

# City of Milford



## AGENDA

Council Meeting

July 23, 2012

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

7:00 P.M.

### COUNCIL MEETING

*Call to Order - Mayor Joseph Ronnie Rogers*

*Invocation*

*Pledge of Allegiance*

*Recognition*

*Communications*

*Unfinished Business*

*Adoption of Ordinance 2012-12/Chapter 1-General Provisions/Standard Late Fee*

*Re-Introduction of Ordinance 2011-28/Chapter 193-Solid Waste/Yard Debris*

*Recommendations/Amendments to Sign Ordinance*

*\*\*Property Tax Appeal-Jacob H. Roosa III/903 Roosa Road*

*New Business*

*\*\*\*Introduction of Economic Development Director/Steven Masten*

*\*\*\*FY2012-2013 Budget Amendment/City Administration/Salaries & Wages/Economic Development Consultant*

*\*\*\*FY2012-2013 Budget Amendment/New Line Item Added/Economic Development Expenses*

*\*Executive Session*

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

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

*Personnel Matter*

*Legal Matter*

*Adjourn*

### WORKSHOP

*Call to Order - Mayor Joseph Ronnie Rogers*

*Reserved Parking Space Request/Silicato Nelson Shopping Center*

*Adjourn*

**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.**

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.

Please Join Us For The  
**GRAND RE-OPENING**  
of the  
**MILFORD MUSEUM**



**TUESDAY, JULY 24**  
**5:00pm to 7:00pm**

**Enjoy Refreshments on the Lawn**  
**Tour New Exhibits**  
**Discover & Reminisce**

**121 S. Walnut Street, Milford, DE 19963**

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD  
PART 1-ADMINISTRATIVE LEGISLATION  
CHAPTER 1,THEREOF, ENTITLED GENERAL PROVISIONS

ORDINANCE 2012-12

WHEREAS, the City of Milford recognizes a need to amend various fees from time to time.

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

Section 1. Chapter 1, General Provisions, Article II-General Penalty, of the Code of the City of Milford is hereby amended by adding a new section, Standard Late Fee, to read as follows:

§1-12. - Standard Late Fee

Unless otherwise indicated in the Code of the City of Milford, all unpaid monies due the City of Milford are subject to a penalty of 1% per month for each month or fraction thereof during which said money remains unpaid.

Section 2. All other fees and late fees established in the Code of the City of Milford shall remain unchanged.

Section 3. Dates.

Introduction: July 9, 2012

Adopted: July 23, 2012

Effective: August 2, 2012

# PUBLIC NOTICE

## Notice of City of Milford Ordinance Review

The following ordinance is currently under review by Milford City Council:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 193, THEREOF, ENTITLED SOLID WASTE, HEREBY AMENDS §193--1 DEFINITIONS AND ARTICLE I-- COLLECTION AND DISPOSAL AND ARTICLE II--YARD WASTE.

Chapter 193-Solid Waste

Section 1. Chapter 193 is hereby amended by moving 'Article I-Collection and Disposal' below §193-1 as indicated.

### ~~Article I-Collection and Disposal~~

Section 2. §193-1, entitled Definitions, is hereby amended by deleting the terms as indicated and by adding a definition for Yard Waste.

§193-1. Definitions.

As used in this ~~article~~ *chapter*, the following terms shall have the meanings indicated:

~~EXTRA HEAVY — Collected four times per week.~~

~~HEAVY-Collected three times per week.~~

~~LIGHT- Collected two times per week.~~

~~1. Editor's Note: The definition of "medium," which immediately followed this definition, was repealed 10-11-2004 by Ord. No. 2004-10.~~

*YARD WASTE-- The part of solid waste consisting of leaves, grass clippings, twigs, small branches (less than 4 feet in length), shrubbery, prunings and other garden material.*

### *Article I-Collection and Disposal*

Section 3. §193-2 is hereby amended by standardizing descriptions and reducing twice a week collection for Commercial Carts to one collection.

§193-2. Rate schedule.

Rates shall be as follows:

Code Number	Description	Monthly Rate
Residential Rates		
01	<del>Single-family, [includes multiunits (12 and below)] weekly collection</del> single-family & multi-unit buildings with 12 units or less 1 x per week collection bi-weekly recycling	\$23.50
Commercial Rates		
CART	<del>95-Gallon, 2/week</del> 95-gallon <del>2</del> 1 x per week collection	\$32.00
05	<del>3-yard, 2/week, light</del> 3-yard 2 x per week collection	\$80.00
06	<del>Customer-owned, 3-yard, 3/week, heavy</del> customer-owned 3-yard 3 x per week collection	\$192.00
07	<del>3-yard, 3/week, medium</del> 3-yard 3 x per week collection	\$134.00
08	<del>City-owned, 3-yard, 3/week, heavy</del> city-owned 3-yard 3 x per week collection	\$198.00
<del>09</del>	<del>4-yard, 3 x week, extra heavy</del>	<del>\$454.00</del>

Section 4. §193-3 is hereby amended by removing word “therefor” in §193-3C.

§193-3. - Bills and payment.

A. The City shall provide for the collection of solid waste to every residential property owner. Disposal of solid waste for other than residential customers shall be either by the City of Milford or by private commercial haulers who meet all requirements under Chapter 193.

B. The rates as established shall be an assessment and shall be billed to the resident of the property on a monthly basis. All bills for service are due and payable each month for normal and additional services performed. Monthly charges, if not paid by the due date, shall accrue interest at the rate of 1 1/2% per month until paid.

C. Bills are rendered for any indicated period of service, either special or monthly, and will show the proper charge ~~therefor~~ as determined by the applicable rate schedule. Bills shall be considered as duly rendered when delivered at or mailed to the recorded address of the customer, as provided by him for that purpose. Non-receipt of a bill shall not constitute a waiver thereof. The city, on request, will issue a duplicate bill to the customer.

D. The annual charge imposed under ordinance shall be a lien against the property served and shall be and

remain a lien for 10 years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance even though such other lien or liens may be of a date prior to the time of attaching of this lien. The City Manager shall have the same authorities, remedies and powers with respect to the collection of this charge as are provided for the collection of taxes.

E. Any customer, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill within five days to the City for investigation.

Section 5. §193-4 is hereby amended by striking language as indicated, repealing §193-4B, §193-4C, §193-4D, §193-4E and §193-4F, renumbering §193-4G to §193-4B and correcting minor grammatical errors.

§193-4. - Containers.

A. The City shall provide containers to any person occupying a residence. The resident must use these containers in lieu of personal containers. ~~All trash will be put in this container with only an occasional bag or two beside it.~~ Professional offices being served by the City shall also use City containers. ~~Multifamily Multi-family~~ dwellings will utilize city-approved dumpsters; refer to §193-5B Bulk Collection. If any container is lost or destroyed, another container shall be provided at cost to the customer.

~~B. Solid waste containers shall be watertight with a fitted cover and constructed of a solid and durable grade of metal or plastic material. Plastic bags may be used as solid waste containers, provided that they conform to the requirements of Subsection G of this section.~~

~~C. Underground containers are prohibited for use in the city.~~

~~D. All containers (except plastic bags) shall be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle and shall not exceed 30 gallons.~~

~~E. Containers shall not contain any inside structures, such as bands or reinforcing angles, or anything within the container to prevent the free discharge of the contents. Containers that have deteriorated or that have become damaged to the extent that the covers will not fit securely or that have ragged or sharp edges capable of causing injury shall be condemned by the city, and if such containers are not replaced after notice to the owner or user, such containers will be removed by the city.~~

~~F. Plastic bags shall be constructed of a material and in a manner sufficiently adequate in strength and weight to keep contents from rupturing the bag. All plastic bags shall be secured at the top to prevent spillage.~~

~~G. B.~~ Any residential customer regularly placing trash in excess of the limits provided for in §193-4A, as determined solely by the City, shall be provided an additional container and billed the residential rate for each container provided by the City.

Section 6. §193-5 is hereby amended by striking language as indicated, repealing §193-5A(5) and §193-5A(6) and correcting minor grammatical errors.

§193-5. - Collection procedure.

A. General.

(1) All collection of solid waste materials from residences, apartment houses and other approved

establishments shall be by City public works crews or contractors hired or contracted by the City Manager.

(2) It shall be unlawful for any person to place any solid waste container within any public utility easement or public way except on designated collection days at the curblin. All containers shall be placed just behind the curblin of the street abutting such property but shall not be placed where the containers will interfere with vehicular or pedestrian traffic.

(3) Where solid waste is collected from the front or side street, containers shall be placed there no earlier than 3:00 p.m. of the day preceding the day of collection and not later than 7:00 a.m. on the scheduled day of collection and shall be removed to a point at the side or rear of the structure not later than 7:00 p.m. of the day of collection.

(4) No solid waste, trash, brush or any other material shall be placed in the street or on the sidewalk ~~in such a manner as to obstruct or interfere with vehicular or pedestrian traffic~~. No solid waste of any description shall be disposed of within the limits of the City in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this article shall be a violation as prescribed in § 193-8.

~~(5) Where the quantity of brush set out for collection is excessive, the City Manager shall determine the amount of brush to be collected at any one time, the day of collection and any other matters pertaining to brush collection. Rubbish or trash consisting of small, loose items shall be placed in approved containers. Brush or tree trimmings for pickup shall be cut in lengths not to exceed four feet.~~

~~(6) Bulk disposal of boxes or cartons must be broken down and bundled. No bundle shall exceed 50 pounds in weight.~~

B. Bulk collection. Owners of ~~multifamily~~ multi-family units desiring to utilize containers for bulk storage may do so, provided that the container and the placement of the container is approved by the City Manager or his designated representative. In no case shall the container be in excess of three cubic yards' capacity.

C. Items the City will not collect.

(1) The scope of the service rendered by the City in the collection and removal of solid waste materials is intended to serve the needs of dwelling units, professional offices and their directly related activities. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste.

(2) Rock, scrap building materials, appliances containing freon or other trash resulting from construction, remodeling or destruction by fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in preparation for construction or landscaping shall not be collected and removed by the City. ~~as a regular service~~. Such materials will be removed at the expense of the owner.

(3) Tires will not be collected by the city. Items too bulky or heavy to be removed during the regular City collection may, at the discretion of the City Manager, be removed by the City after special arrangements have been made by the owner.

(4) The placing of leaves in the streets of the City is prohibited.

D. Frequency and routes of collection. The City Manager shall divide the City into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.

(1) All special collections will be on Wednesdays:

(a) Bulk or large items, including appliances and furniture and excessive amounts of brush, will be collected on Wednesdays.

(b) Customers are required to contact our Solid Waste Department to schedule a time for a Solid Waste employee to determine the cost of this service.

(c) Upon agreement, the special collection fee will be placed on the customer's monthly utility statement.

(2) Additional special collections may be announced.

Section 7. §193-6 is hereby amended by repealing §193-6A and §193-6B to be EFFECTIVE JUNE 30, 2013.

~~§193-6. - Commercial hauling of solid waste.~~

~~A. All vehicles used in the collection of solid waste shall have enclosed bodies or shall have bodies covered with a tarpaulin or canvas cover. All vehicles used for the collection of solid waste containing garbage or other putrescible matter shall have watertight metal bodies or metal-lined bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding and shall be maintained in good repair. The name of the owner of the vehicle shall be displayed in a prominent and legible manner on both sides of all vehicles used in the collection and transportation of solid waste within the City of Milford. There will be no commercial vehicles allowed to collect on Sundays. Collection will be done Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m. only. Any special commercial pickups outside of these collection dates and times must be approved by the City Manager or his designee.~~

~~B. License and inspection of commercial vehicles. Each vehicle used by a commercial collector of solid waste shall be licensed annually by the City of Milford. Each company shall be responsible for a self inspection of its vehicles. The inspection is to include seals and hoses. Upon receipt of the list of vehicles to be registered, the City will issue stickers to be displayed in a prominent and legible manner on both sides of all vehicles used in the collection and transportation of solid waste within the City of Milford. The annual fee to receive a sticker is \$150 for the first two vehicles and \$10 for each additional vehicle. All commercial vehicles must be in compliance with these inspection requirements by July 1 of each year.~~

Section 8. §193-7 of Chapter 193 is hereby renumbered to §193-6.

~~§193-7.~~ 193-6. - Supplemental regulations.

Section 9. §193-8 of Chapter 193 is hereby renumbered to §193-7 and amended by removing and updating obsolete language.

~~§193-8.~~ 193-7. - Violations and penalties.

A. Any person or any officer of any firm or corporation violating any of the provisions of this article shall, upon conviction thereof before a ~~District Magistrate~~ Justice of the Peace, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs of prosecution.

B. Every violation of this article shall be deemed a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

Section 10. §193-8C is hereby deleted and repealed in its entirety to be EFFECTIVE JUNE 30, 2013.

~~C. For every vehicular offense after the first, and upon conviction thereof, in addition to any penalty, the collector's license shall be revoked for 30 days.~~

## Article II-Yard Waste

Section 11. §193-9 of Chapter 193 is hereby renumbered to §193-8 and amended by deleting and adding thereto the following language:

~~§193-9.~~ 193-8. Unlawful Acts; Containment Required.

It shall be unlawful to deposit or place any leaves, grass trimmings, tree trimmings or other vegetative debris or matter into *any garbage container, recycling container, or* a City street or drainage gutter. Said materials shall be deposited in adequate containers ~~/receptacles or confined in such a manner as to prevent said material from being blown or washed into adjoining yard areas or streets except as allowed in §193-9.~~

Section 12. §193-10 of Chapter 193 is hereby renumbered to §193-9 and amended by deleting and adding thereto the following language:

~~§193-10.~~ 193-9. - Containers. Leaves, grass clippings, tree trimmings, shrubbery or other garden and yard waste or matter for collection by the City shall *only* be placed in *an approved yard waste container provided by the City of Milford. Containers will only be provided to those residents who request one.* ~~adequate containers so as to confine said materials, except as allowed in § 193-11. The container shall not exceed 30 gallons in capacity.~~

Section 13. §193.11 of Chapter 193 is hereby renumbered §193-10.

~~§193-11.~~ 193-10. Loose Leaf Curbside Collection.

Section 14. §193-10, entitled Loose Leaf Curbside Collection is hereby deleted and repealed.

~~§ 193-10. - Loose leaf curbside collection.~~

- ~~1. Loose leaves may also be raked and placed behind the curb for removal by the City's leaf vacuum at no additional cost.~~
- ~~2. Leaves must be free of stones, branches, brush and grass clippings or they will not be collected in this manner.~~
- ~~3. It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.~~

Section 15. §193-10 of Chapter 193 is hereby amended by adding a new §193-10, entitled Collection Procedures, to read as follows:

§193-10. – *Collection Procedures.*

- A. *The City will provide for the collection of leaves, branches and tree trimmings from April 1 through October 31 of each year, provided that such refuse is deposited into the yard waste containers as provided for in §193-9. Disposal of leaves, branches and tree trimmings that will not fit into the container shall be the responsibility of the property owner.*

- B. The City will provide for loose leaf curbside collection from November 1 through January 31 in accordance with the following conditions.*
- 1. Loose leaves shall be raked and placed behind the curb for removal by the City's leaf vacuum.*
  - 2. Leaves must be free of stones, branches, brush and grass clippings or they will not be collected.*
  - 3. It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.*

Section 16. A new §193-11 is hereby added, entitled Collection Schedule, to read as follows:

*§193-11. – Collection Schedule.*

- A. The City will collect yard waste as described in §193-11A once every other week.*
- B. The loose leaf curbside collection as described in §193-11B will be collected once each week.*
- C. The City Manager shall divide the City into districts and shall schedule the collection of yard waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.*

Section 17. §193-12 of Chapter 193 will remain the same.

193-12. Violations and penalties.

Section 18. Dates.

(Re)Introduction to Council: 07-23-12

Adoption by Council: 08-13-12

Ordinance will become effective ten days after adoption unless otherwise stated.

If adopted, Section 7 and Section 10 of this ordinance shall become effective June 30, 2013.

A complete copy of the City of Milford Code is available by contacting the City Clerk's Office at 302-424-3712 or by accessing our website at [cityofmilford.com](http://cityofmilford.com)

072312

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**From:** Brad A. Dennehy  
**Sent:** Wednesday, July 18, 2012 7:22 AM  
**To:** Christine R. Crouch  
**Subject:** Solid waste ordinance

Christine, we are getting to scratch this section out of the ordinance. We have done nothing with it here, in terms of inspections or anything else...I just wanted to check to see if you were doing anything with it (i.e. issuing licenses, etc). I believe it to be one of those things we have on the books, but no one does anything with, so we are getting rid of it.

Thanks.

**§ 193-6. - Commercial hauling of solid waste.**

*[Amended 4-27-1998 by Ord. No. 3-1998; 5-11-1998 by Ord. No. 4-1998; 6-12-2006 by Ord. No. 2006-3]*

A.

All vehicles used in the collection of solid waste shall have enclosed bodies or shall have bodies covered with a tarpaulin or canvas cover. All vehicles used for the collection of solid waste containing garbage or other putrescible matter shall have watertight metal bodies or metal-lined bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding and shall be maintained in good repair. The name of the owner of the vehicle shall be displayed in a prominent and legible manner on both sides of all vehicles used in the collection and transportation of solid waste within the City of Milford. There will be no commercial vehicles allowed to collect on Sundays. Collection will be done Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m. only. Any special commercial pickups outside of these collection dates and times must be approved by the City Manager or his designee.

B.

License and inspection of commercial vehicles. Each vehicle used by a commercial collector of solid waste shall be licensed annually by the City of Milford. Each company shall be responsible for a self inspection of its vehicles. The inspection is to include seals and hoses. Upon receipt of the list of vehicles to be registered, the City will issue stickers to be displayed in a prominent and legible manner on both sides of all vehicles used in the collection and transportation of solid waste within the City of Milford. The annual fee to receive a sticker is \$150 for the first two vehicles and \$10 for each additional vehicle. All commercial vehicles must be in compliance with these inspection requirements by July 1 of each year.

Bradley (Brad) Dennehy  
Director of Public Works  
City of Milford

180 Vickers Drive  
Milford, De 19963

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**From:** Christine R. Crouch  
**Sent:** Wednesday, July 18, 2012 8:02 AM  
**To:** Brad A. Dennehy  
**Subject:** RE: Solid waste ordinance

I have been licensing these haulers and there are currently five licensed until 06/30/2013. We've only generated \$1060 for these licenses thus far this year so it's not as though it will make an impact financially to do away with the ordinance.

Let me know if anything changes in terms of doing away with them. Otherwise, this will be the last year I write them.

Thanks.

***Christine Crouch***

302.424.3712 x308

F 302.424.3558

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

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**From:** Brad A. Dennehy  
**Sent:** Wednesday, July 18, 2012 9:43 AM  
**To:** Richard D. Carmean; Terri Hudson  
**Subject:** FW: Solid waste ordinance

FYI

Bradley (Brad) Dennehy  
Director of Public Works  
City of Milford  
180 Vickers Drive  
Milford, De 19963  
PH: 302.422.6616 ex 173  
FX: 302.422.1119  
[bdennehy@milford-de.gov](mailto:bdennehy@milford-de.gov)  
[www.cityofmilford.com](http://www.cityofmilford.com)

Milford, Delaware, Code of Ordinances >> **PART II - GENERAL LEGISLATION** >> **Chapter 193 - SOLID WASTE** >>

**Chapter 193 - SOLID WASTE**

*[HISTORY: Adopted by the City Council of the City of Milford as indicated in article histories. Amendments noted where applicable.]*

GENERAL REFERENCES

Outdoor burning – See <a href="#">Ch. 96</a>	Housing standards – See <a href="#">Ch. 145</a>
Grass, weeds and vegetation – See <a href="#">Ch. 138</a>	Property maintenance – See <a href="#">Ch. 174</a>

[ARTICLE I - Collection and Disposal](#)

[ARTICLE II - Yard Waste](#)

Milford, Delaware, Code of Ordinances >> **PART II - GENERAL LEGISLATION** >> **Chapter 193 - SOLID WASTE** >> **ARTICLE I - Collection and Disposal** >>

**ARTICLE I - Collection and Disposal**

*[Adopted 5-23-1983]*

- [§ 193-1. - Definitions.](#)
- [§ 193-2. - Rate schedule.](#)
- [§ 193-3. - Bills and payment.](#)
- [§ 193-4. - Containers.](#)
- [§ 193-5. - Collection procedure.](#)
- [§ 193-6. - Commercial hauling of solid waste.](#)
- [§ 193-7. - Supplemental regulations.](#)
- [§ 193-8. - Violations and penalties.](#)

**§ 193-1. - Definitions.**

*[Added 6-9-1997]*

As used in this article, the following terms shall have the meanings indicated:

- EXTRA HEAVY — Collected four times per week.
- HEAVY — Collected three times per week.
- LIGHT — Collected two times per week.<sup>1[25]</sup>

**§ 193-2. - Rate schedule.**

Rates shall be as follows:

Code Number	Description	Monthly Rate
<b>Residential rates</b>		

01	Single-family, [includes multiunits (12 and below)] weekly collection bi-weekly recycling	\$23.50
<b>Commercial rates</b>		
CART	95-gallon, 2/week	\$32.00
05	3-yard, 2/week, light	\$80.00
06	Customer-owned, 3-yard, 3/week, heavy	\$192.00
07	3-yard, 3/week, medium	\$134.00
08	City-owned, 3-yard, 3/week, heavy	\$198.00
09	4-yard, 3/week, extra heavy	\$454.00

*[Amended 10-6-1986; 10-11-1988; 9-26-1990; 9-13-1993; 6-9-1997; 8-9-1999 by Ord. No. 4-1999; 7-22-2002 by Ord. No. 2002-6; 10-11-2004 by Ord. No. 2004-10; 12-27-2005 by Ord. No. 2005-4; 6-13-2007 by Ord. No. 2007-6; Ord. No. 2010-11, § 1, 7-12-2010]*

### **§ 193-3. - Bills and payment.**

- A. The City shall provide for the collection of solid waste to every residential property owner. Disposal of solid waste for other than residential customers shall be either by the City of Milford or by private commercial haulers who meet all requirements under [Chapter 193](#)

*[Amended 4-27-1998 by Ord. No. 3-1998; 10-11-2004 by Ord. No. 2004-10]*

- B. The rates as established shall be an assessment and shall be billed to the resident of the property on a monthly basis. All bills for service are due and payable each month for normal and additional services performed. Monthly charges, if not paid by the due date, shall accrue interest at the rate of 1 1/2% per month until paid.

*[Amended 4-27-1998 by Ord. No. 3-1998; 10-11-2004 by Ord. No. 2004-10]*

- C. Bills are rendered for any indicated period of service, either special or monthly, and will show the proper charge therefor as determined by the applicable rate schedule. Bills shall be considered as duly rendered when delivered at or mailed to the recorded address of the customer, as provided by him for that purpose. Nonreceipt of a bill shall not constitute a waiver thereof. The city, on request, will issue a duplicate bill to the customer.

*[Amended 4-27-1998 by Ord. No. 3-1998]*

- D. The annual charge imposed under ordinance shall be a lien against the property served and shall be and remain a lien for 10 years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance even though such other lien or liens may be of a date prior to the time of attaching of this lien. The City Manager shall have the same authorities, remedies and powers with respect to the collection of this charge as are provided for the collection of taxes.
- E. Any customer, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill within five days to the City for investigation.

### **§ 193-4. - Containers.**

*[Amended 4-27-1998 by Ord. No. 3-1998]*

- A. The City shall provide containers to any person occupying a residence. The resident must use these containers in lieu of personal containers. All trash will be put in this container with only an occasional bag or two beside it. Professional offices being served by the City shall

also use City containers. Multifamily dwellings will utilize city-approved dumpsters; refer to Bulk collection, [§ 193-5B](#). If any container is lost or destroyed, another container shall be provided at cost to the customer.

- B. Solid waste containers shall be watertight with a fitted cover and constructed of a solid and durable grade of metal or plastic material. Plastic bags may be used as solid waste containers, provided that they conform to the requirements of Subsection G of this section.
- C. Underground containers are prohibited for use in the city.
- D. All containers (except plastic bags) shall be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle and shall not exceed 30 gallons.
- E. Containers shall not contain any inside structures, such as bands or reinforcing angles, or anything within the container to prevent the free discharge of the contents. Containers that have deteriorated or that have become damaged to the extent that the covers will not fit securely or that have ragged or sharp edges capable of causing injury shall be condemned by the city, and if such containers are not replaced after notice to the owner or user, such containers will be removed by the city.
- F. Plastic bags shall be constructed of a material and in a manner sufficiently adequate in strength and weight to keep contents from rupturing the bag. All plastic bags shall be secured at the top to prevent spillage.
- G. Any residential customer regularly placing trash in excess of the limits provided for in [§ 193-4A](#), as determined solely by the City, shall be provided an additional container and billed the residential rate for each container provided by the City

*[Added 6-13-2007 by Ord. No. 2007-6]*

### **§ 193-5. - Collection procedure.**

- A. General.
    - (1) All collection of solid waste materials from residences, apartment houses and other approved establishments shall be by City public works crews or contractors hired or contracted by the City Manager.
    - (2) It shall be unlawful for any person to place any solid waste container within any public utility easement or public way except on designated collection days at the curblin. All containers shall be placed just behind the curblin of the street abutting such property but shall not be placed where the containers will interfere with vehicular or pedestrian traffic.
    - (3) Where solid waste is collected from the front or side street, containers shall be placed there no earlier than 3:00 p.m. of the day preceding the day of collection and not later than 7:00 a.m. on the scheduled day of collection and shall be removed to a point at the side or rear of the structure not later than 7:00 p.m. of the day of collection.
- [Amended 10-11-2004 by Ord. No. 2004-10]*
- (4) No solid waste, trash, brush or any other material shall be placed in the street or on the sidewalk in such a manner as to obstruct or interfere with vehicular or pedestrian traffic. No solid waste of any description shall be disposed of within the limits of the City in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this article shall be a violation as prescribed in [§ 193-8](#)
  - (5)

Where the quantity of brush set out for collection is excessive, the City Manager shall determine the amount of brush to be collected at any one time, the day of collection and any other matters pertaining to brush collection. Rubbish or trash consisting of small, loose items shall be placed in approved containers. Brush or tree trimmings for pickup shall be cut in lengths not to exceed four feet.

- (6) Bulk disposal of boxes or cartons must be broken down and bundled. No bundle shall exceed 50 pounds in weight.
- B. Bulk collection. Owners of multifamily units desiring to utilize containers for bulk storage may do so, provided that the container and the placement of the container is approved by the City Manager or his designated representative. In no case shall the container be in excess of three cubic yards' capacity.
- C. Items the City will not collect.
  - (1) The scope of the service rendered by the City in the collection and removal of solid waste materials is intended to serve the needs of dwelling units, professional offices and their directly related activities. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste.
  - (2) Rock, scrap building materials, appliances containing freon or other trash resulting from construction, remodeling or destruction by fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in preparation for construction or landscaping shall not be collected and removed by the City as a regular service. Such materials will be removed at the expense of the owner.

*[Amended 4-27-1998 by Ord. No. 3-1998]*

- (3) Tires will not be collected by the city. Items too bulky or heavy to be removed during the regular City collection may, at the discretion of the City Manager, be removed by the City after special arrangements have been made by the owner.
- (4) The placing of leaves in the streets of the City is prohibited.
- D. Frequency and routes of collection. The City Manager shall divide the City into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.

*[Amended 4-27-1998 by Ord. No. 3-1998]*

- (1) All special collections will be on Wednesdays:

*[Amended 10-11-2004 by Ord. No. 2004-10]*

- (a) Bulk or large items, including appliances, furniture and excessive amounts of brush, will be collected on Wednesdays.
- (b) Customers are required to contact our Solid Waste Department to schedule a time for a Solid Waste employee to determine the cost of this service.
- (c) Upon agreement, the special collection fee will be placed on the customer's monthly utility statement.
- (2) Additional special collections may be announced.

### **§ 193-6. - Commercial hauling of solid waste.**

*[Amended 4-27-1998 by Ord. No. 3-1998; 5-11-1998 by Ord. No. 4-1998; 6-12-2006 by Ord. No. 2006-3]*

- A. All vehicles used in the collection of solid waste shall have enclosed bodies or shall have bodies covered with a tarpaulin or canvas cover. All vehicles used for the collection of solid

waste containing garbage or other putrescible matter shall have watertight metal bodies or metal-lined bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding and shall be maintained in good repair. The name of the owner of the vehicle shall be displayed in a prominent and legible manner on both sides of all vehicles used in the collection and transportation of solid waste within the City of Milford. There will be no commercial vehicles allowed to collect on Sundays. Collection will be done Monday through Saturday between the hours of 7:00 a.m. and 7:00 p.m. only. Any special commercial pickups outside of these collection dates and times must be approved by the City Manager or his designee.

- B. License and inspection of commercial vehicles. Each vehicle used by a commercial collector of solid waste shall be licensed annually by the City of Milford. Each company shall be responsible for a self inspection of its vehicles. The inspection is to include seals and hoses. Upon receipt of the list of vehicles to be registered, the City will issue stickers to be displayed in a prominent and legible manner on both sides of all vehicles used in the collection and transportation of solid waste within the City of Milford. The annual fee to receive a sticker is \$150 for the first two vehicles and \$10 for each additional vehicle. All commercial vehicles must be in compliance with these inspection requirements by July 1 of each year.

### **§ 193-7. - Supplemental regulations.**

The City Manager is hereby authorized to make additional rules and regulations for the administration of the solid waste collection system, provided that such rule or regulation is not in conflict with the specific provisions of this article and is in no way inconsistent with the established policies of the City Council.

### **§ 193-8. - Violations and penalties.**

- A. Any person or any officer of any firm or corporation violating any of the provisions of this article shall, upon conviction thereof before a District Magistrate, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs of prosecution.

*[Amended 5-11-1998 by Ord. No. 4-1998]*

- B. Every violation of this article shall be deemed a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.
- C. For every vehicular offense after the first, and upon conviction thereof, in addition to any penalty, the collector's license shall be revoked for 30 days.

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#### FOOTNOTE(S):

<sup>(25)</sup> 1. Editor's Note: The definition of "medium," which immediately followed this definition, was repealed 10-11-2004 by Ord. No. 2004-10. [\(Back\)](#)

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Milford, Delaware, Code of Ordinances >> **PART II - GENERAL LEGISLATION** >> **Chapter 193 - SOLID WASTE** >> **ARTICLE II - Yard Waste** >>

### **ARTICLE II - Yard Waste**

*[Adopted 12-16-1996]*

[§ 193-9. - Unlawful acts; containment required.](#)

[§ 193-10. - Containers.](#)

[§ 193-11. - Loose leafe curbside collection.](#)

[§ 193-12. - Violations and penalties.](#)

### **§ 193-9. - Unlawful acts; containment required.**

It shall be unlawful to deposit or place any leaves, grass trimmings, tree trimmings or other vegetative debris or matter into a City street or drainage gutter. Said materials shall be deposited in adequate containers/receptacles or confined in such a manner as to prevent said material from being blown or washed into adjoining yard areas or streets.

### **§ 193-10. - Containers.**

*[Amended 10-11-2004 by Ord. No. 2004-10]*

Leaves, grass clippings, tree trimmings, shrubbery or other garden and yard waste or matter for collection by the City shall be placed in adequate containers so as to confine said materials, except as allowed in [§ 193-11](#). The container shall not exceed 30 gallons in capacity.

### **§ 193-11. - Loose leafe curbside collection.**

*[Added 10-11-2004 by Ord. No. 2004-10<sup>2[26]</sup>]*

- A. Loose leaves may also be raked and placed behind the curb for removal by the City's leaf vacuum at no additional cost.
- B. Leaves must be free of stones, branches, brush and grass clippings or they will not be collected in this manner.
- C. It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.

### **§ 193-12. - Violations and penalties.**

Any person(s) or party violating any provision of this article shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined as follows:

- A. First offense: not less than \$25 and not more than \$100.
- B. Subsequent offenses: not less than \$50 and not more than \$250.

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#### FOOTNOTE(S):

<sup>(26)</sup> 2. Editor's Note: This ordinance also renumbered former § 193-11 as § 193-12 ([Back](#))

CITY OF MILFORD  
Sign Ordinance Review Ad Hoc Meeting  
*Minutes of Meeting*  
June 14, 2012

A Sign Ordinance Review Ad Hoc Meeting was held in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 South Walnut Street, Milford, Delaware on Thursday, June 14, 2012.

PRESIDING: Councilman Garrett Grier

IN ATTENDANCE: Committee Members City Planner Gary Norris  
Planning Commission Chairman Chuck Rini

City Clerk/Recorder Terri Hudson

City Planner Gary Norris had requested himself, Planning Chairman Chuck Rini and Councilman Garrett Grier be appointed to a committee to review possible changes to the sign code.

City Planner Norris called the official meeting to order at 2:00 p.m.

Mr. Norris explained that rather have the planning commission work on something for eight months and it go before council and council decide they don't want it, they decided to ask for Mr. Grier's input because he is a business person and we want to encourage businesses.

Mr. Grier asked where there were problems; Mr. Norris said the flags at Wawa and Aarons.

Mr. Grier referenced a letter he received from Terri Favata of First Class Properties.

Mr. Rini said another problem is the way businesses park their trucks, noting that Subway has a truck next to the highway; Aaron also has a truck parked there.

Mr. Grier said he does not personally see a problem with that. He asked if that is illegal in the current code; Mr. Rini said it is not addressed in the code.

Mr. Norris said most of the problems involve flags. He recalled another issue when Betty Lou's Restaurant opened on Rehoboth Boulevard and flags were attached to the utility poles. He said she also had some straw bales wrapped in fabric with plants sitting on them. He explained those type things are problems.

Mr. Grier stated that Ms. Favata expressed concern when they relocated their office at the old Happy Harry's site and had placed some temporary signs outside that indicated they were open and ready for business. However, they were informed by the code enforcement officer they had to be removed. She pointed out that not only did she take occupancy of an empty-anchor store on the highway, but needed to use whatever tools she could to compete and continue as a successful business.

Mr. Norris referenced the existing sign section of the city code and specifically 230-24-A(10):

*Signs designating permanent subdivisions, not to exceed 20 square feet in area, with only two per each street frontage.*  
The city planner advised that during his seven years here as planner, there were a couple requests for large subdivisions who wanted signs that exceed the twenty square feet allowed. As a result, they went sent to the Board of Adjustment who approved the variance.

Mr. Rini advised that Knotts Landing has a sign that is a couple feet tall that states it is a deed-restricted community.

Mr. Grier feels that flags are not a problem though some changeable letter boards are not very attractive. Mr. Rini agreed and noted the IG Burton's Car Wash had such a sign at one point.

The city planner noted that portable signs are prohibited as is stated in B(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.*

Mr. Grier said though they are prohibited in the code, a number of businesses have had them for years and he feels it will be difficult to suddenly inform them they are not allowed.

Mr. Rini said that there is wording in the code, but the enforcement is missing. He said that when enforcement occurs, it becomes a problem.

Mr. Grier does not see any problem with them with the exception of the older, roll-out, portable signs.

Mr. Rini clarified that would come under section (paragraph) 11; Mr. Norris agreed. Mr. Rini said it only needs to be enforced. He recommends that be passed through the city solicitor for a legal interpretation. He recommends we describe what we have in mind to see if it falls under those perimeters. However, to him, it is clear in B(11) that states portable signs, fixed on a movable stand or chassis, and to him that covers everything not nailed down.

Mr. Grier asked what other signs Mr. Norris feels are a problem.

Mr. Norris said only the portable letter signs like the one at Betty Lou's Restaurant. Also, menu signs, flag signs, flags and air and sign dancers. He agrees with Mr. Rini that the trucks being used for advertisement that are parked in front of businesses such as Subway are also a problem.

Mr. Rini explained that he is not saying they are a problem though it is they way they advertise. He reported the Chinese restaurant next to Super Fresh has a car by Kentucky Fried Chicken with a sign stuck on its side.

Mr. Norris added that another problem he has is shopping centers. You are only allowed one sign per shopping center. However, what happens, is that each store/restaurant wants their own sign. He noted that with the expansion of Milford Plaza, Advanced Auto has now requested their own sign on Route 113 which they will have to handle through a variance.

The city planner said there is also the outparcel where a bank was planned. They are permitted to have a sign on their building; however, if it is not their property, a variance is required. He explained that theoretically, there could be several signs.

Mr. Rini asked how it works if someone renting a pad site out in the parking lot wants a sign and it is not on their property. Mr. Norris explained it depends on whether they lease or own it. If they own it, it becomes their own property and a billboard could be added.

Mr. Rini said no one owns property in the shopping center which includes the pad sites. Mr. Norris noted that Applebees has their own sign too. In the case of Milford Plaza, there is the potential for individual signs for Advanced Auto, the bank, Applebees, etc.

Mr. Rini said we could have the same thing at Redners because of the number of pads along Route 113.

It was agreed that if the signs are appealing and installed correctly, it is not a problem.

Mr. Norris then informed Mr. Grier that he and the planning commission are trying to require a sign package be provided for a commercial development. The planning commission now requires four-sided elevations in order to get an idea of how the building will look.

The other thing the city planner has stressed, though it is not in the ordinance, is the sign package that would apply to each tenant/store front/site pad.

Mr. Rini said for example, when a final site plan is being worked on, they try to get a sign package and elevation. He said each store has a grade of store (A store, B store, C store) and the planning commission always insists on the A quality store.

He said the other items are signs and landscaping. He advised that the planning commission now requires a landscaping design as part of the final site plan.

Mr. Grier asked if there is no requirement for a landscape design in the final site plan; Mr. Rini said it is not required nor is there a sign requirement. Mr. Norris said it is requested though not a requirement. Mr. Rini said there is a requirement if a different type property going up against another, landscaping or fencing is required. But the trees around the building that the city arborist would approve is not required.

Mr. Norris clarified that there is a landscaping buffer requirement between a residential and a commercial zone or vice versa. He said that Sonic added a five-foot buffer because they were next to Rite Aid.

Mr. Rini said that is something we can go to; a signage package would be part of the plan. Mr. Grier feels it is appropriate to request a sign package with the site plan.

Mr. Rini then asked if it should be before the final site plan so city council could look at it. He emphasized that final site plans only go to the planning commission. He would not want the planning commission to approve something that city council asked why it was allowed because it is ugly.

Mr. Rini also stated they are also pushing for more monument signs instead of the pole type sign for developments. He explained it they are off the ground and not on a pole. It looks like it is part of the property and instead of a 30-foot pole have a stone structure or something similar.

Mr. Grier questioned if that could create a visibility problem because they are grounded; Mr. Norris said not if they are in the middle of a shopping center or property. Mr. Grier said that normally a sign is on the outskirts of a parking lot or entrance area. Mr. Norris said there may be a 30-foot sight triangle at an entrance. A sign would be placed in the area that would not impede visibility. Mr. Grier asked who has a similar sign; Mr. Norris stated no one.

Mr. Grier said he is in favor of adding a sign package requirement to the site plan. He feels that would benefit the city and the developer. Mr. Rini added that the sign requirements in the code work, but we need it done up front.

Mr. Grier said he does not feel the flags are a problem noting that in most cases, they are temporary and used for grand openings, sales, etc. He suggests if nothing else, a possible time limit be placed on them.

Mr. Rini informed Mr. Grier that currently they are prohibited. Mr. Grier said he has observed some flags with a development's name that are often more appealing than signs on poles or stakes.

It was noted that B(9) states:

*Flags (other than United States flags), banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures.*

The paragraph ends with “*Allowance shall be determined by the Code Official.*”

Mr. Rini said he hates to touch the signage package because of what the planning commission went through with the billboard. They reviewed that for eight months, then presented it and council voted it down. Then the city had problems with people installing billboards again.

Mr. Grier again referenced the letter from First Class Properties who had used temporary signs described as small, feather-like signs indicating they were open for business. However, because they are not allowed, our code official informed them they had to be removed. He has no problem with a promotional flag to promote a person's business.

Mr. Rini asked if the code officials know they have the right to allow them; Mr. Norris said the problem is one person may have new signs that are maintained and appealing. Another person may have some that are worn and weathered. However, everyone must be treated equally.

Mr. Rini said a decision is not necessary at this point and suggests that Councilman Grier think about it.

Mr. Norris then recommended that Mr. Grier ask the opinion of other councilmembers at the next council meeting. He directed him to inform them of this meeting and that one thing that came out of the meeting was that the planning commission wants to amend the ordinance to allow a sign package. Mr. Rini then stated 'if needed'; Mr. Norris agreed.

Mr. Rini informed Mr. Norris there are articles already in the code that have covered everything discussed though it is not being enforced. Mr. Norris said he was only aware of two cases where variances had been granted. One is the monument sign for residential developments. The only other thing he can recall is in R-1, only two square feet of signage is permitted. A number of churches are located in R-1 zones and have requested a variance.

Mr. Rini feels that is ok because it does not take much to get a variance. Mr. Norris agreed but noted they have to spend \$350 though that would be a decision of city council.

Mr. Norris said the other issue is only 225 square foot sign is allowed in a C-3 zone. He has been associated with other ordinances where for each lineal feet of frontage, a half square foot of signage is permitted which could involve multiple signs or one large sign.

Mr. Rini said his problem is the upkeep of existing signs rather than the signs themselves. Mr. Grier asked if maintenance of signs should be added. Mr. Norris feels that falls under the property maintenance code because it involves a structure. Therefore, the code officials need to be directed to ensure the signs are maintained properly.

In his opinion, Mr. Rini said it appears that everything is in place including the flags that the city manager received complaints about. However, he recommends that Mr. Grier needs to ask city council their opinions during an executive session. If Mr. Grier feels more work is needed, he should come back to Mr. Norris and Mr. Rini to work on it.

Mr. Grier asked the city clerk to add the item to the next agenda.

Mr. Rini told Mr. Grier to inform council a sign package should be required in the site plan. In addition, a landscaping package could be added even though that will require an ordinance amendment.

Mr. Grier confirmed that in a residential district, only two square feet of signage is allowed. It was agreed that a variance is needed to prevent signs from popping up throughout a residential area.

In addition, it was agreed that maintenance and upkeep of existing signs should be discussed and whether to add that to the sign code or allow it to continue to fall under property maintenance.

With no other business, the meeting was adjourned by Councilman Grier at 2:29 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

## ARTICLE VI - Signs

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*[Amended 7-11-1994]*

§ 230-24. - Permitted and prohibited signs.

§ 230-25. - Construction; violations and penalties.

§ 230-26. - General standards.

### **§ 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.

### **§ 230-25. - Construction; violations and penalties.**

- A. All signs permitted by this article shall be erected/placed in accordance with the zoning requirement set forth by this chapter (regarding setbacks, sizes and height limitations) and shall be constructed so as to withstand loadings imposed by wind or the direct result of the sign's weight or stresses that may be otherwise imposed. All signage applications shall be accompanied by scale drawings and shall meet the approval of the Plans Review Official.
- B. Any violations of city code(s)/ordinance(s) regarding the laws governing signs within the City of Milford shall be grounds for the removal of the sign in question, fines, imprisonment or all of the preceding. This shall be determined by the Code Official.

### **§ 230-26. - General standards.**

The chart, found at the end of this chapter, shall determine the size and height requirements allowed within the designated zoning district. Additional requirements are as follows:

- A. Setback.
  - (1) Commercial/industrial districts: 10 feet from front right-of-way line.
  - (2) Noncommercial districts (nonresidential):
    - (a) Advertising: 10 feet from front right-of-way line.
    - (b) Nameplate, identification and instruction: five feet from right-of-way line.
- B. Sign standards chart (end of chapter).
- C. Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning districts:
  - (1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.
  - (2) Variances for dimensional increases in area, height or coverage must be submitted for review and determination by the Board of Adjustment of the City of Milford. Violations of the requirements set forth in the attached chart shall be deemed as a violation of this chapter and will be subject to the penalties herein described.
  - (3) All signs whose primary function it is to direct attention to the identity of the business, professional or industrial activity and which describes said nature of such operation

shall be deemed a business sign. Such signs shall not exceed two in number on any one road frontage.

- D. Guidelines for C-2 Zoning District. The following are the general guidelines for signage within the C-2 Downtown Commercial District:
- (1) Signs shall reflect simplicity, using graphics and minimum information.
  - (2) Light-colored lettering should be used over dark matte background as the dominant motif.
  - (3) Signs should have a singular theme.
  - (4) A maximum of three colors may be used.
  - (5) Signs should employ a style consistent with the age of the building.
  - (6) Signs should fit into the size and proportions of the building.
  - (7) Wall signage shall be placed directly above the storefront.
  - (8) Wall signs should be made of natural materials, when feasible.
  - (9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All awning signage and the awning assembly shall be kept properly maintained and shall be repaired as needed.
- E. Political signs.
- (1) Residential and Downtown Commercial Districts.
    - (a) Political signs shall not exceed 24 inches by 36 inches or six square feet.
    - (b) The maximum height of any political sign shall not exceed three feet.
    - (c) All political signs shall be removed within seven days after the election.
  - (2) Other zoning districts.
    - (a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.
    - (b) The maximum height of any political sign shall be no more than five feet.
    - (c) All political signs shall be removed within seven days after the election.
- F. EMB signs. The following are the guidelines for all EMB signage:
- (1) EMB signs are only permitted in the C-3 Zoning District.
  - (2) Contain static messages for at least eight seconds before changing the message and shall not have animation on any part of the sign, nor shall such sign have varying light intensity during the display of any single message.
  - (3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 150 feet.
  - (4) The owner of said EMB sign shall provide a certification by an independent contractor of the lumens showing compliance at time of building permit application.
  - (5) Each sign shall have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
  - (6) Shall meet the same installation and permitting requirements and inspections as set out for all other signs.
  - (7) The owner of said sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
  - (8) The owner of said sign shall provide to the City of Milford contact information for a person who is available to be contacted at any time and who is able to turn off the

electronic sign promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are no longer working, the owner of said sign shall make repairs to the sign within 60 days or the sign will require removal.

- (9) Each sign located on a state maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this [article].

*[Ord. No. 2010-1, §§ 4—7, 5-24-2009]*



Terri Favata  
**First Class Properties**

**Phone:** 302-422-8200

**Fax:** 302-422-9222

**Cell:** 302-242-1782

**Email:** [terri@1stclassproperties.com](mailto:terri@1stclassproperties.com)

May 30, 2012

Dear Councilman Grier,

As the Chair of the Economic Development Committee in the City, we appreciate your assistance in the following matter:

First Class Properties started in Milford in one of the most challenging markets Real Estate has seen in years. We need every tool we can find to compete as a small business. Our location in a shopping center that was formerly the location of Happy Harry's, has left us without an "anchor store" to generate the traffic flow and exposure that our business needs to survive.

Recently, we employed some tools to communicate to the public that we are open and a viable business. We placed outside of our office, some small feather-like temporary signs that show we are open and thriving. Soon after placing the signs, the Code Enforcement Officer told us they had to come down.

As Realtors, we are very concerned about good community image and decorum, but there are times when signage has to be bold to tell your message and alert the public.

First Class Properties wants to continue to use these temporary signs to signal we are open and available to the public. (They are taken down when we are not open.)

First Class Properties realizes that the Code Enforcement Officer has a difficult job to assure the signage remains consistent with the code. We are asking the City Council to re-visit the guidance to the Code Enforcement Officer to allow temporary signage that complies in all other aspects of the code. If complaints occur from his permit, the signage could be reviewed by the appropriate committee.

Terri Favata  
Broker/DE Realtor  
First Class Properties  
302.242.1782  
302.422.8200  
[terri@1stclassproperties.com](mailto:terri@1stclassproperties.com)

PETITION OF APPEAL  
CITY OF MILFORD

JUN 05 2012

PLEASE SEE INSTRUCTION SHEET.

DATE FILED:

RECEIVED

**SECTION I: PETITIONER INFORMATION**

NAME OF PETITIONER: JACOB H ROOSA III  
 MAILING ADDRESS: 903 ROOSA RD. MILFORD DE 19963  
 CITY STATE, ZIP  
 DAYTIME PHONE NUMBER: 422-6937

NAME, ADDRESS AND PHONE NUMBER OF PERSON OR ATTORNEY TO BE NOTIFIED OF JUDGEMENT, IF DIFFERENT FROM ABOVE:

**SECTION II: PROPERTY INFORMATION**

PARCEL IDENTIFICATION: MD-16-174-17-01-06.01-000  
 PROPERTY CLASS: R00  
 PROPERTY LOCATION: S. DUPONT BLVD

**SECTION III: ASSESSMENT INFORMATION**

<u>CURRENT ASSESSMENT</u>		<u>REQUESTED ASSESSMENT</u>	
Land	\$ _____	Land	\$ <u>12,000.00</u>
Improvement	\$ _____	Improvement	\$ _____
Total	\$ _____	Total	\$ <u>12,000.00</u>
Purchase Price	\$ _____		
Date of Purchase	_____		

Comments: THIS IS FARMLAND. LAST YEAR I PAID \$200.00 IN TAXES ON 1.8 ACRES. THE CITY HAS NO AGRICULTURE ZONE

**SECTION IV: COMPARABLE SALES**

Parcel Identification	Property Location	Sale Price	Sale/Deed Date
1. _____	_____	\$ _____	_____
2. _____	_____	\$ _____	_____
3. _____	_____	\$ _____	_____
4. _____	_____	\$ _____	_____
5. _____	_____	\$ _____	_____

WHEREFORE, Petitioner seeks judgment reducing / increasing (circle one) the said assessment to the correct assessable value of said property.

JUNE 3 2012  
Date

Jacob H Roosa III  
Petitioner or Attorney for Petitioner

Property Location:

S Dupont Blvd

**Residential Property Record Card - Milford, DE**

PIN: MD-16-174.17-01-06.01-000

PPN:

560

Class:

State Class: R

Card 1 of 1

Current Owner
Roosa Revocable, Trust Jacob H Roosa Iii Trustee Clenda K Roosa Trustee 903 Roosa Rd Milford De 19963

Previous Owner History		
Name	Deed	Date

Miscellaneous	
Deed Info:	/ ·R00
Zoning:	R1
Routing No:	
Neighborhd:	106
Living Units:	0
Census Trct:	12HC
District:	4
Estimates	
MRA:	
Weighted:	
Market:	172,100

Assessment Information		
Appraised Value:	*	Prior
Land:	35,000	43,500
Building:		
Total:	35,000	43,500
Assessed Information:		
Code:		Value:
Effective DOV: 1/1/2012		
Value Flag: COST VALUE		
Manual Override Reason:		

Notes

Entrance Information					
Date	Time	ID	Actv	Entrance Code	Sourc
01/25/2002		TM		Entry Gained	Other
08/22/2011		RM		Vacant Land	Other

Sales History				
Book/Page	Date	Price	Type	Validity

Permit Information				
Date	Permit #	Price	Purpose	% Comp.
				0
				0

Land Information					
Type	Size	Grade	Influence Factor 1, 2 and %		Value
Primary	A	1 0	Shape/Size	-35	26,050
Undeveloped	A	0.64 0		0	8,960
Total Acres for this Parcel					1.64
Total Land Value					35,000

Out Building Information								
Type	Qty	Year	Size1	Size2	Grade	Cond	%Good	Value
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
Total OBY for this card								0



**THIS PROPERTY IS  
EITHER VACANT LAND...**

**OR IS SCHEDULED TO BE  
RE-PHOTOGRAPHED!**





This is a triangular shaped parcel that Mr. Roosa owns. In order for the parcel to qualify for the farmland exemption through the City, it must first have the exemption approved via the county. According to the county, this parcel is not under farmland assessment exemptions.

Christine Crouch

Planning & Zoning

07-23-12

In order to treat the economic development position as a full-time city employee, \$81,000 will need to be transferred from Council Expense Line Item#101-1110-411-68-34 to City Administration.

\$66,865 is being transferred to Salary and Benefits and \$14,135 is transferred to Account #101-1010-413-67-14 for Economic Development Expenses.

Jeff Portmann  
Finance Director  
City of Milford

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 in order 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

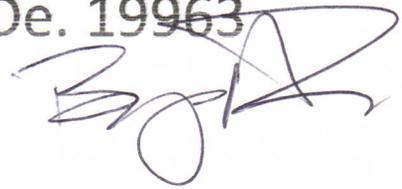
302 430-0508/or 222-3982

Kim Wingrove

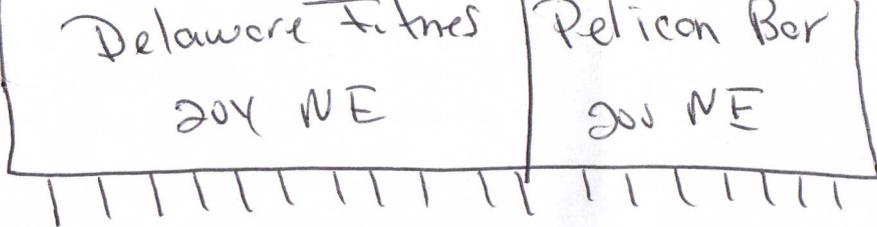


Brian Hahn Owner of Pelican  
Bar 200 N.E. Front St. Milford De. 19963

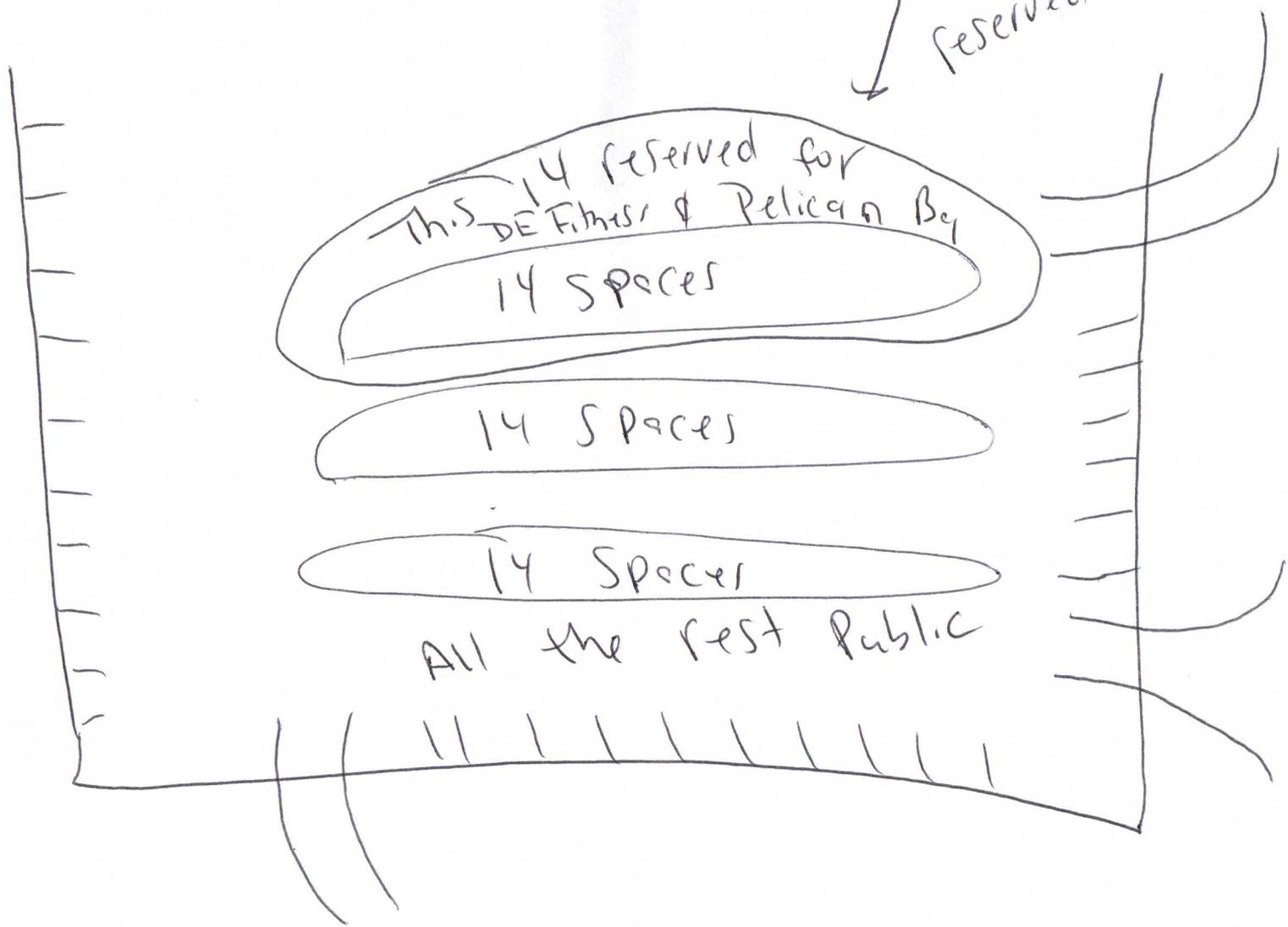
302-422-5236/ or 943-5269



4-19-12



13 parking spaces in front of reserved



MILFORD CITY COUNCIL  
MINUTES OF MEETING  
*June 25, 2012*

The City Council of the City of Milford met in Workshop Session on Monday, June 25, 2012 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., 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

The Workshop Session convened at 7:45 p.m.

*Ordinance 2011-28/Chapter 193-Solid Waste/Yard Debris*

Below proposed ordinance was reviewed by city council:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 193, THEREOF, ENTITLED SOLID WASTE, BY AMENDING CHAPTER 193, SOLID WASTE, TO INCLUDE A DEFINITION FOR YARD WASTE IN ARTICLE I AND AMENDING §193-9 TO §193-12 AS CONTAINED IN ARTICLE II.

ORDINANCE 2011-28

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 193, Article I, Collection and Disposal, Section §193-1, entitled Definitions, is hereby amended by adding thereto the following definition:

*YARD WASTE-- The part of solid waste consisting of leaves, grass clippings, twigs, small branches (less than 4 ft. in length), shrubbery, prunings and other garden material.*

Section 2. Chapter 193, Article II, Yard Waste, Section §193.10, entitled Containers, is hereby amended by renumbering §193.10 to §193.9, and deleting and adding thereto the following new §193-9:

§193-9 - Containers. Leaves, grass clippings, tree trimmings, shrubbery or other garden and yard waste or matter for collection by the city shall *only* be placed in *an approved yard waste container provided by the City of Milford. Containers will only be provided to those residents who request a container.* ~~adequate containers so as to confine said materials, except as allowed in §193-11. The container shall not exceed 30 gallons in capacity.~~

Section 3. Chapter 193, Article II, Yard Waste, Section §193.9, entitled Unlawful Acts; Containment Required, is hereby amended by renumbering §193.9 to §193.10 and deleting and adding thereto the following new §193-10:

§193-10 - Unlawful Acts; Containment Required.

It shall be unlawful to deposit or place any leaves, grass trimmings, tree trimmings or other vegetative debris or matter into a city street or drainage gutter. Said materials shall only be deposited in ~~adequate containers/receptacles or confined in such a manner as to prevent said material from being blown or washed into adjoining yard areas or streets~~ *approved yard waste containers as provided for in §193-9.*

A. *Exemption. Containers not required for loose leaf collection as provided for in §193-11(B)*

Section 4. Chapter 193, Article II, Yard Waste, §193.11, entitled Loose Leaf Curbside Collection, is hereby deleted and repealed:

~~§ 193-11. - Loose leaf curbside collection.  
[Added 10-11-2004 by Ord. No. 2004-102 [26]]~~

- ~~1. Loose leaves may also be raked and placed behind the curb for removal by the City's leaf vacuum at no additional cost.~~
- ~~2. Leaves must be free of stones, branches, brush and grass clippings or they will not be collected in this manner.~~
- ~~3. It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.~~

Section 5. Chapter 193, Article II, Yard Waste, is hereby amended by adding a new §193.11, entitled Collection Procedures, to read as follows:

§193-11. – *Collection Procedures.*

- A. *The City will provide for the collection of leaves, branches and tree trimmings from April 1 through October 31 of each year, provided that such refuse is deposited into the yard waste containers provided for in §193-9. Disposal of leaves, branches and tree trimmings that will not fit into the container shall not be the responsibility of the City of Milford. Property owners will be responsible for removing and disposing of all yard waste which does not fit into the approved yard waste container.*
- B. *The City will provide for loose leaf curbside collection from November 1 through January 31 in accordance with the following conditions.*
  1. *Loose leaves shall be raked and placed behind the curb for removal by the City's leaf vacuum.*
  2. *Leaves must be free of stones, branches, brush and grass clippings or will not be collected.*
  3. *It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.*

Section 6. Chapter 193, Article II, Yard Waste, is hereby amended by renumbering §193-12 to §193-13.

Section 7. Chapter 193, Article II, Yard Waste, is hereby amended by adding a new §193.12, entitled Collection Schedule, to read as follows:

§193-12. – *Collection Schedule.*

- A. *The city will collect yard waste as described in §193-11A once every other week.*
- B. *The loose leaf curbside collection as described in §193-11B will be collected once each week.*
- C. *The City Manager shall divide the city into districts and schedule the collection of yard waste and loose leaf curbside collection, in these districts on the day or days and at the times that shall be most efficient and convenient to the city.*
- D. *Adequate notice of the collection schedules shall be given to the residents with the dates and times and any changes thereto.*

City Manager Carmean then discussed the amendments to the proposed ordinance. The city will offer yard containers to those residents who wish to participate in the yard waste program. Currently, we have 500 containers that can be used; any more than that will need to be purchased.

He said that initially residents were going to be required to purchase the containers, however, Mr. Carmean feels that would not be worth the process needed to accomplish that.

Though the city manager chose not to prolong the meeting by having Public Works Director Brad Dennehy provide council with the photos he has taken of various yard waste situations, most of what Mr. Carmean observed cannot be addressed for a \$23.50 fee. He emphasized that whole trees are being cut down and piled on the curb for city crews to collect. As a result of these ongoing issues, it was decided that containers will be offered to our customers who want to participate. He noted that several council members, including Mr. Brooks, who do continuous yard work, were given containers for a test run. All find the containers to be adequate.

Mr. Carmean advised the city will be pick up yard debris every two weeks as is done with recycling. Half the town will be picked up one week and the other the following week.

The city manager added that if the container is filled by the customer during the off-week, they will have the option of calling public works and arrange for an additional pickup. Currently, our crews are riding the entire city unknowing who or how many residents have put yard debris out to be picked up.

He explained there is a potential workman compensation issue being created by our employees pulling branches out of huge piles while attempting to chip them.

A question was raised about if a resident who already has a can needs the one provided by the city. Mr. Carmean explained that the city will provide tippable cans that can be lifted and dumped mechanically. When the containers are stuffed with a large amount of yard waste, they become extremely heavy which has created the problems for our employees.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, recalled a discussion that occurred last year when it was stated that 32 gallon containers could be used. He stated that a number of his neighbors, including himself, purchased 32 gallon cans for this use, which they put out on Wednesdays to be picked up.

Mr. Palermo thought the only outstanding issue was whether yard waste would be picked up once a week or once a month. He asked if the city is now going to require an additional can.

Mr. Brooks stated that a resident does not have to take the can. Mr. Palermo explained that he already has a can and asked why he needs another one. He then asked if this is optional and not mandatory, Mr. Carmean stated yes.

Mr. Grier clarified the question is whether a resident can continue to use the 32 gallon cans. It was then emphasized they will no longer be permitted. Mr. Pikus explained our crews are unable to lift these heavy cans and instead want it picked up like our regular trash.

Ms. Wilson feels it is not really optional because if the 32-gallon can is jam packed, it becomes too heavy which can result in injury to our employees. The recommendation is that our residents obtain the city-issued containers.

Mr. Palermo said he is unaware of that problem occurring yet. Most of the residents he knows purchased 32 gallon containers from Ace Hardware. He has not seen anyone that was unable to lift those containers. Ms. Wilson stated she understands and Mr. Palermo's neighbors would be upset if the city crews did not pick up their yard debris because it is not in the correct container.

Mr. Carmean said he has to agree with Mr. Palermo and that most of the time the crews try to haul anything that is put out. However, our insurance carrier is much happier with the tipping cans versus the standard container that must be lifted and dumped manually.

Mr. Brooks then advised that the problem at Meadows at Shawnee is the lack of space. According to their HOA rules, the containers must be kept out of sight. Mr. Palermo advised that he had to build a wrap around his garbage pail. He also has a 32-gallon agriculture pail and is unaware of any problems created by its weight.

The city manager said he is unaware of any injuries up to this point with the lift cans. However, this change was recommended by Public Works Director Brad Dennehy and our solid waste employees agreed.

Mr. Carmean forgot that the HOA's did not allow residents to leave their cans out so he does not have an answer. Mr. Brooks explained that Mr. Palermo has a trash container, a recycling container, a 32-gallon container and now another container being issued by the city. He said he only has so much room in his garage. On the other hand, we also must consider city employees and the prevention of injuries.

Mr. Palermo said the common sense solution is that if a pail is found to be heavy and burdensome, it should not be picked up by crews.

Mr. Brooks feels that if that occurs, the resident would call the city office and complain.

Though unable to speak for others, Mr. Palermo said that now he is aware of this, he would never put a heavy pail out to be picked up. To him, it is common sense.

Ms. Wilson suggests the city contact the HOA presidents to inform their residents they can keep their cans that will only be picked up with a minimal amount of yard waste.

Chuck Rini of 119 Ginger Lane, Knotts Landing, agrees with Mr. Palermo that all cans under the jurisdiction of an HOA must be out of sight. He stores his trash and recycle bins in the garage. Some homeowners have fences around their cans because of the smell they create in a garage. He asked if the purpose of the new cans is to allow the waste to be recycled and used for compost.

Mr. Carmean explained that is what is being done now.

Mr. Rini asked to discard corn husks, banana peels and potato skins into the yard waste container to reduce our trash weight. He noted it is all recyclable for compost.

The city manager stated he is unsure but will confirm whether corn husks can be included though banana peels, apple cores, potato skins are not allowed.

Mr. Carmean said he will bring this ordinance back before council for further discussion. In the meantime, he will give these issues some additional consideration and in particular, the HOA situation. He emphasized this was not initiated by our crews because they are willing to pickup anything. Instead, it is a matter of insurance.

#### *Washington Street Sewer Pump Station/DBF Erik Retzlaff*

Mr. Retzlaff said he is present to push along the rehabilitation project. This station is along the river and one of the largest pumping stations in the city. He then presented the following PowerPoint:

Washington Street Sewage Pumping Station Rehabilitation Project

*Project Need*

- \*Facility was constructed in 1977 and the pumps, piping and equipment have outlived their useful life*
- \*Grinder continuously clogging; requiring constant maintenance*
- \*Pumps not operating as designed and facility is easily overwhelmed during periods of high sewage flow resulting in significant costs to have an outside septic company assist with pumping and hauling the excess*

*Current Status*

- \*Both pumps are failing*
- \*One of the pumps is leaking and in need of immediate replacement*
- \*City installed a bypass connection in December to facilitate this project*

*Scope of Repairs*

- \*Replace both pumps, grinder and all internal piping and valves*
- \*Replace electrical service, motor controls and instrumentation*
- \*Replace existing roof and other housekeeping improvements*
- \*Install odor control system*
- \*Coordinate electrical improvements with the Water Plant replacement project as facility is served from the Water Plant*

*Project Funding*

- \*Project was included in Bond Issuance for Sewer Improvements that also included the current I&I work*
- \*Originally budgeted \$1,900,000 for pump station improvements at Washington Street and Fisher Avenue*
- \*\$1,000,000 was transferred to the I&I work leaving \$900,000 for the improvements*
- \*Estimated Construction Costs for the project are \$676,700*
- \*Engineering Design & Bid Procurement Phase Costs are \$61,800*
- \*Construction Phase Costs are estimated at \$51,150*

Mr. Pikus asked if the cost of this project is connected to the \$4 million water project; Mr. Retzlaff stated no. Mr. Pikus asked if there is a possibility of obtaining a grant for this work. Mr. Retzlaff explained the time frame needed for the application process will not benefit the city because this project needs to move forward.

Mr. Retzlaff then noted that a major item that will need to be coordinated is the service to the pump station site that goes through the water plant and to the pumping station. As a result, some type of temporary service needs to be put in place to keep it running.

Mr. Brooks asked the total cost needed. According to Mr. Retzlaff, the project is included in the bond issuance for sewer improvements (I&I work). He reported the original budget of \$1.9 million was earmarked for the Washington Street and Fisher Avenue pumping stations. Of that, \$1 million was moved to pay for the I&I work which cut the budget in half. Based on the estimates for construction improvements, the total project is \$795,000. The \$900,000 balance should more than cover the work as estimated.

Mr. Brooks then confirmed that no work will be done to the Fisher Avenue pumping station; Mr. Retzlaff stated that is correct though there could be some funding left to do some minor work. Also, minimal repairs could be done to the Washington Street pumping station though he recommends a major overhaul due to the age of the facility.

When asked what work is needed at Fisher Avenue, Mr. Retzlaff explained that it is less work than needed at Washington Street. Mr. Carmean confirmed that several upgrades were done there over the years. This pump station is not nearly as antiquated as Washington Street. The Fisher pump station has also increased in size and the equipment is in much better operating condition. Mr. Retzlaff agreed it is a newer design with provisions built in to allow for bypass pumping. One of

the major concerns was on the suction side and discharge side of the pump and the valves that allow the pump to be removed. Unfortunately, there is no way to tell if those valves will hold. To turn the valve off and disconnect the piping would be difficult without an over abundance of water which could result in a huge spill.

Mr. Brooks then asked if it was possible to bypass around it; Mr. Retzlaff said the provision was installed to allow for bypassing this past December. The repairs to the remainder of the station need to occur.

Mr. Pikus asked the options; Mr. Retzlaff explained the options are to either make some small repairs or do the big project which is what he recommends. Also, one of the major items included in the sewer bond issuance was odor control. He noted that odor complaints are continuously received during the Bug N Bud and Riverwalk Festivals as a result of the pump station.

Mr. Gleysteen asked the difference between the estimated construction phase costs and estimated construction costs. Mr. Retzlaff advised the construction phase costs include the inspection and contract administration costs. The engineering design phase is based on fixed costs in DBF's contract. The construction phase costs are estimated and based on the amount of time they will need to administer the contract and the number of inspections which can fluctuate depending upon the quality of the contractor that will be hired.

Mr. Gleysteen confirmed there is approximately \$113,000 in total engineering design phase costs. He asked if Mr. Retzlaff would provide a copy of the estimate for the engineering design phase costs and the construction phase costs to the city manager. Mr. Retzlaff responded by explaining that those costs were broken down in the proposal.

Mr. Gleysteen then noted that the original budget of \$1.9 million for the Washington Street and Fisher Avenue pump station improvements. He commented that it appears to be substantially more than what is needed.

Mr. Carmean clarified this was something he did not work on and asked Mr. Retzlaff to explain why \$1 million of the \$1.9 million was dedicated to the I&I work. Mr. Retzlaff believes the rehabilitation work on the pump station will be based on the cost of bypass pumping. That is why they recommended the city purchase a bypass pump they can use and maintain on their own. That will provide the ability to fluctuate the flow rate as needed and allow it to be utilized at the other large stations.

Mr. Brooks then read from the presentation 'included in Bond Issuance for Sewer Improvements that also included the current I&I work'. Mr. Retzlaff verified the I&I work was not included in the \$1.9 million which was specifically for the pump station improvements. He believes the I&I was part of the total bond issue which was approximately \$6 million and included the North Front Street Sewer Project completed under the Clean Water SRF program last year.

It was confirmed the cost of the bypass pump is \$56,000. In some months, the city was paying Clean Delaware \$30,000. Mr. Carmean said the worst scenario is if we had a bad spill into the river.

Mr. Gleysteen agrees the bypass pump is a wise decision based on paying out \$30,000 for only one month.

The city manager noted that bypass pump can be used on other stations if there is a problem. It was reconfirmed by Mr. Retzlaff that the bypass pump can be maintained in-house by city staff.

Mr. Gleysteen asked the capacity of the proposed replacement pumps; Mr. Retzlaff advised the original pumps were sized to handle 2,000 gallons a minute. The replacement pump will be the same manufacturer and same capacity.

The size of the bypass pump is able to handle Fisher Avenue which is the pump station with the largest flow. It can easily meet the needs of the other pumping stations.

Mr. Carmean will put policies in place to ensure regular and proper maintenance of this equipment. He reported that another major problem is the valves on our 1,800 hydrants.

When asked the next step, Mr. Retzlaff stated that city council needs to approve the proposal. Because the proposal was not included, the item will be added to the next council meeting.

With no further discussion, the Workshop Session concluded at 8:15 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder