

City of Milford



AGENDA

Monthly Council Meeting

September 10, 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 - Proclamation 2012-15/Family Day

Monthly Police Report

City Manager Report

Committee & Council Reports

Communications

Unfinished Business

Adoption/Ordinance 2012-14/Property Tax Rollback and Increase

New Business

Approval of FY2012-13 Budget Transfer/Public Works/Solid Waste Reserves/Yard Waste Containers

Introduction of Ordinance 2012-16/Animal Code/Leash Law Amendment

Dedication of City Right-of-Way/Mispillion Landing/DBF

Adoption of Ordinance 2012-19/Sewer Code/Chapter 185/Impact Fee Exemption

Adoption of Ordinance 2012-20/Water Code/Chapter 222/Impact Fee Exemption

Adoption of Ordinance 2012-21/Electrical Standards/Chapter 192/Impact Fee Exemption

Adoption of Ordinance 2012-22/Taxation/Chapter 204

Introduction of Ordinance 2012-18/Chapter 58/Police Enhancement Fund

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

Adoption of Resolution 2012-14*/Negotiate Installation of Additional Utilities or Authorize Condemnation Action/Key Property Group LLC

Adjourn

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

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

City of Milford



PROCLAMATION

2012-15

WHEREAS the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS 17 years of surveys conducted by The National Center on Addiction and Substance Abuse at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse;

WHEREAS the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented;

WHEREAS parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances;

WHEREAS family dinners have long constituted a substantial pillar of family life in America.

Now, Therefore, I, Joseph Ronnie Rogers, Mayor of the City Of Milford, do hereby proclaim September 24, 2012

‘Family Day – A Day to Eat Dinner with Your Children’

and urge all citizens to recognize and participate in its observance.

MAYOR JOSEPH RONNIE ROGERS

Attest:

Teresa K. Hudson, MMC

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: September 10, 2012

RE: Activity Report/August 2012

Monthly Stats:

A total of 964 arrests were made by the Milford Police Department during August 2012. Of these arrests, 173 were for criminal offenses and 791 for traffic violations. Criminal offenses consisted of 20 felonies and 153 misdemeanors. Traffic violations consisted of 314 Special Duty Radar, 16 Drunk-Driving charges, and 461 other.

Police officers investigated 56 accidents during the month (5 personal injury, and 51 property damage) and issued 165 written reprimands. In addition, they responded to 1437 various complaints including city requests and other agency assistance.

Monthly Activities:

On August 6th, an officer attended a training seminar at the University of Delaware in relation to Sub-Cultural Groups.

On August 7th, the departments criminal division attended a seminar in Dover on "Prescription Drugs".

On August 7th, the department sponsored our annual "Night Out". It was well attended and we received a number of compliments from those that attended. My thanks to Mayor Rogers and City Council for the support and to those that attended and assisted with the event.

After completing a 26-week training program, Recruit Ryan Christie will graduate on September 21st from the Delaware State Police Academy and begin his Field Training Program. We look forward to him joining our force.

Our K-9 Unit conducted four assists to other police agencies and was utilized in the city on eleven different occasions.

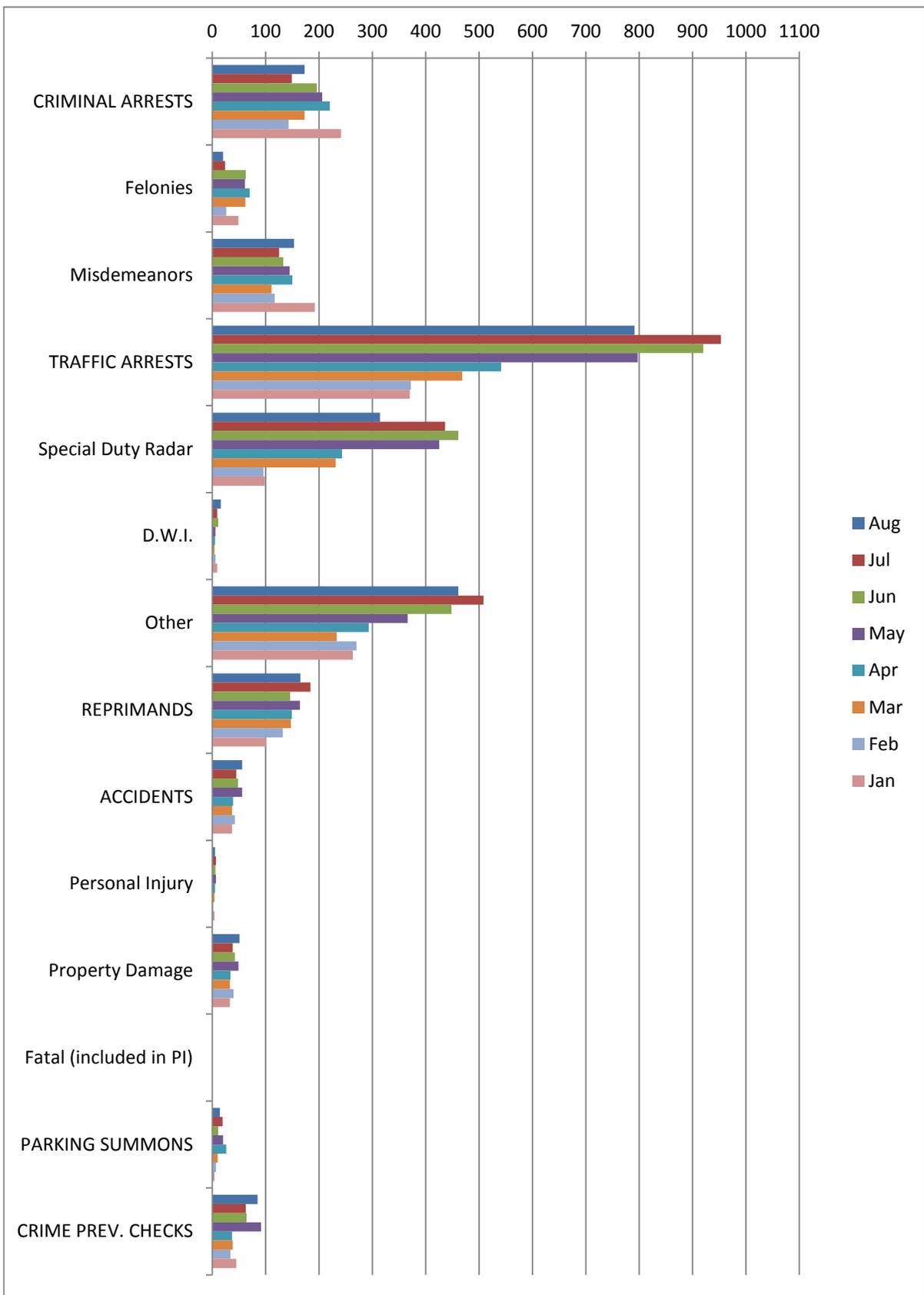
The department has completed and submitted to FEMA the mandatory Public Works and Police Department Resource Type Inventory. A new requirement this year, this allows FEMA to request available resources in the event of a disaster to assist in recovery actions.

School Resource Officer Pfc. Joseph Melvin will be a guest speaker at an education symposium, where he will immediately follow Governor Jack Markell. Pfc. Melvin was chosen as a result of his diligent and extensive work on a Comprehensive School Security program which has become the model for Delaware Schools. Congratulations to Officer Melvin for his hard work in keeping Milford at the forefront of safety for our schools.

We are replacing the police vehicle car camera server under a grant from the Violent Crime Reduction Fund. This camera server will allow us to store evidentiary recordings for longer periods, assisting us in the prosecution of both violent crime and minor traffic offenses.

AUGUST 2012 ACTIVITY REPORT

	AUG 2012	TOTAL 2012	AUG 2011	TOTAL 2011
COMPLAINTS	1437	10609	1476	10336
CRIMINAL ARRESTS	173	1501	155	1151
Felonies	20	375	47	298
Misdemeanors	153	1126	108	837
TRAFFIC ARRESTS	791	5212	659	3853
Special Duty Radar	314	2304	295	1662
D.W.I.	16	66	3	60
Other	461	2842	361	2033
REPRIMANDS	165	1188	166	1550
ACCIDENTS	56	360	48	337
Personal Injury	5	40	7	41
Property Damage	51	320	41	296
Fatal (included in PI)	0	1	0	0
PARKING SUMMONS	14	111	9	79
CRIME PREV. CHECKS	85	457	71	422
FINES RECEIVED	\$ 23,628.81	\$ 115,401.11	\$ 13,699.72	\$ 89,517.81



COUNCIL REPORT

September 10, 2012

SEWER AND WATER

I met with Randy DuPlechain from DBF to discuss possible water upgrades for the future. I was notified we may only have a limited opportunity to get USDA funding for projects involving our water infrastructure. We have been asked by Baltimore Air Coil to consider taking water to their plant because of failed wells at their location. We would initially fund the work, but Baltimore Air Coil would be reimbursing the city over a set number of years. I have directed DBF to put in our intent to request funding to the USDA. One possible project would be a total servicing and needed upgrades and repairs to our entire hydrant system. Another would be upgrades and improvements to our water SCADA system.

The utility agreement with the Wickersham property owners has been accepted. We have done the test boring at that location, and the results were promising. Now that the agreement is in place we can do the actual test well. As I have stated before this is an excellent location for several reasons. I think the most important reason is the fact we should not hear complaints from neighboring property owners about having a tower in their vicinity, but it also is a geographical location that serves our delivery system in the southeast excellently.

The repairs and replacement of our sewer and storm water systems on N. Walnut St. should be completed by September 6, 2012. I have stated that it is important to get this work done before we get struck by a major storm. Property owners in the disturbed areas have, for the most part, been very understanding with the disruption to their businesses. Some have complained of a loss of business, but as I have explained, if we had not done the work on our schedule they could have faced complete shutdowns when the system failed totally. The base for the road will have to be in place for a while before the topcoat is applied.

ELECTRIC

It appears as if the solar project is once again moving forward. I expect to go to settlement on the 10+ acres the city is selling to the developers. There are several reasons for delays. The last hurdle has been our inability to guarantee a date of completion of the sub-station. DPL and the city are very close in our negotiations of right-of-ways and pole purchases. I would still like to see the station built by the end of the calendar year.

This past spring one of our linemen left for another position. It was decided we would replace the lineman position for a grounds man position for the time being. The grounds man is basically a helper for the crew, and in particular a person to assist a working lineman. The person hired is a licensed electrician, and is very close to receiving his Master Electrician certification. Once that is obtained he can be an even more valuable resource to our department. The electric department has cut personnel by 5 employees over the last few years, and the department is managing to continue keeping our lights on with very few outages.

STREETS

We are continuing to work towards getting our SE Front Street overlay started. There are numerous changes in necessary work prior to the actual street improvement. The locator has been working toward locating and marking all the lines that need repair or replacing. I have been assured we are still going to receive funding from the State for handicap accessibility improvements on the sidewalks, and funding

assistance for the overlay. I would like to improve and replace sidewalks on both sides of the street, but we simply do not have the funding.

We have completed repaving on Church St., Masten Circle, Bridgeman Ave., and Wilkerson Terrace. We are also contemplating doing N. Washington St. from 6th St. to Rehoboth Blvd.

**CITY OF MILFORD
ORDINANCE NO. 2012-14**

WHEREAS, the 2011/2012 fiscal year property tax rate for the City of Milford is \$.46 per hundred of assessed value and the total assessed value of property as of July 1, 2011 was \$778,980,803; and

WHEREAS, upon the completion of the 2012 city-wide reevaluation, the total assessed value in 2012/2013 is found to be \$1,003,188,103; and

WHEREAS, Delaware State Law 22 Delaware Code Section 1105 (b) requires municipalities to calculate a "rolled-back" tax rate so as to provide the same tax revenue as was levied during the prior fiscal year and to state that the percent, if any, by which the property tax rate to be levied exceeds the "rolled-back" property tax rate.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF MILFORD:

That the City of Milford "rolled-back" tax rate is \$.38 per hundred of assessed value, and the 2012/2013 tax rate is to be set at \$.46 per hundred of assessed value, the increase over the rolled-back tax rate being 21%.

Dates:

Adoption: September 10, 2012

Effective: September 20, 2012



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 28, 2012

RE: Purchasing of Yard Waste containers

Richard,

In order to implement the new Yard Waste ordinance additional containers need to be purchased.

Please see attached proposal for new yard waste containers. I have checked with the Finance Director (Jeff Portman) and he has confirmed that there are sufficient funds in the Solid Waste reserves to purchase these containers. At this time I am requesting Council approve the transfer of \$24,251.40, from Solid Waste reserves to account # 204-4040-432-61-11.

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

Thank you.

Rehrig Pacific Company

August 28, 2012

Christie Murphy
City of Milford, DE
180 Vickers Dr
Milford, DE 19963

Dear Christie,

Thank you for the opportunity to provide City of Milford with budgetary pricing on Rehrig Pacific Company's Roll Out Yard Waste containers.

For the City's review and consideration, I have included a detailed budgetary proposal on the next page for approx (486), which equates to one full truckload, of Rehrig Pacific's 95-gallon Yard Waste Roll Out Carts in DSWA color scheme (light tan/dark tan) to include pricing for FOUR body vents.

The current lead-time for these products depends on Rehrig Plant of origin and venting options, however, I can safely estimate 5-7 weeks A.R.O. out of Rehrig Pacific's Erie, PA facility. This product is also able to be manufactured at a number of Rehrig Pacific's other plants; please inquire for additional information.

If you have any questions on the following, please do not hesitate to contact me on my cell phone at 443-602-1704, or via email at laskin@rehrigpacific.com. Thank you for this opportunity to assist City of Milford, and I look forward to talking with you soon.

Sincerely,

Laura Askin

Laura Askin
Sales Representative
Rehrig Pacific Company

C O N F I D E N T I A L

Budgetary Proposal for City of Milford, DE

(HUSKYLITE 95-GALLON ROLL OUT YARD WASTE CARTS)

Part Description	ROC-95U – YARD WASTE with OPTIONS
Quantity:	486 Units (one full truckload)
Cart Color:	DSWA Yard Waste (dark tan/light tan)
Body Brand:	Custom DSWA Yard Waste or City of Milford
Lead-Times:	5-7 weeks A.R.O.* (after receipt of order)
DELIVERED Price per unit:	\$49.90 unit (INCLUDES FOUR BODY VENTS)
Freight:	INCLUDED in delivered unit price

PROPOSED TOTAL: \$24,251.40 (includes four body vents)

**Lead time varies based on order placement*

This proposal is valid for (30) days.

TERMS: Net 30

PUBLIC NOTICE
Amendment to City of Milford Code
Ordinance 2012-16

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

ORDINANCE NO. 2012-16

(Existing Language Unchanged; New Language Shown in ***Bold Italics*** ; Repealed Text Shown as ~~Strikeouts~~)

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

CHAPTER 79 - ANIMALS

Section 1. An Ordinance to amend the Code of the City of Milford, Chapter 79-Animals.

Section 2. Article I, §79-1 (Terms Defined) is hereby amended by adding the following definition:

ARTICLE I - Definitions.

§ 79-1. - Terms defined.

ANIMAL- Dog, cat and any species of mammals except human beings.

Section 3. Article II, §79-2 (Running at large; Exceptions), §79-3 (Identification tag, violations and penalties) and §79-4 (Leash required; Exceptions) are hereby amended as follows:

ARTICLE II - Control of Dogs, Cats and Other Animals

§ 79-2. - Running at large; ***Exceptions.***

A. It shall be unlawful for any person or persons to permit any ~~dog or cat~~ animal owned, kept, maintained or in the custody or control of such person or persons to run at large either upon the public streets, sidewalks, highways, alleys or thoroughfares of the City of Milford or upon private property of any other person or persons ***without permission of the owner of that property or of the person in possession of that property.***

(1) Exceptions:

(a) Such restriction shall not apply to cats.

(b) Such restriction shall not apply to dogs owned by the Milford Police Department or other law enforcement agencies and maintained as police K-9 units while under the custody and control of the trainer or handler.

~~§ 79-3. - Identification tag, violations and penalties.~~

~~A. Every person who owns, controls, harbors, possesses or keeps any dog or cat over the age of six months in the City of Milford shall procure an identification tag for said animal. Within 15 days after an~~

animal reaches the age of six months, or within 15 days after any animal over the age of six months is acquired or brought into the City, its owner shall procure an identification tag for said animal. Any owner who fails to procure such an identification tag within the time allowed shall be subject to a fine of not less than \$25 nor more than \$300. The identification tag shall contain the name, address and telephone number of the owner of the animal.

§ 79-3 - Dog license required.

A. The owner or lawful possessor of any dog shall obtain a license for his dog pursuant to the licensing requirements of the county in which the owner or lawful possessor resides. License must be kept current. Any owner or possessor who fails to comply with the provision of the applicable county shall be subject to a fine of not less than \$25 nor more than \$300.

B. The owner of the ~~dog animal~~ shall affix or cause to be affixed to said ~~dog animal~~ the identification tag *associated with the license required in Section A. hereinabove mentioned*, and Said ~~dog animal~~ shall thereafter, at any and all times, have attached to it said identification tag.

§ 79-4. - Leash required; *Exceptions.*

A. No ~~dog, cat or other~~ animal shall be permitted in or upon any public street, sidewalk, alley, park, parkway or other public place in the City or in or upon any property belonging to said City unless said animal is on a leash and is under the complete control of the person owning or, at the time, in possession of said animal.

~~(1) Exception:~~

(1) *Exceptions:*

(a) *Cats are not required to be on a leash.*

(b) Feral cats that have been trapped, spayed or neutered and re-released are exempt from Subsection A. Each cat would be ear-tipped, clearly identifying it as a product of the Kent County SPCA Feral Cat TNR Program.

B. Notwithstanding anything in this article to the contrary, no person shall be compelled to keep any ~~dog, cat or other~~ animal in his possession on a leash while in or upon any public street, alley, parkway or other public place in the City if, at the time, said animal is securely confined in an automobile.

Section 4.

Dates.

Introduction: September 10, 2012

Adoption (Projected): September 24, 2012

Effective (Projected): October 10, 2012

Unity Development Co, LLC
3403 Lancaster Pike
Wilmington, De 19805

Mailed
May 30

May 9, 2012
CERTIFIED MAIL
City Council
City of Milford
201 South Walnut Street
Milford, DE 19963

ATTN: Richard Carmean, City Manager

RE: Right-of-Way for Roadway Improvements to Northeast Front Street

Dear Mayor and City Council,

We are the owners of Mispillion Landing (Tax Parcel # MD-16-183.07-01-27.01) located on the south side of Northeast Front Street (KCR 409). The project received site plan approval on November 18, 2011 and the plan was subsequently recorded on February 14, 2012. As part of the approvals, DelDOT requires our project to complete entrance improvements to include a deceleration lane and by-pass lane. In order to accomplish the required improvements, we are required to obtain right-of-way with a width of 15-feet over a portion of the City's property (identified as Tax Parcel #MD-16-183.07-01-15.00) which fronts along Northeast Front Street as shown on the enclosed map. The area of the acquisition is approximately 166 square feet.

We are requesting your consent to dedicating the required right-of-way to the State of Delaware, Department of Transportation. In consideration of this dedication, we will be paving most of this dedication in conformance with the approved plans. Furthermore, our office will pay for all costs in preparation and recording of the easement (i.e., engineering and legal expenses).

It is our understanding that based on an informal conversation with the City that the City will entertain our request for right-of-way dedication. If the City is willing to discuss and / or accept the above offer, please advise as soon as possible and we will prepare the necessary documentation for your review and approval. If the City is not willing to discuss and / or accept the above offer, please let us know this as well, and we will communicate your decision to DelDOT.

If we do not hear from the City within 30 days of the date of this letter, then we will assume that the City has rejected the above offer and we will advise DeIDOT accordingly.

Thank you for your prompt attention to this matter. We look forward to hearing from the City at your earliest convenience.

Very Respectfully,
Unit Development Corporation, Inc.

A handwritten signature in black ink, appearing to read "Paul Simeone", with a long horizontal flourish extending to the right.

Paul Simeone

PS/vm
Enclosure

Nov 2011



dbr
DAVIS
ROWEN &
FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
10000 Old Branch Road, Suite 100
Newport News, VA 23601
757-246-1000

City of Milford
MD-16-183-07-01-16.00-000

15' Wide
Dedicated to
Public Right-of-Way

N.R. Front Street

Mispillion
Landing

March 2007
Aerial Photograph



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>D. Wilson</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: City Council City of Milford 201 South Walnut Street Milford, DE 19963	B. Received by (Printed Name)	C. Date of Delivery 5/31/12
2. Article Number (Transfer from service label) 7010 3090 0003 1869 3680	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)											
For delivery information visit our website at www.usps.com OFFICIAL USE											
<table border="1"> <tr> <td>Postage</td> <td>\$.45</td> </tr> <tr> <td>Certified Fee</td> <td>2.95</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>2.35</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 5.75</td> </tr> </table>	Postage	\$.45	Certified Fee	2.95	Return Receipt Fee (Endorsement Required)	2.35	Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$ 5.75	Postmark Here
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City, State, ZIP+4	Milford, DE 19963										
PS Form 3800, August 2006 See Reverse for Instructions											

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CITY OF MILFORD
Ordinance 2012-19/Sewer Code

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8, Ordinance 2010-17 and 2012-16 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011 and 2012 when compared to those same periods in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend the period to waive sewer impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by extending the deadline to June 30, 2012 as follows:

D. The sewer impact fee described in Subsection C shall be waived for all permits issued **FOR REPAIRS OR REHABILITATION OF EXISTING STRUCTURES** between ~~June 3, 2010 and June 30, 2012~~ SEPTEMBER 20, 2012 AND JUNE 30, 2013. 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. **WAIVER DOES NOT APPLY TO NEW CONSTRUCTION.**

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(1) shall remain in effect through the extended deadline of June 30, 2013.

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

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

(a) Waiver of Sewer Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 EDU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 EDU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 EDU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction: August 27, 2012

Adoption (Projected): September 10, 2012

Effective (Projected): September 20, 2012 - June 30, 2013

CITY OF MILFORD
Ordinance 2012-20/Water Code

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9, Ordinance 2010-18 and Ordinance 2011-17 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011 and 2012 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend the period to waive water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by extending the deadline to June 30, 2012 as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued **FOR REPAIRS OR REHABILITATION OF EXISTING STRUCTURES** between ~~June 3, 2010 and June 30, 2012~~ SEPTEMBER 20, 2012 and JUNE 30, 2013. The waiver shall be for a maximum of 5 EDUs per project. **WAIVER DOES NOT APPLY TO NEW CONSTRUCTION.**

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect until the extended deadline of June 30, 2013.

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

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

(a) Waiver of Water Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 EDU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 EDU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 EDU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and

retention of jobs.

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction: August 27, 2012

Adoption (Projected): September 10, 2012

Effective (Projected): September 20, 2012 - June 30, 2013

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 S. Walnut Street, Milford, DE 19963 or by accessing its website at cityofmilford.com.

By: Terri K. Hudson, MMC
City Clerk

CITY OF MILFORD
NOTICE OF ORDINANCE REVIEW

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

ORDINANCE 2012-21

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10, Ordinance 2010-19 and Ordinance 2011-18 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011 and 2012 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend the period to waive electric impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Appendix B-Electric Tariff-Rules and Regulations shall be amended by extending the deadline for the waiver of Electric Impact Fees.

Section 2. Rules and Regulations, Section 3-Customer Advance Usage/Impact Fees and Deposits, Subsection E(1) is hereby amended as follows:

E. The electric impact fee established under this Appendix shall be waived for all permits issued **FOR REPAIRS OR REHABILITATION OF EXISTING STRUCTURES** between ~~June 3, 2010~~

and June 30, 2012 SEPTEMBER 20, 2012 AND JUNE 30, 2013. **WAIVER DOES NOT APPLY TO NEW CONSTRUCTION.**

(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

(a) Waiver of Electric Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 ESU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 ESU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 ESU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 ESU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 ESU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

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

Section 3. Dates

Introduction: August 27, 2012

Adoption (Projected): September 10, 2012

Effective (Projected): September 20, 2012 - June 30, 2013

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 S. Walnut Street, Milford, DE 19963 or by accessing its website at cityofmilford.com.

By: Terri K. Hudson, MMC
City Clerk

CITY OF MILFORD NOTICE OF ORDINANCE REVIEW

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

ORDINANCE 2012-22

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent employment, expands the City's tax base, and increases the use of City utilities; and

WHEREAS, on May 24, 2010, Milford City Council enacted Ordinance 2010-7 which initially provided a one year tax exemption for improvements on any property located within the City of Milford; and

WHEREAS, additional extensions were approved through the enactment of Ordinance 2010-16 and Ordinance 2011-19 which represents the City of Milford is doing all it can to help stimulate an economic recovery.

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 204 of the Code of the City of Milford, entitled Taxation, is hereby amended to include a new Article to read as follows:

ARTICLE II—EXEMPTION OF NEW IMPROVEMENTS ADDED TO PROPERTY

§ 204-6. - Eligibility for new improvement exemption of real property taxes.

~~The exemption shall apply to any improvement to any property (residential, commercial, industrial, etc.) located within the City limits that results in an increase in the improvement assessment as contained in the City's general assessment records.~~

THE EXEMPTION SHALL ONLY APPLY TO THE INCREASE IN ASSESSED VALUE RESULTING FROM SUBSTANTIAL REHABILITATION, RENOVATION OR IMPROVEMENTS OF EXISTING PROPERTIES (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC.) LOCATED WITHIN THE CITY LIMITS. NEW CONSTRUCTION DOES NOT QUALIFY.

~~The building permit for the said improvements must be submitted to the City prior to June 30, 2012.~~ THE BUILDING PERMIT FOR THE SAID IMPROVEMENTS MUST BE ISSUED PRIOR TO JUNE 30, 2013 AND SHALL BE VALID FOR A PERIOD OF ONE YEAR. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this article.

§ 204-7. - Amount of the exemption.

The amount of the exemption shall be determined by subtracting the ~~improvement assessment value prior to the new construction~~ VALUE OF CONSTRUCTION PER THE BUILDING PERMIT from the improvement assessment value following the new construction.

§ 204-8. - Application of the exemption and limitations.

The dollar amount of the exemption shall be multiplied by the property tax rate in the first full tax year following the issuance of a certificate of occupancy by the City. The dollar amount of the exemption shall be limited to a maximum of \$1,000 for residential properties and limited to a maximum of \$5,000 for all other properties. The exemption shall only be good for one year immediately following the issuance of a certificate of occupancy.

§ 204-9. - Appeals.

An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.

§ 204-10. - Due date for payment of property taxes.

Property taxes shall be payable on or before September 30th of each year.

§ 204-11. - Penalties.

To every tax not paid after the said date established in § 204-10, there shall be added and collected a penalty, for each month that the said tax remains unpaid. A penalty of one percent per month, or fraction thereof, shall be charged on all unpaid property taxes. City Council, by resolution, may impose a date later than that established in § 204-10 for the additional and collection of penalties.

Section 3. Dates

Introduction: August 27, 2012

Adoption (Projected): September 10, 2012

Effective (Projected): September 20, 2012 - June 30, 2013

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By: Terri K. Hudson, MMC
City Clerk

CITY OF MILFORD
Ordinance 2012-21/Electric Tariff/Appendix B

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10, Ordinance 2010-19 and Ordinance 2011-18 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011 and 2012 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend the period to waive electric impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Appendix B-Electric Tariff-Rules and Regulations shall be amended by extending the deadline for the waiver of Electric Impact Fees.

Section 2. Rules and Regulations, Section 3-Customer Advance Usage/Impact Fees and Deposits, Subsection E(1) is hereby amended as follows:

E. The electric impact fee established under this Appendix shall be waived for all permits issued **FOR REPAIRS OR REHABILITATION OF EXISTING STRUCTURES** between ~~June 3, 2010 and June 30, 2012~~ SEPTEMBER 20, 2012 AND JUNE 30, 2013. **WAIVER DOES NOT APPLY TO NEW CONSTRUCTION.**

(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

(a) Waiver of Electric Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 ESU)
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Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 ESU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 ESU's)

b) Agreement shall be executed by the commercial customer relative to the creation and

retention of jobs.

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

Section 3. Dates

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By: Terri K. Hudson, MMC
City Clerk

CITY OF MILFORD
Ordinance 2012-22/Chapter 204

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent employment, expands the City's tax base, and increases the use of City utilities; and

WHEREAS, on May 24, 2010, Milford City Council enacted Ordinance 2010-7 which initially provided a one year tax exemption for improvements on any property located within the City of Milford; and

WHEREAS, additional extensions were approved through the enactment of Ordinance 2010-16 and Ordinance 2011-19 which represents the City of Milford is doing all it can to help stimulate an economic recovery.

ORDINANCE 2012-22

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 204 of the Code of the City of Milford, entitled Taxation, is hereby amended to include a new Article to read as follows:

ARTICLE II—EXEMPTION OF NEW IMPROVEMENTS ADDED TO PROPERTY

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~~The exemption shall apply to any improvement to any property (residential, commercial, industrial, etc.) located within the City limits that results in an increase in the improvement assessment as contained in the City's general assessment records.~~

THE EXEMPTION SHALL ONLY APPLY TO THE INCREASE IN ASSESSED VALUE RESULTING FROM SUBSTANTIAL REHABILITATION, RENOVATION OR IMPROVEMENTS OF EXISTING PROPERTIES (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC.) LOCATED WITHIN THE CITY LIMITS. NEW CONSTRUCTION DOES NOT QUALIFY.

~~The building permit for the said improvements must be submitted to the City prior to June 30, 2012.~~ THE BUILDING PERMIT FOR THE SAID IMPROVEMENTS MUST BE ISSUED PRIOR TO JUNE 30, 2013 AND SHALL BE VALID FOR A PERIOD OF ONE YEAR. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this article.

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Property taxes shall be payable on or before September 30th of each year.

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Section 3. Dates

Introduction: August 27, 2012

Adoption (Projected): September 10, 2012

Effective (Projected): September 20, 2012 - June 30, 2013

PUBLIC NOTICE
Amendment to City of Milford Code
Ordinance 2012-18

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

ORDINANCE NO. 2012-18

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. An Ordinance to amend the Code of the City of Milford, Part I, Administrative Legislation, by adding a new Chapter 58 entitled Police Facilities Development Impact Fee.

Section 2. Chapter 58-Police Facilities Development Impact Fee

58.01 A Police Facilities Development Impact Fee is being created for the purpose of assuring the impacts created by new construction and additional development in the City of Milford pay a fair share of the proportional facility and equipment costs. Such fee is required to maintain the existing level of police protection services needed to accommodate such development as well as maintain the existing level of services to all areas in the City of Milford. New development and construction within the City of Milford results in increased usage of residential, commercial, industrial and other affected properties, which thereby increases the service requirements and capital equipment requirements of the City of Milford Police services. New development or construction without the payment of fees imposed by this section would not be fair to the owners and occupants of existing buildings within the City of Milford.

58.02 (A) Police Facilities Development Impact Fee.

There is imposed a Police Facilities Development Impact Fee on all new Residential and Nonresidential development.

(B) Fund Established.

There is hereby established and created a fund of the city entitled "Police Facilities Development Impact Fee Fund" and all revenues derived from and monies collected under this section, including accrued interest thereon, shall be deposited in such fund. The public safety impact fund is established for the sole purpose of providing monies for the acquisition, construction, and reconstruction of facilities and equipment and other capital purposes needed for the police department in providing police protection services.

(C) Impact Fee.

The Police Facilities Development fee will consist of a surcharge of .5% of the construction costs shown in the applications for building permits issued by the City of Milford. Said surcharge shall be paid to and collected by the City of Milford as are all other building permit fees.

58.03 Annual report and amendment procedures.

(A) Within one hundred twenty (120) days after the last day of each fiscal year, the Chief of Police shall prepare a report to the City Council incorporating the following items:

1. The police facilities and equipment commenced, purchased or completed utilizing monies from this Police Facilities Development Impact Fee fund;
2. The amount of the fees collected and any interest earned;
3. The amount of Police Facilities Development Impact Fees in the fund; and
4. Recommended changes to the Police Facilities Development Impact Fee Ordinance, including, but not necessarily limited to changes to the Police Facilities Development Impact Fee.

(B) Based upon the report and such other factors as the City Council deems relevant and applicable, City Council may by majority vote, amend the ordinance which includes any increase or decrease in the amount of the impact fee.

Section 3. Dates.

Introduction: September 10, 2012

Adoption (Projected): September 24, 2012

Effective (Projected): October 10, 2012

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: July 2012

Cash Balance - General Fund Bank Balance	\$1,115,824
Cash Balance - Electric Fund Bank Balance	\$4,773,161
Cash Balance - Water Fund Bank Balance	\$1,910,315
Cash Balance - Sewer Fund Bank Balance	\$658,740
Cash Balance - Trash Fund Bank Balance	\$433,209

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Solid Waste <u>Reserves</u>
Beginning Cash Balance	384,385	762,794	317,060	0
Deposits	72,094		29,635	
Interest Earned this Month	55	131	45	
Disbursements this Month	(82,922)		(41,666)	
Investments			1,607,464	250,000
Ending Cash Balance	\$373,612	\$762,925	\$1,912,538	\$250,000

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	440,320	1,695,897	1,286,466	3,263,162
Deposits	857,143	2,221,429	1,714,286	4,593,143
Interest Earned this Month	2,143	5,553	4,286	33,030
Disbursements this Month				
Investments	1,768,370	250,000	379,212	2,600,834
Ending Cash Balance	\$3,067,976	\$4,172,879	\$3,384,250	\$10,490,169

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	77,800	\$41,581	\$622
Deposits	2,158	\$1,141	
Interest Earned this Month			
Disbursements this Month			
Investments	926,157	\$670,755	\$260,185
Ending Cash Balance	\$1,006,115	\$713,477	\$260,807

INTEREST THROUGH THE FIRST MONTH OF THE FISCAL YEAR:

General Fund	528	Water Fund	281
GF Capital Reserves	2,143	Water Capital Reserves	5,554
General Improvement Fund	55	Water Impact Fees	0
Municipal Street Aid	131	Sewer Fund	97
Real Estate Transfer Tax	45	Sewer Capital Reserves	4,286
Electric Fund	813	Sewer Impact Fees	0
Electric Reserves	33,030	Trash Fund	589
Electric Impact Fees	0		

TOTAL INTEREST EARNED TO DATE \$47,552

REVENUE REPORT

Page Two

8.3% of Year Expended

Date: July 2012	AMOUNT BUDGETED	MTD	YTD	YTD%
ACCOUNT				
Budgeted Fund Balance	163,735	0	0	0.00%
General Fund Capital Reserves	334,705	2,269	2,269	0.68%
Property Transfer Tax-Police	500,000	41,667	41,667	8.33%
Real Estate Tax	3,508,380	3,286	3,286	0.09%
Business License	35,000	830	830	2.37%
Rental License	85,000	600	600	0.71%
Building Permits	60,000	7,684	7,684	12.81%
Planning & Zoning	25,000	700	700	2.80%
Grasscutting Revenue	5,000	0	0	0.00%
Police Revenues	300,000	22,520	22,520	7.51%
Misc. Revenues	262,810	12,566	12,566	4.78%
Transfers From	3,215,480	59,623	59,623	1.85%
Total General Fund Revenues	\$8,495,110	\$151,745	\$151,745	1.79%
Water Revenues	2,330,000	220,485	220,485	9.46%
Sewer Revenues	2,008,920	168,820	168,820	8.40%
Kent County Sewer	1,500,000	118,748	118,748	7.92%
Solid Waste Revenues	1,094,000	88,262	88,262	8.07%
Electric Revenues	23,686,500	2,239,317	2,239,317	9.45%
TOTAL REVENUES	\$39,114,530	\$2,987,377	\$2,987,377	7.64%
YTD Enterprise Expense		6,163		
YTD Enterprise Revenue		7,380		
LTD Carlisle Fire Company Building Permit Fund		66,658		

EXPENDITURE REPORT

Page Three

Date: July 2012

8.3% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	477,650	\$21,122	21,122	4.42%	456,528
O&M	156,505	\$13,173	13,173	8.42%	143,332
Capital	0	\$0	0		0
Total City Manager	\$634,155	\$34,295	\$34,295	5.41%	599,860
Planning & Zoning					
Personnel	127,535	\$5,225	5,225	4.10%	122,310
O&M	35,550	\$929	929	2.61%	34,621
Capital	0	\$0	0		0
Total P, C & I	\$163,085	\$6,154	\$6,154	3.77%	156,931
Code Enforcement & Inspections					
Personnel	141,890	\$6,164	6,164	4.34%	135,726
O&M	55,200	\$1,783	1,783	3.23%	53,417
Capital	0	\$0	0		0
Total P, C & I	\$197,090	\$7,947	\$7,947	4.03%	189,143
Council					
Personnel	31,225	\$1,599	1,599	5.12%	29,626
O&M	39,650	\$1,138	1,138	2.87%	38,512
Council Expense	17,000	\$6,959	6,959	40.94%	10,041
Contributions	369,735	\$61,000	61,000	16.50%	308,735
Codification	3,000	\$0	0	0.00%	3,000
Employee Recognition	9,000	\$0	0	0.00%	9,000
Insurance	17,000	\$0	0	0.00%	17,000
Capital	18,275	\$0	0	0.00%	18,275
Total Council	\$504,885	\$70,696	\$70,696	14.00%	434,189
Finance					
Personnel	330,625	\$13,541	13,541	4.10%	317,084
O&M	51,325	\$5,535	5,535	10.78%	45,790
Capital	0	\$0	0		0
Total Finance	\$381,950	\$19,076	\$19,076	4.99%	362,874
Information Technology					
Personnel	170,165	\$7,858	7,858	4.62%	162,307
O&M	169,550	\$20,363	20,363	12.01%	149,187
Capital	61,575	\$0	0	0.00%	61,575
Total Information Technology	\$401,290	\$28,221	\$28,221	7.03%	373,069

EXPENDITURE REPORT

Page Four

Date: July 2012

8.3% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,585,375	\$154,001	154,001	4.30%	3,431,374
O&M	489,280	\$58,453	58,453	11.95%	430,807
Capital	112,500	\$0	0	0.00%	112,500
Total Police	\$4,187,135	\$212,454	\$212,454	5.07%	3,974,681
Streets & Grounds Division					
Personnel	422,865	\$18,473	18,473	3.90%	408,392
O&M	407,285	\$18,836	18,836	4.62%	388,429
Capital	75,000	\$0	0		75,000
Debt Service	46,095	\$0	0	0.00%	46,095
Total Streets & Grounds	\$951,225	\$35,309	\$35,309	3.71%	915,918
Parks & Recreation					
Personnel	480,345	\$32,792	32,792	6.83%	447,553
O&M	233,950	\$37,811	37,811	16.16%	196,139
Capital	360,000	\$0	0	0.00%	360,000
Total Parks & Recreation	\$1,074,295	\$70,603	\$70,603	6.57%	1,003,692
Total General Fund					
Operating Budget	\$8,495,110	\$484,755	\$484,755	5.71%	8,010,355

EXPENDITURE REPORT

Page Five

Date: July 2012

8.3 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	219,350	\$9,297	9,297	4.24%	210,053
O&M	1,185,150	\$86,117	86,117	7.27%	1,099,033
Capital	80,000	\$29,688	29,688	0.00%	50,312
Debt Service	845,500	\$0	0	0.00%	845,500
Total Water	\$2,330,000	\$125,102	\$125,102	5.37%	2,204,898
Sewer Division					
Personnel	219,350	\$9,297	9,297	4.24%	210,053
O&M	1,070,885	\$107,221	107,221	10.01%	963,664
Capital	35,000	\$0	0	0.00%	35,000
Debt Service	633,685	\$0	0	0.00%	633,685
Sewer Sub Total	\$1,958,920	\$116,518	\$116,518	5.95%	1,842,402
Kent County Sewer	1,550,000	\$118,747	118,747	7.66%	1,431,253
Total Sewer	\$3,508,920	\$235,265	\$235,265	6.70%	3,273,655
Solid Waste Division					
Personnel	338,610	\$16,381	16,381	4.84%	322,229
O&M	755,390	\$60,021	60,021	7.95%	695,369
Capital	0	\$0	0	0.00%	0
Total Solid Waste	\$1,094,000	\$76,402	\$76,402	6.98%	1,017,598
Total Water, Sewer Solid Waste	\$6,932,920	\$438,769	\$438,769	6.30%	6,496,151
Electric Division					
Personnel	972,700	\$40,278	40,278	4.14%	932,422
O&M	1,801,835	\$123,924	123,924	6.88%	1,677,711
Transfer to General Fund	2,500,000	\$208,333	208,333	8.33%	2,291,667
Capital	266,725	\$0	0	0.00%	266,725
Debt Service	645,440	\$0	0	0.00%	645,440
Electric Sub Total	\$6,186,500	\$372,535	\$372,535	6.02%	5,813,965
Power Purchased	17,500,000	\$1,956,089	1,956,089	11.18%	15,543,911
Total Electric	\$23,686,500	\$2,328,624	\$2,328,624	9.83%	21,357,876
TOTAL OPERATING BUDGET	\$39,114,530	\$3,250,148	\$3,250,148	8.31%	35,864,382

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: July 2012

8.3% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Garage					
Personnel	91,800	3,433	3,433	3.74%	88,367
O&M	65,655	5,497	5,497	8.37%	60,158
Capital	0	0	0		0
Total Garage Expense	\$157,455	8,930	\$8,930	5.67%	148,525
Public Works					
Personnel	310,070	9,946	9,946		300,124
O&M	203,050	8,930	8,930	4.40%	194,120
Capital	21,300	14,080	14,080		7,220
Total Public Works Expense	\$534,420	32,956	\$32,956	6.17%	501,464
Meter Department-Water					
Personnel	123,030	5,184	5,184	4.21%	117,846
O&M	100,145	5,807	5,807	5.80%	94,338
Capital	0	0	0		0
Total Water Meter Expense	\$223,175	10,991	\$10,991	4.92%	212,184
Meter Department-Electric					
Personnel	174,500	7,583	7,583	4.35%	166,917
O&M	97,560	4,119	4,119	4.22%	93,441
Capital	0	0	0		0
Total Electric Meter Expense	\$272,060	11,702	\$11,702	4.30%	260,358
Billing & Collections					
Personnel	445,725	21,070	21,070	4.73%	424,655
O&M	283,830	19,146	19,146	6.75%	264,684
Capital	0	0	0		0
Total Billing & Collections	\$729,555	40,216	\$40,216	5.51%	689,339
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	54,600	5,981	5,981	10.95%	48,619
Capital	0	0	0		0
Total City Hall Cost Allocation	\$54,600	5,981	\$5,981	10.95%	48,619

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.

City of Milford



RESOLUTION

2012-14

WHEREAS, the City of Milford through a condemnation action acquired an easement for the installation of a sewer line over property owned by Key Property Group, LLC identified on Sussex County tax maps as Map and District 3-30-11 Parcels 6.01, 6.05, 84, 86, and 87; and

WHEREAS, a Certified Abstract of Record of Condemnation Proceedings was filed with the Recorder of Deeds in and for Sussex County in Miscellaneous Book 1073, page 74; and

WHEREAS, the City of Milford has determined that it is in the public interest to be able to install other public utilities within the same easement.

NOW, THEREFORE, be it resolved that the City Manager is authorized to negotiate with Key Properties Group, LLC to purchase the right to install additional public utilities within the easement and if that fails, City Council authorizes the filing of a condemnation action in Superior Court to obtain said utility rights.

Mayor Joseph Ronnie Rogers

City Clerk Teresa K. Hudson

Adopted: September 10, 2012

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 maliciously 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 the rumor had created a number 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 and we need this land in place in order to proceed. Our hands are tied at this point.

Mr. Carmean recalled that Senator Gary Simpson did not want the police station moved to the business park. In addition, a couple residents preferred it remain downtown. He feels acquiring this 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

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 9, 2012

A Meeting of the Economic Development Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Thursday, August 9, 2012.

PRESIDING: Chairman Garrett Grier III

IN ATTENDANCE: Committee Members Douglas Morrow Sr.

City Manager Richard Carmean and City Clerk/Recorder Terri Hudson

Economic Development Director Steven Masten

Chairman Grier called the meeting to order 9:12 a.m.

Economic Development Rates for New Business

Mr. Grier opened the meeting by asking City Manager Carmean to provide some comments on 'Company X'*. Mr. Grier advised they are requesting an incentive grant.

Mr. Carmean reported that he and Economic Development Director Steve Masten attended a DEDO and Kent County Economic Development meetings a couple weeks ago to discuss incentives with representatives of Company X. Their move and expansion to Milford will cost approximately \$3 million. Kent County is providing them with approximately \$85,000 in grants and tax rebates over a number of years. Though they are renting their facility, the lease agreement requires them to pay property taxes. DEDO is also giving them about \$100,000 in grants.

He explained that all grants have a clawback clause. If the company does not provide the number of jobs they are claiming, Kent County and DEDO have the right to pull their grant money back.

The city manager and Mr. Masten then discussed electric, sewer and water rates. The company does a lot of water recycling so they are not sewer and water dependent. However, electric will be a big issue for the company.

They have a three-year contract beginning January 1, 2013 in Milton where they will receive a cheaper electric rate than Milford is able to purchase it for. As a result, the city's hands are somewhat tied with electric. Mr. Carmean will offer them the best possible rate the city can afford for their first couple of years.

The city manager feels the only incentive success program we have so far is with Seawatch. Because Seawatch is sewer and water dependent (as well as some electric), they have received approximately \$12,000 to \$13,000 in rebates every quarter and it could increase to as much as \$15,000.

In Company X's case, the city manager said we can offer the same incentive though they will not receive as much of a rebate. Being a standard procedure for DEDO and Kent County to work with new businesses who guarantee a certain number of jobs, he feels the city should offer a similar grant incentive. It could be paid out of the Wawa account whose funds were set aside for land purchases. He feels that buying fifty acres of ground may be a good start for economic development, but it does not create any jobs until someone utilizes the ground. This will provide 37 to 40 jobs and an additional 20 jobs the following two years. He has heard that in five to six years, they could employ as many as 100 people.

The city manager stated this company has 13 subsidiaries. He pointed out that many times when one company bases itself somewhere, another follows.

He suggests we consider a tax forgiveness, a rebate and something similar to what we provided Seawatch.

*Per Confidentiality Agreement

Mr. Carmean understands we need to agree to some parameters that can be transferred to a document.

Mr. Morrow asked if the same formula used for Seawatch applies. Mr. Carmean explained the problem is our rebates are based mainly on demands and not energy costs. He acquired copies of their current bills and they show very little demand. As a result, they will not get a great savings from electric.

Mr. Morrow suggests that instead of giving them a \$50,000 incentive check if it can be translated into some electric rebate would seem more appropriate. The end result would be the same.

Mr. Grier asked what the parameters would be to provide a \$50,000 incentive and if they would be required to provide a certain number of jobs, maintain those jobs for a specific time frame, etc. Mr. Carmean advised that DEDO and Kent County have those requirements.

Mr. Grier asked when this needs to be presented to the company; Mr. Carmean emphasized this company wants nothing public until after September 15th.

Mr. Carmean feels if he can make a case that they get some kind of a decent rebate like \$12,000 per quarter, it may work. Mr. Grier feels we need to give them some type of electric rebate even if that formula does not work.

Mr. Carmean and Electric Consultant Jay Kumar agreed that by the year 2015, our rates will be lower than they can get elsewhere when considering some of DEMEC's recent purchases.

Mr. Grier feels it is a good way to utilize the Wawa money though we cannot continue to use it in that manner. However, if it attracts seven or eight different companies that could create a couple hundred jobs, he agrees it is a better use versus buying a piece of raw land.

Mr. Carmean said he and Mr. Masten have also been working with Councilman Gleysteen though he works alone at his Harrington site. He has recently partnered with another person and will be leasing some space from Joe Warnell. His company has the potential to bring in six to seven jobs.

Mr. Carmean said he plans to offer Mr. Gleysteen a deal with electric, water and sewer though he doubts he will qualify for any money. However, he does qualify for incentives.

Mr. Grier asked for recommendations on the conditions of the grant as far as number of jobs; Mr. Grier suggested 30 to 35 to be maintained over a three-year period. Mr. Morrow recommends we follow DEDO's parameters.

Mr. Masten advised that DEDO normally requires an initial guarantee and then a guarantee of future jobs. He believes it was initially 37 with 20 to be added for a three-year period.

Mr. Grier and Mr. Masten recommend we mirror DEDO's agreement. Mr. Masten feels that if it comes back on the city and the clause is not there, we could then provide them the \$50,000.

Mr. Morrow pointed out that if Company X is given a rebate and eventually closes or does not meet our requirements, the rebates would then stop. Thereby, it takes care of itself.

The city manager agreed to develop an incentive package.

Mr. Grier moved that the city mirror the DEDO grant and job incentives to total a \$50,000 package. It should also contain a guarantee for a certain number of jobs and a requirement they remain for at least three years; if not, the money will have to be repaid. Mr. Morrow seconded motion. Motion carried.

Impact Fee Waivers

Mr. Grier referenced the current impact fee waivers that expired on June 30, 2012:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by extending the deadline from June 30, 2011 to June 30, 2012 as follows:

§185-24 D. The sewer impact fee described in §185-24C shall be waived for all permits issued between June 3, 2010 and June 30, 2012. The waiver shall be for a maximum of 5 EDUs per project. The City will continue to collect the impact fee charged by Kent County during this period.

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(1) shall remain in effect until the extended deadline of June 30, 2012.

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

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

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by extending the deadline from June 30, 2011 to June 30, 2012 as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued between June 3, 2010 and June 30, 2012. The waiver shall be for a maximum of 5 EDUs per project.

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect until the extended deadline of June 30, 2012.

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

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

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 1. Chapter 119 of the Code of the City of Milford, entitled Electrical Standards, shall be amended by extending the deadline for the waiver of Electric Impact Fees as follows:

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

Section 2. The following sections of Chapter 119 of the Code of the City of Milford shall remain in effect until the extended deadline of June 30, 2012:

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
Commercial

12 Months
12 Months

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

Mr. Grier noted that presently, we have no incentives in relation to impact fees.

Additionally, the following tax exemption waiver expired:

Section 1. Chapter 204 of the Code of the City of Milford, entitled Taxation, is hereby amended to include a new Article to read as follows:

§204-6 Eligibility for new improvement exemption of real property taxes.

The exemption shall apply to any improvement to any property (residential, commercial, industrial, etc.) located within the City limits that results in an increase in the improvement assessment as contained in the City's General Assessment Records. The building permit for the said improvements must be submitted to the City prior to June 30, 2012. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this Article.

§204-7 Amount of the exemption.

The amount of the exemption shall be determined by subtracting the improvement assessment value prior to the new construction from the improvement assessment value following the new construction.

§204-8 Application of the exemption and limitations.

The dollar amount of the exemption shall be multiplied by the property tax rate in the first full tax year following the issuance of a certificate of occupancy by the City. The dollar amount of the exemption shall be limited to a maximum of \$1,000 for residential properties and limited to a maximum of \$5,000 for all other properties. The exemption shall only be good for one year immediately following the issuance of a certificate of occupancy.

Mr. Grier feels that Mr. Masten needs these tools as he works with these people. Right now, we are only offering the utilities incentives. He feels commercial impact fees are an incentive that these companies find attractive. He will agree to reducing the residential waivers with an attempt to phase it out after this fiscal year.

Mr. Grier suggests reducing the residential waiver from 5 to 2 EDU's's with the intent of eliminating it completely on June 30, 2013.

However, he believes we should leave the commercial waiver in place at 5 EDU's or make it more job specific. For example, a business that creates 30 jobs would receive a 5 EDU exemption, 20 jobs would receive 4 EDU's, etc. He feels we should provide a bigger value as more jobs are created.

Mr. Morrow feels we should also consider targeted residential areas, such as the Southeast Front Street, Fisher and Charles areas. He wants to focus on the center of town and possibly ten blocks out from the downtown. He noted that a number of contractors are buying homes in this area, tearing them down and building new ones. Mr. Grier liked the idea as well.

Ms. Hudson recalled the Live Near Your Work targeted area sponsored by the government a few years ago. That area was basically this same vicinity being described. The intent was to encourage our local work force to buy homes and rehabilitate them. Mr. Morrow recommends using that same footprint.

Mr. Grier also recommends creating two separate impact fee waivers—a residential chart and a commercial chart.

Mr. Morrow encourages the Live Near Your Work Areas and believes that the Church Street areas should also be considered. He feels it will attract contractors who are rehabbing or tearing down homes that are in need of repair.

When asked the average EDU's for a small home, Mr. Carmean said most only have one though some may have two.

Mr. Morrow likes the ability to reduce the exemption down to one EDU but rehabs in the targeted footprint could receive the maximum. He feels this will benefit the entire community.

Mr. Morrow agrees we need to phase out the exemption after this fiscal year.

Several options were then considered.

Mr. Carmean feels we need to discourage builders from constructing small homes. He also feels that we should focus on rehabs in specific areas.

Mr. Grier said we will need some parameters should we agree to that. Mr. Morrow pointed out we are not doing away with the waivers but instead focusing on some of the older areas that have a lot of potential. Mr. Grier added that if such a home creates three EDU's, he has no problem waving all of them. Mr. Carmean agreed stating the exemption could start at one and max out at five.

Mr. Carmean hopes this will encourage some of our larger contractors to consider rehabbing.

He recommends it be a test project for a year. If it works in the expanded downtown area, we will try another area next year.

The city manager will develop the plan.

It was agreed that on the commercial side, one EDU would be waived for every five jobs up to five EDU's (for twenty-five jobs).

Mr. Grier agreed to continue with the tax abatement on new construction until the end of this fiscal year.

Mr. Carmean confirmed that he and Mr. Masten would develop an impact fee waiver policy and establish a target area.

Mr. Grier then made a motion that the city manager and economic development director work on the impact fee waivers where up to 5 EDU's would apply to the targeted downtown areas discussed. On the commercial side, establish a policy with waivers based on the number of jobs created and specifically, that one EDU would be waived for every new five jobs. This waiver would remain in effect until the end of fiscal year June 2013.

He added that the one-year tax abatement would remain where a building permit was pulled prior to June 30, 2013. Mr. Morrow seconded the motion.

When asked if the ordinance could be retroactive to July 1st, it was determined that any ordinance adopted is not effective until a minimum of ten days after its passage date.

Mr. Carmean said he will have this prepared in time for the August workshop. He said in the meantime, any applicant can be held up until the ordinance is adopted.

Motion carried.

Economic Development Budget

Mr. Grier noted that originally he and Mr. Carmean had discussed a \$25,000 budget.

When discussing expenses, Mr. Masten explained he has found through previous experience, that advertising in industrial magazines simply does not pay.

He feels the best manner to promote Milford is to work the community. Thereafter, the community becomes the best salesperson.

Mr. Masten feels that a \$25,000 budget is excellent in terms of getting started. He said he will only have so much time to do certain things. The marketing portion is critical and needs to be in place.

Mr. Grier recommends that some of his budget be used for website development which needs some improvement. In addition, it can be used for marketing materials for brochures or improvements to the entrances of Milford if Mr. Masten feels that is appropriate.

The economic development director stated that recently, DeIDOT installed Milford's first Travel Service Signs on Route 1 (north and southbound). The signs direct drivers onto Route 14 (SE Front Street) to Abbotts Grill and McDonalds. He feels there is a potential to bring many customers into the downtown Milford area through the use of one of the busiest roadways in lower Delaware.

He feels the same thing should occur on Route 113.

Mr. Carmean noted that was the joint effort of Melody Booker (DEDO) and Milford Live's Bryan Shupe. Mr. Masten said they identified the need and got it done.

Mr. Masten will continue to encourage other businesses to become a part of the program by placing their restaurant, fuel station or lodging facility on the new sign. The fees are \$1,200 annually per year.

Mr. Morrow made a motion to establish a \$25,000 budget for economic development to be paid from the Wawa proceeds. Mr. Carmean advised it will need to be broken out into line items—gasoline, supplies, marketing, etc. Mr. Grier seconded motion. Motion carried with no one opposed.

Economic Development Director Steven Masten/Report

Mr. Masten then submitted the following report, which he will present to the Economic Development Advisory Panel this month:

I began my employment on July 23, 2012 as the first full time Development Director for the City of Milford. The first day was filled with adjusting to my new office and learning the established routines.

I am going to give a synopsis of the past three weeks in bullet points:

➤ *Press Releases:*

Milford Live:

<http://www.milfordlive.com/2012/08/07/masten-named-econ-dev-director/>

Beacon:

<http://www.milfordbeacon.com/news/x866119879/City-of-Milford-hires-its-first-economic-development-director>

Chronicle: 1-2 weeks an article will appear

- *Working with Small Business Development Technology Center (They work with new businesses who require a business plan)*
- *Identified available buildings and real estate (i.e., Business Park, Shopping Centers and Warnell Building; he feels we suffer from not having a move-in-ready building for potential businesses)*
- *Referred a potential new business start up to an organization up state for business plan assistance*
- *Established working relationship with Sussex Business Development Representative*
- *Met with Key Properties Group--Gigi Windley, Executive Vice-President for Business Development*

- *Working with existing small business regarding energy consumption and possible referral for specialized assistance (has resolved a problem with a local restaurant through information obtained from metering department)*
- *Identified three potential manufacturers interested in locating in Milford*
- *Fact gathering for the three clients above and on going meetings*
- *Senator Coons visited Milford recently and had an open discussion with 15 stakeholders in council chambers*
- *Meeting with the Economic Development Committee*
- *Energy consultant, regarding using solar to curve electric cost*
- *Met with the Milford Chamber of Commerce*
- *Visited and gained information from Mill-Pond Properties, Incorporated*
- *Recent announcement about Bay Health's new \$20 Million Hospital (will bring other medial related businesses to community)*
- *Recent announcement about Sports Complex north of Milford*
- *Visited a business that is looking to expand and is considering Milford*
- *Milford Business Park, meeting with some of the businesses*
- *New Business signs that are appearing on Route 1 directing traffic to Milford Restaurants and Lodging*
- *New Construction for retail operation at Plaza at Milford, Advance Auto Parts will be relocating*
- *New Construction for retail operation at Plaza at Milford, retail sites available for lease--2,500, 4,200, 5,000 square fee*

Mr. Carmean then reported they are close to finalizing the utility agreement with Wickersham just south of Milford. He believes we will end up with the entire facility on that site.

The city manager also advised the bids are out for the southeast water main extension which will extend down Wilkins Road and across Route 1. Eventually, the sewer will come up Bucks Road and across Meadows of Shawnee.

He explained that two separate boars will be needed (water and sewer) under Route 1 per DelDOT's recommendation.

Mr. Masten added that he spoke with Chesapeake Utilities about running natural gas under Route 1. It was agreed that all the utilities need to be coordinated at the same time. Chesapeake Utilities is prepared to proceed.

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

The Committee Meeting adjourned at 9:58 a.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 13, 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, August 13, 2012.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr., 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 7:04 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Grier to approve the minutes of the June 25, 2012 Workshop, July 9, 2012, July 12, 2012, July 23, 2012 and August 2, 2012 Committee and Council Meetings as presented. Motion carried.

RECOGNITION

President Marvin Sharp/Carlisle Fire Company

President Sharp reported that on Thursday night, six local heroes will be honored by the Carlisle Fire Company for their courageous acts on June 20th when they together saved two residents from their burning home.

He also noted that the fire company's statistics are available on line by accessing carlisle42.com. Mr. Sharp expects approximately 3,600 dispatches this year due to the growth and population in Milford over the past few years.

Because of the increase, a second ambulance crew has been added Monday through Friday from 7:00 a.m. to 5:00 p.m.

He concluded by stating the fire company is experiencing some growing pains and may need some future help though discussions are in the infant stage.

MONTHLY POLICE REPORT

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

CITY MANAGER REPORT

Mr. Carmean presented the following report:

ADMINISTRATION

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. Regardless, sustainable energy is 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. This should put an end to rumors and concerns that there is a chance of losing that institution. However, 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 requested DELDOT 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.

The staging area for their equipment will be on the north side of the parking lot adjacent to Park Place and the Skating Center. That will allow the demolition of the Washington Street Water Plant to be completed sooner.

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 substation, 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 nonpayment disconnect days. These hours are after our normal business hours, because we 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 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 South Walnut Street and Southwest 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 received a \$25,000 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 were due last week, but due to some questions raised by the prospective bidders, they were postponed until August 16th. This main goes down Wilkins Road and across Route 1. We have been required by DELDOT to make our bore under Route 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.

BILLING

In early spring, I divided the city into four quadrants for reading and billing purposes. In 1999, the city had 3,200 customers; today, we have almost 8,000. In 1999, we had one due date and one disconnect date. A lot of changes have occurred since that time. For example, because we utilize bulk mailing, we now have to transport our bills to the Dover Post Office. There are still a large number of customers who pay their bills in person, come in to discuss a problem or pay their bill on site after a disconnect. New services are handled at the office.

Anything that could have gone wrong with this process did. The last issue involved a longer than normal billing period (approximately 38 days) for one month. Therefore, the customers in cycle 1 had a much larger bill than normal during a very hot period.

I changed the once-a-month billing to four separate billings (one per week). In June, there were five weeks. As a result, they proceeded with meter reading and billing. That caused two bills to go out in one month even though it was a 28-day period. It also caused cycle 1 to get a 38-day billing period the following month. That was done in order to get back on the four-week cycles. Each of the four cycles has a different due date though each is on a Monday. On a holiday, the due date may fall on a Tuesday.

The next bill will be for 25 days which will put everything back in line.

In addition, the waiver of the late fees will remain until there are no further problems.

Comparatively, Milford is ranked five in rates. Our summer rates are higher than our winter rates.

COMMITTEE & COUNCIL REPORTS

Economic Development Committee Recommendation/Impact Fee & Property Tax Waiver

Chairman Grier reported there was a committee meeting last Thursday to discuss the impact fee waivers and tax exemption for new construction that expired on June 30th. Both had been in effect for just under the past two years. It was recommended that some additional conditions apply to the new impact fee waiver. On the residential side, the committee is proposing that up to 5 EDU's remain in effect though it will no longer apply to all construction in the city. Instead, the intent will be to rehab some of the older homes in a targeted area to be determined.

Mr. Carmean agreed there are areas in town that need attention and this would be a great incentive for potential purchasers. The intent of the committee was to focus on the historic and downtown areas of Milford.

Mr. Grier said he has firsthand knowledge that some contractors have taken advantage of this waiver which he feels is an economic development incentive.

He noted that on the commercial side, the concentration will be on jobs. With every 5 jobs created, one EDU will be waived (sewer, water and electric). It will max out at 5 EDU's when 25 plus jobs are created.

In addition, the one year tax exemption will remain in place.

Mr. Gleysteen stated he is pleased with the proposal and particularly likes the focus on homes that need to be rehabed. The new construction market is somewhat flat at this point and the percentage these waivers will provide a building is minimal when compared to the cost of the house.

In addition, he likes the job creation incentives which is the goal of the committee.

Mr. Grier said he hopes to have an ordinance to present at the August 27th meeting.

The city manager asked who was going to delineate the targeted areas in the ordinance; Mr. Morrow advised that we will start with the targeted areas the city used previously in the Live Near Your Work Program. He believes it falls within a one-mile radius of the center of town.

Mr. Grier said his preference is to offer the waiver to any old buildings someone is willing to rehab. Mr. Carmean agreed it can be offered citywide.

Sign Code Ad-Hoc Committee/Recommendations/Amendments to Sign Ordinance

City Planner Gary Norris recalled the previous meeting when three recommendations were made. One was to allow the sandwich-board A-frame signs in the downtown areas to remain as long as there was 3½ feet of unobstructed walkway.

Another recommendation was to allow a flag sign, which are temporary and advertise a business, as long as it is ten feet off the public right of way. The third item is to only allow one large shopping center sign listing all stores in the center. All signs would have to kept in good repair.

Mr. Grier recalled a recommendation to change the subdivision ordinance to require a sign package be submitted with a commercial site plan. He also noted that Chairman Rini handed him a document at the previous meeting where four sentences were crossed out that stated 'allowance shall be determined by the code official'.

Mr. Norris agreed that the committee felt the code official should continue making that decision; Mr. Grier explained that the document Mr. Rini gave him removed that option.

Mr. Norris offered to prepare a draft ordinance for council review. He will then present it to the planning commission for a public hearing and amendment to the zoning ordinance.

Mr. Grier directed Mr. Norris to proceed with the ordinance changes.

COMMUNICATIONS

All correspondence was included in packet.

UNFINISHED BUSINESS

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

Mr. Carmean recalled this ordinance being discussed for several months. The city will provide new 95-gallon rollout containers which will be used solely for yard waste to any resident who requests one. Yard waste and recycling will be collected on alternating weeks.

Mr. Brooks expressed concern about pickups on holiday weeks.

Public Works Director Brad Dennehy advised that last year, collection was occurring a day in advance of the holiday. According to Mr. Dennehy, it was heavily advertised though a lot of people did not see it. Henceforth, they will continue to provide the additional services after a storm event. However, it will be for a limited time frame and not a month as was done after Hurricane Irene.

Mr. Dennehy said because of the hurricane in August, he was forced to use water department employees to assist his crews for more than a month in order to pickup all the debris that was put out. He feels many people were abusing the service and recommends that any debris that does not fit into this container, be transported to the transfer station here in Milford.

He informed council he is providing a three to four month transition period to ensure all customers are familiar with the new process. Once that period is over, it will be strictly adhered to.

Mr. Grier moved to adopt Ordinance 2011-28, seconded by Mr. Johnson:

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 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.

Adoption: 08-13-12

Effective: 08-23-12 (unless other wise stated—see below)

Effective: Section 7 and Section 10 of this ordinance shall become effective 06-30-13.

All other Sections effective 08-23-12.

When questioned about the June 30, 2013 effective dates for Sections 193-6 and 193-7, the city clerk explained that though the intent was to remove those requirements, it was later determined that a few commercial collection companies have paid their fees through that date. Therefore, those two sections will remain in the ordinance at this time.

Motion carried.

Approval/FY 2012-2013 Budget Adjustment/Economic Development Director Salary Adjustment

Mr. Carmean explained the \$5,000 transfer request is a result of what was advertised and because Mr. Masten did not need any benefits. As a result, Mr. Masten requested his starting salary be increased \$5,000.

Mr. Pikus noted that was the salary agreed before Mr. Masten started; Mr. Grier clarified that it was advertised for \$55,000. Mr. Carmean recalled that the salary range would max out at \$65,000. This action is required because Mr. Carmean provided the finance director with an incorrect salary of \$60,000.

Mr. Gleysteen asked if this is in lieu of benefits; Mr. Carmean stated not really but initially it was agreed to start the position at \$65,000. At the time, he was confident the position could be appropriately filled at a lower salary.

Mr. Grier asked if Mr. Masten is receiving benefits; Mr. Carmean advised that he does not have our medical insurance because he receives insurance as part of his county retirement.

Mr. Carmean explained the second choice was an applicant from Pennsylvania who would have taken a year to become familiar with the area. Mr. Masten is very familiar with the contacts needed to get the job done which is a value that is impossible to place a dollar amount on.

Mr. Pikus moved to transfer another \$5,000 from the Wawa proceeds to increase the Economic Development Director's salary to \$65,000, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

Approval of FY2012-2013 Budget Transfer/Electric Reserves/Louise Miles Property Purchase

Mr. Carmean submitted a request to transfer \$240,176.11 from the electric reserve account to pay for the purchase of 207 South Walnut Street. This was previously approved by council though the funding needs to be authorized. Settlement is scheduled for Thursday and Ms. Miles will be leasing the property for an indefinite period of time.

Mr. Rutt anticipates some additional settlement costs that could total around \$1,500.

Mr. Carmean emphasized that another advantage of purchasing this home is to acquire the permanent easement deeded to Ms. Miles through the city parking lot which was authorized by our former city manager.

Mr. Grier moved for approval of the transfer of \$240,176.11 plus any additional settlement costs from the city's electric reserves, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

NEW BUSINESS

Introduction/Ordinance 2012-13/Water Code/Removal of Permitted Wells

The following ordinance was officially introduced, with adoption scheduled for the August 27th council meeting:

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

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.

Well Request/Haven Lake Animal Hospital/Canine Rehab & Conditional Center

The following request was received from DVM Chris Coon on July 30, 2012:

I would like to discuss the possibility of a private well at Haven Lake Animal Hospital PA (HLAH). The hospital is located at 300 Milford-Harrington Highway.

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 4,000 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 three to six-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.

Doctor Coon was present and advised the Primary Center for Education and Canine Rehabilitation at the University of Tennessee reportedly runs three underwater 400-gallon treadmills. They are completely drained and cleaned on a weekly basis. In addition, the pool is drained on a three to six-month cycle depending on use.

He explained the reason for the request to install a well is to reduce the utility costs. In addition, the pumps, filters and heaters will add significantly to the electric bill. If they had their own well, it would eliminate the additional water use on the utility bill.

Doctor Coon explained they own a large field (25,000 square feet) with a retention pond behind the animal hospital which could be used for drainage and irrigation of the area. That would prevent adding the extra water from the well into the sewer.

Mr. Pikus asked if the drainage would create a problem with DNREC; Doctor Coon advised that DNREC is requiring city approval before the well is installed. However, drainage has not yet been addressed.

Mr. Grier recommended installing a separate meter for this project which would eliminate any sewer and sewer treatment fees. He explained the city's concern is once we start allowing private wells be installed, everyone will want to do this and it will be difficult to monitor.

Mr. Gleysteen asked if the average residential daily usage is 250 gallons; Mr. Carmean said that is likely the average. Mr. Gleysteen does not feel this volume is large enough to justify its own well. He agrees with Mr. Grier and asked that Doctor Coon consider a separate meter whereby they would only be charged for water usage.

Mr. Carmean explained that the city's water rates are not the expensive component. It is the added cost of the sewer treatment fees which an irrigation meter excludes. Mr. Grier stated he can attest to that as a carwash owner because his water goes back through the sewer.

Doctor Coon confirmed that under this scenario, he would only be charged water rates even though he is using the sewer. Mr. Gleysteen explained it would have to be piped to a drain field. Mr. Pikus noted we have a number of residents using a separate meter for irrigation or swimming pools.

The city manager stated that Mr. Pikus is correct that DNREC may argue there are contaminants in the pool so Doctor Coon should check with them first.

He then noted there are two private wells being requested this evening. He emphasized the concern of how easy it is to install a well for irrigation that potentially could end up being tied into a house and sewer which must then be treated without being paid for. The purpose of public utilities is to protect that from occurring.

He told Doctor Coon he is not implying that is the intention of either applicant before council tonight. But it has been done in the past which is why wells are restricted in city limits. That is why they allow a separate meter in these cases so the property owner is only charged the water fee.

When reviewing the numbers, Mr. Carmean anticipates using less water for the treadmill than he uses for his own pool during the summer. However, he pays the sewer charge because he does not have a separate meter. He reiterated that prohibiting private wells has been the policy in the city for years.

Mr. Pikus emphasized the second meter would result in a substantial savings. Putting it through the main meter would be costly. Mr. Grier said there would need to be some guarantee the water is going out to the storm pond and not back into the city system.

Doctor Coon said he will proceed by asking DNREC for permission to direct his stormwater into his holding pond. Council agreed.

Doctor Coon pointed out this will only be the third facility in Delaware to provide this service; the other two are in Wilmington so it is very important to this area. Mayor Rogers agreed it would be a tremendous benefit to our community.

Mr. Pikus moved to deny the private well request for Haven Lake Animal Hospital, seconded by Mr. Gleysteen.

Mr. Gleysteen stated he votes to deny the request though he recommends Dr. Coon consider installing a separate water-only meter.

Motion carried by unanimous roll call vote.

Well Request/Irrigation Well/19592 Drummond Drive/Fork Landing

Council agreed that this request should be denied for the same reasons as were previously discussed. Mr. Carmean asked that council vote on the matter to affirm the action.

Mr. Pikus moved to deny the request for a private well at 19592 Drummond Drive, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

It was also recommended that the applicant install a second water-only meter whereby the property owner will see an overall savings no sewer fees will be charged.

Public Works' Radio System Upgrade

Public Works Director Brad Dennehy advised that all the public works vehicles and equipment contain a two-way radio in addition to the parks and recreation and billing departments. He said it is also the manner in which the police dispatchers contact his personnel if needed.

Mr. Dennehy stated that his personnel are unable to talk on the cell phones in their vehicles since the law prohibits that even though police officers are excluded from the law.

The following memo from Mr. Dennehy was included in the council packet:

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. 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.

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 those upgrades, but highlights include; being digital which allows for clearer communication, emergency buttons built into 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.

Mr. Dennehy said the only alternative is to eliminate our radio system if it is not upgraded. They have reviewed different features and held several meetings last year with his departmental superintendents.

All radios will need to be changed out from the trucks, in addition to the handheld portable units. A new tower will also need to be installed at the public works yard because we are changing from an analog to digital system. Besides clearer communications and safety features, digital radios provide higher security. Even though the police department is on 800 megahertz, he can provide them with portable radios should their system could go down.

Mr. Dennehy stated an RFP needs to be prepared so the project can go out for bids. Because it is a sizable amount of money and was not budgeted, it will need to be paid out of reserves. He anticipates the cost of this project being approximately \$240,000.

Mr. Gleysteen referenced Mr. Dennehy's statement that the police department could piggyback off the public works system. He asked if the police radio system could be expanded and the public works department could use some of their equipment. Mr. Dennehy explained the police are on the 800-megahertz system which is the Cadillac version. However, they did consider that at one stage and felt this would be the easiest path to take. He pointed out the cost of that is even higher than what he is proposing this evening.

Chief Hudson advised the police department uses a statewide restricted 800-megahertz digital trunked radio system which provides statewide communication for state, county and municipal police agencies.

Mr. Dennehy said he is not familiar with the technology involved and offered to bring a Motorola representative to answer any technical questions for council.

Mr. Gleysteen asked if there is anything that can be done to reduce the costs and if it is possible to share the police department's tower. Mr. Dennehy said there is one tower at the police department that is currently used by public works though it is insufficient. There is another tower at public works tied into the SCADA system. There is a lot of interference which creates unnecessary alarms during odd hours. Therefore, he is recommending a stand-alone tower away from the police department that will be much taller than the one that currently exists.

Mr. Pikus confirmed this will be publicly bid.

Mr. Dennehy advised there are only a couple radio vendors in Delaware and he expects companies from throughout the United States to bid on the project. The response time for maintenance will need to be a priority of the RFP. He favors Motorola because they are American made, reliable and have a three-year warranty. They also met with a vendor from New Jersey who presented a Chinese-made radio which was \$100 cheaper though his preference is Motorola.

When asked how many radios are needed, the public works director advised that fifty radios should equip their vehicles and equipment. Presently, they have only 14 hand-held radios.

The city manager noted that Mr. Baird had Mr. Dennehy working on this before he returned as city manager. He advised the choice is to have no radios because we will lose our license if we do not upgrade. Mr. Dennehy agreed noting that December 31, 2012 is the deadline and if there is no upgrade, the FCC will pull Milford's license and fine the city.

Mr. Dennehy said he wanted this accomplished a year ago. It was his understanding the previous city manager was going to bring the matter to city council though he never did.

Mr. Brooks expressed concern this is being presented at the last minute and agreed it should have been addressed a year ago. Mr. Dennehy said he has been beating the stick for a while to get the matter before council and it is finally on tonight's agenda. He said if we use a local vendor, we can get the radio update quickly though getting the tower up and on line may take some time.

Mr. Carmean said that we need to find the money to pay for this, but in the meantime, Mr. Dennehy can begin the bidding process.

Mr. Pikus said if it needs to go before the finance committee, he will call a meeting.

Mr. Gleysteen noted that because this is a federal mandate, is there any federal money available to assist with the upgrade; Mr. Dennehy said none that he is aware of. He informed council there is a lease-to-own program through Motorola which may be the best option. Unfortunately, he has not found any federal funds. Because they are a public works department, they do not have the funding that is made available to public safety. He has been asking if there is some way they can be a saddle up to the police department to get money though that is not a reality.

Mr. Dennehy said he will discuss the programs available through Motorola with Finance Director Jeff Portmann.

He added that a lot of other towns, along with the City of Dover are currently going through the same process. Those towns have all put this off because of the costs involved.

Mr. Carmean and Chief Hudson noted that the police department went through the same process when their radios had to be upgraded to 800 megahertz. It was verified there are no grants available to law enforcement during that process either.

Due to the approaching deadline, Mayor Rogers directed the Finance Committee to address the matter and include Mr. Brooks in any decisions.

Mr. Dennehy asked that a vote be taken so that he can proceed with the RFP. Council agreed Mr. Dennehy should proceed with the proposals, but it should then be forwarded to the finance committee.

Mr. Johnson asked when the proposal will be ready; Mr. Dennehy said he has been working on it and it should be ready within a week to ten days.

Approval of BillTrust Billing Service Agreement

Mr. Carmean recalled this bill outsourcing company has been before council on several occasions. He recalled discussing this company with the other members at a DEMEC meeting. Before he could address it here, Lewes and Middletown were under contract with them.

He explained the process involves our meter readings to be downloaded and then provided to BillTrust. In addition, the city will be able to provide much more information on the customer bills. Customer service will remain local and through our staff at the public works building.

Mr. Pikus pointed out that this will eliminate a lot of paper storage. Mr. Carmean agreed noting that currently we have to purchase envelopes, bills and other related supplies. This will free up a lot of the space at public works after this transition.

Mr. Pikus moved for approval of the BillTrust Service Agreement as an overall savings to the city, seconded by Mr. Johnson.

Mr. Gleysteen asked the current cost of each mailed bill. Mr. Carmean advised there is the cost of the paper, envelope, return envelope, 41 cents postage, printing costs and the cost of an employee stuffing and preparing the bills as well as transportation costs and time of the meter reader transporting the bills to the Dover Post Office. He estimates the labor is around 60 cents.

Mr. Gleysteen said it appears as though the BillTrust cost is about the same, though that does not take into consideration man hours or gasoline costs. Mr. Carmean admitted there is very little savings other than staff time and reduction of storage issues.

Motion carried with no one opposed.

Request for Tax Exemption Status/Meadows at Shawnee HOA Open Areas

Mr. Carmean advised that members of the Meadows at Shawnee HOA Board were present. They are requesting a property tax exemption due to their tax-exempt, nonprofit status.

Dan Marabello of 1 Windy Drive explained that a precedent was set by Knotts Landing HOA because of a code in the state tax code. They became tax exempt after paying property taxes the first couple years. His understanding is that state law says if the property is tax exempt in the county, the city should follow suit.

Mr. Marabello reiterated a precedent was set and it would not be fair if one HOA is exempt and the others are not. He said they are already paying taxes indirectly because the HOA pays to maintain the retention ponds through a fee charged their residents. Therefore, he feels they are taxing themselves.

When asked if their HOA is a 501(c)(3), Mr. Marabello stated yes.

City Solicitor Rutt explained that an HOA can be a not-for-profit but cannot have a 501(c)(3) status. That is only established for charitable purposes.

Mr. Rutt then questioned the Newark address on the bill and asked if the HOA is still under the control of the developer; Mr. Marabello stated no.

Mr. Rutt also noted that the tax bill was mailed with the other bills and referenced the exemption application date. He noted that the law, or ordinance, requires any appeals be filed within a specific time frame. Mr. Marabello advised they have only received one tax bill which was paid.

It was confirmed the HOA is responsible for maintaining the ponds. An erosion and settlement problem occurred last year which cost the HOA \$3,400 to fix.

The solicitor asked that they provide proof of their county exemption and not-for-profit status. In addition, a letter needs to be obtained from the county confirming these two parcels are tax exempt.

Mr. Johnson asked that all HOA's be treated in the same manner.

Mr. Marabello said he is willing to get the letter but said there has already been a precedent set and he does not understand the reasoning.

Mr. Rutt directed Mr. Marabello to contact the tax assessor's office and obtain something that proves they are tax exempt. Knotts Landing is in Kent County and may be handled in a different manner.

Scott Angelucci of Downtown Milford stated he is the current Chairman of the Delaware State Charitable Gaming Board. He confirmed that the solicitor is correct and 501(c)(3) is for charitable organizations. He said that people often apply for licenses for charitable events under a 501(c)(7) which is a not-for-profit though they are not a charitable organization.

Mr. Rutt emphasized that the city currently has no proof of any tax exemption status. He added that by being a nonprofit does not automatically make an organization a 501(c)(3).

Mr. Gleysteen moved that this matter be postponed until the August 27th meeting at which time the appropriate paperwork can be submitted by the HOA, seconded by Mr. Pikus. Motion carried with no one opposed.

Mr. Carmean confirmed that Mr. Marabello must check with the county and bring the appropriate documentation to the city.

The city manager will follow up with the remainder of the HOA's to determine their tax status.

Appointment/DEMEC Board Member and Alternate Member

Mr. Pikus moved to appoint City Manager Carmean as Milford's DEMEC Board Member and Electric Superintendent Rick Carmean as his alternate. Motion seconded by Mr. Grier and carried by unanimous roll call vote.

Adoption/Resolution 2012-10/Annexation Committee/City of Milford Parcel/Electric Substation

The city manager recalled the city purchasing this property for the electric substation/connection point last August. When the planning staff began the annexation process, it was determined the parcel was not in our growth area which required the comprehensive plan be amended. As a result, the annexation process was postponed until the comp plan was corrected. The comp plan has since been completed and we are awaiting final approval from the state.

Ms. Wilson moved to adopt the following resolution, seconded by Mr. Pikus:

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, approximately 1.38 miles south of the Cypress Hall entrance, Sussex County, legally described as follows:

RE: Tax Map 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,*

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.

Motion carried.

The annexation committee meeting was scheduled for Monday, August 20th at 5:30 p.m.

Introduction of Ordinance 2012-15/Change of Zone/City of Milford Parcel

Relative to the above annexation, City Manager Carmen presented the following ordinance for introduction:

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:

- 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,

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

Waiver of Annexation Agreement Requirement

City Clerk Hudson advised that the city's annexation process requires that each petitioner enter into an annexation agreement with the city. Because the applicant is the City of Milford, no agreement is needed.

Mr. Grier moved to approve the annexation agreement waiver for the proposed City of Milford (applicant) annexation, seconded by Mr. Pikus. Motion carried with no one opposed.

Scott Angelucci /Sign Proposal

Mr. Angelucci of 204 Lakeview Avenue stated that when he started his business downtown he did not expect to be an advocate for economic development. But working with DMI and getting training from the National Trust has given him that ability.

He informed council these signs are related to economic development for downtown. He learned that the best way to recruit businesses is through business retention. A lot of the downtown businesses rely on visitors to our community. Through his business, he determined that Milford has been the absent community on the state radar. He stated that the purpose of the signage is to put them in front of the people traveling through the area and to represent the community as far as promoting those businesses.

Mr. Angelucci referenced the bid he put together for the signage package. He emphasized this is part of economic development by making it known Milford has a downtown that is developing and growing.

The sign will be placed on Route 1 at the north overpass. The overall size is 34.5 feet long and 10 feet tall. It was based on guidelines for visibility. He said it is in scale with a billboard though the billboard portion will be removed making only the branding and designation visible.

He advised the cost of one of the large signs is \$13,650. The letters are guaranteed for life against fading, cracking and breaking. This will be a one-time investment based on the company information which will provide a long-term return.

The other portion comes from the framework which will hold the sign.

Mr. Angelucci explained that both proposals came from local vendors. The second vendor, William Steele Welding, is for the support structure which includes the cost of a crane needed for the installation. The total cost for the framework is \$5,382.99.

Additional expenses not included are electricity, plantings and maintenance.

Mr. Angelucci explained by purchasing more than one sign, there is a 10% discount of the overall price. The second sign is planned for the south side of Milford.

He recommends this being put into the works this year because it is an election year and there are a number of things occurring which should provide some support from the State of Delaware. The signs reinforce the fact that Milford is taking action to make this a visible community.

After Mr. Pikus confirmed the plan is to purchase two signs, he verified Mr. Angelucci was familiar with the city's bid policy that requires any project over \$30,000 to be publicly bid. Mr. Angelucci stated yes he is familiar with process noting that two signs total more than \$34,000.

Mr. Gleysteen asked the difference between flat-face and prismatic-face; Mr. Angelucci said the prismatic-face catches more light and looks more professional. The flat-face is more for a building.

It was confirmed the signs would be in city limits.

Mr. Carmean recommends using the Wawa funds set aside for economic development.

Mr. Gleysteen asked if DMI will be contributing toward this project. Mr. Angelucci explained that he wrote a recent grant for the banners while working with Lisa Fitzgerald from the USDA. He said that earlier this year, she had asked about the city match though initially, there was no discussion of that match because the city was providing the funding for the Downtown Milford Director. Then she informed him there was an audit and a match was needed from the city on the signage.

He explained that DMI submitted and received a grant for \$20,000 for the banners. As a result, he does not think there is funding available for this project.

Mr. Angelucci advised the sign will be positioned on the overpass rise on the southbound lane north of the city. He explained the attraction signs will be located just north of this site. The attractions include the Mispillion Art League, Riverwalk and Milford Museum. The next thing drivers will see is the branding at the overpass site.

Mr. Pikus asked if this is a billboard considering the size; Mr. Angelucci said that it is about the same size as a billboard but this will be on a steel framework. Mr. Pikus asked if it will be lit; Mr. Angelucci stated yes noting he does not think this is a billboard because it is not about a business and instead about a community. Council had concerns about that interpretation.

Mr. Angelucci said it will be easy to argue why this is not the type billboard someone does not want. Mr. Johnson responded that is because it supports the downtown businesses. Mr. Angelucci said it is community-wide. He said people are only opposed to billboards that advertise their business or whatever they are selling. He feels that anyone that complains about a billboard that supports the downtown does not live here. This is a community billboard that will bring people into the city.

He further explained the design is created to make the backboard invisible. It is not a billboard because you will only see the letters that read river town, art town and hometown in addition to the attractive plantings and lighting across the front.

Ms. Wilson asked if this will promote just downtown; Mr. Angelucci stated no because it promotes the entire city.

Mr. Pikus moved to put this matter into the hands of the Economic Development Committee, seconded by Mr. Johnson.

Mr. Carmean confirmed that this will require DelDOT approval and will have to go before the planning commission.

Mr. Gleysteen stated that because of the substantial costs involved, what other financial requests can council expect from Downtown Milford. Mr. Angelucci said it is a matter of what comes first. He there are a number of projects in the works and he is working on a specific project himself. It is difficult to move those projects forward until there is a way to advertise the community.

He feels Milford needs to be recognized as a destination. Currently, there is nothing that promotes it. This will be the first step. Once that is done, there are a lot more things that will need to be addressed. He stressed the intent is to recognize Milford as a community with something going on and to bring interest and tourism dollars to our downtown area.

Mr. Angelucci said there are other projects underway including the aquarium and amphitheater projects. He is working on an interactive art center that will bring people to Milford. The National Trust taught him that the heart of the community is downtown and the gateways are the arteries that bring the lifeblood. It is important to mark the gateways so people know how to get downtown and to provide the information about Downtown Milford.

Mr. Gleysteen asked how much is estimated for landscaping; Mr. Angelucci said he has not pulled those numbers yet. If necessary, it can always be done through phases over a few years to minimize their costs. The main thing is to get the structure and lighting in place.

It was confirmed the traffic service signs recently installed on Route 1 are the efforts of Bryan Shupe of Milford Live and Kevin Reading, Abbotts Grill Owner.

Mr. Shupe was present and informed council that Mr. Reading came to him and asked how to get those signs on Route 1. It took a year but there are now signs on both the southbound and northbound lanes of Route 1. The intent is to attract customers from Coastal Highway to those businesses. There is room for additional businesses who wish to advertise on the sign as well. The cost is \$1,200 per sign (per direction).

Motion carried.

Kent Economic Partnership, Inc./Financial Support

The following request, dated June 25, 2012 was presented for council consideration:

The Kent Economic Partnership 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).

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.

Mr. Grier moved to deny the request for financial support, considering we have our own Economic Development Director, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

Agreement of Sale/Sunolar Land Purchase/Amendment 1

City Solicitor Rutt advised the Contract of Purchase and Sale on the Fordmill Property for Sunolar required settlement by Friday. This amendment allows a thirty-day extension in order to work out the final details on the interconnection agreement and related issues.

Mr. Pikus moved to extend the contract for an additional thirty days and authorize Mayor Rogers to sign the extension, seconded by Ms. Wilson. Motion carried.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the twelfth month of Fiscal Year 2011-2012 with 100% of the fiscal year having passed, 96% of revenues have been received and 92% of the operating budget expended.

He noted that our cash balance accounts are lower. Electric revenues were down by 4% but expenses were also down. The budget worked out close to what was expected for the fiscal year.

Mr. Grier moved to accept the June 2012 Finance Report, seconded by Mr. Gleysteen. Motion carried.

EXECUTIVE SESSION

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

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

Mayor Rogers recessed the Council Meeting at 9:17 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 9:39 p.m.

Executive Session Matter

Mr. Grier made motion to place on the August 27th agenda an item to negotiate the purchase and/or condemnation of an existing sewer easement for additional public utility easements on property that is currently owned by Key Properties. The purpose would be to serve other portions of southeast Milford with public utilities. Motion seconded by Ms. Wilson.

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 9:42 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk

*MILFORD CITY COUNCIL
MINUTES OF MEETING
August 20, 2012*

A Meeting of the Annexation Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, August 20, 2012.

PRESIDING: Chairwoman Katrina Wilson

IN ATTENDANCE: Committee Members:

Councilman Douglas Morrow, Councilman S. Allen Pikus and Planning Commission Chairman Chuck Rini

City Clerk/Recorder Terri Hudson

Chairwoman Wilson called the Annexation Committee Meeting to order at 5:40 p.m. to review the following request submitted by the City Manager Richard Carmean dated September 21, 2011:

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 Boulevard, 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.

City Planner Gary Norris recalled the city purchasing this land for the purpose of constructing an electric substation. At the time, a portion of the property was outside city limits. In order to construct the substation, the electric department needed the property annexed to prevent dealing with zoning issues through Sussex County.

It was later determined by the planning department the site was outside Milford's Comprehensive Plan growth boundary and the comp plan would need to be amended. Though we are still in the process of updating the comp plan, the annexation process was started to prevent additional delays. Once we receive final approval from the Office of State Planning, the parcel will be conforming. Council can then adopt the annexation resolution and the zoning ordinance will become effective.

Mr. Norris then read Section 230-9 (R-1 Residential District) which states that Subsection B(3) states municipal and public service and facilities including city hall, water storage, water reservoirs, water pumping stations, sewage pumping stages, street rights-of-way, utility transmission and distribution lines and public transportation are permitted uses.

He further stated that because this use is permitted in the R-1 zone, it is permitted in other zones including all commercial districts. Therefore, the C-3 zone being requested is appropriate.

He also noted the zoning of the adjacent Solid Waste Transfer Station is Highway Commercial or C-3.

With no further business, the Annexation Committee Meeting adjourned at 5:48 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/ Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 27, 2012

A 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, August 27, 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 D. Carmean, Police Chief E. Keith Hudson,
City Clerk/Recorder Terri Hudson and City Solicitor David Rutt

CALLED TO ORDER

Mayor Rogers called the Council Meeting to order at 7:05 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests in attendance.

COMMUNICATIONS

None.

UNFINISHED BUSINESS

Annexation Committee Recommendation/City of Milford Property

Chair Katrina Wilson reported the Annexation Committee met last week to discuss the petition. Following a review of the annexation proposal, the committee agreed to proceed with the annexation of the parcel owned by the City of Milford.

The following report was submitted:

A public meeting was held in Council Chambers on August 20, 2012 to consider the annexation request for lands described as:

*Property Owner: City of Milford
Location: South of Route 113, Near Transfer Station
Size: 4.23 acres
Existing Zoning: AR-1
Proposed Zoning: C-3
Tax Map and Parcel Number: 1-30-6.00-94.00 (part of)*

The Annexation Committee of the City of Milford City Council recommends approval of the application, with the following comments:

- 1. Annexation is consistent with the "Comprehensive Land Use Plan."*
- 2. Property is contiguous to existing City Limits.*
- 3. Any changes to the property would be subject to review by the City of Milford Planning Commission and/or City Council.*

4. *Property will be served by City Electric, Sewer, and Water.*
5. *The property will house a new Milford substation, which would be in city limits, giving us complete control over the parcel.*
6. *The construction of the substation will enhance the City electric capacity, prevent outages and modernize the City's overall system.*
7. *The City will benefit through additional revenues, including taxes and the sale of water, sewer and electric.*
8. *Upon Council approval, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.*

The property should be annexed with the following zoning classification: C-3

Ms. Wilson moved to accept the favorable Annexation Committee Report and proceed with the annexation, seconded by Mr. Pikus. Motion carried by unanimous roll call vote with no one opposed.

Adoption/Ordinance 2012-13/Water Code/Removal of Permitted Wells

The city manager then reviewed the proposed ordinance which removes city councils' discretion when approving public, industrial and irrigation wells:

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:

§222-32 shall be amended by rescinding subparagraph §222-32B(6) as shown below:

§ 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.

Dates.

Introduction: August 13, 2012

Adoption: August 27, 2012

Effective: September 6, 2012

Mr. Carmean recalled at the last meeting, council determined that wells should be prohibited in the city. Though there are many people who wish to install a well to irrigate their lawn, there are also a number of people who would install a well to tie into the existing system of their home or business. Should that occur, the balance of our customers would end up paying for their sewer treatment charges. He said it is unusual for a municipality with public utilities to allow wells be installed. Therefore, he recommends paragraph B(6) be removed.

Mr. Brooks moved to adopt Ordinance 2012-13, seconded by Ms. Wilson.

Mr. Gleysteen asked how many wells presently exist in the city; Mr. Carmean stated that Perdue has two wells that are grandfathered though the city meters them. They are currently not used as much as they were in the past because of their iron content. Despite that, Perdue is charged the sewer treatment fee on the water that is pumped there.

He noted there is also one home with a well that was annexed. Joseph Warnell has two wells at his property though both are capped.

Motion then carried by unanimous roll call vote.

Meadows at Shawnee HOA Property Tax Exemption Request

It was determined that Sussex County has recognized the 503C tax status of Meadows at Shawnee HOA lands. As a result, the City of Milford can legally act on the exemption.

Mr. Carmean noted that HOA's have only existed in the city the past fifteen years or so. At the time they were annexed, the developers established HOA's. He said that in most cases, they are helpful to the city because they police themselves and our code officials spend very little time in these developments. He feels that because they pay for their stormwater management maintenance fees, the tax abatement is appropriate because they are saving the city a great deal of money because they do not require our other services.

The city manager said they have also requested the city reimburse the taxes they paid for the previous fiscal year which was approximately \$1,000.

Mr. Pikus asked if the other HOA's pay city taxes. Chuck Rini of Knotts Landing responded by stating his subdivision paid city and county taxes for approximately five years before requesting the tax exemption. He emphasized that Knotts Landing did not receive a refund from either prior to the approval of their exemption.

Mr. Pikus moved to make the two parcels owned by Meadows of Shawnee HOA tax exempt in conjunction with Sussex County and because the Knotts Landing HOA did not receive reimbursements, the exemption will be effective beginning fiscal year 2012-2013 and is therefore, not retroactive. Mr. Johnson seconded motion. Motion carried by unanimous roll call vote.

Mr. Carmean will contact the other HOA's to determine their tax status. Council gave the city manager permission to exempt any HOA who has obtained their 503C and is recognized by the county without coming back to them.

NEW BUSINESS

Introduction/Ordinance 2012-14/Property Tax Rollback and Increase

Mr. Carmean stated that we recently completed our ten-year reassessment as is required by our charter. In addition, state law prohibits municipalities from collecting more tax revenues than received the previous year as a result of the revaluations. As a result, a rollback rate must be calculated. An ordinance is required to announce the rollback rate and the eight-cent tax increase approved by council in June. The ordinance is a way to confirm there was a tax increase and the higher bills are not the result of the reassessment.

The following ordinance was then introduced by Mr. Pikus:

WHEREAS, the 2011/2012 fiscal year property tax rate for the City of Milford is \$.46 per hundred of assessed value and the total assessed value of property as of July 1, 2011 was \$778,980,803; and

WHEREAS, upon the completion of the 2012 citywide reevaluation, the total assessed value in 2012/2013 is found to be \$1,003,188,103; and

WHEREAS, Delaware State Law 22 Delaware Code Section 1105 (b) requires municipalities to calculate a "rolled-back" tax rate so as to provide the same tax revenue as was levied during the prior fiscal year and to state that the percent, if any, by which the property tax rate to be levied exceeds the "rolled-back" property tax rate.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF MILFORD:

That the City of Milford "rolled-back" tax rate is \$.38 per hundred of assessed value, and the 2012/2013 tax rate is to be set at \$.46 per hundred of assessed value, the increase over the rolled-back tax rate being 21%.

Dates:

Introduction: August 27, 2012

Adopted: September 10, 2012

Effective: September 20, 2012

Adoption of City of Milford Tax Warrant/FY 2012-2013

Mr. Pikus moved to adopt the FY 2012-2013 tax warrant, seconded by Mr. Gleysteen:

GREETINGS:

The Charter of the City of Milford provides the following:

"Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, Signed by the Mayor and Attested to by the Secretary, commanding the City Manager to make collection of Taxes as stated in the Tax Lists."

THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS AS FOLLOWS:

Assessed Per Billing Register	\$1,003,188,103
Exemptions	[212,645,500.00]
TOTAL ASSESSED VALUE	\$790,542,603.00
	<u>x .0046</u>
ESTIMATED TAX PER PROPERTY VALUES	\$3,636,496.00
Senior Citizen Discount	[28,888.00]
TOTAL TAXABLE (Fiscal Year 2011-2012)	\$3,607,608.00

Adopted this 27th day of August 2012.

Motion carried.

Purchase and/or Authorize Condemnation of Sewer Easement for Additional Public Utility Easements on Key Property Parcel

City Solicitor Rutt advised that Pamela Bursler, a certified appraiser with W.R. McCain & Associates in Salisbury reviewed the documents and has since visited the site. He recommends the discussion for authorization to purchase be deferred until council receives the final number. He expects to receive the appraisal early next week.

Mr. Pikus moved to postpone action and add this item to the September 10, 2012 agenda, seconded by Mr. Grier. Motion carried.

FY2012-13 Budget Adjustment/Hearthstone Manor Easement Appraisal

Ms. Bursler submitted a proposal in the amount of \$1,950 to prepare a new appraisal to determine the value of the remaining rights of the two Hearthstone easements.

Mr. Pikus moved to approve \$1,950 be transferred from electric reserves to pay for the appraisal fee as discussed. Mr. Grier seconded motion. Motion carried by unanimous roll call vote.

Black Dot Wireless LLC Lease Agreement (AT&T)

Mr. Carmean recalled several years ago, the city entered into a lease agreement with Cingular Wireless for space on our Tenth Street Water Tower. A few years ago, AT&T bought out Cingular. Black Dot Wireless has been hired by AT&T to negotiate cell tower agreements.

They have requested the city reduce the lease agreement by more than \$4,000 a year and indicate that at the same time, they will be upgrading. Our current contract is \$16,000 a year.

He does not recommend lowering our lease agreement when considering what our residents pay for cell service. In addition, as we do regular maintenance on our water towers, we are required to work around their equipment. It was confirmed that Sprint and Verizon also lease space on our tower.

Mr. Pikus moved to deny request, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

Approval of St. John's Oktoberfest & Alcohol Sales

The following request was received:

The St. John's Oktoberfest will be held Friday, October 5th from 6 p.m. to 10 p.m. and Saturday, October 6th from 10 a.m. to 6 p.m.

In the past the city has graciously allowed us to block off a portion of School Place in front of the church and down toward the Middle School. May we have your permission to do that again this year? By doing this we are able to eliminate congestion in front of the church.

In keeping with the tradition of German Oktoberfests we will have a beer booth. In addition, we have applied for the appropriate license from the state to do that.

Mr. Pikus moved to approve the request as submitted, seconded by Mr. Gleysteen. Motion carried by the following 7-1 vote:

Yes-Johnson, Grier, Pikus, Gleysteen, Brooks, Morrow, Wilson

No-Starling

Economic Development Advisory Panel Appointments

Due to some recent vacancies, Mr. Grier recommended and submitted the following names for appointment to the Advisory Panel:

Pastor Phillip Ruiz, Clergy
Bryan Shupe, Media
Jo Schmeiser, Chamber of Commerce
Phyllis Kohel, Milford School District

Mr. Grier moved for approval; Mr. Pikus seconded motion. Motion carried.

City of Milford Planning Commissioner (Re)Appointments

Mayor Rogers announced the terms of the following three planning commissioners expire on August 31, 2012:

Marvin Sharp (Ward 3)
James Burk (Ward 2)
William Lane (Ward 1)

Planning Chairman Chuck Rini confirmed all three commissioners have agreed to return.

Mr. Grier moved to reappoint Mr. Sharp, Mr. Burk and Mr. Lane for a three-year term to expire August 31, 2015, seconded by Mr. Pikus. Motion carried with no one opposed.

Adoption/Resolution 2012-11/Extending Payment Deadline for Property Taxes

Mr. Carmean advised that because of the additional time needed to obtain the final revaluation numbers from the recent reassessment and to determine the rollback and new tax rate, the payment deadline needed to be extended. The city code requires a resolution be adopted if the payment date is after September 30th. He is recommending an additional month for property owners to pay their taxes.

He confirmed the additional month will not impact our annual budget.

Mr. Pikus moved to adopt the following resolution, seconded by Mr. Brooks:

Whereas, §204-10 of Chapter 204 of the City of Milford Code states that City of Milford Property Taxes are due and payable on or prior to September 30th of each year; and

Whereas, the City of Milford has undergone and completed a City-Wide Revaluation Project in 2012; and

Whereas, Milford City Council adopted a tax warrant that included a newly calculated tax rate resulting from the recent computation of a rolled back rate and increase, as was approved by City Council on June 11, 2012; and

Whereas, additional time was required to ensure the correctness of the numbers as well as meet the publication requirements for Ordinance 2012-14; and

Whereas, the City Manager of the City of Milford is requesting an extended deadline to allow sufficient time for tax bills to be processed and received by property owners; and

Whereas, City Council agrees it is in the best interest of the property owners in the City of Milford to provide an additional time for payments; and

Whereas City Council recommends an extension of the due date for real property taxes owed for Fiscal Year 2012-2013 from September 30, 2012 to October 31, 2012.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Milford hereby authorizes the City Manager to defer the deadline for the payment of property taxes in the City of Milford for Fiscal Year 2012-2013 by extending the due date from September 30, 2012 to October 31, 2012.

AND BE IT FURTHER RESOLVED that payments received after the close of business on October 31, 2012 shall be considered delinquent and a one-percent penalty assessed on any unpaid balance.

Motion carried.

Adoption of Resolution 2012-12/Fall Clean-Up Week

Mr. Brooks moved to adopt the following resolution, scheduling Fall Clean-Up Week October 22nd to October 26th, seconded by Mr. Morrow:

Now, Therefore, Be It Resolved by the Mayor and Council of the City of Milford, in Council met:

WHEREAS, it is desirous to promote the general cleaning of the City of Milford and improve its overall beauty to the maximum enjoyment and benefit of all citizens and visitors; and

WHEREAS, we are fortunate to live in a community so abundantly blessed with natural assets that we have a continuing responsibility to preserve our environment by keeping it clean, healthy and in order by organizing and carrying out clean-up and fix-up projects which will enhance, restore and maintain the beauty of all properties; and

WHEREAS, all maintenance and clean-up debris, including large and bulk items, shall be placed for curbside pickup in order to exemplify cleanliness and beauty.

NOW, THEREFORE, I, Joseph R. Rogers, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of October 22, 2012 to October 26, 2012 "Fall Clean-Up Week" in the City of Milford.

Motion carried.

*Introduction of Ordinance 2012-19/Sewer Code/Chapter 185/Impact Fee Exemption
Introduction of Ordinance 2012-20/Water Code/Chapter 222/Impact Fee Exemption
Introduction of Ordinance 2012-21/Electrical Standards/Chapter 192/Impact Fee Exemption*

Mr. Grier recalled the previous discussion regarding impact fees and asked if those recommendations were incorporated into the ordinances.

Mr. Carmean said this will not apply to new construction but only to rehabs and renovations. However, the current ordinance is unclear. Mr. Gleysteen agreed the ordinances do not specify residential rehabs. He recommends adding that wording.

Mr. Grier said that was the intent as was stated at the last meeting.

Mr. Carmean advised the only change he had made since that meeting was the waivers/exemptions would be citywide versus targeted areas as originally proposed.

Mr. Pikus asked for a clarification because he was under the impression this only applied to new construction. Mr. Gleysteen disagreed noting it will only apply to rehabilitations.

Ordinance 2012-19, 2012-20 and 2012-21 will be amended to reflect that only rehabs were eligible for impact fee waivers and not new construction.

Introduction of Ordinance 2012-22/Taxation/Chapter 204/Exemption

Mr. Grier asked that this ordinance also be amended and that any tax exemption would apply to rehabs and not new construction.

Ordinance 2012-22 will be amended accordingly.

ADJOURN

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

The meeting was adjourned by Mayor Rogers at 7:36 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 27, 2012

The Milford City Council held a Public Hearing on Monday, August 27, 2012 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

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

Mayor Rogers called the Public Hearing to order at 7:36 p.m.

A hearing was scheduled for the purpose of taking public comment and to make a determination on the following matter:

Annexation and Zoning Review/Lands the City of Milford:

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

Ordinance 2012-15

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.

City Planner Gary Norris was not in attendance. Planning Commission Chairman Rini spoke on his behalf reporting that the planning commission met for a Public Hearing on Thursday, August 23, 2012 to discuss the proposed annexation described above. The planning commission voted unanimously to rezone the property to C-3.

When asked if this was the former Geyer property, Mr. Rini advised it is owned by the city which is the reason it went before the planning commission.

The city manager said that because the parcel is owned by the city, it can be zoned any district though the C-3 zone is more appropriate considering the use being proposed.

Mayor Rogers then opened the floor to public comment. Mr. Rini then stated that no one spoke at the planning commission's public hearing. No one from the public responded. Mayor Rogers then closed the hearing.

Ms. Wilson moved to approve Ordinance 2012-15 which zones this property C-3 upon its annexation, to be effective the date State Planning accepts the amended comprehensive plan, seconded by Mr. Brooks. Motion carried with no one opposed.

With no further business, Mayor Rogers adjourned the public hearing at 7:43 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 27, 2012

The City Council of the City of Milford met in Workshop Session on Monday, August 27, 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 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 D. Carmean, Police Chief E. Keith Hudson, City Clerk/Recorder Terri Hudson and City Solicitor David Rutt

The Workshop Session convened at 7:43 p.m.

Milford Food Bank/Branch Director Chad Robinson

Chad Robinson introduced himself as the new Director of the Milford Food Bank. He also introduced Patricia Beebe, President and CEO of the Food Bank of Delaware.

President Beebe then provided some background on the food bank. She advised the Milford branch is currently in the process of doubling its size at a cost of approximately \$3 million. This will help leverage new partnerships, increase program efficiency and provide more resources to Delawareans.

The food bank has a staff of almost fifty employees and is very pleased to have brought Mr. Robinson on board as of July 1st. She noted that Mr. Robinson is a Harrington native, has many contacts through his previous positions with the State of Delaware and will be a tremendous asset to the organization.

Ms. Beebe emphasized that all the programs offered through the Food Bank will now be offered through the Milford Branch.

She then referred to the following presentation:

Feeding our Future

A campaign to bring more food assistance and services to low-income Delawareans in Kent and Sussex Counties by nearly doubling the current size of our Milford facility.

The Food Bank of Delaware is more than just a warehouse that accepts and distributes food donations. We're fighting hunger on all fronts – learn more about how our programs are feeding hungry Delawareans:

Hunger Relief Programs:

After-School Nutrition Program (Children and Adult Care Food Program/Kids Café): The Kids Café is a community-based program that provides nutritious meals and snacks to after-school and other enrichment programs. All meals are served to children in an environment that is safe, accessible and convenient. Food for the program is prepared in the Food Bank's Culinary School kitchen. All prepared meals meet or exceed nutritional standards outlined by the Child and Adult Care Food Program.

Backpack Program: This program provides food to at-need children for weekends and holidays when school is not in session or federal school meal programs are not available. Backpacks are stocked with kid-friendly, nutritious food including shelf-stable milk, juice, peanut butter and jelly, granola bars, apple sauce, cereal and more.

Commodity Supplement Food Program: The Commodity Supplemental Food Program (CSFP) is a federal food program that is designed to improve the health of senior citizens. Food for the program is provided by the United States Department of Agriculture's agency of Food and Nutrition Service. Eligible seniors must meet income requirements, live in Delaware and be at least 60 years of age.

Culinary School at the Food Bank of Delaware: The Culinary School provides valuable job training to unemployed and underemployed individuals. This 14-week program includes 12 weeks of hands-on training in basic and high-end kitchen skills, safe food handling and life skills. The 12-week training culminates with a two-week internship at a food service company, restaurant or catering business.

Supplement Nutrition Assistance Education Program: Funded by the United States Agriculture Department's Supplemental Nutrition Assistance Program (formerly Food Stamp Program), this program aims to educate food stamp recipients on healthy eating decisions within a limited budget. Educational workshops are presented by the Food Bank's Community Nutritionist on four focus areas – dietary quality, food resource management, food security and food safety.

Fresh Produce Distribution: Fresh fruits and vegetables, that would otherwise be wasted, are donated by the food industry, including the Port of Wilmington, and made available to member agencies. Members may order fresh produce from a weekly menu and either pick it up at the Food Bank or have it delivered.

Kid CHEF (Cooking, Healthy, Easy Foods): Kid CHEF is a skills and knowledge-building program adapted from the University of Delaware's Extension module Exploring MyPlate. This program focuses on teaching children about healthy eating and how they can learn to prepare nutritious easy foods on their own.

School Pantry Program: At-risk families with children enrolled at the participating school are able to access emergency food and hygiene products by visiting a food pantry within the school. Twenty-five to thirty families are discretely identified by school officials. Families select food based on their household's needs each week. Food for the pantries are provided by the Food Bank of Delaware and school-wide food drives or community donations.

Mobile Pantry: This program allows partners to efficiently serve a large amount of clients in a short period of time. Thirty-pound meal boxes are filled with enough nutritious food staples to feed four people for several meals. The Mobile Pantry program was designed to provide convenient locations and times for people to receive nutritious food.

Summer Nutrition Program (Summer Food Service Program): "Food that's in when school is out." Our Summer Nutrition Program provides low-income children with nutritious meals during the summer months. Funded by the United States Department of Agriculture's Summer Food Service Program, meals are prepared daily in The Culinary School kitchen. Volunteers package meals and extra staff is hired to transport meals.

Supplemental Nutrition Assistance Program (SNAP) Outreach: The SNAP Outreach team at the Food Bank of Delaware conducts outreach activities to individuals who are eligible to receive SNAP benefits. By increasing SNAP usage in the state, more families have access to healthy foods and more dollars are available to stimulate the local economy.

The Market at the Food Bank of Delaware: This retail store, open to the public, is a for-profit venture of the Food Bank.

Profits from The Market help fund other hunger-relief programs. Wholesale items available at significantly reduced prices.

The Food Bank of Delaware is a statewide organization serving more than one in four Delawareans. Our hunger-relief programs focus on low-income families, children, adults with disabilities, the unemployed and underemployed and senior citizens.

In the year 2011, the Food Bank of Delaware impacted Milford's constituents in the following ways:

Traditional Food Bank Programs
(Food pantries, on-site feeding, HOPE, mobile pantries)
POUNDS DISTRIBUTED: 93,193.5

Commodity Supplemental Food Program
(monthly food program for seniors)
MEAL BOXES DISTRIBUTED: 1,905

Child Nutrition Programs
(CACFP/SFSP)
MEALS SERVED: 32,747

Backpack Program
BACKPACKS DISTRIBUTED: 2,021

SNAP-Education Program
(Supplemental Nutrition Assistance Program,
formerly Food Stamps)
CLASSES PRESENTED: 7

Our Vision

Our vision is a community free of hunger.

Expansion is Needed

The demand for food assistance services, children's nutrition programs and job training in Kent and Sussex Counties is increasing at a startling rate. The expansion of our current facility addresses existing limitations at our Milford Branch and will allow us to leverage new partnerships to create sustainable programs to help feed hungry Delawareans. The Food Bank of Delaware provides not only immediate relief, but needed resources to empower and lift individuals out of poverty.

Milford Director Robinson then addressed council stating that since coming on board in July, he is overseeing the daily operations of the branch and is cultivating relationships with members of the community. They continue to work diligently on the expansion and hope to have shovels in the ground in approximately a week. The project is expected to take one year and will provide an opportunity for a number of jobs for the men and women of this area.

The purpose of the expansion will help with their mission to make this community free of hunger. From the statistics related to Milford, they are working to ebb that tide here. Half of the people they serve through these programs are children.

They know there is a lot of work to be done and the key reason for the expansion. Providing nutritious foods to Delawareans and long-term solutions to the problems of hunger and poverty is essential.

He said that some of their programs will be growing downstate. The one they are most excited about is the Culinary School. The Culinary School provides job training in food service to unemployed, underemployed, ex-offenders and those in career transition. Our goal is to empower students to lift themselves out of poverty through education and obtain employment that will allow them to make a living wage.

This 14-week program includes ten weeks of classroom and kitchen training and a two-week internship. There is an active recruit program and they also partner with the Department of Labor and Division of Vocational Rehabilitation to help identify students looking for career skills in this field. In Newark, classes fill very quickly. There is a waiting list of prospective students as calls are being fielded from students in Kent and Sussex counties who wish to enter the program.

Because the distance is a deterrent, a kitchen is needed in Milford to house the program in order to train the residents of Kent and Sussex counties.

Abbotts Grill has already come on board as a partner and they will continue to pursue restaurants and caterers in the beach and other areas.

The second key area is to expand the children's nutrition programs. It is known that good nutrition is directly tied to a child's performance in school and overall well being. To help address these inadequacies, there are three nutrition programs for at-risk children. These include the CACFP (Child and Adult Care Food Program), SFSP (Summer Food Service Program) and the Backpack Program which sends food home to more than 3,000 children each week on weekends and school holidays. Currently, food for these programs is prepared in the Newark kitchen and shipped daily to Milford. It is then distributed to the children's feeding sites. In New Castle County, children who are fed through CACFP receive hot meals; in Kent and Sussex counties, children receive sandwiches and other cold meals because of the temperature concerns during transport.

This expansion will allow for volunteer space at the Milford site:

Volunteers are the Heart and Soul of the Food Bank in Delaware. There were 15,639 volunteer visits last year for a total of 50,433 donated hours - the equivalent of 24 full-time staff members. This number of people of people could not be fed without the support of our volunteers and the strength of our program.

The addition of a strong volunteer coordinator in our Milford facility has put our organization on the map as a volunteer destination for Kent and Sussex counties.

The biggest challenge is space. The addition of space to house the volunteer program is critical to our ability to provide more food and services to communities in need in the southern part of our state.

Sustainable Technology

The Food Bank of Delaware will be working with consultants during the design phase to incorporate as much environmentally-friendly sustainable technology as possible. The new building is being designed to exceed the current Delaware energy code with wall and roof R-values higher than required to reduce utility costs.

Plans include:

- Building construction to accommodate solar panels when funding becomes available
- Concrete exterior walls filled with foam insulation and metal siding to maximize the efficiency of the HVAC system
- High efficiency doors and windows
- Strategically placed windows to maximize sunlight and reduce the need for electric lighting.
- Air-cooled variable refrigerant volume heat pump systems
- Light sensors that turn off lights when space is not occupied

Mr. Robinson concluded by stating that all of this is important because it provides the opportunity to serve more people. Their mission is to do what is necessary to make the greatest impact.

Ms. Beebe then explained that they were expecting a \$2.8 million campaign though the campaign is currently at \$2.6 million. Presently, they have raised \$1,639,800.

Last year, there were 25,000 Delawareans who volunteered at the Food Bank in Delaware. They became advocates and many became donors.

She said they are hoping to have the same kind of interest once they expand the volunteer room in Milford. The total of volunteers hours is equivalent to forty additional full-time paid employees. These volunteers are a good source of information about areas of need that the food bank staff may be unaware of. Having as many people involved in the organization as possible is one of the reasons for their success.

Ms. Beebe then invited Mayor, City Council and city officials to their Groundbreaking Ceremony on Monday, September 17th at 11 a.m.

Mayor Rogers thanked Mr. Robinson and Ms. Beebe for their work in making this our community a much better one.

Sign Code Ad-Hoc Committee Recommendations/Zoning Code/Amendments to Sign Ordinance

City Manager Carmean recalled this being discussed during several meetings. He said we are still receiving comments, recommendations and concerns from our business community. He feels our businesses cannot exist without advertising and signage.

Chuck Stanko of Dolce Bakery was present to represent the Downtown Merchants' Association. He feels that signage is very important to the businesses. In this economy, it is very difficult to get the word out without them. He is not privy to the details of the new ordinance but wants to make sure the micro businesses have been represented.

Mr. Carmean recalled that an adhoc committee was appointed to review the issue. Because of economic development, Mr. Grier was put on the committee.

Mr. Grier stated that the ad hoc committee has only met once. At that time, a new ordinance was not drafted. When that is done, he will take that to his Economic Development Committee for review and a recommendation to council. There has been nothing done since that meeting.

Mr. Pikus recommends that DMI/Downtown Merchants and the Chamber of Commerce have some input before a new ordinance is drafted. City Solicitor Rutt suggested the city planner meet with these groups.

Ad Hoc Committee Member Chuck Rini said that when you ride around town and look at all the different signs, it is apparent that writing an ordinance with a list of prohibited signs would be impossible, harmful to the businesses and impractical to enforce. They did a starting point by removing the terms 'allowance shall be determined by code officials' because that it recommended by the city solicitor. He wants a statement that all the signs are prohibited unless otherwise stated because there is language in the C-2 zone that provides the liberty and freedom to advertise outside their buildings. Trying to figure out each type of sign, whether it is a sandwich sign or another type of sign, then to force them to get rid of a sandwich sign by prohibiting it by law. He said then someone could stand and hold the sign on their chest which is protected by the freedom of speech. It becomes counterproductive if you start nitpicking. When Mr. Norris gets back, they will meet with Mr. Grier again so they can present a final document to council.

Mr. Grier said he will then take it to the Economic Development Committee though Mr. Norris should be meeting with the DMI and chamber as Mr. Pikus suggested.

Mr. Carmean confirmed that the committee met one time; Mr. Rini stated yes, then they went home and read the codes. He then explained that Mr. Grier recommends that when the city planner comes back, the committee draft something they can present to Ms. Wilson's committee.

Mr. Grier stated he is flexible but asked Mr. Rini to allow him more than a one hour notice as was done when he was notified of the last meeting which was canceled.

Mr. Rini said he will inform the city planner to contact Ms. Wilson and get this to her committee so it can be moved faster because it has been dragged out for several months.

With no further business, the Workshop Session concluded at 8:18 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder