

# City of Milford



## AGENDA

Monthly Council Meeting

July 8, 2013

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 R. Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

City Manager Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

Infrastructure Investment Strategy/Amberwood Subdivision, Innovation Park II LLC and MBT Holdings LLC

New Business

Delaware League of Local Governments/Annual Membership Dues

Mill-Pond Properties Agreement/Warehouse Space for Electric Equipment for Substation\*

Redners Utility Agreement\*\*

Monthly Finance Report

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

Adjourn

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

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

# Milford Police Department



E. Keith Hudson  
Chief of Police



400 N.E. Front Street  
Milford, Delaware 19963

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: July 8, 2013

RE: Activity Report/June 2013

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## **Monthly Stats:**

A total of 341 arrests were made by the Milford Police Department during June 2013. Of these arrests, 96 were for criminal offenses and 245 for traffic violations. Criminal offenses consisted of 18 felonies and 78 misdemeanors. Traffic violations consisted of 88 Special Duty Radar, 3 Drunk-Driving charges, and 160 other.

Police officers investigated 43 accidents during the month (4 personal injury, and 39 property damage) and issued 94 written reprimands. In addition, they responded to 1057 various complaints including city requests and other agency assistance.

## **Monthly Activities:**

The Community Policing Unit assisted Milford Crossing Apartments with an annual dinner for elderly residents. Assistance was also provided to the Special Olympics Torch Run.

Our School Resource Officer hosted two classes at Milford Central Academy, taught by the National Association of School Resource Officers--Basic and Advanced SRO. Pfc. Melvin attended and completed the advanced SRO course and assisted with the instruction of the basic course.

The School Resource Unit was awarded a \$5,000 grant from State Farm Insurance.

An on-going investigation lead to the seizure of 91 bags of heroin and arrest of 2 individuals. Other investigations include the seizures of methamphetamine, marijuana and additional heroin.

The K-9 unit apprehended a felony drug suspect that fled on foot and engaged in a physical altercation with police officers.

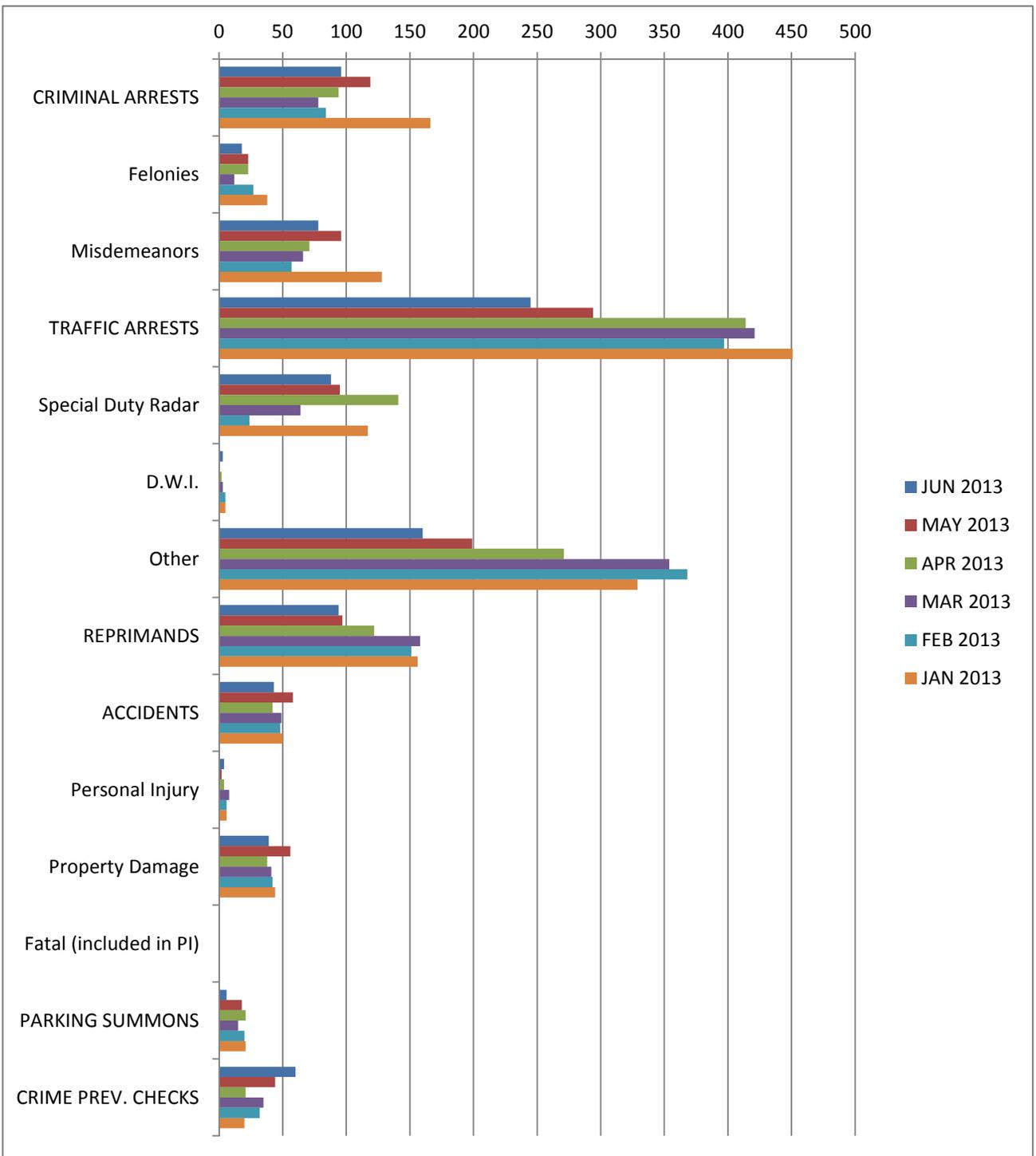
They also conducted 5 sniffs for controlled substances leading to the recovery of 94 grams of marijuana (\$1,120 street value) & \$284 in cash.

Three replacement officers were hired and begin on July 8th; a dispatcher was also hired to fill a recent vacancy.

Hertrich of Milford requested permission to display our 2012 Ford Interceptor Utility vehicle at the East Coast Police/Security Expo held in Atlantic City, New Jersey. This was handled completely by Hertrich at no cost to the department.

JUNE 2013 ACTIVITY REPORT

	JUN 2013	TOTAL 2013	JUN 2012	TOTAL 2012
COMPLAINTS	1057	6392	1515	7724
CRIMINAL ARRESTS	96	637	196	1179
Felonies	18	141	63	331
Misdemeanors	78	496	133	848
TRAFFIC ARRESTS	245	2222	920	3468
Special Duty Radar	88	529	461	1554
D.W.I.	3	18	11	41
Other	160	1681	448	1873
REPRIMANDS	94	778	146	839
ACCIDENTS	43	290	48	259
Personal Injury	4	30	6	28
Property Damage	39	260	42	231
Fatal (included in PI)	0	0	1	1
PARKING SUMMONS	6	101	11	78
CRIME PREV. CHECKS	60	212	64	309
FINES RECEIVED	\$ 11,314.67	\$ 65,210.15	\$ 14,182.21	\$ 70,777.00





OFFICE OF THE CITY MANAGER  
RICHARD D. CARMEAN  
P 302.424.3712, F 302.424.3558

CITY HALL  
201 SOUTH WALNUT STREET  
MILFORD, DE 19963

## City Manager Report July 8, 2013

### Administration

I would like to thank the Mayor and Council for their work and input in completing the 2013-2014 City of Milford Budget. I know that Mr. Pikus, Finance Committee Chairperson, was very pleased with the participation by the Mayor and Council during the discussions regarding the content of the budget. I realize all involved had difficulty in attempting to do more with less. Everyone had items, changes, or projects that had to be set aside or denied in order to reach a balanced budget with no increases in taxes, fees, or rates.

An administrative assistant's position for the city manager was requested in this year's budget, but funds were simply not available. In an attempt to somewhat solve this problem I have moved the administrative assistant for planning and zoning, code enforcement, and building inspection into a position that will give assistance to the city clerk and the city manager. The duties performed previously by this employee have been distributed among several other staff members. This is, for the lack of a better description, a partial fix.

Mr. Rutt has given me the nod to send the agreement of sale to PNC for the bank property. I have done so. Also prior to the mailing of the agreement the Phase I and partial Phase II environmental studies were completed. A Phase I is basically a historical look at the property and the surrounding areas. A Phase II is further invasive in that borings and other material samples can be taken from the property and analyzed for contaminants. The Phase I showed that a service station had been on an adjoining property some years ago, and that station had had under-ground tanks. I therefore had borings done on the perimeter of the properties to test for any contaminants. None were found. Mr. Rutt has done a title search and I have asked him to move to settlement as soon as possible.

During some of the recent heavy rains we experienced another small leak in the lower level. This was quickly traced to the ramp area where the ramp meets the building. There is a large caulked strip between the ramp and the side of the building. I have discussed a better way of diverting water away from the building with several contractors. I believe a much more permanent fix is to place a decorative brick edging against the building for the entire length of the ramp. The leak did no damage to the basement.

## **Sewer and Water**

Asbestos removal at the Washington St. treatment plant begins Monday July 8, 2013. The site has been fenced in for security and safety reasons. Also on the same date the by-pass pumps should be installed at the Washington St. sewer pump station.

In several meetings with the representatives of Wickersham sub-division, and Mr. Duplechain of DBF, most of the questions have been resolved as to the placement of our water tower and treatment facility on that property. Further discussions with Mr. Hall, an adjoining property owner to Wickersham, has allowed the city to locate a very satisfactory parcel for the planned construction of a sewer pump station to serve the southern area of our limits. Mr. Hall and his family have been generous in their assistance with our needed projects in south Milford.

## **Streets**

The N.E. Front Street parking lot has been finished, but not striped as of this date. I feel this work by the city and the improvements made by the owner of the adjacent property has brought a much better look to Milford.

The detour on Airport Road is allowing the construction of a turn lane into the Cascades residential project. This detour is one of those inconvenient but necessary things that have to be done to improve traffic safety.

## **Electric**

I have placed a lease in the council packets for approval by mayor and council. This is for a 22,000 square foot warehouse space in which we will be storing the materials for construction of our new 138KV transmission line on Rt. 113. This is a clear indicator we are getting closer to seeing our new sub-station become a reality.

While our billing is not done entirely for electric, I will still report in this section of my report that we are within a few weeks of beginning our outsource mailing of bills. If all goes as planned, our customers should experience no change at their end of the process except the improved look to our bills.



# DELAWARE SOLID WASTE AUTHORITY

**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.

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

June 7, 2013

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 May 2013.

**May 2013  
Weight in Pounds****MARSHALL STREET**

<b>SINGLE-STREAM TOTAL</b>	<b>OIL GALLONS</b>
17,945	300

**MILFORD MIDDLE SCHOOL**

5,506	
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**MILFORD COMMONS**

14,682	
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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

Printed on Recycled Paper

**CITY OF MILFORD CURBSIDE COLLECTION  
MAY 2013**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
5/2/2013	732520	7100-RC Single Strea	7000-Recommunity	City of Milford	2.16
5/3/2013	732591	7100-RC Single Strea	7000-Recommunity	City of Milford	3.99
5/3/2013	732593	7100-RC Single Strea	7000-Recommunity	City of Milford	1.88
5/9/2013	733293	7100-RC Single Strea	7000-Recommunity	City of Milford	4.02
5/9/2013	733294	7100-RC Single Strea	7000-Recommunity	City of Milford	4.84
5/10/2013	733349	7100-RC Single Strea	7000-Recommunity	City of Milford	3.57
5/10/2013	733350	7100-RC Single Strea	7000-Recommunity	City of Milford	3.79
5/16/2013	734062	7100-RC Single Strea	7000-Recommunity	City of Milford	3.56
5/17/2013	734111	7100-RC Single Strea	7000-Recommunity	City of Milford	3.11
5/17/2013	734134	7100-RC Single Strea	7000-Recommunity	City of Milford	0.75
5/23/2013	734840	7100-RC Single Strea	7000-Recommunity	City of Milford	3.76
5/23/2013	734842	7100-RC Single Strea	7000-Recommunity	City of Milford	4.81
5/24/2013	734886	7100-RC Single Strea	7000-Recommunity	City of Milford	4.01
5/24/2013	734890	7100-RC Single Strea	7000-Recommunity	City of Milford	4.14
5/31/2013	735592	7100-RC Single Strea	7000-Recommunity	City of Milford	5.57
5/31/2013	735593	7100-RC Single Strea	7000-Recommunity	City of Milford	1.9
				<b>TOTAL</b>	<b>55.86</b>

Kent



County

*Department of Public Works*

Engineering Division (302) 744-2430  
Fax Number (302) 736-2100  
Wastewater Facilities (302) 335-6000  
Facilities Management (302) 744-2357

Kent County  
Administrative Complex  
555 Bay Road  
Dover, DE 19901

**PUBLIC NOTICE**

**EFFECTIVE JULY 1, 2013**

In accordance with Kent County Ordinance 06-07, the Kent County Sanitary Sewer Capital Improvement Fee and the District Expansion Fee will increase effective July 1, 2013.

The Residential Permit/Inspection Fee and the Commercial Permit/Inspection Fee have not been changed.

**NEW CAPITAL IMPROVEMENT FEE  
(COUNTY IMPACT)**

**\$1,971.00**

**NEW DISTRICT EXPANSION FEE  
(DISTRICT IMPACT)**

**\$1,751.00**

**RESIDENTIAL PERMIT/INSPECTION FEE**

**\$85.00**

**COMMERCIAL PERMIT/INSPECTION FEE**

**\$325.00**

The Infrastructure Investment Strategy is appropriate and necessary at this time because:

- 'Shovel Ready' lands attract business development like Independent Commons and robust infrastructure allows existing businesses to grow and expand. Baltimore Aircoil, Perdue and Sea Watch are examples of the predictable job creation and business expansion when adequate utilities are available.
- Infrastructure Investment supports Milford's future revenue requirements through business and job growth. In addition, this initiative ensures that Milford is competitive with surrounding communities offering 'Shovel Ready' sites and lands.
- Infrastructure Investment is aligned with the objectives of Milford's Comprehensive Plan, Master Plan and Economic Development Strategic Plan. Also, it promotes Milford as a viable business destination for new businesses desiring to locate in Delaware through inquiries to Delaware's Economic Development Office.

# Invoice for Fiscal Year 2014

## Delaware League of Local Government Membership Dues

Dear DLLG Members:

I would like to personally extend my appreciation for your past participation in the Delaware League of Local Governments. As you know, your continued membership is vital to the sustenance of Delaware's localities. Your locality is listed below next to the amount due for membership dues for F.Y. 2014. The due date for the payment of membership renewal fees is July 1, 2013. The organization would like to thank you in advance for your continued membership and support. If there are any questions you have concerning the renewal of your membership please feel free to contact:

DLLG  
P.O. Box 484  
Dover, DE 19903-0484  
Telephone: (302) 678-0991  
Fax: (302) 678-4777

Sincerely,



George C. Wright, Jr.  
Executive Director

Locality	Amount Due	Locality	Amount Due	Locality	Amount Due
Wilmington	\$10,000.00	Clayton	\$800.00	Leipsic	\$500.00
Dover	\$8,000.00	Newport	\$800.00	Ardencroft	\$500.00
Newark	\$8,000.00	Bellefonte	\$800.00	Ardentown	\$500.00
Middletown	\$5,000.00	Ferwick Island	\$800.00	Bowers Beach	\$500.00
Elsmere	\$4,000.00	Wyoming	\$800.00	Bethel	\$500.00
Smyrna	\$4,000.00	Delmar	\$800.00	Henlopen Acres	\$500.00
Milford	\$4,000.00	Ocean View	\$800.00	Viola	\$500.00
Seaford	\$4,000.00	Blades	\$700.00	Farmington	\$500.00
New Castle	\$4,000.00	Frederica	\$700.00	Hartly	\$500.00
Rehoboth	\$4,000.00	Felton	\$700.00	Townsend	\$500.00
Georgetown	\$1,500.00	Greenwood	\$700.00	Milville	\$500.00
Laurel	\$1,500.00	Frankford	\$700.00	<b>DLLG 2014 Membership Dues</b> Locality Name: _____  Amount Paid: _____  Date: _____  Check Number: _____  Contact Person: _____ Send to: Delaware League of Local Governments P.O. Box 484 Dover, DE 19903-0484	
Bethany Beach	\$1,500.00	Village of Arden	\$700.00		
Harrington	\$1,500.00	Slaughter Beach	\$700.00		
Lewes	\$1,500.00	Cheswold	\$700.00		
Camden	\$1,500.00	Odessa	\$500.00		
Millsboro	\$1,500.00	Ellendale	\$500.00		
Dewey Beach	\$700.00	Dagsboro	\$500.00		
Delaware City	\$700.00	Houston	\$500.00		
South Bethany	\$700.00	Magnolia	\$500.00		
Milton	\$700.00	Woodside	\$500.00		
Selbyville	\$700.00	Kenton	\$500.00		
Bridgeville	\$700.00	Little Creek	\$500.00		

# Rental Agreement

This agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between The City of Middletown, DE and Mill-Pond Properties Inc., hereinafter called respectively Lessor and Lessee.

WITNESSETH: That for and in consideration of the payment of the rents and the performance of the covenants contained on the part of Lessee, said Lessor does hereby demise and let unto Lessee, and Lessee hires from Lessor for use as a Warehouse those premises described as: 22,000 sq. ft. in a Masonry Bldg. located at: 740 McCally Ct, Middletown, DE for a tenancy from month-to-month commencing on the \_\_\_\_\_ day \_\_\_\_\_ and at a monthly rental of SIXTY SIX hundred dollars (\$600.00) per month, payable monthly in advance on the 10th day of each and every month, on the following TERMS AND CONDITIONS:

1. **Occupants.** The said premises shall be occupied for WAREHOUSE USE only.
2. **Pets.** No pets shall be kept on the premises without the prior written consent of the Lessor.
3. **Ordinances and Statutes.** Lessee shall comply with all statutes, ordinances and requirements of all municipal, state, and federal authorities now in force, or which may hereafter be in force, pertaining to the use of the premises.
4. **Repairs or Alterations.** Lessee shall be responsible for damages caused by his negligence and that of his employees and guests. Lessee shall not paint, paper or otherwise redecorate or make alterations to the premises without the prior written consent of Lessor. All alterations, additions, or improvements made to the premises with the consent of Lessor shall become the property of Lessor and shall remain upon and be surrendered with the premises.
5. **Upkeep of Premises.** Lessee shall keep and maintain the premises in a clean and sanitary condition at all times, and upon the termination of the tenancy shall surrender the premises to Lessor in as good condition as when received, ordinary wear and damage by the elements excepted.
6. **Assignment and Subletting.** Lessee shall not assign this Agreement or sublet any portion of the premises without prior written consent of Lessor.
7. **Utilities.** Lessee shall be responsible for the prompt payment of all utilities and services, including electric,
8. **Default.** If Lessee shall fail to pay rent when due, or perform any term hereof, after not less than three (3) days written notice of such default given in the manner required by law, Lessor, at his option, may terminate all rights of Lessee hereunder, unless Lessee, within said time, shall cure such default. If Lessee abandons or vacates the property, while in default of the payment of rent, Lessor may consider any property left on the premises to be abandoned and may dispose of the same in any manner allowed by law.

11 \$16,600.00

9. **Security.** The security deposit of one month, shall secure the performance of Lessee's obligations hereunder. Lessor may, but shall not be obligated to, apply all or portions of said deposit on account of Lessee's obligations hereunder. Any balance remaining upon termination shall be returned to Lessee. Lessee shall not have the right to apply the security deposit in payment of the last month's rent.

10. **Right of Entry.** Lessor reserves the right to enter the demised premises at all reasonable hours for the purpose of inspection, and whenever necessary to make repairs and alterations to the demised premises. Lessee hereby grants permission to Lessor to show the demised premises to prospective purchasers, mortgages, tenants, workmen, or contractors at reasonable hours of the day.

11. **Deposit Refunds.** The balance of all deposits shall be refunded within two (2) weeks from date possession is delivered to Lessor, together with a statement showing any charges made against such deposits by Lessor.

12. **Termination.** This Agreement and the tenancy hereby granted may be terminated at any time by either party hereto by giving to the other party sixty (60) days prior notice in writing.

13. **Attorney's Fees.** The prevailing party in an action brought for the recovery of rent or other moneys due or to become due under this lease or by reason of a breach of any covenant herein contained or done herein, or to recover for damages to said property, or to enjoin any act contrary to the provisions hereof, shall be awarded all of the costs in connection therewith, including, but not be way of limitation, reasonable attorney's fees.

14. **Additional Terms and Conditions.** Mill-Pond Properties, Inc. does not intend to carry insurance coverage on this building. If you desire insurance coverage, you will have to arrange it. This includes: fire, theft, storm, and liability insurance.

*Triple Net Lease*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate the day and year first above written.

Signed in the presence of:

Mill-Pond Properties, Inc.  
P. O. Box 958  
Milford, DE 19963  
Tel. (302) 422-4008

\_\_\_\_\_  
  
\_\_\_\_\_

Lessor

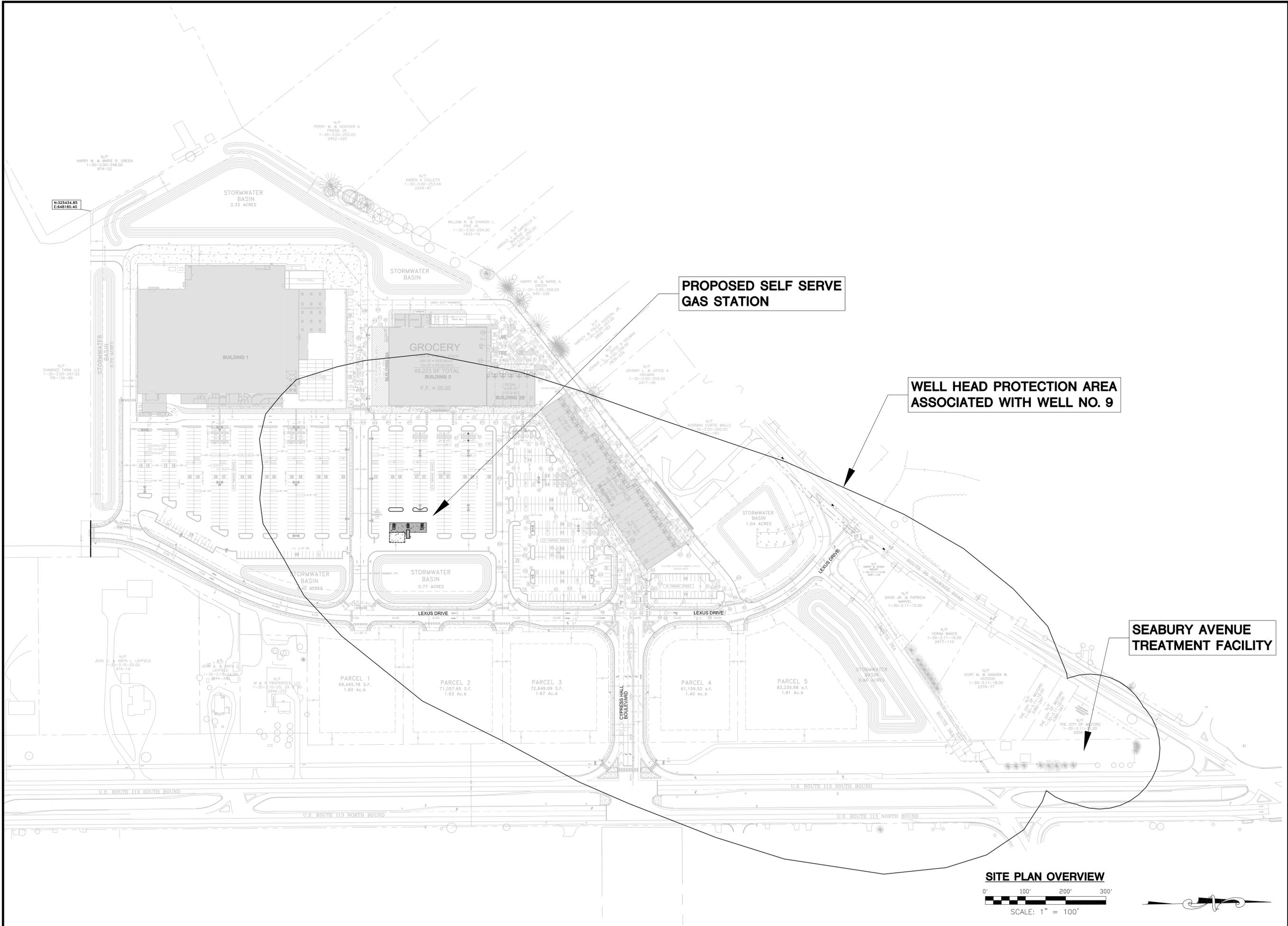
Lessee

**Joseph L. Warnell**  
President

**MILL-POND PROPERTIES, INC**  
638 Marshall Street  
P.O. Box 958 Milford, DE 19963  
(302) 422-4008 or Home (302) 422-3055  
Cell (302) 222-9876 Fax (302) 422-4210

Email: [millpondpropertiesinc@gmail.com](mailto:millpondpropertiesinc@gmail.com)  
Web site: [www.millpondpropertiesinc.com](http://www.millpondpropertiesinc.com)



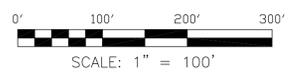


**PROPOSED SELF SERVE  
GAS STATION**

**WELL HEAD PROTECTION AREA  
ASSOCIATED WITH WELL NO. 9**

**SEABURY AVENUE  
TREATMENT FACILITY**

**SITE PLAN OVERVIEW**



DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS, ENGINEERS & SURVEYORS  
SALISBURY, MARYLAND (410) 543-9091  
MILFORD, DELAWARE (302) 424-1441



**CYPRESS HALL COMMERCIAL  
CONDITIONAL USE (GROCERY GAS PUMPS)  
MILFORD, DELAWARE - SUSSEX COUNTY - CEDAR CREEK HUNDRED,**

Revisions:

Date:	DECEMBER 2011
Scale:	1"=100'
Dwn.By:	CRS
Proj.No.:	???
Dwg.No.:	1

**UTILITY AGREEMENT  
SOUTHEAST MILFORD  
SUSSEX COUNTY, DELAWARE**

This Water Service Agreement (“**Agreement**”) is dated this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the

**City of Milford**, a municipal corporation  
in the State of Delaware, hereinafter the “**City**”

-AND-

**Redner’s Markets, Inc.**  
hereinafter referred to as “**Redner’s**”

**WHEREAS**, it is the desire of the **City** to provide a safe, reliable source of drinking water to serve the city residents and businesses; and

**WHEREAS**, the **City** is in need of replacement of well # 9 which is a shallow water well located at its Seabury Avenue Water Treatment Facility. Said well #9 contains a well head protection area which extends south of the well facility across adjacent property owned by Shawnee Farms LLC (hereinafter referred to as the **Owner**) and being leased in part by **Redner’s** and as depicted on Attachment A;

**WHEREAS**, it is the desire of **Redner’s** to further develop property within the **Owner’s** property with the installation of a self-serve gas station which will require Conditional Use approval from Milford City Council;

**WHEREAS**, said self-serve gas station is to be located within a portion of the **Owner’s** property being impacted by the well head protection area associated with the **City’s** well #9.

**NOW, THEREFORE**, in consideration of the promises and mutual covenants herein contained, the parties hereto agree as follows:

- A. The **City** shall process the conditional use request by **Owner** through their standard review and approval process. All costs associated with the conditional use application process shall be the responsibility of **Owner**. This agreement shall not be construed as a guarantee that said conditional use application shall be approved by the City.

- B. Should the conditional use for the proposed gas station be approved, this approval shall be contingent upon the abandonment of the existing shallow well # 9 and the investigation and possible installation of a deeper replacement well at the Seabury Avenue Facility. Terms of the cost sharing associated with the well abandonment, investigation and possible installation of a new deeper replacement well shall be as follows:
1. The **City** and **Redner's** agree to share equally (50/50) in the cost to properly abandon existing well #9 in accordance with DNREC rules, regulations and requirements. *Abandonment of this shallow well shall result in the reduction of the well head protection area from its current size to a diameter of 150 feet from the well(s) associated with the Seabury Avenue facility.*
  2. The **City** and **Redner's** agree to share equally (50/50) in the cost of installing one (1) exploratory bore hole to a depth of approximately 600 feet for the purposes of determining the aquifer characteristics in the area of the Seabury Avenue Facility.
  3. Based on positive results from the exploratory bore, the **City** and **Redner's** agree to share equally (50/50) in the installation of a test well at the Seabury Avenue Facility for the purpose of determining the water quality and long term production capacity of the selected aquifer.
  4. Based on positive results from the exploratory bore and the test well, the **City** and **Redner's** agree to share equally (50/50) in the installation of one (1) deep production well including associated pumps, piping and valves necessary to connect the new well to the existing treatment plant. All work is to be performed in accordance with DNREC regulations and requirements.
  5. It is agreed that **Redner's** portion of the cost associated with items 1 thru 4 above shall be limited to a maximum of \$200,000.00.
- C. The work listed in Item B shall commence only if **Owner** is successful in obtaining their conditional use approval for the gas station. Should the conditional use approval not be granted by the **City**, this agreement shall be considered null and void.
- D. Payment for the work associated with Items B1 thru B5 shall be made by **Redner's** to the **City** within fifteen (15) days of the submission of an invoice(s) by the **City**

for all work associated with each item. Should payment not be made within the time specified the City reserves the right to withhold the Certificate of Occupancy (C of O) for the gas station or, if the gas station is open, reserves the right to revoke the C of O until such time as all payments are received.

E. Miscellaneous

1. This **Agreement** shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs and assigns.
2. This **Agreement** cannot be modified, supplemented or altered in any respect except by writing signed by the parties hereto, or their respective successors, heirs or assigns.
3. This **Agreement** shall be governed by, and construed under, laws of the State of Delaware. If any term or provision of this Agreement or application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
4. This **Agreement** contains the entire agreement among the parties hereto and supersedes all prior or contemporaneous oral and written agreements and practices.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
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IN WITNESS WHEREOF, each of the parties hereto has caused this **Agreement** to be executed.

Signed, Sealed and Delivered:

Witness: \_\_\_\_\_  
Name: \_\_\_\_\_

Redner's Markets, Inc.  
By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Witness: \_\_\_\_\_  
Name: Teresa K. Hudson  
Title: City Clerk

City of Milford  
By: \_\_\_\_\_  
Printed Name: Joseph R. Rogers  
Title: Mayor

**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: MAY 2013

Cash Balance - General Fund Bank Balance	\$1,902,308
Cash Balance - Electric Fund Bank Balance	\$4,196,648
Cash Balance - Water Fund Bank Balance	\$1,575,090
Cash Balance - Sewer Fund Bank Balance	\$550,338
Cash Balance - Trash Fund Bank Balance	\$443,898

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Solid Waste Reserves</u>
Beginning Cash Balance	471,118	978,722	1,803,765	0
Deposits			5,894	
Interest Earned this Month	54	113	166	
Disbursements this Month	(5,602)		(41,667)	
Investments				250,000
Ending Cash Balance	\$465,570	\$978,835	\$1,768,158	\$250,000

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	2,440,757	4,424,383	3,543,477	11,073,529
Deposits				
Interest Earned this Month		395	317	1,064
Disbursements this Month				(25,000)
Investments	250,000			
Ending Cash Balance	\$2,690,757	\$4,424,778	\$3,543,794	\$11,049,593

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>
Beginning Cash Balance	\$1,047,237	\$732,855	\$282,558
Deposits	2,986	\$1,577	\$3,350
Interest Earned this Month	83	\$60	\$23
Disbursements this Month			
Investments			
Ending Cash Balance	\$1,050,306	\$734,492	\$285,931

INTEREST THROUGH THE ELEVENTH MONTH OF THE FISCAL YEAR:

General Fund	9,607	Water Fund	2,761
GF Capital Reserves	8,637	Water Capital Reserves	13,990
General Improvement Fund	483	Water Impact Fees	940
Municipal Street Aid	1,320	Sewer Fund	747
Real Estate Transfer Tax	4,268	Sewer Capital Reserves	14,043
Electric Fund	6,070	Sewer Impact Fees	681
Electric Reserves	55,144	Trash Fund	5,945
Electric Impact Fees	264		

TOTAL INTEREST EARNED TO DATE \$124,900

**REVENUE REPORT**

**Page Two**

Date: MAY 2013 ACCOUNT	AMOUNT BUDGETED	MTD	YTD	92% of Year Expended
				YTD%
Budgeted Fund Balance	172,920	9,187	172,920	100.00%
General Fund Capital Reserves	441,997	21,214	177,744	40.21%
Property Transfer Tax-Police	500,000	41,666	458,333	91.67%
Real Estate Tax	3,508,380	7,040	3,594,233	102.45%
Business License	35,000	2,065	35,800	102.29%
Rental License	85,000	450	90,100	106.00%
Building Permits	60,000	3,205	101,064	168.44%
Planning & Zoning	25,000	700	14,780	59.12%
Grasscutting Revenue	5,000	416	4,576	91.52%
Police Revenues	431,454	11,326	254,506	58.99%
Misc. Revenues	262,810	7,010	162,939	62.00%
Transfers From	3,215,480	267,958	2,947,524	91.67%
<b>Total General Fund Revenues</b>	<b>\$8,743,041</b>	<b>\$372,237</b>	<b>\$8,014,519</b>	<b>91.67%</b>
Water Revenues	2,330,000	229,114	2,274,475	97.62%
Sewer Revenues	2,052,443	199,306	1,918,308	93.46%
Kent County Sewer	1,500,000	141,119	1,347,007	89.80%
Solid Waste Revenues	1,118,252	93,121	1,017,467	90.99%
Electric Revenues	23,686,500	1,827,399	22,637,298	95.57%
<b>TOTAL REVENUES</b>	<b>\$39,430,236</b>	<b>\$2,862,296</b>	<b>\$37,209,074</b>	<b>94.37%</b>
YTD Enterprise Expense		77,236		
YTD Enterprise Revenue		71,893		
LTD Carlisle Fire Company Building Permit Fund		85,580		

EXPENDITURE REPORT

Page Three

Date: May 2013

92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>City Manager</b>					
Personnel	477,650	\$41,862	429,045	89.82%	48,605
O&M	156,505	\$15,299	106,386	67.98%	50,119
Capital	0	\$0	0		0
<b>Total City Manager</b>	<b>\$634,155</b>	<b>\$57,161</b>	<b>\$535,431</b>	<b>84.43%</b>	<b>98,724</b>
<b>Planning &amp; Zoning</b>					
Personnel	127,535	\$8,956	105,136	82.44%	22,399
O&M	35,550	\$3,038	24,923	70.11%	10,627
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$163,085</b>	<b>\$11,994</b>	<b>\$130,059</b>	<b>79.75%</b>	<b>33,026</b>
<b>Code Enforcement &amp; Inspections</b>					
Personnel	141,890	\$11,147	124,456	87.71%	17,434
O&M	55,200	\$6,451	38,408	69.58%	16,792
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$197,090</b>	<b>\$17,598</b>	<b>\$162,864</b>	<b>82.63%</b>	<b>34,226</b>
<b>Council</b>					
Personnel	31,225	\$2,583	23,363	74.82%	7,862
O&M	39,650	\$2,198	26,813	67.62%	12,837
Council Expense	17,000	\$660	16,308	95.93%	692
Contributions	369,735	\$0	369,733	100.00%	2
Codification	3,000	\$0	2,642	88.07%	358
Employee Recognition	9,000	\$0	8,885	98.72%	115
Insurance	17,000	\$0	17,881	105.18%	(881)
Capital	18,275	\$0	18,338	100.34%	(63)
<b>Total Council</b>	<b>\$504,885</b>	<b>\$5,441</b>	<b>\$483,963</b>	<b>95.86%</b>	<b>20,922</b>
<b>Finance</b>					
Personnel	330,625	\$25,095	290,762	87.94%	39,863
O&M	51,325	\$2,801	34,751	67.71%	16,574
Capital	16,000	\$0	0	0.00%	16,000
<b>Total Finance</b>	<b>\$397,950</b>	<b>\$27,896</b>	<b>\$325,513</b>	<b>81.80%</b>	<b>72,437</b>
<b>Information Technology</b>					
Personnel	170,165	\$12,389	151,328	88.93%	18,837
O&M	169,550	\$6,872	159,468	94.05%	10,082
Capital	86,376	\$0	70,986	82.18%	15,390
<b>Total Information Technology</b>	<b>\$426,091</b>	<b>\$19,261</b>	<b>\$381,782</b>	<b>89.60%</b>	<b>44,309</b>

**EXPENDITURE REPORT**

**Page Four**

Date: MAY 2013

92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Police Department</b>					
Personnel	3,585,375	\$267,395	3,137,479	87.51%	447,896
O&M	504,260	\$27,830	456,846	90.60%	47,414
Capital	266,954	\$0	225,839	84.60%	41,115
<b>Total Police</b>	<b>\$4,356,589</b>	<b>\$295,225</b>	<b>\$3,820,164</b>	<b>87.69%</b>	<b>536,425</b>
<b>Streets &amp; Grounds Division</b>					
Personnel	422,865	\$23,790	313,203	74.07%	109,662
O&M	407,265	\$19,155	291,743	71.63%	115,522
Capital	75,000	\$9,185	9,185	12.25%	65,815
Debt Service	46,095	\$0	44,182	95.85%	1,913
<b>Total Streets &amp; Grounds</b>	<b>\$951,225</b>	<b>\$52,130</b>	<b>\$658,313</b>	<b>69.21%</b>	<b>292,912</b>
<b>Parks &amp; Recreation</b>					
Personnel	480,345	\$37,803	423,232	88.11%	57,113
O&M	232,940	\$7,885	198,768	85.33%	34,172
Capital	361,010	\$1,400	178,285	49.39%	182,725
<b>Total Parks &amp; Recreation</b>	<b>\$1,074,295</b>	<b>\$47,088</b>	<b>\$800,285</b>	<b>74.49%</b>	<b>274,010</b>
<b>Total General Fund</b>					
<b>Operating Budget</b>	<b>\$8,705,365</b>	<b>\$533,794</b>	<b>\$7,298,374</b>	<b>83.84%</b>	<b>1,406,991</b>

**EXPENDITURE REPORT**

Page Five

Date: MAY 2013

92 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Water Division</b>					
Personnel	219,350	\$16,894	195,256	89.02%	24,094
O&M	1,185,150	\$77,906	974,906	82.26%	210,244
Capital	80,000	\$0	31,377	39.22%	48,623
Debt Service	845,500	\$0	475,060	56.19%	370,440
<b>Total Water</b>	<b>\$2,330,000</b>	<b>\$94,800</b>	<b>\$1,676,599</b>	<b>71.96%</b>	<b>653,401</b>
<b>Sewer Division</b>					
Personnel	219,350	\$16,892	195,243	89.01%	24,107
O&M	1,092,885	\$59,408	995,868	91.12%	97,017
Capital	35,000	\$0	33,905	0.00%	1,095
Debt Service	705,208	\$0	554,292	78.60%	150,916
<b>Sewer Sub Total</b>	<b>\$2,052,443</b>	<b>\$76,300</b>	<b>\$1,779,308</b>	<b>86.69%</b>	<b>273,135</b>
Kent County Sewer	1,500,000	\$141,118	1,347,007	89.80%	152,993
<b>Total Sewer</b>	<b>\$3,552,443</b>	<b>\$217,418</b>	<b>\$3,126,315</b>	<b>88.00%</b>	<b>426,128</b>
<b>Solid Waste Division</b>					
Personnel	338,610	\$25,540	303,811	89.72%	34,799
O&M	779,642	\$58,005	674,280	86.49%	105,362
Capital	0	\$0	0		0
<b>Total Solid Waste</b>	<b>\$1,118,252</b>	<b>\$83,545</b>	<b>\$978,091</b>	<b>87.47%</b>	<b>140,161</b>
<b>Total Water, Sewer Solid Waste</b>					
	<b>\$7,000,695</b>	<b>\$395,763</b>	<b>\$5,781,005</b>	<b>82.58%</b>	<b>1,219,690</b>
<b>Electric Division</b>					
Personnel	972,700	\$73,947	854,316	87.83%	118,384
O&M	1,801,635	\$125,552	1,374,240	76.28%	427,395
Transfer to General Fund	2,500,000	\$208,334	2,291,667	91.67%	208,333
Capital	266,725	\$0	7,940	2.98%	258,785
Debt Service	645,440	\$0	546,816	84.72%	98,624
<b>Electric Sub Total</b>	<b>\$6,186,500</b>	<b>\$407,833</b>	<b>\$5,074,979</b>	<b>82.03%</b>	<b>1,111,521</b>
Power Purchased	17,500,000	\$1,372,833	16,892,106	96.53%	607,894
<b>Total Electric</b>	<b>\$23,686,500</b>	<b>\$1,780,666</b>	<b>\$21,967,085</b>	<b>92.74%</b>	<b>1,719,415</b>
<b>TOTAL OPERATING BUDGET</b>					
	<b>\$39,392,560</b>	<b>\$2,710,223</b>	<b>\$35,046,464</b>	<b>88.97%</b>	<b>4,346,096</b>

**INTERSERVICE DEPARTMENTS REPORT**

Page Six

Date: MAY 2013

ACCOUNT	AMOUNT BUDGETED	MTD	92% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
<b>Garage</b>					
Personnel	91,800	5,781	67,531	73.56%	24,269
O&M	65,655	5,371	51,332	78.18%	14,323
Capital	0	0	0		0
<b>Total Garage Expense</b>	<b>\$157,455</b>	<b>11,152</b>	<b>\$118,863</b>	<b>75.49%</b>	<b>38,592</b>
<b>Public Works</b>					
Personnel	275,070	18,707	204,010	74.17%	71,060
O&M	240,550	22,993	197,168	81.97%	43,382
Capital	21,300	0	20,880	98.03%	420
<b>Total Public Works Expense</b>	<b>\$536,920</b>	<b>41,700</b>	<b>\$422,058</b>	<b>78.61%</b>	<b>114,862</b>
<b>Meter Department-Water</b>					
Personnel	123,030	22,386	124,136	100.90%	(1,106)
O&M	100,145	2,527	58,897	58.81%	41,448
Capital	0	0	0		0
<b>Total Water Meter Expense</b>	<b>\$223,175</b>	<b>24,913</b>	<b>\$182,833</b>	<b>81.92%</b>	<b>40,342</b>
<b>Meter Department-Electric</b>					
Personnel	174,500	25,594	168,066	96.31%	6,434
O&M	97,560	7,625	58,287	59.74%	39,273
Capital	0	0	0		0
<b>Total Electric Meter Expense</b>	<b>\$272,060</b>	<b>33,219</b>	<b>\$226,353</b>	<b>83.20%</b>	<b>45,707</b>
<b>Billing &amp; Collections</b>					
Personnel	445,725	26,793	405,784	91.04%	39,941
O&M	283,830	25,406	238,295	83.96%	45,535
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$729,555</b>	<b>52,199</b>	<b>\$644,079</b>	<b>88.28%</b>	<b>85,476</b>
<b>City Hall Cost Allocation</b>					
Personnel	0	0	0		0
O&M	54,600	2,796	46,915	85.92%	7,685
Capital	0	0	0		0
<b>Total City Hall Cost Allocation</b>	<b>\$54,600</b>	<b>2,796</b>	<b>\$46,915</b>	<b>85.92%</b>	<b>7,685</b>

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  
June 10, 2013

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, June 10, 2013.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr. & Katrina Wilson  
  
City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:02 p.m.

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

#### APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Gleysteen to approve the minutes of the May 13, 2013 and May 28, 2013 council meetings as submitted. Motion carried.

#### RECOGNITION

Mayor Rogers welcomed Kent County Levy Court Commissioner Eric Buckson who was present.

#### MONTHLY POLICE REPORT

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

#### CITY MANAGER REPORT

#### ADMINISTRATION

Mr. Carmean read into record the following report:

*I have reported that I will be attending the American Public Power Association National Conference in Nashville during the week of June 16th to June 20th. All my expenses will be paid by DEMEC, and I believe the topics presented will benefit my service to the DEMEC Board as well as my management of our own electric operations. Listed is a few of the seminars I plan on attending:*

- Pole Attachment Issues*
- Preparing Your Utility for Upcoming Storms*
- 10 Things That Keep Managers of Smaller Utilities Up at Night*
- What's Ahead for the American Economy*
- Renewing Public Power's Strengths*
- Managing Public Power Workforce*
- 10 Ideas for Great Customer Service*

*I want to assure Mayor and Council I will take a few hours to enjoy myself.*

*The purchase of the PNC property is progressing at a very acceptable pace. I have had the structural engineers perform tests that will determine the structural integrity of the building and environmental inspections of the lands. They assured me the building was built solid and will remain for many years to come. There are some small asbestos issues though none are a major concern.*

*Mr. Rutt is conducting the title and deed search as is required. It is my hope we will go to final settlement in late July. Our solicitor has kept things moving, while making sure the city is protected in our investment.*

*During the past month I have spent many hours with Finance Director Jeff Portmann and department heads preparing the 2013-2014 Fiscal Budget. I will be presenting the balanced budget to the Finance Committee on June 10th, June 11th and possibly June 12th. The meetings begin at 5:30 p.m. and will last until the finance committee adjourns each evening.*

*Mr. Pikus has extended an invitation to all council members so that their questions can be answered. I hope everyone can attend to participate in the finalization of the budget. While it is my responsibility to present a balanced budget to the Mayor and Council, council has the right to change or recommend changes. This budget is balanced without a tax increase.*

*Refreshments will be served.*

#### **SEWER AND WATER**

*We are moving forward with the plans for the construction of our proposed elevated storage tank in the Southeast area. I need the Mayor and Council to decide the type tank I need to construct, which means the shape, color and any logo we might place on it. This will be on the agenda for discussion. The final work on the Wilkins Road water main should be completed by this meeting. The road surfacing was scheduled for completion the week of June 3rd to June 7th. I did go out to confirm it has been completed.*

*The Washington Street sewer pump station is still scheduled for rebuilding in late June or early July. The bypass pump has been delivered and the new grinder will be installed before we start construction. I am more comfortable with having the bypass capabilities in-house because it gives our employees the ability to operate them during a complete pump failure.*

*This will eliminate the related odors that currently exist in this area.*

*We will keep this bypass pump though in the past we have had to wait for one to be brought in for our use.*

#### **STREETS AND SOLID WASTE**

*We are presently doing repairs to an entrance into Wright's Auto Supply on Milford-Harrington Highway. Funds were granted to the city by Representative Jack Peterman for this project as well as an entrance repair project at Wall's Service Station on Northeast Front Street. Additional funds were provided by Representative Harvey Kenton for the Wall's job.*

*The final paving work was completed on South Walnut Street from Southeast Front Street to the bridge. This was the last step in the sewer and storm water work in that area. I was very happy with the quality of the work and the appearance of the street.*

*Mr. Pikus asked where the water is coming from that lies along the entrance into the Riverwalk Shopping Center and asked if it is a natural spring. Mr. Carmean said he was told it was but testing resulted in traces of chloride and chlorine. Fluoride can be a natural additive but he is confident it is the result of some old connections in the area. There is a slope on the side of the Abbotts Grill parking lot down to the curb line and the leak is up to the top of the basin.*

*Mr. Pikus explained there is a pipe that goes in the ground and you can actually see the water being pushed up.*

*Mr. Carmean said the shopping center is allowing him to make a cut in the largest pooling area. That will allow us to dig*

down to see what is there. He confirmed that two or three leaks more toward the police department have already been sealed.

Ms. Wilson and Mr. Starling confirmed there were row houses in this area decades ago.

Mr. Brooks said that he and the city manager went out there years ago following a long period of rain and found water gushing up in this area at that time.

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

Mr. Grier asked to discuss the water tower design.

Mr. Carmean referenced the documents in the packet which contain various types and designs of water towers. Council needs to decide if they want some type of logo on the tower which needs to be determined before tower style is chosen. His prefers the sphere shape like the tower at Tenth Street.

Mr. Gleysteen said the most important thing is the guts of the tower, including the pumps, in order to remain consistent with the other towers.

When asked when this will be discussed, Mr. Carmean said at an upcoming workshop. Mr. Brooks suggests using the same type tower as we currently have.

Mr. Pikus pointed out the towers all have the same logo with the exception of the Tenth Street tower.

Mr. Gleysteen noted there are pictures of water tanks with straight sides that looked like they contain offices. Mr. Carmean said that the City of Rehoboth actually has garages and equipment stored beneath the towers. Mr. Gleysteen said that could be an option that can be considered for the water works.

Mr. Shupe mentioned he has an associate, Ben Muldrow, who created a lot of the branding for Downtown Milford. He would like to run this by him to see if he has any ideas. If so, he would like to get him on the agenda.

Mr. Shupe feels we may be overlooking something and Mr. Muldrow may have some good ideas.

## COMMITTEE & WARD REPORTS

### *Public Works Committee*

Mr. Brooks reported that he and Mr. Carmean have agreed to hold at least two meetings a month to keep up to date on the various projects.

Mr. Carmean suggested the meetings be held the Thursday before each council meeting.

### *Fourth Ward Report*

Mr. Starling advised that there is a traffic problem at the Route 113 and North Street Extended intersection. He said that when a car is waiting in the middle of the intersection, a car coming out to turn north ends up cutting in front of the other vehicle. He recommends directional lines be painted at the intersection would help the confusion.

Ms. Wilson agreed adding that the intersection was redesigned a few years ago. She noted that the stop sign is within a horizontal line. People going straight are stopped in the middle of the intersection. Drivers yielding to turn onto North Street are turning on the inside and blocking other vehicles. She agrees it is very dangerous and the realignment made it worse.

Mr. Carmean confirmed he has discussed restriping the intersection with the Public Works Director after he spoke with

Mr. Starling sometime ago.

Ms. Wilson asked if DeIDOT should be involved; Mr. Carmean said he will contact DeIDOT's engineers to express their concerns. He will wait to hear their comments before the street department stripes the intersection.

*Working Group on Homelessness in Milford*

Ms. Wilson reported that this group has met on several occasions. They are preparing final plans to come back to city council with their ideas and recommendations.

She said it has been a very active group and acknowledged Jim Oechsler who is present and is also a member. She hopes council welcomes the suggestions and finds ways to assist the committee in a positive way.

COMMUNICATIONS & CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

*Pastor Royce Andrus/Carpenter Pit Road/Bridge Realignment*

City Manager Carmean advised there have been numerous meetings with various state agencies (including DeIDOT and DEDO) regarding this issue. The outcome of the last meeting was that Milford could consider taking possession of the road. At that time, some engineering was done to advise what work was needed to allow the bridge and Calvary Road to be two-lanes.

Pastor Andrus has written a letter asking the city to take possession of the roadway so that the initial work could be done. In speaking with our state legislators, they have agreed to assist the city with their street aid funding.

Pastor Andrus, Lighthouse Christian Center, then introduced himself noting this is his 42<sup>nd</sup> year as pastor in Milford. He reiterated that several meetings were held and most recently, DEDO's Director of Infrastructure and Intergovernmental Affairs Jeff Stone has recommended this request be submitted to the city. Drew Boyce, Project Director of DeIDOT and Melody Booker of DEDO have met with Pastor Andrus and Mr. Carmean to present detailed options concerning the possible conversation of Calvary Road to two ways.

Pastor Andrus referenced the letter of support submitted in conjunction with Lighthouse Christian Center, Lighthouse Estates (represented by Fred Fowler and the Hampton Inn represented by Jenny Bartow). He said they all believe this configuration can be accomplished with less stringent guidelines if the city would adopt Calvary Road and the bridge into city limits. DeIDOT has worked with them in pursuing this request.

He emphasized that the conversion to a two-way road/bridge would provide a north exit to the Route 1 corridor. It would benefit Lighthouse Estates, Lighthouse Christian Center, Hampton Inn, Woodshaven residents and all future businesses. Overall, it would create much safer conditions.

Pastor Andrus said he has observed vehicles going north on the one-way which allows only southbound traffic. There have been a number of potential head-on collisions.

He said that Emory Associates of Emory Hill Realtors has addressed the 550 constituents of the church. They stated the reason these homes are not selling is mainly because of the one-way entrance. He asked if there is any possible way city council will consider accepting this road into the city, it would be a win-win situation to everyone involved including the City of Milford. Providing more housing units would result in additional transfer taxes and property taxes. There is the potential of new businesses locating in this area which would also expand the city's tax base.

Doing this would fulfil the vision the church has had for more than thirteen years since the property was purchased in the

year 2000.

Mr. Pikus asked if the bridge was installed incorrectly; Pastor Andrus stated yes adding it is owned by the State of Delaware. The pastor confirmed the church paid for the infrastructure which includes all electrical, sewer, borings beneath Route 1, roadways, streets and the bridge. They have paid \$2.3 million into this project.

When asked why the bridge was installed wrong, the pastor explained they had contracted Scott Engineering who submitted the bridge drawings multiple times to DelDOT. When the final approval was received, it was approved with a misalignment. The two-lane bridge cost \$450,000 and DelDOT officials were on site during the installation.

Mr. Pikus asked if the road north of the bridge, which runs through wetlands, must be widened and whether a trade of land for the wetlands is required. Pastor Andrus explained his understanding is the road will only have to be widened on the east side and the lands are currently being addressed.

Mr. Pikus said he spoke with DelDOT today who verified there are a number of permits needed. He stated that if the city accepts the roads, the city will be responsible for the repairs. The pastor answered not as far as the construction. He noted that some of our legislators are willing to help.

Mr. Pikus asked if that agreement is in writing because as of this morning, it was not in writing. The pastor said he has a verbal agreement.

When asked how much of Carpenter Road is owned by the city, Chief Hudson noted there are sections in city limits though it is not entirely in the city.

Mr. Pikus asked why these repairs cannot be made now and if it is because the state regulations are more stringent than those of the City of Milford. Pastor Andrus stated it is because they are out of money. They have taken all the funding acquired from the sale of the properties and vested it up to this point. He further explained that they currently have a line of credit paying for the balance of what is owed on the road from the bridge to New Wharf Road. He said that though the road will not take two-lane traffic, according to Mr. Boyce, if it is slightly widened temporarily, it can be opened to a two-way roadway and further work done on it.

Mr. Pikus recommends the city talk to those legislators before the city makes any commitment. Mr. Carmean said he has discussed this with them which is the reason Mr. Boyce came up with the estimate of widening the shoulders and bridge work.

The city manager advised that Pastor Andrus has argued how the bridge can be wrong when it was stamped by the State of Delaware engineers. He was told at one of the meetings that they inspected the bridge though they did not pay any attention to the adjoining roads. Unfortunately, they claim the bridge is correct though it is out of line with the roads leading to and from the bridge.

Mr. Pikus asked at one point the city has to take over the roadway and whether that occurs once a certain number of homes are built; Mr. Carmean said the road can be accepted anytime but Mr. Fowler has an agreement with DelDOT that he is required to pay for certain improvements on Carpenter Pit Road once thirty homes are completed. There are currently fifteen homes completed.

The city manager does not feel council is ready to vote on the matter and recommends this be put into the Public Works Committee. In that manner, DelDOT officials can attend the meeting and answer the committee's questions.

He emphasized the importance of the city not accepting the roads, then becoming responsible to bring the road up to standards. However, the city manager said that is not what Pastor Andrus is asking.

The pastor said he would never expect the city to do that. He stressed that he trusts the word of the legislators he spoke with and believes the agreement can be put into writing. However, he did not come to this meeting expecting the city to

accept that responsible. Mr. Pikus disagreed stating that if the city accepts the road, they are responsible for its maintenance.

Pastor Andrus said he does not feel the city should pay for completing the extensions of the roadway. They are asking for the support of the state because of the fallacy of the bridge and feel very strongly about that.

Mr. Pikus asked if they had considered entering into litigation over the matter; the pastor said they would only do that as a last resort. It was recommended they come before the council and ask the road be considered for acceptance.

Mr. Gleysteen asked the difference in the requirements of DelDOT and the city. Mr. Pikus said that is the information that has been provided in the many discussions. His understanding is the width of city roads is different from state roadways.

Mr. Grier asked if this becomes a city road, can it be converted to a two-way road without making improvements. Mr. Carmean said improvements are required which is why he is in discussions about widening of the shoulders with Representative Peterman and Senator Bonini. The bridge needs a slight adjustment which is included in the cost estimate provided by Mr. Boyce. He also explained that the state feels they want this bridge and road improved to meet all requirements necessary once the project is completed which means once the church, school and housing development is built and operating.

On the other hand, the city could accept the road based on an additional 100 trips per day but not the entire build out of the project. Should one of the site pads be sold to a large commercial enterprise, the city would then consider the engineering of the road and require the new developer to make the roadway improvements. The city required Walmart to completely redesign the intersections at their costs before they opened. This would apply to any new developer in this area as well.

Mr. Pikus said he went out to look at the bridge with some engineers who confirmed the bridge was built incorrectly and could not handle two-way traffic. His concern is if the city accepted the road, who would be responsible for correcting the road in addition to widening the road in wetlands which involves various permits. The permitting process alone can be very difficult.

Mr. Carmean explained the problem is the radius of the roadway adjoining the bridge. The radius is insufficient to accommodate two-way traffic. The bridge is adequate.

Mr. Starling reiterated that this matter should be given to the public works committee. Once all the parties have met and discussed the issue, a recommendation can be made to council. Currently, there are a number of unanswered questions that need to be addressed. Mr. Grier agreed.

City Solicitor Rutt then asked if the city has taken over jurisdiction of roadways outside city limits. He pointed out there are areas of this roadway that are outside the city. It was confirmed that Lighthouse Estates was annexed into the city.

There were questions about which sections of Carpenter Pit Road are in the city and specifically the roads leading to the city pump station.

Mr. Rutt stated that before we proceed, it needs to be determined what is in the city. Mr. Brooks recalled that six months ago, the city manager wanted to put street lights on the road. He assumed that Carpenter Pit Road is in city limits. Chief Hudson confirmed that city limits extends up to the Webb property on Route 1/113 and includes the convenience store at the corner of New Wharf Road.

The chief said he attended a meeting with state planning at which time they requested the city to annex roadways when property annexations are considered. Mr. Carmean will verify which areas are in the city before it is placed in the public works committee. He recalled when Airport Road belonged to the State of Delaware though the city later annexed it.

Mayor Rogers directed the matter to be put into the public works committee to ensure a complete review. Public Works

Committee Chair Brooks said he will set up a meeting. In the meantime, the city manager will confirm the jurisdiction of the roadway.

Jim Oechsler of 127 School Place asked if this was a two-lane road prior to Pastor Andrus building the bridge. Mr. Carmean said it had only a couple culverts though it did have a bridge with wooden guardrails. Pastor Andrus said it was similar to a farm bridge.

Mr. Oechsler said the land was then annexed and the bridge was improved though when the land was annexed the roadway was not included. Mr. Carmean said he will need to review it further.

Mr. Oechsler said that even though Pastor Andrus made improvements, the state will not encompass that. He referenced the old bridge at the end of the South Bowers Road that has a 90-degree turn though two-way traffic is permitted.

Mr. Pikus said the state said the road can be widened but it will cost more money. Pastor Andrus explained that if city council did not recommend adopting the road, the state will require them to add extensions which would make the road 32 feet wide. They are also requiring two additional sections on the bridge. They are outraged with that request because he feels they are not responsible for the bridge. They paid for a two-lane bridge and ended up with a one-lane road because of the mistake.

The pastor emphasized they are not asking the city pay for this; they came before council as a result of the recommendation of Jeff Stone who feels this is the right path to go. Mr. Stone is aware of legislators who are willing to pay for smaller improvements that would bring the road up to city requirements. That would save a great deal of time. The state improvements will not only cost a great deal of money but involve a much longer period of time. This is also a reason they are unable to sell more properties whose funds would assist in making future improvements.

Mr. Oechsler again expressed the unfairness of the bridge off Thompsonville Road which is not even close to standard and that two-way traffic is permitted.

Pastor Andrus said if the roadway was accepted, DeIDOT would not require any work to the bridge with the exception of moving the guardrails and widening the shoulders. DeIDOT stated they could use the stop/go system of a one-way crossover, as currently exists at Abbotts Pond. The roadway would then be approved for two-way traffic on either side.

Director of Operations at Hampton Inn, Jenny Bartow stated that she definitely understands the financial obligations and the responsibilities of the roadways. She wants council to know that on a day-to-day basis, the hotel deals with guests who are not familiar with Milford, who leave the hotel and return, sometimes in tears, because they almost had an accident. She dreads the time when an accident does occur as a result of this roadway. She said it is definitely a safety hazard and something that should have been addressed a long time ago.

She said in the summer, the hotel is basically sold out. It has 81 rooms which means approximately one hundred cars are entering and exiting the parking lot daily. The front desk speech is 'when you are exiting, please make a left because if you make a right you going the wrong way'. To her, this represents the City of Milford and many are leaving Milford with a bad opinion of the city. She wants the conversation at her front desk to be that the City of Milford is great and that the staff not have to dwell on how difficult it is to get to the hotel which she hears fifteen to twenty times per day depending on the number of check-ins.

She wants council to consider the new homes being built, but in addition the fact that Milford has a very nice hotel that is suffering because of the lack of a two-way roadway. She appreciates Mayor Rogers putting this into committee for further review.

Mr. Carmean emphasized that DeIDOT has taken the stand that the roadway and bridge needs to be improved to state standards at the expense of the developer. The city would be in the same situation as the pastor in addition to any new developer. Any new plan requires road improvements or the developer is not issued a building permit. He said if someone buys some land on the terrible curve with plans to develop, DeIDOT will take the opportunity to have them make those repairs. Mr. Carmean required Cascades to install a turn lane on Airport Road which is the same situation.

Mr. Pikus confirmed that Cascades is paying completely for the road improvements on Airport Road; Mr. Carmean stated yes that no city funds are being used.

*Introduction/Ordinance 2013-05/Chapter 69/Workforce Development Commission/Reduction in Number of Commissioners*

The following ordinance was introduced by Mr. Grier:

*ORDINANCE 2013-5*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. Part 1, Administrative Legislation, Chapter 69 of the Code of the City of Milford, entitled Workforce Development Commission shall be amended by reducing the number of commissioners from eleven to five.*

*The City of Milford hereby ordains:*

*Section 2. §69-2, Membership, Appointment, Terms of Office, is hereby amended by removing the number "11" and inserting "5" as indicated below:*

*§69-2. - Membership; appointment; terms of office.*

*The commission shall be comprised of ~~H~~ 5 members, one of said members to be the Mayor or designee, one of said members to be the Milford School District Superintendent or designee and nine of said members to be appointed, all to serve without pay. Recommendations will be forwarded to the Mayor for appointments, subject to confirmation by city council. All members shall be residents of the Milford School District or employed therein. Following the time of their initial appointment, Commissioners shall be appointed or reappointed at the next annual organizational meeting. Thereafter, terms will be for one year beginning on the date of each subsequent organization meeting.*

*Section 3. Dates*

*Introduction: June 10, 2013*

*Adoption: June 24, 2013*

*Effective: July 4, 2013*

Mr. Grier explained that our code requires eleven members on the Workforce Development Commission, one being the Mayor and one being the School Superintendent, or their designees. There has been difficulty getting a quorum. Therefore, Mr. Grier recommends reducing the number from eleven to five with the same requirement that two members be the mayor and school superintendent (or designee).

City Solicitor Rutt noted that though the correct change was made in the beginning of Section 69.2, the second line should be changed from "and nine of said members" to "and three of said members". The city clerk will take care of the change.

The ordinance is scheduled for adoption at the next meeting.

**NEW BUSINESS**

*Award of Bid/ACSR Dove Wire/Electric Department*

Sealed bids were received, publicly opened and read on May 30, 2013 for 59,460 feet of 556.5 ACSR Dove Wire. Two bids were received in the amounts of \$79,968.72 and \$81,270.90.

Mr. Carmean explained this line will run from the south end of Route 113 to the DP&L transmission lines. From there, it will extend to our new substation on the Milford-Harrington Highway.

Mr. Gleysteen said he thinks we need to approve the Wesco bid. He had a contact he found through the internet that saved

him a lot of money. He called them about the bid but found out the specifications limit the opportunity for a good deal. He said he got two prices off the internet which fell in line with prices.

Mr. Gleysteen moved to award the bid to Wesco in the amount of \$79,968.72, seconded by Mr. Pikus. Motion carried.

*Introduction/Ordinance 2013-04/Shore Speed LLC on behalf of Legal Owner Milford Associates for a Conditional Use*

The following ordinance was introduced by the city manager:

*Shore Speed LLC on behalf of Legal Owner Milford Associates for a Conditional Use*

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING A CONDITIONAL USE TO ALLOW AN INDOOR RECREATIONAL FACILITY (VIDEO GAMES, ROCK CLIMBING WALL AND INDOOR ELECTRIC GO KART TRACK) IN AN I-1 DISTRICT AT 971 EAST MASTEN CIRCLE, MILFORD, DELAWARE. TAX PARCEL MD-16-183.00-01-04.00*

*Whereas, the City of Milford Planning Commission reviewed the application at a Public Hearing on June 18, 2013 and has presented item to be considered by the City Council; and*

*Whereas, Milford City Council held an advertised Public Hearing on July 22, 2013 to allow for public comment and review of the application; and*

*Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use for an Indoor Recreational Facility as herein described.*

*Now, Therefore, the City of Milford hereby ordains as follows:*

*Section 1. Upon the adoption of this ordinance, Shore Speed LLC on behalf of Legal Owner Milford Associates is hereby granted a Conditional Use Permit in accordance with the application, approved plans and any conditions set forth.*

*Section 2. Construction or operation shall be commenced within one year of the date of issuance or the conditional use permit becomes void.*

*Section 3. Dates.*

*Introduction to City Council: 06-10-13*

*Planning Commission Review & Public Hearing: 06-18-13*

*City Council Review & Public Hearing 07-22-13*

Mr. Carmean advised this is located in the building formerly occupied by First State Manufacturing in the Masten Industrial Park behind McDonalds Restaurant. This will be used as an entertainment or recreation facility which requires a conditional use.

The ordinance will be presented for council action following a public hearing in July.

*Economic Development Utility Extension Package/Properties East of Route 1*

Mr. Pikus said he was under the impression this was scheduled for the workshop meeting. Mr. Carmean confirmed that Economic Development Director Steve Masten had not yet provided the PowerPoint.

Mr. Pikus requested the item be placed on the June 24, 2013 agenda.

## MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the tenth month of Fiscal Year 2012-2013 with 83% of the

fiscal year having passed, 87.21% of revenues have been received and 82.09% of the operating budget expended.

Mr. Pikus noted that the cash reserves in the sewer and solid waste accounts are getting low so we need to be cautious. However, we are making money off the \$250,000 five-year CD's. He touched base with the bonding companies and they informed him that if we need to go to the bond market, our reserves need to be healthy. Right now our bond rating is Double A. We go to the market in one month and the rating needs to remain at least that high to be ready for our future construction and building plans.

Mr. Pikus confirmed we are evaluated once a year for bonding. Finance Director Jeff Portmann, along with the city manager take care of that.

He added that we also need to start earmarking reserves for some expenses and improvements in the city.

Mr. Pikus moved to accept the April Finance Report, seconded by Mr. Brooks. Motion carried.

*EXECUTIVE SESSION - Land Acquisition - Pursuant to 29 Del. C. §10004(b)(2) Preliminary Discussions on Site Acquisitions for Any Publicly Funded Capital Improvements.*

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

Mayor Rogers recessed the Council Meeting at 8:06 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 8:21 p.m.

*Executive Session Matter*

Ms. Wilson moved to transfer funds from the electric reserves as was discussed in executive session with Mr. Starling seconding the motion. Motion carried with no one opposed.

ADJOURN

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

The Council Meeting adjourned at 8:22 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
June 24, 2013

The City Council of the City of Milford met in Workshop Session on Monday, June 24, 2013 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen  
James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

The Workshop Session convened at 7:00 p.m.

*Economic Development Utility Extension Package/Properties East of Route 1/Economic Development Director Steve Masten & City Planner Gary Norris*

City Manager Carmean advised that a couple of months ago, he started hearing rumblings that a couple other communities in the state were looking at participating in infrastructure expansions in their undeveloped areas so he checked into it. He said that ten years or more ago, we started hearing about the annexation boom in Kent and Sussex County. Annexation work was something we had not done to any extent. It seemed as though everyone was getting into annexation whether it was the counties or municipalities. He said when you look at the state regulations on annexation, once you are trapped in an area where another entity, whether it is the county or a municipality is butting up against you, you are not going to jump over it for expansion. He talked to the council at that time and council embraced the idea that we needed to do some annexation to protect our own limits. He said we did that and feels we are set well in the future as far as growth. He said we have the right to pick and choose what we want to do as far as growth.

The city manager said he asked City Planner Gary Norris and Economic Development Director Steve Masten to prepare a presentation. He asked them to go out and talk to other towns about what they were doing and how they were paying for the infrastructure.

City Planner Norris reported that he and Mr. Masten developed a power point presentation regarding the infrastructure and investment strategy for the City of Milford. The presentation will identify certain parcels within the corporate limits and some outside the city boundaries. These parcels could be developed though there are certain zoning restrictions attached to these parcels at this time.

Mr. Norris advised the infrastructure investment strategy goals are to provide continued progress for the City of Milford, support growth in jobs and economic development while sustaining current economic and business initiatives and position Milford for planned growth and dependable infrastructure.

Mr. Norris said he received a memo from the city manager who charged Mr. Masten and Mr. Norris with identifying potential sites for future economic development, identifying Delaware communities and state agencies that are taking action to promote economic development and to develop an economic infrastructure investment strategy to serve the annexed and growth area of Milford.

Mr. Norris identified properties within and outside the corporate limits of the City of Milford. Those properties were divided into zones. The northwest zone includes the Fry Farm, Amberwood and Draper property. The south zone includes the Simpson property and Milford Ponds; the southeast zone includes Innovation Park, the Mills Farm and the Hall property.

He referenced the urban growth boundary (green) and the city boundary line (black). All the properties except the Hall property are within the corporate limits of the city. The Hall property is the only property outside the corporate limits. The Fry Farm lies between the Canterbury Road and the Milford-Harrington Highway, the Amberwood property is adjacent to Baltimore Air Coil and the Draper property is adjacent to the Williamsville Road. He identified the railroad line which is in the area of these properties.

The Fry Farm is a 182-acre parcel located in the fourth ward. The future land use/zone is highway commercial/moderate density residential/business park. Water, sewer and electric are adjacent to the site. Recommended action is to amend the comprehensive plan and change that zoning to light industrial.

The future land use/zoning of the Amberwood property is moderate density residential. No water or sewer is available to the 13.6-acre site at the present time. Recommended action is to amend the comprehensive plan to allow light industrial and extend the waterline to this property. The railroad line is adjacent.

The future land use/zoning of the Draper property is low density/residential. No utilities exist on the site. The Draper property consists of 34 acres in the fourth ward. The railroad line is adjacent.

Mr. Gleysteen asked why all recommendations are to change the zoning to light industrial zoning. Mr. Norris said that in order to have economic development, those properties need to be available for jobs which would require the comprehensive plan to be amended. He said the current land use was approved in the 2008 comprehensive plan.

In the south zone, the 183-acre Simpson property and Milford Ponds are located in the second ward between South Walnut and US Route 113. The future land use is moderate density residential and zoning is low density residential. Water, sewer and electric are available. The comprehensive plan will need to be amended to change the zoning to light industrial.

It was confirmed the sewer main runs through this property over to Route 113.

Milford Ponds is 178 acres just south of the Simpson property bordering Walnut and Route 113 in the second ward. The future land use is moderate density residential and zoning is low density residential. The recommended action is to amend the comprehensive plan and change the zone to light industrial.

When asked if a residential development is still planned at Milford Ponds, Mr. Norris said he has had discussions with potential developers. There appears to be a great interest in the property but then he does not hear from them again. It was confirmed that one developer bought out the other so there is no longer any legal issues associated with the property.

In the southeast zone, Innovation Park, Mills property and the Hall property (unincorporated contiguous area) were identified.

Economic Development Director Masten reported that currently the land use/zoning at Innovation Park is institutional service district. Electric is the only utility available. Water and sewer needs to be extended to the site. When asked if water is adjacent, Mr. Masten said water is being brought to the site.

Mr. Masten noted that the Mills Farm is contiguous to Innovation Park. The future land use is light industrial and zoning is residential (R-3). The recommendation is to extend water and sewer to the site. The comprehensive plan does not need to be changed as property is already zoned light industrial.

The Hall property is outside the corporate limits of Milford and borders between Route 30 and State Route 1. The future land use is low density residential. Electric is available to the 267-acre site though water and sewer will need to be extended.

Mr. Rutt noted that what is shown is half of a 540-acre farm; the other half is on the other side of Route 30. It was confirmed this land is presently under contract.

According to Mr. Masten, only about half of the land is useable due to the wetlands it contains.

Mr. Masten then discussed the projects occurring in Sussex County. The airport runway is being extended in Georgetown at a cost of over \$25 million. Delmar is building a recreational complex which will include an amphitheater. Seaford, Milton, Laurel and Lewes are all upgrading and expanding their utilities. Rehoboth Beach has completed their downtown upgrades which include utility, parking, paving, sidewalk and lighting improvements.

In Kent County, Mr. Masten reported that while working with the Greater Kent Committee, Smyrna plans to re-image US Route 13 and anticipates new investments in terms of jobs and stores on that corridor. The projected investment is between \$6 and \$7 million. Dover is planning to link the Garrison Oak Technical Park to Route 1. Some generation facilities are planned for a total cost of \$4.9 million.

The City of Harrington is planning an I&I project at a cost of \$6.3 million.

Milford has identified a water line extension at the cost of \$5.4 million to Baltimore Air Coil (BAC) in an effort to keep the jobs here. That estimate includes the tower and line though the line can be extended initially and the tower added at a later date. Presently, there are 408 jobs in addition to a number of spin-off and contracted works that BAC supports.

Dover Air Base is planning to expand its cargo ramp and services at a cost of \$38 million. Currently, an aircraft only has four to five hours before they are required to leave. Expanding the ramp and new hangars will allow maintenance to be performed to the aircraft.

There is an approximate \$18 million economic impact anticipated as a result of the new Kent County Regional Sports Complex.

Mr. Masten then reviewed the infrastructure investment strategy and successes in Milford. Seawatch is currently expanding their processing line by adding 35 new jobs for an investment of \$4 million. An organic certified facility at Perdue will bring in 250 new jobs at a cost of \$15 million.

If Milford did not have the current infrastructure available, Mr. Masten pointed out that Perdue would not have considered Milford. By providing the necessary infrastructure, Milford is ahead of the game.

The establishment of the Greater Milford Business Park created 700 plus jobs at a cost of \$2.5 million.

Because the utilities were already available to Independence Commons, the costs were reduced to \$1.5 million. The professional park resulted in more than 500 jobs between the Veterans Home, Boys and Girls Club, Hospice and other offices and businesses.

Mr. Masten advised that the Amberwood property, Innovation Park and the Mills Farm are the priority growth zones for the city because they will return the highest yield in terms of investment on behalf of the city.

City Manager Carmean recalled that a couple years ago, Seawatch was considering taking their additional processing to either their New England or Virginia facility. The city, state planning, Kent and Sussex Counties joined together on some economic incentives that resulted in approximately 200 jobs.

Mr. Gleysteen asked Mr. Norris what light industrial means. Mr. Norris said that light industrial is similar to both our industrial parks. It could also accommodate a business similar to Amazon who developed Middletown. Seawatch and Perdue are a step up in terms of manufacturing. Seawatch is medium manufacturing.

Mr. Gleysteen asked if we can bring in a railroad to these properties would they be considered for more than light industrial; Mr. Carmean said the zoning of the two properties prioritized east of Route 1 may need a railhead.

Mr. Masten also noted that the three specific sites selected have easy access to Route 13, Route 113, Route 15 or Route 14.

Mr. Pikus asked to refocus on the two properties on the east side of Route 1. He asked if the zoning is institutional; Mr. Norris confirmed Innovation Park is currently zoned institutional. Mr. Pikus also confirmed it is shown as institutional in the state comprehensive plan.

Mr. Carmean said that he recently announced that Milford had earmarked some of our own money for the purchase of land for economic development and growth. His opinion at that time is the city does not need any more land for economic growth and development because we have an abundance available in the areas being discussed. Milford is well set within our corporate limits.

It was also noted the Hall property could be a fairly reasonable annexation. By looking at this presentation, there is a great deal of land available for development.

The city manager said he asked State Planning Director Connie Holland to attend the meeting and make a few comments. He recalled a few years ago, state planning spent a lot of time and effort to develop a master plan which covers the southeastern portion of Milford we are discussing.

Ms. Holland said Milford is doing wonderful things. She said she served as a Kent County Planner for thirty years and decided to retire. She was lucky enough to go to the state and has been there thirteen years. She said she has seen the good, bad and the ugly and has some scars as a result.

Ms. Holland learned to really respect the farming community during this time. At one time, state planning said no growth in level four. Today, they are looking at growth in level four but want to make sure it is agricultural or something that has to do with the environment. Things that can keep our farms afloat but not necessarily large housing developments because that is in levels one, two and three.

She said you may wonder why the state is so involved in the city's business. It is because Delaware is unique and the state pays for a lot of the schools, roadways, infrastructure, libraries, healthcare, etc. Working on the other side, she used to ask Dave Hugg how could she plan if she didn't know what the state wanted. They did state strategies for policies and spending which explained where the state would put their money. Milford has done its comprehensive plan. Now the state will know where to put the infrastructure money which is just not sewer and water. It is also healthcare because Delaware is one of the oldest states in the nation and everyone needs healthcare. So they are looking at how one can age in a place where they can enjoy the community.

They have worked with Middletown for about seven years. People are happy in Middletown, even those that have been there seventy to eighty years. They still have a viable downtown even though Middletown has grown immensely. When Amazon came to the area, they were deciding whether to select Smyrna or Middletown. Middletown had preplanned and Amazon went to that parcel of land as a result. Smyrna did not have the sewer that Amazon needed. And when a business is ready to make a decision, time is of the essence.

When they decided to do another master plan, she came to Milford. She asked if they would work with her. They needed to do something about the growth in Sussex County if all that going to be out there were two units to the acre. That was not a good use of the land. The city serves the facilities with infrastructure in Milford because the police, fire and ambulance need to go out in those areas. Milford agreed to look at it and we started having meetings for a master plan. These were meetings where input was provided on how your community should grow.

Ms. Holland said the first two or three meetings in Milford were interesting because not everyone agreed. They put different people next to each other—people that wanted to preserve and people that wanted to build. People that were retired and retirees that wanted to work. There were some farmers that wanted to sell and some that did not want to sell. Through the diligence of people in Milford, there was a consensus on how to grow. That resulted in a master plan which is extremely important to this community.

She said Milford has predictability and when someone buys a house they know whether they will be next to an Amazon or not. The National Home of Realtors and National Home Builders, Delaware Board of Realtors and Delaware Homebuilders are all now friends of Ms. Holland. When they do surveys, they are finding the younger generation coming out of college no longer want an acre lot and instead wants a livable, walkable community which Milford is preparing for.

There is also a wonderful hospital in town, great auto dealerships and preservation. Slaughter Beach was scared of what Milford would do. Now they are good neighbors because there are areas that will be environmentally buffered. But they did not take that right away from the community according to Ms. Holland. They hope to use the transfer development rights to maintain the downtown by using the floor area ratio which means you may sometimes have to go up a story. Or a variance might be granted to allow a business to expand downtown. But this does not take anything away from anyone.

She concluded by stating the stars are aligned for Milford. Master planning is the way to go and this has given her a good picture of where Milford is continuing to go and the predictability that the builders, realtors and banks want.

Mr. Pikus asked for confirmation that Ms. Holland is saying Milford needs to extend infrastructure to these properties if Milford wants to continue to grow and to be able to get assistance from state planning and state economic development. He said what he is hearing is that we better have the infrastructure to these properties before we can get in the pick.

Ms. Holland said yes because Dave Hugg does not mind her saying this. She said they have done a charrette for Smyrna for their downtown. All the businesses embraced it because they knew this would make Smyrna more viable. The builders are more willing to come in now because of the predictability of where the zoning is.

She recommends getting ahead of the curve. Middletown was ready for Amazon and Smyrna was still struggling on where to go with their sewer.

Mr. Grier asked if the Town of Middletown or the developer invested in the infrastructure; Ms. Holland stated both; it was a partnership.

Mr. Grier asked the breakdown of the Middletown deal. Ms. Holland suggested that Ken Branner would share that information. Mr. Grier said Milford only has so much money and he does not want to throw it out there and run infrastructure no where. He feels we need some kind of happy medium trying to figure out where to invest the money.

Ms. Holland said that when one developer has to install the utility, it is more times than not economically feasible. But with the master plan, you may know where three or four different people may be going. The fact of the matter is it can be prorated to prevent one person from carrying the entire burden. That provides the predictability and the person pays his fair share.

She also emphasized that the state will pay for infrastructure in the growth area.

An annual report is provided to the governor which provides numbers from all 57 municipalities. By doing the master plan and the report that is due in July about how Milford is working and implementing the comprehensive plan will help a great deal.

Ms. Wilson said she remembers working on the strategic plan which was a long and grueling process. But Milford wanted to make sure everything was in the correct place. When we talk about infrastructure, it can be difficult. Because of our size and budget, and not wanting to raise taxes for every expense that comes along, the developers have had to absorb most of the infrastructure costs.

From what she has heard, Ms. Holland feels the city is willing to share some of those costs. She believes that works well adding the governor has put together an infrastructure committee that provides grants. Because Milford is in the growth zones as a result of the master plan, that puts Milford higher on the list.

The deal is to try to get the density and services to these areas so the costs can be shared. That does not mean you jam everyone together. Milford's master plan was excellent and because it includes mixed uses, it also has large lots and environmentally sensitive areas. But closer to the intersection where Innovation Park is, a community will be developed that will embellish on Milford itself and hopefully replicate that.

Mr. Carmean said when he retired in 2008, there was a policy that developers had to pay to extend utilities to any privately owned undeveloped lands. When he un-retired, things had changed, which is the reason he brought this matter before council and is asking for them to decide whether to stay with the policy or to change the policy.

Ms. Carmean thanked Ms. Holland for coming down to attend the meeting.

Mr. Pikus asked David Burton to come forward.

Mr. Burton stated it was nice that the city manager asked him to come and speak and he appreciates that. He said he was a member of council many years ago and it was fun then and he hopes it is still fun to sit on council.

He asked what Milford was like before the business park was built on Airport Road. He said we were sitting in a town with a 1957 border and there was no place to put anything. The only industrial area was Marshall Street. So the city made an investment in some property on Airport Road, borrowed the money, put the infrastructure in even though it was a risk. At that time, there were a lot of people in Milford not in favor of it. It was an important jump and something that took courage.

Mr. Burton said a long time ago people were sitting around the table like this and were thinking about Milford and planning for it. Some good decisions were made and they have paid off. Milford, over Mr. Burton's lifetime, has always had a great reputation. They have been known for good management and good city councils. They have a reputation for getting something done. If you want to do something, that person goes to city hall and they will show you a piece of property that has water and sewer nearby. The stormwater management is taken care of. You can get a permit and you don't have to wait in line like some places in Sussex or Kent County. The zoning is in place and it has paid huge dividends.

He pointed out that Milford was ready for the Veterans Home. A lot of the planning done years ago is now reaching the end of its time. There is still some land left in the business park though not much. He feels new places are needed.

Milford's future must continue to be considered. There is a risk and there is money involved and decisions that need to be made. A lot of them will not be popular but they are necessary.

Milford is a great place to go downtown on a Saturday but it was not always that way according to Mr. Burton.

The decision to support the staff of Downtown Milford is fabulous in his opinion. He feels Milford is getting a lot back for that decision.

Mr. Burton feels this plan is stimulating. He said when he came to city hall and Steve Masten gave him the presentation, he thought it was thrilling if it could be done. Good towns do not happen by accident. They happen because of the planning which moves them toward something bigger.

He has one comment about the plan. This plan really speaks to commercial and industrial which is important because that is where the jobs and tax base will be. Those investments need to be made. This is a wonderful opportunity for the city. It does not speak much to residential areas. One of the things he feels is very important and often overlooked is for the people who live in town. People who live in town have a stake and can elect their council and vote for the mayor and sit on the zoning board. Our housing developments are very important because that will keep people in town.

Mr. Burton recalled when the housing developments were starting noting that North Shores is out of town. Shawnee Acres and Woodshaven are also out of town. He feels industrial commercial development is all about jobs. But he does not want the city to forget the people because they are very, very important as well.

Mr. Pikus then called Tom Draper up. Mr. Draper said that he is one of the guys that lives out of town but he still has a Milford mailing address. He also lived in Rehoboth for about fifteen years.

Mr. Draper did a lot of development years ago especially downtown. He said Milford is a great town and he likes to come back and shop in Milford today.

He said that in his business, Mr. Draper has the curse of knowing a lot of towns. His television station covers a big market. He is familiar with lots of town whether in Maryland or Eastern Shore Virginia. He feels Milford is in a fabulous inflection point. He agrees Milford has done a great job. Milford has come a long way and there are a lot of exciting things in Milford. He said what is going to be done with the infrastructure, though it might be amended here and there, will play great dividends because Milford has land mass and it is located in a good spot. We have an excellent retail base, a hospital and a great school system that is run in Milford and not from another town. He finds so many communities who are fight and are unable to get things done.

He believes Milford is uniquely situated because of what has been accomplished over the past ten to fifteen years to move ahead. It is now one of the premier towns of Delaware. He understands the balance sheets are in good shape and a lot of towns are not in good financial shape. Milford has a lot of opportunities and he applauds the presentation about growth. He believes this will attract a lot of capital to the Milford area. He congratulated the city and hopes it will continue to do well.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee stated he has been a resident of Delaware for nine years. He lived in Seaford for approximately a year. However, he chose Milford because of its prime location and easy access to Dover and the beaches. Most of the amenities are here. The Boys and Girls Club, Hospice, Veterans Home, a state of the art library and so on. Unfortunately, there are still a few areas that need to be addressed though the location is excellent.

Mr. Palmero said that Mr. Burton spoke about the inner area. He pointed out that when you drive down Southeast Second Street, you see a lot of rundown houses and properties. The houses are not up to code and need to be addressed.

Overall, he feels the city has a bright future.

When asked if anyone else wished to speak, no one responded.

With no further business, the workshop session concluded at 7:56 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
June 24, 2013

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, June 24, 2013.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen  
James Starling, Sr. and Katrina Wilson  
  
City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/  
Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:56 p.m.

#### INVOCATION AND PLEDGE

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

#### RECOGNITION

No special guests were in attendance.

#### COMMUNICATIONS & CORRESPONDENCE

##### *Fourth Ward*

Mr. Starling reported he has a problem with the condemnation of some houses. He does not understand if the electricity and water is discontinued and the person is behind in taxes, how a house can be condemned if it is in good condition. He is aware of some homes that were condemned and letters sent stating the homes were going to be demolished.

He understands the city has rules to disconnect water and electricity disconnects, but questions why a person living in that house is made to leave. He has seen this happen on two different occasions. On the other hand, the city is working with a group who is discussing building shelters for the homeless, but in these cases the city is causing homelessness. He actually observed a man leaving his garage where he is now living because the house was condemned.

Mr. Starling asked for an explanation of the rules for condemning a house. Mr. Carmean said it is spelled out in the codes and zoning ordinance. Condemnation can apply to a house that is structurally unsound and needs to be torn down. He explained that if a large portion of the house needs to be torn down, the entire house must be demolished.

The other condemnation involves health. The fact that people do not have proper facilities such as water and sewer can be grounds for condemnation. However, electric is not that big a problem because candles can be used.

Mr. Carmean asked Mr. Starling to get up with him and he can discuss that. He will have the appropriate employees present so that Mr. Starling can ask them any questions.

#### UNFINISHED BUSINESS

*Adoption/Ordinance 2013-05/Chapter 69/Workforce Development Commission/Reduction in Number of Commissioners*

Economic Development Committee Chair Grier advised this ordinance will reduce the Workforce Development Commission from eleven member to five. Two of those five will be the mayor and his/her designee and the school superintendent and his/her designee. He said the commission has had a difficult time getting a quorum and is the reason for the amendment.

Mr. Grier moved to adopt Ordinance 2013-5 as presented, seconded by Mr. Pikus:

*ORDINANCE 2013-5**NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. Part 1, Administrative Legislation, Chapter 69 of the Code of the City of Milford, entitled Workforce Development Commission shall be amended by reducing the number of commissioners from eleven to five.*

*The City of Milford hereby ordains:*

*Section 2. §69-2, Membership, Appointment, Terms of Office, is hereby amended by removing the number "11" and inserting "5" and "nine" to "3" as indicated below:*

*§69-2. - Membership; appointment; terms of office.*

*The commission shall be comprised of ~~11~~ 5 members, one of said members to be the Mayor or designee, one of said members to be the Milford School District Superintendent or designee and ~~nine~~ 3 of said members to be appointed, all to serve without pay. Recommendations will be forwarded to the Mayor for appointments, subject to confirmation by city council. All members shall be residents of the Milford School District or employed therein. Following the time of their initial appointment, Commissioners shall be appointed or reappointed at the next annual organizational meeting. Thereafter, terms will be for one year beginning on the date of each subsequent organization meeting.*

*Section 3. Dates*

*Introduction: June 10, 2013*

*Adoption: June 24, 2013*

*Effective : July 4, 2013*

Motion carried.

Ms. Wilson said she was appointed as a member of the Workforce Development Commission. She attended a couple of meetings and did not attend any further meetings. She felt that most of the work had already been done. Therefore, she felt she was unable to contribute to the commission as she intended.

There were other meetings occurring where she felt she could make a bigger contribution. As a result, she prioritized and worked with those groups.

**NEW BUSINESS***Award of Bid/Electric Department/ 138-24.94/14.4 kV Substation & 138 kV Tap Station Installation*

Sealed bids were received, publicly opened and read on June 13, 2013 for one 138-24.94/14.4 kV Substation and one 138 kV Tap Station Installation. Seven bids were received that ranged from \$770,652.00 to \$1,580,43.12. Progressive Engineering Consultants oversaw the process and reviewed the bids.

The following letter of recommendation from P.E. Alan Cobb of Progressive reads as follows:

*Sealed bids were received on June 13, 2013 for furnishing the labor and materials for the construction of your 138 kV Tap Station and Delivery #2 Substation. As shown by the enclosed tabulation of bids received, Sumter Utilities submitted the lowest cost proposal for the project in the amount of \$770,652.00. We have reviewed the proposal from Sumter Utilities and believe it to be in compliance with the specifications. Therefore, it is our recommendation that the City accept the proposal from Sumter Utilities in the amount of \$770,652.00.*

Mr. Carmean advised that our insurance agent is concerned that the proposal is not clear on who provides the insurance during the construction. He asked the bid be awarded but wants the motion contingent that the insurance issue is clear.

Mr. Pikus moved to award the bid to Sumter Utilities in the amount of \$770,652.00, contingent upon the insurance matter being addressed to the city's satisfaction, seconded by Mr. Shupe. Motion carried with no one opposed.

*Adoption of Resolution 2013-13/Approving FY 2013-2014 City of Milford Budget*

Mr. Pikus stated it is the recommendation of the finance committee that the FY 2013-2014 budget, as presented, by the city manager and reviewed by the finance committee and members of city council on June 11<sup>th</sup> and June 12<sup>th</sup> be passed by the mayor and council.

This is a balance budget with no tax increase or any increase in fees or costs. The costs were contained by good fiscal management, work load distribution and good operational practices.

Mr. Pikus moved to adopt Resolution 2013-13, seconded by Mr. Gleysteen, as follows:

*ADOPTING THE CITY OF MILFORD FISCAL YEAR 2013-2014 BUDGET & CAPITAL PROGRAM*

*WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2013-2014 were prepared and submitted to the City Council by the City Manager in accordance with Article VI Financial Procedures of the City Charter; and*

*WHEREAS, the City Council was presented with the proposed budget after the Finance Committee made a comprehensive study and review during meetings on June 11, 2013 and June 12, 2013; and*

*WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2013 and ending June 30, 2014.*

*NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Tax Assessment, Council, Police, Streets, Parks and Recreation and Engineering; and the Water Department, Sewer Department, Sanitation Department and Electric Department was adopted and approved as the budget of the City of Milford for Fiscal Year 2013-2014 in the following amounts:*

*Operations and Maintenance - \$36,976,260  
Debt Service - \$2,195,320  
Capital Program - \$2,299,760  
Total Expenditures - \$41,471,340*

*A copy of said budget is on file in the Office of the City Clerk as was passed and adopted by the Council of the City of Milford on the 24th day of June 2013 by a 6-0 vote.*

*s/Mayor Joseph R. Rogers*

Motion carried with no one opposed.

*Referendum Consideration/New Police Facility/Finance Chair Pikus*

Mr. Pikus moved to request the city manager, chief of police and finance director be directed to investigate and deliver to council a cost analysis for the construction of the proposed police building, the purchase of the property to build the building on, the cost of the anticipated work site, including entrances, parking areas, fencing and lighting. Also, the cost of operating the facility yearly. Once these costs are collected, council will decide on the funding for the project which, with the possibility of a referendum, could be placed before the voters in Milford, seconded by Mr. Grier. Motion carried.

When questioned about a committee meeting, Mr. Carmean said he is sure Mr. Morrow will want to have some meetings with the police committee, though at this point we do not know how to go about this.

ADJOURN

Motion to adjourn the meeting was made by Mr. Pikus, seconded by Mr. Grier. Motion carried.

The workshop session concluded at 8:12 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

**CITY OF MILFORD  
PLANNING COMMISSION**

*Minutes of Meeting*

*June 18, 2013*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, June 18, 2013.

PRESIDING: Chairman Jamie Burk  
IN ATTENDANCE: Marvin Sharp, Archie Campbell, William Lane, Ed Holloway, Deborah O'Neill, Rae Mims  
ALSO: Department Administrative Assistant Christine Crouch

Chairman Burk called the meeting to order at 7:00 pm noting the absence of Mr. Fry and Mr. James.

***APPROVAL OF MINUTES***

The minutes for the April 2013 regular monthly Planning Commission meeting were approved as submitted with a motion by Mr. Sharp and seconded by Mr. Holloway.

***NEW BUSINESS***

**Axiom Engineering LLC on behalf of Halpern Family Partnership One, LP; Project 12-191  
Final Site Plan  
1197 Airport Road  
Tax Map MD-16-174.00-01-09.00; 1.12 +/- Acres  
Zoning C-3  
Adoption of Resolution PC13-007**

Mr. Ken Christenbury with Axiom Engineering explained the preliminary plan was approved about six months ago and since then they have received their outside agency approvals as required. Essentially the plan is unmodified from the preliminary. He asked if there were any questions.

A motion made by Mr. Sharp to adopt resolution PC13-007 was seconded by Mr. Campbell. Motion carried with the following votes:

Mr. Sharp, yes.

Mr. Campbell, yes.

Mrs. O'Neill, yes.

Mr. Holloway, yes although he has reservations about all the approvals that Planning Commission is doing along Airport Road and he requests that maybe we get the roads and grounds folks in to give an update as to what the City is doing and the projections over the next several years rather than just approving. He doesn't want to put the cart before the horse. He wants to make sure the infrastructure supports all this. He knows with all the building that has been done along Airport Road and its really getting to be a disaster and a safety issue. But this has been before the Planning Commission before and he supports it.

Ms. Mims, yes.  
Mr. Lane, yes.  
Mr. Burk, yes.

**Shore Speed LLC on behalf of legal owner Milford Associates; Project No 13-197**  
**Conditional Use**  
**971 E Masten Circle**  
**Tax Map MD-16-183.00-01-04.00; 3.30 +/- Acres**  
**Zoning I-1**  
**Adoption of Resolution PC13-006**

Mr. Clarence Edgens, owner of Shore Speed stated he is seeking a conditional use for an indoor electric go kart track for younger and older kids. The facility will be open year round and there will be a rock climbing wall inside, an arcade and an area for remote control cars. People may also have parties there as well.

Mr. Campbell asked what kind of safety is built in. Mr. Edgens explained Extreme Engineering is where the wall comes from and has a delay system built into it where the climber is fastened into a harness and will not let them fall off, but there will be a rubber padding on the floor too. When asked if there is a limit to age and height, he stated its limited more by weight, but he was unsure of the parameters.

Ms. Mims asked if there are any policies or procedures in place for security on the property. Mr. Edgens will be providing a video camera system on the property as well as an alarm on the building.

Mr. Rutt explained Mr. Edgens is seeking a conditional use therefore there are certain criteria that needs to be met, according to the code. This property is zoned limited industrial and this use isn't permitted in this particular zone, which is the reason for the conditional use.

The criteria to be considered include whether there are similar uses in the area. Mr. Edgens replied there is the BMX track in the area, the sports complex and a lot of other things coming to Milford. This would offset and help those areas.

Mr. Rutt confirmed according to the site plan there is about 50 parking spots on the property. Mr. Edgens explained there are 50 spots out front and available parking that will be marked off in the back as well, which is also lighted, of approximately 70 spots for a total of 120 spots.

In continuing the criteria for a conditional use, Mr. Rutt asked if there is a need for this use according to comprehensive plan? Yes, according to Mr. Edgens, as this will get families together who don't want to get into beach traffic.

When asked by Mr. Rutt if there is sufficient area to screen this from adjoining properties, if necessary, Mr. Edgens replied there are trees on the property on the left side that screen it pretty well. The ones on the right side were recently trimmed.

When asked if this use will detract from the permitted uses in area, Mr. Edgens did not think so.

Mr. Rutt asked if there are any plans for traffic control on site, with cars coming in and out. Not really, no.

Mr. Holloway questioned what types of food or beverages will be available on site. At this time vending machines will be in the building. They have talked about getting small commercial ovens in the future. Right now though they are getting pricing from local restaurants to have them come in to cater.

Mr. Campbell asked for a description of what the inside will look like. He's looking at the drawing for the layout and he sees video games, track, and rock climbing wall. Mr. Edgens explained when you walk in the front door, it will look like an indoor go kart track. It will be set up like a nascar track where along the back wall he is setting up garages that will have billboards inside and cars that are sponsored. Off to the right will have about three indoor hospitality tents which is a little bit more private and people can have private parties there. As you come around to the right there will be video games and down to the rock wall. The smaller kids are isolated on the other side of the wall.

Mr. Burk asked if alcohol will be permitted at the private parties. Mr. Edgens replied there is absolutely no alcohol permitted. These parties are more for private kid's birthday parties.

Mr. Campbell confirmed there will be a railing that separates the track from the viewers, with about three feet from the track to the railing. He also asked how many people will be working at the facility. Mr. Edgens felt right now he's thinking 6-8 people per shift, so about 12-15 people total.

When asked the hours of the facility, Mr. Edgens wants to play it by ear, but will plan on 10:00 am until 11:00 pm at this time. Mrs. O'Neill stated the application states 9:00 am until 12:00 midnight. Mr. Edgens put those times on there as a general time, but thinks 10:00 am until 11:00 pm is better.

Mr. Lanes asked what age bracket is being targeted. Since the cars are rated for 16 years old and up, Mr. Edgens explained, the age group is 16-25. He is also looking to get the 10-15 year olds as well though, which is why he added the remote control cars.

Mr. Burk questioned the location of the rock wall on the plans submitted. Mr. Edgens offered to submit a new drawing, which he is having drawn up now, that will show the remote control cars and everything else. Mr. Burk felt that would be appropriate.

Mr. Lane asked if the police department is aware of this. Mr. Edgens stated he thinks so. There was an alarm at the building that went off the other day and he had the opportunity to meet some of the officers.

Mr. Timothy Edgens came to the podium and explained he went to the police department recently to fill out contact information for the building, and from what he understood, a lot of the officers were asking when the track will open. He assumes that is a blessing from them. They all seemed excited about getting the facility open.

Mr. Campbell asked if the bathrooms are ADA compliant. Mr. Edgens replied yes.

Mr. Burk called for public comments.

Ms. Lindsay Green, Director of Business and New Product Development with Dentsply Caulk, introduced herself as an adjoining property owner. Dentsply is concerned the teenage population would be congregating or flowing over into their parking lot. There is a fence, but their questions pertain to security. Dentsply is a medical device manufacturer, and a chemical manufacturer, and do not want teenagers in their parking lot. Their main concern question is how that will be prevented.

Mr. Burk asked if Dentsply has security on site. Ms. Green replied they do have personnel on site and a 6' or 8' fence. The fence is left open however because of truck deliveries. Dentsply has talked about trying to close the fence as well as diverting the traffic pattern on their site as well.

Ms. Green explained Dentsply received the public notices for this meeting and the upcoming Council meeting. They have met a few times to discuss their concerns and Ms. Green will be taking back what is discussed tonight to Dentsply to see what can be done. A facility manager will be coming to the council meeting afterward.

Safety and security is taken very seriously at Dentsply and so this was a flag to them that their security could be put at risk. She is not coming to the commission with a solution and instead would love to hear a solution. Obviously they do not want to deter business in Milford, but they need to be a secure facility.

Mr. Burk felt that if teens would be on Dentsply's property, they would be trespassing. Ms. Green agreed. The onsite security personnel at Dentsply would then be able to contact the police department. Ms. Green explained it is just one person for the whole plant. Mr. Burk asked if Dentsply has security cameras to which Ms. Green replied no. Mr. Burk reiterated Mr. Edgens has stated he will have security cameras on his property, so that may help.

When asked if there are any problems now with vandalism or trespassing at Dentsply, Ms. Green replied there have been a couple of instances of theft.

Mrs. O'Neill asked how people are accessing the property since its gated. Ms. Green again stated the entrance gates are left open. Mr. Burk confirmed Dentsply is having a problem with security even before Shore Speed is opening. Ms. Green replied she wouldn't call it a problem, but would not want to add to it. There have been modifications to their security system in the last few years whereby a complete badging system was installed requiring a badge to get into the facility. Mr. Burk asked if the theft issues referred to earlier were being stolen from inside the building or outside the building. Ms. Green replied outside. Mr. Burk asked if there have been any security measures taken for the outside of the building, since that's where the theft was occurring. Ms. Green replied no.

Mr. Campbell asked if there are personnel on site to check the delivery trucks when they come in the gates. Ms. Green replied no, the gates are not guarded. As far as entrance into the complex itself, there are no guards. Just a badging system to get into the building.

Mr. Campbell asked if Dentsply has looked at putting a guard shack up. Ms. Green feels adequate security measures have been taken for the existing environment, but this new business will be a change to the environment. She would say either 1. Would actions be taken to address Dentsply's concerns or 2. Would Dentsply need to take action internally to address their concerns.

Mr. Burk confirmed with Ms. Green there have been problems with security on the exterior of the building, but nothing has changed on the exterior of the building, but Dentsply is worried about more people coming to that area. Ms. Green elaborated that security problems are occasional problems with people on the property or former employees coming back or property being stolen. And the instances are few and far between.

Mrs. O'Neill took issue with Ms. Green stating an area needs to be secured but in fact the only thing that is secured is the inside of the building, but not outside. There is access to that via an open gate. So the outside of the property is not at all secure. Ms. Green replied the area is fenced and a security guard that does rounds outside.

Mr. Sharp referred to the map included in the packet. He explained there are three gates to Dentsply's property. Two on the East side of the property and one on the North side of the property. The Shore Speed property is to the West of Dentsply and across the street where there are no gates or access points onto Dentsply's property. A juvenile delinquent would have to climb the fence to get onto Dentsply's property. He feels that would deter them from getting onto Dentsply's property, but he certainly respects Ms. Green's concerns.

Ms. Green explained they are just generally concerned that this is a limited industrial zoned area and now teenagers may be involved. Mr. Sharp respects that concern.

Mr. Campbell asked if Dentsply felt a guard shack would benefit them, to both check trucks coming in or catch anyone milling around. Ms. Green explained what security measures they have in place now is adequate for their environment and the introduction of a new business in the area may create a change in the environment. A guard shack would need to be re-assessed, which is why she is coming here today saying it's a concern. Mr. Campbell asked if revenue costs would have to be looked at the next time a budget is done.

Ms. Green replied Dentsply employs 500 + people in Milford, and they want to keep them employed. Dentsply is very cost conscious.

With no further public comments, Mr. Burk closed the public comment session.

Mr. Rutt stated since this is a conditional use and the commission is dealing with limited industrial area, when looking at conditional uses in limited industrial, it doesn't have anything like this. You have to go to permitted uses under the limited industrial, which refers to all permitted uses in the OC-1 zoning district. While this is not addressed as a permitted use in the OC-1, it is addressed as a conditional use in the OC-1 and that is how this conditional use was determined.

As a conditional use application, the commission may attach conditions to the approval as well, such as hours of operation and alcohol prohibition.

Mr. Sharp asked if a condition of the approval could be to provide outside supervision. Certainly we don't want to chase 500 jobs out of Milford. Mr. Sharp is in favor of this application, but he fights for jobs everywhere he goes. Mr. Rutt advised that is a condition that can be attached to the approval.

Mr. Campbell asked if outdoor video security could be a condition. Mr. Rutt stated yes. Mr. Sharp felt if that was the route the commission wanted to take, then the video would have to be recorded and held for a certain period of time so that it could be accessed should something happen and the video would need to be accessed. Six weeks or four weeks, for example.

Mr. Sharp explained that Dentsply has been here for many, many years and are established. He feels we need to make sure they stay here. Let's be honest, Middletown or Georgetown would love to have Dentsply with 500 jobs. Mrs. O'Neill pointed out the gates are wide open. Mr. Sharp knows from working at Dentsply recently, installing an irrigation system, they take their safety very seriously. Mr. Burk reminded the commission the applicant has already stated he is willing to install a video security system.

Mr. Burk felt a condition of the approval should also be no alcohol. Mr. Sharp stated they agreed to no alcohol, however Mr. Holloway would like it added whether they agreed to it or not. He would not like to be back a few months ago when Milford PD was having issues with riots in the streets. In addition, he would like to see some conditional response from the police department as to how they feel putting this use in. While Mr. Holloway is all for it, he would just like to hear from the police department and how they feel about having a group of 300 teenagers together. He doesn't want to see a similar situation as the Skating Center where parties are organized via the internet and there are 1,000 people in the parking lot.

Mr. Burk stated another option is to table the application and invite the police department to speak on the application. Mr. Sharp asked where 300 people were identified as the number of occupants? Mr. Lane referred to the written summary provided in the packet. Mr. Sharp wasn't sure the Fire Marshal would allow an occupancy of 300 people. Mr. Burk suggested the approval be contingent upon Fire Marshal occupancy approval.

Mr. Norris suggested if the application is table, it is important to include what the commission would like to have prior to being heard again. Mr. Burk agreed.

A motion by Mr. Lane, seconded by Ms. Mims, to table the application until further information from the police department is received, confirmation from the Fire Marshal on the occupancy load is received, and more details on the security plan is received. He felt it would behoove them to talk to Dentsply about the security concerns. Motion failed with the following votes:

Mr. Sharp, no because the commission is here to make a decision and enough stipulations can be put on the approval to keep the application moving forward.

Mr. Campbell, no for the same reasons as Mr. Sharp.

Mrs. O'Neill, no for reasons stated.

Mr. Holloway, yes because he doesn't like the idea of going forward with not enough specific information on security, not just for Dentsply but for the general population that may show up, without some kind of police input. He doesn't think we necessarily have to take

what the police recommendation would be, but we need to hear from them because they are responsible for responding.

Ms. Mims, yes.

Mr. Lane, yes adding he thinks it's a good idea but needs more thought. There is a light at the end of the tunnel.

Mr. Burk, no because he thinks we have the ability to put the requirements on it that would address the concerns of the neighbor and people on the commission.

Mr. Sharp and Mr. Campbell spoke briefly among themselves regarding what conditions could be placed on the approval in order to make everyone happy.

A motion by Mr. Campbell to approve resolution PC13-006 with the following conditions was seconded by Mr. Sharp:

1. Alcohol is prohibited on site.
2. Audio and visual security camera footage must be kept on file for six weeks.
3. The use must remain compliant with the Code of the City of Milford §230-18 D (4).
4. Fire Marshal occupancy load approval is received prior to building permit issuance.
5. Striped parking for 120 vehicles is provided.
6. Security personnel will patrol the outside of the facility between 4:00 pm and close of business.
7. The hours of operation are 10:00 am until 11:00 pm.

Mr. Sharp, yes.

Mr. Campbell, yes.

Mrs. O'Neill, yes.

Mr. Holloway, no because he would prefer more specific information regarding the Fire Marshal approval and police department comments prior to approving.

Ms. Mims, no and agrees with Mr. Holloway.

Mr. Lane, no for reasons stated.

Mr. Burk, yes.

With no further business, the meeting adjourned at 8:01 pm.

Respectfully submitted,



Christine R. Crouch

Department Administrative Assistant/Recording Secretary