

City of Milford



AGENDA

Monthly Council Meeting

August 13, 2012

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

COUNCIL MEETING - 7:00 p.m.

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

City Manager Report

Committee & Council Reports

*Economic Development Committee Recommendation/Impact Fee & Property Tax Waiver
Sign Code Ad-Hoc Committee/Recommendations/Amendments to Sign Ordinance*

Communications

Unfinished Business

*Adoption/Ordinance 2011-28/Chapter 193-Solid Waste/Yard Debris
Approval/FY 2012-2013 Budget Adjustment/Economic Development Director Salary Adjustment
Approval of FY2012-2013 Budget Transfer/Electric Reserves/Louise Miles Property Purchase*

New Business

*Introduction/Ordinance 2012-13/Water Code/Removal of Permitted Wells
Well Request/Haven Lake Animal Hospital/Canine Rehab & Conditional Center
Well Request/Irrigation Well/19592 Drummond Drive/Fork Landing
Public Works' Radio System Upgrade
Approval of BillTrust Billing Service Agreement
Request for Tax Exemption Status/Meadows at Shawnee HOA Open Areas
Appointment/DEMEC Board Member and Alternate Member
Adoption/Resolution 2012-10/Annexation Committee/City of Milford Parcel/Electric Substation
Introduction of Ordinance 2012-15/Change of Zone/City of Milford Parcel
Waiver of Annexation Agreement Requirement
Scott Angelucci /Sign Proposal
Kent Economic Partnership, Inc./Financial Support
Agreement of Sale/Sunolar Land Purchase/Amendment 1**

Monthly Finance Report

Executive Session-

Consideration of Condemnation of Easement for Public Use-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

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

Adjourn

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

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

Milford Police Department



E. Keith Hudson
Chief of Police



400 N.E. Front Street
Milford, Delaware 19963

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: August 13, 2012

RE: Activity Report/July 2012

Monthly Stats:

A total of 1102 arrests were made by the Milford Police Department during July 2012. Of these arrests, 149 were for criminal offenses and 953 for traffic violations. Criminal offenses consisted of 24 felonies and 125 misdemeanors. Traffic violations consisted of 436 Special Duty Radar, 9 Drunk-Driving charges, and 508 other.

Police officers investigated 45 accidents during the month (7 personal injury, and 38 property damage) and issued 184 written reprimands. In addition, they responded to 1448 various complaints including city requests and other agency assistance.

Monthly Activities:

The department's Firearm Instructor, Lieutenant Brown, spent a week at the Delaware State Police firing range instructing new recruits attending the current police academy.

Three of our street security cameras are back on line after losing them as a result of a lightning hit at the police department. This was the second strike in a three-week period. We continue to work on resolving the issues it caused.

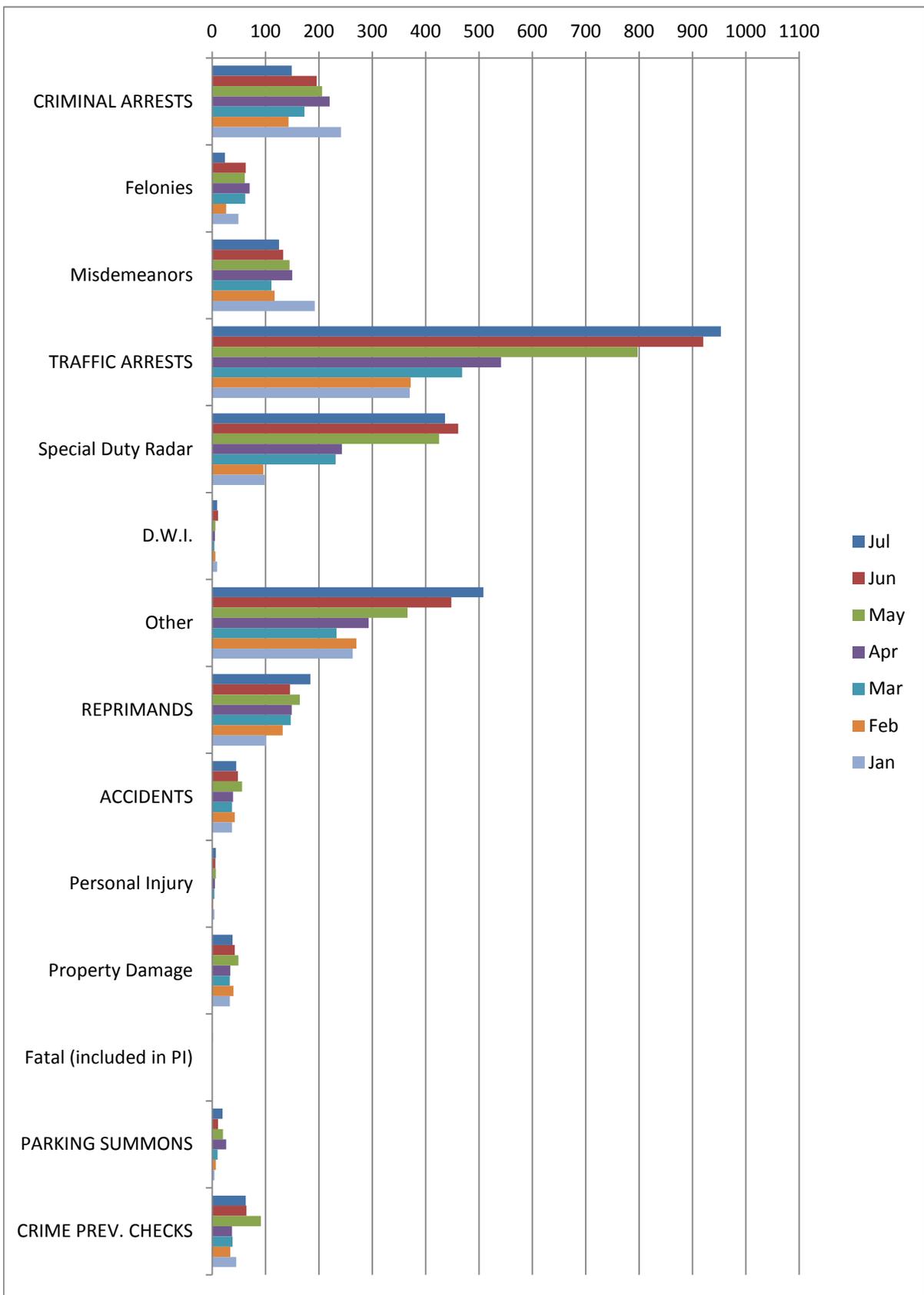
We are gathering some data on the fourth camera, which is now located on the old firehouse though our intention is to relocate to another location. We will use a map of the city's fiber loop to prevent using line of sight from our towers to the camera location. We will get an estimate of the costs of having it moved.

We are currently updating our mobile computer modems to 4G to increase data feed at zero cost to the city.

Our narcotics unit arrested several subjects on drug charges during the month of July during which time a significant amount of narcotics and two vehicles were confiscated.

JULY 2012 ACTIVITY REPORT

	JUL 2012	TOTAL 2012	JUL 2011	TOTAL 2011
COMPLAINTS	1448	9172	1610	8859
CRIMINAL ARRESTS	149	1328	183	996
Felonies	24	355	41	251
Misdemeanors	125	973	142	729
TRAFFIC ARRESTS	953	4421	719	3194
Special Duty Radar	436	1990	377	1367
D.W.I.	9	50	13	57
Other	508	2381	329	1662
REPRIMANDS	184	1023	200	1384
ACCIDENTS	45	304	39	289
Personal Injury	7	35	9	34
Property Damage	38	269	30	225
Fatal (included in PI)	0	1	0	0
PARKING SUMMONS	19	97	9	70
CRIME PREV. CHECKS	63	372	60	351
FINES RECEIVED	\$ 20,995.30	\$ 91,772.30	\$ 15,076.48	\$ 75,818.09



COUNCIL REPORT

AUGUST 13, 2012

ADMISTRATION

We are continuing to work with JUWI Solar Inc. to finalize our Interconnection Agreement with their company. This project has been stalled for various reasons, but we hope to see all parties come to an understanding in the near future. This project will possibly save us some energy transmission costs if completed, but regardless sustainable energy has be more or less a mandate so having it available is necessary.

I met with the owners of the Watergate Development located on Marshall Street to discuss the fact they are ready to move ahead with Phase I of the project. There were numerous infrastructure questions that I had answered which protect the integrity of city streets and utilities. We were able to settle any concerns I had on behalf of the City, and I am happy to say we should experience some activity in the near future.

I attended an announcement ceremony at the Bay Health Hospital on August 2nd. We received great news for our community and surrounding area. The hospital publicly stated they are going to build a new hospital at their present location at a predicted cost of 200 million dollars. This should put an end to rumors and concerns that there is any chance of our losing that institution. I realize until it happens it may not happen, but I believe that it is Bay Health's intention to build this facility.

The Washington Street Bridge rebuild is set to begin in the second week of September. The date of start-up was in early August, but at the request of the Chamber of Commerce and Downtown Milford I asked DELDOT to hold up for one month. The construction would have made the Fall River Festival much less of a success than it is usually. I think DELDOT deserves credit for this consideration, since the festival is enjoyed by so many. Another positive aspect of the project is that we will have a downtown parking lot repaved at no cost to the city.

ELECTRIC

Talks continue with Delmarva Power regarding our need of right-of-ways and pole attachments from their company. There are many considerations that they must make in granting these requests because of setting precedents. There are routes other than the one requested from Delmarva, but these are more costly and more time would be needed to do the construction. We are still planning on a fall start date for the sub-station, and should be on-line by next spring.

I am pricing some work which I feel needs to be done at our public works facility. Our billing employees have been working out of the police dispatch center for a number of years on our non-payment disconnect days. These hours are after our normal business hours, because we do try to accommodate customers by taking payments and reconnecting their service until 8:00 p.m. The problem is that some customers become irate, and even abusive, mostly verbal, but there is the possibility of the abuse escalating. The cashier therefore is at the police station for security

purposes rather than business reasons. I think, for a reasonable amount of money, I can secure an area in our public works building that will provide security for the employees. This will improve the customer service, but most importantly it will stop the possible privacy violations that could happen having civilian employees in a police setting.

SEWER AND WATER

Work continues on S. Walnut St. and S.W. Front Street. This work involves both sanitary and storm water repairs. During hurricane Irene the flow of storm water was at such a volume a joint on the piping failed allowing the pipe to drop onto the sewer line running below it causing that line to fail. We did receive a \$25,000.00 Grant from FEMA for the work, and while the traffic interruption is a nuisance, the work definitely had to be done.

The bids for the southeast water main was due last week, but due to some questions raised by a few of the prospective bidders the bids are now due on August 16. This main is the one that goes down Wilkins Road, and across Rt. 1. We have been required by DELDOT to make our bore under Rt. 1 in two stages. They believe this will cause less interruption in traffic. There is a bit of cost increase in doing it in two stages, but it is within budget.



ARTICLE III - Sewer Impact Fee

§ 185-22. - Purpose.

§ 185-23. - Definitions.

§ 185-24. - Impact fee established.

§ 185-25. - Computation of impact fee.

§ 185-26. - Additional evaluations and charges.

§ 185-22. - Purpose.

The purpose of this article is to establish appropriate methods to assist in the capital financing of construction, improvements and expansion of the City of Milford sanitary sewer system in a manner which ensures that the cost associated with such construction, improvements and expansion is borne by those who generate a greater **impact** on the existing system.

§ 185-23. - Definitions.

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

EQUIVALENT DWELLING UNIT (EDU) — A term used to express the load produced on a sanitary sewer system approximately equal to one dwelling place (250 gallons per day).

FIXTURE UNIT (FU) — A term having a value equal to 1/6 of a single EDU. Allocation of fixture units for the purpose of establishing a commercial EDU classification under the provisions of this article shall be as follows:

Type of Fixture (quantity of one)	Number of Fixture Units
Three-bowl commercial sink	2
Washstand or lavatory	1
Toilet	2
Bath or shower	1
Mop sink or service sink	1
Flush urinal	1
Continuous flush urinal	3
Convenience outlet	1
Domestic dishwasher	1
Commercial dishwasher	4
Drinking fountain	1
Garbage disposal	1
Residential washing machine	1

GPD — Gallons per day.

IMPACT FEE — A one-time **fee** imposed by the City upon the owner(s) of any new, remodeled, restored or enlarged residential, commercial, institutional or industrial structure or structures or any combination thereof which results in an increased sewer flow to the existing sanitary sewer system.

SF — Square foot.

§ 185-24. - Impact fee established.

[Amended 7-14-2008 by Ord. No. 2008-9]

- A. Prior to the issuance of a certificate of occupancy by the Code Official or other duly authorized representative, all developers or owners of newly constructed structures requiring sanitary sewer service shall pay the applicable **impact fee** per EDU to the City of Milford. The City reserves the right to bar occupancy of any such structure and withhold sanitary sewer service until such time as the aforementioned **fee** is paid in full. The **fee** per EDU as shown on the following schedule shall represent the **impact fee** to be used for construction, maintenance and expansion of the City's wastewater system.
- B. **Impact fees** shall be in accordance with the following schedule.
 - (1) The schedule shall be reviewed annually by the Mayor and Council and may be adjusted to incorporate revisions as necessary.
 - (2) If two or more dwellings, apartments, stores, offices or industrial units are connected through a single lateral, the **impact fee** payable under the schedule below shall be computed as though each such dwelling, apartment, store, office, or industrial unit were a separate property or user with a separate connection to the sewer.
- C. **Impact fee** schedule. **Fees** will be automatically adjusted on an annual basis as follows:

Effective Date	Impact Fee Per EDU
	\$975
August 1, 2008	\$1,014
July 1, 2009	\$1,055
July 1, 2010	\$1,097
July 1, 2011	\$1,141
July 1, 2012	\$1,186
July 1, 2013	\$1,234
July 1, 2014	\$1,283
July 1, 2015	\$1,334
July 1, 2016	\$1,388
July 1, 2017	\$1,443
July 1, 2018	\$1,501
July 1, 2019	\$1,561
July 1, 2020	\$1,623
July 1, 2021	\$1,688
July 1, 2022	\$1,756
July 1, 2023	\$1,826
July 1, 2024	\$1,899
July 1, 2025	\$1,975
July 1, 2026	\$2,054
July 1, 2027	\$2,136

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

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

Single-Family Residential	6 months
Multi-Family Residential	12 months
Commercial	12 months

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

[Ord. No. 2010-8, § 1, 5-24-2010; Ord. No. 2010-17, §§ 1, 2, 11-8-2010]

§ 185-25. - Computation of impact fee.

A. Specific assessment by usage category:

Usage Category	Total EDUs
Assisted-living facilities	1 plus 1 per 2 living units
Bars and lounges	1 plus number of FUs/6
Bus stations and other public depots	1 plus number of FUs/6
Campgrounds and travel trailer parks	1 plus 1 per 2 spaces
Campgrounds and travel trailer parks with waste-handling facilities	2 plus number of FUs/space
Car washes with water recycling	1 plus 2 per wash bay
Churches and associated facilities	1 plus number of FUs/6
Churches without associated facilities, such as day cares, schools, rectories, etc., and without food service functions for fundraising and/or any other nonparishioner for-profit activities	1 plus number of FUs/12
Convenience store with rest rooms open to the public	1 plus number of FUs/4
Convention halls and public gathering places	1 plus number of FUs/6
Convention halls and other public gathering places used at a frequency of not more than one event per week and without any for-profit activities.	1 plus number of FUs/12
Delicatessen and food take-outs	1 plus number of FUs/6
Dormitories	1 plus 1 per 2.5 beds
Drive-in food service	1 plus number of FUs/6

Establishment with a public or private use that is not a residential use as defined in the City Code of Ordinances	Number of FUs
one event per week and without any for-profit activities	1 plus number of FUs/9
Fraternal and/or civic organizations used at a frequency of not more than once per week (If other commercial activities are operating from these premises, they are treated as separate accounts.)	1 plus number of FUs/9
Hospitals	1 plus 1 per 2 beds
Hotels and motels without restaurants	1 plus 1 per 3 rooms or 1 plus 1 per 2 suites
Laundromat	1 plus 1 per commercial washer* or 1 plus 1 per 2 standard washers*
Marina without boat waste pumping facilities	1 plus number of FUs/6
Marina with boat waste pumping facilities	1 plus number of FUs/6
Municipal buildings	1 plus number of FUs/6
Nursing homes	1 plus 1 per 3 beds
Office buildings with public access	1 plus number of FUs/6
Office buildings without public access	1 plus number of FUs/9
Prisons	1 plus 1 per 2 beds
Restaurants and eating places, with rest rooms	1 plus number of FUs/6
Retail store	1 plus number of FUs/6
Schools without full-service kitchen	1 plus 1 per 30 certified students**
Schools without shower facilities	1 plus 1 per 30 certified students**
Schools with full-service kitchen or with showers	1 plus 1 per 25 certified students**
Service station with service bays	1 plus number of FUs/6
Service station with wash bays	1 plus number of FUs/4
Warehouse/storage buildings	1 plus number of FUs/9

NOTES:

* A reduction of 15% will be applied to each subcategory, if an equal number of dryers and washers are offered and multiple types of washers (top loaded and front loaded) are made available.

** Number of students (design capacity) as certified by the Delaware Department of Education.

- B. (Reserved)
- C. (Reserved)
- D. (Reserved)
- E. EDUs assigned to establishments not covered above shall assure that each establishment, in the opinion of the City Engineer, is given an assignment of EDUs compatible with its use of the City water system. The applicant shall submit a special EDU request for the planned capacity needed.
- F. No exemptions or abatements from the assessment of sewer **impact fees** shall be granted without the approval of City Council.
- G. If a developer proposes a new development with an average daily flow of 2,500 gpd or more, to connect to the City's sewer infrastructure (i.e., transmission lines, and/or other related appurtenances), but the infrastructure is not sized to handle both the peak daily demand and/or fire flows from the existing users of the drainage basin and the proposed new development, the developer shall perform one of the following in addition to the payment of the **impact fees**:
 - (1) Construct the necessary improvements to accommodate the existing users and the new proposed development, prior to connecting; or
 - (2) Sign a public works agreement stating that the necessary improvements will be constructed in accordance with the terms and conditions outlined in said agreement.

§ 185-26. - Additional evaluations and charges.

- A. If a developer proposes a new development with an average daily flow of 2,500 gpd or more, to connect to the City's sanitary sewer infrastructure (i.e., pump/lift stations, collection lines, transmission lines, and/or other related appurtenances), but the infrastructure is not sized to handle both the peak daily flows (average daily flow multiplied by a peaking factor of 2.0 to 3.5, depending on the size of the drainage system) from the existing users of the drainage basin and the proposed new development, the developer shall perform one of the following in addition to the payment of the **impact fees**:
 - (1) Construct the necessary improvements to accommodate the existing users and the new proposed development, prior to connecting; or
 - (2) Sign a public works with the City. The public works agreement shall outline the improvements required, anticipated costs and parties responsible for costs associated.
- B. In a case where multiple developers propose to utilize infrastructure of a sanitary sewer drainage basin, the costs of associated improvements for each developer shall be based on the percentage of flow that each development will contribute to the infrastructure. The associated costs for each developer must be specified in the signed public works agreements.

Water

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> Chapter 222 - WATER >> The public works/utility agreement, together with all its terms and conditions, shall be binding upon and inure to the benefit of the respective successors or assignees or personal representatives of the parties thereto, but the agreement, other than the right to receive such payments as may be due thereunder, may not be assigned by the applicant without the prior written consent of the City.

§ 222-28. - Amendments.

The City reserves the right to change or amend, from time to time, these rules and regulations and the rates for the use of water.

§ 222-29. - Backflow prevention devices.

- A. When, in the opinion of the City, facilities operated within a customer's premises present a potential cross-connection of nonpotable water within the City's water system, the City reserves the right to install a backflow prevention device in accordance with City specifications.
- B. The costs of furnishing and installing any backflow prevention device shall be borne by the customer, who shall also retain ownership of it and be responsible for testing and maintaining it. The City reserves the right to require that backflow prevention devices be tested at least once in every twelve-month period.

§ 222-30. - Violations and penalties.

- A. Any person or any officer of any firm or corporation violating any of the provisions of this chapter 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.
- B. Every violator of this chapter shall be deemed guilty of 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.

X

§ 222-31. - Impact fees.

The purpose of this section is to establish appropriate methods to assist in the capital financing of construction, improvements and expansion of the City of Milford water system in a manner which ensures that the cost associated with such construction, improvements and expansion is borne by those who generate a greater impact on the existing system.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:
 EQUIVALENT DWELLING UNIT (EDU) — A term used to express the load produced on a water system approximately equal to one dwelling place (250 gallons per day).
 FIXTURE UNIT (FU) — A term having a value equal to 1/6 of a single EDU. Allocation of fixture units for the purpose of establishing a commercial EDU classification under the provisions of this section shall be as follows:

Type of Fixture (quantity of one)	Number of Fixture Units
Three-bowl commercial sink	2
Washstand or lavatory	1
Toilet	2
Bath and shower	1
Mop sink or service sink	1
Flush urinal	1
Continuous flush urinal	3
Convenience outlet	1
Domestic dishwasher	1
Commercial dishwasher	4
Drinking fountain	1
Garbage disposal	1
Residential washing machine	1

GPD — Gallons per day.

IMPACT FEE — A one-time fee imposed by the City upon the owner(s) of any new, remodeled, restored or enlarged residential, commercial, institutional or industrial structure or structures or any combination thereof which results in an increased water usage.

SF — Square foot.

- B. Prior to the issuance of a certificate of occupancy by the Code Official or other duly authorized representative, all developers or owners of newly constructed structures requiring water service shall pay the appropriate impact fee per EDU to the City of Milford. The City reserves the right to bar occupancy of any such structure and withhold water service until such time as the aforementioned fee is paid in full. The sum of the impact fee per EDU shall represent the impact fee to be used for construction, maintenance and expansion of the City's water system.
- C. If two or more dwellings, apartments, stores, offices or industrial units are connected through a service line, the impact fee payable under the schedule below shall be computed as though each such dwelling, apartment, store, office, or industrial unit were a separate property or user with a separate connection to the water.
- D. Specific assessment by usage category:

Usage Category	Total EDUs
Assisted-living facilities	1 plus 1 per 2 living units

Bars and lounges Miford, Delaware Bus stations and other public depots	1 plus number of FUs/6 Code of Ordinances >> PART II - GENERAL LEGISLATION >> Chapter 222 - WATER >> 1 plus number of FUs/6
Campgrounds and travel trailer parks	1 plus 1 per 2 spaces
Campgrounds and travel trailer parks with waste- handling facilities	2 plus number of FUs/space
Car washes with water recycling	1 plus 2 per wash bay
Churches and associated facilities	1 plus number of FUs/6
Churches without associated facilities, such as day cares, schools, rectories, etc., and without food service functions for fundraising and/or any other nonparishioner for- profit activities	1 plus number of FUs/12
Convenience store with rest rooms open to the public	1 plus FUs/4
Convention halls and public gathering places	1 plus number of FUs/6
Convention halls and other public gathering places used at a frequency of not more than one event per week and without any for-profit activities.	1 plus number of FUs/12
Delicatessen and food take-outs	1 plus number of FUs/6
Dormitories	1 plus 1 per 2.5 beds
Drive-in food service	1 plus number of FUs/6
Fire stations with associated convention halls used at a frequency of more than one event per week and without any for-profit activities	1 plus number of FUs/6
Fraternal and/or civic organizations used at a frequency of not more than once per week (If other commercial activities are operating from these premises, they are treated as separate accounts.)	1 plus number of FUs/9
Hospitals	1 plus 1 per 2 beds
Hotels and motels without restaurants	1 plus 1 per 3 rooms or 1 plus 1 per 2 suites
Laundromat	1 plus 1 per commercial washer* or 1 plus 1 per 2 standard washers*
Marina without boat waste pumping facilities	1 plus number of FUs/6

Marina with boat water pumping facilities	1 plus number of FUs/6 Code of Ordinances >> PART II - GENERAL LEGISLATION >> Chapter 222 - WATER >>
Municipal buildings	1 plus number of FUs/6
Nursing homes	1 plus 1 per 3 beds
Office buildings with public access	1 plus number of FUs/6
Office buildings without public access	1 plus number of FUs/9
Prisons	1 plus 1 per 2 beds
Restaurants and eating places, with rest rooms	1 plus number of FUs/6
Retail store	1 plus number of FUs/6
Schools without full-service kitchen	1 plus 1 per 30 certified students**
Schools without shower facilities	1 plus 1 per 30 certified students**
Schools with full-service kitchen or with showers	1 plus 1 per 25 certified students**
Service station with service bays	1 plus number of FUs/6
Service station with wash bays	1 plus number of FUs/4
Warehouse/storage buildings	1 plus number of FUs/9

NOTES:

* A reduction of 15% will be applied to each subcategory, if an equal number of dryers and washers are offered and multiple types of washers (top loaded and front loaded) are made available.

** Number of students (design capacity) as certified by the Delaware Department of Education.

- E. EDUs assigned to establishments not covered above shall assure that each establishment, in the opinion of the City Engineer, is given an assignment of EDUs compatible with its use of the City water system. The applicant shall submit a special EDU request for the planned water capacity needed.
- F. No exemptions or abatements from the assessment of water impact fees shall be granted without the approval of City Council.
- G. If a developer proposes a new development with an average daily flow of 2,500 gpd or more, to connect to the City's water infrastructure (i.e., transmission lines, and/or other related appurtenances), but the infrastructure is not sized to handle both the peak daily demand and/or fire flows from the existing users of the drainage basin and the proposed new development, the developer shall perform one of the following in addition to the payment of the impact fees:
 - (1) Construct the necessary improvements to accommodate the existing users and the new proposed development, prior to connecting; or
 - (2) Sign a public works agreement stating that the necessary improvements will be constructed in accordance with the terms and conditions outlined in said agreement.
- H. Impact fee schedule. Fees will be automatically adjusted on an annual basis as follows:

(Added 7-14-2008 by Ord No 2008-10)

Effective Date	Impact Fee Per EDU
	\$1,845
August 1, 2008	\$1,919
July 1, 2009	\$1,996
July 1, 2010	\$2,075
July 1, 2011	\$2,158
July 1, 2012	\$2,245
July 1, 2013	\$2,335
July 1, 2014	\$2,428
July 1, 2015	\$2,525
July 1, 2016	\$2,626
July 1, 2017	\$2,731
July 1, 2018	\$2,840
July 1, 2019	\$2,954
July 1, 2020	\$3,072
July 1, 2021	\$3,195
July 1, 2022	\$3,323
July 1, 2023	\$3,456

July 1, 2024	\$3,594
July 1, 2025	\$3,738
July 1, 2026	\$3,887
July 1, 2027	\$4,043

- I. The water impact fee described in Subsection H shall be waived for all permits issued between June 3, 2010 and June 30, 2011. The waiver shall be for a maximum of 5 EDUs per project.
- (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

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

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

[Ord. No. 2010-9, § 1, 5-24-2010; Ord. No. 2010-18, §§ 1, 2, 11-8-2010]

§ 222-32. - Wells.

- A. Except as provided in this section, no person shall install, construct, develop, maintain, or use any type of well within the City limits and/or the area served by the City's water system.
- B. Upon the issuance of a permit by the City, the following types of wells are allowed to be installed, constructed, developed, maintained and used within the City limits and/or the area served by the City's water system.
- (1) Any well lawfully in existence at the time of enactment of this section, provided, however, the size of such wells shall not be expanded.
 - (2) Agricultural wells on properties of three or more acres (The intended use of agricultural wells in the City of Milford is for irrigation of open space, public grounds, school grounds, parks and recreational playing fields)
 - (3) Domestic wells when the property is not located within 200 feet of the City's water system.
 - (4) Heat pump wells are permitted for the conservation of natural resources and energy.
 - (5) Dewatering, observation, monitoring and test wells are permitted in accordance with State regulations.
 - (6) Public, industrial or irrigation wells are permitted upon approval of City Council.

[2010-20, § 1, 12-28-2010]

FOOTNOTE(S):

⁽³⁰⁾ 1. Editor's Note: This ordinance also repealed former Ch. 222, Water, adopted 6-26-2006 by Ord. No. 2006-4. [\(Back\)](#)

APPENDIX B—ELECTRIC TARIFF

be paid unless the deposit is held longer than ninety days. For deposits paid on the monthly payment plan, interest will begin to accrue at the time of final deposit payment.

The deposit shall cease to draw interest:

- a. On the date the deposit is returned to the Customer
- b. On the date service is terminated, or
- c. On the date notice is sent to the Customer's last known address that the deposit is no longer required.

Deposits shall not be applied against the amount due on a regular bill, however they may be applied against the final bill.

The deposit can be used to pay off the final bill. If after the final bill is paid, a balance remains of the deposit fee, the balance will be refunded.

D. **Electric System Impact Fees.** Prior to the issuance of a certificate of occupancy by the Code Official or other duly authorized representative, all developers or owners of newly constructed structures requiring electric service shall pay the sum of \$250 per ESU to the City of Milford. The City reserves the right to bar occupancy of any such structure and withhold electric service until such time as the aforementioned fee is paid in full. The sum of \$250 per ESU shall represent the impact fee to be used for construction maintenance and expansion of the City's electric system.

Impact fees shall be reviewed annually by the Mayor and Council and may be adjusted periodically as required.

One ESU shall be equal to six (6) kw of residential on peak electric demand.

Impact fees shall be assessed in accordance with the Electrical Impact Fee schedule included in Appendix I.

E. The electric impact fee established under this [Appendix] shall be waived for all permits issued between June 3, 2010 and June 30, 2012.

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

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

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

[Ord. No. 2001-3, 5-14-2001; Ord. No. 2006-14, § 1, 11-13-2006; Ord. No. 2010-10, § 1, 5-24-2010; Ord. No. 2010-19, § 1, 11-8-2010; Ord. No. 2011-18, § 1, 6-27-2011]

Paddle Pedal

Festival &

10K Run/Walk



October 13, 2012

FOR MORE INFORMATION

call: (302) 422-1104

or visit :

www.cityofmilford.com



**MILFORD
PARKS & REC**



Presented by Bayhealth Medical Center

Celebrate the dedication of the Chaney-Wilmont Greenway, the continuation of the Riverwalk in Milford, Delaware by participating in the Paddle Float In, 20K Cycle or 10K Run/Walk events to the Cedar Creek Boat Ramp on Lighthouse Road. Presented by Downtown Milford, Inc. and the City of Milford Parks and Recreation Department.

When : Saturday, October 13, 2012- Registration 7:00 - 8:30. (Rain or Shine)

Where: Chaney-Wilmont Greenway , 1 E. Marshall Street, Milford , DE.

Parking: Calvary United Methodist Church Lot on 301 SE Front Street at Columbia Street

Event: Circle your choice: 10K Run/Walk 20K Fun Bike Ride Free Fun Paddle-In

Registration for Paddlers: Free Must be pre-registered by October 1, 2012. **No on-site registration.**

Registration for Cyclists and Run/Walk: 7:00 a.m. -8:45 a.m. \$20 if paid by October 1, 2012.

\$25 on event day. **Register Early! Register online at <http://downtownmilford.org> or by mail.**

Must provide own transportation back to Chaney-Wilmont Greenway

Sponsor: Your business can become an Event Sponsor. Visit www.downtownmilford.org Follow Event link to Paddle Pedal Festival.

Runners 10K Awards: Presented to top two in the following age groups: 10 & U, 11- 17,-18-29, 30-40, 41-50, 51-60, 61-70, 70+ . You must register for the timed run to qualify for award. Participants under 18 must be accompanied by a parent or guardian.

Amenities: T-shirts for all participants pre-registered by October 1, 2012, and refreshments and picnic lunch provided at 11:00 a.m. - Noon.

Information: Contact 302-422-1104

Paddle Pedal festival & 10K Run/Walk Official Entry Form

Name of Event _____

Name _____ Age _____

Address _____ Sex: M F

City _____ State _____ Zip Code _____

Phone: _____ Email: _____

Entry Fee: \$20 Pre-Reg \$25 Event Day

Please Circle T Shirt Size: SM M LG XL * For XXL, add \$2.00.

Event Waiver/Release of Liability

I, hereby, for myself, my child, my heirs, executors and administrators, waive and release any and all rights and claims for damages I or my child may have against Milford Parks & Recreation Department and Downtown Milford Inc. and its representatives, successors and assigns for any and all injuries suffered by myself or my child at the activities for which I am registering. Parent or legal guardian MUST sign for any child under 18 who is entering a program. I also agree to allow my child to be photographed during the activities and for those pictures to be shared and possibly used in advertising.

Signature _____ Date _____

Parent's Signature if under 18 _____ Date _____

Make checks payable to: City of Milford Parks And Recreation

Mail entry form to City of Milford Parks & Recreation

207 Franklin Street Milford, DE 19963

Pay online with Paypal at <http://downtownmilford.org>

Schedule of Events:

- 7:00 a.m. -8:30 On -Site Registration Chaney-Wilmont Greenway - 1 E. Marshall Street.
- 7:30 a.m. Paddlers launch at the Mispillion Marina Rt. 1 & 36 Bypass
- 8:15 a.m. Paddlers arrive at Chaney-Wilmont Greenway
- 8:30 a.m. Dedication ceremony of Chaney-Wilmont Greenway
- 9:00 a.m. Cyclists depart for Cedar Creek Boat Ramp on Lighthouse Road
- 9:15 a.m. Runners/Walkers depart for Cedar Creek Boat Ramp
- 10:30 a.m. Awards presentation at Chaney-Wilmont Greenway
- 11:00 a.m. Picnic Lunch for all participants at Chaney-Wilmont Greenway

No iPods, headsets, animals, roller blades or baby joggers/strollers permitted on course. Race director reserves the right to reject race entry.

Paddle Pedal Festival & 10K Run/Walk

Milford City Council
201 S. Walnut Street
Milford, DE 19963

July 29, 2012

Dear Council Member,

The City of Milford Parks and Recreation and Downtown Milford Inc. will be hosting the First Annual Paddle Pedal Festival and 10K Run/Walk on Saturday, October 13, 2012 beginning at the recently completed Chaney/Wilmington Greenway located on 1 East Marshall St. in Milford, Delaware.

This inaugural event will showcase the latest phase of the Mispillion Riverwalk with a dedication ceremony at 8:30 a.m. The festival highlights include a canoe/kayak float-in on the Mispillion River and a Fun 20K Bike Ride, a 10K Run/Walk to the Cedar Creek Boat Ramp on Lighthouse Road near Slaughter Beach.

The goal of the event is to promote healthy lifestyles, showcase Milford's Bi-Ped Plan and celebrate the completion of Milford's Mispillion Greenway Initiative.

As a healthy lifestyle advocate, we hope you will join us on October 13th in celebrating this landmark event.

Sincerely,

Gary Emory
Director
City of Milford Parks & Recreation

ORDINANCE 2011-28

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

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 curblineline. All containers shall be placed just behind the curblineline 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.

072312

FY 2012-2013 Budget Adjustment

Economic Development Director

\$5,000 Increase

Request to Transfer
\$240,176.11
from Electric Reserves
for Real Estate Purchase

City of Milford
ORDINANCE NO. 2012-13

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

Whereas, the City of Milford operates a municipal utility company which provides water, sewer and electrical services to properties within the City of Milford and beyond; and

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

Whereas, it is necessary that these services be utilized and that for health and safety purposes, persons within the City of Milford not be allowed to build and maintain separate water wells for public, industrial or irrigation purposes; and

Whereas, wells will only be permitted for those specific uses described in the ordinance and only after a permit has been issued by the Delaware Department of Natural Resources and approval has been granted by the City of Milford.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. §222-3 shall remain the same with the following definitions referenced in this ordinance.

§222-3. - Definitions

AGRICULTURAL WELL— A well used for the watering of livestock, poultry, aquaculture uses, or solely for the watering of household yards and gardens or for other purposes related to farming in general but not including the irrigation of lands or crops. Water is not used for human consumption or to service a dwelling.

DEWATERING WELL—A well used to remove ground water for construction of footings, sewer lines, building foundations, elevator shafts, etc.

DOMESTIC WELL—A well primarily used for potable non-public water supply purposes and which may be used for non-potable purposes, excluding heat pump supply.

HEAT PUMP CLOSED LOOP WELL—A sealed and pressurized loop of pipe containing a heat exchange solution which is circulated below the earth's surface and utilizes groundwater for the purpose of heat transfer.

HEAT PUMP RECHARGE WELL—A well constructed and primarily used for injecting ground water source heat pump effluent back into an aquifer, and which may be used for other non-potable water supply purposes provided prior written approval is obtained from the City.

HEAT PUMP SUPPLY WELL—A well constructed primarily to obtain ground water as a source for heat pump supply purposes and which may not be used for other purposes such as domestic water supply.

INDUSTRIAL WELL—A well which is used in the processing, washing, packaging, or manufacturing of a product excluding food and beverages.

IRRIGATION WELL—A well which is used for the watering of lands or crops other than household lawns and gardens.

MONITOR WELL—A well installed for the sole purpose of the determination of subsurface conditions and collecting ground water samples.

OBSERVATION WELL—A well used for the sole purpose of determining ground water levels.

POTABLE WATER—Any water which is in compliance with all the primary health related drinking water standards specified in the Delaware Regulations Governing Public Drinking Water Systems and the US EPA Safe Drinking Water Act, and is acceptable for human consumption.

PUBLIC WELL—A well which is used to supply water to more than three dwelling units; 25 or more employees; in the manufacture of ice, foods, or beverages; to the public in food washing, processing, or preparation in a plant, restaurant, or other facility.

TEST WELL—A well installed to ascertain the lithology and water transmission properties of an aquifer or geologic materials and which may be used to determine water quality; a well which is not used on a permanent basis.

Section 2. §222-32 shall be amended by rescinding subparagraph §222-32B(6).

§ 222-32 - Wells.

A. Except as provided in this section, no person shall install, construct, develop, maintain, or use any type of well within the City limits and/or the area served by the City's water system.

B. Upon the issuance of a permit by the City, the following types of wells are allowed to be installed, constructed, developed, maintained and used within the City limits and/or the area served by the City's water system.

(1) Any well lawfully in existence at the time of enactment of this section, provided, however, the size of such wells shall not be expanded.

(2) Agricultural wells on properties of three or more acres (The intended use of agricultural wells in the City of Milford is for irrigation of open space, public grounds, school grounds, parks and recreational playing fields)

(3) Domestic wells when the property is not located within 200 feet of the City's water system.

(4) Heat pump wells are permitted for the conservation of natural resources and energy.

(5) Dewatering, observation, monitoring and test wells are permitted in accordance with State regulations.

~~(6) Public, industrial or irrigation wells are permitted upon approval of City Council.~~

Section 3. Dates.

Introduction: August 13, 2012

Adoption (Projected): August 27, 2012

Ordinance shall become effective at the expiration of ten days following adoption or at any later date specified therein.

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office at Milford City Hall, 201 South Walnut Street, Milford, Delaware, 19963 or through the city website at cityofmilford.com.

Terri K. Hudson, CMC
Milford City Clerk
201 S. Walnut Street
Milford, DE 19963

RE: Request for Milford City Council Approval of irrigation well at 19592 Drummond Drive (Lot 11), Fork Landing, Milford, DE

Following up to our conversation of July 24, 2012 I am requesting Milford City Council approval for irrigation well at our new residence in Fork Landing (near 8-16 Cedar Beach Road). The home was built by Capstone Homes. One of the main community developers is Mr. Dave Kenton, Sperry Van Ness. This request is made pursuant to Milford Chapter 222-32 *Wells (6) Public, industrial, or irrigation wells are permitted upon approval of City Council.*

Atlantic Coastal, a Delaware well company, has been to the site and made an estimate that describes the irrigation well. A permit application has been filed on behalf of my wife Janet and me with the Delaware Department of Natural Resources and Environmental Control (awaiting local approval from Milford). The well would only be used for irrigation purposes. It would be our intent to irrigate on a conservative basis that would utilize only a reasonable amount of water. All household uses of water would be via Milford City water. I have enclosed the following items as part of the application package: 1) Contract from Atlantic Coastal that describes the proposed irrigation well, and 2) Plat map that describes where the well would be located on lot 11, 19592 Drummond Drive.

Please let me know if I may be of further assistance.

Respectfully submitted,



John E. Ferrell
(301-963-0561)

Email: ferrell@comcast.net

Current Maryland Residence:
10705 Wayridge Drive
Montgomery Village, MD 20886

Milford Future Address:
19592 Drummond Drive
Milford, DE 19963

Cc: Mr. Dave Kenton, Senior Advisor
Sperry Van Ness
34634 Bay Crossing Boulevard, Suite A
Lewes, DE 19958
Office: 302-227-0768
Cell: 302-745-7600
Email:Dave.Kenton@svn.com

Mr. Steve Donovan, Vice President
Atlantic Coastal
P.O. Box 250
105 Lincoln Ave.
Delmar, DE 19940
Office: 410-749-0500
Email:well105@comcast.net

- WATER WELLS
- GEOTHERMAL LOOPS
- ENVIRONMENTAL DRILLING
- WATER TREATMENT
- PUMP SYSTEMS



P.O. BOX 250
 DELMAR, DE 19940
 (410) 749-0500
 (302) 875-5017
 FAX (302) 846-3999

PROPOSAL SUBMITTED TO
 John Farrell

PHONE
 240 252-7587

DATE
 6/19/2012

STREET
 10705 Wayridge Drive

JOB NAME
 IRRIGATION Well

CITY, STATE and ZIP CODE
 Montgomery Village, MD 20886

JOB LOCATION
 Fork Landing Lot 11 Milford

19592 Drummond Drive
 MILFORD, DE 19963

ATTENTION

JOB PHONE or FAX

We hereby submit specifications and estimates for:

Irrigation Well

4" PVC Well at a depth of 50' Gravel packed and grouted with 10' of Schedule 40 Well Screen, with a 1 HP

Submersible Pump, includes pitless adapter riser pipe and wire brought to the well head for future connection by the irrigation contractor and permit.

Base Price: \$2,150.00

Drilling > 50' will be performed at \$10.50 per Ft.

WE PROPOSE hereby to furnish material and labor -- complete in accordance with above specifications, for the sum of
 Two Thousand One Hundred Fifty Dollars and 00/100 dollars (\$2,150.00)

Payment to be made as follows:

Standard terms: 50% down and balance upon completion of the work unless other terms are arranged.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon approval. and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance. The materials listed in the contract used for this job remains the property of Atlantic Well Drilling, Inc. until final payment is received. If the final payment is not received within 30 days from the completion of the installation of materials, permission is given to Atlantic Well Drilling, Inc. to enter upon customers property for the removal of the material listed in the contract.

Authorized Signature: *Steve Donovan* Steve Donovan

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance:

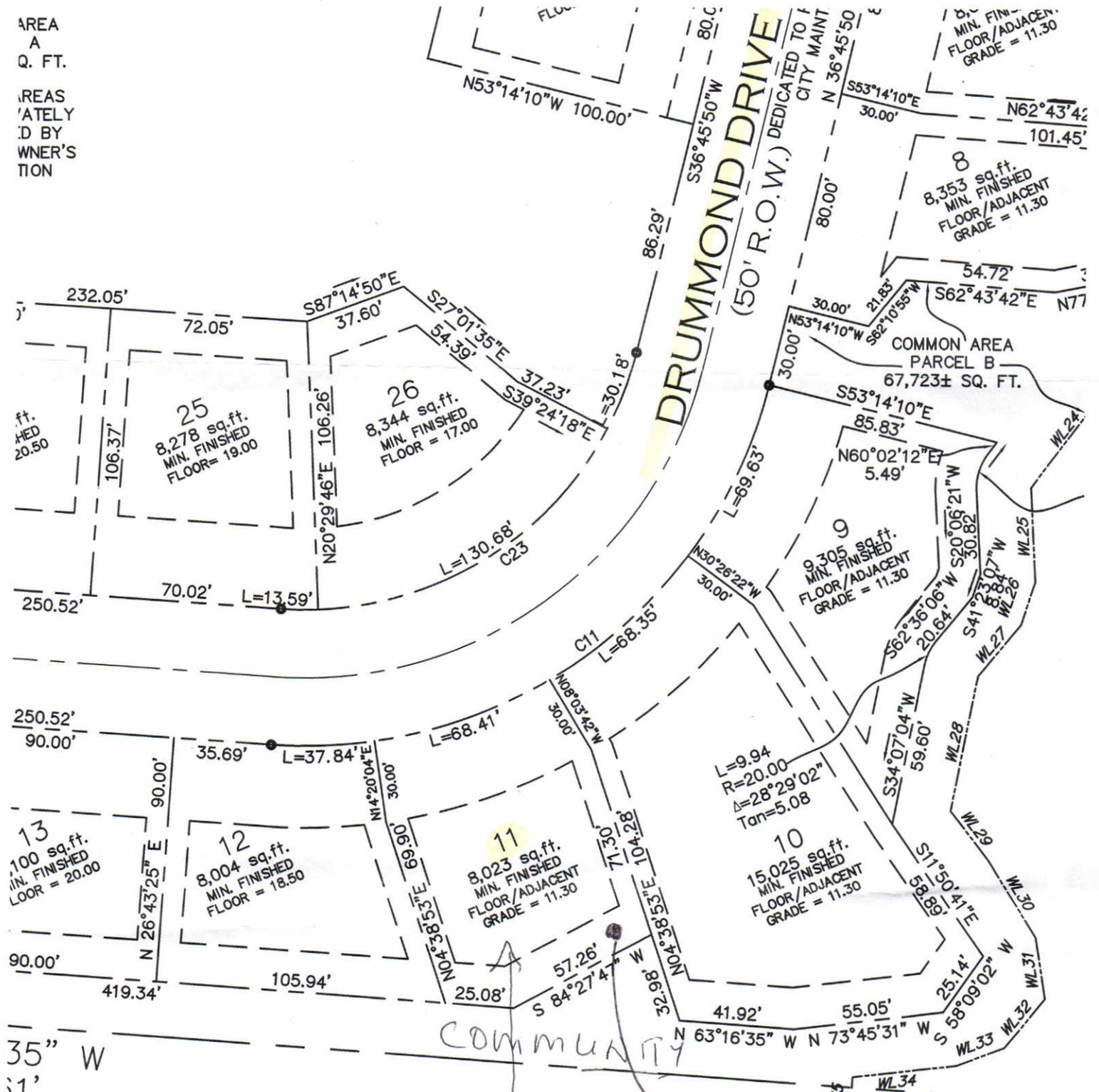
John Farrell

Signature:

6/19/2012

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AREAS
IDENTIFIED
BY
OWNER'S
NOTATION



5 ACRE

FORK LANDING - CAPSTONE BUILDER

Terri Hudson

From: Chris Coon [branta77@yahoo.com]
Sent: Monday, July 30, 2012 4:24 PM
To: Terri Hudson
Subject: Well proposal

Terry:

Per our recent conversation, I would like to discuss with the Milford City Council a private well at Haven Lake Animal Hospital PA (HLAH). The hospital is located at 300 Milford-Harrington Hwy. HLAH is planning a canine rehabilitation and conditioning center. This center would have an underwater treadmill and an endless pool. The treadmill would hold 400 gallons of water, while the pool will hold approximately 4000 gallons. It is recommended the treadmill be drained and cleaned weekly to every two weeks depending on use. The pool should be drained and cleaned on a 3-6 month cycle, again depending on use. Fecal contamination, a definite possibility, could increase these clean out intervals. The waste water from the center could be used to irrigate the large open area behind HLAH.

Your direction on how to proceed with this request is greatly appreciated.

Thanks, Chris Coon DVM



PUBLIC WORKS DEPARTMENT
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

MEMO

TO: Richard D. Carmean
City Manager

FR: Brad Dennehy *BD*
Director of Public Works

DA: August 7, 2012

RE: Mandatory upgrade of the City Two-way radio system.

Richard,

As you know the day to day operations of the City Departments hinges on communication, a vital aspect of that communication is our two-way radio system. Not only is this system used by the Electric, Water and Sewer, Streets, Solid Waste and Metering Departments, it is also used by Parks and Recreation, the Garage, and Billing Departments. Also it used by the Police Department to contact those departments during outages, water breaks, downed limbs on the streets, etc. Simply put the radio system is the "key" competent for daily communication between all of these departments, and becomes the lifeblood during any kind of storm event.

However we have a pressing concern in needing to convert the current City's two-way radio system. The Federal Communications Commission (FCC) is mandating that all radio license holders convert from the current 25 kHz radio system to a narrowband system of 12.5 kHz, by January 1st 2013. The purpose of the narrowband mandate is to promote more efficient use of the VHF and UHF frequency bands. This is something different from the Police and Fire 800 MHz system, but it will affect all Public Works departments, and all other City departments who utilize the radio system.



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Basically the frequency we use at the moment after January 1st will no longer be available. When we are talking about “converting” we are in essence talking about having to go to a new frequency, and replace all the radios in the trucks, portable radios, and base stations, as they will no longer be compatible. We will also have to replace the current antennae at the Public Works.

Over the last year Rick Carmean and I have had several meetings with different vendors, to discuss what the best options for the City are. This has included visits to other towns and facilities to see how they are proposing to meet the requirements, what sort of equipment they are using, and what the best way is to implement the conversion (“narrowbanding”). During the course of last year we brought down a representative who explained three different options to all department heads, including the former City Manager and Finance Director. Since that time Rick and I have had further meetings this year and we have reduced those options to the most cost effective option.

However, it is still a sizeable investment for the City. Replacing the antennae and upgrading all of the mobile, portable and base station radios will cost in the neighborhood of \$240k. It is a sizeable investment for the City, however the radio system is a life blood for the Public Works personnel, not just on a daily occurrence, but particularly in times of emergencies (snow storms, nor easters, etc) when cell phone coverage at times is unreliable.

The new radio system will have improved functions and I will include a list of the those upgrades, but highlights include; being digital which allows for clearer communication, emergency buttons built in to them to warn if a worker becomes injured, built in GPS to allow tracking of vehicles, and the capability to give the Police Department their own encrypted channel in case their radio system ever failed.

At this time with your approval, a Request for Proposal (RFP) needs to be drafted and put out, so we can solicit bids to upgrade the system. As I have stated previously the FCC requirement or “narrowbanding” needs to occur before January 1st of 2013, if we do not meet this deadline the City will be in violation, and risk both our license being revoked, and possible fines, as well as not having a radio system for communication.

As always, if you require further information please don't hesitate to contact me.

Thank you.



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Requirements and Benefits of Upgrading Radio System

- **Meet FCC Narrowbanding requirements**
 - Effective 1/1/2013, our current system will be in violation if we do not upgrade.
- **Clearer communications**
 - Digital radios eliminate static which makes for clearer communication.
- **Higher security**
 - Digital signals are more difficult to scan.
 - Radios can be programmed for encryption.
- **GPS tracking of vehicles**
 - We can know where our vehicles are, how fast they are going, etc.
 - Cuts down on unauthorized use and potentially can save fuel costs.
- **Safety**
 - Radios have emergency button to warn of emergency or injured worker (worker can simply hit a button which sends out a distress call and location).
- **Police Department backup**
 - PD could be given their own Encrypted VHF channel in case of failure of their 800 MHz radio system.
- **New tower/antenna site**
 - Removes need for maintaining aging tower at Police Department.
- **Higher antenna site**
 - Allows City SCADA system to have greater range (our electric sub-station, water tower levels, and sewage pump stations are all monitored via our radio system).



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- **New licensed channels**
 - Allow us to move away from current interference ridden frequencies.
- **Digital System**
 - Makes use of existing Digital Capable radios – keeps on-going costs lower.
- **Reduce maintenance costs**
 - Looking at radios which have a long warranty (3 year) and are submersible-less chance of damage from water and moisture.
- **Incorporate Text Messaging**
 - Text messaging for sending work orders and detailed information, this is a no-cost function and could be used for sending addresses for outages, etc.



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
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TTY: 1-888-835-5322

DA 09-2589

Released: December 11, 2009

LICENSEES, FREQUENCY COORDINATORS, AND EQUIPMENT MANUFACTURERS REMINDED OF NARROWBAND MIGRATION DEADLINES IN THE 150-174 MHz AND 421- 512 MHz BANDS

This *Public Notice* reminds interested parties of the Commission's deadlines for private land mobile radio services in the 150-174 MHz and 421-512 MHz bands to migrate to narrowband (12.5 kHz or narrower) technology.¹ The Commission directed that a *Public Notice* be issued by December 31, 2009 reminding licensees and frequency coordinators of the approaching deadlines.² This *Public Notice* also provides additional information regarding the transition to narrowbanding technology.

Key Deadlines

Licensees and frequency coordinators should be aware of the following deadlines:

(1) beginning **January 1, 2011**,³ the Commission will no longer accept applications for

-new wideband 25 kHz (*i.e.*, operating with only one voice path per 25 kHz of spectrum) operations, and

-modification of existing wideband 25 kHz stations that expands the authorized interference contour (19 dBu VHF, 21 dBu UHF); and

(2) by **January 1, 2013**, Industrial/Business and Public Safety Radio Pool licensees must

- operate on 12.5 kHz (11.25 kHz occupied bandwidth) or narrower channels, or

- employ a technology that achieves the narrowband equivalent of one channel per 12.5 kHz of channel bandwidth (voice) or 4800 bits per second per 6.25 kHz (data).

¹ See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, WT Docket No. 99-87, RM-9332, 18 FCC Rcd 3034 (2003); Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (2004) (*Narrowbanding Third Memorandum Opinion and Order*); see also 47 C.F.R. §§ 90.203(j), 90.209(b).

² See *Narrowbanding Third Memorandum Opinion and Order*, 19 FCC Rcd at 25057 ¶ 26.

³ A petition seeking a stay of the January 1, 2011 deadlines, filed by the National Public Safety Telecommunications Council (NPSTC) on September 29, 2009, is pending. See Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on National Public Safety Telecommunications Council Petition for Stay of Interim Narrowband Implementation Dates, *Public Notice*, WT Docket No. 99-87, DA 09-2364 (WTB/PSHSB rel. Nov. 2, 2009).

Equipment manufacturers should be aware that, beginning **January 1, 2011**, the manufacture, importation, or certification of any 150-174 MHz or 421-512 MHz band equipment capable of operating with only one voice path per 25 kHz of spectrum will be prohibited; and applications for equipment certification must specify 6.25 kHz capability.⁴

Additional Information

How should licensees notify the Commission that they are in compliance with the January 1, 2013 deadline to migrate to narrowband or narrowband-equivalent technology?

The answer to this question depends on how and when the station came into compliance.

Licensees of stations that already satisfy the narrowbanding requirements because their authorized bandwidth does not exceed 12.5 kHz do not need to take any action to notify the Commission that the station has met the narrowbanding deadline.

Licensees of stations that currently are authorized to operate with a bandwidth exceeding 12.5 kHz that are transitioning to 12.5 kHz or narrower operation must file a modification application to either add a narrowband emission designator or change the wideband emission designator to a narrowband emission designator.⁵ The licensee will not need to take any additional action to notify the Commission that the station has met the narrowbanding deadline. Adding or changing an emission designator for an existing frequency does not trigger a new construction requirement, so the licensee will not need to file a new construction notification.

Note: Many stations are or will be authorized to operate on their assigned frequencies with multiple authorized bandwidths, including both wideband 25 kHz emissions and 12.5 kHz or narrower emissions. It is not necessary for licensees of such stations to delete the wideband 25 kHz emission designator in order to demonstrate compliance with the January 1, 2013 deadline. Instead, absent information to the contrary, stations that were authorized to operate with both wideband and narrowband emissions prior to January 1, 2013 will initially be presumed to be operating only with narrowband emissions (i.e., that the wideband mode has been disabled) after January 1, 2013. (All equipment certified since 1997 has been required to have a 12.5 kHz operational mode. Licensees should check with their radio equipment vendor to determine how to ensure that the equipment is operating in the 12.5 kHz mode.) The Commission also will have discretion to inquire of licensees to verify that they are operating in compliance with the Commission's rules.

Licensees of stations that currently are authorized to operate with a bandwidth exceeding 12.5 kHz that have complied or will comply with the narrowbanding deadline by adopting narrowband-equivalent equipment will be required to certify compliance with the deadline. This is necessary because it will not always be apparent from the license's technical parameters whether a 25 kHz station is a non-compliant wideband station or a compliant narrowband-equivalent station. We plan to implement this

⁴ These 2011 deadlines applicable to manufacturers also are subject of the NPSTC petition for stay. The 6.25 kHz requirement does not apply to hand-held transmitters with an output power of two watts or less. See 47 C.F.R. § 90.203(j)(4).

⁵ Currently, the Commission's rules require frequency coordination for a modification application that proposes to reduce the authorized bandwidth on the licensed center frequencies, see 47 C.F.R. § 90.175, but the Commission has sought comment on exempting such applications from this requirement. See Amendment of Part 90 of the Commission's Rules, *Notice of Proposed Rulemaking and Order*, WP Docket No. 07-100, 22 FCC Rcd 9595, 9596-97 ¶ 3 (2007).

certification requirement by revising a future version of the relevant application form for new, renewed, and modified station licenses to require licensees subject to the narrowbanding mandate to indicate whether or not the requested operations comply with the narrowbanding requirements. The Commission also will have discretion to inquire of licensees regarding existing licenses for which no such certification is received because the license was not renewed or modified before January 1, 2013.

Will the Commission take any other action to remind licensees of the upcoming narrowbanding deadlines?

Yes. In addition to this *Public Notice* and the measures discussed above, the Commission will in the near future begin placing a special condition on all new, renewed, and modified licenses for stations in the radio services and frequencies subject to the narrowbanding mandate to remind licensees of the January 1, 2013 deadline. The special condition will be removed from the license at some point after the licensee notifies the Commission that the station is in compliance with the narrowbanding deadline, as discussed above.

May a station that does not meet the January 1, 2013 narrowbanding deadline operate after that date on a secondary basis?

No. As of January 1, 2013, the Commission's rules will prohibit Industrial/Business and Public Safety Radio Pool licensees in the 150-174 MHz and 421-512 MHz bands from operating with wideband channels (unless their equipment meets the narrowband efficiency standard), even if the license still lists a wideband emission designator. Operation in violation of the Commission's rules may subject licensees to enforcement action, including admonishments, monetary forfeitures, and/or license revocation, as appropriate.

Can previously certified multimode equipment be manufactured or imported after January 1, 2011?

Yes, under certain circumstances. The equipment certification for previously certified multimode equipment containing a wideband 25 kHz mode will continue to be valid, and such equipment may continue to be manufactured and imported, only if the modes of operation are enabled primarily through software rather than firmware or hardware, and users are not provided with the programming software necessary to activate the wideband 25 kHz mode.

For further information, licensees and frequency coordinators may contact Mr. Melvin Spann of the Wireless Telecommunications Bureau, Mobility Division, (202) 418-1333, Melvin.Spann@fcc.gov, or Mr. Zenji Nakazawa of the Public Safety and Homeland Security Bureau, Policy Division, (202) 418-7949, Zenji.Nakazawa@fcc.gov; and equipment manufacturers may contact Mr. Andy Leimer of the Office of Engineering and Technology, (301) 362-3049, Andrew.Leimer@fcc.gov.

-FCC-



The Future of Professional Two-way Radio: Digital



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Executive Summary

Two-way voice was one of the first commercial applications of radio technology. In 1933, the first two-way mobile radio system was installed in patrol cars of the Bayonne, New Jersey police department. Since then, two-way radio has moved beyond the realm of public safety to become an invaluable tool for mobile professionals in a wide range of enterprises.

The term “two-way radio” conjures up a variety of images. Many people think of public safety officers using expensive equipment and licensed spectrum to convey mission-critical information at the site of an incident. Others think of hobbyists and sales clerks using low-cost, low-power “walkie talkies” in the unlicensed spectrum to keep in touch over relatively short distances. But there’s a vast and growing market between these two extremes for professional users who need high-quality yet affordable equipment that takes advantage of the power, range and coexistence characteristics of licensed channels.

In transportation, energy, government, retail, hospitality and many other industries, licensed professional two-way radio systems offer capabilities that no other mobile technology can provide. Unlike competing technologies, only two-way radio can offer professionals instant, private and cost-effective communication in virtually any environment – anywhere and anytime. With two-way radio, there’s no need to deploy supporting infrastructure in a field situation, or to rely on subscriber-based public networks that may be under-supported or even completely unavailable.

For most of its history, two-way radio has been an analog medium, and to this day, the vast majority of systems are still analog. But that’s about to change. In the same way that digital technology has transformed other media, it’s now revolutionizing the way mobile professionals communicate in the field. Like the digitization of music, TV and other traditionally analog media, digital two-way radio technology offers several advantages over the analog systems of the past.

For example, compared to analog two-way radio, digital two-way radio can offer greater spectral efficiency for higher calling capacity, enhanced voice quality at the farthest margins of the RF range, and more reliable coverage – making it easier to hear and understand conversations, even at long range and in difficult environments. Digital two-way radio also offers many features and capabilities that analog simply can’t provide. For example, digital systems can:

- Provide enhanced signaling for user-friendly operation and advanced features
- Enable longer battery life in the field by requiring less transmit power, depending on the specific transmit methods and power-management technologies used in the device
- Enable flexible privacy between individual users and groups, without degrading voice quality or requiring configuration of add-on hardware
- Combine voice communication and wireless data applications in the same device, literally transforming the way field workers get the job done

This white paper gives an overview of two-way digital technology and the advantages it offers to mobile professionals in industries such as transportation, education, building construction and manufacturing, energy and utilities, private security, public safety and local government, and service-intensive businesses such as hotels, motels and casinos. We’ll explore unique needs of these mobile workers, and discuss the ways that digital technology serves these needs in ways that analog radio can’t. And we will describe how Motorola is leading the establishment of standards, technologies and solutions for the new, digital generation of two-way radio and wireless computing.

Why Two-way Radio?

Before we look at the advantages of digital, there's a more fundamental question. With alternative and emerging technologies – such as cellular, push-to-talk over cellular, and Voice-over-WLAN – is there any reason for enterprises to stick with two-way radio at all?

While there's no single answer to this question for every organization, two-way radio offers certain advantages that make it the clear choice for the vast majority of mobile professionals who require an affordable, flexible, highly reliable solution – along with the power and range available only in licensed bands. Advantages of two-way radio include:

- **Low total cost of ownership.** Two-way radio requires a small up-front investment, with no recurring monthly fees. A two-way radio solution can typically pay for itself in less than 18 months compared with cellular or public carrier solutions that require recurring monthly fees.
- **Customizable coverage and features.** Two-way radio was developed and has continued to evolve to meet the specific needs of group-oriented communications and dispatch environments. The ability to tailor a two-way solution to meet the needs of businesses – with quick, reliable one-to-one, one-to-many and many-to-many communications – remains unequalled. Carrier-based solutions don't provide comparable levels of customization and performance.
- **Simple, reliable implementation.** On-site and in-the-field solutions often require no infrastructure at all. Users simply turn on their radios and talk directly to each other – for miles – using rugged devices designed for everyday use in the most demanding environments. For group voice calls, with coverage requirements measured in miles rather than feet, two-way radio will continue to provide simplicity and reliability unmatched by cellular, VoWLAN and other competing technologies.

If you're one of the tens of millions of professionals who rely on two-way radio today, it will continue to be your technology of choice tomorrow. And if you're not a two-way radio user today, you owe it to yourself and your business to explore what two-way has to offer.

Digital Two-way Radio: A Modern Solution for Modern Needs

Analog radio works well, and proves itself every day in countless deployments around the world. However, analog two-way radio has reached the limits of innovations. Virtually everything that can be imagined using analog radio has been already been attempted or achieved over more than a half-century of experimentation and innovation. Today, a new platform is required to break through to new levels of performance and productivity.

Many enterprises are finding they need more than the fundamentals that analog two-way radio delivers. Perhaps their licensed channels are becoming crowded and they need more capacity. Perhaps they need more flexible ways to communicate with users both inside and outside the work team. Perhaps they need access to data in combination with voice to improve responsiveness and productivity. Digital radio provides a powerful, flexible platform that professional organizations can adapt to meet these needs and more.

By migrating from analog to digital two-way radio communications, these organizations can fill many of these needs immediately and build a strong technical foundation for adding new functionality to meet new needs in the future.

Let's take a look at each of these enterprise mobility needs in turn, and explore how digital radio technology can support a more responsive and adept mobile team.

Need: Efficient Use of RF Spectrum

For many two-way users, the most important benefit of digital radio is to make more efficient use of licensed 25 kHz and 12.5 kHz channels. The airwaves are becoming more and more crowded, and the old licensed channel structures – originally designed with the principal goal of serving a handful of broadcasters – are no longer adequate to carry the increasing broadcast and private radio traffic projected in the future.

Regulatory agencies are responding to an impending crisis in RF congestion by mandating more efficient use of licensed spectrum. For example, in the U.S., the FCC is requiring manufacturers to offer only devices that operate within 12.5 kHz channels by 2011. By the year 2013, all users will be required to operate in 12.5 kHz – making it possible for twice as many users to share the airwaves as compared with today's 25 kHz licenses.

The next logical step is to further improve the effective capacity of 12.5 kHz channels. It's only a matter of time before the ability to carry two voice paths into a single 12.5 kHz channel, also known as 6.25 kHz equivalent efficiency, becomes a requirement. But with digital radio, there's no need to wait for a mandate. Devices that incorporate Time-Division Multiple Access (TDMA) can achieve 6.25 kHz equivalency today – doubling the capacity of a currently licensed 12.5 kHz channel or quadrupling the capacity of a 25 kHz channel.

That means many more people can communicate over an enterprise's existing licensed channels, without worrying about interference. And because each TDMA "slot" works independently, these virtual 6.25 kHz channels can be used flexibly according to the organization's needs. For example, two slots within one channel can be used to carry two separate and private conversations, or else one slot could be used for data or priority signaling in conjunction with a conversation on the other slot.

As application designers create new ways to use the additional capacity – for example, combining channels to support full-duplex calling or to increase the data rate – TDMA-based digital devices will be ready to adapt. In fact, well-designed digital radios can adapt to changing usage models on the fly, in the field. And even organizations that need only basic calling capabilities can benefit from the increased capacity of TDMA-based radios by getting two-for-one value for infrastructure such as repeaters and antennas.

Digital radio offers:

The ability to expand digital voice, data and control capabilities that can be delivered over a given slice of RF spectrum. By choosing devices that incorporate the appropriate standards and technologies, organizations can get increased capacity and flexibility to support more users and new usage models. For example, devices that use TDMA modulation offer the flexibility to use a single channel for multiple two-way voice conversations, full-duplex conversations, separate voice and data transmissions, control and management capabilities, and more – flexibly switching between usage scenarios as needed.

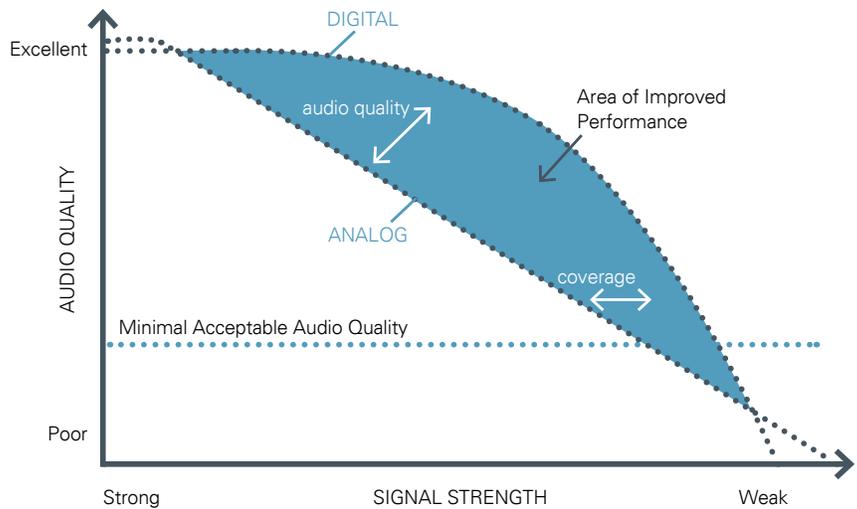
Lower licensing and equipment costs. 6.25 kHz-equivalent systems based on TDMA enable two virtual channels within a single 12.5 kHz licensed channel, providing twice the calling capacity for the price of one license. And because there's still only one "real" channel, any supporting infrastructure does double-duty as well. A second call doesn't require a second repeater, or expensive combining equipment to route both calls through a single antenna site.

Need: Improved Fundamentals, Including Voice Quality, Privacy, Battery Life and Additional Features

Professional two-way radio users depend on clear, unbroken, reliable voice communications. A missed call, user error, garbled message or dead battery can mean lowered productivity, wasted time and money, unsatisfied customers, and lost business.

Due to the inherent nature of RF physics, analog radio can suffer from several limitations that affect the range and clarity of voice. In an analog system, everything in the environment that disrupts or interferes with the signal itself directly impinges on the voice quality at the receiving end. Although it's possible to boost and retransmit a degraded signal, there's no way to reconstitute the original voice quality. The most common result of this degradation is an increase in static and artifacts that makes the signal increasingly unintelligible as the user approaches the margins of the radio's effective range.

Signal strength falls off exponentially as the distance from the transmitter increases, following the inverse square law. At the same time, the background RF "noise" level remains constant, so the signal-to-noise ratio declines by a factor of four with each doubling of the distance between transmitter and receiver. Environmental factors – such as line-of-sight obstacles and RF interference – can also severely



Digital voice retains better quality than analog as signal strength decreases.

Digital Vocoder

What is a digital vocoder?

- A digital vocoder reduces a complex speech signal into a small number of parameters.
- Rather than transmitting the analog speech in its entirety, which requires a relatively large amount of bandwidth, a digital radio transmits only the important parameters. Because small number of digital bits can represent these parameters, they require less bandwidth.

The vocoding process

- The vocoding process begins by dividing the speech into short segments, typically 20 to 30 milliseconds in length. Each segment of speech is analyzed and the important parameters such as pitch, level, frequency response are extracted. These parameters are then encoded using a small number of digital bits.
- Before transmission, the encoded speech parameters are also protected by the addition of Forward error Correction (FeC) bits.
- During reception, the FeC is used to correct bit errors that may have occurred due to RF channel impairments. While the FeC cannot correct all errors that may occur, it can completely correct a reasonable number of bit errors, providing minimal audio degradation through much of the coverage area.

degrade performance, further shortening the effective range at which analog radio performs with acceptable voice quality.

The only way to retain analog voice quality at the edge of the radio's effective range is to boost signal strength. But this quickly becomes impractical due to the added battery size and drain, the risk of cross-talk and other interference, and regulations governing radio power and spectrum use in various applications. Moreover, techniques that are applied to the analog transmission – such as compounding or voice scrambling for security – alter the quality of the voice signal itself, coloring the sound and adding artifacts that can make it difficult to understand what's being said.

Digital systems, by contrast, incorporate built-in error-correction techniques that reconstitute the voice at nearly its original fidelity throughout most of the RF coverage area.

Depending on the device design, digital systems can also improve field operations through longer battery life and additional features. For example, TDMA-based systems that provide 6.25 kHz equivalency in a 12.5 kHz channel use only half their transmit time to carry a single half-duplex conversation. Since transmitting RF signals is very power-intensive, this means digital systems place less drain on the battery than their analog counterparts. In fact, conversation-for-conversation, TDMA-based digital radios function about 40 percent longer on a battery charge than analog systems.

Moreover, the two-for-one channel capacity of a TDMA-based system can be used to carry a second conversation, to provide dispatch data in parallel with verbal instructions, to enable enhanced call-control and emergency pre-emption, and for a variety of other existing and future applications. In the same way that digital technology is creating new possibilities for

wired and cellular communications, digital two-way radio gives mobile workgroups flexible access to more kinds of information – so they can work faster and more effectively than ever before.

Digital radio offers:

Enhanced voice communications over a greater range. While digital radio signals are subject to the same RF physics as analog, a degraded transmission can still deliver the digital content to its destination intact. Even though signal strength drops off exponentially – just as it does with analog radio – digital error-correction technology can reconstitute the voice with virtually no loss over a far greater area.

Static and noise rejection. Analog signals are often distorted in ways that produce audible static. This can be mildly annoying, or it can become progressively worse until the conversation is almost impossible to understand. By contrast, digital receivers simply reject anything they interpret as an error. Although a “dirty” signal can produce artifacts on a digital receiver – such as a brief dropout or mechanical-sounding burst of noise – they never result in the persistent static that can plague analog systems in difficult environments. If the receiver can understand the digital voice signal, it can decode it and reproduce the voice clearly. Moreover, some digital systems incorporate background noise suppression at the transmitter – so, for example, background crowd or traffic noise is never transmitted, and therefore never heard at the receiver.

Privacy without loss of quality. Digital systems can provide voice and privacy without requiring extra hardware or altering the quality of the transmission on the receiving end. Moreover, analog systems typically send information at the beginning of a call that is used by the receiver to descramble the voice – which means that someone who joins the call late doesn't get the descrambling information and can't

understand the call. Digital systems, in contrast, repeat the descrambling information several times per second so that late entries can join a private call in progress. And digital systems allow you to easily separate users into private workgroups – each with its own encryption key – so one group isn't distracted by the operations of another.

Longer battery life. Because TDMA-based digital systems divide power-intensive transmissions into two independent time slots, each individual transmission uses only half the battery power of an analog system transmitting at the same wattage. Since transmitting is the most energy-intensive operation, digital two-way radios can typically function 40 percent longer between recharges compared to analog radios.

Flexibility. Digital radios can be designed to provide additional features in addition to two-way voice. For example, the second time slot in a two-slot TDMA-based system can be used for a second call, dispatch data, enhanced call control, emergency preemption, reverse-channel signaling or other functions. Digital systems can be flexibly configured to meet the specific needs of each mobile enterprise, enhancing productivity and responsiveness in the field.

Need: Integrated, Rapid Data Access

Mobile workers who depend on analog two-way radio are realizing that they can work even more effectively in the field if they also have wireless access to applications and data. For example, construction contractors that have relied on two-way radio for decades are now adding on-site access to work schedules, materials ordering systems, and other tools that can't be accessed effectively through a voice call. It's just as common these days to see a site foreman using a wirelessly connected laptop as a radio.

But as mobile enterprises increasingly adopt wireless data solutions, they face a dilemma: Should they acquire and maintain separate voice and data systems, or adopt a converged system that provides both voice and data in a single unit? And for organizations that already have multiple systems in deployment, how can they preserve their current investment without committing to a continuing investment in incompatible, side-by-side technologies in the years ahead?

A complete system change-out scenario is impractical for most organizations in the short term. But going forward, it's wise to invest in backward-compatible systems that don't require an ongoing commitment to separate acquisition, training

and maintenance costs. If it meets the needs of your business, moving to a converged voice and data platform over time can simplify system administration, and empowers users with systems that are more portable, flexible, and much easier to use than two different and incompatible systems.

Digital radio offers:

Enhanced operational control, capacity and efficiency, while providing the mobile workforce with in-field access to operational intelligence. With only one system to install, train, and support, instant access to voice and data becomes both simpler and more affordable. Integrated command and control applications make dispatch, security, scheduling and other support functions more responsive.

Leverage the power of two-way for voice and data. To be clear, data services that are integrated into licensed two-way radio systems won't readily enable users to surf the web, send video images, or synchronize their office desktops – it is just not the right technology for such bandwidth-hungry applications. However, it is a great technology for productivity-enhancing applications like messaging, location based services, simple database queries, bar code reading, and fill-in-the-form type of applications. And it is built into your private, licensed communications system – so there are no monthly fees or dependencies on public carrier services, and you control what applications workers can access.

More applications, simplified integration.

Compared to methods for utilizing analog radio systems for data, digital radio offers several clear advantages. Digital systems can readily support industry standard protocols, such as IP addressing and IP packet data services. And rather than relying upon external modems, digital radios can connect directly to computer equipment with standard network interfaces such as USB or Ethernet. This simplifies and lowers the cost of integrating with applications, and at the same time expands the universe of potential applications that organizations can deploy.

Flexibility to allocate channels to voice and/or data as needed. With combined digital voice/data systems, there's no need to allocate dedicated systems and channels for voice and data communications. Instead, workers can have one system with the operational flexibility to meet changing needs in the field. And they can work far more efficiently, communicating and accessing all the wireless information they need in just one portable, easy-to-use device.

Need: Ease of Migration from Analog to Digital, While Helping to Preserve Investment

Nobody can afford so-called “disruptive technology” to disrupt their day-to-day operations or their IT budget. Fear of disruption is probably the biggest deterrent to organizations that have used analog radio for years, even when they realize that digital capabilities could greatly enhance their productivity and responsiveness.

Once the benefits of digital systems become impossible to ignore, organizations must choose a viable migration path. One option is to deploy separate digital systems for data, while retaining analog radio for voice communications. While this helps preserve the existing investment in analog radios, the drawback to this approach is that it entails an indefinite commitment to analog, preventing the organization from enjoying the benefits of digital radio for the foreseeable future.

Another option is to plan for an extended period in which analog and digital systems – including two-way radio devices – exist side-by-side, with the goal of phasing out the analog systems over time. This enables the organization to maximize the return on investment (ROI) of legacy systems, control the budget and ease the IT burden associated with transitioning end users.

Such a migration strategy must be implemented carefully in order to achieve the intended benefits. This means choosing devices that are specifically designed for flexibility – so that digital and analog systems don’t just exist side-by-side, but work together to provide the optimum communication method for any situation.

Digital radio offers:

Available devices that provide analog and digital voice side-by-side in the same unit. Organizations can choose devices that offer both analog and digital radio, as well as digital data, in a single, affordable, easy-to-use unit. By adopting these dual-mode devices, rather than separate analog and digital units, each team within the organization can migrate according to an optimum schedule. The existing analog units can remain in deployment as long as they’re still productive, while key team members can use compatible analog/digital units that provide access to all the benefits of digital.

Immediate enhancement of operations, with benefits that continue to grow over time as more users migrate to digital. With each digital or dual digital/analog device added to the fleet, mobile teams will experience increased operational efficiency. Depending on the systems used, these benefits could include increased capacity, enhanced digital audio performance, enhanced signaling and call control, emergency preemption, enhanced remote monitoring, extended battery life, and virtually any or all of the other benefits we’ve discussed to this point.

A flexible, future-facing architecture. Digital two-way radio and data systems provide a migration path for organizations to enhance and extend their digital networks into the field. By acquiring new communications platforms that work with new and emerging mobile applications, today’s mobile workforce has the foundation to add new, advanced capabilities in the years to come.

Need: Appropriate Standards and Technology for Professional Users

With the emergence of digital two-way radio technologies, professional users can expect to be offered an increasing variety of systems, both proprietary and standards-based. Professional organizations selecting systems based on widely accepted standards will benefit from reliable operation, as well as to ensure compatibility and interoperability among competitively priced products from multiple manufacturers.

Multiple standards and technologies exist to meet the varying needs of the radio communications marketplace, from consumer and light industrial applications to professional business-critical applications and to first-responders engaged in mission-critical public safety applications. The most relevant standard for professional, business critical applications of digital mobile radio is the European Telecommunications Standards Institute Tier-2 standard for licensed, conventional, unit-to-unit and repeater-based radio operations. Developed by ETSI, this globally recognized standard provides spectral efficiency, advanced features and integrated packet data services in licensed bands for professional users.

The ETSI Tier-2 standard for digital mobile radio addresses the needs of the great majority of professional users around the world.

Market Categories	Example Vertical Markets	Digital Radio Standards	
Public Safety/ Mission Critical	Emergency Services Public Transport	ETSI: TETRA Licensed Trunking	TIA Project 25 Licensed Conventional & Trunking
Professional/ Business Critical	Airports/Ports Local Government Transportation Mining Petrochemical Public Utilities Manufacturing Taxi Construction Rental Agencies Private Security Warehousing	ETSI: DMR Tier-2: Licensed Conventional DMR Tier-3: Licensed Trunking	
Commercial & Light Industrial	Retail Agriculture Hospitality	ETSI: DMR Tier-1: Unlicensed dPMR Tier-1: Unlicensed	On-site Technologies

Digital Radio Standards and Markets

One of the most important components of the Tier-2 standard is the use of two-slot TDMA technology, which enables professional users to double the efficiency of their licensed 12.5 kHz repeater channels. For example, two-slot TDMA allows two digital conversations to take place simultaneously within a single channel, with no need to deploy extra infrastructure such as additional repeaters. The second slot can also be used to deliver advanced features – such as IP-based dispatch data or enhanced call-control and priority signaling – in parallel with a call on the other slot. By choosing products that adhere to the ETSI Tier-2 standard, including two-slot TDMA, professional users can essentially double their ROI while gaining support for new capabilities that allow them to work more effectively.

In addition, professional users should look for systems that support IP data services, dual analog/digital modes, modular and software upgradeable components and other technologies that meet their existing needs while offering an adaptable platform for future capabilities. Choices made today can make a huge difference in what will be possible tomorrow, as organizations look to provide in-field access to back-end systems, collaborate across teams and organizations, and integrate new technologies in the future.

The clear advantages of digital two-way radio will quickly drive its widespread acceptance in new deployments. Organizations that remain committed to analog-only devices may find themselves limited when they need additional capacity, next-generation functionality, access to new back-end systems or the ability to share data to work effectively with other agencies in the field.

Digital radio offers:

Choices for standards-based interoperability.

Digital radio and mobile data solutions come in several flavors – from competing proprietary solutions to standards-based solutions. By choosing products based on widely accepted standards, organizations have a platform for building interoperability into their systems. Over time, standards-based products will facilitate increasing levels of integration with multiple back-end systems, as well as with the systems used by cooperating agencies and enterprises.

Doubling of spectral efficiency, with additional capacity for voice and data.

Two-slot TDMA-based systems, in compliance with ETSI Tier-2 standards, provide the equivalent of two 6.25 kHz channels within a single 12.5 kHz channel. The extra capacity essentially doubles return on investment by enabling two calls, or one call plus one data stream, to coexist simultaneously in a licensed channel that can today only carry one analog conversation at a time. TDMA-based digital systems also effectively double the capacity of infrastructure such as repeaters and antennas.

A platform to take advantage of network convergence.

By choosing digital radio systems that support integrated IP data capabilities, enterprises can take advantage of the ongoing convergence of communications and IP networks. Packet-based data can be used immediately for text messaging, location based services, and other productivity-enhancing applications, and can provide a platform for additional functionality as engineers provide increasing integration and access to more IP-based applications and services.

Adaptability. Although not all digital devices are designed to be adaptable, there is a growing selection of modular platforms that offer rich expansion options and are built for adaptability to a wide range of applications. By choosing wisely, organizations can have a platform appropriately configured for today's exact needs, with the ability to adapt as those needs change in the future.

A future-facing platform. By choosing a digital radio and data platform built on a standards-based, flexible, modular architecture, enterprises can take advantage of continuous innovation with backward- and forward-compatibility. Going forward, they can add value to their digital radio solutions by expanding and integrating new technologies to address new requirements. And they can plan for orderly growth – from basic two-way radio, to added infrastructure that provides expanded coverage and capacity, to fully integrated data and voice systems based on IP networks.

12.5 kHz TDMA or 6.25 kHz FDMA?

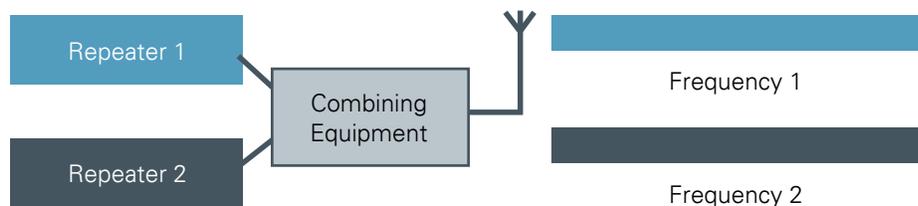
In the ongoing quest for greater spectral efficiency, there are two candidate technologies for increasing the capacity of existing 12.5 kHz channels: two-slot 12.5 kHz Time-Division Multiple Access (12.5 kHz TDMA) or 6.25 kHz Frequency-Division Multiple Access (6.25 kHz FDMA). The two technologies are incompatible, so you need to choose one or the other.

FDMA is based on technology originally developed for analog voice, and is widely used in today's 25 kHz and 12.5 kHz channels in analog systems. 12.5 kHz FDMA is also used in Telecommunications Industry Association (TIA) Project 25 Phase I digital radio systems. However, these well-known techniques carry just one voice path per 12.5 kHz channel, and it is difficult to further increase the effective capacity of an existing 12.5 kHz channel using FDMA methods: while it is feasible to develop 6.25 kHz FDMA digital radio protocols, how well this technique will perform hasn't yet been established in real-world implementations on a large scale. Further, there is little or no regulation in place or detailed plans for migrating to 6.25 kHz channel structures in most of the world – how to efficiently utilize a 6.25 kHz signal in a world that's channelized for 12.5 kHz remains a dilemma.

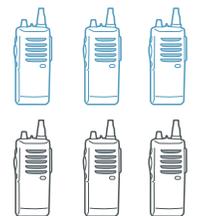
12.5 kHz TDMA, on the other hand, is a globally recognized, approved standard for the professional two-way radio market. Moreover, TDMA can be configured to provide 6.25 kHz equivalent efficiency in an existing 12.5 kHz channel, with no changes to licensing requirements. This means that TDMA can give you two-for-one channel capacity – in other words, the equivalent of two simultaneous channels in repeater mode, as shown in the illustration.

TDMA saves licensing and equipment costs by enabling the equivalent of two 6.25 kHz channels within a single licensed 12.5 kHz channel

Two-channel Analog or Digital FDMA System

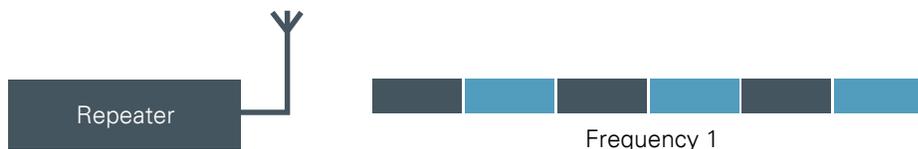


One call per repeater and channel



Radio Groups

Two-channel Digital TDMA System



Two calls per repeater and channel



Radio Groups

This technique reduces overall equipment costs while supporting more users and more information. TDMA's performance and flexibility make it the only serious choice for professional two-way digital radio. 12.5 kHz TDMA methods for achieving 6.25 kHz efficiency in the 12.5 kHz channels offer:

- Twice the transmission capabilities, with decreased spectral congestion. In contrast, a 6.25 kHz FDMA approach doubles the number of RF carriers and in the process increases the likelihood of interference with existing systems.
- Increased performance, reliability and functionality – while improving battery life by up to 40 percent compared to analog radio.
- Two virtual channels that can be adapted on the fly to meet a wide range of needs, including increased capacity for voice calls and wireless data access, or for advanced control signaling during a call.
- Standards-based platform, as 12.5 kHz TDMA is the recognized standard for professional and commercial two-way radio market in both Europe and the United States.

The bottom line is that TDMA supports more simultaneous users, communicating more information with greater flexibility on existing channels. With TDMA, one repeater can do the work of two – lowering costs, providing enhanced operating characteristics and giving organizations the capacity and flexibility to tailor voice and data solutions to their specific requirements.

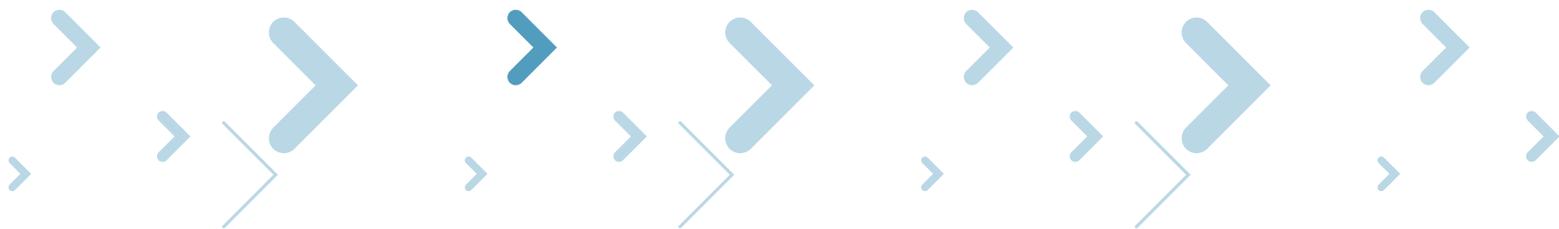
Motorola's Next Generation of Two-way Radios for the Professional Tier

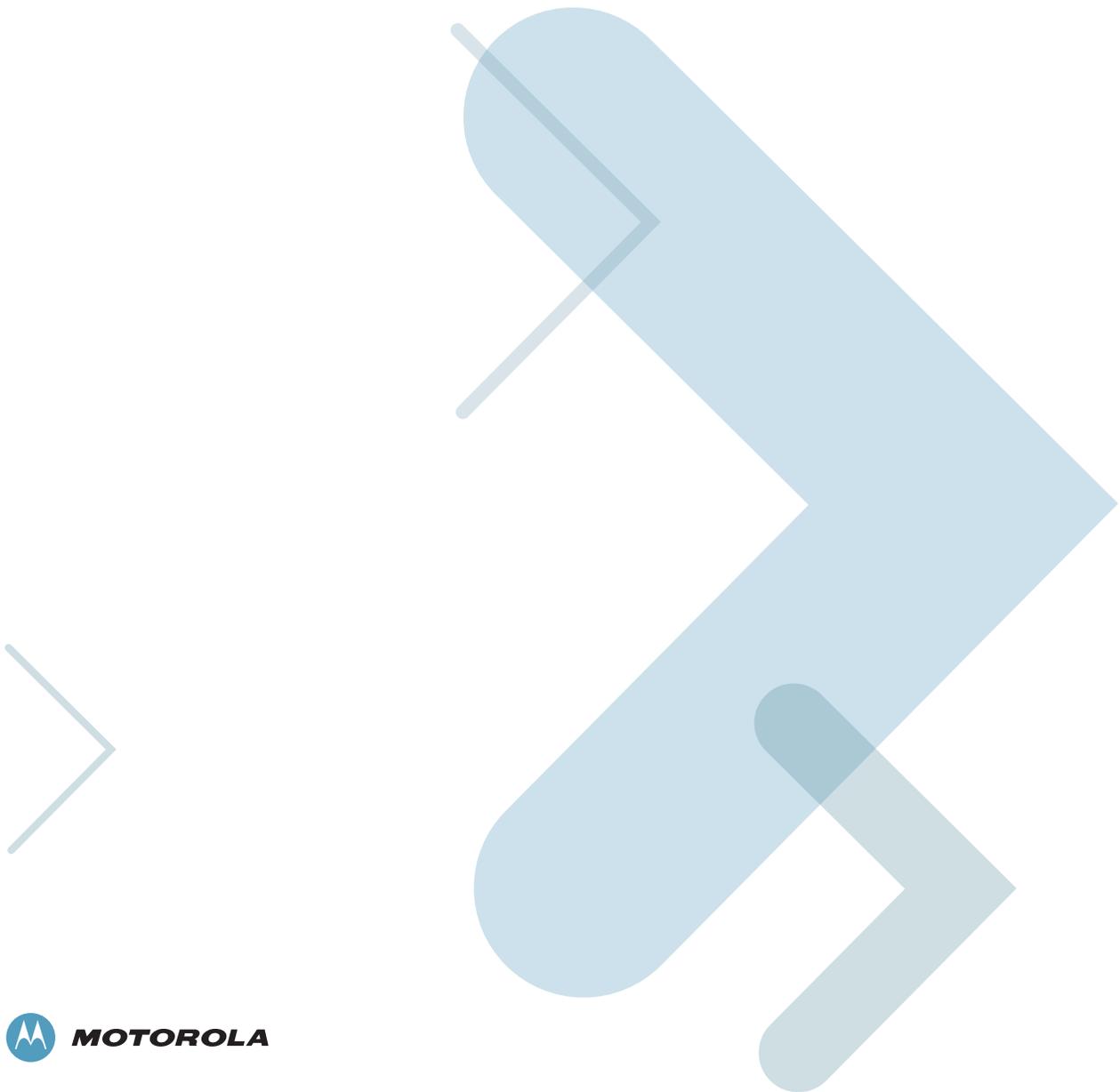
Motorola invented the first portable two-way radio, and has more than 65 years of experience delivering wireless communications systems for government and industry. Motorola has emerged as the recognized leader in digital two-way radio technology, with proven solutions in the mission critical, professional and unlicensed tiers.

Now Motorola is enabling innovative solutions for licensed professional tier. MOTOTRBO™ Professional Digital Two-way Radio System is a digital communications platform that combines the best of two-way radio with digital technology based on TDMA to deliver increased capacity and spectral efficiency, integrated data applications and enhanced voice communications. MOTOTRBO is specifically designed to meet the requirements of professional organizations that need a customizable business critical communication solution using licensed spectrum.

MOTOTRBO is a private system that can be tailored to meet the unique coverage and feature needs of group-oriented and dispatch environments. And, MOTOTRBO provides a rapid return on investment requiring only a small up-front investment with no recurring fees, and will typically pay for itself in less than 18 months compared with cellular or public carrier solutions.

For more information on the MOTOTRBO Professional Digital Two-way Radio System, visit www.motorola.com/mototrbo.





Motorola, Inc.
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Schaumburg, Illinois 60196 U.S.A.
www.motorola.com

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Billtrust CompleteBilling Service Agreement

This CompleteBilling Service Agreement (“Agreement”) is made as of this ____ day of _____, 2012 by and between City of Milford DE (“Customer”) having its principal place of business at 201 South Walnut Street, Milford, DE 19963 and Factor Systems, Inc. dba Billtrust, a DE corporation (“Billtrust”), having its principal place of business at 100 American Metro Blvd, Suite 150, Hamilton, NJ 08619.

Term: This Agreement is for one (1) year and will automatically renew for one-year periods. Customer may cancel this Agreement at any time and for any reason by notifying Billtrust in writing. Billtrust may terminate this Agreement only by giving written notice to Customer at least sixty days prior to the end of the current term.

Unconditional Guarantee: If at any time Customer is dissatisfied with the performance of Billtrust or for any other reason wishes to cease using the Billtrust CompleteBilling Service, Customer may terminate this Agreement by providing written notice to Billtrust.

Pricing: The pricing in Attachment 1 is guaranteed not to change for one year from the date of this Agreement. Any price increases in subsequent years will not exceed 5% per year and Billtrust will notify Customer in writing of such increases sixty (60) days in advance of their effective date. The pricing in Attachment 1 is based on Customer’s estimated monthly volume of 8,000 bills per month (bills are defined as any invoices, statements, credit memos, or late/service charge notices delivered by Billtrust in any paper or electronic format). Billtrust reserves the right to change this pricing by more than 5% per year if actual volumes are 10% or more below this volume.

Distribution Schedule: Billtrust guarantees that for all scheduled mailings that billing files are delivered electronically to Billtrust and approved by Customer (if applicable) by 11:59 PM Eastern time Sunday to Thursday and by 9:00 PM Eastern time on Fridays will be processed and delivered to the post office, web, email or fax the next day, Monday through Saturday (except postal holidays). Delivery to the post office on Saturdays is subject to regional post office availability. Billtrust will provide Customer with an emailed report on the same day that billing has been performed, detailing the number of statements sent by each delivery method.

Print and Mail Facilities: Billtrust will print and mail paper bills from its facilities currently located in NJ, IL and CA, and Billtrust certified print partner facilities currently located in TX, OR and FL. Additional charges apply for Canadian bills mailed from our Toronto facility. The future locations of any print and mail facilities are subject to change at the sole discretion of the management of Billtrust. Customer’s requirements for processing such as physical inserts and custom or preprinted materials will restrict Customer’s ability to utilize certain facilities.

Privacy: Billtrust respects Customer’s right to privacy and has a strict policy of never disclosing our Customers’ personal information. For details about our privacy policy, please see our website at www.billtrust.com.

Confidentiality: Billtrust will not disclose any information or data submitted by Customer to any third party without the Customer’s prior permission, unless Billtrust has a good faith belief that such action is necessary to (a) conform to legal requirements or comply with legal process or (b) protect and defend the rights or property of Billtrust. Billtrust will notify Customer in writing prior to the release of any information. Customer will not disclose any information or data submitted by Billtrust to any third party without Billtrust’s prior permission, including but not limited to the terms of this contract and trade or other proprietary secrets or technology related to Billtrust’s services.

Security: Billtrust employs numerous security measures to protect Customer’s personally identifiable information, including data encryption, SSL (Secure Socket Layer) encryption for all web transactions, shredding of confidential documents, and appropriate employee procedures.



Prepaid Postage Account: If client chooses to utilize Billtrust paper and mail services, Billtrust will establish a prepaid postage account for Customer. Two (2) months of estimated postage will be billed by Billtrust and must be paid prior to the first live processing of Customer’s bills. Bills will not be mailed if Customer has depleted or exceeded its prepaid postage account. If this Agreement is terminated by either party, funds in this account may be applied to Customer’s open balance and any amount remaining will be refunded to Customer.

Payment: Billtrust invoices are payable upon receipt. Interest will accrue at the rate of one percent per month (12% per annum) for any balances that exceed thirty (30) days. Payment may be made by company check or ACH.

Taxes: All fees charged by Billtrust are exclusive of any sales, use, value added (VAT), consumption, receipts and/or other such taxes or duties, however designated (collectively "Taxes"). Customer shall pay these taxes; except for taxes based on Billtrust's net income, unless Customer provides to Billtrust an appropriate certificate of exemption from the applicable taxing authority.

Online Billing ACH Payments: This section is applicable if Customer licenses Online Billing and elects to utilize Billtrust’s bank processor for ACH payments from Customer’s clients (“Clients”). For risk management, the maximum ACH payment allowed through Online Billing is \$2,500 and there is a one (1) business day holding period for processing of ACH returns. Customer agrees to return any funds and hold Billtrust harmless for ACH transactions that are returned from a Client’s account. If an ACH transaction is returned after one day (“Reversal”), Billtrust will either deduct this amount from the next scheduled ACH payment to Customer processed through Online Billing or debit via ACH the bank account of Customer. Customer agrees to provide Billtrust an exception to any debit blocks associated with its bank account used to process ACH payments in order for Billtrust to process Reversals. If Billtrust is unable to recover the full amount of the returned funds within three (3) business days, Billtrust may suspend all services under this Agreement until the funds are received. The provisions of this section will remain in force and effect beyond the termination or expiration of this Agreement.

Indemnification; Limit of Liability: Customer agrees to indemnify and hold harmless Billtrust, and its employees, agents, officers and directors, from any third party claims and liabilities, including costs and expenses, as a result of services provided under this Agreement, except to the extent determined to result from the gross negligence or willful misconduct of Billtrust. Customer agrees that Billtrust’s maximum liability to Customer for any negligent errors or omissions committed by Billtrust in the performance of services will be limited to direct damages only and the amount will not exceed the Billtrust non-postage fees for services for the six (6) months prior to the event that caused the liability.

Force Majeure: A party shall not be considered in default in performance of its obligations should their execution be delayed by any act or cause, which is beyond the reasonable control of such party.

Billtrust

Customer

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



Attachment 1 - Pricing

Pricing – Paper Billing, eLockbox and CustomerCare		US \$
One Time Setup		\$1,495.00
<ul style="list-style-type: none"> • Document Design for up to two (2) forms • Parsing of data for up to two (2) billing files • Paper Billing with guaranteed next day turnaround • CompleteMessaging for customized bill communication messages designed online • CustomerCare for easy access to electronic documents and reports • eLockbox for converting paper checks from online banking sites into ACH payments • Testing, quality assurance and training on all of the above 		
Monthly Maintenance		\$100.00
<ul style="list-style-type: none"> • Unlimited Customer Service help desk support • Hosting and new versions of CustomerCare and CompleteMessaging. Includes up to 25 users of CustomerCare. Add \$5 per month for additional users beyond 25. 		
Item Processing – Paper Documents (based on ~8,000 bills per month)		
<ul style="list-style-type: none"> • Printing, folding, inserting, sealing, and delivery to post office. Includes blank high-speed laser stock with horizontal micro-perforation, #10 double window envelope, # 9 business reply envelope and SmartTrak postal tracking. Add \$0.05 for dynamic four color printing on the front. Add \$0.06 if mailed to Canada. \$0.20 • Multi-page fee for printing and inserting additional pages beyond the first page in the envelope. Add \$0.02 if mailed to Canada. \$0.05 • Pre-printed inserts you provide (add \$0.01 if folding is required) \$0.01 • Handling and materials fee for 6 x 9 envelopes with 6-12 pages \$0.07 • Handling and materials fee for 9 x 12 envelopes with 13 or more pages \$0.30 • Postage (Pre-sorted First Class) passed through at actual expense. Depends on density and volume. \$0.36 (estimated) 		
Item Processing – Electronic Bills & Payments		
<ul style="list-style-type: none"> • Storage of PDF images of documents for 1 year for access by CustomerCare users (additional years \$0.005 per bill) \$0.01 • Fax fee (US and Canada) per page for resends through CustomerCare (e-mail resends are free) \$0.09 • E-Lockbox payments \$0.25 		
Insert 360 marketing inserts provided in PDF format		
<ul style="list-style-type: none"> • Printed bills – see multi-page fee and duplex fee if applicable above 		
Options		
<ul style="list-style-type: none"> • Custom programming per hour (variable marketing inserts, special projects, etc.) \$150.00 • Setup fee for additional forms/billing files beyond the ones included in Setup above \$1,000.00 		

Pricing is guaranteed through September 30, 2012

MEADOWS AT SHAWNEE H.O.A.

BASIS OF TAX ASSESSMENT

3-30-11.00 791.00

	Initials	Date
Prepared By		
Approved By		

© WILSON JONES G7204 GREEN

1	2	3	4	PROPERTY PARCEL # ↓ TAX YEAR	ASSESSMENT ↓	RATE	TAX
1				3-30-11.00 - 79D.00			
2				.574 ACRE			
3				TAX YR 08 10/1/08 - 9/30/09			
4				" " 09 10/1/09 - 9/30/10			74.01
5				" " 10 10/1/10 - 9/30/11	16300	.46/100	.73
6				" " 11 10/1/11 - 9/30/12	16300	.46/100	74.98
7							74.98
8							15070
9				12 10/1/12 - 9/30/13	43800	EST. PROJECTION	201
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11							
12							
13							
14				3-30-11.00 - 791.00			
15				8.9 ACRES			
16				TAX YR 10 10/1/10 - 9/30/11	125900	.46/100	
17				" " 11 10/1/11 - 9/30/12	125900	.46/100	579.14
18							579.14
19							
20				12 10/1/12 - 9/30/13	62300	EST. PROJECTION	286
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2 The Circle (PO Box 589), Georgetown, DE 19947 | (302) 855-7700 | 7-1-1 (in-state TTY)



- Government
- Residents
- Visitors
- Business
- Online Services
- About SC

Home > Online Services > Property Tax Information > Tax Search > General Information

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General Information

PROPERTY DETAILS

- General Information
- Payment Status
- Appraisal & Assessment Info
- Sales Info
- Property Description
- Council District
- Tax Summary
- County Taxes
- School Taxes
- Change Billing Address
- Map of Property

District-Map-Parcel:	3-30 11.00 790.00
Owner(s) Names	MEADOWS AT , SHAWNEE HOMEOWNERS ASSOCIATION INC
Property Address	MEADOWS AT SHAWNEE OPEN AREA
Billing Address	2044 SUNSET LAKE RD NEWARK , DE 19702
Land Use	Miscellaneous
Zoning	-No Zoning Code Specified-
Town/Municipality	Millford
Fire District(s)	Not Specified Fire District
Tax Ditch(es)	-No Ditch Records-
Sewer/Water District	-No Sewer Records-

SEARCH

Quick Links

Privacy/ADA

2 The Circle (PO Box 589), Georgetown, DE 19947 | (302) 855-7700

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SussexCounty, Delaware

Treasury Division

P.O. Box 429, Georgetown, DE 19947-0429

(302) 855-7760

Tax Summary

Detailed property Information for : 3-30 11.00 790.00

Owners Name(s):

MEADOWS AT
SHAWNEE HOMEOWNERS

District - Map - Parcel

3-30 11.00 790.00

Billing Address:

MEADOWS AT
SHAWNEE HOMEOWNERS

Additional Owners:

2044 SUNSET LAKE RD
NEWARK , DE 19702

Property Description:

MEADOWS AT SHAWNEE
OPEN AREA

Deed Book Information:

Deed Book : 3662
Deed Page: 212

School District:

Milford School District

Property Appraised Value Information:

Land Appraised Value:	\$4,000.00
Improvement(s) Appraised Value:	\$0.00
Total Appraised Value:	\$4,000.00

Other Property Information:

Land Use: Miscellaneous

Acres: 2.01

Town: Milford

Fire Districts: Fire District

2 The Circle (PO Box 589), Georgetown, DE 19947 | (302) 855-7700 | 7-1-1 (in-state TTY)



- Government
- Residents
- Visitors
- Business
- Online Services
- About SC

Home > Online Services > Property Tax Information > Tax Search > General Information

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General Information

PROPERTY DETAILS

- **General Information**
- **Payment Status**
- **Appraisal & Assessment Info**
- **Sales Info**
- **Property Description**
- **Council District**
- **Tax Summary**
- **County Taxes**
- **School Taxes**
- **Change Billing Address**
- **Map of Property**

District-Map-Parcel:	3-30 11.00 791.00
Owner(s) Names	MEADOWS AT , SHAWNEE HOMEOWNERS ASSOCIATION INC
Property Address	MEADOWS AT SHAWNEE S W M
Billing Address	2044 SUNSET LAKE RD NEWARK , DE 19702
Land Use	Miscellaneous
Zoning	-No Zoning Code Specified-
Town/Municipality	Milford
Fire District(s)	Not Specified Fire District
Tax Ditch(es)	-No Ditch Records-
Sewer/Water District	-No Sewer Records-

SEARCH

Quick Links

PrivacyADA

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SussexCounty, Delaware

Treasury Division

P.O. Box 429, Georgetown, DE 19947-0429

(302) 855-7760

Tax Summary

Detailed property Information for : 3-30 11.00 791.00

Owners Name(s):

MEADOWS AT
SHAWNEE HOMEOWNERS

District - Map - Parcel

3-30 11.00 791.00

Billing Address:

MEADOWS AT
SHAWNEE HOMEOWNERS

Additional Owners:

2044 SUNSET LAKE RD
NEWARK , DE 19702

Property Description:

MEADOWS AT SHAWNEE
S W M

Deed Book Information:

Deed Book : 3662
Deed Page: 212

School District:

Milford School District

Property Appraised Value Information:

Land Appraised Value:	\$2,400.00
Improvement(s) Appraised Value:	\$0.00
Total Appraised Value:	\$2,400.00

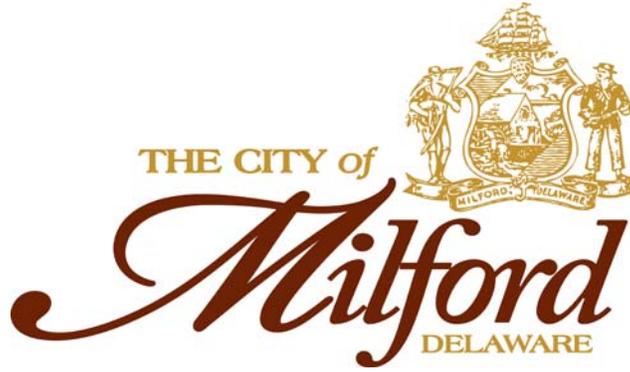
Other Property Information:

Land Use: Miscellaneous

Acres: 6.89

Town: Milford

Fire Districts: Fire Distrctct



MILFORD CITY HALL
201 SOUTH WALNUT STREET
MILFORD, DELAWARE 19963

OFFICE OF THE MAYOR
TELEPHONE 302-424-3712
FAX 302-424-3558

Date:

RE: Appointment of DEMEC Director and Alternate Director

Dear Patrick E. McCullar:

In accordance with Article III of the By-Laws of the Delaware Municipal Electric Corporation, the city council of Milford, Delaware is confirming the appointment of their DEMEC Director and Alternate Director as follows:

DEMEC Director: _____

DEMEC Alternate Director: _____

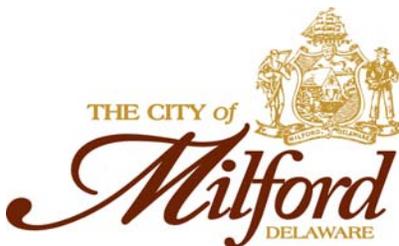
Directors, and Alternate Directors in the absence of the first named director, have the authority to vote and act with full authority. These appointments were approved by the Milford City Council at their **(Date)** council meeting. You will be advised in writing of any changes to these designations.

Sincerely,

Name

Title

(Please attach minutes of the board meeting confirming these appointments.)



OFFICE OF THE CITY MANAGER
P 302.424.3712, F 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

September 21, 2011

City Council
City of Milford
201 S Walnut Street
Milford, DE 19963

Dear Council Members,

The City of Milford has acquired two parcels of land, one inside City limits and the other outside of City limits, for the purpose of constructing an electric substation.

The City Planner is in the process of updating our Comprehensive Plan to include the "Calhoun" in our urban growth boundary and once complete will have the amended Comp Plan certified by the State. In the meantime, I respectfully request you consider annexation of the parcel contingent upon certification and waive the utility agreement requirement due to the property being owned by the City.

The property is described as tax map and parcel number 1-30-6.00-99.02 p/o, located on South DuPont Blvd, consisting of 3.23 acres (4.23 acres for the entire parcel) in Sussex County, Delaware. Currently the property is zoned AR-1 in Sussex County and we are seeking it be zoned C-3, Highway Commercial, in the City of Milford.

The property is contiguous to the City of Milford corporate boundaries as indicated on the included survey. Also included, please find a copy of the most current recorded deed and a legal description for the property.

If I can be of any assistance, please contact me at (302) 424-3712 ext 304.

Sincerely,

Richard D. Carmean
City Manager

Witness

RE: TM# 1-30-6.00-94.00 P/O

All that certain lot, piece and parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, and the State of Delaware, as depicted on a plat titled Property Conveyances to The City of Milford by Bob Nash Associates, dated 29 July 2011, as recorded at the Sussex County Recorder of Deeds in plot book 161 page 54, lying west of but not adjacent to the westerly right-of-way line of U.S. Route 113, adjoining lands now or formerly of Bruce N. and Susan P. Geyer and Joan L. Palmer, lands now or formerly of Preston L. and Betty A. Nailor, residual lands of Calhoun Farms, L.P., lands now or formerly of the Delaware Solid Waste Authority, and being more particularly described as follows, to wit:

Beginning at a found capped rebar at a common corner for lands now or formerly of the Delaware Solid Waste Authority (DSWA) and lands now or formerly of Bruce N. and Susan P. Geyer and Joan L. Palmer, said point being distant 0.85 miles from the centerline of County Road 207; and following the common line between said DSWA lands and Geyer/Palmer lands North 84 degrees 40 minutes 57 seconds West 297.99 feet to the said rebar at a corner for said Geyer/Palmer lands and the point of beginning, thence following said Geyer/Palmer lands, South 42 degrees 57 minutes 23 seconds East 85.77 feet to a set capped rebar at a corner for lands now or formerly of Preston L. and Betty A. Nailor, thence following said Nailor lands, South 03 degrees 18 minutes 53 seconds East 29.42 feet to a set capped rebar at a point on line of said Nailor lands, thence leaving said Nailor lands and proceeding through said Calhoun lands with newly established lines the following three (3) courses and distances:

- 1) North 49 degrees 33 minutes 34 seconds West 214.02 feet to a set capped rebar,
- 2) North 84 degrees 41 minutes 09 seconds West 608.14 feet to a set capped rebar and
- 3) North 05 degrees 18 minutes 38 seconds East 406.86 feet to a found capped rebar at a corner for lands now or formerly of DSWA

Thence following said DSWA lands the following two (2) courses and distances:

1. South 53 degrees 15 minutes 16 seconds East 808.47 feet to a found capped rebar and finally,
2. South 42 degrees 57 minutes 23 seconds East 33.41 feet to the place of beginning, containing 3.230 acres of land, more or less.

City of Milford
RESOLUTION 2012-10

Annexation/Lands belonging to the City of Milford
Tax Parcel 1-30-6.00-94.00 P/O
3.23 +/- Acres (entire Parcel is 4.23 +/- Acres
Current Zone AR-1/Proposed Zone C-3

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owner and duly witnessed, requesting annexation into the City of Milford, land situated west of US Route 113, south of the Delaware Solid Waste Authority Transfer Station, approx 1.38 miles south of the Cypress Hall entrance, Sussex County, legally described as follows:

RE: TM# 1-30-6.00-94.00 P/O

All that certain lot, piece and parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, and the State of Delaware, as depicted on a plat titled Property Conveyances to The City of Milford by Bob Nash Associates, dated 29 July 2011, as recorded at the Sussex County Recorder of Deeds in plot book 161 page 54, lying west of but not adjacent to the westerly right-of-way line of U.S. Route 113, adjoining lands now or formerly of Bruce N. and Susan P. Geyer and Joan L. Palmer, lands now or formerly of Preston L. and Betty A. Nailor, residual lands of Calhoun Farms, L.P., lands now or formerly of the Delaware Solid Waste Authority, and being more particularly described as follows, to wit:

Beginning at a found capped rebar at a common corner for lands now or formerly of the Delaware Solid Waste Authority (DSWA) and lands now or formerly of Bruce N. and Susan P. Geyer and Joan L. Palmer, said point being distant 0.85 miles from the centerline of County Road 207; and following the common line between said DSWA lands and Geyer/Palmer lands North 84 degrees 40 minutes

57 seconds West 297.99 feet to the said rebar at a corner for said Geyer/Palmer lands and the point of beginning, thence following said Geyer/Palmer lands, South 42 degrees 57 minutes 23 seconds East 85.77 feet to a set capped rebar at a corner for lands now or formerly of Preston L. and Betty A. Nailor, thence following said Nailor lands, South 03 degrees 18 minutes 53 seconds East 29.42 feet to a set capped rebar at a point on line of said Nailor lands, thence leaving said Nailor lands and proceeding through said Calhoun lands with newly established lines the following three (3) courses and distances:

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Thence following said DSWA lands the following two (2) courses and distances:

1. South 53 degrees 15 minutes 16 seconds East 808.47 feet to a found capped rebar and finally,
2. South 42 degrees 57 minutes 23 seconds East 33.41 feet to the place of beginning, containing 3.230 acres of land, more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Katrina Wilson, Douglas Morrow, S. Allen Pikus and Planning Commission Chairman Charles Rini.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

City Clerk

Adopted: August 13, 2012

CITY OF MILFORD
Ordinance 2012-15
Annexation and Zoning/Lands the City of Milford

NOTICE IS HEREBY GIVEN the following ordinance is under consideration by the Planning Commission and City Council:

Owner: City of Milford
Tax Parcel 1-30-6.00-94.00 P/O
3.23 +/- Acres (entire Parcel is 4.23 +/- Acres
Current Zone AR-1/Proposed Zone C-3

An Ordinance to Amend the Zoning Designation of the parcel of land, under the legal ownership of the City of Milford, Tax Parcel 1-30-6.00-94.00 (P/O), situated west of US Route 113, south of the Delaware Solid Waste Authority Transfer Station, approximately 1.38 miles south of the Cypress Hall entrance, Sussex County, upon its annexation into the City of Milford, by resolution as adopted by the City Council of Milford, Delaware.

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

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

WHEREAS, the land owned by the City of Milford is presently zoned by Sussex County as "AR-1" (Agricultural Residential District), and

WHEREAS, the City Council referred the zoning of the affected territory to the Planning and Zoning Commission for a report and recommendation and after a due hearing on August 23, 2012 as provided by law, the Zoning Commission made its recommendation to City Council, and

WHEREAS, following a Public Hearing held on August 27, 2012 and consideration of the recommendation of the City Annexation Committee, City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

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

All that certain lot, piece and parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, and the State of Delaware, as depicted on a plat titled Property Conveyances to The City of Milford by Bob Nash Associates, dated 29 July 2011, as recorded at the Sussex County Recorder of Deeds in plot book 161 page 54, lying west of but not adjacent to the westerly right-of-way line of U.S. Route 113, adjoining lands now or formerly of Bruce N. and Susan P. Geyer and Joan L. Palmer, lands now or formerly of Preston L. and Betty A. Nailor, residual lands of Calhoun Farms, L.P., lands now or formerly of the Delaware Solid Waste Authority, and being more particularly described as follows, to wit:

Beginning at a found capped rebar at a common corner for lands now or formerly of the Delaware Solid Waste Authority (DSWA) and lands now or formerly of Bruce N. and Susan P. Geyer and Joan L. Palmer, said point being distant 0.85 miles from the centerline of County Road 207; and following the common line between said DSWA lands and Geyer/Palmer lands North 84 degrees 40 minutes 57 seconds West 297.99 feet to the said rebar at a corner for said Geyer/Palmer lands and the point of beginning, thence following said Geyer/Palmer lands, South 42 degrees 57 minutes 23 seconds East 85.77 feet to a set capped rebar at a corner for lands now or formerly of Preston L. and Betty A. Nailor, thence following said Nailor lands, South 03 degrees 18 minutes 53 seconds East 29.42 feet to a set capped rebar at a point on line of said Nailor lands, thence leaving said Nailor lands and proceeding through said Calhoun lands with newly established lines the following three (3) courses and distances:

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Thence following said DSWA lands the following two (2) courses and distances:

1. South 53 degrees 15 minutes 16 seconds East 808.47 feet to a found capped rebar and finally,
2. South 42 degrees 57 minutes 23 seconds East 33.41 feet to the place of beginning,

containing 3.230 acres of land, more or less,

upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as C-3 (Highway Commercial District).

Dates:

Introduction: August 13, 2012

Planning Commission Review: August 23, 2012

Adoption Date: August 27, 2012

Effective Date: September 6, 2012

1.04 - Annexation

(c) Annexation Agreement.

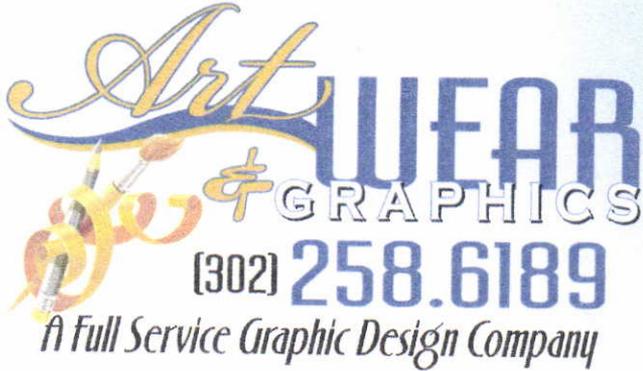
Notwithstanding any provision herein to the contrary, where, pursuant to §1.04(a) or (b) of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the City, such petition may be made contingent upon an annexation agreement with the City which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities and public improvements. In the event the City Council approves such an agreement and votes to accept a petition under this §1.04 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure.

The resolutions and notices adopted by the City Council shall recite that the proposed annexation includes and is subject to an annexation agreement. The resolution and ballots, if an election is required, annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by specific reference. An annexation agreement may be modified or amended by mutual agreement of the petitioner and the City Council at any time prior to the resolution adopted by City Council annexing the land into the City of Milford, or prior to the resolution ordering the special election pursuant to §1.04 of this Charter. In any event, the Annexation Agreement shall run with the land and be recorded with the annexation resolution.

Name / Address
City of Milford Scott Angelucci Milford, DE 19963

Estimate

Date	Estimate #
6/22/2012	0009



205 Montgomery Street Milford, DE 19963

Description	Qty	Rate	Total
Custom Formed Plastic Letters Flat-Face 10' M Total Size - 415 inches - 34.58 Feet PMS Color Match		13,440.00	13,440.00
Custom Formed Plastic Letters Prismatic-Face 10' M Total Size - 415 inches - 34.58 Feet PMS Color Match		13,650.00	13,650.00
Total			\$27,090.00

Thank You

William Steele Welding & Fabrication L.L.C.

Estimate

200 Mullet Run St.
Milford, DE 19963

Date	Estimate #
6/25/2012	287

Name / Address
CITY OF MILFORD P.O. BOX 159 MILFORD, DE 19963

Project

Description	Qty	Cost	Total
2" X 2" X 1/8" STEEL BOX TUBING X 20'	10	52.25	522.50
3/4" X #9 EXPANDED METAL 60" X 120"	6	93.76	562.56
4" X 4" X 1/4" STEEL BOX TUBING X 20'	1	207.93	207.93
2 YARDS OF CONCRETE	1	300.00	300.00
CRANE RENTAL \$100.00 PER HOUR 4 HOUR MINUIM	4	100.00	400.00
ON SITE WORK, DIGGING OF FOOTER, PREPARE FOR CONCRETE AND SIGN POST	4	85.00	340.00
WELDING & FABRICATION OF MAKING A SIGN FRAME, SEE DRAWINGS, IN SHOP WORK, 1 WELDER	16	75.00	1,200.00
1 WELDERS HELPER FOR ABOVE JOB	16	35.00	560.00
ON SITE WELDING AND SETTING OF SIGN FRAME 1 WELDER	6	85.00	510.00
1 WELDERS HELPER	6	35.00	210.00
2ND WELDERS HELPER	6	35.00	210.00
IF YOU WANT US TO PAINT SAME	4	35.00	140.00
2ND PAINTER	4	35.00	140.00
1 GAL OF SHERWIN WILLIAMS PAINT, WITH PRIMER IN SAME.	1	80.00	80.00
THANK YOU AND MAY GOD BLESS YOU		Total	\$5,382.99



KENT ECONOMIC PARTNERSHIP, INC.

555 Bay Road, DOVER, DELAWARE 19901 - (302) 678-3028
FAX-(302) 736-2279

Dennis Klima
Board Chairperson

James G. Waddington
Director

June 25, 2012

Town of Milford
Mr. Richard Carmean
201 S. Walnut St.
Milford, DE 19963

Dear Mr. Carmean,

The Kent Economic Partnership Inc., (KEP, Inc) is the official economic development organization that has been promoting Kent County as a location for business and industry for 30 years. Previous names for the Partnership included the "Forward Central Delaware Committee", and more recently the "Central Delaware Economic Development Council" (CDEDC).

Under the capable leadership of Daniel Wolfensberger, the "Kent Economic Partnership" was incorporated in July 2008, and in December of 2009 it received it's IRS 501(c) 3 not for profit designation. In August of 2011, Mr. Wolfensberger resigned as the CEO of KEP, Inc. to accept the position of President of First State Trading Enterprises, Inc.

In October of this year the Kent County Levy Court and the Partnership named James G. Waddington as the Kent County Economic Development Director, and the Director of KEP, Inc. and the offices of the KEP were moved to the Levy Court Building. The Levy Court is assuming all payroll and office costs in this tough economy to insure that 100% of our funding partner contributions go entirely to marketing and promotion.

The Kent Economic Partnership continues to promote Kent County as a desirable place to do business. Our mission is to support and encourage business retention and business expansion while seeking to attract new business. In order to do that effectively we rely on private sector contributions like yours. Please note that all contributions continue to be fully tax deductible. Checks should be made out to "Kent Economic Partnership" and mailed to our office.

Sincerely,

Dennis Klima
Chair

James G. Waddington
Director

PARTNERSHIP COMMITMENT FORM

COMPANY: _____

CONTACT: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____

E-MAIL: _____

Yes! We want to contribute to the Kent Economic Partnership efforts. Enclosed is our check in the amount of:

\$ _____

Please make all checks payable to the Kent Economic Partnership and send it to : Kent Economic Partnership 555 Bay Road Dover, DE 19901. (302) 678-3028

PLEASE NOTE THAT 100% OF THE AMOUNT IS TAX DEDUCTIBLE.

**CITY OF MILFORD
FUND BALANCES REPORT**

JUNE 2012

Cash Balance - General Fund Bank Balance	\$1,110,594
Cash Balance - Electric Fund Bank Balance	\$5,210,160
Cash Balance - Water Fund Bank Balance	\$1,797,089
Cash Balance - Sewer Fund Bank Balance	\$544,058
Cash Balance - Trash Fund Bank Balance	\$675,334

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Water Bond Escrow</u>
Beginning Cash Balance	393,544	887,165	340,136	412,177
Deposits		4,780	18,545	
Interest Earned this Month	56	129	46	
Disbursements this Month	(9,215)		(41,667)	
Investments			1,607,464	
Ending Cash Balance	\$384,385	\$892,074	\$1,924,524	\$412,177

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	428,322	1,689,022	1,332,459	3,250,232
Deposits				
Interest Earned this Month	12,934	6,875	3,907	12,930
Disbursements this Month	(936)		(49,900)	
Investments	2,625,513	2,471,429	2,093,498	7,193,977
Ending Cash Balance	\$3,065,833	\$4,167,326	\$3,379,964	\$10,457,139

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>
Beginning Cash Balance	112	\$505	\$622
Deposits	77,688	\$41,076	
Interest Earned this Month			
Disbursements this Month			
Investments	926,157	\$670,755	\$260,185
Ending Cash Balance	\$1,003,957	\$712,336	\$260,807

INTEREST THROUGH THE TWELTH MONTH OF THE FISCAL YEAR:

General Fund	7,734	Water Fund	1,766
GF Capital Reserves	32,967	Water Bond Escrow	20
General Improvement Fund	244	Water Capital Reserves	50,873
Municipal Street Aid	792	Water Impact Fees	4,250
Real Estate Transfer Tax	17,044	Sewer Fund	460
Electric Fund	5,592	Sewer Capital Reserves	39,643
Electric Reserves	107,420	Sewer Impact Fees	3,125
Electric Impact Fees	1,250	Trash Fund	2,090

TOTAL INTEREST EARNED TO DATE \$275,270

REVENUE REPORT

Page Two

JUNE 2012

100% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%
Budgeted Fund Balance	421,235	0	421,233	100.00%
General Fund Capital Reserves	369,984	27,306	266,497	72.03%
Municipal Street Aid	195,000	179,280	179,280	91.94%
Property Transfer Tax-Police	500,000	41,666	500,000	100.00%
Real Estate Tax	3,004,155	2,167	3,007,326	100.11%
Business License	35,000	2,230	37,305	106.59%
Rental License	85,000	500	84,275	99.15%
Building Permits	50,000	43,133	102,158	204.32%
Planning & Zoning	20,000	3,700	26,378	131.89%
Misc. Revenues	319,776	118,680	322,420	100.83%
Transfers From	3,215,480	267,956	3,215,480	100.00%
Police Revenues	287,000	119,951	320,221	111.58%
Total General Fund Revenues	\$8,502,630	\$806,569	\$8,482,573	99.76%
Water Revenues	2,245,517	240,004	2,521,265	112.28%
Sewer Revenues	1,914,725	175,375	2,141,857	111.86%
Kent County Sewer	1,521,437	124,390	1,521,437	100.00%
Solid Waste Revenues	1,126,000	75,592	1,158,088	102.85%
Electric Revenues	27,925,500	2,055,675	25,674,725	91.94%
TOTAL REVENUES	\$43,235,809	\$3,477,605	\$41,499,945	95.99%
YTD Enterprise Expense		79,603		
YTD Enterprise Revenue		80,737		
LTD Carlisle Fire Company Building Permit Fund		64,604		

EXPENDITURE REPORT

Page Three

JUNE2012

100% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	448,761	\$53,835	457,884	102.03%	(9,123)
O&M	105,512	\$6,650	100,485	95.24%	5,027
Capital	29,163	\$29,163	29,163	100.00%	0
Total City Manager	\$583,436	\$89,648	\$587,532	100.70%	(4,096)
Planning & Zoning					
Personnel	123,335	\$11,908	121,004	98.11%	2,331
O&M	54,935	\$4,452	34,143	62.15%	20,792
Capital	0	\$0	0		0
Total P, C & I	\$178,270	\$16,360	\$155,147	87.03%	23,123
Code Enforcement & Inspections					
Personnel	130,715	\$15,123	130,637	99.94%	78
O&M	73,952	\$6,996	66,582	90.03%	7,370
Capital	0	\$0	0		0
Total P, C & I	\$204,667	\$22,119	\$197,219	96.36%	7,448
Tax Department					
Personnel	51,155	\$0	\$44,003	86.02%	7,152
O&M	13,265	\$113	\$13,952	105.18%	(687)
Capital	0	\$0	\$0		0
Total Tax Department	\$64,420	\$113	\$57,955	89.96%	6,465
Council					
Personnel	30,722	\$3,410	30,245	98.45%	477
O&M	42,775	\$1,398	39,767	92.97%	3,008
Council Expense	19,143	\$1,013	19,143	100.00%	0
Contributions	447,735	\$0	447,733	100.00%	2
Codification	4,000	\$4,000	4,000	100.00%	0
Employee Recognition	8,572	\$0	8,571	99.99%	1
Insurance	16,000	\$0	16,209	101.31%	(209)
DML-Tree and Grate Project	175,560	\$0	175,559	100.00%	1
Wawa-Sale Expenses	15,000	\$0	15,063	100.42%	(63)
Total Council	\$759,507	\$9,821	\$756,290	99.58%	\$3,217
Finance					
Personnel	321,855	\$35,601	320,447	99.56%	1,408
O&M	54,600	\$4,585	37,632	68.92%	16,968
Capital	0	\$0	0		0
Total Finance	\$376,455	\$40,186	\$358,079	95.12%	18,376
Information Technology					
Personnel	165,870	\$17,810	165,583	99.83%	287
O&M	173,250	\$8,851	167,243	96.53%	6,007
Capital	13,000	\$0	12,990	99.92%	10
Total Information Technology	\$352,120	\$26,661	\$345,816	98.21%	6,304

EXPENDITURE REPORT

Page Four

JUNE 2012

100% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,526,670	\$383,641	3,399,301	96.39%	127,369
O&M	475,120	\$34,126	462,578	97.36%	12,542
Capital	85,495	\$0	83,376	97.52%	2,119
Total Police	\$4,087,285	\$417,767	\$3,945,255	96.53%	142,030
Streets & Grounds Division					
Personnel	407,665	\$42,693	397,582	97.53%	10,083
O&M	450,900	\$75,429	414,479	91.92%	36,421
Capital	225,000	\$209,280	209,280	93.01%	15,720
Debt Service	46,115	\$2,328	38,304	83.06%	7,811
Total Streets & Grounds	\$1,129,680	\$329,730	\$1,059,645	93.80%	70,035
Parks & Recreation					
Personnel	474,915	\$62,098	469,458	98.85%	5,457
O&M	236,875	\$10,181	209,382	88.39%	27,513
Capital	55,000	\$10,366	52,465	95.39%	2,535
Total Parks & Recreation	\$766,790	\$82,645	\$731,285	95.37%	35,505
Total General Fund					
Operating Budget	\$8,502,630	\$1,035,050	\$8,194,223	96.37%	308,407

EXPENDITURE REPORT

Page Five

JUNE 2012

100 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	217,500	\$23,194	206,872	95.11%	10,628
O&M	1,199,827	\$126,098	1,025,615	85.48%	174,212
Capital	25,000	\$0	24,877	0.00%	123
Debt Service	803,190	\$332,773	719,316	89.56%	83,874
Total Water	\$2,245,517	\$482,065	\$1,976,680	88.03%	268,837
Sewer Division					
Personnel	217,500	\$23,192	206,856	95.11%	10,644
O&M	1,040,500	\$92,574	1,105,520	106.25%	(65,020)
Capital	0	\$0	0		0
Debt Service	656,725	\$287,312	579,439	88.23%	77,286
Sewer Sub Total	\$1,914,725	\$403,078	\$1,891,815	98.80%	22,910
Kent County Sewer	1,521,437	\$124,206	1,521,437	100.00%	0
Total Sewer	\$3,436,162	\$527,284	\$3,413,252	99.33%	22,910
Solid Waste Division					
Personnel	335,485	\$36,280	321,253	95.76%	14,232
O&M	722,320	\$57,596	696,287	96.40%	26,033
Capital	68,195	\$68,195	68,195	100.00%	0
Total Solid Waste	\$1,126,000	\$162,071	\$1,085,735	96.42%	40,265
Total Water, Sewer Solid Waste					
	\$6,807,679	\$1,171,420	\$6,475,667	95.12%	332,012
Electric Division					
Personnel	948,553	\$111,093	958,666	100.86%	(8,113)
O&M	1,862,682	\$180,907	1,593,573	85.55%	269,109
Transfer to General Fund	2,500,000	\$208,333	2,500,000	100.00%	0
Capital	946,710	\$288,220	482,350	50.95%	464,360
Debt Service	667,555	\$269,320	667,554	100.00%	1
Electric Sub Total	\$6,925,500	\$1,057,873	\$6,200,143	89.53%	725,357
Power Purchased	21,000,000	\$1,605,470	18,871,054	89.86%	2,128,946
Total Electric	\$27,925,500	\$2,663,343	\$25,071,197	89.78%	2,854,303
TOTAL OPERATING BUDGET					
	\$43,235,809	\$4,869,813	\$39,741,087	91.92%	3,494,722

INTERSERVICE DEPARTMENTS REPORT

Page Six

JUNE 2012

ACCOUNT	AMOUNT BUDGETED	MTD	100% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
Garage					
Personnel	91,865	7,223	67,609	73.60%	24,256
O&M	61,940	6,280	54,895	88.63%	7,045
Capital	0	0	0		0
Total Garage Expense	\$153,805	13,503	\$122,504	79.65%	31,301
Public Works					
Personnel	338,940	73,452	371,093	109.49%	(32,153)
O&M	190,870	12,952	153,465	80.40%	37,405
Capital	0	0	0		0
Total Public Works Expense	\$529,810	86,404	\$524,558	99.01%	5,252
Meter Department-Water					
Personnel	120,315	13,620	122,917	102.16%	(2,602)
O&M	68,950	(3,865)	37,062	53.75%	31,888
Capital	60,000	0	0	0.00%	60,000
Total Water Meter Expense	\$249,265	9,755	\$159,979	64.18%	89,286
Meter Department-Electric					
Personnel	229,635	19,204	189,459	82.50%	40,176
O&M	139,550	45,596	108,226	76.12%	33,324
Capital	0	0	0		0
Total Electric Meter Expense	\$369,185	64,800	\$295,685	80.09%	73,500
Billing & Collections					
Personnel	435,195	47,614	430,145	98.84%	5,050
O&M	210,790	18,784	180,573	85.66%	30,217
Capital	0	0	0		0
Total Billing & Collections	\$645,985	66,398	\$610,718	94.54%	35,267
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	60,340	2,320	53,938	89.39%	6,402
Capital	0	0	0		0
Total City Hall Cost Allocation	\$60,340	2,320	\$53,938	89.39%	6,402

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

FIRST AMENDMENT TO AGREEMENT OF SALE

This First Amendment to Agreement of Sale (this "Amendment"), effective as of August 15, 2012 is by and between the City of Milford, a municipal corporation of the State of Delaware ("Seller"), and Sunolar Power Co. LLC, a Delaware limited liability company ("Purchaser"). Seller and Purchaser and are sometimes referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the Parties entered into that certain Agreement of Sale dated February 17, 2012 (the "Original Agreement", as modified by this Amendment and as it may be amended, restated or supplemented from time to time, the "Agreement"), pursuant to which Purchaser agreed to purchase from Seller the Premises; and

WHEREAS, the Parties desire to amend the Original Agreement pursuant to this Amendment to extend the latest date that Closing may occur.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

AGREEMENT

1. Definitions. Capitalized terms not otherwise defined herein shall have the meanings assigned to such terms in the Original Agreement.

2. Amendment to Section 6.a. Section 6.a. of the Original Agreement is hereby amended by replacing the duration of "one hundred eighty (180) days" as it appears in the third and fourth lines thereof, with the duration of "two hundred ten (210) days."

3. Continuation of the Agreement. Except as specified in this Amendment, the provisions of the Original Agreement shall remain in full force and effect, and such provisions are hereby ratified and confirmed. On or after the date of this Amendment, each reference to the Agreement shall mean and be a reference to the Original Agreement, as amended by this Amendment. If there is a conflict between the terms of this Amendment and those of the Original Agreement, the terms of this Amendment shall control.

4. Miscellaneous.

A. This Amendment shall be governed by and construed under the laws of the State of Delaware.

B. This Amendment may be executed in one or more counterparts, each of which when so executed shall be an original, but all of which together shall constitute one agreement. Signatures may be exchanged by telecopy or .PDF, with the original signatures to follow. Each

Party agrees that it will be bound by its own facsimile or .PDF signature and that it accepts the facsimile or .PDF signatures of the other Party.

C. This Amendment shall be binding upon and inure to the benefit of the parties and their respective heirs, administrators, personal representatives, successors and permissible assigns.

D. All captions and paragraph headings are used for convenience only and shall not be construed as confining or limiting in any way the scope or intent of the provisions of this Amendment.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed by their authorized representatives as of the date first above written.

<p>City of Milford</p> <p>By: _____ Name: Title:</p> <p>_____ Witness</p>	<p>Sunolar Power Co. LLC</p> <p>By: _____ Name: Title:</p> <p>_____ Witness</p>
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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

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 9, 2012

On July 9, 2012 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall and in accordance with Article VII §7.06, City Council acted as a Board of Revision and Appeal to hear property owners protesting their ten-year reevaluation as presented by Tyler Technologies.

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

City Solicitor David Rutt, Esquire

The Public Hearing was called to order by Mayor Rogers at 7:35 p.m.

Paul Miller of Tyler Technologies was present. He stated that Delaware is a great area because the property taxes are low and values are fairly strong. Typically, there are only a few appeals which means the vast majority of property owners are in agreement.

John T. Lynch
118 Rock Ledge Court
Unit 5701-A
Hearthstone Manor
Tax Parcel 3-30-15.00-084.09
Current Assessment: \$140,500
Requested Assessment: \$125,000

Mr. Lynch was not present.

Mr. Miller reported that the proposed value is 23% less than the November 2010 purchase price of \$182,000. He noted that the market has leveled off since 2010 and believes this is a conservative assessment.

Mr. Johnson asked where the prior assessment of \$123,600 came from; he noted that the unit was only built within the last two years. Mr. Miller explained that is the value the assessor placed on the unit in 2010 at the time of new construction though it was based on the 2002 values. He further explained that any new construction coming in between dates when actual assessments are done is calculated on what the unit was worth at the time of the prior assessment.

Mr. Carmean clarified that \$123,600 is the price the buyer would have purchased the unit for in 2002; that same condo would cost \$184,000 in 2010.

Mr. Miller explained that until the next assessment, you are always trying to draw the numbers back to the previous date. In that manner, all like properties are valued the same.

Mr. Grier moved to accept the assessment placed by Tyler Technologies in the amount of \$140,500, seconded by Mr. Gleysteen.

Mr. Gleysteen stated the current assessment of \$140,500 appears to be fair for this property.

Motion carried by unanimous roll call vote.
Mike A. Priola, Jr. Trustee

*3801D S. Sagamore Drive
Unit 3804-D
Hearthstone Manor
Tax Parcel 3-30-15.00-084.08
Current Assessment: \$144,000
Requested Assessment: \$125,000*

Property Owner Mike Priola was present. He noted that in November 2011 he had an appraisal done by an appraiser from Frederica and in April 2012, another appraisal was performed by an appraiser from Ocean City, Maryland. Both came in at \$125,000. Since that time, he received an assessment from the city showing its value at \$144,000. He purchased the property in 2005 for \$181,300 though it was assessed at \$120,700. He said comparable units in the area have sold from \$120,000 to \$140,000.

Mr. Priola met with Tyler Assessor Ryan Zuck who told them there was a discrepancy in the square footage of approximately 175 feet. He then sent another representative out to speak with Mr. Priola who felt its value should remain at \$144,000.

The owner feels it is worth about \$125,000 due to the economic times. He also noted that the property is only a condo and there is no land so that should not be considered.

The city manager was asked by Mr. Pikus the difference if the tax rate were based on the old rate of 46 cents. Mr. Carmean stated approximately \$15 a year.

Mr. Priola stated that his tax bill should not increase because his property is worth less.

Dan Marabello pointed out Mr. Priola was given an incorrect estimate. He explained that is \$20,000 or 200 times 40. He said it would be closer to \$100.

Mr. Miller recommended that council not get into tax rates because the point of this hearing is to ensure the values of these properties are correct despite the tax rate. Council agreed that only the values would be discussed.

Mr. Miller asked council to consider the comparables. He noted that 3101B E Brookmyer Drive sold for \$146,400, 3501B North Sagamore Drive is listed for \$139,500 and 4002G Sagamore Drive is listed at \$139,900. The properties listed were part of Mr. Priola's private assessments.

He further explained that though Mr. Priola has argued that the land is not owned by the individual property owner, a condominium complex or townhouse community is valued differently than a single family home. The price the condos sell for is reflective of where it is, how it is laid out and any associated amenities. They are only trying to capture what the unit would sell for regardless of the land situation.

Mr. Johnson said he is aware that documents are not allowed to be distributed during a council meeting, but asked if he was able to provide an information sheet to Mr. Miller. City Solicitor Rutt explained to Mr. Johnson that he is becoming an advocate as opposed to a member of this board. The charter requires council members sit as the appeal body. By presenting something into the record, Mr. Johnson is becoming an advocate for the appellant as opposed to being an impartial board member who is required to hear the appeal and make a decision.

Mr. Rutt stated he is unfamiliar with any situation where a board that hears the appeals also acts as an advocate on the appeal and reiterated Mr. Johnson is unable to submit the document.

Mr. Johnson then asked how Tyler values condos in Hearthstone.

Mr. Miller explained that any condominium is just like any residential or commercial property. They consider the sales in the neighborhood. He understands the person is only buying the condo and nothing outside. He emphasized that this

property sold for \$181,300 with no land. An adjustment cannot be made because there is no land. He made the point that the market speaks in that sale price. The market says the condo is worth \$181,300.

Mr. Johnson argued that was not the price in 2012 and this is a new assessment; therefore, it should not have been considered. He asked what \$181,300 has to do with this assessment. Mr. Miller agreed noting that they consider recent sales. When the appraiser looks at the condo, he considers what a person would be willing to pay for it. The sale price is based on location, size, the roadway it is on, etc. An appraiser uses the same information.

Mr. Miller said that if council wishes to adjust the value, \$125,000 is a low value and it should fall somewhere between \$130,000 and \$135,000 considering the information Mr. Priola has presented.

Mr. Johnson then asked if Tyler considered current sale prices at Hearthstone at the time of the appraisal; Mr. Miller stated yes and actually all of the properties. He stated he does not have that information with him. Mr. Johnson confirmed that one of Mr. Miller's appraisers handed the actual revaluation.

Mr. Brooks feels that Tyler hired this firm to do the reassessment. They have provided a figure; Mr. Priola obtained two appraisals on his own. He said it is difficult for council to make a change as they are not real estate professionals. He recalled a similar situation when the city hired a certified appraiser to obtain a value. The compromise was based on that assessment and our assessor's assessment.

Ms. Wilson referenced Mr. Miller's comment that \$130,000 to \$135,000 is appropriate. Mr. Brooks understands but is concerned if that happens, what about the other fifty or so homeowners who feel their condos may need adjusting. Ms. Wilson pointed out they missed the deadline; Mr. Brooks agreed but emphasized that he wants to be fair to everyone.

Mr. Gleysteen stated that Mr. Priola is requesting his appraisal be reduced to \$125,000 and has two appraisals to back that up. The appraised value on this condo is basically the same as the selling value which appears to be equitable. Mr. Miller noted the previous appeal and how all six comparables closely matched. The difference is the value dropped 23% since 2005; the previous property owner purchased it in 2010. Therefore, Mr. Miller feels Mr. Priola has more of a case which is what he based his recommendation on. Mr. Priola actually purchased his condo after which the market dropped though it stabilized for the most part in 2010.

Mr. Pikus pointed out that some of these condos are selling, more or less, on a number of factors including how quickly the sale needs to happen or whether it is a foreclosure or short sale. He agrees that it can be slightly adjusted though Mr. Pikus agrees with Mr. Brooks that Tyler is the professional and it should not be decreased to \$125,000. He has no problem adjusting it to \$135,000.

It was also agreed, as Mr. Brooks stated, that once we start adjusting the assessments, council could be sitting here for days reviewing each appeal. He does not want someone else feeling as though they were treated unfairly. Though the deadline has expired for the appeal, if the value is adjusted, there must be justification.

Mr. Pikus moved to reduce the Priola assessment to \$135,000, seconded by Ms. Wilson. Motion carried by the following 6-1 roll call vote:

Mr. Johnson votes no stating that \$130,000 was another number recommended. He is aware of prices in Hearthstone at this particular time. He asked who the expert is and noted that two Delaware appraisers came up with \$125,000 and the city appraiser assessed it at \$144,000. These people are aware of the current market value and his vote is no.

Mr. Grier votes yes stating this is a happy medium.

Mr. Pikus votes yes because of his previous statements.

Mr. Gleysteen votes yes and feels it is a reasonable compromise.

Mr. Brooks, Mr. Starling and Ms. Wilson all vote yes.

Jacob H. Roosa III
(Roosa Revocable Trust)
903 Roosa Road
Tax Parcel MD-16-174.17 01 06 01
Current Assessment: \$35,000
Requested Assessment: \$12,000

Mr. Roosa was not present.

City Solicitor Rutt advised that Del Code §1106 (Assessment of Land Used for Agricultural, Horticultural or Forestal Purposes) states that a municipality shall use the county assessment, regardless of any election under §1101 of this title, for all property within a municipality whose value has been assessed by the county pursuant to §§328-8337 of Title 9 for its agricultural, horticultural or forestal use.

The solicitor explained that if he has a farmland assessment value from Kent County, Delaware Code requires the municipality to utilize that assessment for the purposes of its tax base.

Mr. Miller offered to follow up with Kent County on the farmland assessment issue.

Mr. Rutt confirmed that council has the option to postpone action to allow time for researching whether the site is assessed as agricultural land. Mayor Rogers agreed.

The solicitor also advised that state code says that if the property is within a school district that lies within two counties, as Milford does, his assessment rate is the lower of the two counties. With this property in Kent, if Sussex has a lower assessment rate for agricultural land, he would receive the lower rate.

There was a question as to whether this property was subdivided from the main parcel.

Mr. Pikus moved to postpone action on this issue until some additional information is received. Ms. Wilson seconded motion. Motion carried.

Judith B. Smith
15 E. Green Land
Orchard Hill
Tax Parcel 3-30-11.00-519.00
Current Assessment: \$197,200
Requested Assessment: \$185,700

Judith Smith's son, Kevin, submitted a copy of a Power of Attorney to present his mother's case.

Mr. Smith stated that his parents bought their house in September 2011 for \$210,000. Tyler's assessment was \$197,200 and at first glance, he thought it was within reason. He then looked at adjacent properties.

He explained that his house is a single story rancher with a cross-base basement. In comparison, 13 East Green Lane has the same acreage, basement style, 480 additional square feet, one additional bedroom and half bath. The assessed value was \$13,000 lower. Also considered was 14 East Green Lane which has .03 additional acres, a full basement, 536 additional square feet and one additional bedroom and half bath. The assessed value is \$600 lower. The last comparison is 12 East Green Lane whose acreage is .03 acres more, with a full basement, 510 additional square feet and one additional bedroom and half bath. It was assessed at \$1,000 less than the Smith home.

Mr. Smith requested the assessment be lowered to \$185,700 based primarily on the next door property at 13 East Green

Lane.

Mr. Miller responded by explaining the typical protocol is not comparing assessment to assessment because if there is an error on the neighboring property on the low side, that will exacerbate itself. Therefore, appeals are handled one at a time.

He emphasized that this property sold just days before the evaluation date for \$210,000 and the assessment is at \$197,600.

When asked the difference in the values of the properties, Mr. Miller said he cannot substantiate the differences due to Mr. Smith just providing him a comparison document. Typically a rancher with square footage close to a two-story is worth more money because one story living appeals more to older people. Overall, one story living is more in demand than two-story homes.

Mr. Miller explained that \$13,000 (5%) difference is nothing when considering assessments. The ability to provide an assessment within 10% is a great feat. Less than 10% is even greater; anything above 10% could be bad if it involved a subdivision though it is reasonable in a rural area.

He emphasized that the International Association of Assessing Officers (IAAO) standards say that differences of 5% or lower should be questioned because it is that difficult. They deal with ranges and Mr. Miller is very comfortable with a \$13,000 difference in a neighborhood where homes average \$200,000. He agreed that the larger square footage typically is more valuable; however, the value on this property is already \$13,000 less than what they purchased the property for just a month before the assessment.

It was also noted that Mr. Smith did not challenge any of the data items.

Mr. Gleysteen moved to accept Tyler Technology's appraisal of \$197,200, seconded by Mr. Pikus. Motion carried by a roll call vote of 6-1.

Mr. Johnson stated that he believes there may be questions about the varied values in the neighborhood where larger homes have lower values and votes no.

Mr. Grier votes yes based on the price of the home in September for \$210,000 and assessed value a month later for \$197,200 which he feels is extremely fair.

Mr. Pikus votes yes based on previous comments. He reiterated that Tyler Technologies are the experts in the assessment field. In this case, the comparable sale price is also considered. Therefore, he votes yes.

Mr. Gleysteen votes yes and feels this is a fair appraisal noting the purchase price is only \$13,000 higher than this appraisal.

Mr. Brooks votes yes for the same reasons that Mr. Grier and Mr. Gleysteen stated.

Mr. Starling votes yes.

Ms. Wilson votes yes for the same reasons as have been stated.

Dara M. Gelof/Hello Masu LLC

107 N. Walnut Street, 109 N. Walnut Street, 111 N. Walnut Street - MD-16-183.10-03-76.00-000

113 N. Walnut Street - Undeveloped Lot - MD-16-183.10-03-75.00-000

115 N. Walnut Street - MD-16-183.10-03-74.00-000

107-111 N. Walnut Street - Current Assessment \$157,500 - Proposed Assessment \$105,000

113 N. Walnut Street - Current Assessment \$41,300 - Proposed Assessment \$25,000

115 N. Walnut Street - Current Assessment \$133,300 - Proposed Assessment \$100,000

Property Owner Dara Gelof of Los Angeles was present. She explained the properties are across from the M&T Parking Lot on Walnut Streets. Her parents purchased the properties in 2003 and she inherited them a year ago. Both her parents passed away by 2008 and the property was tied up in the estate process until March 2011.

She pointed out to city council that though Tyler Technology may be the professional, but because of the number of things they are doing, they are bound to make mistakes. The reason for the appeal process is to try to catch those. In her opinion, the property owners are the experts. She is here to point out a big mistake they made.

From 2003 until 2008, the properties were not well maintained by her father. His rentals were always low-end units. Prior to that, they were not well maintained due to its owners living in Maryland.

She explained that these properties are mixed residential and commercial properties and contain eight total rentals. Most of the renters had left without paying rent or were evicted. Only two businesses remain--Sombar Accounting Firm and the Mind and Body Consortium who is slowly expanding.

Ms. Gelof noted that both properties are run down and need a lot of work. The homes are both historic homes that were built in the 1840's. Her plans are to make the proper repairs to entice good quality renters who will care about the property.

An appraisal was done in 2008 at the time of her father's death. An optional six-month appraisal was also done. On all three properties, both appraisals came in at \$265,000.

The appraisals were based on comparables and the income value.

She reported that she has put a lot of money into these properties since the appraisal. She feels there is an argument about the 2008 value because the market has declined since that peak.

Ms. Gelof has had a very difficult time getting tenants because she does not rent to just anyone off the street who is looking for a room to rent. She looks forward to participating in the Milford Revitalization Project. She has done a considerable amount of work which includes refinishing floors, painting and landscaping. She has replaced two oil boilers and converted to more efficient propane. She hopes to do additional work once she gets some more tenants.

She explained these are old houses that no one wants. Some of the repairs would substantiate a small increase from the \$265,000 appraisal.

The total value by city appraisers was approximately \$325,000. Theoretically, she stated that she could sell it for \$325,000 to \$350,000 though not in their current condition. She feels if the comparables were conditioned on the fact that these historic homes need a lot of work.

Another point made by Ms. Gelof is the fact these are mixed use commercial units which makes comparisons to other properties more difficult. The comparables she found were homes that had been sold at auction and no one wanted to purchase. In reviewing them, she found no justification to the increased value.

She said it is a slap in the face because she has a decrepit property she is trying to fix. At the same time, she is being reassessed at a higher value that she feels is completely unsupportable. It should have been the other way around and she should instead receive an incentive because she is putting everything into these properties that she can. She feels it is a complete disincentive to think they will have property taxes on top of what is needed for them to become reasonable income properties.

Mr. Pikus confirmed these properties actually stretch from Walnut to Washington Streets. Ms. Gelof said that is true for the other two homes on that block as well. Mr. Pikus said these properties could front both Walnut and Washington Streets.

Ms. Gelof agreed that she would have to add on.

She said her goal is to make them more commercial units but currently there is no potential for income due to their condition.

When asked the purchase price of the properties in 2003, Mr. Miller reported the three properties were purchased for \$235,000.

Mr. Pikus asked if the value was based on the land; Mr. Miller explained that one-third of the value is land and two-thirds is building. He said the rental market in Milford is not a poor one. There is plenty of supply and demand and there are no market conditions limiting Ms. Gelof from renting the units. The fact that two units are rented is similar to someone saying they have a four-bedroom home but only use three bedrooms. Therefore, it should not be included in the value.

Mr. Miller also noted that Ms. Gelof's appraisal report states it contains nine units. Ms. Gelof responded though it was inaudible due to her speaking from the audience.

Mr. Miller referenced Ms. Gelof's estate appraisal noting that typically they are on the low end. In this marketplace, Mr. Miller said they are finding appraisals for first and second mortgages which are on the conservative side because banks are trying to protect their aspects today. When comparing Ms. Gelof's appraisal and consider the potential rental income, with the current interest rates and low risk factor in Milford as far as rental properties, a cap rate of between 10 and 11% would be reasonable.

He would suggest the best way to value this property is probably as rentals because that is how they are currently configured.

Ms. Wilson stated that though she is compassionate to Ms. Gelof's needs, council cannot consider hardships when comparing assessments. She agrees the city is trying to promote rehabs and renovations particularly in our downtown areas. However, the buildings are what they are and are based on a number of factors that our assessors have considered.

Ms. Wilson then made a motion to accept the assessment as presented by Tyler of all three properties, seconded by Mr. Starling. Motion carried by unanimous roll call vote.

Adjourn

Mayor Rogers closed the public hearing.

Mr. Miller stated he will follow up on the Roosa farmland tax status.

The hearing adjourned at 8:50 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 9, 2012

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, July 9, 2012.

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

City Solicitor David Rutt, Esquire

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Pikus to approve the minutes of the May 30, May 31, June 11, June 14 and June 25, 2012 (Public Hearing and Council Meeting) Meetings as presented. Motion carried.

RECOGNITION

No special guests were present to be recognized.

MONTHLY POLICE REPORT

After presenting the monthly police report on behalf of Chief Hudson, Ms. Wilson moved to accept the police report as submitted, seconded by Ms. Wilson. Motion carried.

Mr. Brooks noted that over the past three months, felony arrests have doubled. Ms. Wilson agreed noting that Milford continues to grow and that activities have increased which confirms the need to prepare for future growth of both our community and our police department.

CITY MANAGER REPORT

Mr. Carmean presented the following report:

ADMINISTRATION

I have had the repairs made to the lower level of city hall. We have replaced the drywall that was removed in order to locate the source of the water leaking into the area. I have also had some of the sidewalk and landing removed and replaced due to the settling of certain sections. These sections would have eventually caused water runoff to contribute to structural problems.

I have met with several businesses from outside our community to discuss the possibility of them bringing their companies to Milford. Councilman Grier has attended some of the meetings, and has helped sell the fact we are indeed interested in having them establish their firms here.

I would like to have council vote on a proposal for the outsourcing of our mail processing in August for a September start-up. I believe this will be truly advantageous for our billing department by easing the storage needs, personnel time, mailing location issues and equipment costs. Lewes and Middletown have been using this service for just a short period, but are very satisfied. There will not be large savings monetarily, but there will be benefits as mentioned including no longer tying up our meter technicians who were used to handle running the postage machine and taking the mail to Dover.

ELECTRIC

The electric crews have been busy keeping up with damages to our system due to the recent storms. Three (3) transformers, twelve (12) fuses, and a fifty-foot pole in the vicinity of the Solid Waste Facility on Route 113 have been replaced. Our system, due to the upkeep and constant improvements, continues to serve our customers with minimal disruptions in service.

We have started construction of our Tap Station located at the south end of Route 113. This is the location that our proposed 138 transmission line will connect to Delmarva. This is the connection that will feed our substation on Route 14 once it is constructed.

I will meet with Delmarva Power tomorrow in hopes of resolving some shared poles needed along the railroad tracks. If no agreement can be made, we will go between the Hammond property and Kentucky Fried Chicken, then onto Route 113.

WATER AND SEWER

Work has started on the Watergate subdivision on Marshall Street. We have notified the new developer that there are several things that must be done before we can issue Certificates of Occupancy to the units already constructed. During the time the project sat idle, manhole covers and storm water grates have been stolen from the subdivision. There are also some other infrastructure changes as well as site work requirements that need to be addressed before further construction.

I am working with DBF and the Wickersham developers on a utility agreement between the city and the developers. If the agreement is satisfactory for the requirements of the city, it will be signed after our solicitor approves it. This agreement will allow the city to drill a test well on the property, and if it proves successful Wickersham will donate several acres to the city as the future site of a water storage tower and treatment plant. This is an ideal site for this project since it is located close to our most southern limits, and we should have very few concerns brought to us by neighbors.

Design and planning are moving along for our plans to totally rebuild the water plant at South Washington Street. As I have reported, this includes an additional well that has been placed on the city-owned vacant lot across from city hall rear parking area. This well has received USDA approval even though it is not located at the water treatment site. I would expect early to late fall for the bidding for construction to take place.

I am planning to advertise for bids on the Southeast Milford Water Main Extension down Wilkins Road under Route 1 to the east. This system will be part of the new tower and treatment facility planned for that area. This will provide water to loop our system, increased water pressure and water to future development east of Route 1.

STREETS

We will be meeting with DELDOT representatives next week to discuss the Washington Street Bridge. This project is already late starting. I am assuming we will receive solid information as to the beginning and completion of the replacement of this bridge at the meeting.

I do not expect a big impact on businesses due to the entrances on either end of the street. However, it will increase traffic downtown.

Mr. Johnson asked for a ballpark time for the test well drilling on the Wickersham property; Mr. Carmean said he plans to have the agreement signed by the end of the week and is in the process of scheduling the drilling.

It was noted there is a Surge Protector Program offered by the city electric department for a \$3 fee. This can potentially save appliances should a home be struck by lightning during a storm.

Mr. Carmean advised that the meter department is also offering an Electrical Savings Seminar on July 25th at 1:00 p.m. in the council chambers.

Ms. Wilson noted that Church Street was recently repaved and looks much better.

TEMPORARY RECESS

Mayor Rogers temporarily recessed the council meeting in order to hold the Board of Revision and Appeal due to the Tyler Representative Paul Miller arriving. Meeting recessed at 7:35 p.m.

RETURN TO COUNCIL MEETING

The meeting resumed at 8:50 p.m.

COMMITTEE & COUNCIL REPORTS

Economic Development Committee

Chairman Grier advised that the ordinance waiving a portion of impact fees for new construction expired June 30th. He will create a new plan which he will provide council at a future meeting.

A committee meeting will be scheduled within the next couple of weeks.

COMMUNICATIONS

The city manager advised there will be an art presentation tomorrow night from 4 p.m. to 6 p.m. They have invited the mayor and council to attend if available.

UNFINISHED BUSINESS

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

Mr. Carmean advised that after the introduction of this ordinance last month, he was informed of another code that impacted the proposed changes. Therefore, the public works director needed some additional review. He will then present the amended ordinance at the next meeting.

Joe Palermo, 5 Misty Vale Court, Meadows at Shawnee, stated he and the city manager have discussed the fact that this will create a problem for the HOA's in Milford. They cannot put the containers in their garage and already have a garbage and recycling pail. Most of the residents in Meadows at Shawnee purchased 32 gallon pails for this purpose and this will add a fourth pail.

He said unless an enclosure is built on the side of their homes, the containers must be inside. Anyone that parks their vehicles in their garage is limited.

There is a meeting planned for Thursday to discuss this problem.

Washington Street Sewage Pump Station/DBF Proposal

Erik Retzlaff of Davis, Bowen and Friedel advised this is a continuation of the presentation given at the workshop two weeks ago. The pumping station is beyond its usable life and major repairs are needed. DBF presented the proposed to the city manager for the authorization to proceed.

Mr. Brooks said this was part of a referendum which was approved by the citizens and needs to proceed. Mr. Brooks moved for approval of the DBF Proposal (\$118,450 total), seconded by Mr. Pikus.

Mr. Gleysteen asked what construction stakeout services are as noted under exclusions and additional services.

Mr. Retzlaff explained that would be needed to install the pipeline outside the actual footprint of the building. For example, if a sewer main was laid out, they would have to stake out manhole to manhole or in the case of a water main, where the valves would go. In this case, there may be some additional work related to the interconnection of the bypass. It is a construction phase service which would be the responsibility of the contractor. If the city chose for DBF to provide that information to the contractor, those fees are outside their original proposal.

Motion then carried by unanimous roll call vote.

NEW BUSINESS

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

The following ordinance was introduced:

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

The city manager advised that Finance Director Jeff Portmann requested this ordinance because there is no penalty or late fee for paying after the due date in a number of instances. For example, one person pays twelve months after their stormwater management pond bill is sent every year because there is no penalty. Grass cutting bills is another example.

He noted that 1% is very low end and some charge 2% per month and higher.

Some bills, such as utilities have late fees written that specific code.

Mr. Pikus then asked if 1% is sufficient; Mr. Carmean said we will begin with 1% and may increase later if it is needed.

The ordinance is scheduled for adoption at the July 23rd meeting.

National League of Cities/Annual Dues

Mr. Wilson moved for approval of the \$1,117 annual dues to National League of Cities, seconded by Mr. Starling.

Motion carried by the following 6-1 vote:

Yes-Johnson, Grier, Pikus, Brooks, Starling, Wilson

No-Gleysteen

Mr. Gleysteen votes no because he does not believe the city gets enough value from National League of Cities when compared to the fee.

Delaware League of Local Government/Annual Dues

Mr. Pikus moved for approval of the annual dues in the amount of \$4,000, seconded by Mr. Brooks. Motion carried unanimously.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the eleventh month of Fiscal Year 2011-2012 with 92% of the fiscal year having passed, 88% of revenues have been received and 81% of the operating budget expended.

He said that overtime is being watched heavily. In addition, some tweaks may be needed in the budget periodically depending on unexpected circumstances.

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

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

Mr. Grier moved to go into Executive Session reference discussions on a personnel matter and a legal matter, seconded by Mr. Pikus. Motion carried.

Mayor Rogers recessed the Council Meeting at 9:02 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 9:20 p.m.

Executive Session Matter

Mr. Pikus moved for approval to change the job classification grade for the police chief position from 16 to 17, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

ADJOURN

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

The Council Meeting adjourned at 9:21 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 12, 2012

A Meeting of the Police Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Thursday, July 12, 2012.

PRESIDING: Chairman Douglas Morrow, Sr.

IN ATTENDANCE: Committee Members S. Allen Pikus and Katrina Wilson

Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

The meeting was called to order at 5:30 p.m. by Chairman Morrow.

COPS Hiring Grant

Chief Hudson recalled that he was directed to proceed with the submission of the 2012 COPS Hiring Grant application and if accepted, council would make a decision on whether to accept or deny it.

Mr. Morrow reported that the city was awarded the grant and we have 90 days to make a determination. He feels it is worth revisiting to consider any possible way of finding the funding. He also noted previous discussions about an enhancement funding program similar to the Carlisle Fire Company's program established in 2004.

The city clerk then referenced the following explanation from our current code book:

The Carlisle Fire Company Enhancement Funding Program grants shall be funded by means of, and there is hereby imposed, a surcharge of .25% of the construction costs shown in the applications for building permits issued by the City Manager. Said surcharge shall be paid to and collected by the City of Milford as are all other building permit fees.

Mr. Morrow asked Mr. Pikus to ascertain the amount of money that Carlisle Fire Company has received under this program. Ms. Hudson noted the amount varies depending on the number of building permits issued and is similar in sustainability to transfer tax fees.

It was agreed that the enhancement funding program may be a good way to recoup some of the costs created by growth which has a substantial impact on the police department in addition to the fire department.

Mr. Morrow said he already discussed this with the city manager; Mr. Carmean did not want it discussed during the budget hearings and preferred Mr. Morrow wait until after the tax increase was in place.

Chief Hudson then provided the committee with the estimated costs to add the one officer approved by the DOJ's Community Oriented Policing Services (COPS) Office. The 2012 grant requires newly hires to be military veterans and provides up to 75% of the salary and fringe benefits costs with a funding cap of \$125,000 per officer over the three-year period.

The salary and benefit costs of the officer are estimated at \$280,389.95 over the three years. Of that, the city is responsible for 25% or \$70,097.50 and \$85,292.50 (above the \$125,000 funding cap) for a total of \$155,390.00.

He explained that the first year's costs will be slightly higher and are estimated to be approximately \$60,026.05 because of an added \$8,229.38 for uniforms, equipment, hiring fees, etc.

Mr. Morrow asked Mr. Pikus to sit down with Mr. Portmann to determine funding possibilities. Mr. Pikus said after he meets with Mr. Portmann, he will bring the information to a joint police and finance committee meeting. They will proceed according to the committee's recommendation.

Mr. Pikus said if the city can afford it, he has no problem with hiring another officer. However, money is tight and finding the funding will be difficult.

Mr. Morrow said the facts need to be presented before it is denied. He prefers the vote be on record versus having the finance department remove it from the budget without it being noted. If funding is not possible, Chief Hudson needs to be informed so he can advise the federal government immediately.

Mr. Pikus will follow up with the finance director to discuss any possible funding sources. Mr. Morrow also asked him to obtain the figures related to the Carlisle Fire Company Enhancement Fund.

Ms. Wilson arrived at 5:41 p.m.

USDA Facility Loan

Chief Hudson then asked for guidance on the USDA loan. The grant was submitted and is currently being processed. His impression is it is in the final stages of approval on their end.

Mr. Pikus advised that letters were recently sent to our federal legislators reiterating our need for funding for a new police facility.

Chief Hudson reported that City Manager Carmean has informed him on numerous occasions that Finance Director Jeff Portmann is able to acquire a loan with a lower interest than the USDA is offering.

The chief advised that Lisa Fitzgerald, Programs Specialist at USDA Rural Development has spent a great deal of time on this loan on behalf of the city. Currently, we are waiting for the historical preservation review and clearing house meeting scheduled in August. The completed application was sent to the Dover office and has been returned for Ms. Fitzgerald's final processing. He said she is also asking for a referendum date. He feels that asking residents to consider a second tax increase will have negative impact on any referendum results.

Chief Hudson was then directed by the committee to meet Mr. Portmann the following morning to verify he was able to obtain a lower interest loan than is being offered by the USDA. The chief confirmed that USDA's variable interest rate is 3.85%.

Chief Hudson then reported the police department was struck again by lightning on June 22nd. As a result, they have lost a number of items including telephones, computers, radios and other electronic equipment. They are still finding equipment that was damaged in one way or another. Fortunately, some of the items are up and operating again. Several contractors, in addition to the State of Delaware's Division of Communications, are continuing to work to get the equipment restored.

He recommends a Lightning Eliminator Consultant be hired to test their grounding situation to prevent further lightning strikes. At this point, they have no idea if the lightning is coming through the phone lines, antenna, or other areas. Regardless, this is occurring on a regular basis though many of the damaged items were supposed to have been grounded.

The chief then read from a list describing several items that were impacted. Unfortunately a lot of the equipment is obsolete or because it is specialized, carries a substantial price tag (\$250 an hour) just to be checked. The minimum fee for this type service is approximately \$710. He emphasized that what can be repaired is being addressed.

The claim has not been filed yet because each day, it is determined another item has been affected in some way so the bottom line continues to escalate.

He explained that as an example, serial ports on several computers were damaged. Initially, they felt it would be an easy fix. Because of Windows XP, it could not be done. There are also problems with the security cameras for downtown as a result.

He noted the city has a deductible of \$5,000; they will be filing the claim as soon as possible.

With no further business, the Police Committee was adjourned by Mr. Morrow.

Meeting adjourned at 6:42 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

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

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

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

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

City Solicitor David Rutt

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests were in attendance.

COMMUNICATIONS

All communications included in packet.

UNFINISHED BUSINESS

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

The city manager recalled this ordinance being introduced at the last council meeting. This will allow a late fee to be assessed on payments not received on time. The finance director asked that a penalty of one percent per month be applied on all unpaid monies due the city. Any late fees related to utilities, taxes, etc. will remain specific to the amount noted in that individual code.

Mr. Grier moved to approve the following ordinance, seconded by Mr. Pikus:

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*

Mr. Gleysteen voted yes noting it is reasonable and any private business would be charging this rate or higher.

Motion carried by unanimous roll call vote.

Utility Bills

Mr. Carmean reported that our billing department is still waiving late fees on utility bills as our customers adjust to the amended billing cycles.

Mr. Starling advised that a number of customers have been treated unfairly because they are unable to pay back-to-back bills they received. They were told that once they received their notice and their bills remained unpaid, they would be disconnected.

The city manager asked Mr. Starling to tell these residents to contact him. He said he has been forwarded an exorbitant number of calls for this or similar situations even though the office manager has the discretion to make this type decision. He also noted that a number of customers will not ask for a payment arrangement and end up being disconnected as a result.

Mr. Brooks pointed out that bills in the past were always due on a set date (15th). Since the change, a bill may be due on the 9th one month and the 6th the next month; he asked if it is possible to make the due dates the same day each month. For example, due dates would be the 7th, 15th, 27th and 30th.

The city manager explained the problem on our end is that the four due dates are scheduled on Mondays (first Monday, second Monday, etc.) Tuesday is the reread date when staff is sent out to read a meter if something appears to be wrong or out of the ordinary. Thursdays are always disconnect days and the bills are sent out on Friday. We can go with fixed dates though it makes scheduling the work load difficult within the department.

Mr. Brooks explained it is difficult for our customers to budget when the due date is different each month. He feels it will be an easier adjustment if the due date fell on the same day each month.

Mr. Carmean said he believes it can be done once we begin outsourcing our bills. That will relieve our staff from running the bills through the machine, stuffing the envelopes and traveling to Dover to mail them.

Mr. Brooks noted the benefit of receiving an e-mail notification before he receives his paper bill. Mr. Carmean agreed stating that we are encouraging that practice and if customers wish, they can also be notified by e-mails or a phone call. The city manager reported that we continue to work with our customers emphasizing that he has canceled several disconnect days. Last week no one was disconnected because of the heat.

He is confident it will work eventually though the first month or two will be rough as we were warned by other municipalities who transformed from monthly to weekly billing.

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

Mr. Carmean then (re)introduced the following ordinance. He advised that a conflict was reported with the yard waste ordinance previously presented for introduction. As a result, the entire solid waste ordinance was rewritten and additional amendments proposed. Both ordinances were then incorporated into one.

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	Single-family, [includes multiunits (12 and below)] weekly collection single-family & multi-unit buildings with 12 units or less 1 x per week collection bi-weekly recycling	\$23.50
Commercial Rates		
CART	95-Gallon, 2/week 95-gallon 2 1 x per week collection	\$32.00
05	3-yard, 2/week, light 3-yard 2 x per week collection	\$80.00

06	Customer-owned, 3-yard, 3/week, heavy <i>customer-owned 3-yard</i> <i>3 x per week collection</i>	\$192.00
07	3-yard, 3/week, medium <i>3-yard</i> <i>3 x per week collection</i>	\$134.00
08	City-owned, 3-yard, 3/week, heavy <i>city-owned 3-yard</i> <i>3 x per week collection</i>	\$198.00
09	4-yard, 3 x week, extra heavy	\$454.00

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.

Adoption is scheduled for the regular meeting in August.

Recommendations/Amendments to Sign Ordinance

Mr. Grier asked that this item be postponed until the August meeting. He received a copy of the proposed changes recommended by the city planner when he arrived for the meeting.

Mr. Grier moved to postpone action until the August meeting, seconded by Mr. Pikus. Motion carried.

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

The city manager recalled the appeal submitted by Jay Roosa who requested the value be reduced from \$35,000 to \$12,000 because it is being farmed. Because it does not have the agricultural exemption through Kent County, it did not qualify in the city.

Mr. Carmean stated that Mr. Roosa will need to apply to Kent County for the farmland assessment exemption.

City Solicitor Rutt referenced Delaware Code which states that any property designated for agricultural purposes for county taxes, must be accepted by the municipality. It was tabled during the appeal hearing to ascertain the county's status. It has since been determined the parcel has not been designated agricultural for tax purposes by Kent County.

Mr. Carmean stated that Mr. Roosa does not want his value reduced and instead wants to be tax exempt. He suggested that the property be removed from the tax rolls.

Council recommended a three-month period be allowed for Mr. Roosa to obtain his farmland assessment exemption. In the meantime, the city manager suggests removing the parcel from the tax rolls. If approval is not obtained, it would then be reconsidered.

Mr. Pikus moved to remove the property from the tax rolls for a three-month period, seconded by Ms. Wilson. Motion carried.

NEW BUSINESS

Introduction of Economic Development Director/Stephen Masten

After several months of application reviews and interviews, Mr. Carmean was pleased to introduce Stephen Masten, Economic Development Director who began his employment today.

Mr. Masten said he is happy to be on board and working with the city. He worked with Sussex County for more than thirty years and a majority of that time was with economic development. He has already started a list of businesses that our residents want and will begin meeting with the local businesses. His goal is to attract businesses that will support our youth, our current population and just move things forward.

Mr. Masten's office is in the lower level of city hall. It was also noted he will be reporting to the city manager.

Mr. Pikus advised that Mr. Masten is a longtime resident of Milford and the second ward. His wife taught many children in the Milford School District.

Mr. Carmean said the committee recommended three applicants. All agreed that Mr. Masten was the best choice because he was a resident and familiar with the area and economic development. His contact list is expansive which will be a benefit to the city.

FY2012-2013 Budget Amendment/City Administration/Salaries & Wages/Economic Development Consultant FY2012-2013 Budget Amendment/New Line Item Added/Economic Development Expenses

The city manager submitted the following budget transfer for council consideration:

Request is to transfer \$81,000 from Council Expense Line Item 101-1110-411-68-34 to City Administration. Of that, \$66,865 will be transferred to cover the costs of his salary and benefits and \$14,135 transferred to Account 101-1010-413-67-14 for expenses.

Mr. Carmean advised that the expense account will cover the costs of traveling to trade shows to market Milford and entice businesses to our community.

Mr. Pikus recalled when council earmarked the Wawa proceeds for purchase of lands for economic development. The finance committee and city manager agreed it was important to cover the costs of an economic development director who will possibly address the purchase of lands which ties in with the intent. The balance of the money will remain in the account for its original purpose.

Mr. Pikus moved to transfer \$81,000 from Council Expense Line Item 101-1110-411-68-34 to City Administration with \$66,865 being transferred into a salary and benefit line item and \$14,135 transferred to account 101-1010-413-67-14 for expenses, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

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

Mr. Pikus moved to go into Executive Session reference discussions on personnel and legal matters, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 7:33 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Open Session

Council returned to open session at 8:43 p.m.

Executive Session Matters

Mr. Pikus moved to place the personnel matter on the August 13th agenda, seconded by Mr. Johnson Motion carried with no one opposed.

ADJOURN

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

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 23, 2012

The City Council of the City of Milford met in Workshop Session on Monday, July 23, 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 Steven Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen,
Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

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

 City Solicitor David Rutt, Esquire

The Workshop Session convened at 8:45 p.m.

Reserved Parking Space Request/Silicato Nelson Shopping Center

City Manager Carmean recalled the request from Delaware Fitness Center and Pelican Bar to allow designated parking spaces for their businesses in the adjacent parking lot.

Public Works Committee Chairman Brooks advised he has no problem with designating the front fourteen or so parking spaces that abut the shopping center. His recommendation is based on the fact those particular parking spaces are actually part of the shopping center parcel. However, the parking lot that is owned by the city will remain open to the public without any special designation.

Mr. Brooks said he has been riding through the parking lot on a regular basis. The owner of Delaware Fitness indicates that the parking lot is completely full two days a week. However, Mr. Brooks has always found one or two parking spaces available even when it appears to be full. However, the available spots are not necessarily in front of these two businesses.

Mr. Carmean noted that the parking lot is used to some extent during the week by the senior center. On the other hand, if one of their patrons arrive and find the parking lot full, they have to find alternative parking as well.

Mr. Pikus agrees with Mr. Brooks that we are unable to designate specific parking spaces within the public parking lot. If we designated spaces for one business, we would need to do that for other businesses whose patrons use the public parking lots. He recalled a similar situation when a business leased the old JC Penney building and wanted the parking lot by M&T Bank privatized.

Mr. Brooks also noted that because the parking spaces are on private land, the businesses are responsible for buying and installing these signs.

Based on their letter of request, a question arose about whether the parking spaces were part of the city lot.

Mr. Pikus is confident the deed to the property included the parking spaces. He recalled when Gene Nelson and Frank Silicato purchased the land and built the shopping center, the area in front was included and was blacktopped. He emphasized that these private parking spaces actually butt up against the city parking lot.

Mr. Brooks said that if the land belongs to the city, the parking spaces cannot be designated for private use; however, if it is determined they are part of the shopping center parcel, the store owners need to be informed they can use them for their businesses. However, the signage will be at their cost.

Council recalled when those spaces were signed 'for customer parking only'.

City Solicitor Rutt will review the deed and follow up with council.

With no further business, the Workshop Session of Council concluded at 8:57 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 2, 2012

A Meeting of the Police Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Thursday, August 2, 2012.

PRESIDING: Chairman Douglas Morrow, Sr.

IN ATTENDANCE: Committee Member S. Allen Pikus

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

Called to Order

The meeting was called to order at 5:31 p.m. by Chairman Morrow.

COPS Hiring Grant

Mr. Morrow recalled at the previous meeting, Chief Hudson had asked that the committee provide him with a response in relation to the approval of one police officer through US Department of Justice Community Oriented Policing Services (COPS) Grant. No formal action has been taken on the matter.

Since the meeting, Mr. Pikus met with Finance Director Jeff Portmann who provided him with the city matching cost of approximately \$155,000 over the three-year period. Mr. Portmann asked Mr. Pikus where he wanted to get the money from; Mr. Pikus responded by saying he cannot answer that. As a result, his response to Chief Hudson's request is there is no money for an additional officer and the position was included in the budget. Mr. Carmean pointed out that the city would have needed an additional \$52,000 a year over the next three years to fund another officer.

Mr. Carmean said he also spoke with Mr. Portmann about this issue before he went on leave. He emphasized that the city does not have the matching money.

Mr. Morrow directed Chief Hudson to decline the offer because the city does not have the needed funding.

Chief Hudson thanked the committee for making a formal decision noting there was nothing on record when it was removed from the budget. He asked the record reflect that a rumor was started last year at the police department that city council wanted him to hire additional officers and that he (Chief Hudson) was fighting against it. He reported that it had created a great deal of problems within the police department.

Mr. Pikus said he had not heard that. City Manager Carmean said he also heard it and specifically that city council was pushing him to hire more officers but Chief Hudson was telling council they did not need more officers. Mr. Pikus said that did not happen and can easily be clarified by any council member. He stressed that the decision to turn down this grant is one that is made by council.

The city manager then stated that the finance director believes he is blamed for not wanting the department to have more officers. His response to Mr. Carmean was that he does not have a problem with additional officers but he needs a revenue source to pay for them. Mr. Portmann also had stated that when the budget was being discussed, Mr. Morrow had stated that no more cops would be hired until the new building plan was worked out. Then it was back on the table a month later.

Mr. Morrow explained that Chief Hudson needed an official decision before he declined the grant.

USDA Facility Loan

Chief Hudson then reported that Lisa Fitzgerald, who works for the local office of the USDA, has worked diligently with the city on the police facility loan and is prepared to move forward. Several things need to be done and he is uncomfortable proceeding particularly because a final site had not been determined. In addition, Mr. Portmann has indicated he is able to obtain a loan with a lower interest rate.

Mr. Morrow agrees we are not ready to proceed with this at this point. The major hurdle we are facing right now is that we do not have the site. In addition, we are not prepared for a referendum at this time and he and the chief agree that a number of things must be in place before that can be considered.

Mr. Pikus asked if the owners of the proposed parcel have talked with the city manager. Mr. Carmean said he left the matter in Councilman Grier's hands. Mr. Morrow had spoken with Mr. Grier who stated he has had no contact with them.

Mr. Morrow directed Chief Hudson to inform Ms. Fitzgerald that at this point, we are unprepared to move forward. Once we acquire the property, we will contact her and proceed.

He did confirm that reserve funding can be used to purchase the land for the department; Mr. Carmean agreed.

Mr. Morrow explained that we were so anxious to get started because initially the land was in place. However, we then decided to go back to our original plan and attempt to purchase the property in the downtown area.

Chief Hudson explained that the USDA's budget is coming to an end which is the reason Ms. Fitzgerald needs a decision. He agrees we need to postpone further action until their next funding cycle.

Mr. Pikus has continued to contact local legislators and state and federal officials in hopes of acquiring funding for next year.

When asked the major holdup, Mr. Carmean said the contact has never gotten back to Mr. Grier. He advised that Mr. Grier approached him at a recent function and the contact indicated they have been busy and have not had time to meet with the city.

Mr. Morrow asked if this can be approached in a more official capacity by putting the request in writing on city letterhead. Mr. Carmean said he was willing to write the letter. Mr. Morrow also recommended that he be invited to an upcoming committee meeting.

Mr. Carmean said we should call him and ask him that he bring his representatives to a luncheon with Chief Hudson and a couple members of the police committee.

Mr. Pikus said we have talked about a new police station for a long time. We need to get the land in place so we can proceed.

Mr. Carmean recalled that Senator Gary Simpson did not want the police station moved to the business park. In addition, some people had mentioned they preferred it remain downtown. He feels acquiring the land will satisfy all those people.

Mr. Morrow emphasized that if the proposed site falls through, we have no choice but to go back to our business park. Mr. Carmean agrees noting there is enough property there to accommodate their needs.

Police Enhancement Fund/Public Safety Impact Fee

Mr. Morrow discussed the concept of adding a fee to the building permits for the police as was done for Carlisle Fire Company. Mr. Carmean recommends a higher percentage than what is in place for the fire department.

Mr. Morrow directed the city manager to have it on the agenda no later than September. This will provide a funding source for the new police facility, additional officers or new equipment. This is particularly important because our transfer tax is no longer what it was in the past.

Mr. Carmean said he and Mr. Portmann have discussed the money being transferred for the four police officers will eventually run out. Mr. Pikus asked how much is in that fund. Mr. Carmean said we had a better year this fiscal year as a result of the sale of a property on Route 1 that brought in a substantial amount. He said if nothing else comes in, there is more than \$300,000 in the fund which will cover that transfer for three to four more years.

The city manager feels that some type of police impact fee on new buildings is needed especially on apartments or condos. He agrees that multi-family units typically require more police attention.

Mr. Carmean suggests a percentage of the building permit be considered and may be the easiest way to handle it. The cost of an average home would need to be determined and the percentage would need to come out to around \$500.

Ms. Hudson verified the fire company receives .25% of the construction costs of each building permit.

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

The Police Committee meeting adjourned at 6:02 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

**CITY OF MILFORD
PLANNING COMMISSION**

Minutes of Meeting

May 15, 2012

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, May 15, 2012.

PRESIDING: Chairman Charles Rini
IN ATTENDANCE: George Pilla, Kerri Fry, William Lane, Jason James, Jamie Burk, Archie Campbell
ALSO: Solicitor David Rutt, City Planner Gary Norris and Department Administrative Assistant Christine Crouch

Chairman Rini called the meeting to order at 7:00 pm noting the absence of Mr. Holloway and Mr. Sharp.

APPROVAL OF MINUTES

The minutes for the April 2012 regular monthly planning commission meeting and the workshop meeting were approved as submitted with a motion by Mr. Burk and seconded by Mr. Campbell.

CHAIRMAN MONTHLY REPORT

Chairman Rini and Mr. Norris attended the Complete Communities workshop earlier this evening. Chairman Rini reported he and Mr. Norris met with DeIDOT and are pushing forward with the letter of no objection that DeIDOT issues when an applicant comes forward and are trying to open up the lines of communication with DeIDOT so that if commissioners or the City have questions about what DeIDOT wants to do on a particular site, there is an avenue to go back and ask them to revisit things. He noted the Milford Plaza project which the Fire Company wanted to keep the rights in, which we failed, but want to improve things in the future.

UNFINISHED BUSINESS

NEW BUSINESS

Ordinance 2012-07/Amend Chapter 230-Zoning/EMB Signs

Mr. Norris explained what is in red in the ordinance are the proposed changes or in this case additions to code, which were suggestions given by Mr. David Mosley of East Coast Signs.

In summary, this will amend the size of EMB signs, however the overall square footage will remain the same, still no larger than 32 square feet. It will give people flexibility in their sign size without increasing the overall size.

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

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

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

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

The City of Milford hereby ordains:

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

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

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

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

Section 4. Dates.

Introduction to City Council: May 14, 2012

Planning Commission Review and Public Hearing: May 15, 2012

City Council Review and Public Hearing: May 29, 2012

Chairman Rini called for public comments however hearing none closed the public comment session.

A motion by Mr. Pilla was seconded by Mr. Lane to recommend approval of ordinance 2012-07. Motion carried unanimously following a poll of the commissioners.

Chairman Rini thanked Mr. Norris for his work on the ordinance.

**Matt Metz of Bob Nash Associates on behalf of Susan S. Phillips; Project No 12-183
Final Minor Subdivision
414 Evergreen Circle
Tax Map 1-30-3.07-101.00; 1.21+/- Acres; R1 Zoning
Adoption of Resolution PC12-013**

Mr. Matt Metz with Bob Nash Associates was present on behalf of Susan Phillips, the owner, who was also present. Ms. Phillips is proposing to subdivide a 1.2 acre lot into two lots, each of which will meet the current R1 zoning code. The parcel is at the end of a cul de sac in Lakelawn Estates. When this subdivision was laid out originally, this was four lots, however due to current zoning codes, the parcel can only be divided into two lots.

Mr. Metz explained there will be changes to the record plan as per the DAC comments. Mr. Norris had requested at that meeting a note be added regarding the limitation of removing trees that are over 12" in diameter except for the area of actual house construction. The Fire Marshal also had notes he would like added to the record plan.

Mr. Norris read the following email received by Mrs. Crouch:

Our land is next to the Phillips Property and we feel that splitting the land into two parcels would adversely affect the natural feel of the neighborhood. Thank you for your consideration.

Don and Marie Steiner

Mr. Norris asked how the driveway encroachment will be handled. Mr. Metz explained that will be addressed between the two property owners, which will be the new owners once the lot is sold.

Chairman Rini called for public comments and hearing none closed the public comment session.

A motion to approve resolution PC12-013 by Mr. Pilla was seconded by Mr. Lane. Motion carried unanimously following a poll of the commissioners.

Judy Schwartz of George, Miles & Buhr on behalf of Milford School District; Project No 08-054

Revised Final Site Plan

311 Lovers Lane, Mispillion Elementary School

Tax Map 3-30-11.05-218.00; 12.75+/- Acres; R2 Zoning

Adoption of Resolution PC12-014

Ms. Judy Schwartz of George, Miles & Buhr was present on behalf of Milford School District. Mr. Martin Dusbiber of Delaware Architects and Mr. Heinz Retzlaff of the school district were also present.

Ms. Schwartz explained in May 2009 the site plan was approved for the new school and construction began in 2010. This is the first school year the school has been occupied during which the district identified the bus route while on school property is a safety issue.

The school district is seeking to add an entrance to the bus parking area off the end of Maple Street. Currently the access is off Bridgeham Ave, which will continue to be used for buses in the mornings as drop and go. The buses will come into the parking area, go around the circle in the back and drop the students off and then leave.

The reason a secondary entrance is needed is for afternoon use only which will allow for more efficient circulation within the bus parking area and the district believes it to be a safer situation for students.

Under this plan, buses enter off the end of Maple Street and exit via Bridgeham Avenue. The Maple Street entrance is proposed to be gated such that it will only be used for the access of the 20 buses one time a day. The plan would be for the gate to be closed until 3:00 pm at which time the custodial staff would open the gate, the buses would come in, which takes 15 to 20 minutes, then the gate will be closed again. The intent is not to establish through traffic along Maple Street but only to allow an alternate entrance for 20 buses in the afternoon. The entrance is 16' wide, 60' long and will add 1285 square feet of impervious surface. The conservation district feels the additional impervious surface is very minor and will be accommodated by existing stormwater facilities.

Chairman Rini confirmed this will be an entrance only for about 20 buses from 3:00 pm until 3:15 pm or 3:20 pm during each school day. Not on weekends, not on holidays and not during the summer.

When asked by Chairman Rini if there is any landscaping proposed along this drive, Ms. Schwartz stated there are trees planted now and more could be added if that is a concern.

Mr. Norris had no questions.

When asked by Chairman Rini if the commissions had any comments or questions, Mr. Campbell stated as an employee of the school district he will be stepping aside from this application.

Chairman Rini addressed the public by asking if they are aware of where this entrance is proposed.

Chairman Rini stated this is a public hearing and will open it to public comments.

Solicitor Rutt stated this is a final site plan review and any comments are to be limited to the requirements and design standards in the ordinance. The question the commission has to decide is does the plan and the specifications as shown comply with the ordinance. We are not getting into use, this is a strictly a question or discussion on the specifications. He cited §200-5 of the City Code (Subdivision of Land, General requirements and design standards).

Chairman Rini called for public comments.

Diana Phillips-500 Maple Street- Stated she lives in the cul de sac that will be affected. She asked if this has already been approved. Chairman Rini stated it is up for approval tonight. She objects very much to this. There are two neighbors in the cul de sac that are affected the most, her and her husband and the Andersons. They bought their homes because of the cul de sac and wanted the peace and quiet with no traffic and now they are losing that. She understands there was a need for the school, but lost the vacant lot the school now sits on. She is still concerned that there has not been a summer yet. That whole area is used all the time, not just during school time.

Chairman Rini interrupted referring to Solicitor Rutt's comment explaining the only thing discussed tonight is the additional entrance off Maple Street into the property.

Mrs. Phillips stated she very much objects. The neighborhood went through enough with the dirt and dust when construction began and was never assisted by the school with the clean up. Two years of that mess, and now to have the cul de sac removed is not fair.

Pat LeManna-622 Cedarwood Avenue-Is concerned that property values will go down because now she will be living on through street, not a cul de sac. She doesn't think it will be long before cars will come through on a regular basis, then it will be used for after school activities. She is also concerned with buses running up and down this neighborhood with children in it. 20 buses. She doesn't even know if the street is wide enough for a bus to pass a car. She also is objecting to this proposal because it will change the character of the reason she lives there, the reason why she bought her house.

Vernon Phillips-500 Maple Street- Stated the only reason the school district needs this new entrance is because whoever did the original job didn't plan it out right. It's all about the buses not being able to pass one another as they come in. There is plenty of room down at the end where they can take a bulldozer and level the area off so that it's wide enough for the buses to pass one another. That's all that it's about. Somebody screwed up when he designed that driveway and now they want us to pay for it and he objects totally to it.

Francis Bond-620 Cedarwood Avenue-Is concerned how the buses coming through will affect his COPD. The diesel fuel that is let off from the buses will increase the pollution in the area and he really objects.

Stewart Johnston-600 Maple Street-Echoes the concerns the previous speakers have. He asked who owns the land that this driveway goes across? There is about 12' of property between the school fencing to the street. He asked who owns that property and how is it being gone through. He also echoes the others with objecting.

Kelly Muir-607 Cedarwood Avenue-Is supporting her neighbors and also objects. It was her impression this was a closed neighborhood and was meant to stay that way. The entrance of Marshall Commons has an island in middle of it, which is also a very narrow passageway for buses to be turning in and out of. There is already a road for the buses to use for Ross and Mispillion pick up and is uncertain why they would want to open up the neighborhood. Buses can go straight through Lovers Lane, there is a road right there. It passes a garage and there is a parking lot between Mispillion and Ross. They could just bus through there and have a second entranceway through there without having to open a cul de sac.

Hearing no additional public comments, Chairman Rini closed the public comment session.

Regarding the property ownership question presented, Mr. Norris stated based on his interpretation of what was submitted, there is a right of way. Within that right of way is the grass strip, the curb, the sidewalk and the street. Again based on his interpretation, that public right of way abuts the school property. So it's like having a driveway come out to the street. All they are doing is coming out to the right of way. That is best explanation he can give right now, that there is no 12'. The school property abuts the right of way and they are coming out to the right of way.

Mr. James confirmed there is one gate and a pedestrian crosswalk on the plans. He stated he has heard several parties tonight express their concerns and asked if there is an alternative to get into this parking lot other than through the cul de sac.

To continue to use the entrance off Bridgeham Ave, according to Ms. Schwartz. The preference would be to improve the loading and provide safer conditions for the loading of the children if the buses didn't have to cross and go around the circle and go in front of the entrance to the school as the children are exiting the school.

Mr. James understands that will improve the safety, but he would like to know if there is another way to get to that section of the parking lot without going through Maple.

Chairman Rini asked if Maple Street will become a through street. Ms. Schwartz replied no. He also confirmed it will only be used for 15 minutes a day. The buses will only enter the school property from Maple Street. It will not be used on non-school days or in the summer.

Chairman Rini asked if since Maple Street is a cul de sac if there is currently a sign at the entrance to Maple that states Dead End or No Through Street. Ms. Schwartz was not aware if there was such a sign.

Mr. Lane asked Ms. Schwartz what an alternative access to this plan is. Ms. Schwartz stated the alternative would be to continue to use the entrance off Bridgeham. Mr. Lane restated the question stating there is no other way of approaching it. Ms. Shwartz replied she didn't believe

there was. She stated five or six alternatives were reviewed with the district, but none included a second entrance. Mr. Lane stated there was no “plan b”. Ms. Schwartz replied no.

Mr. James asked how many buses go through Marshal Commons now. Ms. Schwartz was not aware of the number.

Because audience members were addressing the commission and Ms. Schwartz, Chairman Rini asked them to not speak out of turn because there are certain protocols and legal guidelines that must be followed. He must do that for the protection of everyone.

Chairman Rini suggested the school district request from the City that there be a No Through Street sign put in at the entrance of Maple to help alleviate some of these concerns that it would turn into a through street, even though we know it’s not going to be. Ms. Schwartz felt that was reasonable.

Chairman Rini made a motion to approve resolution PC12-014 with the condition that the school ask the City to erect a sign at the entrance to Maple Street stating that it is not a through street. Mr. Pilla seconded the motion.

Solicitor Rutt explained when the commissioners vote, they must determine if it meets the design criteria. You cannot talk...the use has been determined, the fact that the street abuts the school property has already been determined and it’s whether it meets the design criteria of the city code under §200-5 of the City code (Subdivision of Land, General requirements and design standards). We are here on a Site Plan Review, not use, not Subdivision, but Final Site Plan. When voting, the commissioners need to state if it meets it and if not, why.

Mr. Pilla Yes. He may not agree with this, however it does meet the requirements of the City code so he has no other choice but to vote yes.

Mr. Fry Yes. He is along the same lines. It meets the code, but it was improper planning.

Mr. Lane Yes. He agrees it does meet codes and what have you, but he thinks it was poor preparation the way it was approached to the City and the inhabitants in the community.

Mr. James Yes. Only because it meets the City code. He was involved in the original site plan and did not foresee this through way through a closed community.

Mr. Burk Yes. It meets the codes.

Mr. Rini Yes. It meets the conditions.

Mr. Norris asked if Mr. Campbell voted. Chairman Rini reminded him Mr. Campbell is not participating because he works for the school district.

Chairman Rini announced the motion carried and thanked the people for their cooperation in this deliberation.

**David Kenton on behalf of Fork Landing Farm LLC; Project No 10-200001
Variance (referral from Board of Adjustment)
South side of Cedar Beach Road, lots 1-10, 13-21, 22-32, 35-41
Tax Map 3-30-7.18-043.00 thru 3-30-7.18-052.00; 3-30-7.18-054.00 thru 3-30-7.18-
074.00; 3-30-7.18-077.00 thru 3-30-7.18-083.00; 24.07+/- Acres; R2 Zoning
Adoption of Resolution PC12-015**

Chairman Rini asked for the commissioner's attention. The next item on the agenda is Fork Landing Farms and he is going to differ the way we do things on this.

It's asking for a variance, then you will see that it was referred from the Board of Adjustment to the Planning Commission for a recommendation. This basically went to the Board of Adjustment and they felt they wanted it to go to the Planning Commission for their recommendation.

To have the Planning Commission recommend back to the Board of Adjustment would just be delaying the process, so what he is going to do is take the resolution and instead of recommending it to the Board of Adjustment, he will change that to recommend it to City Council.

He stated if it were recommended back to the BOA, it would then go back to the Planning Commission again and then City Council. He asked for Solicitor Rutt's opinion.

Solicitor Rutt stated the Board of Adjustment asked for a recommendation from the Planning Commission per §230-38 (*Referrals to Planning Commission: The Board may refer to the Planning Commission any applications or appeals for the Planning Commission's review and recommendation.*)

He continued by stating however if you look at the code itself, for purposes of recommendations, when you're recommending a change on a site plan, and essentially a large scale variance, the recommendation under the code does not go back to the Board of Adjustment, it goes to City Council. That is the procedure he would suggest. Whatever recommendation the Planning Commission makes it would then be referred to City Council for a final decision and not back to the BOA.

Chairman Rini added in the code it does give the BOA the power to recommend coming to the Planning Commission for recommendation, however it doesn't state in there anything that says the Planning Commission has to return its recommendation to the Board. He thinks it's just a waste of time for the applicant to back track. That is why he is taking this position on this particular item.

Mr. Scott Daley of Capstone Homes was present to speak on behalf of the application. Mr. David Kenton of Fork Landing Farms LLC was also present. Capstone Homes is one of the builders in the development and has handouts for the commission. Chairman Rini stated nothing needed to be handed out and it was confirmed that whatever was handed out at BOA was included in the Commissioner's packets. Chairman Rini stated we do try to do things by the book.

Mr. Daley explained lot 12 just received a variance from the Board of Adjustment. Capstone Homes is a Lewes based builder and there is a problem with the way the setbacks were approved in this development. Most of Capstone's existing floor plans don't fit in the building envelope. Referring to the smallest floor plan, the Jackson model, which Commissioners have before them, it is a 1388 square foot house without any options. The original plan for lot 12, does not fit in the building envelope. The person that purchased that model wanted a sunroom on the back with made it fit even more poorly on the lot. The variance was granted on that lot and the applicant was directed by the BOA to come before the Commission to get their recommendation on how to address the remaining lots with potentially the same issues.

The application is seeking to reduce the rear and front setbacks on specific lots so that more home models will fit. He does not believe that this will have any negative impact on the community. The road is narrower than the right of way, so the house is further off the street than the 20' setback. It's closer to 28' to 30' off the front of the house to the paved surface.

The engineering department has reviewing this request for a reduction in the setbacks and has come to the conclusion there are no utilities that will be close. Just looking to have more flexibility to sell homes in the community.

The way Capstone sells homes in this community is there are six different models that people will come in and look at the floor plans and see one they like and then choose a lot. So right now, the way the setbacks are, they are very limited in the variation of the different homes that can fit on the lots. Fork Landing Farms was a subdivision that was approved long before Capstone came to the table and in this business climate it's really not feasible for them to redesign their products to fit into a single community. These models that they build are models built in eight other subdivisions. One of the advantages of that is they have a very good handle on their costs and also people can go and see the models in other developments if they want to buy in Fork Landing.

Mr. Daley continued by stating there are duplex lots in the subdivision that are not part of the variance application.

Mr. Norris confirmed the request is for a reduction in the front yard from 30' to 20'. He does not have a problem with that. The rear yard reduction is from 15' to 10' and according to the plan it appears there is still plenty of rear yard for decks to be added. Mr. Daley explained most of the time the houses he builds where the customer wants an option added, such as a sunroom, the customer can also have a deck built beside the sunroom instead of behind the sunroom. So the deck would not go closer to the rear yard property line.

Mr. Daley has a layout of lot 12 that shows this. Mr. Rini asked Mr. Daley to pass that layout around because if he had a large board it would be shown anyway so he didn't think there would be any violation in handing it out.

Mr. Norris explained the reason for his question was because in a previous development, Orchard Hill, the developer built the houses with a 30' front yard setback and then people wanted to build decks and they would have to get a variance for it. He just wanted to make sure Mr. Daley was comfortable and the Planning Commission was comfortable with reducing this so that Mr. Daley sells the house and after five to ten years the new home buyer comes in, wants to

put a deck on it and then the City says ‘We only required a 10’ yard at that time. You need to spend \$700 to go to the Board of Adjustment.’ Mr. Norris felt if when the house is disclosed if there was a statement or something, he’s just tossing it out, but that’s the problem the City runs into.

Mr. Daley again explained the decks would go beside the sunrooms and would not go back any further, unless they wanted a really big deck or something like that. But there is room for a back yard.

The predominant buyer that he’s finding for the single family homes so far in Fork Landing is a retired buyer. Typically folks are coming here because it’s a good place to retire and they don’t have to pay high taxes. They are generally not as concerned with having a big back yard and sometimes smaller is better because they don’t want to cut the grass.

Mr. Norris stated the City wants to encourage economic development. This is a good product. As long as they continue to build good products, he would be in favor of this proposed change.

Mr. Burk referred to Mr. Daley’s statement about the customer base being retired. He asked how many properties are sold in this development. Mr. Daley replied Capstone has sold four and are not the only builder. Mr. Burk asked where the statement about retirees comes from. Mr. Burk asked if Mr. Daley would be opposed to an addendum stating that they are aware that they may not be adding past a certain point. Mr. Daley had no problem with that addendum.

Mr. Pilla asked how wide the area is between each row of houses, referring to the site plan of Fork Landing where it states ‘50’ ROW dedicated to public use’. Mr. Daley explained that is the road right of way. Mr. Norris explained the street is in the right of way. Mr. Pilla asked what the distance is between the back of a standard house to the back of the house opposite it with no street between.

Mr. Norris replied if the application is approved it could be a minimum of 20’ but there might be more. Mr. Pilla thought there was a building separation requirement in the code. Mr. Norris confirmed the intent is to build the houses closer to the street which in theory will provide for a larger back yard.

Mr. James confirmed what is being proposed would allow for a sunroom, or a deck, or both with a minimum of 20’ between houses in the rear. Mr. Daley is happy to include language via an addendum, if the City wants to propose that language or Capstone can provide it. He is in the business of making people being happy after they own their houses.

Mr. Burk has seen a variety of statements from odor issues to building issues. He felt full disclosure would resolve any issues. Mr. Norris asked to read the contract including the language discussed tonight and sign off on it. Chairman Rini directed Mr. Daley to draft something up and forward it to Mr. Norris for approval.

Mr. Pilla stated the side yards are 8’, which can leave houses 16’ apart. Mr. Norris explained the side yards are not part of the variance request.

Chairman Rini asked Solicitor Rutt if this was decided by the BOA and they approved it, it would have been the last and final step on it and they would have had their approval but because the BOA recommended it come to the Commission, he asked if that gives the Commission the same right as the BOA to 'ok' it on behalf of the Board of Adjustment. He feels that if it has to go any further, that it might be a two to three month wait before it gets publicly published.

Solicitor Rutt stated under the City code §230-58 (Zoning, Amendments, Procedure) item A:
The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.

Solicitor Rutt then read section B of the same chapter:

All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

Chairman Rini asked Solicitor Rutt if the Commission took the resolution as is and sent it back to the Board, could they just meet and pass it. Mr. Norris stated if that is done, you don't know if the BOA is going to approve it. Chairman Rini is just concerned for the applicant having to wait an extended period of time because it went to the BOA and they recommended it to the Commission. Solicitor Rutt felt the code he just read means that the application should go before City Council. Public notice is required.

Mr. Norris felt if Capstone has a buyer between now and when City Council hears the application, a variance could be applied for and be heard by the Board of Adjustment.

Mr. Dave Kenton, the owner of the property, explained at the Board of Adjustment hearing, they asked for a recommendation from Planning Commission. He asked if the Commission could provide the Board with their recommendation of approval of the variance. His feeling is the Board would be comfortable with voting in favor of the application if the Commission has no objections to it.

Chairman Rini felt this application has to go from the Commission to City Council. Solicitor Rutt again read §230-38, Referral to Planning Commission:

The Board may refer to the Planning Commission any applications or appeals for the Planning Commission's review and recommendation.

He stated it doesn't say anything about kicking it back to the Board.

Chairman Rini stated he was correct then when in the beginning of the meeting he stated the resolution is to be changed to read it will be recommended to City Council, rather than the Board of Adjustments. Change in the resolution.

With that change, Chairman Rini entertained a motion.

Mr. Campell asked if the Commission can vote on a variance. Chairman Rini replied yes because the Commission is recommending like they would on any variance and sending it to City Council.

A motion by Mr. Pilla to approve resolution PC12-015 was seconded by Mr. Campbell. Motion carried unanimously following a poll of the commission.

Mr. Pilla Yes. He thinks the footprint is better and gives the homeowner a little more flexibility.
Mr. Fry Yes for reasons stated.
Mr. Lane Yes for reasons stated.
Mr. James Yes. It's better to do it in bulk than one lot at a time.
Mr. Campbell Yes for reasons stated.
Mr. Burk Yes for reasons stated.
Mr. Rini Yes for reasons stated.

Chairman Rini thanked Solicitor Rutt for his guidance on this matter.

Report on City Owned Streets/Mark Mallamo, PE, City Engineer

Mr. Mallamo was not present, therefore no presentation was provided.

City Planner Monthly Report

No report to present.

With no further business, a motion to adjourn by Mr. James was seconded by Mr. Pilla. The meeting adjourned at 8:01pm.

Respectfully submitted,



Christine R. Crouch

Department Administrative Assistant/Recording Secretary

**CITY OF MILFORD
PLANNING COMMISSION**

Minutes of Meeting

June 19, 2012

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, June 19, 2012.

PRESIDING: Chairman Charles Rini
IN ATTENDANCE: George Pilla, Ed Holloway, William Lane, Marvin Sharp, Archie Campbell, Jamie Burk
ALSO: City Planner Gary Norris and Department Administrative Assistant Christine Crouch

Chairman Rini called the meeting to order at 7:01 pm noting the absence of Mr. Fry and Mr. James.

APPROVAL OF MINUTES

The minutes for the May 2012 regular monthly planning commission meeting were approved as submitted with a motion by Mr. Lane and seconded by Mr. Campbell.

CHAIRMAN MONTHLY REPORT

Chairman Rini attended the council meeting for the Hickory Glen project. The commission had recommended approval of the project and one of the things the commission did the first time it was seen by this body was ask them to remove the breezeway from the buildings, combine the buildings making the building unit count 24 instead of 12. Councilman Pikus amended the approval the commission recommended to require only 12 units per building, which is per code. Apparently Mr. Pikus received phone calls regarding the number of units per building.

There was only one person to speak against the project at the Council meeting, who lives on Church Hill Road. Chairman Rini personally does not understand how somebody who doesn't live in the corporate limits and doesn't pay taxes can come in and tell us what to do with property. Chairman Rini voiced that to the council as well.

As far as Chairman Rini understands this project is now in the hands of the developer and Mr. Norris reminded the commission it will have to come back to the Planning Commission for site plan approval.

Mr. Sharp expressed concern with the breezeway they had originally proposed, as that only promotes the spread of fire. Mr. Norris reminded him when the project comes back for final site plan approval it will require Fire Marshal approval.

Chairman Rini stated several things were mentioned to him after the Council meeting by Councilman Pikus, including Hickory Glen's open space calculation and the number of buildable lots in the City. He quoted 6,700 units that have approval; however Mr. Norris will draft a letter to City Council on behalf of the planning commission detailing the correct number of buildable lots in the City, which he will first share with the commission. Most of the approved lots are not

buildable because they have either expired or have gone bankrupt, etc. The actual number is closer to 900 units.

Chairman Rini reminded the commission a few months back the City Engineer was to make a presentation to the commission regarding city streets. Due to recent finances, Mr. Mallamo has been released from the City Engineer position. Also at this time the city is under a lot of strain about the changing of the electric bills, so he is not going to ask right now to try to find out who is going to replace Mr. Mallamo and who can make the presentation. Maybe after a few months and after the dust settles, Chairman Rini will meet with Mr. Carmean and see who can speak on that topic. When asked the circumstances, Chairman Rini stated Mr. Mallamo was let go, so there is no body in that position. He doesn't know if the position is on the books. He was only told Mr. Mallamo was let go. Chairman Rini feels September may be a good time to have the presentation to the commission.

As a final item under the Monthly Chairman's report, Chairman Rini asked for everyone to bear with him to see if he can get through this. He has always stated he considers it an honor to be working with the people around this table and everyone sitting here, including Christine and Mr. Norris. He goes out and advocates the planning commission at all the council meetings, DAC meetings, University of Delaware meetings, whatever... he attends several meetings a month and pushes for it, stated Chairman Rini. He considers it an honor working with you guys and has respect for everyone that sits at this table. He also tries to hold it in the highest standards possible, as his Chairmanship and he thinks it's an honor and a high esteem to be sitting in his position. Unfortunately a couple of weeks ago he let his guard down and he slipped below his standards that he sets for himself. He entered this building one day and walked down to see Christine Crouch, who happened at that time to be working with a client. He had difficulty with an administrative problem that he thought was a problem and he vented his anger out at Christine in front of an outsider who he doesn't know who it was and that was not acceptable to him and the high standards he sets for himself or other members of this commission. So right now he wants to publicly apologize to Christine for his actions and the disappointment that the commission must have had in his actions. That's all he'll say about that except he is sorry. Thank you.

UNFINISHED BUSINESS

NEW BUSINESS

2008 Comprehensive Plan Amendment/Ordinance 2012-09 Resolution PC12-016

Mr. Norris directed the commission's attention to the extreme bottom, left hand side of the maps. The amendment to the comp plan is needed in order to include a parcel in the growth boundary, which will be the site for a new electric substation. It is his hope the commission will recommend approval of the amendment.

When asked by Mr. Sharp where this parcel is located, Mr. Norris replied it is just south of the DSWA transfer station on Rt 113.

Hearing no public comments, Mr. Rini called for a motion.

Mr. Pilla made a motion to adopt resolution PC12-016, seconded by Mr. Sharp. Motion carried unanimously following a roll call.

Senate Bill 167

*DELAWARE STATE SENATE
146th GENERAL ASSEMBLY
SENATE BILL NO. 167*

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE LEGALITY OF ANY ORDINANCE, CODE, REGULATION OR MAP RELATING TO ZONING.

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

Section 1. Amend §8126, Title 10 of the Delaware Code by making 1 deletions as shown by strike-throughs.

§8126. County and municipality zoning and planning actions.

- (a) No action, suit or proceeding in any court, whether in law or equity or otherwise, in which the legality of any ordinance, code, regulation or map, relating to zoning, or any amendment thereto, or any regulation or ordinance relating to subdivision and land development, or any amendment thereto, enacted by the governing body of a county or municipality is challenged, whether by direct or collateral attack or otherwise, shall be brought after the expiration of 60 days from the date of publication in a newspaper of general circulation in the county or municipality in which such adoption occurred, of notice of the adoption of such ordinance, code, regulation, map or amendment.*
- (b) No action, suit or proceeding in any court, whether in law or equity or otherwise, in which the legality of any action of the appropriate county or municipal body finally granting or denying approval of a final or record plan submitted under the subdivision and land development regulations of such county or municipality is challenged, whether directly or by collateral attack or otherwise, shall be brought after the expiration of 60 days from the date of publication in a newspaper of general circulation in the county or municipality in which such action occurred, of notice of such final approval or denial of such final or record plan.*

SYNOPSIS

If a municipality or county passes a land-use ordinance that violates state law, an aggrieved party has only 60 days to file a court challenge. After that, the ordinance cannot be challenged, nor can subsequent decisions based on that ordinance be challenged based on its invalidity. This Bill seeks to remove that bar, recognizing that the enactment of an ordinance that violates state law cannot be legitimized by the passage of time.

Author: Senator Peterson

Mr. Norris directed the commission's attention to the synopsis of the bill explaining currently an aggrieved party has 60 days to appeal a land use ordinance and the bill proposes there be no time

limit. He stated the commission may make comments on this bill if they so choose. No comments were offered.

Development Trends Data/Office of State Planning

Mr. Norris was provided this information from the OSP back in April and wanted to point out Milford’s development trends to the commission.

The data is from 2008 until 2011 and was compiled based on land use/development applications approved by either the Planning Commission or City Council, as well as building permits issued. It includes commercial and residential numbers.

In summary:

2008 through 2011		
	Residential Units	Commercial Square Footage
Development Applications Approved	1789	930,242
Building Permits Issued	178	301,797

City Planner Monthly Report

No report provided.

Chairman Rini reminded the commission an email was sent to the commissioners seeking their input on the Complete Communities Survey, which is available on the City website. He asked the commission to please take a few minutes and complete the survey if they have not done so already.

With no further business, a motion to adjourn by Mr. Pilla was seconded by Mr. Campbell. The meeting adjourned at 7:30 pm.

Respectfully submitted,



Christine R. Crouch
 Department Administrative Assistant/Recording Secretary

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 16, 2012

A meeting of the Economic Development Advisory Panel was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, May 16, 2012.

PRESIDING: Chair Sher Valenzuela

IN ATTENDANCE: Dave Hitchens, Bob Connelly, Dave Markowitz, Nolan Williams, Irv Ambrose,
Sharon Kanter

ALSO: Recording Secretary Christine Crouch

Call to Order

Chair Valenzuela called the meeting to order at 5:35 pm followed by the pledge of allegiance.

Unfinished Business

Economic Development Director Hiring Update

Mr. Connelly reported the City is performing background checks on three candidates which should conclude in a couple weeks time. Mr. Hitchens requested timeline from the City Manager on the hiring of the Director.

Mr. Connelly also reported he attended the Complete Communities meeting held last evening and encouraged everyone to take the Visual Preference Survey that is on the City website. It only takes about 20 minutes.

Mr. Hitchens asked that some format of communication among panel members be created for informing everyone of who will be guest speakers at upcoming meetings and if they are bringing anyone with them as well. He offered to draft guidelines up and CV agreed for this item to be added to the next agenda for review.

CV stated Mayor Rogers was to attend this evening as a guest speaker however due to a prior commitment was unable to attend. Mr. Hitchens explained the Mayor was to announce that Delaware State University will be coming to Milford and occupying a space at First State Manufacturing to help small business start ups and expansions.

Mr. Hitchens also reported a draft agreement between Key Properties and DSU is being submitted to the DSU president regarding DSU constructing a large scale campus in Milford. Mr. Ambrose and Mr. Markowitz expressed their interest in DSU occupying empty buildings in the meantime.

New Business

Action Team Reports:

Real Estate (1) – Mr. Ambrose reported Fur Baby is moving to a larger space downtown. He is finding many property owners downtown that are unwilling to work with possible tenants to get the spaces occupied. Apparently, from what he has learned from other downtown communities, this is not that uncommon however it is discouraging.

Workforce Development (2) – Mr. Markowitz reported there are four jobs ready to be posted.

Infrastructure (3) – Mr. Hitchens reported the Rt 1 overpass is scheduled to begin September 1st.

Regarding electric rates in the City, he found a 1974 Chronicle that had an article on electric rates on the front page so obviously this is not a new concern. Mr. Connelly has yet to hear of Milford conducting a study on the current system to see where savings could be found. Mr.

Hitchens explained that very topic is what Mr. Craig Crouch will be reporting on at the next meeting.

Organizational Support (4) – Mr. Hitchens and CV felt it may be a good time for the panel to review the strategic plan and realign the panel members in Action Teams. This item will be discussed at the next meeting.

New Business Start Ups/Expansion (5) – CV reported Junior Achievement will be coming to Milford and occupying space in the First State Manufacturing building to assist with developing students with skills and training. Mr. Hitchens also reported there is a botanical garden that has expressed an interest in locating on Key Properties Group land, formerly known as the Isaacs Farm, where they would construct a Longwood Garden type structure with 35 acres of gardens. It appears the sports complex project to be located across from Medding and Son, discussed at a previous meeting, has been killed.

Marketing & Promotion (6) – Mr. Williams provided the panel with a Welcome Service handout detailing ideas for the service. He would like this item added to the July agenda to be discussed in greater detail. In addition, he has met again with Hampton Inn and they have invited the panel to tour the facility.

Mr. Ambrose felt it would be beneficial for the panel to meet in various locations in an effort to show the local business and general public the panels commitment to them and made a motion to have the August EDAP meeting at the Hampton Inn provided it could be done logistically, seconded by Mr. Connelly. Motion carried unanimously.

Community Forum Event / Mr. Robert Connelly

Mr. Connelly reported he is working with the Chamber and DMI to host a community forum where he will report the results of the business and citizen survey and ask them for their priorities and feedback based on those results. When asked where the forum could be held, the Senior Center is the most likely location. He asked when the best time of year would be to host such an event and the panel felt September, after vacations and when school is settled back in, would be the most appropriate time. In addition, the panel felt a budget from council would need to be established to support this event and other possible ventures and asked that the EDAP budget be placed on the next agenda.

Mr. Hitchens requested confirmation that the City Manager and Mr. Grier would be present at the June meeting.

CV also requested Mrs. Crouch send an email to the panel members a week in advance reminding them of the meeting and providing them the agenda.

Adjourn

With no further business the meeting adjourned at 6:39 pm.

Respectfully submitted,



Christine R. Crouch
Recording Secretary

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 20, 2012

A meeting of the Economic Development Advisory Panel was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, June 20, 2012.

PRESIDING: Dave Hitchens
IN ATTENDANCE: Bob Connelly, Bill Pilecki, Brian Warnock, Craig Crouch, Irv Ambrose, Michael Ashton, Nolan Williams
ALSO: Councilmember Garrett Grier and Recording Secretary Christine Crouch

Call to Order

Mr. Hitchens called the meeting to order at 5:30 pm followed by the pledge of allegiance.

Approval of Previous Minutes

A motion to approve the previous minutes by Mr. Pilecki was seconded by Mr. Connelly. Motion carried unanimously.

Unfinished Business

Economic Development Director Hiring Update

Councilman Grier reported Mr. Stephen Masten has accepted the position of Economic Development Director and will begin in mid July. There is no line item in the budget for the position and instead the income from the Wawa lease will fund the position. Mr. Masten was employed with the Sussex County Economic Development office so he comes with experience.

Discussions were held about whether to have the current city planner do the economic development for the City, however it was determined a separate individual would be preferred. As many are aware, this year's budget has been very tight and includes a \$0.08 tax increase, which is the reason for the funding choice.

Mr. Grier will invite Mr. Masten to the July EDAP meeting. Mr. Hitchens thanked Mr. Grier for his assistance in getting the position filled.

New Business

Delaware State University, City of Milford & First State Manufacturing Partnership-Small Business Accelerator
Mr. Hitchens reported a \$1.5M grant is forthcoming in July to establish a Small Business Accelerator office at First State Manufacturing's location. This will be a location that businesses can come and garner information about grants available, funds for expansion or new office openings, etc.

Mr. Ambrose asked if a DSU person will be staffed at that location. Mr. Hitchens replied Mr. Mike Kassan is the head of the program but he will not physically be located in Milford.

In addition, Mr. Hitchens reported DSU has a concept coming to fruition for a DSU campus located in Milford to house their masters programs. More information to follow.

Electric Department Study

Mr. Crouch reported he had spoken with the City Manager at legislative hall about a month ago where there were ten municipalities there signing a MOU with the Governor about looking at electric rates. While he has not reviewed that MOU, he believes it has goals the cities are to achieve, some reduction in rates, etc. It brought to the forefront that this is an economic issue that is challenging our state, not just here in Milford.

Mr. Connelly has been told by people he knows that they are not seeing a reduction in their electric rates and wondering why, since it was reported in the newspaper there would be. Mr. Hitchens reminded the panel the 10% reduction reported referred to commercial users, not residential. Mr. Grier reported he has seen a reduction in his

rates as part of the initiative, and when US Cold Storage, Perdue and Seawatch were here they reported the reduction as well.

Mr. Connelly felt the City is responsible for explaining to the public what they should expect to see and how to reduce their electric consumption, possibly via a monthly newsletter included in the bills. Mr. Williams stated everyone has the ability to find out how to reduce their consumption. There is a plethora of information available and it is not necessary the City's responsibility to do that.

Mr. Connelly left a voice mail message for the Meter Department Supervisor requesting information on the "beat the peak" type of device the City offers its residents but has yet to receive a return phone call. That is very poor customer service being provided. Mr. Grier will look into that.

Mr. Connelly questioned when the last time a feasibility study was conducted on the City utility departments. While no one was certain, Mr. Crouch believed one will be forthcoming as part of the MOU that was signed.

Reorganization of Panel Members on Action Teams

A motion by Mr. Williams, seconded by Mr. Warnock deferred this item to the next agenda. Motion carried unanimously.

EDAP Budget per City Council

Mr. Grier reported there is no budget for this panel. There is \$25k available to the Economic Development Director. Any money the Panel wishes to spend should be approved via council action.

Guest Speaker Announcements

Mr. Hitchens reminded the panel at the last meeting it was requested that prior to a guest speaker attending a meeting, it be announced at the previous meeting. Mr. Crouch requested Mr. Bill Strickland be invited as a guest speaker to report on the Sports Complex project in Kent County. The panel agreed this would be a beneficial presentation.

Action Team Reports:

Real Estate (1) – Mr. Grier reported the solar farm project is moving forward and the City anticipates selling the parcel of land to the solar company in the coming weeks.

Workforce Development (2) – Mr. Pilecki reported the WDC has secured five positions for six selected students and employer interviews are underway.

Infrastructure (3) – No report provided

Organizational Support (4) – No report provided.

New Business Start Ups/Expansion (5) – Mr. Hitchens reported the former Clariant building will be leased by a medical business with five employees that could expand to 50. In addition, there are rumors of a brewery coming to Milford. The botanical garden organization has unofficially selected Milford as their primary site.

Marketing & Promotion (6) – Mr. Williams reported Hampton Inn would like to EDAP to meet at their facility in conjunction with a tour. It has been explained due to FOIA requirements the EDAP meetings must be held in council chamber to be recorded on the City's recording system. In addition, no quorum of the EDAP members may meet without it being first publicly advertised.

Mr. Connelly is still working on getting the Community Forum scheduled. The City Manager is not returning his phone calls to obtain permission to hold the event. Mr. Grier will look into this.

Adjourn

With no further business the meeting adjourned at 6:22 pm.

Respectfully submitted,



Christine R. Crouch
Recording Secretary