do not default on my conditional use. The majority of activities requested, have been activities we have successfully held at the Milford Skating Center without incident. The two previous owners of the Skating Center were not aware of any infringement on the ordinance or conditional use during their tenure in which these activities also took place. These activities enhance the roller skating programs already offered to the community and families that utilize the Skating Center. The more programs and variety of programs I can offer, the more opportunity Downtown has to get in front of buyers of their products and services. The facility and activities have been without incident for many years. That is because of the wonderful staff I employ and the additional staff I employ when necessary. In today's economy and high utility prices, I as a business owner am offering services to the community for recreational and entertainment and am trying to enhance my business to increase revenue to offset the increase in costs of doing business. I am a member of this community as a business owner and as a resident for more than 20 years. I have assisted several fundraising campaigns through donations and hosted events that are roller skating and non-roller skating in

nature. I have shut down roller skating programs due to road closings for Downtown and Chamber events since there was little access to parking for regular clientele. I then reopened my doors during those events for community organizations to raise money during the events, without charging the organization for my business use. I ask for your favorable recommendation to my request so Milford Skating Center can continue to compliment Downtown Milford, the City of Milford and improve the recreational activities offered to its citizens.

Mr. Rini thanked Ms. Kemper for her comments. He asked since she her conditional use application has approximately 32 items, including the hours of operation, what he would like to do is start the questioning process and maybe have the commissioners go down the list and if there is a topic on the list that is of concern or needs further explanation on what it is, we'll handle them one at a time. Once the commission is done with the questions, Mr. Rini will call for public comments. Regarding the public comments, if there is a statement already said or a question already asked, to please don't duplicate. He also reminded the audience to speak to the commission and the commission will ascertain the answers.

Mr. Norris confirmed Mr. Silicato owns the building but Ms. Kemper leases it with her business being the Milford Skating Center. He asked her to explain the hours of operation, particularly with Saturdays. Originally the hours on Saturdays were 8:00 am opening to 12:00 am and now the hours requested on Saturdays are 8:00 am opening until 8:00 am on Sunday.

Ms. Kemper asked for that to be amended to indicate 8:00 am opening on Saturday to 3:00 am closing on Sunday.

Mr. Rini confirmed the hours of operation being requested are per the application submitted.

Mr. Norris noted one of the items listed on the application is High Schoolers Mentoring in the mornings. He asked for further clarification of that. Ms. Kemper explained that is when Milford High School students come over to the Center and Ms. Kemper mentors them, i.e. getting them prepared to go out into the world and getting a job, they go over things, show them how to be at a job, what is expected of them while there, their appearance, different things that will help them. She has done the mentoring a couple of times now. The school brings them to the Center and there is no cost to the students or school.

Mr. Norris asked if there was any correspondence between the Center and the school authorizing the mentoring. Ms. Kemper stated yes she does. She has a few teachers that come over with the students and do different activities with the students during the school day as well.

Mr. Rini asked for a title to the program, as it sounds like a future business association type of program. Ms. Kemper was not familiar with the name of the class. Mr. Rini was looking to determine if this is being done with the approval of the superintendent of the schools. Ms. Kemper replied yes. When Mr. Rini asked if there was anything in writing to confirm this, Ms. Kemper stated no she does not. The teachers go through the superintendent and principal to get permission and then they call her to set it up.

Mr. Norris continued by asking for clarification on the After School Programs seven days per week. Ms. Kemper explained the after school program is offered through the three elementary schools and it is usually on Wednesdays. At 1:20 pm when the school lets them out, the Center

gets a bus to pick up from the three schools and bring them back to the Center for skating until 6:00 pm. Middle school students are also included, but they must provide their own transportation. Different days have been offered to the schools as well. Mr. Norris asked what the students do at the Center. Ms. Kemper replied they skate or play dodge ball.

Mr. Norris questioned the Adult Dance on weekends only. Ms. Kemper explained she has been approached by different organizations to rent out the building and they bring in their own DJ's. Ms. Kemper also has her own adult dances with her DJ available for dancing and socializing. That is done after the regular skating session times.

When asked about the Alcoholic Beverages at Private Parties or Bouts, Ms. Kemper explained she has been approached by different organizations about being able to bring in alcohol. She has spoken with the ABC Commissioners (Alcohol & Beverage Commission) and has been told by them it would up to the group coming in to have a gathering license which would cost them \$5.00 to be able to sell alcohol in the premise. If they are not selling the alcohol, and they are not charging at the door, the organization can bring in alcohol and give it away at the private parties.

Bouts are roller derby girls and they are doing alcohol at other rinks to provide income for their club and home. The roller derby group brings in people from down south – Rehoboth, Lewes – and getting ready to do bouts in a couple of months. They are asking if they can sell alcohol to raise money for their club.

Mr. Norris asked if ABC has been checked to determine what type of license is needed. Ms. Kemper replied it would also be a gathering license and they are responsible for that. Again, the bouts would be charging at the door so they would need the gathering license. Ms. Kemper would need a bartender, a bar setting which she has in the snack bar area, and it would only be used for that one day event. It would not be an everyday thing. She is not looking for an everyday license for alcohol because she's not being asked to provide alcohol every weekend or even once per month.

On the list also was Drop In Childcare and Mr. Norris asked for more information on that and wanted to know if the State had been contacted for their rules and regulations. Ms. Kemper stated yes. She explained that is her summer camp where kids are dropped off. And yes, the Child Care Licensing Office is aware of what she is looking for and she has a certificate in child care and they are willing to work with her for the Center.

Mr. Rini questioned the Alcoholic Beverages for Private Parties and Bouts. He assumes that all the other items on the list on the application would not have alcohol connected with them. Ms. Kemper stated that is correct.

Regarding the private parties and gatherings, Mr. Rini asked if the Center is shut down while those events are taking place. Ms. Kemper explained the Center is open during normal times and when a private party is scheduled, Ms. Kemper tries to schedule them when it will not interfere with the normal skating session times or other functions going on. She tells them what times she has available. She does a lot of private parties that are skating parties, such as churches and an autism awareness group. The diabetes group is for dancing because skating is no longer an option for the young lady. The proceeds from the diabetes dance go to her. Same thing with the

girl scouts. The last two Sunday's the girl scouts have had fund raisers in the building, and Ms. Kemper has donated the admissions to them.

Mr. Rini asked how the liability goes for all of these events. Ms. Kemper said she has an overall liability policy that protects all of it. Mr. Rini asked if a senior walker falls down she has coverage for that. Ms. Kemper replied yes.

Mr. Rini asked for clarification on DJ Competitions. Ms. Kemper explained that is a group of DJ's that want to come together and do a competition of their music and talents and people at the rink stand there and cheer them on and it's a contest. Mr. Rini asked if there is dancing, the DJ's take turns, etc. Ms. Kemper stated yes, but it's not an actual dance.

When asked about All Night Skate Sessions, Ms. Kemper explained they are from 7:00 pm until 7:00 am. The Center has always had them and never had problems with them. Mr. Rini stated the proposed hours of operation do not extend to 7:00 am. The latest she is requesting is 3:00 am. Ms. Kemper stated that is correct. She would have the all night skate until 3:00 am.

Mr. Pilla indicated the only problem he had was with the Teen Dance 16-21 years old. He feels teenagers end at 19 and he's not sure why 20 and 21 year olds would be permitted, which are usually the ones that have the alcohol in the back of their car and a more aggressive tendency. He asked why the age is specified as 16-21 years old. Ms. Kemper replied she was trying to break up the age levels. There is a teen dance from 15 years old and below. She stated there are a lot of 17 and 18 year olds in college and a few that are 16 in college and she didn't want to leave them out. Mr. Pilla stated if he's 21 he can go to the bar and dance. Ms. Kemper stated the teen dances do not have alcohol.

Mr. Fry asked if ABC grants the alcohol permits, what will prevent 21 year olds from bringing in their own alcohol. Ms. Kemper stated she has security guards that pat down everyone before they come in. If patrons leave the building, they must be patted down again upon re-entry. That has always been done and she has never had issues. Mr. Fry explained that was before alcohol licensing came into the picture. He wants to know if the conditional use to allow alcohol is approved, what is going to put a stop to bringing alcohol in. Ms. Kemper stated she will assure him alcohol will not be in the building for teen dances.

Mr. Campbell asked the difference between a gathering license and an ABC liquor license. Ms. Kemper explained a liquor license is between \$1500 to \$2000 and a gathering license is \$5.00 and is a onetime deal. Mr. Campbell confirmed that every time there is alcohol, there will be a \$5.00 charge. Ms. Kemper stated yes and the organization applying for the license must be a non-profit organization to get that granted. Mr. Norris asked who verifies they are a non-profit. Ms. Kemper replied ABC does. There is a form that has to be filled out and turned into ABC and they are the ones that make that decision. Mr. Norris asked what the turn around time is on the license. Ms. Kemper stated 2-3 months.

Regarding the Drop In Childcare, Mr. Campbell asked if that is only for the summer. Ms. Kemper replied yes.

Mr. Campbell stated the after school event, he asked if there is approval required for this. Ms. Kemper stated no approval is needed, it is like a private party because they are coming to her asking to use the Center to enhance the kids. Mr. Campbell confirmed it is just mentoring.

Mr. Burk asked for clarification on Family Resources and where it says Immigrants. Ms. Kemper said she is thinking about doing something with the immigrants that are in the area to allow them to come in and bring interpreters and show them what they need to have done or whatever the case may be, to help them. Again that is something she is looking at to have free of charge.

Under the list of things Ms. Kemper wants to have changed, she states she can no longer operate the business the way it had been operated for the last 30 years. He asked how many things on the list have been underway, or how many dances has there been where alcohol was involved. It looks like there was a letter from the Code Enforcement Department regarding the New Years Party that was rejected. Ms. Kemper stated the drop in daycare has not been going on, nor the immigrant services. The alcohol has been once. Everything else on the list has been going on for years. Mr. Rini confirmed there has been alcohol at the Center once. Ms. Kemper stated that was at her opening in August 2011 and it was not being sold. Mr. Burk confirmed there is security at the Center to determine age. Mr. Campbell asked if the Milford Police Department was there or on standby. Mr. Rini said the commission would hear from the Police Department during the hearing.

Mr. Holloway needed some more clarification on the ambiguity of the private parties and the alcoholic beverages. He asked if Ms. Kemper sees a situation where a private party including alcohol would be going on at the same time as other events that might involve children of any age below 21. Ms. Kemper replied no.

Mr. Holloway asked what conditions were approved upon her opening. Ms. Kemper really couldn't answer the question because no one has ever given her anything in writing telling her what was, other than it was just supposed to be a skating center. In the last 30 years these activities and have never been approached and told there was any wrong doing. Mr. Holloway confirmed what happened then was the broad term of "skating center" only was expanded into other activities. Ms. Kemper replied yes.

Solicitor Sharp wanted to be clear on what has been done and what has not been done at the Center. He asked to go down the list on the application and make clear which ones have been done in the past and which ones are new.

Roller skating – done in past.

Senior walkers – done in past.

High schooler mentoring – done in past.

Diabetes dance – done in past.

Private birthday parties – done in the past. Ms. Kemper explained these are done during regular session times.

After school programs – done in past.

Teen dances – done in past.

Adult dances – done in past, started last year. Have them once every other month or so.

Solicitor Sharp confirmed these are not during regular skating hours.

Zumba and other exercise programs – done in the past, during the mornings.

Country line dancing – done in past.

Private non-profit organization parties – the local parade committee has been renting out the center as a fund raiser for years, but the colleges and bikers started last year.

Autism skate/social – done in past.

Roller derby practices and bouts – done in past, started in past year.

Alcoholic beverages at private parties or bouts – proposed new use.

Dodge ball – done in past

Community meetings – Ms. Kemper explained allowing community groups to come in and have meetings, ie parade committee, churches, etc.

Boy Scouts, Girl Scouts, cheerleaders awards nights – Ms. Kemper explained the groups come in and may skate or may not and have awards ceremony.

Indoor field hockey – proposed new use.

Indoor soccer – proposed new use.

DJ Competition – done in past.

Segway relays and practices - done in past.

Jam skating – done in past.

Ballroom dances and classes – done in past.

Church functions, parties and meetings – this would fall under community meetings

Drop in childcare – Solicitor Sharp asked if this was only a summer function. Ms. Kemper replied this will strictly be a summer program and could be called a summer camp.

Children's summer programs - this is the Drop in Childcare.

Holiday parties – been done in past.

As far as the private parties are concerned, Solicitor Sharp asked what kind of controls she has as the operator of this business when a group comes in and rents the facility for a private party. Ms. Kemper stated she has staff at the facility as well as a clause in the contract with the group, depending on the group, that the group has to have their own security people and show Ms. Kemper their credentials. If not, then Ms. Kemper provides security.

Solicitor Sharp asked how capacity is enforced. Ms. Kemper stated she has clickers and goes by admissions as they come through. Her capacity is 299, so she is not going to exceed that. When asked if she has had any problems with private parties exceeding the capacity, Ms. Kemper replied no.

Solicitor Sharp confirmed the application is requesting to allow alcohol at private parties. When the private parties are held, Solicitor Sharp asked if skate sessions will be held before and/or after the private parties. Ms. Kemper replied not afterward, but probably before the private party with a 45 minute buffer time between.

Mr. Rini called Mr. Lendon Dennis, the City's Code Enforcement Officer, to the podium to explain how we arrived to this point.

Mr. Dennis explained on or about December 22<sup>nd</sup> he met with Ms. Kemper. Prior to that, however he was asked if the Center was allowed to have any dances. As this is his third year with the City, there were probably things done or allowed that he was not aware of, so he responded no. He was informed a dance or riot that took place prior. After researching the zoning code and speaking with the City Planner, Mr. Norris, Mr. Dennis informed Ms. Kemper

the Center was permitted to operate only as a skating center. During the meeting with Ms. Kemper, he informed her of needing to apply for a Conditional Use to be permitted uses other than skating. During that meeting, she was upset because there had been an issue earlier that she felt was not her fault. Mr. Dennis explained to her that since he was now made aware of what all was being done at the Center, he had to enforce what the code states. This is how we got to where we are now.

Lieutenant Kenny Brown with the Milford Police Department stated on behalf of Chief Hudson and the entire police department he thanked the commission for the opportunity to speak. His presentation was in the form of a power point and asked if the laptop being used in the Council Chamber has audio capability. Mrs. Crouch, the recording secretary, was not certain if it did, but if it did it would probably come from the laptop speakers itself. The audio would be picked up by the microphone on the podium if the laptop did have audio.

Lt Brown then went through the power point. The audio did not play and Lt Brown noted that was unfortunate because the calls that the police department received are important.



## Milford Skating Center

- Opened in 1982 with Phil Smalley. Great place for family exercise, youth entertainment.
- Many of us enjoyed Friday and Saturday night skating when we were in Middle School
- Parents appreciated a safe environment for Middle-School aged youth.

## Milford Skating Center

- In 1986, Milford Skating Center attempted a Dance night. An effort to draw more business backfired. Many fights occurred inside and outside the Skating Center. Police had to respond on a routine basis, until it got so dangerous for both the management and employees, that the management decided to put a stop to it. When the police were going in to stop the fights, the large crowds overwhelmed the officers, grabbing at their guns. More than once, mace had to be sprayed inside the center to back the aggressive crowds away so the officers could even get to the fight to break it up, then fight their way back out with the prisoners.

## Milford Skating Center

- Since then, the Skating Center has been operated without great cause for concern, as a family-friendly community-based center.
- They have supported community events
  - Milford Community Parade
  - Skate 4 a Cure (Diabetes)
  - Sunday night Christian Skate night
  - Kids Birthday Parties

## Milford Skating Center

- Yes, the Milford Skating Center...featuring Christian Night, Family Night, Kids Birthday Parties, exercise and fitness Professionals.

A FAMILY-FRIENDLY ATMOSPHERE TRYING  
TO MAKE MILFORD A BETTER PLACE BY  
BRINGING MORE ACTIVITIES AND EVENTS  
TO THE MILFORD SKATING CENTER

## However:

a home for

ROVING NIGHT CLUBS is not Family Friendly!

A Roving night club is a dance club that doesn't actually have a home. They go from facility to facility, renting venues by giving the landlord a story such as, "For a Birthday Party",

## Milford Skating Center

- But everyone pays at the door, there are no presents and no birthday cake. It is a profit motivated way for those that don't respect anyone's property or security to have a night-club without the investment of a building. They tear it up, fight, do damage, cause havoc, and contribute nothing to the community but problems. Most VENUES in Milford and Dover will not rent to them.

## Except now the Milford Skating Center:

- Fri Oct 29<sup>th</sup>- Private Party- was a roving night club. Tickets sold by someone else- not the Skating Center. This was a "Roving Night Club Operation.
- Sat Oct 30<sup>th</sup>, Private Party- Del State College Party. Dover Venues would not rent to them from bad experiences in the past, because it became part of the ROVING NIGHT CLUB OPERATION.

## Milford Skating Center

- WE LOVE THE MILFORD SKATING CENTER as a skating center. We are OPPOSED to it as A NIGHT CLUB.

## Milford Skating Center



Or As An  
ADULT College  
Party  
Facility



There was an over-capacity crowd according the State Fire Marshall's Office



And the Following night  
finding this>>>>>>



And Yet another bus load..



Our info from attendee's is that there were nearly 800 tickets sold for this event as late as 1:00am, via the internet



There is a fight going on in the middle of this



“I put em out, because I’m not going to deal with it!”- Carmen Kemper



And Now there are 800 Angry People on the street at 1 A.M.

- That’s a recipe for a fight...and there were fights everywhere!

And only four Cops on duty to handle all these fights...

- 📢 Officer requesting more units at the skating rink for a disorderly crowd
- 📢 A prisoner is taken...now one officer is tied up leaving less resources to deal with what happens next.
- 📢 The Skating Center calls in about more problems out front. Police are already there, but the crowd is so large, they can’t tell
- 📢 The Search is on for additional resources to deal with the large crowd

So the taxpayers now are footing the bill for event security after the Skating Center puts them out on the street. It is more of a crowd than the three remaining officers can handle, so now we have to “Borrow” from other City’s resources



Officers asking for those additional police resources to step up their response



It’s really getting Bad!.... That is a K9 officer yelling on the radio for help! “Get us some Units here Milford!”



Now resources are tied up with prisoners. Officers stuck at the scene know what happens next and warn those businesses because now.....

## The Problem begins to spread

- Fights and large crowds at WaWa
- Fights and large crowds at Royal Farms
- Fights and large crowds at McDonalds
- Shots fired on NW Front Street

## Problems at Convenience Stores that are direct results of the large crowds

- Flash Mob Robbery and Theft
- Assaults
- Bottles thrown inside the store
- Experience has taught them that when we call and warn of the crowds, they close and lock the doors
- Unfortunate for the other local businesses to suffer as a result of another local business's poor decision to sponsor these ROVING NIGHT CLUBS

## These are Not Isolated Incidents

- April 9, 2011- OVER21 Party at the Skate Center- "Private Event" as advertised on Milford Skate Center Face Book sight.
- Flyer for same date shows it was a "Pay per Entrance" night club operation for the "Street Warriors" motorcycle "club" for an over 21 crowd.



- Two Fights handled afterward

May 28, 2011, Pre Hot Summer Bash from 9 till  
2

Received a call requesting 4-5 police cars for a large fight- Inside the skating Center. A short time later, we were called to assist the State Police for a Large Fight just outside City Limits



## Proximity to other Facilities

- [Milford Skating Ring 1000 ft Radius.pdf](#)
- Four Churches within 1000 feet
  - Milford First Presbyterian
  - Jesus Love Temple
  - Small Church on Main Street in a store front
  - Small Church in the Shockley Building
  - Would violate current City Code for new liquor License

## Teen Dances

- The Skating Center has advertised several "Teen Dance" events on Saturday Nights.
- They vary in age requirements, but the majority are 13 and up (not cut off at 18) and 16 and up( again not cut off at age 18)
- These Violate the Code of the City of Milford Chapter 208
- They call them "Teen" Dances. One is advertised for 16 to 21 year olds. This is not a "Teen Dance", this is an Adult Dance with teens allowed.
- Hours Vary as advertised, but again violate Chapter 208 in that it has to be closed by 11 p.m. These dances are advertised on Milford Skating Center's Facebook Page

## Recent events involving "Roving Night Clubs"

- **POLICE ARREST 3 IN LARGE HARRINGTON BRAWL**
- **BY KYE PARSONS - [EMAIL](#)** (PHOTO: CBS)
- **HARRINGTON, DEL.**- HARRINGTON POLICE SAY THREE PEOPLE WERE ARRESTED AFTER OFFICERS HAD TO BREAK UP A LARGE FIGHT INVOLVING HUNDREDS OF PEOPLE AT THE GENE PRICE COMMUNITY CENTER ON DORMAN STREET.
- POLICE WERE CALLED TO THE GENE PRICE COMMUNITY CENTER SHORTLY AFTER 1 A.M. SUNDAY. ACCORDING TO POLICE SAY THEY FOUND BETWEEN 200 AND 300 PEOPLE FIGHTING.
- THE HARRINGTON POLICE DEPARTMENT CALLED FOR ASSISTANCE FROM DELAWARE STATE POLICE TROOPERS AND OFFICERS FROM THE FELTON, MILFORD AND WYOMING POLICE DEPARTMENTS.
- POLICE ARRESTED 18-YEAR-OLD CHRISTOPHER HARRIS OF LINCOLN AND A 17-YEAR-OLD MALE SUSPECT. POLICE USED A TASER TO SUBDUE THE 17-YEAR-OLD AFTER HE RESISTED ARREST.
- STATE POLICE ALSO TOOK A THIRD SUSPECT INTO CUSTODY. HIS IDENTITY WAS NOT IMMEDIATELY AVAILABLE.

- A girl was struck in the face with a brick.
- A car windshield had a brick thrown thru it.
- There was another brick stuck in the windshield.
- A subject was treated after being struck with a board.
- The crowd was throwing rocks at the Police Officers who were trying to disperse the crowd.

## SHOOTING LEAVES TEEN IN SERIOUS CONDITION

- BY AISHA KHAN - [EMAIL](#) LEVONTE DOCKINS
- BRIDGEVILLE, DEL. - A SHOOTING OUTSIDE OF A SUSSEX COUNTY NIGHTCLUB LEFT A TEENAGER IN SERIOUS CONDITION ON SUNDAY.
- DELAWARE STATE POLICE SAID THE INCIDENT HAPPENED AROUND 2:30 A.M. OUTSIDE OF THE D-LOW NIGHTCLUB, LOCATED WEST OF BRIDGEVILLE.
- ACCORDING TO POLICE, AN 18-YEAR-OLD MAN AND A 23-YEAR-OLD WOMAN WERE LEAVING A PRIVATE PARTY AT THE NIGHTCLUB WHEN A LARGE GROUP GATHERED OUTSIDE OF THE CLUB AND BECAME DISORDERLY AFTER BEING TOLD BY MANAGEMENT THAT THEY WERE NOT ALLOWED INSIDE.
- AUTHORITIES SAID AS THE TWO WERE DRIVING AWAY FROM THE NIGHTCLUB, A MALE SUSPECT CAME OUT OF THE CROWD, PRODUCED A HANDGUN AND DISCHARGED SEVERAL ROUNDS INTO THE AIR AND INTO DIRECTION OF THE VICTIM'S CAR, STRIKING THE REAR WINDOW.
- POLICE SAID THE VICTIM, WHO WAS SITTING IN THE DRIVER'S SEAT OF THE CAR, SUFFERED A GUNSHOT WOUND TO THE HEAD.
- THE PASSENGER IN THE CAR WAS NOT INJURED AND DROVE THE TEEN TO NANTICOKE MEMORIAL HOSPITAL.
- TROOPERS IDENTIFIED 23-YEAR-OLD LEVONTE DOCKINS OF EAST NEW MARKET, MD., AS THE SHOOTING SUSPECT. HE WAS LOCATED AT A HOME IN LAUREL AND TAKEN INTO CUSTODY SHORTLY AFTER 12 P.M.
- DOCKINS WAS CHARGED WITH FIRST-DEGREE ASSAULT, POSSESSION OF A FIREARM DURING THE COMMISSION OF A FELONY, POSSESSION OF A FIREARM BY A PERSON PROHIBITED, TWO COUNTS OF FIRST-DEGREE RECKLESS ENDANGERING AND CRIMINAL MISCHIEF. HE WAS ORDERED HELD IN THE SUSSEX CORRECTIONAL INSTITUTION ON \$100,500 CASH BOND.
- 

## We are not opposed to the Milford Skating Center

- It has served the Milford Community for more than 20 years as a place for our young people to spend a Friday or Saturday night.
- We support the various family and child oriented skating events that happen there.

## What we oppose:

- Roving Night club facility
- Attempting to mix a Teen Center with an adult bar/night club
- Allowing the Skating Center to operate as an "anything goes" facility that disrupts the peace and tranquility of our City, causes the disruption of other businesses and puts the public and our police officers at unnecessary risk.

**Thank You!**

Mr. Campbell asked if the capacity is 299, how are 700 to 800 people attending. Lt Brown stated that is exactly their question. Mr. Campbell asked if when someone rents the facility if they are being told the capacity is 299 and asking how many people will be attending. Lt Brown stated its apparent from what has happened in the past that the questions are not being asked.

Mr. Burk stated the applicant states there is security on site. He asked if it is Lt Brown's experience that security was on site. Lt Brown stated yes, there were people working the door. Again, one of those people is who gave the police department the information about 700 people attending the party.

Mr. Burk asked how business licenses play into this. Lt Brown stated he is not familiar with that aspect. The police department is here for only one reason - public safety.

Mr. Campbell stated he is aware of the roving night clubs because when he worked for the Boys and Girls Club they tried to get in there and they said no. What bothers him is the facebook ad because it can get to anyone. He asked if the manager should be monitoring things if there is going to be a party. They should be going over the rules. Mr. Rini stated Ms. Kemper can answer that when she comes back to the podium. Mr. Campbell explained he knows Ms. Kemper well and she does run a tight ship, but this is overwhelming.

Mr. Rini called for public comments.

Mr. Evan Dausey-Shoomey (sp?) -200 LA Drive W (?), Lincoln – stated his comments are regarding the roving night club. He is a promoter in Delaware and he has done event throughout Delaware. The main thing other places allow is when there is an event, the town, county and state police are move available to work the events rather than Dover and Milford. He has done events at the FOP in Dover and state police have worked it. When he calls Milford Police, half the time it's a long process to go through, weeks and weeks and sometimes they deny you. His whole thing is yes, it is about safety. If that's the concern, then the City should offer more assistance with police as far as being open to work. When the police presence is there, there is no need to call them afterwards when the altercation happens. As far as the roving night club going from facility to facility, he understands that because some people don't care about facilities and just want to make quick money. He knows Ms. Carmen (Kemper) and has done a few events at her center, and as far as the capacity issue, she did tell him the capacity which includes her staff, which is 12-17 people. She is telling people. As far as the 700 people referred to at the other event, Mr. Shoomey attends Wesley College and while he wasn't at the event, he knew the people that threw the event. He claims there were not 700 people. He's not saying it was under 300, but he knows for a fact it was nowhere near 700. Mr. Shoomey claims the event was the Homecoming after party for Delaware State University. The concert got over at midnight, so the buses didn't get to Milford until about 1:00 am. Mr. Shoomey does also know Ms. Carmen makes them have security. Mr. Shoomey stated his major is political science and he's pretty sure a lot of the commissioners know about politics. He asked if the commissioners would say the whole Muslim community is bad because of a few Muslim extremists, no. It's the same thing here. There are a few kids who are going to cause trouble, but with the proper security and stuff like that it can be handled. But you can't stop the events or say the whole roving night clubs is bad all over because of a few incidents. With the proper help from the police, it could be prevented.

Mr. Rini asked Mr. Shoomey, as a promoter, why tickets can't be issued where it only goes up to 280 people and people must come with a ticket in hand. It appears maybe the 280 people are allowed in, but then the rest that come to the event loiter outside and trouble starts. Mr. Shoomey stated that would help. Another thing too, Ms. Carmen is at the window monitoring that. But as far as what people are doing outside, that's where the security should be monitoring inside and outside. Mr. Rini again asked why tickets are not sold instead of an open invite. Mr. Shoomey replied he doesn't know about the white community, but on the urban standpoint, half of the time people don't make up their mind whether they are going to an event until the day of.

Mr. Dave Mosley – 603 S Rehoboth Blvd, Milford – stated he ran the Rusty Rudder night club in Dewey Beach a long time ago. He is aware of the roving night clubs and states they do not have the security needed. He remembers having up to 36 guys working and if something happened it was still a hard time to get it under control. As far as the police department goes, when there is a small police force, such as Milford, you can't afford to have them back up the clubs. If state police can come in and help, it is still very hard to keep control of a group this size. This is why the clubs go from place to place. He has teenagers too, and the skating center is a great place, and he too wishes there was more out there for teenagers, but there is very little chance to try to keep the crowd under control. Mr. Mosley explained he is speaking from personal experience with dealing with the drunks and the crowd. He did it for a long time. It's a bad situation.

Mr. Charles Gray – on behalf of the Milford Community Parade and brother to Ms. Kemper, 101 N West Street, Harrington – stated he is in full support of the Center and their application in doing additional activities. The Parade Committee has had many activities there before including meetings and bake sales, unbeknownst they were not allowed. During the last Freedom Festival in downtown Milford, the Center closed during its normal time because there was no parking due to the closed streets. Ms. Kemper allowed a hay maze to be set up in the Center, no skating through it of course. Mr. Gray's point is that Ms. Kemper holds activities outside of skating, that not only promote her business but events in downtown.

Monica Morrow – 7 Causey Ave, Milford – stated she has special concerns about this. She lives just minutes from the center and had no idea anything happened on October 30<sup>th</sup>. Prior to moving here in 2004 Ms. Morrow was not sure Milford is where she wanted to raise her children but since then downtown has blossomed and feels a part of the community now and the skating center is a large part of that. A lot of the programs talked about her children have participated in. Without the skating center, the town would lose so much. As a parent, she would rather see her children go to parties at the skating center where there is no alcohol. Being involved in the center for four years now, she knows Ms. Kemper does run a tight ship. Being so close to the center, Ms. Morrow is very comfortable with the center being run the way Ms. Kemper runs it. Ms. Morrow asked the commission to consider all of the good the center does for the community and support it.

Angela Colone - GoreLee Girl President/Head Coach, Southern Delaware Roller Girls – read the following letter:

Twenty women and a handful of men have been lacing up three days a week at the Milford Skating Center since April 2011. For six hours a week, we train hard and put our bodies on the track against each other. It takes a certain character to welcome such a group and Carmen Kemper has accepted a new roller sport into her building... roller derby. On behalf of the So Del

League, I wanted to announce what we do and who we are. Southern Delaware Roller Girls (SDRG) is an all female, flat track roller derby league based out of Milford, Delaware. SORG was founded in March 2011 with the intention of bringing the sport of roller derby to Southern Delaware and providing an alternative form of entertainment. The league is comprised of like minded, strong, intelligent, and determined women who share a goal of emotional growth and physical strength through the sport of roller derby. We as a league, promote mental and physical empowerment, development of skills, and encouragement of friendship, individuality, and loyalty on and off the track. Although we are on skates a majority of our time on the league, we do have many fundraisers that we would like to offer for community building in our area that are off skate activities. Our Rocky Horror Picture Show was in November and we had an audience participation movie that was fun and exciting! In December, we had a donation drive at the rink for the Delaware Food Bank and SPCAs for Kent and Sussex County. We raised over two hundred pounds of food for the food bank and were able to distribute enough pet supplies to both SPCAs. Mrs. Carmen also opened her doors at the rink for the Milford Freedom Festival where families came in for her new grand opening. There was face painting, a hay maze and the SORG Bake Sale. It was awesome to see how excited families were to see the rink and the fun they had on the track without skates! The Roller Girls were able to introduce themselves to the community and welcome the sport into Sussex County. With the derby season approaching, we are looking into many ways to reach to the community to build our league stronger and grow in this sport. We would like to have fundraisers to invite families to get involved together at the rink while informing the surrounding areas about roller derby and the up rise of new athletes. We would like to offer off skate events for families and singles, children and adults. Some fundraisers for the league included more movie nights with audience participation, a community carnival, an indoor yard sale, various fitness classes and dances such as a roller derby prom. Carmen has been working with us and shows much enthusiasm for the ideas and ways to reach out and also bring in profits.

Like many spectator sports, roller derby draws men, women, children, and teens to the bleachers for some action. For many that go to watch a game, or bout as we call it, they're hoping to see some thrills and spills on the track! The bouts are an hour long and have intermission at half time and there are many refreshments being sold at the concession stand. Many of the surrounding leagues sell or vendor alcohol to spectators to gain funds for the league. Some leagues are sponsored by a vendor and/or have a liquor license, such as Mason ~Dixon, while others sell their league cups and have to give the alcohol away for free due to regulations, like the leagues of Brandywine and Pottstown. Salisbury Roller Girls have an outside vendor that sold it and received no profits, although it supported in bringing a crowd. The leagues benefit from selling of alcohol and the spectators look forward to it. Wouldn't you want to drink a draft while watching the football game?

It takes dedication, involvement, and money to maintain a business. The Southern Delaware Roller Girls is a business and the facility we use is Mrs. Carmen Kemper's skating rink. We pay her for the rink that we use and she uses our money for her business to maintain the rink. The more she puts into the rink, the more the public uses the rink. The skating rink is a fun, safe and happy family environment for the community and she has taken big steps to make it better. There isn't enough in the area where families can come together or a night where adults need to get away for a private party. Carmen has her facility for all occasions. I personally enjoy coming to her events with my son, and for a night as an individual. She is involved with the surrounding schools, Girl Scouts, and offers sports. She's been a major part of our roller derby league and has a positive attitude for the team and individual skaters. Carmen Kemper deserves to open her

business to the community on skates and off. The more she is involved with the community, the stronger our community will grow together.

Ms. Debbie LeVere – former owner of the Milford Skating Center – stated she hopes something can be worked out. The center has been in Milford since 1982 and has been with the Center. The first owner was her coach. The center has been her and her family's life. She would hate to see what they have built lost. For example the Senior Walk is something that started with Ms. LeVere. She explained she didn't know she was doing wrong and no one came to her and told her she was doing anything wrong. Mr. Gray was her business manager at the time and he thought of the idea and Ms. LeVere made it happen. Ms. LeVere understands there may be issues and questions about some of the activities going on in the Center but encouraged a resolution is found so that the Center can stay in the community.

Ms. Gaye Carter – sister of Ms. Kemper of 1146 School Street, Houston – stated she worked at the Center in 1987 until 2001. Her son was practically raised in the Center. And now she is hoping to raise her second son there as well. It is not an anything goes type of establishment. It has never been an unsafe environment, ever. Ms. Carter asked if the audio that was on the power point that didn't work could be accessed via the police department. She found it odd that an employee would call instead of Ms. Kemper.

Mr. Drew Carter – nephew of Ms. Kemper and also of 1146 School Street, Houston – stated he grew up in the Center. He worked at the rink for five years and didn't know anything about the event on the 30<sup>th</sup>. He has been at Wawa when riots have happened and he has seen the police department shooed people away. After he arrived at the rink that night, later on, it looked like the police just shooed people away and didn't take care of it. He plays dodge ball at the center and there's no problems and he doesn't understand where the roving night clubs come into play.

Hearing no further public comment, Mr. Rini closed the public session.

Mr. Rini asked Lt Brown if the audio that was on the power point would be available at the police station. Lt Brown stated he brought his own laptop and offered to set it up and play the audio if Mr. Rini gave him a few minutes. Mr. Rini replied no, that is ok. Lt Brown explained a copy of the audio will not be given out, but if someone wants to hear it, they may come to the police department and for it to be played.

Ms. Kemper came back to the podium. Mr. Campbell asked if how the capacity and roving night clubs work. Ms. Kemper stated anyone that rents out the facility signs a contract that is gone over so everyone knows the do's and don't's, what the expectations are and the fees. If they do not comply with the contract, then they are asked to not come back.

As far as the security, as Ms. Kemper stated before, they have to provide security. If they do not, Ms. Kemper is doing it and they have to pay for her security people. Regarding the roving night club, the Skating Center has never been a night club. She did an event in October and has not had one since. Before the October event, there was one a couple of months before that.

The gentlemen that are here tonight, that Friday night the event was shut down and she called the police department and told them the Center was letting out and it was an hour before the other bars were letting out at 1:00 am and she wanted the police department to be aware. She never

said she had an incident or a problem in the center. She stated she has never called the police department telling them there was a fight in the center. She did say that she cannot say what happens outside because she is inside moving people out or cleaning up. That particular evening, if anyone else called from her staff, she would like to listen to the recording because her staff would not call. Ms. Kemper said there no issues inside her establishment. The people going out other places is no different than other people going into another establishment and starting something. It doesn't have to be from the Milford Skating Center. There are other venues going on at the same time that things happen at.

As far as selling tickets ahead of time, she knows the local bars don't sell tickets when Mike Hines comes in town and there are people outside the doors to get in. His capacity is 250 (referring to Park Place). There have been numerous fights outside his establishment and the police have had to come to. There is a public parking lot located outside the Center and Park Place and open to whomever. Ms. Kemper claimed the police cameras are focused on her Center and she knows that because she has seen the cameras and the monitors. While the cameras do revolve but they can also focus on one little area and for some reason they seem to be focused on her, which is fine. She has no problem with that because she has not done anything wrong or illegal.

For the record, if she has ever been a threat to the community, I would have hoped that the Chief of Police would have come to me or someone from the City and had said "You have really gotta stop this." But she has not heard from the Chief of Police or the police department that there has ever been a threat.

Mr. Campbell asked if Ms. Kemper's security is inside or outside. She replied both. They are adults, well trained in crowd control. The night that Lt Brown was talking about, the police department called the Fire Marshal, and she knows this because she asked who called the Fire Marshal in. The Fire Marshal was hoping to find the Center over capacity, but she showed him that she was not and he was satisfied with that. Other law enforcement was called in by the Milford police department and Ms. Kemper stated she was unaware of that going on because she was inside her facility making sure everything was going well and smoothly.

Ms. Kemper was shocked that they thought they were going to get the kids in an uproar because they all came marching into the building, yet not one child, or adult she should say, came to her and asked what was going on because they were too busy having a good time.

Mr. Holloway asked how many events Ms. Kemper has had involving alcohol since she took over in July 2011. Ms. Kemper replied one and it was with the bikers. Mr. Holloway asked if that was a private party. Ms. Kemper stated yes it was a private party and there was a gathering license issued for that event. The bikers are also looking for somewhere to hold their functions and raise money for their different clubs. There is a church that is inviting the bikers in March and free lunches are being given out. It is a big group of bikers and they have their own security people. Ms. Kemper stated at one time she was told by a member of the police department she could have the bikers in the Center all she wanted because the police department won't mess with them.

Again Ms. Kemper stated she has never had any problems with the adult groups inside her facility. The owner of the facility supports everything Ms. Kemper is doing and letter stating such is in the packet.

Mr. Burk asked what is on Ms. Kemper's business license, meaning what type of business does it state. Ms. Kemper stated she has a restaurant license and a regular business license that allows her to do whatever. Mr. Burk asked if it has a type or category. Ms. Kemper replied no. Mr. Burk pointed out in the city code where it states a separate license is needed to operate a teen center.

Mr. Rini asked Solicitor Sharp to discuss the need of a teen center license. Solicitor Sharp replied Chapter 208-1 reads as follows:

*"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 to do so as provided under this chapter."*

Mr. Rini asked Ms. Kemper if she has a teen center license. She replied no, she had never heard of it.

Mr. Rini stated some people came to the podium and commented on how good the center is and the commissioners support that. It almost sounded like he was hearing the commission is here on a witch hunt and they are going to close the center down or stop the activities. The commission is not. We are just trying to get everything from all businesses that have items under the code to conform to them, and that's all the commission is doing. We are basically here to improve the community. In doing so, Mr. Rini may say things the audience may like, and will probably say things the audience may not like. The job of the commission is to make sure the betterment of the City Milford is upheld and the quality of life is improved.

This is an unusual conditional use request because it contains so many items. Mr. Norris would like to make two points. The first being the hours of operation proposed conform mostly to Chapter 111-2, Curfew Hours. The only one that does not conform is the 3:00 am closing, which Mr. Rini would like to see adjusted to a 1:00 am closing.

The second point Mr. Rini addressed was the alcohol. Again, all the other items on the application seem to be very positive and community oriented, except the alcohol. Mr. Rini noted Ms. Kemper had indicated the alcoholic beverages are for the private parties and non-profit groups/organizations. Mr. Rini asked the alcoholic beverages not be approved as part of the application.

Mr. Rini noted Chapter 77 of the City Code speaks to alcoholic beverages at events.

Solicitor Sharp stated the Alcohol Beverage Commission is who, in the State of Delaware, has control over alcoholic beverages. In the case law he has researched, the ABC will, in reviewing such applications, defer to the City so that local zoning ordinances are met. He believes that is an issue before City Council, however at the end of the day, a decision as to whether or not alcohol will be permitted is ultimately ABC's.

A final note from Mr. Rini was that the teen dancing should be cut off at 18 years old and not 21 years old. He suggests teen dances be for 18 years old and under; 12-18. Ms. Kemper explained she usually puts them in two different groups because the lower end of the age group should not be mixed in with the higher end of the age group. The commission agreed with Ms. Kemper but felt 19 years old was more appropriate than 21 years old.

Mr. Fry was not sold on the 16 to 19 year old dance. He felt the age cut off would be appropriate at 17. Mr. Campbell disagreed. Mr. Rini asked for a quick show of hands on who agreed with 16-17, 16-18, and 16-19. Majority agreed with teen dances being from 16 years old to 19 years old. A separate teen dance would be appropriate for 12 to 15.

Solicitor Sharp confirmed this conversation is on how to frame the motion and was not indeed a motion.

Mr. Campbell confirmed alcohol is being taken out completely.

Mr. Rini asked Solicitor Sharp if the Center needs a teen center license, per Chapter 208. Solicitor Sharp felt the Center does need that license to operate, but that is not part of this application and will not be required as part of the conditional uses. Mr. Rini informed Ms. Kemper she would need to obtain that license.

Mr. Rini made a motion to allow the following uses, with the corresponding conditions:

Hours of Operation:

- Sunday 8:00 am until 10:00 pm
- Monday 8:00 am until 11:00 pm
- Tuesday 8:00 am until 11:00 pm
- Wednesday 8:00 am until 11:00 pm
- Thursday 8:00 am until 11:00 pm
- Friday 8:00 am until 1:00 am on Saturday
- Saturday 8:00 am until 1:00 am on Sunday

Roller skating – 7 days per week.

Senior walkers – Monday, Wednesday and Friday mornings.

High school student mentoring – Mornings.

Benefit Dances or skates – i.e. Diabetes, Autism

Birthday parties – 7 days per week, during regular skating session times.

After school programs – Wednesdays.

Jr. Teen Dances – 12 to 15 years old, weekends only.

Sr. Teen Dance – 16 to 19 years old, weekends only.

Adult Dance – i.e. DJ Competition, weekends only, considered a private party, not during regular skating sessions.

Exercise programs – Mornings.

Dancing / Classes – i.e. country line dancing/classes, ballroom dancing/classes.

Private parties – considered a private party, not during regular skating sessions.

Private nonprofit organizations – i.e. church, bikers, parade and colleges, considered private party, not during regular skating sessions.

Roller derby practices or bouts

Indoor sports – i.e. dodge ball, indoor hockey, soccer, segways  
 Community meetings or events – i.e. Boy/Girl scouts, churches, cheerleaders, awards nights.  
 Jam skating  
 Family resources (immigrants)  
 Summer children’s programs/camp – summer only.  
 Holiday parties – considered a private party, not during regular skating sessions.  
 No alcoholic beverages are permitted.

Motion seconded by Mr. Campbell. Motion carried with the following votes:

Mr. Pilla	Yes, for the many reasons stated.
Mr. Holloway	Yes, going forward any owner of the business understands these are the conditions allowed to operate under.
Mr. Fry	No, because of the teen dance, adult dance, and DJ competitions because he feels they can cause problems.
Mr. Campbell	Yes, for the reasons stated.
Mr. Burk	Yes, for the reasons stated.
Mr. Rini	Yes, for the reasons stated.

***City Planner Monthly Report***

Mr. Norris stated he anticipates a training session prior to the March meeting where DelDOT representatives will be here. In April, prior the regular meeting, a zoning ordinance training session is anticipated. More details to follow.

Mr. Norris stated a letter was received tonight from Mr. David Mosley regarding EMB signs and ratios however because this item was not included on tonight’s agenda it will be added to next month’s agenda, FOIA requirements.

With no further business, a motion to adjourn by Mr. Campbell was seconded by Mr. Fry. The meeting adjourned at 9:30 pm.

Respectfully submitted,



Christine R. Crouch  
 Department Administrative Assistant/Recording Secretary

**CITY OF MILFORD  
PLANNING COMMISSION**

*Minutes of Meeting  
March 20, 2012*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, March 20, 2012.

**PRESIDING:** Chairman Charles Rini  
**IN ATTENDANCE:** George Pilla, Ed Holloway, Archie Campbell, Jason James, Marvin Sharp, William Lane  
**ALSO:** City Planner Gary Norris and Department Administrative Assistant Christine Crouch

Chairman Rini called the meeting to order at 7:01 pm noting the absence of Mr. Fry and Mr. Burk. The commission welcomed Mr. Jason James back to the commission.

***APPROVAL OF MINUTES***

Chairman Rini found an error on page 34 of the February 2012 Planning Commission minutes provided in the packet. After directing Mrs. Crouch to relisten to the tape and adjust the minutes accordingly, the “All Night Skating” has been removed. The commission received a revised page for their records. The amended minutes for the February 2012 regular monthly planning commission meetings were approved with a motion by Mr. Campbell and seconded by Mr. Lane.

***CHAIRMAN MONTHLY REPORT***

Chairman Rini stated the Planning Commission contact information sheet was given to the commissioners this evening and reminded them the information is for internal use only.

The workshop / training that was scheduled for this evening was rescheduled to April due to a conflict in room scheduling.

Complete Communities is a partnership between the Institute for Public Administration (IPA) and the University of Delaware (UD) whereby the City of Milford and the Town of Elsmere has been chosen as model communities.

Chairman Rini attended last council meeting where he was asked by Councilman Brooks to explain the commission’s vote on the conditional use application for the billboards. He explained the vote was based on how the code is written. He also explained the training the commission receives throughout the year.

***UNFINISHED BUSINESS***

***NEW BUSINESS***

**EMB Sign Ratio Presentation-David Mosley, East Coast Signs**

Mr. David Mosley of East Coast Signs was present to explain when the sign ordinance was being discussed years ago, he feels his statements regarding the ratio of 4:8 were taken out of context.

While he feels a 4' x 8' sign would be a reasonable amount of space, it is not necessarily a ratio to use for signage.

Electronic panels for EMB type signs come in either 4' or 11", so it is very difficult to have a sign that is within the 4:8 ratio. It's not a typical ratio.

Mr. Norris asked Mr. Mosley, in his professional opinion, what he felt appropriate sizes and dimensions would be for EMB signage.

Mr. Mosley replied 32 square feet is fine.

Mr. Norris was concerned that a sign could be installed that is 1' tall and 32' wide. Mr. Mosley felt it would highly unlikely that someone would want a sign like that, let alone actually install one. Mr. Norris pointed out the EMB at the Milford Skating Center is short and long. Mr. Mosley has received numerous questions about how that sign was approved not only because of the size, but also because it flashes and moves. Mr. Norris explained it received a Variance from the BOA.

Mr. Mosley explained the Milford Music Center has wanted an EMB sign and even had the zoning changed in order to accomplish this. When he applied for the sign permit, it was denied because of the ratio. He was told to come to the planning commission to have it approved, which is part of the reason he is here.

Chairman Rini explained an ordinance to amend the sign code would need to be written, presented to commission for recommendation, then reviewed by council for approval.

Mr. Norris understands the issues Mr. Mosley is up against, and asked that he and Mr. Mosley meet to discuss the proposed changes to the code and an ordinance can then be drafted.

Mr. Mosley asked the commission what they think the maximum width would be. The general consensus was no more than 12' wide and no less than 2' tall, keeping the 32 square foot maximum.

Mr. James pointed out a maximum height would need to be established as well, otherwise a sign could be 12' tall and 2' wide. He felt a maximum of 5' tall would be appropriate.

In summation, Chairman Rini stated possibly no more than 12' wide, no less than 2' tall and no greater than 5' tall, and no greater 32 square feet.

Mr. Mosley asked what could be done for Milford Music Center in the meantime. Mr. Norris will discuss this with Mr. Mosley outside of this meeting.

Chairman Rini directed Mr. Norris to draft an ordinance per the discussion this evening.

**John Tracey on behalf of CCM-Koelig, LLC; Project No 08-013  
Preliminary Major Subdivision Ext 4; Wickersham  
State Route 1  
Tax Map 3-30-16.00-005.00; 40.69 +/- Acres; R-3 Zoning  
Adoption of Resolution PC12-005**

Mr. John Tracey of Young, Conaway, Stargatt & Taylor LLP was present to represent the application. This is the fourth venture before the commission and council seeking an extension. For those unfamiliar with the project, Mr. Tracey provided a brief summary of the project. The hold up on the development is the sewer and water being available at the site. Back when the subdivision received its original preliminary approval, there were large other large subdivisions planned in the area and the City felt water and sewer would be extended soon than now. Since the slow down in the economy, most of the other developments have all but stopped with their plans to develop. Wickersham however is still willing to move forward, provided the water and sewer are extended. DelDOT designs for the overpasses have now been resolved since the preliminary subdivision approval.

In order to design the final subdivision plans, Wickersham needs to know where water and sewer are going to be placed in order to incorporate that in their design. Without knowing that, the project cannot move forward.

Chairman Rini stated typically the maximum number of extensions the commission is willing to recommend approval for is 3, however he understands the hardship for this development, in that it is not their fault.

Mr. Norris has spoken with the City Manager regarding this extension request and based on that conversation Mr. Norris recommended approval of the extension.

Chairman Rini called for public comments. Hearing none, he closed the public comment session.

A motion by Mr. Sharp to approve PC12-005 was seconded by Mr. Lane. Motion carried unanimously following a poll of the commission.

***City Planner Monthly Report***

Mr. Norris had nothing to report this month.

With no further business, a motion to adjourn by Mr. Lane was seconded by Mr. Pilla. The meeting adjourned at 7:28 pm.

Respectfully submitted,



Christine R. Crouch

Department Administrative Assistant/Recording Secretary

**CITY OF MILFORD  
PLANNING COMMISSION**

*Minutes of Meeting*

*April 17, 2012*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, April 17, 2012.

**PRESIDING:** Chairman Charles Rini  
**IN ATTENDANCE:** Marvin Sharp, Archie Campbell, Jamie Burk, William Lane, Kerri Fry, Ed Holloway, George Pilla  
**ALSO:** Solicitor David Rutt, City Planner Gary Norris and Department Administrative Assistant Christine Crouch

Chairman Rini called the meeting to order at 7:07 pm noting the absence of Mr. James.

***APPROVAL OF MINUTES***

The minutes for the March 2012 regular monthly planning commission meeting were approved as submitted with a motion by Mr. Lane and seconded by Mr. Pilla.

***CHAIRMAN MONTHLY REPORT***

Chairman Rini attended the March 21<sup>st</sup> DAC meeting, which is the first item on the agenda tonight. A copy of the DAC minutes are included in the packet tonight.

***UNFINISHED BUSINESS***

***NEW BUSINESS***

**Eric Dunn of Dunn Development on behalf of Walter Thomas II; Project No 11-175 Preliminary Major Subdivision rev 1, Preliminary Site Plan, Conditional Use; Hickory Glen  
1335 Milford-Harrington Hwy  
Tax Map MD-16-173.00-01-21.00; -22.02; 71.92+/- Acres; R-8 Zoning  
Adoption of Resolution PC12-006 & PC12-007**

Mr. Phil Tolliver of Morris & Ritchie Associates was present to represent the application. Mr. Tolliver provided a brief history of the annexation and the first preliminary major subdivision application submitted to the City, which was withdrawn after the Planning Commission meeting and not reviewed or approved by City Council. This application has similarities, however is a new application. Mr. Tolliver provided a handout comparing the withdrawn application and tonight's application, which read as follows:

*Hickory Glen Development Summary*

	<i>Old Plan</i>	<i>New Plan</i>
<i>Total Open Space Acreage</i>	<i>40.08 acres</i>	<i>41.41 acres</i>
<i>Number of Townhome Units</i>	<i>128 lots</i>	<i>128 lots</i>

<i>Number of Apartment Units</i>	<i>384 units</i>	<i>312 units</i>
<i>Traffic Proposed Trips per Day</i>	<i>3250 ADT</i>	<i>3214 ADT</i>
<i>Total EDU's</i>	<i>512 units</i>	<i>452 units</i>

This project, according to Mr. Tolliver, proposes 312 apartment units comprised of 24 unit buildings, 128 townhome units comprised of 4-8 units per group, and a 114 bed assisted living facility. The apartments and townhomes equate to 440 dwelling units.

According to the Land Use Application submitted by Mr. Tolliver, he is seeking approval for a Conditional Use to allow for a Planned Unit Residential Development (further referred to as a PUD), a Preliminary Site Plan for the assisted living facility, and a Preliminary Major Subdivision for 128 lots containing 452 residential units (312 apartments, 128 townhomes and the assisted living facility).

In explaining the apartment buildings, Mr. Tolliver explained the apartments are proposed to consist of 13 buildings with 24 units per building. Currently the definition of an apartment building allows for 12 units per building, per Chapter 230-4, however according to 230-48.1 D, the number of units may be determined by the Planning Commission. In addition, Mr. Tolliver is proposing a 50' building separation as well as three stories per building.

Mr. Norris asked for examples of locations in Milford where 24 units per building were approved. Mr. Tolliver referred to Saw Mill Station, Valley Run Apartments and Homestead. Mr. Norris confirmed the zoning on this property is R8.

Regarding density for the overall development, Mr. Norris explained per 230-48.1 C, the density is determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building.

Mr. Burk referred to the other communities that were mentioned that have allowed 24 units per building. He explained those zoning districts were R3, not R8, which is not apples to apples comparisons.

In explaining the assisted living facility, Mr. Tolliver recently was searching for a facility for a relative of his. He found, through his personal experience, a lack of facilities. It was because of this that the idea of adding an assisted living facility came about. There is definitely a need in Milford for this use, and even the City's Comprehensive Plan speaks to this need. Bayhealth is also in support of the facility.

Mr. Tolliver explained at this point in the project, he is unclear what the facility will be for, whether it is for apartments for the elderly or a full service assisted living facility where residents are medically treated and do not leave the facility.

Mr. Burk felt that is an important component of the approval seeing as parking would be greatly affected by not only the residents of the facility but the employees and visitors depending on the level of care provided.

Mr. Tolliver explained the first step in determining what will happen on that parcel is obtaining the Planning Commission's approval to have a facility located there and then he can better determine what the use will be.

Mr. Norris recalled at the DAC meeting discussing the assisted living facility being a phase II of the plan. Mr. Tolliver agreed and understood site plan approval would be required for the facility prior to it moving any further forward.

Solicitor Sharp questioned the letter from Mr. Tolliver dated February 29<sup>th</sup> to Mr. Norris requesting City Council to grant a conditional use with the understanding the final details would be provided at site plan review. Essentially what Mr. Tolliver is asking for is a conditional use without having details and asking the Commission, and ultimately City Council, to approval a conditional use without the ability of setting conditions. If the Commission says tonight, the conditional use is recommended to be approved, the conditional use can be done but there is no plan on what is being done so they could set conditions, such as hours of operation, number of residents allowed to have vehicles, what type of facility is will be, for example.

From Solicitor Rutt's point of view, legally, he has concerns with that. If City Council approves a conditional use, Mr. Tolliver could come back six months from now with a site plan, and the commission is stuck approving the site plan. Mr. Tolliver appreciates Solicitor Rutt's opinion, but suggested by way of a motion the conditional use be approved with the condition the conditions be approved at site plan review.

Mr. Rini asked if there is a difference per the Code on Assisted Living Facilities. Mr. Norris advised there is a definition of a nursing home only, which reads: "Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care."

Solicitor Rutt stated Mr. Tolliver is actually seeking approval for a Nursing Home, instead of an assisted living facility, similar to The Heritage, it seems, however Mr. Tolliver did not confirm this.

Solicitor Rutt also pointed out this may be considered a commercial use, based on what he is hearing. Mr. Tolliver stated he just doesn't know right now what the level of service will be. Solicitor Rutt asked what Mr. Tolliver is specifically wanting to place on the property, that they are seeking approval for. Mr. Tolliver replied it would either be an assisted living facility or nursing home and at this point he does not know.

Mr. Campbell questioned how Mr. Tolliver is arriving at a total unit count of 452. When he adds the apartments and townhomes, that is 440 units. How is an assisted living facility, according to the application submitted, 12 units? Mr. Rini agreed.

Mr. Tolliver explained he used the City's parking requirements to determine how many dwelling units the facility equates to. The parking requirements, as outlined in the code, are 2.5 spaces per EDU. He surmised since the nursing home required 1.0 parking space per four beds, that equates to 1 space per .40 EDU, therefore a 114 unit facility would equate to 12 dwelling units.

Mr. Campbell noted this is apples to oranges. Mr. Burk agreed and asked how many of the 30 non-handicap parking spaces provided are for the employees of the facility. Mr. Tolliver replied he is not prepared to discuss how many employees will be there because he is uncertain how the program will be. Mr. Burk stated this is important information to have in order to review this application.

Solicitor Rutt, in looking at the subdivision plan, noted the property is to be subdivided into one lot for apartments, one for the assisted living facility and then each townhome has their own lot. Mr. Tolliver confirmed that is correct.

Mr. Norris asked Mr. Tolliver to explain how this development complies with Chapter 230-48, Criteria for Evaluation:  
§ 230-48. - Criteria for evaluation.

*The following criteria shall be used as a guide in evaluating a proposed conditional use:*

- A. The presence of adjoining similar uses.*
- B. An adjoining district in which the use is permitted.*
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.*
- D. There is sufficient area to screen the conditional use from adjacent different uses.*
- E. The use will not detract from permitted uses in the district.*
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.*

According to Mr. Tolliver Item A is compliant because Homestead was approved as a PUD as well as the Greater Milford Business Park, which is not adjoining, but close by. Item B is compliant because of Homestead. Item C is compliant because of the Comprehensive Plan states such. Item D is compliant because there is a sizable area along Rt 14 left as a berm. Item E is compliant because there are multiple doctor offices nearby. And finally Item F is compliant because DelDOT approval will be obtained prior to final subdivision and site plan approval.

Mr. Norris asked Mr. Tolliver what the density is being proposed, as an R8 zoning allows for up to 8 units per acre. According to Mr. Tolliver, the density proposed is 7.2.

Mr. Norris asked if Mr. Tolliver is meeting the open space requirements. Mr. Tolliver replied they are exceeding it.

Mr. Campbell stated he is not comfortable with 114 assisted living facility.

Mr. Rini called for public comments.

Mr. Bob Southard-1539 Milford-Harrington Hwy-The neighbors of this property are concerned with density in this area. When the property was being annexed, it was agreed to be R8 in order to accomplish this. It is his understanding only 12 units are permitted in an apartment building, not 24 units. The comparisons used are for different zoning districts. This is not fair and should be considered. In regards to the assisted living, there needs to be more details provided before it can be approved. Mr. Southard asked the size of the apartment buildings and if the lot coverages will be exceeded.

Mr. Rick Rean-employee of Baltimore Aircoil Company-BAC has been in the community for about 30 years now and is a noisy facility that runs a 24 hour operation. BAC has concerns about the infrastructure and the buffering along the south side of the project. A while back, City Council required Amberwood, which is next to BAC, to have a note added to their plans explaining that BAC produces noise and he would like to see the same note required here.

Mr. Noel Primos-144 Church Hill Rd-He encouraged the Commission to review whether the 24 units per building should be permitted. This area is predominantly single family homes and farms. Homestead was referred to several times, however it appears that development is not moving forward. To emphasize what Solicitor Rutt had spoke of earlier, Mr. Primos explained the assisted living facility/nursing home seems to be a very vague proposition at this point. It seems to him the Commission is being put in an awkward position of having to make a decision in the dark without knowing enough details about what this proposed facility is.

Phyllis Morton-1473 Milford-Harrington Hwy-The assisted living piece is new to this plan. Ms. Morton worked at an assisted living facility so she is aware of what is permissible. The residents are permitted to have their cars at the facility and are allowed to drive when they wish. When residents are not able to drive any longer, they are relocated to the Heritage or Milford Center. The density is simply too high and traffic will be unbearable. Milford has other facilities, such as the Veterans Home and Hospice, with beautiful surroundings.

Hearing no further comments, Mr. Rini closed public comment session.

Mr. Rini would be in favor of having a condition of approval is a statement is added to the plans explaining BAC is an existing industrial use, causes noise, is a 24 hour operation, or whatever. Similar to what Amberwood was required to have added to their plans.

Mr. Rini asked Mr. Norris to explain what a PUD is. Mr. Norris stated it is a development providing housing of various densities, lot sizes, lot coverage and types, including related commercial, recreational and community facilities.

In determining how Resolution PC12-006 should read, for the approval of the conditional use and preliminary subdivision, Mr. Campbell requested it be amended to state the approval is for a 128 lot, 440 unit Planned Unit Development to known as Hickory Glen.

Mr. Campbell confirmed this amended resolution, if passed, will not allow the assisted living facility. Solicitor Rutt confirmed the commission is recommending the approval of 24 units per building. Mr. Rini confirmed a condition of the approval be added regarding BAC, as was added to the Amberwood resolution.

A motion by Mr. Pilla, seconded by Mr. Lane, to approve Resolution PC12-006 as amended passed following a poll of the commissioners:

Mr. Pilla-Yes, it is a decrease in what they originally brought to the commission, it meets all of the codes - it meets the height requirements, parking requirements, exceeds open space requirements and the number of units is under what is allowable. He cannot find anything it does not meet.

Mr. Holloway-Yes, for the reasons stated by Mr. Pilla, although he has two concerns with the way it was presented in a group package. He is hopeful the assisted living part is not just a carrot on a stick, since the community is in favor of that, and the facility will come to fruition.

Mr. Fry-Yes, for reasons stated.

Mr. Lane-Yes, for reasons stated.

Mr. Sharp-No, BAC and their investment there needs to be protected.

Mr. Campbell-Yes, for reasons stated.

Mr. Burk-Yes, for reasons stated.

Mr. Rini-Yes, for reasons stated.

Mr. Rini asked Solicitor Rutt to explain what site plan Resolution PC12-007 is approving. Mr. Norris replied the commission would be approving the site plan before them, which has designated a 114 bed assisted living facility. Solicitor Rutt stated the commission needs to consider if they have sufficient information to determine exactly what assisted living facility might be there. This assumes that an assisted living facility would be a permitted or conditional use on the parcel.

Solicitor Rutt confirmed if the applicant wishes to provide a nursing home on the site, a separate conditional use will be required, as the last resolution only approved the PUD and did not include the assisted living facility.

Mr. Rini asked Solicitor Rutt if site plan resolution can be voted on. He replied yes, but the commission first needs to ask itself what are they voting on - an assisted living facility that was just not granted a conditional use to be there.

Mr. Lane made a motion, seconded by Mr. Campbell, to table Resolution PC12-007 until additional information can be provided at the May 15, 2012 meeting. Motion failed following a poll of the commission:

Mr. Pilla-Yes, he would like to see a facility such as this, but does not have enough information yet.

Mr. Holloway-No, he would likewise like to see a facility such as this, but there is not enough information provided.

Mr. Fry-No, not enough information.

Mr. Lane-Yes, because there is not enough information.

Mr. Sharp-No, because there is not enough information.

Mr. Campbell-Yes.

Mr. Burk-No.

Mr. Rini-No.

A motion by Mr. Pilla, seconded by Mr. Rini, to approve Resolution PC12-007 failed following a poll of the commission:

Mr. Pilla-No, because there is not enough information.

Mr. Holloway-No, because there is not enough information.

Mr. Fry-No, because there is not enough information.

Mr. Lane-No, because there is not enough information.

Mr. Sharp-No, because there is not enough information.

Mr. Campbell-No.

Mr. Burk-No, for reasons stated.

Mr. Rini-No, because there is not enough information.

Solicitor Rutt advised the failure of the motion acts as an affirmative denial of the resolution.

**Davis, Bowen & Friedel Inc on behalf of Siobain-VI, LLC; Project No 11-176  
Final Site Plan, Final Minor Subdivision; Cascades  
Airport Road MD-16-173.00-01-04.03 thru -04.18; 19.15+/- Acres; R-3 Zoning  
Adoption of Resolution PC12-009 & PC12-010**

Ring Lardner with Davis, Bowen and Friedel was present to represent the application. He explained the first request tonight is for the final site plan of Cascades and the second is a recommendation to Council for a consolidation of the old subdivision back into one parcel and then subdivide out into three lots.

Regarding the site plan approval, Mr. Lardner stated tonight he is seeking final approval for 76 units referred to as phase I, which is on the easterly side of the development. Preliminary approval was granted in 2011 and Council approved the amendment of the conditional use on February 13, 2012. What the commission is seeing tonight is virtually unchanged from the preliminary approval in 2011. The only changes are the additions of berms along Airport Road, which is depicted in the submitted landscape plan, the community garden has been revised to be ADA accessible, and minor utility revisions to a few buildings.

There will be eight buildings and a community club house. There are three different building types ranging from 8 to 10 units per building. The club house will include with afterschool care and a playground. Dumpsters and recycling bins are located throughout the site. The bus stop is at the main entrance. The centrally located mailboxes are on the back side of the club house. There is a sidewalk that will run along Airport Road and will tie into the existing sidewalk at Milford Crossing. Sidewalks are also throughout the site and on both sides of the roads.

There is bypass lane that will be installed on Airport Road during phase I construction.

The expected start date is June 1, 2012. The renderings of the buildings have been included in the submission.

Mr. Norris asked how the bypass lane will be constructed. Mr. Lardner explained although this is a City maintained road, the design of the bypass is per DeIDOT standards. In addition, there were no traffic counts available for this road. Road tubes were placed on the road and it was determined 10,000 vehicles per day are using this road. Based on that number and the anticipated trips per day of the development, that is how the bypass is designed. There will be about 80' of storage, which is about four vehicles, in the actual lane itself. What will happen is when a vehicle is traveling west on Airport Road, and needs to turn into Cascades, they will move to the left to make that turn. Vehicles wishing to pass the turning vehicle will bypass to the right to pass the turning vehicle.

The engineering department is in the process now of reviewing the bypass lane construction, which is its own approval process.

Mr. Lardner explained the subdivision plans detail everything that was approved as part of the amended PUD approval from Council. The application is to combine all 17 parcels of the formerly approved and recorded subdivision and then subdivide them into three lots. There is

also a pump station easement that is being revoked, with the approval of the City Manager and City Engineer. The reason being is it was established for a sewer main and pump station however the sanitary sewer line does not run to it and the pump station is actually located on the westerly side of the property, which will have the necessary easements granted to it.

All agency approvals have been obtained for the subdivision and site plan, to include the conservation district, fire marshal and City Engineer.

Mr. Rini noted for the record the subdivision application will be on the City Council's agenda on April 23, 2012.

Mr. Rini called for public comments. Hearing none, closed the public comment session.

A motion by Mr. Pilla, seconded by Mr. Burk, to approve Resolution PC12-010 carried unanimously following a poll of the commission.

During Mr. Holloways vote, he expressed his concerns on the continuing development along Airport Road without a projected upgrade to the roadway. Mr. Rini echoed Mr. Holloway's concerns with the Airport Road and added he believes it's time for the City to start looking at Airport Road due to the increase in traffic.

A motion by Mr. Fry, seconded by Mr. Campbell, to approve Resolution PC12-009 carried unanimously following a poll of the commission.

**Bob Nash Associates on behalf of Food Bank of Delaware; Project No 12-179**  
**Final Site Plan**  
**1040 Matlind Way**  
**Tax Map MD-16-173.00-01-03.29; 1.62+/- Acres; BP Zoning**  
**Adoption of Resolution PC12-011**

Mr. Bob Nash of Bob Nash Associates was present to represent the application, along with the project architect, Mr. Martin Dusbiber of Delaware Architects. Mr. Nash explained this property is located in the Business Park off Airport Road and is requesting approval of an 8800 square foot addition to the existing Food Bank. The purpose of the addition is to provide a more user friendly work environment for the people working there.

Mr. Rini stated it is understood the expansion is needed but it is just a shame we even need a Food Bank in this country. It's a double edged sword, although he is happy to see it helping people.

Mr. Norris asked what the intended use of the addition is. Mr. Nash replied it is not just for storage of food, but for packing food and will house a classroom for the food service industry. Training of chefs will take place there.

Mr. Norris questioned where the trainees will come from. Mr. Dusbiber explained they are people that are in the area and have dropped out of school or are looking for additional training in the food service industry. There was a need for training identified and proposed to the Food Bank, since there is no formal training near here. Wilmington Food Bank has the same type of training program. Mr. Norris is concerned with the nearest bus stop being at Wal Mart. Mr. Dusbiber stated the trainees are not indigent, they will have cars.

Mr. Holloway asked if the increase in the square footage lead to an increase in volunteers. Mr. Nash replied the Food Bank is hoping it does and he has increased the parking to facilitate that.

A motion by Mr. Lane, seconded by Mr. Holloway, to approve Resolution PC12-011 was unanimously approved following a poll of the commission.

**Davis, Bowen & Friedel Inc on behalf of Bruce & Susan Geyer; Project No 08-039  
Preliminary Site Plan Extension #4  
1175 S DuPont Blvd  
Tax Map 1-30-6.00-099.01; 6.58 +/- Acres; C3 Zoning  
Adoption of Resolution PC12-012**

Mr. Tim Metzner with Davis, Bowen and Friedel was present to represent the application. He explained the extension is being requested because the property has been placed in a hardship which has created delays in the final approval.

The adjoining property, known as Milford Ponds, is where this projects stormwater was to discharge to. Milford Ponds, through a series of events and legal issues, has within the last four to five months ago decided to not allow this project access to drain stormwater now. This now causes the property owner to have to redesign the site to include stormwater management on site. In addition, there was to be an access point from this property to the entrance drive of the Milford Ponds development, per DeIDOT. That letter has since been rescinded by DeIDOT as well.

Mr. Metzner stated the property owner has spent over \$35,000 in surveying and engineering fees to make these adjustments. The extension is needed to provide enough time to make the necessary site modifications.

Mr. Rini confirmed this is extension number four being sought. He recalled after the third extension, for sale signs went up on the property. When asked if the property is still for sale, Mr. Metzner thought it was still on the market. Mr. Rini felt that shows no intent of going through with development.

Mr. Metzner stated the property would be more valuable if it has an approved site plan. Mr. Rini explained the extensions are being asked for to get something developed on the site, but then the owner puts a for sale sign on the property making it look as though he has no intention of following through with the development.

Mr. Metzner thinks, based on economic times being what they are, all of the property owners' parcels are on the market with the idea if something sells, great. If not, that's okay too.

Mr. Rini has concerns with granting yet another extension and just seeing another extension request next year. Mr. Metzner explained work is being done to redesign the site to accommodate the onsite drainage.

Mr. Norris reminded Mr. Metzner the code states construction shall commence within one year of final approval. Mr. Metzner replied that is for final approval, which has not been obtained. And the code also states the applicant may seek extensions due to hardships, which as of four months ago the plans had to be engineered.

Norris- ordinance says construction should start within a year of final. Tim says ext allowed based on hardships. Rini asked if revised site plans submitted, since new stormwater plans would create a change in the plans. The stormwater will have to be placed on the site.

Mr. Burk felt last year's minutes were very clear in that the intention was for the third extension to be the last extension granted for this project. This parcel is separate completely from the other project, Milford Ponds. While he appreciates Mr. Geyer was trying to save some money by draining off site, but there is a certain inherent risk in that purchase and development. It seems clear when reading the minutes last year was the last extension being sought and that would be the last extension the commission would be willing to extend.

Mr. Metzner agreed that was the understanding. Final plans were being drafted when word from Milford Ponds came in that what was being planned would not be allowed, which causes a whole redesign on this parcel. Mr. Rini asked if new plans have been submitted showing this redesign, however none have been submitted.

Mr. Holloway questioned how much redesign has been done in the last four months. Mr. Metzner stated the stormwater system and access issues have been done and the sewer is being worked on. When asked how long it will take to finish the redesign, Mr. Metzner replied if the extension is granted, the final approval will be sought within one year.

Mr. Rini confirmed if the extension is not approved, the site plan application will cost \$700.00. Mr. Metzner added the project would also need to conform to current codes as well.

Mr. Sharp stated people making money are the guys we want in town – making money. We don't need dead beats that leave the town with what is along side of this property, with 300 green soldiers sticking up in the air. We want people in this town that are making good money that put money back into our community. Back in the fall, the owner of this property spoke to this commission begging us to help him with the stormwater drainage and access agreements, and nobody would. Who knows, we may have assisted in the hardship the owner is under. While Mr. Sharp understands we cannot keep handing extension out like candy to a kid, but under the circumstances he's under, Mr. Sharp is not so sure that giving him twelve months extension and saying don't come for another extension request is the wrong thing to do.

Mr. Campbell asked how many extensions are allowed. Solicitor Rutt explained the code does not limit the number requested. The code does state the extension may be up to one year.

Mr. Campbell made a motion to amend the resolution to limit the time period to six months, seconded by Mr. Sharp. Motion carried following a poll of the commission:

- Mr. Pilla-Yes
- Mr. Holloway-No
- Mr. Fry-Yes
- Mr. Lane-Yes
- Mr. Sharp-Yes
- Mr. Campbell-Yes

Mr. Burk-Yes

Mr. Rini-Yes

A motion by Mr. Pilla, seconded by Mr. Lane, to approve Resolution PC12-012 carried following a poll of the commission:

Mr. Pilla-Yes, he's waited three and a half years, what's another six months.

Mr. Holloway-No, it's not sufficient time.

Mr. Fry-Yes

Mr. Lane-Yes, for reasons stated.

Mr. Sharp-Yes, for reasons stated.

Mr. Campbell-Yes, for reasons stated.

Mr. Burk-Yes, he hopes to see progress.

Mr. Rini-No, he doesn't feel the extension is going to do any good.

***City Planner Monthly Report***

Mr. Norris explained the addition to the packet that was supplied to the commission tonight will be discussed at the next Planning Commission meeting.

Mr. Rini thanked everyone for their service tonight. It was long and hard night and a lot was accomplished. He also thanked Mrs. Crouch. As the commission goes through their packet each month, there's a human being behind them putting all of them together. Last month there was a mistake and she had to re-listen to the tapes. It's a tremendous amount of work that she does and he just wants her to know that he, and he hopes the rest of the commission, appreciates the work she does. Mr. Pilla noted he can sit down and not have to sift through papers to review his packet. He just goes page by page, one item at a time, and that is the agenda. It is just the nicest thing.

With no further business, a motion to adjourn by Mr. Rini was seconded by Mr. Fry. The meeting adjourned at 9:46 pm.

Respectfully submitted,



Christine R. Crouch

Department Administrative Assistant/Recording Secretary

**CITY OF MILFORD  
PLANNING COMMISSION**

*Minutes of Meeting*

*April 17, 2012*

A workshop session of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, April 17, 2012.

PRESIDING: Chairman Charles Rini  
IN ATTENDANCE: Archie Campbell, Jamie Burk, William Lane, Ed Holloway, George Pilla  
ALSO: City Planner Gary Norris and Department Administrative Assistant  
Christine Crouch

Chairman Rini called the meeting to order at 6:00 pm and thanked DelDOT's representatives for coming down tonight.

Mr. Norris introduced Mr. Bill Brockenbrough and Mr. Marc Cote' of DelDOT. He explained tonight's training would be on DelDOT's role in Milford's land development process and how projects are reviewed by DelDOT.

Mr. Cote' explained the power point presentation tonight will be about the processes an applicant goes through with DelDOT as the processes have changed a bit through the years. Mr. Cote' performs the subdivision, site plan and commercial entrance reviews and Mr. Brockenbrough performs the PLUS and traffic impact studies.

Mr. Brockenbrough reviewed how DelDOT ascertains what reviews are required by DelDOT, which is similar to a checklist review. Mr. Norris asked what criteria must be met in order for a project to go through the PLUS process. Mr. Brockenbrough replied that is determined by the MOU between the Office of State Planning and the City. Mr. Norris will speak with Mr. Edgell to ascertain what the City's agreement states.

Mr. Campbell questioned the time it takes to go through the PLUS process. Mr. Brockenbrough replied it is about two months all together.

After going through the PLUS process, Mr. Norris noted that is when the applicant should be going through the City for a preliminary approval.

Mr. Rini asked what the City should do if at a Planning Commission meeting the applicant is seeking final approval, in which case they have DelDOT approval already, and the Planning Commission wants to see something changed as it relates to entrances or roadways. Mr. Cote' explained the City Planner should draft a letter to him letting him know the specific concerns the Planning Commission has with what DelDOT has reviewed and approved. In most circumstances, the applicant is the "go between" the City and DelDOT so what DelDOT is reviewing is per the applicant. By all means if the City would like something changed, they should contact Mr. Cote' and he would be more than happy to review it again based on what the City would like to see. The applicant would then need to come back to DelDOT for the review

and possible revisions, and then go back to the Planning Commission for their review. This would ensure DeIDOT and the City are on the same page.

Mr. Sharp arrived at 6:30 pm and Mr. Fry arrived at 6:35 pm.

Continuing his presentation, Mr. Cote' reviewed the 10 most common mistakes applicants make, noting there is a checklist for them to use and all information is available on the DeIDOT website.

The PDCA is a gis based graphic of development status' and pending roadway changes or signal changes. He asked Mr. Norris to notify him if a subdivision turns inactive and is not going to proceed so the PDCA can be reviewed and revised.

Mr. Norris complimented DeIDOT on the scoping meetings, which Mr. Norris has attended twice, where he can give updates on development in Milford.

Mr. Cote' stated as part of the upcoming changes to the DeIDOT manual, Letters of No Objection will be valid for five years and Construction Entrances will be valid for 18 months. Six month extensions may be requested for the Construction Entrance approvals.

Mr. Rini and Mr. Norris thanked Mr. Brockenbrough and Mr. Cote' for providing such important information tonight.

With no further discussion, the meeting adjourned at 6:48 pm.

Respectfully submitted,



Christine R. Crouch  
Department Administrative Assistant/Recording Secretary

# DeIDOT's Role in Milford's Land Development Process

April 17, 2012

Bill Brockenbrough  
Marc Cote

# DelDOT Office of Planning Vacant

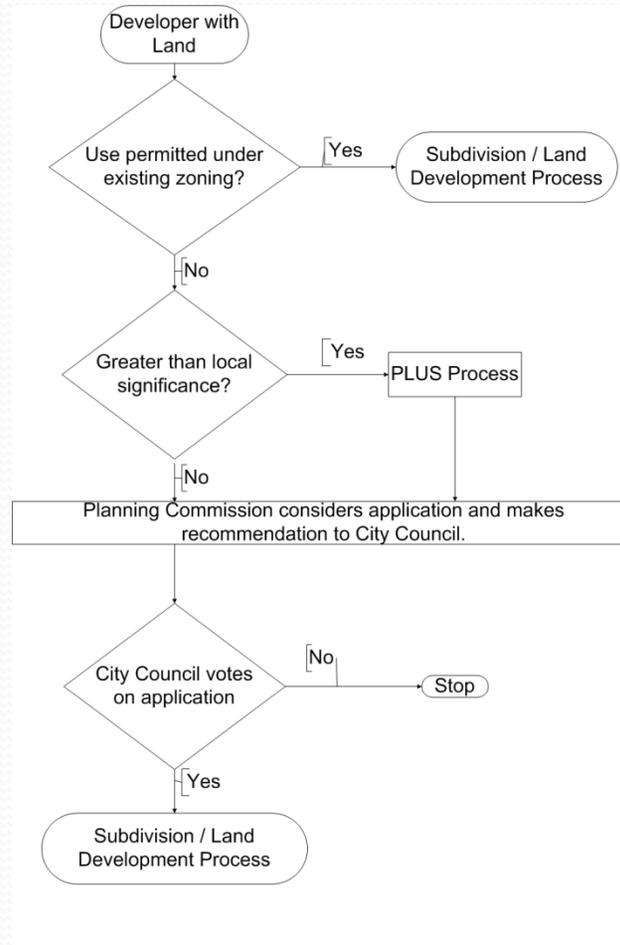
Assistant Director

## Development Coordination Section

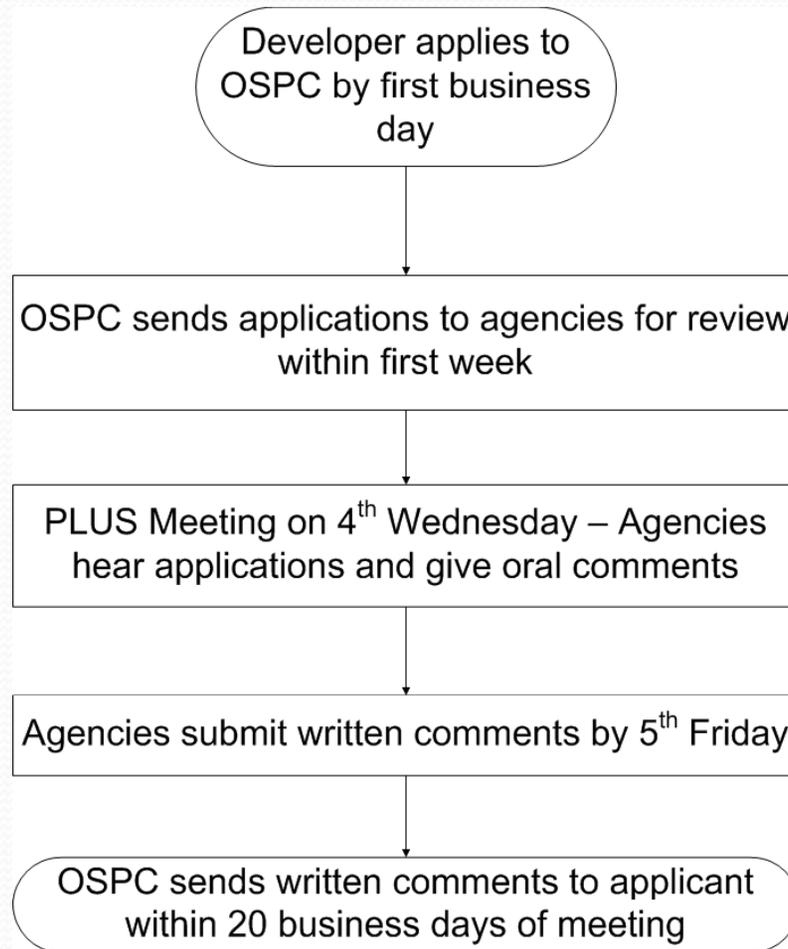
### Core Objectives

- Conduct Subdivision and Site Plan Reviews
- Perform Commercial Entrance Reviews
- Participate in the Preliminary Land Use Service (PLUS) Development Review Process
- Manage the Traffic Impact Study Review Process
- Manage the Corridor Capacity Preservation Program
- Coordinate Transportation Issues with Local Land Use Agencies

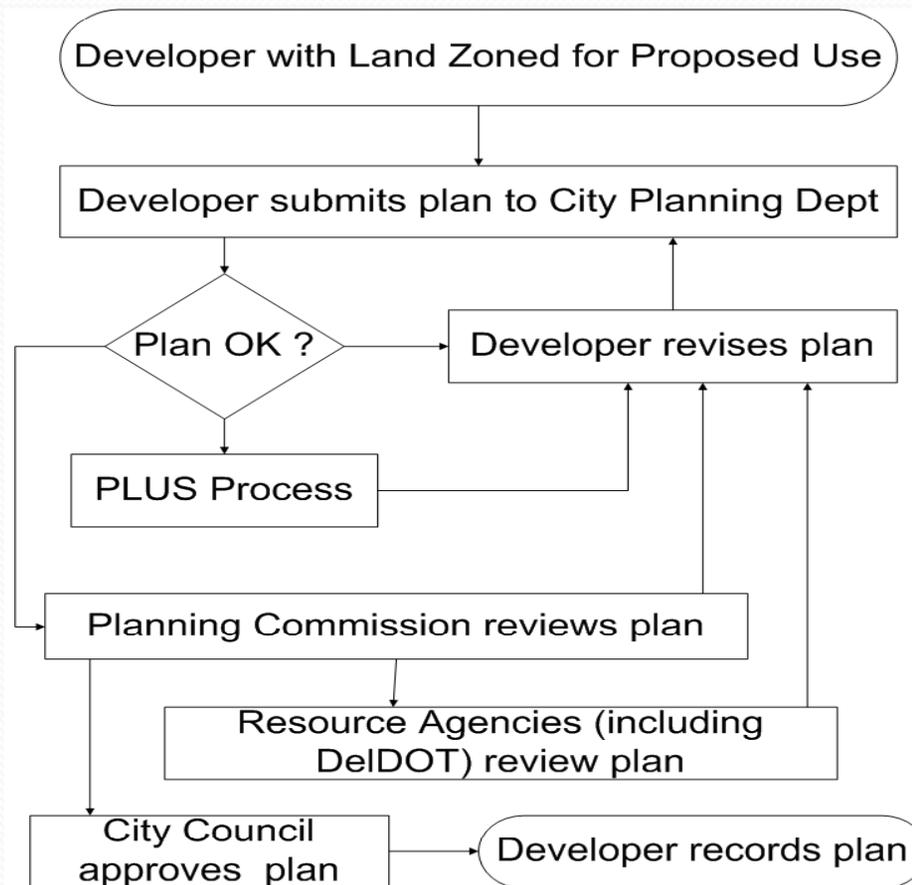
# City Rezoning Process



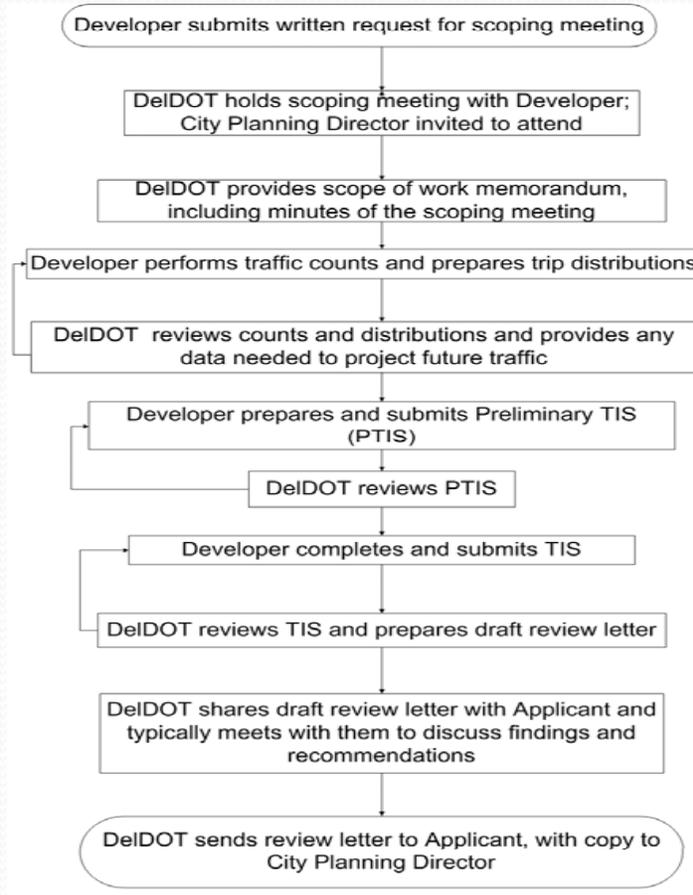
# PLUS Process



# City Subdivision / Land Development Plan Process



# DeIDOT Traffic Impact Study (TIS) Process



Mike Strange  
Director of Planning

Karen Marvel  
Admin. Assistant

Vacant  
Assist. Director

Bill Brockenbrough  
County Coordinator

Troy Brestel  
Project Engineer

Paul Hogge  
Project Engineer



## Subdivision Responsibilities

- Review and approve all commercial and residential access designs, record plans, construction plans for subdivision streets, and other developer initiated roadway improvements statewide.
- Provide DeIDOT comments to land use agencies for all land development proposals statewide.
- Coordinate development proposals with other State, County, Town agencies and DeIDOT sections.
- Manage the land review database and tracking systems for development related road improvements.
- Review and approve the acceptance of developments into the State maintenance system.



## Subdivision Responsibilities

- Support the TIS and CCPP groups with their mission.
- Review and comment on CTP projects, including HEP, HRRR, Pave and Rehab., and TE projects.
- Provide PLUS, TAC, DAC, and RPC comments to the State/Counties/Towns.
- Create Construction Agreements.
- Create Letter Agreements to outline a development's responsibilities for offsite improvements.
- Weekly Updates for the Director of Planning on critical issues.

Mike Strange  
Director of Planning

Vacant  
Assist. Director

Bonnie Keeler  
Admin. Assistant

Marc Cote  
Subdivision Engineer

Vacant  
Admin. Assistant

Lenny Massotti  
Sussex County P.M.

Todd Sammons  
Kent County P.M.

Sean McEvilly-JMT  
New Castle P.M.

Derek Sapp  
Project Engineer

Julio Seneus  
Project Engineer

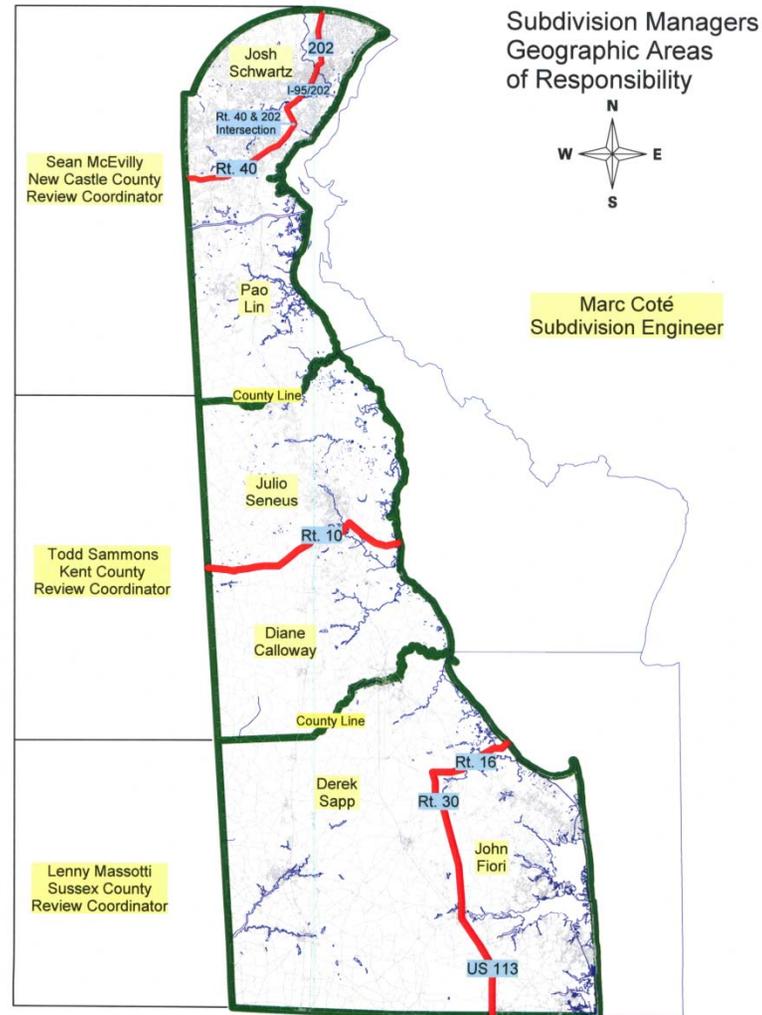
Joshua Schwartz  
Project Engineer

John Fiori  
Subdivision Manager

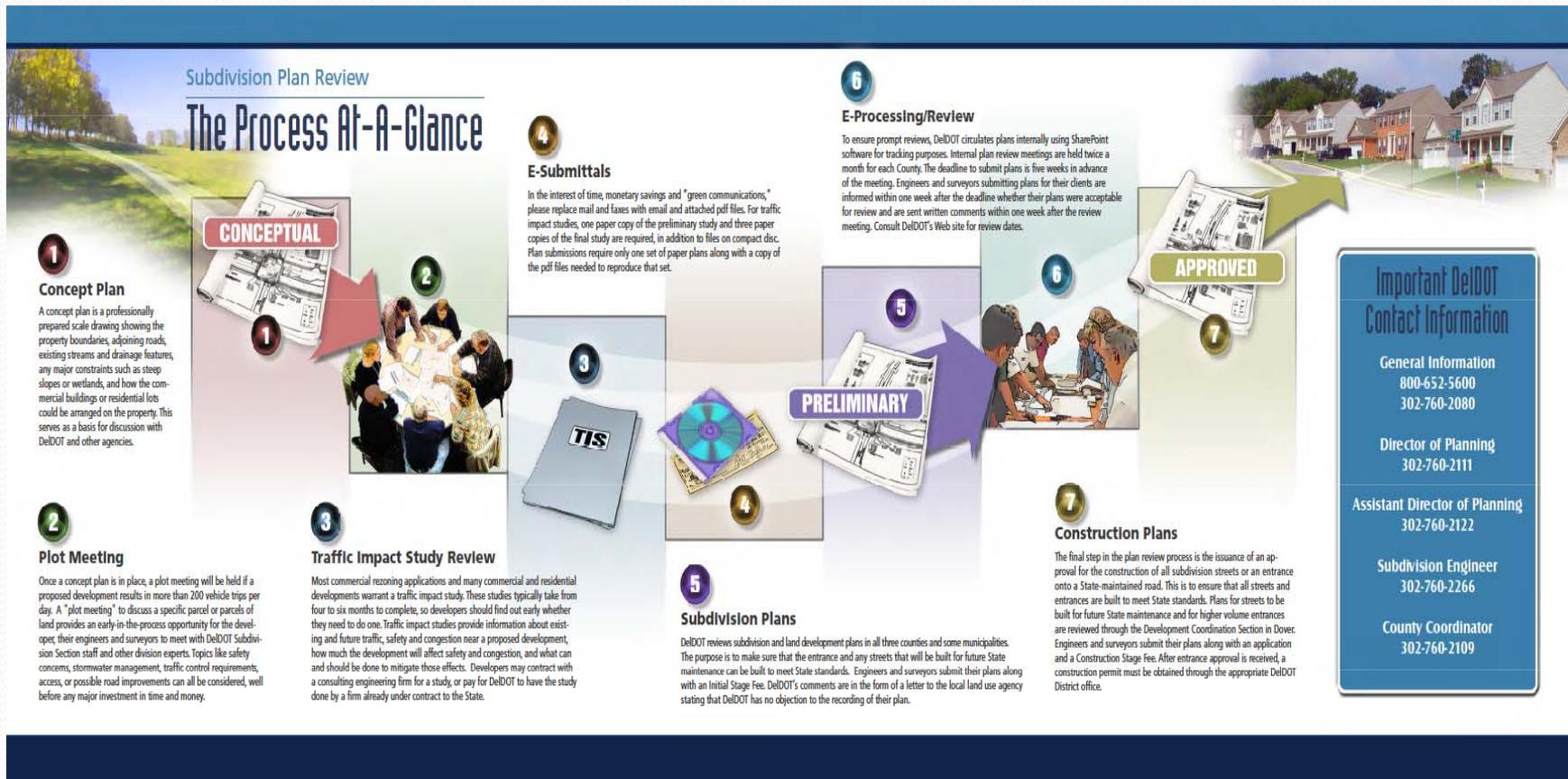
Diane Calloway  
Project Engineer

Pao Lin  
Subdivision Manager

# Geographic Responsibility



# Subdivision Process



# Subdivision Process

- If a property owner / developer is seeking to subdivide their property into six or more residential lots or constructing internal subdivision streets or developing a commercial site through the local land use agency process, they must coordinate access with DeIDOT.
- The developer shall submit the required information to DeIDOT for review and approval prior to DeIDOT issuing its “No Objection to Recordation” letter to the local land use agency.
- The site plan shall be in the format required by the local land use agency supplemented with DeIDOT’s requirements as outlined in this chapter. These elements shall be addressed prior to DeIDOT issuing its “No Objection to Recordation” letter.

# Subdivision Process

The site plan shall be prepared in accordance with the local land use agency's requirements.

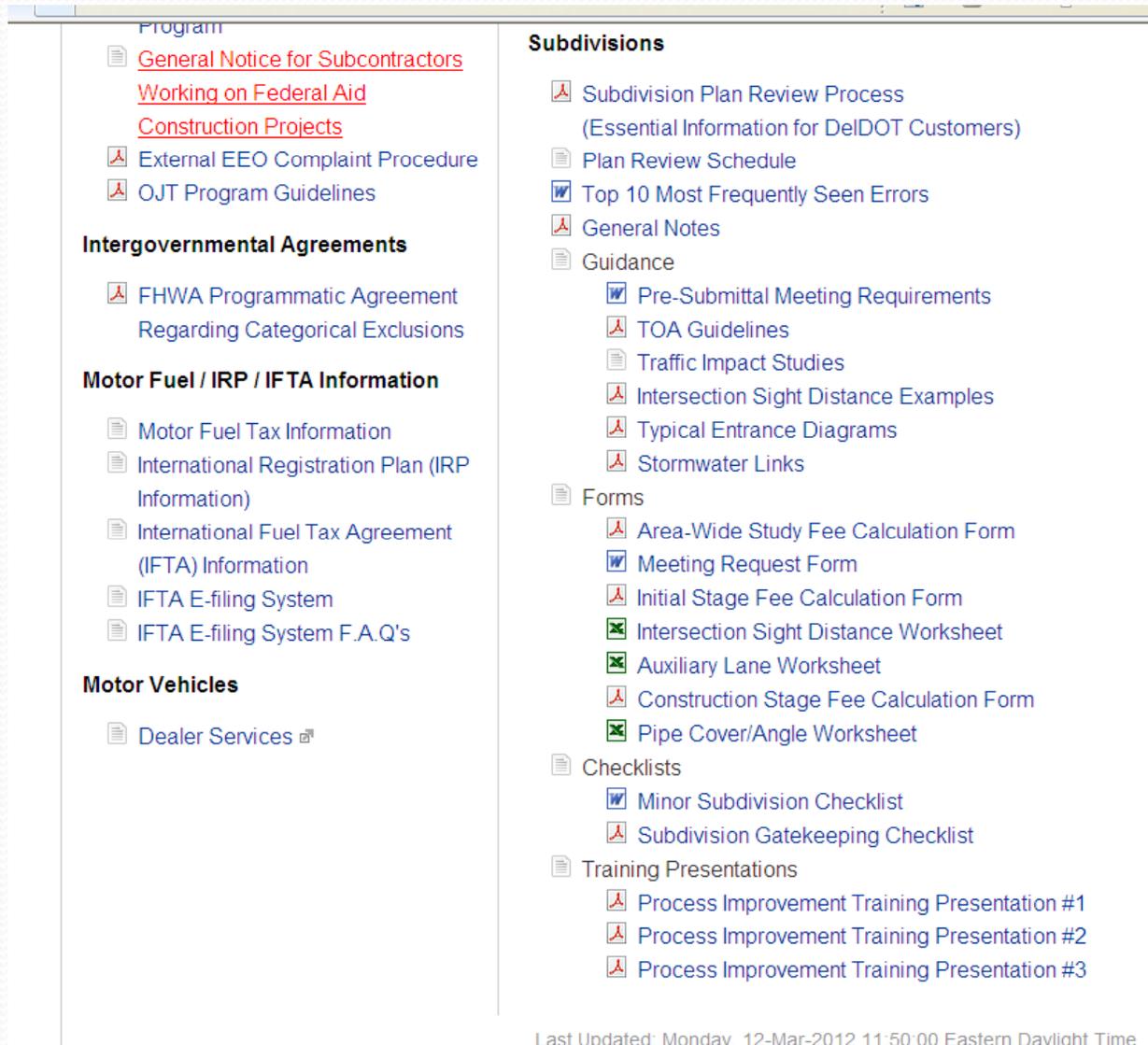
- A. Completed site plan/record plan gatekeeping checklist (see Appendix D). Failure to submit required documents will result in delays reviewing and approving submittals.
- B. Completed design criteria form (see Appendix D).
- C. Completed checklist for subdivision record plan approval (see Appendix D).
- D. Initial stage fee calculation forms.
- E. Preliminary entrance plan shall include but not be limited to the following items (see Chapter 4 for complete list of requirements).

# Subdivision Process

The subdivision construction plan submittal shall include:

- A. Completed entrance plan/construction plan gatekeeping checklist (see appendix D)
- B. Completed design criteria form (see appendix D)
- C. Completed checklist for subdivision plan approval (see appendix D)
- D. Construction Stage fee calculation form and associated fee
- E. Entrance Plan meeting the requirements of Section 4.3.8
- F. Intersection sight distance calculations
- G. Right and left turn lane charts
- H. One copy of back-up calculations for design elements outlined in Chapter 5

# DeIDOT's Website for forms



The screenshot shows a website navigation menu with a left sidebar and a main content area. The sidebar contains links for 'Program', 'Intergovernmental Agreements', 'Motor Fuel / IRP / IFTA Information', and 'Motor Vehicles'. The main content area is titled 'Subdivisions' and lists various documents, forms, checklists, and training presentations. At the bottom, a timestamp indicates the page was last updated on Monday, 12-Mar-2012 at 11:50:00 Eastern Daylight Time.

**Program**

- [General Notice for Subcontractors Working on Federal Aid Construction Projects](#)
- [External EEO Complaint Procedure](#)
- [OJT Program Guidelines](#)

**Intergovernmental Agreements**

- [FHWA Programmatic Agreement Regarding Categorical Exclusions](#)

**Motor Fuel / IRP / IFTA Information**

- [Motor Fuel Tax Information](#)
- [International Registration Plan \(IRP Information\)](#)
- [International Fuel Tax Agreement \(IFTA\) Information](#)
- [IFTA E-filing System](#)
- [IFTA E-filing System F.A.Q's](#)

**Motor Vehicles**

- [Dealer Services](#)

**Subdivisions**

- [Subdivision Plan Review Process \(Essential Information for DeIDOT Customers\)](#)
- [Plan Review Schedule](#)
- [Top 10 Most Frequently Seen Errors](#)
- [General Notes](#)
- [Guidance
  - \[Pre-Submittal Meeting Requirements\]\(#\)
  - \[TOA Guidelines\]\(#\)
  - \[Traffic Impact Studies\]\(#\)
  - \[Intersection Sight Distance Examples\]\(#\)
  - \[Typical Entrance Diagrams\]\(#\)
  - \[Stormwater Links\]\(#\)](#)
- [Forms
  - \[Area-Wide Study Fee Calculation Form\]\(#\)
  - \[Meeting Request Form\]\(#\)
  - \[Initial Stage Fee Calculation Form\]\(#\)
  - \[Intersection Sight Distance Worksheet\]\(#\)
  - \[Auxiliary Lane Worksheet\]\(#\)
  - \[Construction Stage Fee Calculation Form\]\(#\)
  - \[Pipe Cover/Angle Worksheet\]\(#\)](#)
- [Checklists
  - \[Minor Subdivision Checklist\]\(#\)
  - \[Subdivision Gatekeeping Checklist\]\(#\)](#)
- [Training Presentations
  - \[Process Improvement Training Presentation #1\]\(#\)
  - \[Process Improvement Training Presentation #2\]\(#\)
  - \[Process Improvement Training Presentation #3\]\(#\)](#)

Last Updated: Monday, 12-Mar-2012 11:50:00 Eastern Daylight Time

# Initial Stage Fee Form

DELAWARE DEPARTMENT OF TRANSPORTATION  
SUBDIVISION PLAN REVIEW FEE  
INITIAL STAGE FEE CALCULATION FORM

*For office use only:*

Rec'd by: \_\_\_\_\_

**I. Application Information**

Development Name: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Tax Parcel Number: \_\_\_\_\_  
 Owner (applicant)  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Engineer's E-mail: \_\_\_\_\_  
 Developer's  
 E-mail: \_\_\_\_\_

**II. Record Plan Submission**

A. \_\_\_\_\_ Minor Residential Subdivision (5 or less lots) Number of lots \_\_\_\_\_ SB 49 Applies   
 B. \_\_\_\_\_ Major Residential Subdivision (6 or more lots) Number of lots \_\_\_\_\_  
 C. \_\_\_\_\_ Non-residential land development  
 (i.e., commercial, school, office, church) Number of lots \_\_\_\_\_  
 Gross Floor Area (square feet) \_\_\_\_\_

**III. Initial Stage Fee Calculations**

A. Minor Residential Subdivision (5 lots or less).....\$100  
 B. Major Residential Subdivision ..... \$400 + (Number of Lots x \$10) = Total fee  
 \$400 + [ \_\_\_\_\_ x \$10] = \$ \_\_\_\_\_  
 Number of Lots Total  
 C. Non-Residential development ... \$500 + (Number of Lots x \$20) = total fee OR  
 \$500 + (Gross floor area/1000 s.f. x \$20) = total fee (WHICHEVER IS GREATER)  
 Number of Lots: \$500 + [ \_\_\_\_\_ x \$20] = \$ \_\_\_\_\_  
 Number of Lots Total  
 Gross Floor Area: \$500 + [ \_\_\_\_\_ : 1000 x \$20] = \$ \_\_\_\_\_  
 Gross Floor Area Total  
 D. Mixed Use = \_\_\_\_\_ + \_\_\_\_\_ = \$ \_\_\_\_\_  
 B C Total

**IV. Total Amount Remitted:** \$ \_\_\_\_\_ Check/M.O. number: \_\_\_\_\_

**V. Signatures**

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
 Applicant

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_ DelDOT  
 (This signature acknowledges receipt of fee and does not constitute approval of project by the Department.)

REMARKS: \_\_\_\_\_

Remit this form and check or money order Payable to the Delaware Department of Transportation. Please send to the Delaware Department of Transportation, Attention: Subdivision Engineer, P.O. Box 778, Dover, DE 19903. The Subdivisions Section can also be contacted via email at subdivision@state.de.us.

Please check if SB 49 applies

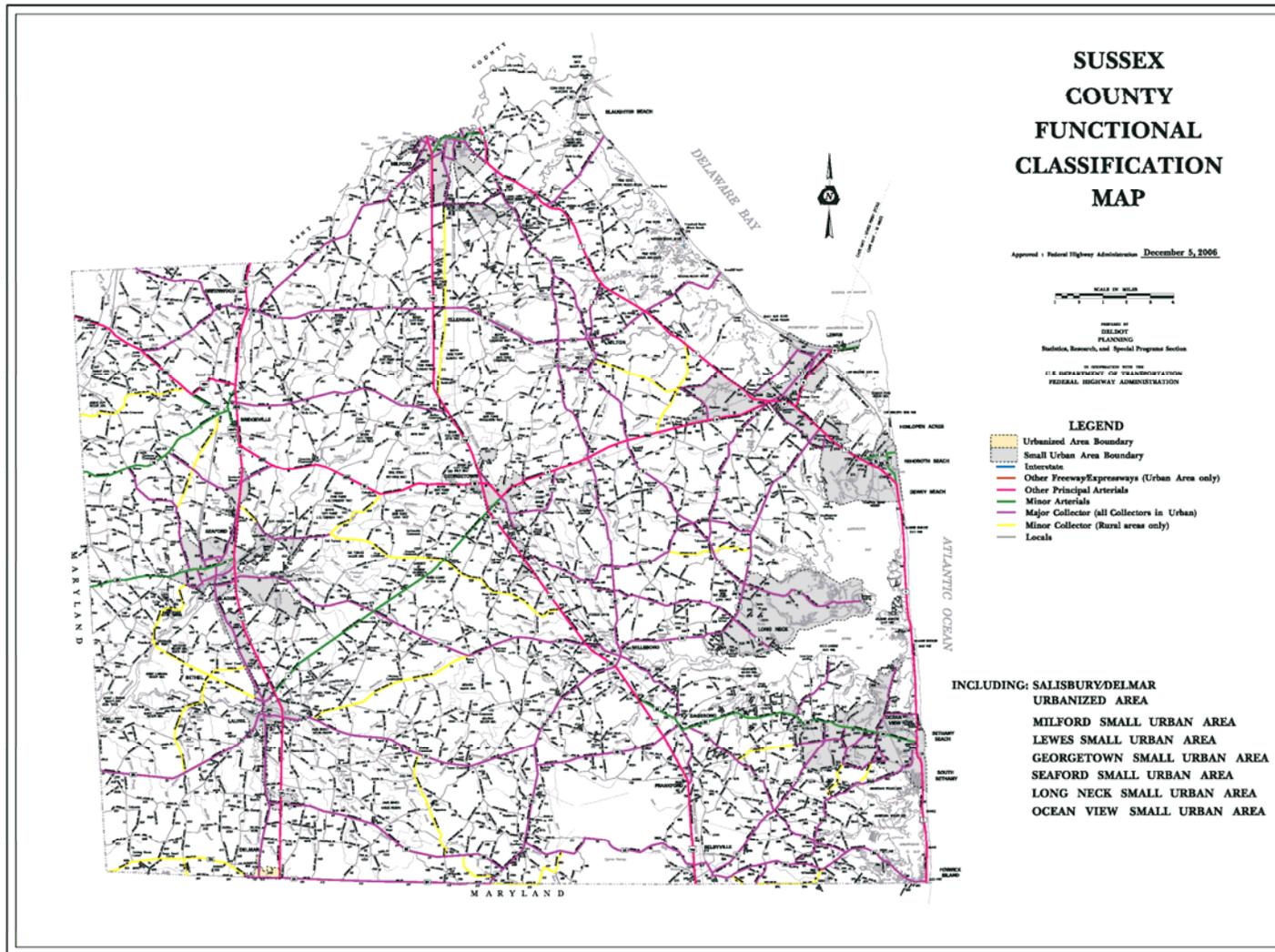
# Right-of-Way

- The subdivision of property adjacent to a State-maintained roadway is subject to a dedication of right-of-way sufficient to provide a total roadway right-of-way in accordance with the minimum standards shown in Figure 3-3.
- This width provides for future roadway improvements to accommodate the forecast traffic based on the site plan and the local land use agency's comprehensive plan.

# Right-of-Way

- Accurate Right-of-Way – show existing
- Dedication of Right-of-Way, if necessary, is based on the Functional Classification of the road.
- See Maps online under Doing Business – Publications  
[http://www.deldot.gov/information/pubs\\_forms/func\\_maps/pdf/functional\\_classification.pdf](http://www.deldot.gov/information/pubs_forms/func_maps/pdf/functional_classification.pdf)

# Functional Classification Map



# R/W Dedication

<b>DeIDOT Functional Classification Map</b>	<b>Minimum Dedicated Right- of-Way</b>
Freeway or Expressway Principal Arterial or divided Minor Arterial	50 feet of right-of-way from centerline.*
Minor Arterial Major or Minor Collector	40 feet of right-of-way from centerline.
Local Road or Street (All roads other than Subdivision Streets not shown)	30 feet of right-of-way from centerline.
	*Innermost edge of the thru on divided highways.

# R/W Notes

## **Dedication**

Of the defined triggers at least one was significant enough to require acquisition of additional right-of-way. Most often there is a road improvement project that has been scheduled to begin in the near future. The combination of an imminent road project and the traffic impact created by the new development will require that the property owner dedicate land to the State in recognition of the impact created and value received by the owner.

# R/W Notes

## **Reservation**

- Of the defined triggers none were significant enough to require the immediate acquisition of additional right-of-way. This may also be in recognition that required road improvements would not be made in the near term. Therefore, the property owner is requested to enter into an agreement to reserve a right-of-way for future acquisition upon which no permanent structures will be constructed. When the right-of-way is needed for the road project, the property will be appraised and the owner compensated.
- Set back requirements by the local zoning code are to be measured from the reserved right-of-way line.

# Entrance Location

- Location and Design of driveways
  - Combined access if possible
- Spacing of Multiple Driveways (Chap. 9, Fig. 9-1)
  - Principle Arterials @ Min. 400' O.C.
  - Minor Arterials & Major Collectors @ Min. 250' O.C.
  - Minor Collectors & Local Roads @ Min. 200' O.C.

# Subdivision Process Changes

- Centralized submittals and processing of all plans to Subdivision section in Dover.
- Developed “gatekeeping” checklist and review process to ensure that we get good quality plans with all of the information we need to review them.
- Electronic submittals/processing of plans using SharePoint.
- Frequency of errors report is posted on our website.
- Formation of a Process Improvement Team and Steering Committee
- Developed threshold on when applicants should meet with us prior to submittal to cut down on review time.
- Developed external training program to familiarize engineers with our manual.
- Eliminated the backlog of projects. Projects are currently being reviewed within 42 calendar days.



# SharePoint

- The goal of SharePoint is to aid in providing a predictable, transparent, clear and consistent plan review for each project received in the Subdivisions section.
- Statewide rollout of SharePoint has been in place since November 15<sup>th</sup>, 2010.
- We have implemented many objectives in the rollout of SharePoint, but we are also planning for future enhancements. These future enhancements include online submissions, a dynamic project review status website and improved reporting capabilities.



# SharePoint Benefits

- Immediate distribution of plans throughout DeIDOT for review.
- Automated emails to fellow plan reviewers and to the Developer and Engineer.
- Library of reviewed documents.
- Project tracking and timeline of review data.
- Type and frequency of error by Consulting Engineer reports.



# Comments to Applicants

## **DeIDOT will:**

- DeIDOT will assign a single point of contact for the coordination of comments who will serve as a facilitator if the submitted plan is not acceptable.
- Comment letters from DeIDOT will be inclusive of the department's position and comments.
- Comments will reference code and regulatory citations, where they apply. Substantive comments for plan improvement will not be provided without such citations. All other comments will be identified as advisory.

# Enabling Submission of Complete Plans

## **DeIDOT will:**

- Increase feedback to developer's engineers regarding their errors and how to improve the plans.
- Collect frequency of error and use it as part of the feedback.
- Require pre-submittal meetings if build out results in Average Daily Trips greater than 200.
- Assure that meetings will include all relevant DeIDOT areas of responsibility.

# SharePoint Timeline

- Week 1: Gatekeeping
- Weeks 2-4: Internal Review
- Week 5: Comment Consolidation and Plan Review Meeting
- Week 6: Finalize Comment Letter and Mail to Engineer/Developer
- Subdivision Plan Review Schedules available online.

# Subdivision Plan Review Schedules

- Subdivision Plan Review Schedules  
Kent County

Submission Deadline	Acceptance Determination	Plan Review Meeting	Comment Letter Mailed
09/01/11	09/09/11	10/07/11	10/14/11
09/15/11	09/23/11	10/21/11	10/28/11
09/29/11	10/07/11	11/04/11	11/11/11
10/13/11	10/21/11	11/18/11	11/25/11
10/27/11	11/04/11	12/02/11	12/09/11
11/10/11	11/18/11	12/16/11	12/23/11

<http://www.deldot.gov/> then Doing Business

# Pre-submittal Meetings

Meeting is required if build out of the site ADT>200

Purpose: To meet with the developer and site engineer to discuss and comment on the following:

Site plan submittal requirements

Gate-Keeping Submittal Documents link

Entrance location(s)

Auxiliary lane requirements at proposed entrances

Frontage road improvements

PLUS, DAC, TAC or RPC comments (if completed)

Need for a TIS or TOA

Traffic Impact Study (TIS) process which applies if site ADT exceeds 400 or peak hour vehicular trips exceed 50. Per Section 2.3.1 and Fig 2-1 of the *DeIDOT Standards and Regulations for Subdivision Streets and State Highway Access*.

Traffic Operations Analysis (TOA) process which may apply if site ADT exceeds 200 and the project meets the requirements outlined on the DeIDOT website: [TOA Guidelines](#).

Previous TIS/TOA letter recommendations (if applicable)

# Pre-submittal Meetings

## Basic Site Plan Requirements

1. Site plan requirements in the following sections;
  - a. Section 3.4 – Plan (requirements)
  - b. Section 3.4.1 - Site entrance (preliminary entrance plan)
  - c. Section 3.4.1.1 – Traffic Information
  - d. Section 3.4.1.2 – Adjacent Entrances
  - e. Section 3.4.1.3 – Existing Roadway Features
  - f. Section 3.4.1.4, 3.6.5, 5.4, 5.7.2.5, Fig. 3.2 – Easements
  - g. Section 3.6.5 – Dedication of Right-of-Way
  - h. Section 3.7 - Noise Analysis
  - i. Section 3.10 - Agreements
  - j. Section 4.8 - SWM facility minimum 20' setback from ROW line
2. Entrance Design Guidelines per Section 5.2
3. Bicycle and Pedestrian Spacing and Connectivity
  - a. Sidewalks provided per Section 3.5.4.2
  - b. Walkway provided per Section 3.5.4.3
  - c. Access-ways provided per Section 3.5.4.4
4. Transit Facilities

# Gatekeeping Checklist

## Subdivision Gate-Keeping Checklist - SITE PLAN

Project Name: _____		Date: _____		
County: _____				
1 item missing = Submittal Rejection	Subdivision Manual Section	To be completed by engineer Initial applicable box and submit with plans If N/A, provide comment	Comments	Gate-Keeper Verification
Required Items		Provided	N/A	Y/N
Cover Letter				
Pre-submittal meeting Date:				
Electronic (pdf) copy of record plan set	3.4			
Clean, clear easy to read plan set (2 hard copies)	3.4			
Electronic (pdf) copy of preliminary entrance plans	3.4, 4.3.7, 5.2, Fig. 5-9, 5-10 & 5-11			
Initial Stage Fee	Appendix C			
Initial Stage Fee Calculation form	Appendix C			
Completed record plan checklist	Appendix D			
Traffic Impact Study (TIS) recommendation letter (if applicable)				

# Gatekeeping Checklist

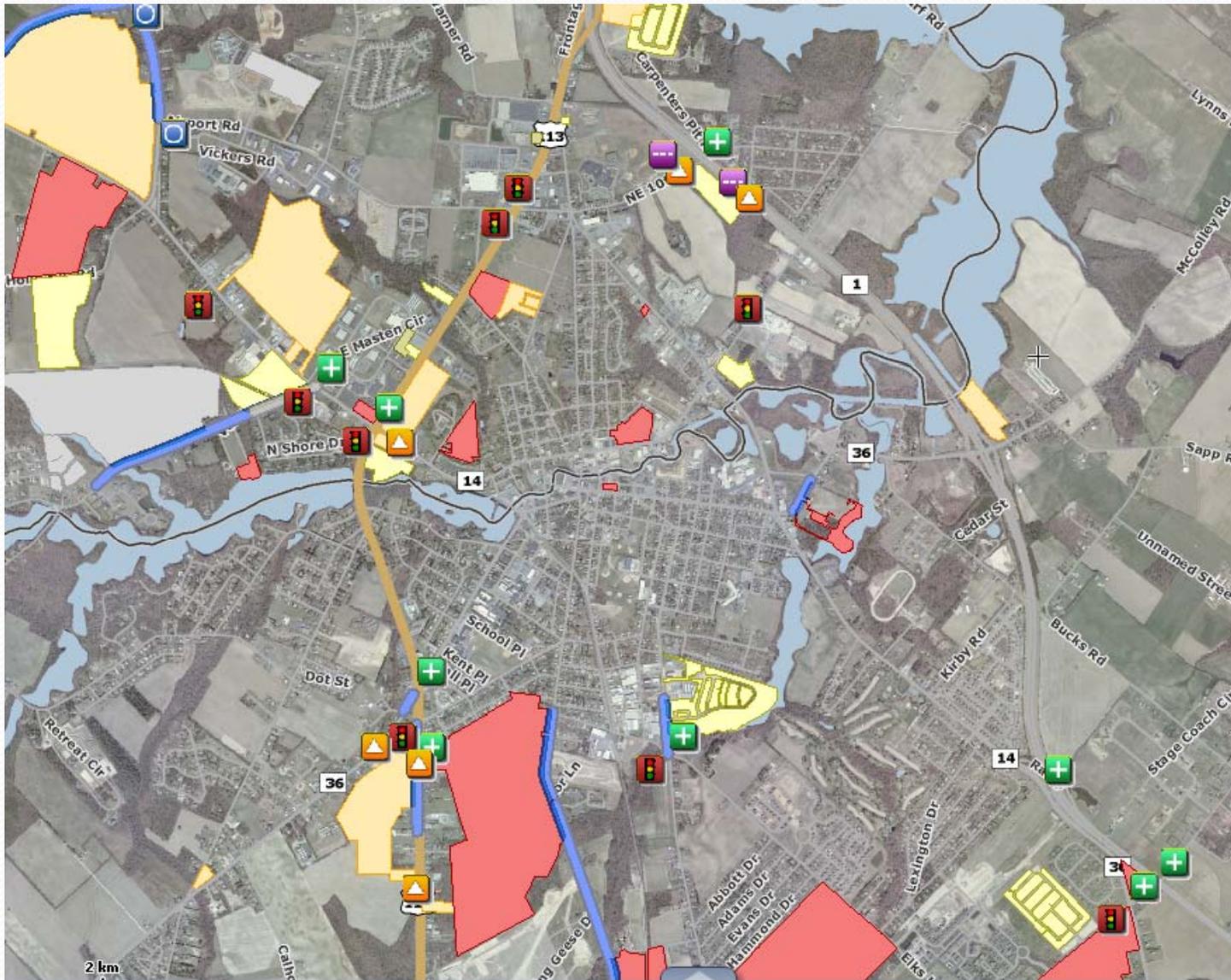
Required Items	Subdivision Manual Section			Comments	
TIS, RPC, TAC and DAC recommendations noted on plan					
Traffic generation diagram shown and correct	3.4.1.1				
Data Block	3.2.2				
Proper right-of-way dedication per frontage roadway classification	3.6.5				
Sight triangles, drawn correctly	5.4				
Subdivision Streets to be dedicated meeting design requirements (width and radii)	3.6.1, 5.1				
Correct typical section(s) of subdivision streets and frontage road(s)	Fig. 3-4, 5-22 & 5-23				
Metes, bounds, curve data and line charts	4.3.4				
Conceptual drainage plan(s) showing layout (to verify PE's)					
Photo showing proposed entrance location staked	4.1.1				
Calcs showing minimum connectivity ratio of 1.4 is met	3.5.6				
Misc.					
Additional Comments:					



# Top 10 Frequent Errors

- 1. Proper R/W Dedication**
- 2. Construction details**
- 3. Turn lane striping**
- 4. Stone under or behind curb**
- 5. Pavement thickness**
- 6. Traffic Generation Diagram**
- 7. Checklists**
- 8. General Notes and Maintenance of Traffic (MOT) Notes**
- 9. Butt joint vs. pavement tie-in detail**
- 10. Sidewalk detail**

# PDCA





# Thank you for your attention!

Please send any comments or questions to:

- Bill Brockenbrough
  - (302) 760-2109
  - [Thomas.Brockenbrough@state.de.us](mailto:Thomas.Brockenbrough@state.de.us)
- Marc Cote'
  - (302) 760-2165
  - [Marc.Cote@state.de.us](mailto:Marc.Cote@state.de.us)