

City of Milford



AGENDA

Council Meeting

February 25, 2013

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

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Joseph R. Rogers

Invocation

Pledge of Allegiance

Recognition

Communications

Unfinished Business

Introduction of Ordinance 2013-1/Chapter 185 Sewers/Rate Increase

Request for Abandonment of Portion of W. Clarke Avenue/Harold Roberts

Request for Abandonment of Western End of Evans Street/Seawatch

New Business

Introduction of Ordinance 2013-2/Adds Article III-Extended Absence Provision/Chapter 193 Solid Waste Chapter

FY 2012-2013 Budget Adjustment/Finance Department/Building Improvements

FY 2012-2013 Budget Adjustment/Police Department/Grading Expenses/Police Department

Executive Session-Land Acquisition - Pursuant to 29 Del. C. §10004(b)(2) Preliminary Discussions on Site Acquisitions for

Any Publicly Funded Capital Improvements*

Land Acquisition Matter*

Adjourn

WORKSHOP

Call to Order - Mayor Joseph R. Rogers

Update on City Hall Boiler Violations

Update on City of Milford Substation/Point of Delivery

Adjourn

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

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



Sussex County Association of Towns

P.O. Box 589 Georgetown, DE 19947

- Town of Bethany Beach*
- Town of Bethel*
- Town of Blades*
- Town of Bridgeville*
- Town of Dagsboro*
- Town of Delmar*
- Town of Dewey Beach*
- Town of Ellendale*
- Town of Fenwick Island*
- Town of Frankford*
- Town of Georgetown*
- Town of Greenwood*
- Town of Henlopen Acres*
- Town of Laurel*
- City of Lewes*
- City of Milford*
- Town of Millsboro*
- Town of Millville*
- Town of Milton*
- Town of Ocean View*
- City of Rehoboth Beach*
- City of Seaford*
- Town of Selbyville*
- Town of Slaughter Beach*
- Town of South Bethany*
- Sussex County Council*

MEETING NOTICE

LOCATION: Dewey Beach Lions Club
McKinley Street (Bayside)
Dewey Beach

DATE: Wednesday, March 13th

TIME: 6:00 p.m. – Social
6:30 p.m. – Dinner

HOST: Town of Dewey Beach

SPEAKER: Chris Bason, Center for the Inland Bays

PROGRAM: Shellfish Aquaculture Initiative

COST: \$28.00

MENU:

Appetizers: Cheese and Meat Board
Brushetta on Garlic Toast

Wedge Salad
Truffle and Chive Mashed Potatoes
Baked Beans
Smoked Pork Tenderloin w/Balsamic Fruit Reduction Sauce
Smoked Sage Rubbed Pulled Chicken w/BBQ Sauce
Broiled Jumbo Lump Crab Cakes

Dessert – Assorted Cookies, Brownies, and Dessert Bars

(Catered by Woody’s Dewey Beach and the Starboard)

For reservations, please call Joyce Pool at Dewey Beach Town Hall at 227-6363, no later than Monday, March 11th.

Please make checks payable to the Town of Dewey Beach.

**DELAWARE LEAGUE OF LOCAL GOVERNMENTS
MONTHLY DINNER MEETING
MARCH 28, 2013
SHERATON DOVER HOTEL
1570 NORTH DUPONT HIGHWAY
DOVER, DELAWARE**

SOCIAL HOUR: 6:00 P.M. - 6:45 P.M.
 OPENING: 6:45 P.M. - 7:00P.M.
 DINNER: 7:00P.M. - 7:20 P.M.
 PROGRAM: 7:20 P.M. - 8:00 P.M.

PROGRAM

Have you heard about Complete Communities?

Connie Holland from the State Planning Office will give a presentation on their Master Planning Publications, Complete Communities and how this can assist Municipalities and Counties. She will give examples of where it has worked and Municipalities that they are currently working with.

NEXT MEETING: APRIL 25, 2013

Special diets can be accommodated with 24 hours notice

WE MUST HAVE YOUR RESERVATIONS NO LATER THAN March 15th, 2013

Mail To: Delaware League of Local Governments
 P.O. Box 484
 Dover, Delaware 19903

Telephone: 302-678-0991

Fax:302-678-4777

Email: gwright@udel.edu

_____ will have _____ attendees
 (Municipality/County/Agency)

PLEASE LIST THE NAMES OF THOSE ATTENDING

<u>Name</u>		<u>Title</u>
_____	&	_____
_____	&	_____
_____	&	_____
_____	&	_____
_____	&	_____
_____	&	_____

Please note the increase in amount

- () Checkenclosed for () dinners @ **\$25.00** each
- () Please direct bill the Municipality/County/Agency
- () Payment will be made at the door
- () Enclosed for () dinners @ **\$25.00** each

2013 MILFORD GERMAN SPRING FESTIVAL

Milford Senior Center's Crystal Ballroom
111 Park Avenue
Milford



Saturday March 23

Doors Open at 2:30 p. m.



Live Music from 3:00 p.m. until 10:00 p.m.
featuring

The Philadelphia German Brass Band
and

The Happy Wanderers Oompah Brass Band

General Admission - \$5
10 and Under Admitted Free

Tickets can be purchased at
The Milford Senior Center

For more information and/or directions
Call 422-3385 or 632-2228



The Philadelphia
German Brass Band



The Happy Wanderers
Oompah Brass

Entertainment provided by the Milford Aquarium, Inc.
Food prepared by the Dover German American Club (for a nominal fee)
Beverages including Soft Drinks and Cash Bar supplied by
the Milford Senior Center
Children's Games and Activity Room Available

*Proceeds from this event will benefit the projects supported by the Dover German American Club,
the Milford Senior Center and the Milford Aquarium, Inc.*

The Milford Aquarium, Inc. is a proud member of the Chamber of Commerce for Greater Milford

PUBLIC NOTICE
Notice of City of Milford Ordinance Review

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

ORDINANCE 2013-1

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article II Rates and Regulations §185-10, Schedule of Rates and Charges, shall be amended by increasing the sewer rate by 7 cents per thousand gallons as was approved by City Council at its April 13, 2009 meeting due to an amendment in the Kent County Sewer User Agreement.

The City of Milford hereby ordains:

Section 2. §185-10 Schedule of rates and charges is hereby amended by removing “which shall be effective July 22, 2010 and” and inserting “Said Fees” and “the” as indicated below:

The Council has the authority to establish sewer rates and charges set forth in the following schedule, ~~which shall be effective July 22, 2010 and~~ Said fees shall be collected from the customers of the sewer system under the operation of the City of Milford. The rates and regulations shall be reviewed on an annual basis and adjusted as necessary. Each user of the wastewater facilities will be notified annually of effective user charge rates either by mail or advertisement in a paper of general circulation within the City of Milford.

Section 3. §185-10(A)(1)(b) Rate Scheduled based on Metered Water Consumption is hereby amended by removing \$2.71 and inserting \$2.78.

A. Rate schedule based on metered water consumption.

(1) City service rate:

(a) Zero to 1,000 gallons: \$10 minimum per month.

(b) Over 1,000 gallons: ~~\$2.71~~ \$2.78 per 1,000 gallons.

(2) County service rate. This fee is an adjustable sewer charge for sewage treatment performed by the Kent County Disposal District No. 1. It will be adjusted annually to the actual billing and flow documented by Kent County. This rate will be charged to each customer based on total water meter consumption recorded.

Section 4. §185-10(B)(1)(b) Rate Scheduled based on Metered Water Consumption is hereby amended by removing \$2.71 and inserting \$2.78.

B. Rate schedule based on metered sewage flows.

(1) City service rate:

(a) Zero to 1,000 gallons: \$10 minimum per month.

(b) Over 1,000 gallons: ~~\$2.71~~ \$2.78 per 1,000 gallons.

(2) County service rate. This fee is an adjustable sewer charge for sewer treatment performed by the Kent County Disposal District No. 1. It will be adjusted annually to the actual billing and flow documented by Kent County. This rate will be charged to each customer based on total metered sewage flow recorded up to the average of the four quarters immediately preceding the effective date of this chapter. The rate is set by Kent County.

Section 5. Dates

Introduction: February 25, 2013

Adoption (Projected): March 11, 2013

Effective (Projected): March 21, 2013

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

By: Terri K. Hudson, MMC
City Clerk



P.O. Box 280 Milford, DE 19963
(302)422-7327 (302)422-3929 (f)
mash551@comcast.net

Bob Nash
ASSOCIATES
Surveying & Land Design

September 19, 2012

DESCRIPTION

Lands to be conveyed to: Harold E. & Mary Roberts
City of Milford
Sussex County, Delaware

Reference: T.M. #1-30-6.00-Clark Ave (Parcel A)

All that certain piece, parcel & lot of land, lying and being situate in the City of Milford, Sussex County, and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 13 September 2012, Recorded in Plot Book _____ Page _____, fronting on the westerly right-of-way line of Lakeview Avenue, adjoining lands now or formerly of Harold E. & Mary Roberts, lands now or formerly of Henry S. Saunders, Jr., and lands now or formerly of Parcel B, being more particularly described as follows, to wit:

Beginning at a found rebar on the westerly right-of-way line of Lakeview Avenue, the northeasterly right-of-way line of Clark Avenue, (herein being conveyed), and at a corner for lands now or formerly of Harold E. & Mary Roberts; Thence running with said Lakeview Avenue South 30 degrees 36 minutes 13 seconds West 50.24 feet to a set capped rebar at a corner for lands now or formerly of Henry S. Saunders, Jr., thence following said Saunders land North 59 degrees 33 minutes 17 seconds West 161.31 feet to a corner for parcel B, thence continuing with said parcel B North 30 degrees 47 minutes 49 seconds East 50.00 feet to a point on line for aforementioned Roberts land, thence finally, South 59 degrees 33 minutes 18 seconds East 161.00 feet to the place of beginning, containing 8058 square feet of land, more or less.

desMilford-RobertsParcelA



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Lands to be conveyed to: Harold E. & Mary Roberts
City of Milford
Sussex County, Delaware

Reference: T.M. #1-30-6.00-Clark Ave (Parcel B)

All that certain piece, parcel & lot of land, lying and being situate in the City of Milford, Sussex County, and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 13 September 2012, adjacent to, but not contiguous to the westerly right-of-way line of Lakeview Avenue, adjoining lands now or formerly of Harold E. & Mary Roberts, Parcel A (aka Clark Ave.), lands now or formerly of Henry S. Saunders, Jr., and lands now or formerly of Jean C. Chodowski, being more particularly described as follows, to wit:

Beginning at a set capped rebar at a point on line for lands now or formerly of Harold E. & Mary Roberts, and at a corner for Parcel A, said point being 161 feet, more or less from the right-of-way intersection of Lakeview Avenue and Clark Avenue; thence running with said Parcel A North 30 degrees 47 minutes 49 seconds East 50.00 feet to a set capped rebar at a point on line of lands now or formerly of Henry S. Saunders, Jr., thence continuing with said Saunders land North 59 degrees 33 minutes 17 seconds West 18.45 feet to found rebar at a corner for lands now or formerly of Jean C. Chodowski; thence following said Chodowski lands North 30 degrees 47 minutes 49 seconds East 50.00 feet to a found rebar at a corner for aforementioned lands now or formerly of Harold E. & Mary Roberts; thence finally, continuing with said Roberts land South 59 degrees 33 minutes 18 seconds East 18.45 feet to the place of beginning, containing 922 square feet of land, more or less.

File: desMilford-RobertsParcelB

desMilford-RobertsParcelB

LOT 12 BLOCK G
LAKELAWN ESTATES
N OR F DAVID L.
MAGNESS, II
DEED BK. 3079 PG. 083
TM 1-30-3.07-115.00

LOT 13 BLOCK G
LAKELAWN ESTATES
N OR F JEAN C.
CHODOWSKI
DEED BK. 1479 PG. 256
TM 1-30-3.07-116.00

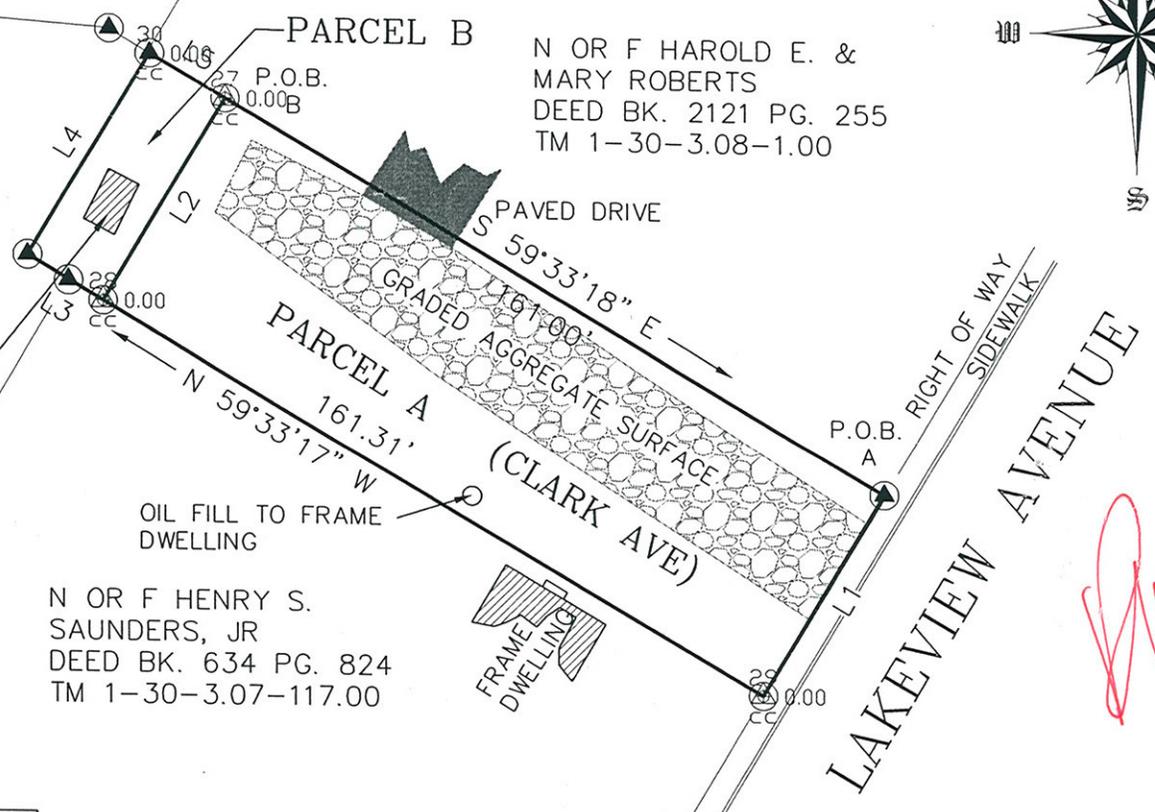
FRAME SHED
APPURTENANT TO LOT
13 LAKELAWN ESTATES

PARCEL A
8058 Sq. Feet
0.185 Acres

PARCEL B
922 Sq. Feet
0.021 Acres

N OR F HENRY S.
SAUNDERS, JR
DEED BK. 634 PG. 824
TM 1-30-3.07-117.00

N OR F HAROLD E. &
MARY ROBERTS
DEED BK. 2121 PG. 255
TM 1-30-3.08-1.00



LINE	BEARING	DISTANCE
L1	S 30°36'13" W	50.24'
L2	N 30°47'49" E	50.00'
L3	N 59°33'17" W	18.45'
L4	N 30°47'49" E	50.00'
L5	S 59°33'18" E	18.45'

BASIS OF BEARING SYSTEM= DELAWARE
PLANE COORDINATES NAD83
SURVEY CLASS= SUBURBAN
NO EASEMENTS PROVIDED

▲ FOUND REBAR
△ SET CAPPED REBAR

CRD: CITY2ROBERTS

Lands to be conveyed by:

THE CITY OF MILFORD

CITY OF MILFORD

DATE: SEPT. 13, 2012

SUSSEX COUNTY, DELAWARE

W.O.: 12-8-144



Bob Nash
ASSOCIATES

Surveying &
Land Design 14 South Maple Ave. Milford, DE 19963
(302) 422-7327 P.L.S. 551

T.M.: AS NOTED

F.B.: BNA10/28 DRAWN BY:
RWN

DISK: CITY2ROBERTS

SCALE: 1" = 40'

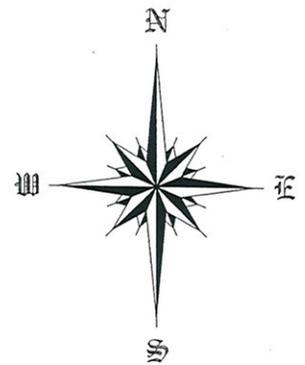
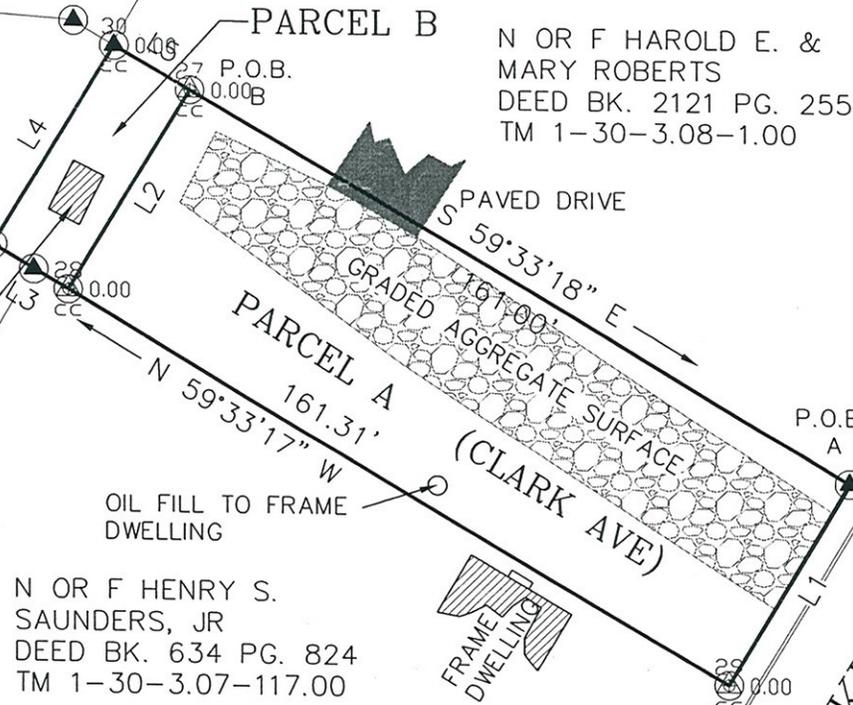
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LAKEVIEW AVENUE
RIGHT OF WAY
SIDEWALK

[Red signature]

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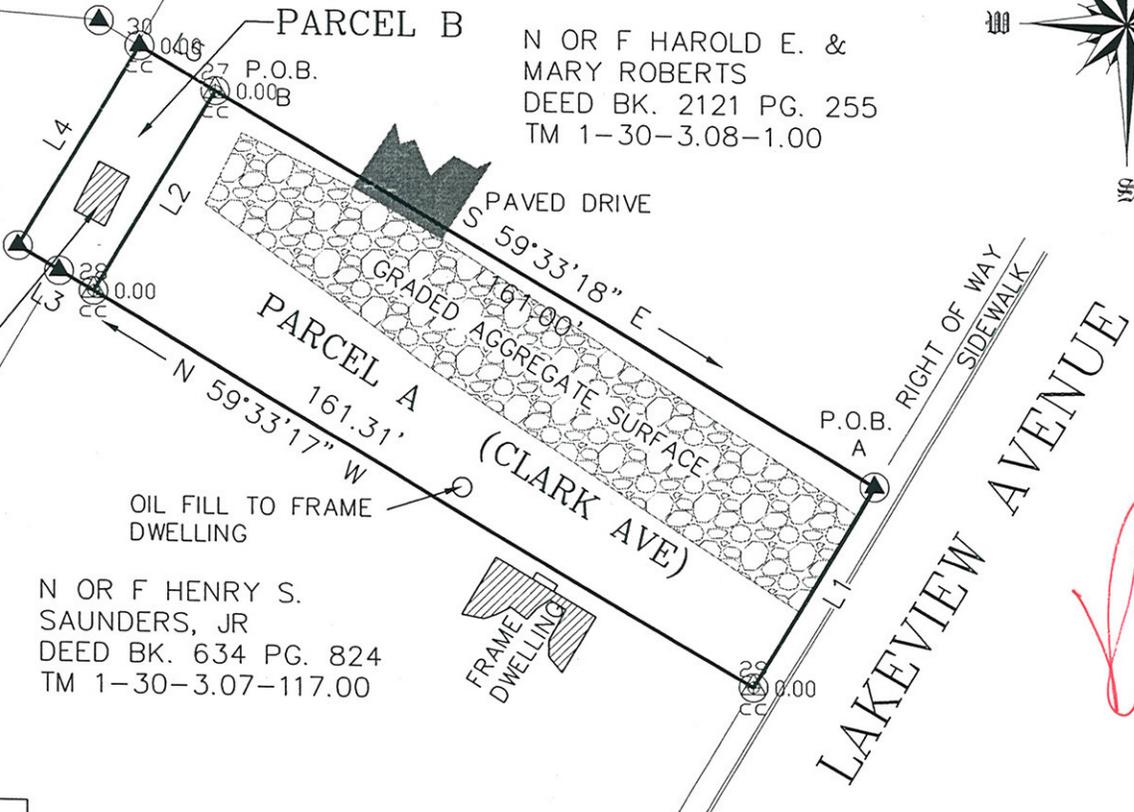
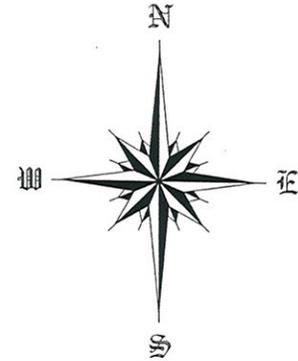
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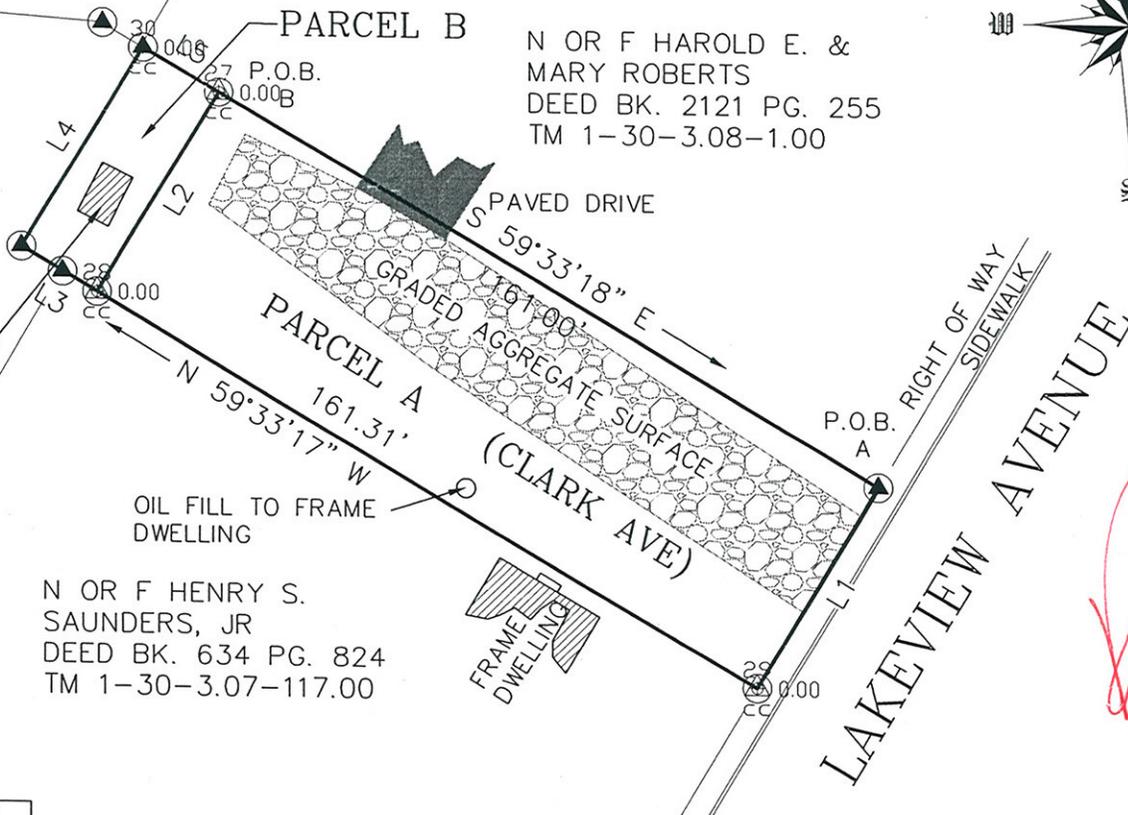
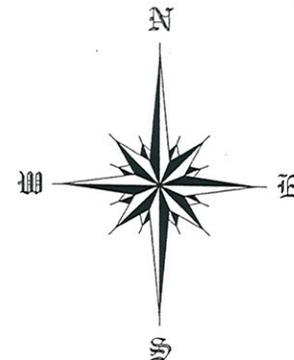
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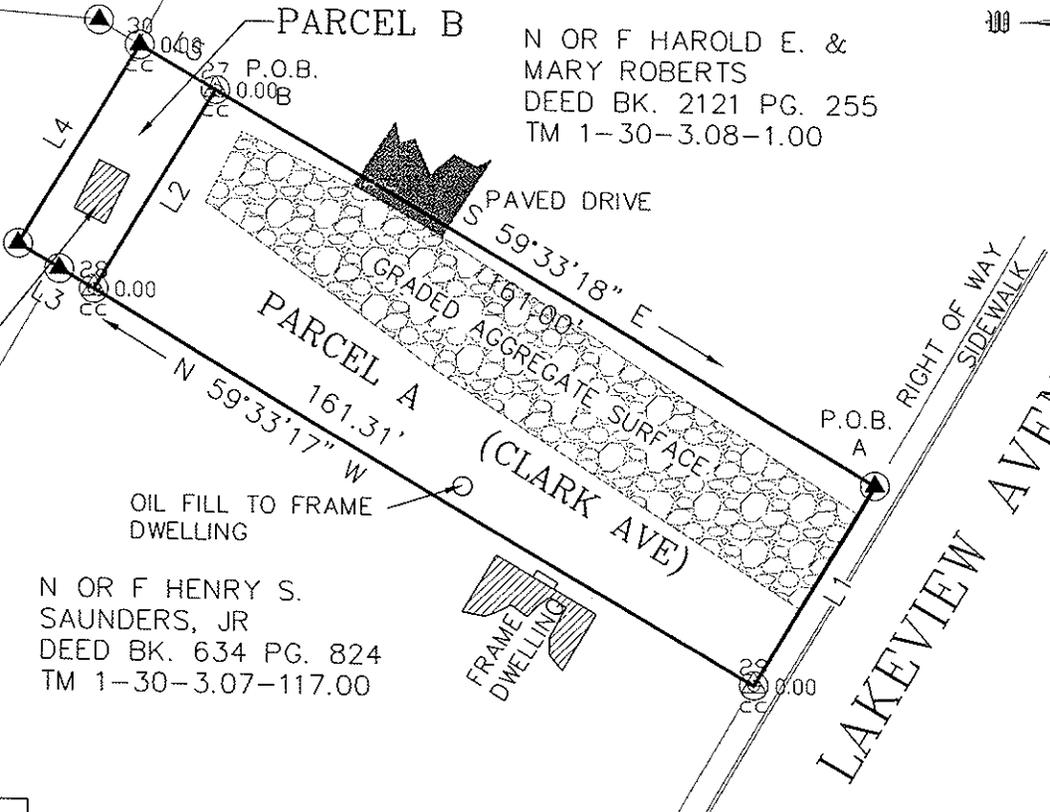
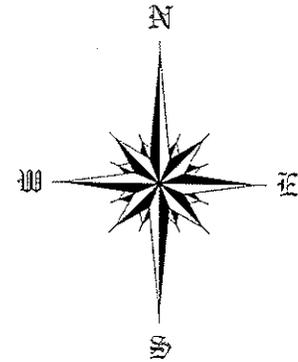
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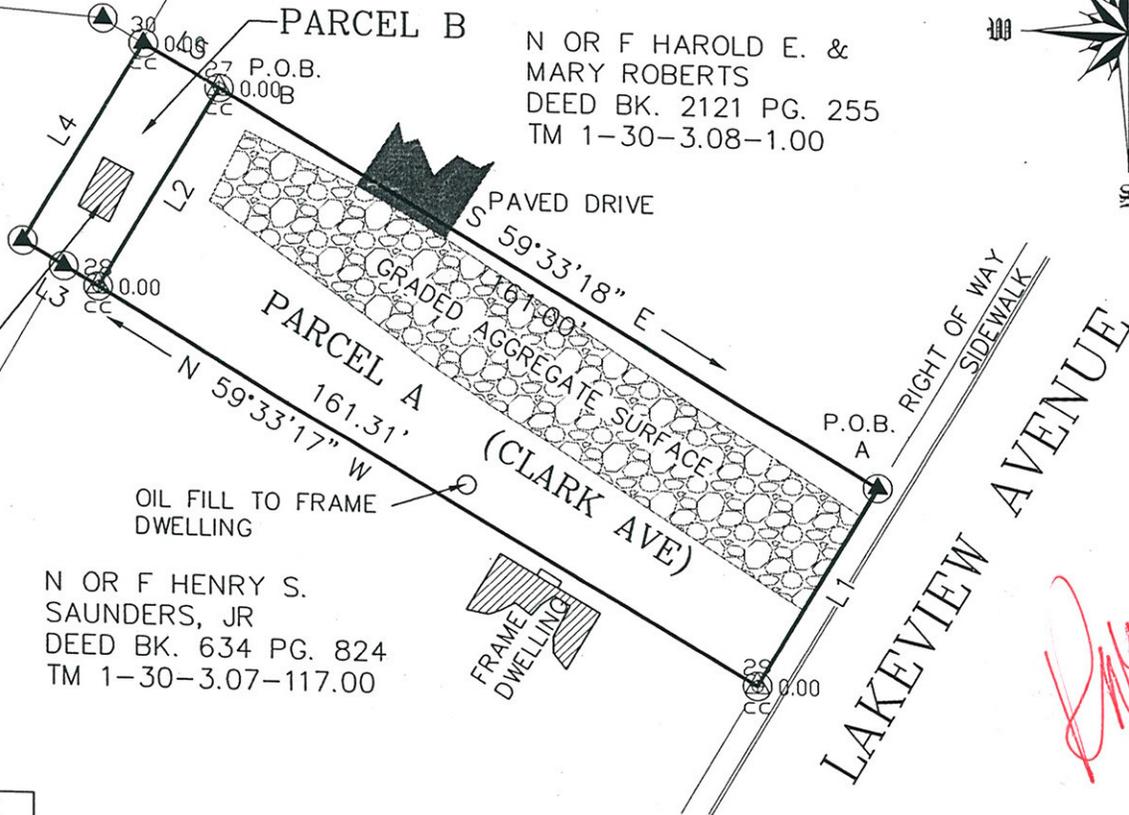
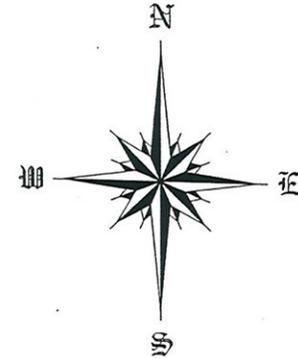
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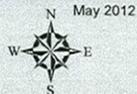
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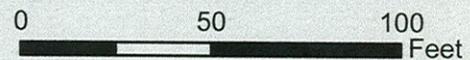
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Sources:
2011 USDA Aerial Photograph



Clarke Avenue
City of Milford
Sussex County, Delaware



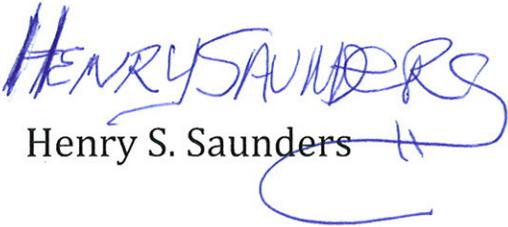
February 13, 2012

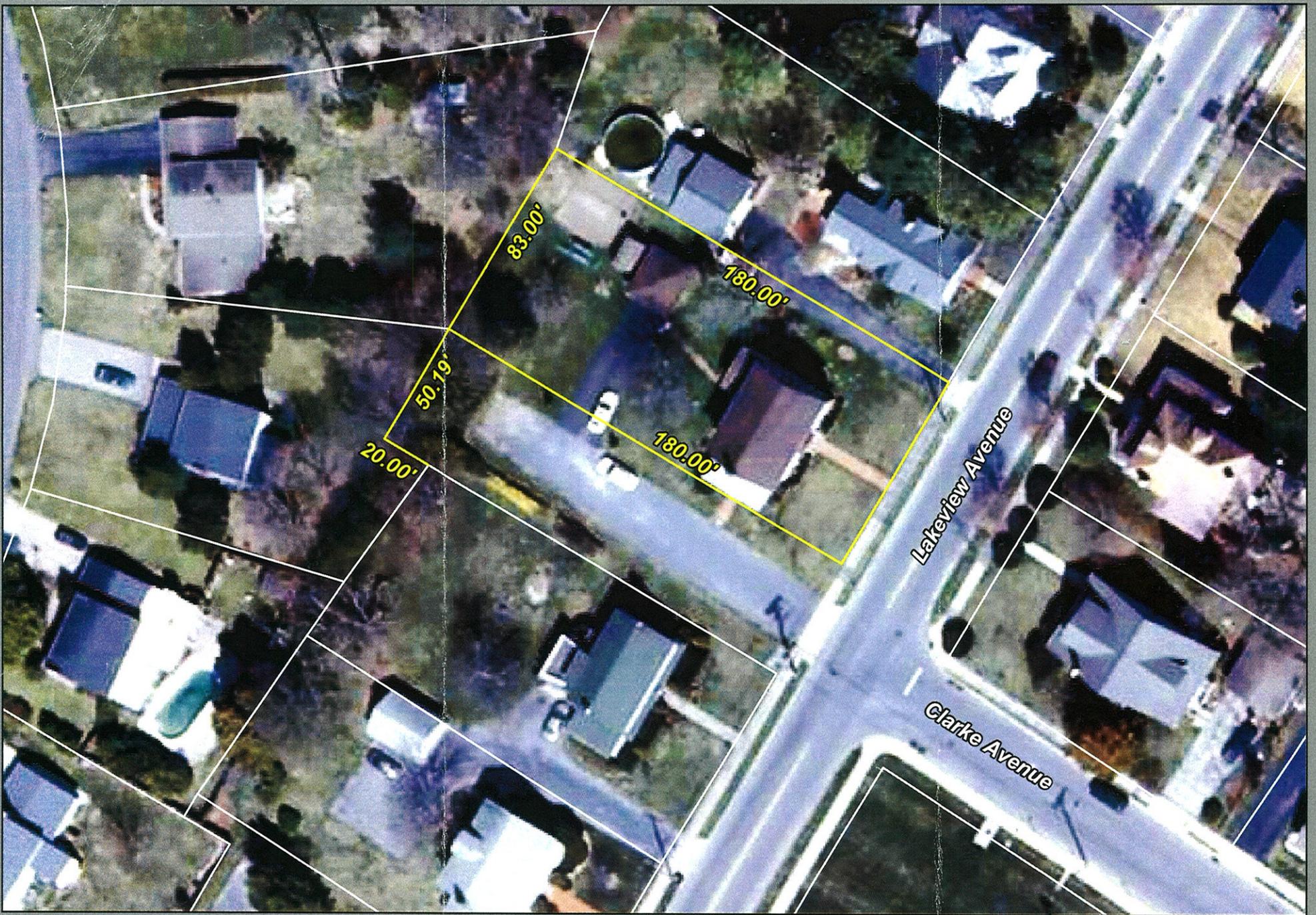
To: City of Milford
Milford, DE

From: Henry S. Saunders
501 Lakeview Avenue
Milford, DE 19963

RE: Right of Way between properties at 501 Lakeview Avenue and 409
Lakeview Avenue

Please add the above mentioned right of way to the property owners
at 409 Lakeview Avenue, Harold E. and Mary L. Roberts.

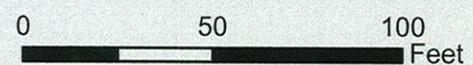

Henry S. Saunders



Sources:
2011 USDA Aerial Photograph

May 2012

Clarke Avenue
City of Milford
 Sussex County, Delaware

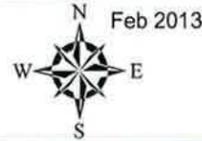


dbi DAVIS BOWEN & FRIEDEL, INC.
 ARCHITECTS • ENGINEERS • SURVEYORS
Member of the dbi Group



March 2007
Aerial Photo

Sources:
Tax Parcels per Sussex County
Aerial Photograph Courtesy of the Delaware DataMIL



Sea Watch
Sussex County, Delaware



PUBLIC NOTICE
Notice of City of Milford Ordinance Review

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

ORDINANCE NO. 2013-2

AN ORDINANCE ADDING A NEW ARTICLE III, ENTITLED
"EXTENDED ABSENCE PROVISION" TO CHAPTER 193 ENTITLED "SOLID WASTE"
OF THE CODE OF THE CITY OF MILFORD, DELAWARE.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. That Chapter 193 of Part II (General Legislation) of the Code of the City of Milford, is hereby amended by adding thereto a new Article III to read as follows:

ARTICLE III - Extended Absence Provision

- A. Suspension of Temporary Service
- (1) The Public Works Director may suspend trash and recycling (and yard waste when applicable) collection services on an owner-occupied residence only if the home is unoccupied for a minimum of three months.
 - (2) A "Suspend Service Temporarily" form must be completed in order to place your service on hold.
 - (3) "Suspend Service Temporarily" form must be received by the Public Works Department at least five business days prior to the start of the suspension period.
 - (4) The Solid Waste Department will collect the trash, recycling and yard waste (if applicable) containers at the start of the suspension and redeliver them on the expected date of return.
 - (5) The residence for which the suspension has been approved shall remain vacant during the suspension period.
 - (6) Service will automatically be reactivated at the end of the approved suspension period, unless a request for an additional period of temporary suspension has been requested and approved by the Public Works Director prior to the automatic reactivation. Failure to request an extension prior to the reactivation date will result in the resumption of the monthly solid waste fee. An additional \$35 fee will be charged to continue the suspended service.
 - (7) When a suspension is active, the customer may not use any other city trash/recycling/yard waste services, including someone else's container or bulk service.
 - (8) No credit will be issued should customer fail to submit and complete the "Suspend Service Temporarily" form.
 - (9) Partial or retroactive payments of monthly fees are prohibited.
- B. Suspension Fee
- (1) At the time of the suspension request, a service fee of \$35 will be charged for the removal, storage and re-delivery of the containers.
 - (2) Service fee shall be paid at the time the "Suspend Service Temporarily" form is submitted to the Public Works Department.
- C. Noncompliance, Violations and Penalties.
- (1) Noncompliance of this Article will result in the immediate re-activation of the solid waste services.
 - (2) The account will be billed the full service fees for the entire suspension period and a \$100 account reconciliation fee assessed for noncompliance.
 - (2) Violations and Penalties set forth in Section 193-7 shall also apply to Article III.

Section 2. Dates.

Introduction: February 25, 2013

Adopted: March 11, 2013

Effective: March 21, 2013

Reference: §193-7. Violations and penalties.

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

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

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

By: Terri K. Hudson, MMC
City Clerk

CITY OF MILFORD

Suspend Service Temporarily Form

Form will **NOT be processed unless all information below is completed**

Fill out this form to **TEMPORARILY SUSPEND** your solid waste services. If you need to cancel your service, please contact the City of Milford Billing Department.

Please be sure to include your current contact information as we may be contacting you to confirm your order. Required information is marked in **RED**.

NAME	Last Name:	
	First Name:	Middle Initial:
ACCOUNT NUMBER		
SERVICE ADDRESS	Street:	
	City:	
HOME PHONE		
CELL PHONE		
E-MAIL ADDRESS		
<p>I want to temporarily suspend my garbage pickup. I am going to be away for AT LEAST three months. I understand there is a \$35 service fee required and that partial and retroactive payments of my normal monthly fee are prohibited.</p> <p style="text-align: center;">LAST SERVICE DAY: _____</p> <p style="text-align: center;">RESUME SERVICE DAY: _____</p>		
Additional Comments:		
SIGNED:		DATE:
<i>For Office Use Only:</i>		
Date Form Received at Public Works: _____		\$35 Fee Received: yes____ no____
Date Forwarded to Billing Department: _____		Date Received by Billing Department: _____

REQUEST FOR \$16,000 transfer from General Fund Reserves to
101-1310-415-70-20 (FINANCE BUILDING CAPITAL)

Requesting \$16,000 from General Fund Reserves to pay for the attic steps and and attic fan to preserve finance department records upstairs.

See below estimate for \$11,700 from Brendon Warfel not including electric, wiring or permits. It also does not include the attic fan which will be added to the contract which is reason for the \$16,000.

Expense line would be 101-1310-415-70-20.

From: Elaine Fannin [<mailto:elaine@brendonwarfel.com>]
Sent: Friday, November 09, 2012 12:29 PM
To: Jeffrey Portmann
Subject: Estimate of cost for Stairway

Jeff,

Brendon said that the estimate for the stairway per your discussions would be: \$11,700.00

This includes the moving of the A/C units and the build out.
No Electric, Data wiring or permits are included in this ballpark.

Sincerely,

Elaine Fannin

Milford Police Department



E. Keith Hudson
Chief of Police



400 N.E. Front Street
Milford, Delaware 19963

DATE: February 25, 2013

TO: Mayor and Council
City Manager Richard D. Carmean
Finance Director Jeff Portmann

FROM: Chief E. Keith Hudson

RE: Budget Line Item Increase Request for FY 2012-2013 Funds

I respectfully request City Council authorize a \$13,000 increase to our Capital Equipment Account (101-1610-421-70-40) to be transferred from the General Fund Reserves Account. This funding will cover the costs of having the communications equipment and building properly grounded to prevent future lighting strikes and power surges.

This grounding must be completed in order to have the replacement communications system, whose damage was caused by lightning, installed by the Division of Communications.

This was an unforeseen expense when our budget was prepared in 2012.

Thank you, in advance, for your consideration of this matter.

EKH