

City of Milford



AGENDA

Monthly Council Meeting

October 8, 2012

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

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

City Manager Report

Committee & Council Reports

Communications

Unfinished Business

New Business

-Appointment of City of Milford Planning Commissioners

Monthly Finance Report

Executive Session

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

Adjourn

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

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

Milford Police Department



E. Keith Hudson
Chief of Police



400 N.E. Front Street
Milford, Delaware 19963

MEMORANDUM

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: October 8, 2012

RE: Activity Report/September 2012

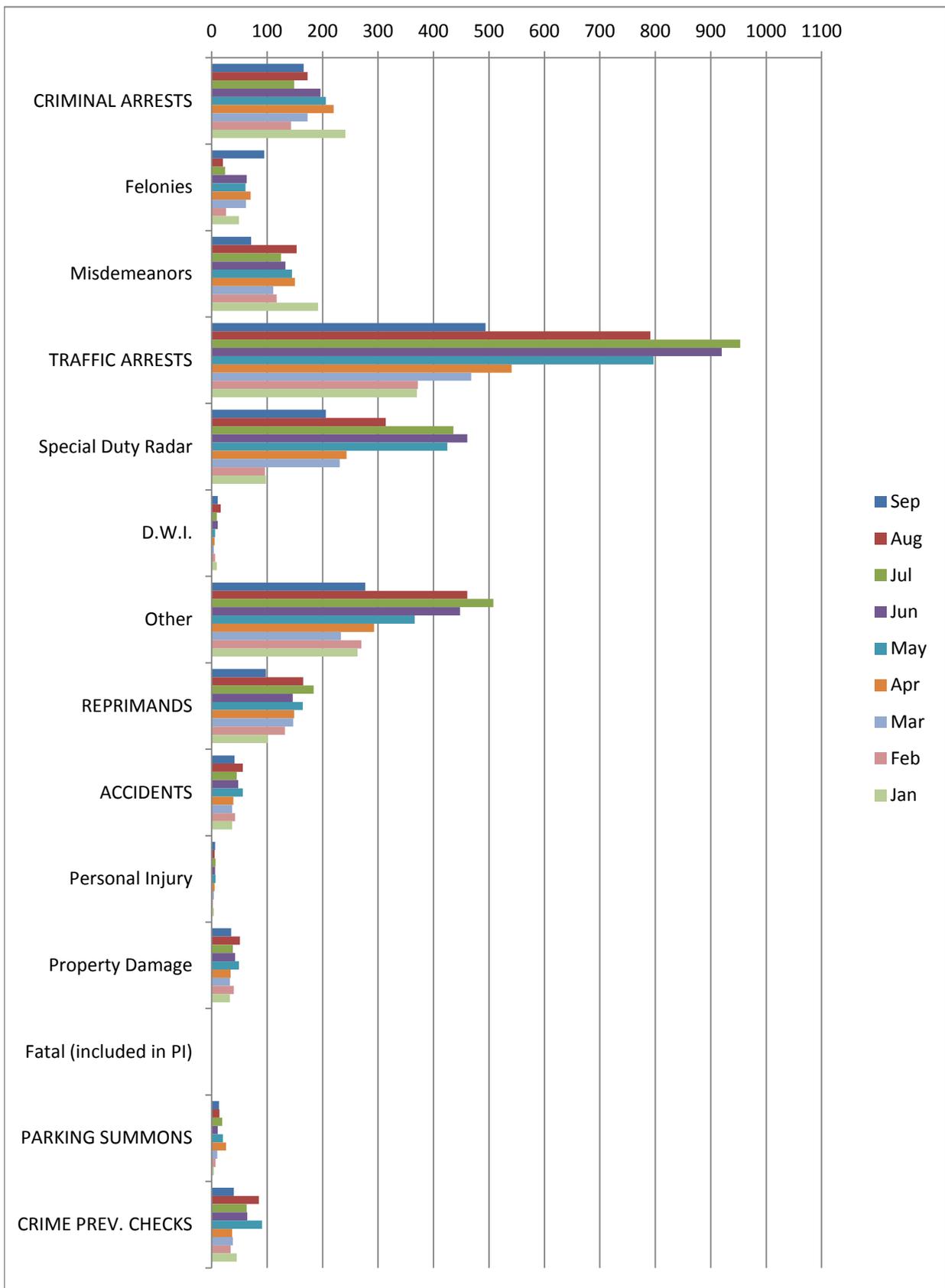
Monthly Stats:

A total of 660 arrests were made by the Milford Police Department during September 2012. Of these arrests, 166 were for criminal offenses and 494 for traffic violations. Criminal offenses consisted of 95 felonies and 71 misdemeanors. Traffic violations consisted of 206 Special Duty Radar, 11 Drunk-Driving charges, and 277 other.

Police officers investigated 41 accidents during the month (6 personal injury, and 35 property damage) and issued 98 written reprimands. In addition, they responded to 1179 various complaints including city requests and other agency assistance.

SEPTEMBER 2012 ACTIVITY REPORT

	SEP 2012	TOTAL 2012	SEP 2011	TOTAL 2011
COMPLAINTS	1179	11788	1357	10336
CRIMINAL ARRESTS	166	1667	205	1356
Felonies	95	470	93	391
Misdemeanors	71	1197	112	949
TRAFFIC ARRESTS	494	5706	488	4341
Special Duty Radar	206	2510	200	1862
D.W.I.	11	77	5	65
Other	277	3119	283	2316
REPRIMANDS	98	1286	123	1673
ACCIDENTS	41	401	28	365
Personal Injury	6	46	2	43
Property Damage	35	355	26	322
Fatal (included in PI)	0	1	0	0
PARKING SUMMONS	13	124	3	82
CRIME PREV. CHECKS	40	497	12	434
FINES RECEIVED	\$ 20,031.01	\$ 135,432.12	\$ 20,197.56	\$ 109,715.37



COUNCIL REPORT

October 8, 2012

ADMINISTRATION

Dr. Phyllis Kohel, Milford School Superintendent, has asked me to serve on a committee to consider the future of the Milford Middle School. Committee members will be asked to help in the decision making process concerning whether the school should be closed. I do not have any information as to why this possibility is being considered, but according to Dr. Kohel's letter the committee will be given the opportunity to input their opinions.

We are proceeding with our plans to outsource our bills with BillTrust. I am having a kick-off meeting with the company and our involved employees. There will be changes to the look of our present bills and the ability to include public information inserts. I also think we can consider continuing the late notices because of not having to utilize our employees in the process.

ELECTRIC

The city has closed and settled on the sale of the ten plus acres the city had purchased but did not need for the new substation. JSI Milford Realty Company, the owners of the solar project, purchased the property to have additional space for their solar field. The \$573,000.00 dollars was received and deposited back into our bond account for the funding of the substation. The project is underway and they expect to be energized by December 31, 2012.

JSI Milford Realty Company has also committed to the city a gift of approximately \$300,000.00 dollars in solar panels, which I plan to place on the roofs of our public works buildings. This will save us power costs on those buildings for many years to come and let the city show our support of green power.

I am having the Electric Superintendent look into the possibility of placing street lights down Carpenter Pit Road. The residential growth and hotel being serviced by the road makes our consideration of this lighting necessary. We will get the cost of materials and the operation of the lights prior to installation. We usually require developers to help with lighting costs in developments, but we do light public streets.

SEWER AND WATER

The test well in the southeast city limits will be done during the period between October 22 and the first week of November. The owners of the Wickersham development have entered into a utility agreement with the city to donate the land for the proposed tower and treatment plant. I have previously reported to mayor and council the test boring on the property looked very promising.

The new water main construction on Wilkins Road across Route 1 will commence soon after we get permission from USDA to proceed. I anticipate it will be early November.

I have given final approval of the architectural plans for the Water Department Administration office to be built at 5 South Washington Street. I will be bringing the bids for demolition of the buildings on the site to the council in the near future.

STREETS AND SOLID WASTE

The newly adopted yard waste ordinance will be put into effect in November. Our Public Works Director will be posting the information on our website as well as in local papers. Additional waste cans of three different sizes will be offered to our customers. We are placing some cans out if requested, but expect to see the majority distributed after public notice. I fully expect complaints from some customers regarding the city not picking up large amounts of yard waste in the future. Customers have got to understand that we do not have the equipment to safely handle anything that will not fit in our provided rollouts.

Plans are being made for some repairs on Airport Road. This road really needs complete attention, but without enough funding we cannot fully restore it to the degree it needs to be restored. We have the funds to make some important repairs, but sooner rather than later we will have to address complete restoration.



DELAWARE SOLID WASTE AUTHORITY

Pasquale S. Canzano, P.E., BCEE
Chief Executive Officer

Richard P. Watson, P.E., BCEE
Chief Operating Officer

Board of Directors
Richard V. Pryor
Chairman
Ronald G. McCabe
Vice Chairman
Theodore W. Ryan
Timothy P. Sheldon
Tonda L. Parks
Gerard L. Esposito
Gregory V. Moore, P.E.

July 16, 2012

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

Dear Richard:

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

June 2012
Weight in Pounds

MARSHALL STREET

SINGLE-STREAM TOTAL	OIL GALLONS
18,246	300

MILFORD MIDDLE SCHOOL

4,737	
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MILFORD COMMONS

12,632	
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Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc
Christie Murphy
Attachments: City of Milford Curbside Totals

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

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

CITY OF MILFORD CURBSIDE JUNE 2012

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
6/1/2012	798089	7100-RC Single Strea	7000-Recommunity	City of Milford	1.85
6/1/2012	798090	7100-RC Single Strea	7000-Recommunity	City of Milford	5.57
6/7/2012	798968	7100-RC Single Strea	7000-Recommunity	City of Milford	3.72
6/7/2012	798972	7100-RC Single Strea	7000-Recommunity	City of Milford	3.79
6/8/2012	799043	7100-RC Single Strea	7000-Recommunity	City of Milford	3.23
6/8/2012	799046	7100-RC Single Strea	7000-Recommunity	City of Milford	3.85
6/15/2012	799876	7100-RC Single Strea	7000-Recommunity	City of Milford	6.62
6/15/2012	799878	7100-RC Single Strea	7000-Recommunity	City of Milford	0.85
6/21/2012	700842	7100-RC Single Strea	7000-Recommunity	City of Milford	3.98
6/21/2012	700859	7100-RC Single Strea	7000-Recommunity	City of Milford	2.57
6/22/2012	700902	7100-RC Single Strea	7000-Recommunity	City of Milford	3.26
6/22/2012	700903	7100-RC Single Strea	7000-Recommunity	City of Milford	4.24
6/29/2012	701729	7100-RC Single Strea	7000-Recommunity	City of Milford	1.83
6/29/2012	701730	7100-RC Single Strea	7000-Recommunity	City of Milford	2.88
				TOTAL	48.24



DELAWARE SOLID WASTE AUTHORITY

Pasquale S. Canzano, P.E., BCEE
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Richard P. Watson, P.E., BCEE
Chief Operating Officer

Board of Directors
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Vice Chairman
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Tonda L. Parks
Gerard L. Esposito
Gregory V. Moore, P.E.

August 13, 2012

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

Dear Richard:

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

**July 2012
Weight in Pounds**

MARSHALL STREET

SINGLE-STREAM TOTAL	OIL GALLONS
21,965	390

MILFORD MIDDLE SCHOOL

4,942	
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MILFORD COMMONS

13,179	
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Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

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Christie Murphy
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**CITY OF MILFORD CURBSIDE
JULY 2012**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
7/5/2012	702433	7100-RC Single Strea	7000-Recommunity	City of Milford	4.02
7/6/2012	702519	7100-RC Single Strea	7000-Recommunity	City of Milford	2.4
7/5/2012	702455	7100-RC Single Strea	7000-Recommunity	City of Milford	2.51
7/6/2012	702522	7100-RC Single Strea	7000-Recommunity	City of Milford	2.84
7/13/2012	703391	7100-RC Single Strea	7000-Recommunity	City of Milford	5.78
7/19/2012	704104	7100-RC Single Strea	7000-Recommunity	City of Milford	5.08
7/19/2012	704112	7100-RC Single Strea	7000-Recommunity	City of Milford	3.49
7/20/2012	704154	7100-RC Single Strea	7000-Recommunity	City of Milford	4.47
7/20/2012	704158	7100-RC Single Strea	7000-Recommunity	City of Milford	3.22
7/27/2012	704891	7100-RC Single Strea	7000-Recommunity	City of Milford	6.62
7/27/2012	704979	7100-RC Single Strea	7000-Recommunity	City of Milford	1.04
7/13/2012	703390	7100-RC Single Strea	7000-Recommunity	City of Milford	1.04
				TOTAL	42.51



DELAWARE SOLID WASTE AUTHORITY

Pasquale S. Canzano, P.E., BCEE
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Vice Chairman
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Gerard L. Esposito
Gregory V. Moore, P.E.

September 13, 2012

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

Dear Richard:

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

August 2012 Weight in Pounds

MARSHALL STREET

SINGLE-STREAM TOTAL	OIL GALLONS
20,182	400

MILFORD MIDDLE SCHOOL

4,865	
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MILFORD COMMONS

12,974	
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Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

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**CITY OF MILFORD CURBSIDE
AUGUST 2012**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
8/2/2012	705624	7100-RC Single Strea	7000-Recommunity	City of Milford	5.05
8/2/2012	705630	7100-RC Single Strea	7000-Recommunity	City of Milford	3.95
8/3/2012	705677	7100-RC Single Strea	7000-Recommunity	City of Milford	3.07
8/3/2012	705679	7100-RC Single Strea	7000-Recommunity	City of Milford	2.57
8/9/2012	706416	7100-RC Single Strea	7000-Recommunity	City of Milford	0.6
8/9/2012	706420	7100-RC Single Strea	7000-Recommunity	City of Milford	6.56
8/16/2012	707067	7100-RC Single Strea	7000-Recommunity	City of Milford	3.71
8/16/2012	707079	7100-RC Single Strea	7000-Recommunity	City of Milford	4.69
8/17/2012	707124	7100-RC Single Strea	7000-Recommunity	City of Milford	2.77
8/17/2012	707125	7100-RC Single Strea	7000-Recommunity	City of Milford	3.47
8/23/2012	707765	7100-RC Single Strea	7000-Recommunity	City of Milford	4.1
8/23/2012	707802	7100-RC Single Strea	7000-Recommunity	City of Milford	1.1
8/24/2012	707839	7100-RC Single Strea	7000-Recommunity	City of Milford	2.47
8/30/2012	708518	7100-RC Single Strea	7000-Recommunity	City of Milford	4.1
8/30/2012	708522	7100-RC Single Strea	7000-Recommunity	City of Milford	3.92
8/31/2012	708573	7100-RC Single Strea	7000-Recommunity	City of Milford	3.66
8/31/2012	708574	7100-RC Single Strea	7000-Recommunity	City of Milford	3.39
				TOTAL	59.18

Milford, Delaware, Code of Ordinances >> PART I - ADMINISTRATIVE LEGISLATION >> **Chapter 57 - PLANNING COMMISSION >>**

Chapter 57 - PLANNING COMMISSION

[HISTORY: Adopted by the City Council of the City of Milford 11-14-1967. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land – See Ch. 200	Zoning – See Ch. 230
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[§ 57-1. - Establishment.](#)

[§ 57-2. - Membership; terms of office.1](#)

[§ 57-3. - Removal; vacancies.](#)

[§ 57-4. - Ex officio members.](#)

[§ 57-5. - Salaries and compensation.](#)

[§ 57-6. - Officers; staff; custodian of records.](#)

[§ 57-7. - Rules of procedure; meetings; records.](#)

[§ 57-8. - Powers and duties; reports.](#)

§ 57-1. - Establishment.

There is hereby established, pursuant to 22 Del. C. § 701 et seq., the Milford Planning Commission.

§ 57-2. - Membership; terms of office.1 [13]

The Commission shall consist of nine members to be appointed by the Council. The term of each member so appointed and confirmed shall be for three years, except that of the members first appointed, three shall be appointed to a term of three years, three shall be appointed to a term of two years and three shall be appointed to a term of one year.

§ 57-3. - Removal; vacancies.

Any member of the Planning Commission may be removed for cause, after a public hearing, by the Mayor with the approval of the City Council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment.

§ 57-4. - Ex officio members.

The Mayor and City Manager shall be ex officio members of the Planning Commission and may exercise all of the powers of the regular members; provided, however, that an ex officio member may not hold an office on the Commission and shall have no right to vote on matters coming before the Commission.

§ 57-5. - Salaries and compensation.

All members of the Commission shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

§ 57-6. - Officers; staff; custodian of records.

The Commission shall elect annually a Chairman and Secretary from among its own number and may employ experts, clerical help and other assistants. The Commission may appoint a custodian of its Comprehensive Plan and records, who may be the City Manager or other employee of the Council.

§ 57-7. - Rules of procedure; meetings; records.

The Commission shall adopt its own rules of procedure and determine the times of its meetings and methods of notice thereof. All meetings of the Commission at which any official action is taken shall be open to the public, and all records of the Commission shall be public records.

§ 57-8. - Powers and duties; reports.

[Amended 2-13-1968]

The Milford Planning Commission shall have all the powers and authority vested in municipal planning commissions under the provisions of Title 22, Delaware Code, Chapter 7, subject to the same conditions and limitations set forth therein at the effective date of this chapter. The Planning Commission shall report at each monthly meeting of the Council and shall present copies of its minutes of the preceding month.

FOOTNOTE(S):

⁽¹³⁾ 1. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* [\(Back\)](#)

Due to current health problems and not being able to perform all the necessary requirements of the position I am forced to resign my position on the planning Commission

I appreciate the opportunity that has been afforded me over the past three (3) years and it is with deepest regrets that I do this

sincerely
Gray R Piller

rec'd 10.2.12

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: AUGUST 2012

Cash Balance - General Fund Bank Balance	\$1,174,771
Cash Balance - Electric Fund Bank Balance	\$3,909,296
Cash Balance - Water Fund Bank Balance	\$1,641,344
Cash Balance - Sewer Fund Bank Balance	\$537,030
Cash Balance - Trash Fund Bank Balance	\$420,844

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Solid Waste <u>Reserves</u>
Beginning Cash Balance	373,612	762,925	305,074	0
Deposits	6,119		219,624	
Interest Earned this Month	43	118	75	
Disbursements this Month	(102,066)		(41,667)	
Investments			1,447,464	250,000
Ending Cash Balance	\$277,708	\$763,043	\$1,930,570	\$250,000

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	1,299,606	3,922,879	3,005,038	7,889,335
Deposits	59,163	307,760	153,450	925,225
Interest Earned this Month			0	428
Disbursements this Month	(506,416)			(302,915)
Investments	1,768,370	250,000	379,212	2,600,834
Ending Cash Balance	\$2,620,723	\$4,480,639	\$3,537,700	\$11,112,907

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	79,958	\$42,722	\$622
Deposits	3,683	\$1,946	\$600
Interest Earned this Month			
Disbursements this Month			
Investments	926,157	\$670,755	\$260,185
Ending Cash Balance	\$1,009,798	\$715,423	\$261,407

INTEREST THROUGH THE SECOND MONTH OF THE FISCAL YEAR:

General Fund	1,801	Water Fund	536
GF Capital Reserves	2,143	Water Capital Reserves	5,554
General Improvement Fund	98	Water Impact Fees	0
Municipal Street Aid	249	Sewer Fund	180
Real Estate Transfer Tax	120	Sewer Capital Reserves	4,286
Electric Fund	1,420	Sewer Impact Fees	0
Electric Reserves	18,083	Trash Fund	654
Electric Impact Fees	0		

TOTAL INTEREST EARNED TO DATE \$35,124

REVENUE REPORT

Page Two

Date: August 2012	AMOUNT BUDGETED	MTD	YTD	17% of Year Expended YTD%
ACCOUNT				
Budgeted Fund Balance	163,735	0	0	0.00%
General Fund Capital Reserves	334,705	22,206	24,475	7.31%
Property Transfer Tax-Police	500,000	41,666	83,333	16.67%
Real Estate Tax	3,508,380	3,609,227	3,612,513	102.97%
Business License	35,000	970	1,800	5.14%
Rental License	85,000	550	1,150	1.35%
Building Permits	60,000	6,755	14,439	24.07%
Planning & Zoning	25,000	0	700	2.80%
Grasscutting Revenue	5,000	832	832	16.64%
Police Revenues	300,000	27,275	49,795	16.60%
Misc. Revenues	262,810	4,733	17,299	6.58%
Transfers From	3,215,480	476,291	535,914	16.67%
Total General Fund Revenues	\$8,495,110	\$4,190,505	\$4,342,250	51.11%
Water Revenues	2,330,000	255,736	476,221	20.44%
Sewer Revenues	2,008,920	199,455	368,275	18.33%
Kent County Sewer	1,500,000	144,527	263,275	17.55%
Solid Waste Revenues	1,094,000	94,419	182,681	16.70%
Electric Revenues	23,686,500	2,804,804	5,044,121	21.30%
TOTAL REVENUES	\$39,114,530	\$7,689,446	\$10,676,823	27.30%
YTD Enterprise Expense		14,140		
YTD Enterprise Revenue		19,039		
LTD Carlisle Fire Company Building Permit Fund		67,660		

EXPENDITURE REPORT

Page Three

Date: August 2012

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	477,650	\$61,813	82,935	17.36%	394,715
O&M	156,505	\$5,329	18,502	11.82%	138,003
Capital	0	\$0	0		0
Total City Manager	\$634,155	\$67,142	\$101,437	16.00%	532,718
Planning & Zoning					
Personnel	127,535	\$13,047	18,272	14.33%	109,263
O&M	35,550	\$1,533	2,462	6.93%	33,088
Capital	0	\$0	0		0
Total P, C & I	\$163,085	\$14,580	\$20,734	12.71%	142,351
Code Enforcement & Inspections					
Personnel	141,890	\$15,278	21,442	15.11%	120,448
O&M	55,200	\$4,881	6,664	12.07%	48,536
Capital	0	\$0	0		0
Total P, C & I	\$197,090	\$20,159	\$28,106	14.26%	168,984
Council					
Personnel	31,225	\$2,622	4,221	13.52%	27,004
O&M	39,650	\$2,819	3,957	9.98%	35,693
Council Expense	17,000	\$741	7,700	45.29%	9,300
Contributions	369,735	\$5,000	66,000	17.85%	303,735
Codification	3,000	\$1,270	1,270	42.33%	1,730
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	\$12,452	\$83,148	16.47%	421,737
Finance					
Personnel	330,625	\$36,601	50,142	15.17%	280,483
O&M	51,325	\$3,085	8,620	16.79%	42,705
Capital	0	\$0	0		0
Total Finance	\$381,950	\$39,686	\$58,762	15.38%	323,188
Information Technology					
Personnel	170,165	\$18,313	26,171	15.38%	143,994
O&M	169,550	\$12,489	32,852	19.38%	136,698
Capital	61,575	\$15,340	15,340	24.91%	46,235
Total Information Technology	\$401,290	\$46,142	\$74,363	18.53%	326,927

EXPENDITURE REPORT
Page Four

Date: August 2012

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,585,375	\$386,876	540,877	15.09%	3,044,498
O&M	489,280	\$41,711	100,164	20.47%	389,096
Capital	112,500	\$0	0	0.00%	112,500
Total Police	\$4,187,135	\$428,587	\$641,041	15.31%	3,546,094
Streets & Grounds Division					
Personnel	422,865	\$38,974	55,447	13.11%	367,418
O&M	407,265	\$31,089	49,925	12.26%	357,340
Capital	75,000	\$0	0	0.00%	75,000
Debt Service	46,095	\$0	0	0.00%	46,095
Total Streets & Grounds	\$951,225	\$70,063	\$105,372	11.08%	845,853
Parks & Recreation					
Personnel	480,345	\$57,251	90,043	18.75%	390,302
O&M	233,950	\$19,893	57,704	24.67%	176,246
Capital	360,000	\$0	0	0.00%	360,000
Total Parks & Recreation	\$1,074,295	\$77,144	\$147,747	13.75%	926,548
Total General Fund					
Operating Budget	\$8,495,110	\$775,955	\$1,260,710	14.84%	7,234,400

EXPENDITURE REPORT

Page Five

Date: August 2012

17 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	219,350	\$23,666	32,963	15.03%	186,387
O&M	1,185,150	\$84,630	170,747	14.41%	1,014,403
Capital	80,000	\$57	29,745	37.18%	50,255
Debt Service	845,500	\$0	0	0.00%	845,500
Total Water	\$2,330,000	\$108,353	\$233,455	10.02%	2,096,545
Sewer Division					
Personnel	219,350	\$23,665	32,962	15.03%	186,388
O&M	1,070,885	\$61,332	168,553	15.74%	902,332
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	\$84,997	\$201,515	10.29%	1,757,405
Kent County Sewer	1,550,000	\$144,989	263,736	17.02%	1,286,264
Total Sewer	\$3,508,920	\$229,986	\$465,251	13.26%	3,043,669
Solid Waste Division					
Personnel	338,610	\$36,355	52,736	15.57%	285,874
O&M	755,390	\$55,958	115,979	15.35%	639,411
Capital	0	\$0	0	0.00%	0
Total Solid Waste	\$1,094,000	\$92,313	\$168,715	15.42%	925,285
Total Water, Sewer Solid Waste	\$6,932,920	\$430,652	\$867,421	12.51%	6,065,499
Electric Division					
Personnel	972,700	\$105,413	145,691	14.98%	827,009
O&M	1,801,635	\$119,622	243,546	13.52%	1,558,089
Transfer to General Fund	2,500,000	\$208,334	416,667	16.67%	2,083,333
Capital	286,725	\$7,940	7,940	2.98%	258,785
Debt Service	645,440	\$0	0	0.00%	645,440
Electric Sub Total	\$6,186,500	\$441,309	\$813,844	13.16%	5,372,656
Power Purchased	17,500,000	\$1,842,344	3,798,433	21.71%	13,701,567
Total Electric	\$23,686,500	\$2,283,653	\$4,612,277	19.47%	19,074,223
TOTAL OPERATING BUDGET	\$39,114,530	\$3,490,280	\$6,740,408	17.23%	32,374,122

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: August 2012

ACCOUNT	AMOUNT BUDGETED	MTD	17% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
Garage					
Personnel	91,800	7,748	11,181	12.18%	80,619
O&M	65,655	4,501	9,998	15.23%	55,657
Capital	0	0	0		0
Total Garage Expense	\$157,455	12,249	\$21,179	13.45%	136,276
Public Works					
Personnel	310,070	24,422	34,368		275,702
O&M	203,050	11,231	20,161	9.93%	182,889
Capital	21,300	6,800	20,880		420
Total Public Works Expense	\$534,420	42,453	\$75,409	14.11%	459,011
Meter Department-Water					
Personnel	123,030	13,599	18,783	15.27%	104,247
O&M	100,145	6,771	12,578	12.56%	87,567
Capital	0	0	0		0
Total Water Meter Expense	\$223,175	20,370	\$31,361	14.05%	191,814
Meter Department-Electric					
Personnel	174,500	2,278	9,861	5.65%	164,639
O&M	97,560	3,910	8,029	8.23%	89,531
Capital	0	0	0		0
Total Electric Meter Expense	\$272,060	6,188	\$17,890	6.58%	254,170
Billing & Collections					
Personnel	445,725	48,057	69,127	15.51%	376,598
O&M	283,830	22,842	41,988	14.79%	241,842
Capital	0	0	0		0
Total Billing & Collections	\$729,555	70,899	\$111,115	15.23%	618,440
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	54,600	3,017	8,998	16.48%	45,602
Capital	0	0	0		0
Total City Hall Cost Allocation	\$54,600	3,017	\$8,998	16.48%	45,602

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

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 10, 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, September 10, 2012.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, 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 7:02 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Brooks to approve the minutes of the August 2, 9, 13, 20 and 27, 2012 Committee and Council Meetings as presented. Motion carried.

RECOGNITION

Mayor Rogers presented the following proclamation for adoption:

Proclamation 2012-15/Family Day

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.

s/Mayor Joseph Ronnie Rogers

Mr. Pikus moved to adopt the proclamation, seconded by Mr. Johnson. Motion carried.

Carlisle Fire Company

President Marvin Sharp of Carlisle Fire Company commented on its enhancement fund adopted by the city in 2005. He agrees it is a great tool when construction is hot; however, it is only a temporary fix. Unfortunately, after the homes are built and the population continues to grow, there is a need for more funding.

He said as the population gets older and retires, many become an asset. He hopes many of those residents will volunteer at the fire company, not only to fight fires, but to assist with fundraisers and paperwork. However, they eventually become a liability to the fire company as a result of increased fire calls.

President Sharp then discussed the need for a fire hydrant program, regulated under NFPA rules. Whenever a fire hydrant is opened, the fire company is required to notify the city (authority that maintains them). Fortunately, City Water Department Employee Steve Ellingsworth is a member of the fire company who takes care of the notification. Without him, the city would be required to respond each time.

He then reported that the Delaware Volunteer Firefighters Association will honor Casey Sharp, Tom Cahall, Samantha Wright, Shane Casper, Michael Edwards and Larry Jarrell on Thursday morning as a part of its annual conference at the Sheraton Hotel in Dover.

He recalled they were previously recognized by Carlisle Fire Company for saving two people from a burning home near Milford Little League this summer.

Carlisle Fire Company's Glen Gillespie will also be installed as President of the Delaware State Fire Chiefs' Association.

MONTHLY POLICE REPORT

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

CITY MANAGER REPORT

Noting he has received continuous complaints as a result of the tax bills recently sent out, Mr. Carmean feels the majority of our property owners disregarded the letters they received from Tyler Technology explaining changes and increases/decreases in their new assessments.

The following report was then presented by the city manager:

SEWER AND WATER

I met with Randy DuPlechain from DBF to discuss any possible water upgrades for the future after I was notified we may have a limited opportunity to get USDA funding for projects involving our water infrastructure. We have been asked by Baltimore Air Coil to consider extending water to their plant because of failed wells at their location. We would initially fund the work, but Baltimore Air Coil (BAC) would reimburse the city over a set number of years. I have directed DBF to submit a request for funding to the USDA.

(Mr. Gleysteen arrived at this time.)

Several years ago, the city extended sewer services to BAC when their septic failed. This allowed them to increase their number of employees from 135 to 400 plus. The city has not charged the 1.5 x rate that is charged to other out of town customers.

Another possible project would be a total servicing and needed upgrade and repairs to our entire hydrant system. They have not been flushed on a regular basis to ensure they are in proper working condition and to maintain a fresh water supply by getting rid of any sediment. He emphasized it is costly to pull a hydrant and replace the valve.

I am also considering upgrades and improvements to our water SCADA (System Control and Data Analysis) system. SCADA is a computer system that monitors and controls our wells. Presently, our pumps are not being controlled by SCADA which means when the water tower lowers to a certain rate and the program kicks on, all the pumps kick on which results in equipment failing more rapidly than it should. The intent is to add the capability of controlling individual pumps.

Once a decision is made on which item(s) to apply for, I will bring that information back to council.

(Mr. Gleysteen confirmed the city is not on a preventative maintenance schedule; the city manager said no. He added there are roughly 1,800 hydrants in the city. Mr. Gleysteen suggested this be worked out with Carlisle Fire Company.

Mr. Carmean explained that over the years, the fire company has had difficulty trying to open various hydrants. That is when it came to Mr. Carmean's attention we did not have a flush maintenance program. He said a similar situation occurred at the sewer pump station on the river. One of the problems with failing or old equipment is the valves are not kept loose and working. As a result, we fear turning a valve off if a bypass is needed.

He said that for sometime, the public works director has been working on a flushing program. Mr. Pikus received a call sometime ago from a citizen who was concerned with a dead-end hydrant in his area because no one had been out there to flush it in several years. Years ago, it was done on a regular basis because of the rust and other materials that could potentially end up in the water. That is why the flushing program is now being developed.

Mr. Gleysteen asked if the city or fire department is better suited to perform the program; Mr. Carmean stated that city staff has the experience needed and is definitely more suited.

Mr. Gleysteen asked the time and cost involved to replace a hydrant valve; Mr. Carmean said to check all 1,800 may require in excess of \$2 to \$2.5 million. There are other concerns such as sidewalk repairs, ground maintenance, etc.

Mr. Gleysteen is very concerned the city does not already have a preventative maintenance program; the city manager said that is why Mr. Dennehy is now working on it and we are doing what can be done with our current budget.

Mr. Brooks hopes that \$2.5 million is high and that a majority of the hydrants are working correctly; Mr. Carmean noted that \$2.5 million is the worst case scenario and Mr. Dennehy believes that at least 40% will not require any work.

Mr. Brooks emphasized the importance of routine maintenance on fire hydrants. The city manager agreed noting that a certain number should be done each week.)

(Mr. Pikus recalled that a few years ago, we lost pressure in our water tower and our water plants were forced to shut down temporarily. He asked what action was taken at that time to prevent that from occurring again. Mr. Carmean explained that was when we initially purchased the SCADA system; now when that occurs, a signal is sent to city water staff informing them of the problem.)

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 will 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. This will involve 2.5 to 3 acres of their land. They will save

money by having the city installing this water tower on their property. Some consideration may be needed on some connection fees.

The repairs and replacement of our sewer and storm water systems on North Walnut Street were to be completed by September 6, 2012. The base work has been completed on the street repairs though it may be spring before the topcoat is applied. 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.

(Mr. Pikus expressed concern that because this is a patchwork repair, should it begin to sink, will DeDOT return and repatch the area. He is confident that will happen with the winter weather approaching. Mr. Carmean assured council it will be maintained by the state even if the base coat begins to break up. He plans to overlay a much larger area than just the section being repaired and specifically from the intersection to the bridge area.

He confirmed the green arrows in this area are related to the Washington Street Bridge project and mark the conduits which protects our utilities.)

ELECTRIC

It appears as if the solar project is once again moving forward. I expect to go to settlement shortly 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 substation. Delmarva Power 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.

Upon completion, this will be the largest solar farm on the east coast.

This past spring one of our linemen left for another position. It was decided to replace the lineman position for a groundsman position for the time being. The groundsman 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 close to receiving his Master Electrician certification. I made a deal that the city will help him pay for the rest of his courses to get his master's certification which will eventually be a cost savings to the city. Once that is obtained, he can be an even more valuable resource to our department. The electric department has cut personnel by five employees over the last few years and the department is managing to continue keeping our lights on with very few outages.

(Mr. Johnson asked if we have an employment agreement confirming the groundsman will remain with the city for a certain number of years if we invest in his education; Mr. Carmean stated yes. However, we also offer training to all our employees. The agreement requires him to stay two years. Should he leave at the end of one year, he is required to reimburse the city 50%. After two years, there is no reimbursement.

Chief Hudson advised the police department has a similar policy related to training; Mr. Carmean noted that this policy mirrors the police department policy and is citywide.

The city manager then reported that he is keeping an eye on electric overtime though it is much less compared to what it used to be. He attributes that to our updated system which has resulted in less call-ins. At the same time, there are fewer employees to select to work scheduled overtime. In the past, the lowest paid employees came in for disconnects or weekend work that was needed. Most recently, an electric crew was needed over the weekend at the construction site next to the Peebles Store to prevent other businesses from having to shut down. This allowed the work to be done when the other stores were closed.

He explained that only the higher paid employees were available over the weekend. Mr. Carmean said the overtime was higher as a result of not having as many lower-paid employees to choose from. He said in some cases, they may need a supervisor on the job with the experience in case something happens.

He said if council still wants more cuts in the electric department, he will review it. When he came back as city manager, he found the electric department was already down three or four employees.)

STREETS

We are continuing to work toward getting our Southeast Front Street overlay started. There are numerous changes needed 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 Street, Masten Circle, Bridgeman Avenue and Wilkerson Terrace. We are also contemplating doing North Washington Street from 6th Street to Rehoboth Boulevard.

Mr. Gleysteen referenced the Marshall Street closing. He stated that when he looked at the culverts, it did not appear as though there were problems. He asked the reason for shutting them down and replacing them. Mr. Carmean advised that DeIDOT informed the city the work had to be done. The city manager confirmed the city has nothing to do with the work and it is a complete DeIDOT project.

Mr. Carmean explained there is a lot of work DeIDOT does the city is not normally privy to. For example, the State of Delaware owns many streets in Milford and we cannot change a sign on them, make an area no parking or do anything without their permission. However, we are totally responsible for those streets and have to plow the snow and handle any repairs. At the same time, we receive no municipal street aid for them.

Though he looked for it for many years, he finally obtained a copy of the 1963 agreement Milford signed with DeIDOT that outlines what we can and cannot do.

Mr. Starling questioned a program through the State of Delaware where three or four months rent is provided free and some funding was provided to the applicant to upgrade buildings. Four towns were mentioned and Milford was one. Mr. Carmean said he will try to determine the program being described, though council members thought it may be a Community Development Block Grant Program.

Mr. Starling also expressed concern about the multiple ways vehicles cross Route 113 on North Street Extended. In particular, he referenced vehicles crossing onto North Street from the southbound lane of the highway when another vehicle is traveling north and entering North Street. He said there are approximately six different ways to maneuver that area. He asked if we can get that area marked similar to the end of Church Street so it is obvious which way to cross, turn, etc.

He said it is especially a problem when multiple cars are crossing Route 113.

The city manager advised it will need to be coordinated through DeIDOT. However, in a number of cases, DeIDOT gives the city permission to paint the roadways. He will follow-up with Street Superintendent Tim Webb.

Ms. Wilson questioned the security camera that is currently inoperable on the old social services building. Chief Hudson advised Ms. Wilson the police department is working on that. He explained that at this point, it is only a matter of moving it to a different location on that building. They have been working on them to determine what they feel are the best angles. They now need to coordinate with the owner of the building.

Mr. Carmean directed Chief Hudson to contact the electric department to assist with the project.

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

COMMITTEE & COUNCIL REPORTS

Community Affairs Committee

Chairman Johnson noted that another successful Riverwalk Freedom Festival was held this past weekend. It appeared there were more people at the Friday fireworks than in the past when it was held on a Saturday. Mayor Rogers agreed and Mr. Brooks pointed out the weather was perfect.

COMMUNICATIONS

All correspondence included in council packet.

UNFINISHED BUSINESS

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

Mr. Pikus advised the tax increase was approved in June. Our finance department calculated the rollback rate with the increase which is reflected in this ordinance.

Mr. Pikus moved to adopt the following ordinance, seconded by Mr. Gleysteen:

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

Motion carried by the following 6-1 vote:

Yes-Pikus, Gleysteen, Brooks, Morrow, Starling, Wilson

No-Johnson

Mr. Johnson stated his vote is consistent with his previous vote related to the same matter.

Mr. Brooks recalled that at the June meeting, he voted no because it increased the 46-cent rate to 54 cents. With the rollback, it remains at 46 cents despite the fact that the values of many homes increased as his did. However, he also understands the city needs the money to budget the balance. Therefore, he votes yes.

NEW BUSINESS

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

Mr. Carmean advised the new budget does not include funding to purchase new yard waste containers. Though we have not yet kicked this program into high gear, we have delivered containers to those who requested one.

Finance Committee Chair Pikus confirmed he spoke with the finance director. Mr. Portmann agreed with City Manager Carmean that instead of taking the money from reserves, it can be paid from the cash account. This will leave the CD in the reserve account which was just reinvested at a higher rate for the next five years.

Mr. Pikus moved to transfer \$24,251.40 from Trash Fund Cash Balance to Expense Account # 204-4040-432-61-11 to pay for the new 95-gallon roll-out yard waste containers.

Mr. Gleysteen pointed out that the point of increasing our property taxes was to prevent budget transfers throughout the year to pay for anticipated items such as this.

Mr. Johnson asked if we have a need for almost 500 containers; Mr. Carmean advised we have approximately 500 containers already in stock. He expects 1,000 customers to request containers though the number could be higher.

Mr. Gleysteen then seconded the motion. Motion carried by unanimous roll call vote.

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

City Manager Carmean introduced the following ordinance for adoption at the next meeting:

ORDINANCE NO. 2012-16

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) is 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 § 79-3A. 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.*

(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

It was noted this is a simple ordinance removing the requirement that cats must be on a leash.

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

The following request was received from Paul Simeone, Unity Development Corporation:

We are the owners of Mis pillion 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 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 I or accept the above offer, please let us know this as well, and we will communicate your decision to DelDOT.

City Manager Carmean advised the location is across from Kenton Crate and Pallet Company on Northeast Front Street east of Rehoboth Boulevard. In order to begin construction of the residential subdivision, DelDOT is requiring a deceleration and bypass lane.

Mr. Pikus noted that the memo states that most of the dedicated area will be paved; he prefers they pave the entire area. He asked if they will pave the entire 166 square feet; Mr. Carmean confirmed that DelDOT will require that and believes it is 120 feet in length.

The city manager reported the subdivision will consist of affordable multi-dwelling units. At one time, townhouses and condos were planned; affordable, government-subsidized housing will now be built. It will not be Section 8 housing though he expects it will be geared more toward elderly citizens.

Mr. Carmean advised that the neighbor across the street complained that no one was cutting the grass at this site. Once construction begins, code enforcement will no longer have to deal with it.

The city manager confirmed the city will own the roadway and Unity Development will simply add a deceleration and bypass lane.

Ms. Wilson moved that the city grant permission for 166+/- square feet of MD-16-183.07-01-15.01 on Northeast Front Street (CR 409) be improved for use as a right-of-way as described in the letter dated May 9, 2012, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

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

Mr. Carmean recalled waivers for sewer, water and electric impact fees be extended as has been previously discussed. The ordinance was amended by restricting the waiver to properties being rehabbed, renovated or improved. New structures will not qualify.

Mr. Gleysteen moved for adoption of Ordinance 2012-19, seconded by Mr. Pikus:

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

Increase redevelopment of underused buildings and sites.

(3) Increase rehabilitation, upgrade, and adaptive reuse of existing buildings.

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:

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

(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:

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

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.

Motion carried.

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

Ms. Wilson moved to adopt Ordinance 2012-20, seconded by Mr. Gleysteen:

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:

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

(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:

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

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.

Motion carried.

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

Ms. Wilson moved to adopt Ordinance 2012-21, seconded by Mr. Starling:

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:

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

(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:

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

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.

Motion carried.

Adoption of Ordinance 2012-22/Taxation/Chapter 204 (Amended)

This ordinance was also amended and the abatement is restricted to structures being rehabbed or renovated and new construction does not qualify.

Ms. Wilson moved to adopt Ordinance 2012-22, seconded by Mr. Pikus:

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.

Motion carried.

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

Mr. Morrow advised the intent and purpose mirrors that of the Carlisle Fire Company Enhancement Fund established in 2005. He said there is a need for funds to pay the increased costs of police services and facilities associated with new growth and development. He noted there has been a substantial decrease in the transfer tax account over the years.

He emphasized this will not affect our current property owners and only applies to new construction.

Mr. Pikus asked if the ordinance goes to public hearing; Mr. Carmean said yes, at the next meeting. Mr. Rutt noted the five ordinances adopted this evening did not have public comment.

Mr. Carmean said he personally supports the fee and wish it had been created twenty years ago.

Chief Hudson said this has been discussed among the Delaware Police Chiefs; many communities are doing the same thing or have similar plans.

Mr. Morrow introduced the following ordinance for adoption at the September 24, 2012 meeting:

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

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the first month of Fiscal Year 2012-2013 with 8.3% of the fiscal year having passed, 7.6% of revenues have been received and 8.3% of the operating budget expended.

He noted that interest on our accounts has done well in July considering the current interest rate. He also agrees with Mr. Gleysteen that we need to reduce the number of budget requests to transfer monies from reserve and cash balance accounts. Mr. Brooks agrees with Mr. Gleysteen's concerns about the continual transfers from reserves and cash accounts.

Mr. Pikus stated he is pleased that electric revenues are up due to some hot weather recently experienced.

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

EXECUTIVE SESSION

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

Mr. Pikus moved to go into Executive Session reference discussions on potential litigation, seconded by Mr. Morrow. Motion carried.

Mayor Rogers recessed the Council Meeting at 8:04 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 8:20 p.m.

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

Mr. Gleysteen moved for adoption of Resolution 2012-14, seconded by Mr. Johnson:

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.

Motion carried by unanimous vote.

ADJOURN

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

The Council Meeting adjourned at 8:23 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 24, 2012

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 24, 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. and James Starling, Sr.

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

City Solicitor David Rutt, Esquire

CALL 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 & CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

Adoption of Ordinance 2012-16/Chapter 79/Animal Code/Leash Law Amendment

City Manager Carmean explained this is a revision to an outdated ordinance that requires cats be on leashes when outside. He said that years ago, the city had an animal control official and those duties are now contracted through the SPCA. This is a difficult regulation to enforce and for these reasons, he recommends the amendment be adopted.

It was confirmed the SPCA can still be contacts for cats that become a nuisance. In addition, our Feral Cat Program remains in effect.

Mr. Pikus moved to adopt Ordinance 2012-16, seconded by Mr. Gleysteen:

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: September 24, 2012

Effective: October 10, 2012

Motion carried with no one opposed.

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

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

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.

Mayor Rogers called Randy Marvel to the podium to comment on the ordinance.

Mr. Marvel stated he is in the real estate business and is also a builder. His concern is the city is raising fees on new homes. Though he understands the intent of the ordinance and the needs of the police department, he has some concerns. He pointed out the amount of effort and money the city has spent on economic development. He feels this ordinance sends a mixed message because on one hand the city wants economic development but on the other hand continues to add fees.

Mr. Marvel said his customers will ultimately pay any fees associated with a house or new building. The city is already collecting a 3% transfer tax. He emphasized that the city gets 1.5% transfer tax any time a new house is sold. This adds another .5% which is typically \$300 to \$500 depending on the cost of the house.

He noted that people do not have to buy a house in the City of Milford and that there are places to build homes outside the city. The extra cost for a building permit in the city is about \$700. Once this is passed, the additional cost will be between \$1,000 and \$1,500 to build the same house that can be built in the county.

According to Mr. Marvel, most buyers today put very little value on the services the city can provide. He values the services but most home buyers do not see a big difference. However, they are aware that it is cheaper to live in the county. There are a number of extra costs associated with living in Milford including a recently increased property tax. Also, the majority of people perceive Milford's electric bills as the highest in the state. Mr. Marvel knows that is not true and other than Delaware Electric Cooperative, the city rates are competitive. There are also monthly water and sewer bills that city residents pay though people living in the county do not have those bills.

He reiterated that most people perceive it to be cheaper to live outside the city and believe they do not get anything for living in town. He noted that any home built outside the city is a loss of revenue through construction fees, transfer taxes, real estate taxes and electric profits. The end result is people who live outside of Milford still shop in town, eat in our restaurants and go to community events. The police services are still provided to those people though they do not contribute financially to the city in anyway.

Lastly, Mr. Marvel emphasized that this will bring in very little money and maybe \$25,000 to \$40,000 though he has been given different figures.

He said this will not solve the problem long-term of how to fund the new police department.

Police Chairman Morrow responded by stating this was discussed at the committee level. He emphasized this is an extra fee that would be applied only to new construction. There would be no impact on the sale of existing homes or structures or most important, to our current residents. He said the police department has increasing costs and many are created by new construction.

This ordinance will mirror the fee that was put in place in 2005 for Carlisle Fire Company. He stressed that there is a tremendous impact on our police department as a result of new businesses. Presently, the police department is funded through the general fund. Any additional monies must be taken from our reserve accounts.

He agrees with Mr. Marvel that this is a small amount and it is not expected to solely fund a new police facility. However, overtime, this will help supplement the additional expenses incurred as a result of the growth. There is the potential the fee could help keep our tax rates down which is something that is paid by every property owner. The fee would only apply to new construction.

Mr. Morrow pointed out the fee has assisted Carlisle Fire Company and in one case, they were able to use these funds to purchase the house next to the fire company in addition to some other equipment.

It was noted that since 2005, the fire company fund has raised just under \$200,000.

Mr. Morrow does not believe this will have a negative impact on growth and that .5% will be insignificant to a developer who wishes to build in Milford.

Mr. Palermo asked if there are municipalities in Delaware that charge this fee; Chief Hudson stated yes, it has been discussed at the Delaware Police Chiefs' meetings and it is also under consideration by other towns.

He noted that in addition to the needs of new businesses after they open, during the construction phase at any site, there is often an increase in crimes. It is very common for thefts, burglaries and criminal mischiefs to occur while homes or businesses are being built. New business definitely has an impact on police services as calls for shoplifting, thefts, disorderly conducts and even accidents increase as a result.

He explained that the police committee came up with the idea as a way to assist in the increased number of calls.

Mr. Pikus said the pros and cons of the fee was discussed in addition to the amount of the fee. Originally, 1% was considered though the police committee felt that was a little high. On the financial side, there has been a lot of money transferred from our reserve accounts over the years. Council is becoming increasingly concerned over the amount of requests for budget requests from all departments. As a result, the accounts are being depleted over time. This fund will help should an unexpected expense occur in the police department during the year.

Mr. Pikus said he discussed this at length with Mr. Marvel who had some very valid points. But at some point, he feels there is a need for this type of impact fee. This can be considered either a rainy day fund or a fund where specific items would be considered by council upon request. Regardless, it would be handled in the same manner Carlisle Fire Company requests funds.

He said it is difficult to project how much money this will bring at this point because it will depend on the amount of the building permits.

Mr. Pikus feels a lot of people move to Milford because of the lower tax rate and the additional services offered by the city. He said that simply put, the cost to do business is increasing.

He agrees with Mr. Marvel that the police department will not get rich from the fund, but it will be a start.

He emphasized that public safety is an important service in this city. He recalls every council being pro police though we have to be more restrictive because funding is tight.

Mr. Morrow noted that when funding is needed, the only other option at this point is to raise taxes. This impacts every property owner in the city. There is a substantial impact on the police department as a result of growth and development.

Mr. Brooks emphasized the need for a new police facility adding that the current department is too small and outdated. There are problems when a victim is in the building and there is very little separation from prisoners. He feels we need to

proceed with a referendum to borrow the money. The citizens can then decide how important public safety needs to be in Milford.

He noted that we have been discussing the location for the new facility for more than a year. The location has yet to be finalized. We need to find the funding and build it.

Mr. Pikus said the finance committee continues to investigate a number of funding options adding the key issue is how to pay for the new department. He said the city manager continues to work on the price of the land that is being considered.

Mr. Morrow and Mr. Brooks asked that a meeting be set up with the property owner to discuss the purchase of land.

Chief Hudson advised that a gentleman recently approached him who rides by the police department on a frequent basis and always thought it was a very attractive building. Recently, he had the occasion to enter the department and was shocked by what he saw and in particular, the lack of room and overcrowding. He said the outside of the building is deceiving and in no way depicts the security issues inside.

According to the city manager, the building was built for a maximum of twenty officers though there are currently thirty officers. Mr. Brooks pointed out there were four dispatchers at the time it was built and there are often two on duty now.

Mr. Morrow moved to adopt the ordinance.

Mr. Gleysteen then stated that he is unable to vote for the ordinance at this time. He agrees with Mr. Marvel and if his math is correct, over the past year, this would have brought in about \$40,000 which is about 1% of the overall police budget. He does not see it as an impact for the police though he agrees it could potentially have an impact on home builders and home buyers.

Mr. Gleysteen recalled being told that the reassessment and tax increase would bring another \$500,000 into the city budget. He was also told it would address the transfers from the reserve funds into the police budget. He feels we need to pay as we go. He is not on the police committee and is unfamiliar with their budget so he can only compare it to other municipalities of the same size.

He was given Smyrna's budget and though he understands they have a couple less police officers, their budget is \$1 million less. Middletown is twice as big as Milford and has one more police officer. Their budget is also \$1 million less Milford's budget. Mr. Gleysteen believes there are good reasons though he was not provided that information.

Mr. Gleysteen added that as far as builders and developers, we have been waiving impact fees the past two years. This year, we stopped waiving impact fees on new construction. However, he did agree to extend the waiver for rehabs in the city. He is also concerned that as Mr. Marvel stated, the builders will pass the fee on to their buyers. This adds another fee on top of a tax increase and he feels this is not the right time.

Mr. Morrow moved to adopt Ordinance 2012-18 at .5% noting there is a need to begin somewhere and he feels new construction is appropriate and will not impact our present residents. Motion was seconded by Mr. Pikus based on the information discussed even though it is now controversial and there is a need to consider other funding options.

Mayor Rogers confirmed that the fee only applies to new construction.

Motion then failed by the following 3 to 4 vote:

No-Johnson, Grier, Gleysteen, Starling

Yes-Pikus, Brooks, Morrow

Mr. Johnson stated that a vote against the ordinance is not a vote against the police department. He believes that each councilperson values our police department and the job they do. There is and should be a priority on public safety. However, we are sending a message that we want people to live in Milford and from what he has heard tonight, this would create an additional roadblock for people to move here. He votes no.

Mr. Grier said this is tough and coming into the meeting, he was in favor of the ordinance. Right now, he has mixed emotions especially because he is an advocate for the impact fee waiver. He said he has worked hard to keep the waivers in place. He has considered the overall impact of the .5% which will only result in \$40,000. Considering the ongoing efforts to try and find funding to build this police station also weighs on him. Currently, he will vote no though he emphasized the need to keep working hard to find the money to build the new police station. At this point, he does not feel the .5% fee is the best idea.

Mr. Pikus votes yes based on the funding need and agrees it will not create a large sum of money. He recalled council starting a similar fund for Carlisle Fire Company which assisted them on several occasions. He stressed the importance of showing support to our police department and their needs.

Mr. Gleysteen said he votes no for the reasons he stated. He will also acknowledge that public safety is the number one priority in Milford. He brought questions here tonight and though he does not expect answers this evening, he would like them answered before he can consider this fee. Therefore, he is unable to vote in favor of this.

Mr. Brooks stated he is not a member of the police committee, but he is in favor of their recommendations. He agrees there is a lot of money currently invested in economic development and that we have hired a new economic development director who is working to bring new business to Milford. However, we also need to take care of our current citizens. He feels public safety is important to economic development too and is as important and supports the efforts of our police department and votes yes.

Mr. Morrow votes yes for the reasons he has stated. He feels public safety should be the number one priority. He pointed out that any new resident or new business wants to come to a safe city, they want to feel comfortable and want to be able to go to bed at night and not have to constantly worry about crimes that may be occurring. As has also been stated, this is a small amount which he feels will have a minimal impact on only new construction. It will not impact the sale of existing homes and businesses. This is a small beginning that could have a substantial impact in future years. He definitely votes yes.

Mr. Starling said he has listened to everyone's comments and feels that perhaps we should consider this a little more. Because it is not a large sum of money, it probably will have little impact. He continues to be very supportive of the police department but just feels we should study it a little more and will vote no at this time.

NEW BUSINESS

FY 2012-2013 Budget Adjustment/Public Works/Transfer from Municipal Street Aid

Mr. Dennehy submitted a memo stating that they ordered a new pickup for the Street Department in June that will be utilized in snow removal. At the time the truck was ordered, it was his intention to order a new spreader and plow at a later date. A quote for these two items totals \$9,980.

Finance Director Jeff Portmann recommends the money be transferred from the Municipal Street Aid Account.

Mr. Pikus confirmed this came in under budget; Mr. Carmean stated yes.

Mr. Pikus moved for approval of the transfer of \$9,980 from Municipal Street Aid, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

Bid Award/Southeast Milford Water Main Extension/Phase I

Erik Retzlaff of Davis, Bowen and Friedel (DBF) advised that four bids were received that vary in price from \$481,400.00 by Northwind Engineering to \$681,350.00 by George & Lynch. Three of the four bids were below DBF's estimate of \$604,025.00.

Due to their low bid in comparison to the other bids, Northwind Engineering was asked to provide additional information related to their experience and to the experience of their subcontractors. Northwind Engineering was determined to be an

acceptable contractor. However, Subcontractor Larimore Construction Incorporated of Smyrna, Delaware failed to meet the criteria. It was determined they did not have the experience necessary to complete the jacking and boring of a 24-inch casing pipe below Route 1. As a result, Northwind Engineering was asked to provide an alternate bore and jack subcontractor.

According to Mr. Retzlaff, an alternate subcontractor is allowed per Section 6.06, page 23 of the Project Specification's Standard General Conditions. Because of the request for an alternate subcontractor, a change order can be submitted to cover the difference in cost between the original bid price and the costs associated with the alternate subcontractor. As a result, Northwind Engineering provided an alternate subcontractor, Spring & Associates, Inc. of Easton, Maryland.

DBF has worked with Spring & Associates on numerous projects and believes they have requisite experience and expertise needed to accomplish the Route 1 bore. Because of the change in subcontractors, Northwind Engineering submitted an increase in the unit price cost for the Route 1 jack and bore from \$200.00 per foot to \$309.00 per foot and overall bid amount from \$481,400.00 to \$501,565.00. Despite the increase, the revised per foot cost remains below the other unit prices bid on the same item.

Mr. Retzlaff recommends the S.E. Milford Water Extension-Phase 1 bid be awarded to Northwind Engineering, LLC of Shelocta, Pennsylvania in the amount of \$501,565.00 contingent upon the use of Spring & Associates, Incorporated as the bore and jack subcontractor and upon the approval of the funding agency.

Mr. Pikus recalled the work done at Northeast Tenth Street and Route 1 several years ago that created a major problem because the directional was off. Mr. Retzlaff agreed noting that is why they wanted to assure the contractor had the expertise needed to handle to project. In that situation, the bore was required to enter the manhole center point; however, it was off by a foot or more. In this case, this is no connection east of Route 1 so it will not make a difference.

Mr. Retzlaff confirmed the work will not require Route 1 to be shut down. The jacking and boring is out of the right of way on one side with the pipe popping up on the other side. The only difficult portion of the project is the crossing of Route 1.

He confirmed that all permits are in place. Once the information and documents are obtained from the contract, the agreement will be presented to city council for authorization. The initial notice to proceed will then be issued. The actual boring will only take a couple days.

The city manager explained that the intent was to do the work in two sections. However, DelDOT would not permit any work to be done in the median.

Mr. Pikus moved to award the SE Milford Water Main Extension Phase I bid to Northwind Engineering, LLC in the amount of \$501,565.00, contingent upon the use of Spring & Associates as the bore and jack subcontractor and award from the USDA, project funding agency. Motion seconded by Mr. Grier. Motion carried by unanimous roll call vote.

Ordinance 2012-17/Floodplain Management Code

City Planner Gary Norris stated that he has concurred with the city manager who has agreed this will be revisited sometime in the future.

The proposed amendment began with Senate Bill (SB) 64 after a review of floodplains throughout the state. SB 64 calls for local ordinance and capacity review to be undertaken by local governments. Milford's existing floodplain ordinance has been assessed by DNREC to determine whether it contains the recommended standards.

They have recommended several definitions be changed and in particular in the base flood elevation and the flood insurance rate map. New construction had to be redefined and a revised definition for historical structures was needed. Also recommended were changes to existing language; several dates referenced in the code were also changed.

The revision was also reviewed by FEMA and a copy sent to the city solicitor. Once the amendments are finalized, it will be introduced in the proper ordinance form.

Mr. Pikus reported that Randy Marvel provided him a copy of the floodplain areas in Milford and questioned several areas that appeared to have very little chance of flooding. He asked if the map has been changed; Mr. Norris said he has attended numerous meetings in Kent and Sussex County where floodplain boundaries were under review. He verified that those maps are being revised.

Mr. Pikus said he has questions from citizens who have land in the floodplain area. He had asked Mr. Marvel to review it because he has a lot of property in that area.

Adoption of Resolution 2012-13/Halloween Events

Mr. Brooks moved for adoption, seconded by Mr. Pikus of the following resolution:

WHEREAS, it has been a custom for many years for children and adults to celebrate the Eve of All Saints Day by costuming, masquerading and fun-making; and

WHEREAS, we would like to continue the celebration in an orderly manner.

NOW, THEREFORE, BE IT RESOLVED, I, Joseph R. Rogers, Mayor of the City of Milford, do hereby request and urge the observance of this annual period as follows:

WEDNESDAY, October 17, 2012 starting at 6:30 p.m. and ending at 9:00 p.m. shall be the time for the Annual Community Parade.

WEDNESDAY, October 31, 2012 shall be the official date for youngsters to observe Halloween Trick or Treat Night.

AND, BE IT FURTHER RESOLVED THAT:

**Only celebrants of 12 years and under will be permitted to engage in Trick or Treat between the hours of 6:00 p.m. and 8:00 p.m.*

**All celebrants are requested to refrain from committing acts of vandalism or destruction.*

**Residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.*

Motion carried.

Adoption of Resolution 2012-15/City of Milford Annexation (Final)

City Planner Gary Norris hand delivered the related Plan of Services to the Office of State Planning this afternoon. Through a conference call, Circuit Rider David Edgell informed Mr. Norris and the city manager there appeared to be no potential problems with the plan. He asked the resolution be adopted contingent upon the acceptance of the plan of services by the Office of State Planning.

City Manager clarified that though the resolution can be adopted this evening, it would be finalized as of the date that State Planning accepts the plan of services. In addition, we have not received the final word from the planning office on the comp plan amendment needed for the annexation to be approved. He recalled this land was purchased by the city over a year ago. At that time, the comp plan was inconsistent with the annexation which created the need for the amendment.

Mr. Pikus moved to adopt Resolution 2012-15, contingent upon the approval of the amended Comprehensive Plan and the acceptance of the Plan of Services by the Office of State Planning, seconded by Mr. Grier:

*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)*

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City as legally described herein:

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,

and having considered the recommendation of the Annexation Committee appointed to investigate said annexation on whether or not to proceed with said annexation, having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code, having held Public Hearings on August 23, 2012 and August 27, 2012, having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code, the City of Milford, hereby determines as follows:

Now, Therefore, Be It Resolved, that this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in Sussex County, Delaware where said lands are situate.

The annexation area is contiguous to Ward 2 and City Council intends that this parcel becomes part of and be included within the Ward 4 area upon annexation.

Now I, Joseph Ronnie Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on September 24, 2012, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Effective Date: Date of Acceptance of the Plan of Services From Office of State Planning

Motion carried.

Policy Amendment/Administrative Fee/\$35 Reconnect Fee

City Manager Carmean referenced the \$35 reconnect fee that can be charged on delinquent accounts per our electric tariff which states as follows:

*APPENDIX 1. FEE SCHEDULE**Connection Charges*

Re-connection charges from delinquency disconnects (during hours of operation) \$35.00

He then read the following excerpt from the letter that is mailed to persons advising their bill is overdue:

When the disconnect list is distributed, the ENTIRE BALANCE plus and administrative fee must be paid. A \$35 administrative fee is required from 8:00 am to 4:30 pm, Monday through Friday at the Billing Office located at Public Works Facility.

He explained that at some point, the \$35 reconnect fee became a policy and was changed to an administrative fee. As a result, when the account was placed on the disconnect list (this is done the night before disconnect day), the \$35 was immediately added to bill. This occurred even if the customer paid their bill in full the next morning before they were disconnected. According to the billing department, the \$35 covers the administrative costs of the work required to prepare the list.

Mr. Carmean emphasized this is a policy and does not coincide with the electric tariff. He feels the tariff is very clear and if a person pays their bill prior to being disconnected, the city cannot legally charge the additional \$35. When this occurs, the billing staff can contact the metering staff and inform them the account is paid and not to disconnect the meter.

Mr. Pikus moved that a customer not be charged a \$35 administrative fee if they pay their bill before their electric is disconnected and that the \$35 fee is assessed as is spelled out in the electric tariff.

Mr. Starling explained that he is aware of a customer who was at public works before the city office opened to pay her delinquent account in full. At that time, she had not been disconnected. She was informed by the billing staff that they were unable to take the money without the additional \$35 administrative fee. He noted this is one of many complaints he has heard recently.

The city manager informed Mr. Starling he will reimburse the customer the \$35 fee.

He then asked Mr. Starling and other members of council to inform him of any similar incidents that need to be addressed.

Mr. Johnson seconded motion. Motion carried by unanimous roll call vote.

EXECUTIVE SESSION

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

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

Mayor Rogers recessed the Council Meeting at 7:58 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 8:24 p.m.

Mr. Pikus announced that no action is needed as a result of the discussion.

ADJOURN

With no further business, Mr. Pikus moved to adjourn the meeting, seconded by Mr. Gleysteen. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder