

# City of Milford



## AGENDA

Monthly Council Meeting

January 11, 2010

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

PUBLIC COMMENT SESSION - 7:15 p.m.

COUNCIL MEETING - 7:30 p.m.

Call to Order - Mayor Daniel Marabello

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

City Manager's Report

Committee Reports

Communications

Unfinished Business

-Plan of Services-Annexation/Lands of W. Nelson Hall Trustee & W. Nelson Hall Substitute Trustee/Tax Parcel 3-30-11.00-06.00

Adoption of Ordinance 2009-20

Adoption of Resolution

-Kent County Sports Complex Request\*\*\*

-Property Lease/Neal Moore Bus Service/Default\*\*\*\*\*

New Business

-Introduction of Ordinance 2009-21/Beverly Ann Thawley/Tax Parcel 3-30-11.00-70.03

-Date Approval/2010 Milford Community Parade/Jim Gray\*

-Appointment of Board of Appeals\*\*

Monthly Finance Report

Executive Session - Pursuant to 29 Del. C. §10004(b)(6); Discussion of the content of documents, excluded from the definition of "public record" in §10002 of this title where such discussion may disclose the contents of such documents.\*\*\*

Adjourn

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

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

# CITY OF MILFORD

DELAWARE



OFFICE OF THE CHIEF OF POLICE  
E. KEITH HUDSON

“THE GARDEN CITY OF TWIN COUNTIES”

400 N.E. FRONT STREET  
MILFORD, DELAWARE 19963  
(302)422-8081 FAX (302)424-2330

## MEMORANDUM

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: January 5, 2010

RE: Activity Report/December 2009

=====

### **Monthly Stats:**

A total of 302 arrests were made by the Milford Police Department during December 2009. Of these arrests, 203 were for criminal offenses and 99 for traffic violations. Criminal offenses consisted of 102 felonies and 101 misdemeanors. Traffic violations consisted of 15 Regular Duty Radar, 2 Drunk-Driving charges, 15 Special Duty Radar and 67 other.

Police officers investigated 50 accidents during the month (3 personal injury, and 47 property damage) and issued 56 written reprimands. In addition, they responded to 928 various complaints including city requests and other agency assistance.

A total of \$9,173.73 was collected in fines during December.

Three False Alarm Violation Invoices were issued during the month of December.

### **Monthly Activities:**

On December 3<sup>rd</sup>, Administrative Associate Vicky Knorr attended a Grant Writing and Administration Workshop in Dover.

On December 4<sup>th</sup>, the annual Holiday Stroll was held. This year's event worked out extremely well with the closing of Walnut Street. Attendees could move about without the worry of on-coming traffic. Overall, it was a very successful event and the street area provided additional space for people to interact with one another.

Several Milford Officers recently assisted with Special Olympics at the Milford Bowling Lanes.

I was invited and attended a Meet and Greet Reception at the Sheraton in Dover on December 10<sup>th</sup> hosted by N.O.B.L.E (National Organization Black Law Enforcement Officers). I spoke with several students from Delaware State University. Many expressed an interest in our department and were encouraged to apply.

On December 13<sup>th</sup>, I, along with several other Delaware Police Chiefs, attended a Holiday Reception hosted by Vice President Joe Biden and his wife Dr. Biden at their Washington D.C. residence.

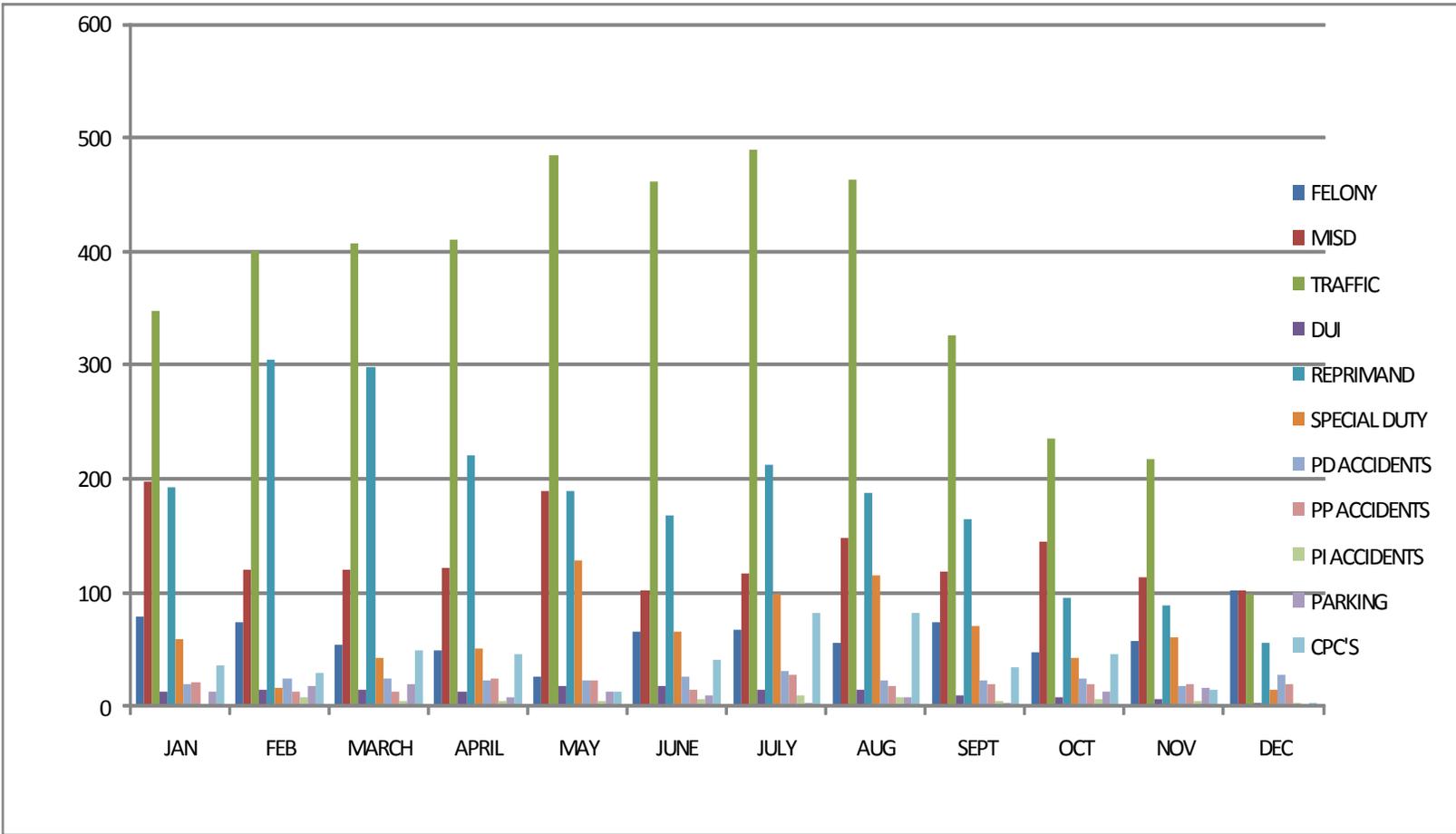
Our new patrol vehicles have been placed into service. Two of our older vehicles have been transferred to city hall for use by their employees.

EKH

vrk

## DECEMBER ACTIVITY REPORT

	<u>DEC 2008</u>	<u>TOTAL 2008</u>	<u>DEC 2009</u>	<u>TOTAL 2009</u>
<u>Complaints</u>	978	10266	<b>928</b>	<b>14312</b>
<u>Criminal Arrests</u>	180	1744	<b>203</b>	<b>2364</b>
Felonies	52	502	<b>102</b>	<b>751</b>
Misdemeanors	128	1242	<b>101</b>	<b>1613</b>
<u>Traffic Arrests</u>	166	4452	<b>99</b>	<b>4329</b>
Regular Duty Radar	3	583	<b>15</b>	<b>661</b>
D.W.I.	19	162	<b>2</b>	<b>144</b>
Special Duty Radar	26	886	<b>15</b>	<b>762</b>
Other	118	2830	<b>67</b>	<b>2762</b>
<u>Reprimands</u>	138	3047	<b>56</b>	<b>2177</b>
<u>Accidents</u>	86	621	<b>50</b>	<b>596</b>
Personal Injury	18	81	<b>3</b>	<b>60</b>
Property Damage	68	543	<b>47</b>	<b>515</b>
Fatal (included in PI)	0	1	<b>0</b>	<b>2</b>
<u>Parking Summons</u>	11	149	<b>1</b>	<b>124</b>
<u>Crime Prevention Checks</u>	25	494	<b>2</b>	<b>473</b>
<u>Fines Received</u>	\$8,576.34	\$150,207.22	<b>\$9,173.73</b>	<b>\$133,875.25</b>



**City Manager's Report**  
**January 11, 2010**

- **North Front Street Sewer Project and FY2010 Bond Issue (Engineering & Finance Goals)**

The City has closed on the Clean Water State Revolving Fund Loan for the Sewer Project on North Front Street. The loan is in the amount of \$1,301,872 at an interest rate of 2.0% for twenty years. A preconstruction meeting was held on Wednesday, January 6, 2010 with the City's contractor JJID and we established a start date of January 19, 2010. Additionally, during the pre-construction meeting the City was informed that Davis Bacon Wage Rates will apply on this job and this could cause a need for a change order increasing the project cost before it even begins (see attached memo from USEPA). Please note the date of the memo was one month after the effective date and the City had already bids its project prior to the end of October. We have requested DNREC grant a waiver on the Davis Bacon Requirements and are awaiting a response.

- **Recycling Contract (Administration Goal)**

Earlier this week, Governor Markell announced his new recycling program that would make it mandatory for the City to collect recycling. According to a Jan. 5, 2010 News Journal article "Recycling would remain voluntary for homes and businesses under the plan, but curbside services and special containers would be universally available. Commercial haulers and municipal governments that collect trash would be required to provide curbside pickups. Money to help haulers and communities start new recycling programs would come from a non-refundable 5-cent fee now charged as a returnable deposit for smaller glass and plastic beverage containers. Fee proceeds also would pay for marketing and education." We will continue to monitor the details of this plan to determine how this will impact the City's current recycling contract with DSWA that expires on July 31, 2010. It is important to keep in mind that this comes on the heels of a proposed 50% increase in landfill fees by DSWA. Municipal representatives are meeting with DSWA CEO Pat Canzano on Wed. January 13 at Dover City Hall to discuss these issues.

- **Interconnection Agreement with Delmarva Power (Electric Goal)**

A final draft of the interconnection agreement with Delmarva Power is being reviewed by the City and DPL Attorneys. Upon completion of these reviews, it will be presented to City Council for ratification.

- **Cost of Snow Removal**

An analysis of the costs associated with snow removal from the winter storm on December 19, 2009 show the City spent approximately \$14,000 on snow removal and associated costs. City Crews are commended for an excellent job and service above and beyond during this time.

- **Inflow and Infiltration (Engineering and Sewer Goal)**

During the November billing period for sewer service from Kent County, the City was billed for 85,320,000 gallons of flow for a total bill of \$199,648.80. Of this amount, it is estimated

that 47% or \$93,850 is for I&I. The flow for Nov. 2009 increased by 26% over the flow from Nov. 2008. More alarming is the fact the flow billed to City customers in Nov. 2009 (45,215,285) was almost identical to the flow in 2008 (45,256,594). This is a direct reflection of the I&I issue facing the City.

- **Electric Substation Repairs**

The City Electric Department with the help of an outside contractor are making repairs to one of the three transformers at the substation. The bushing component of the transformer needs to be replaced and crews are hoping to complete the repairs by this weekend. Two of the three transformers were installed in 1988 and the third in 2000. Rick Carmean is expecting to complete more maintenance work on the transformers as we enter the spring.

- **Residential Electric Rate Comparison**

Please see the attached rate comparison from DEMEC.

- **Annexation Committee Report Modifications**

Mr. Norris and I have prepared drafts of amendments to the annexation report and modification of the way in which the City will facilitate annexation requests. These changes are being made to address the comments raised during the December 28, 2009 Council meeting as well as to improve the process for the staff and the applicants. The information has been shared with members of the annexation committee.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 30 2009

OFFICE OF  
WATER

**MEMORANDUM**

**SUBJECT:** Application of Davis-Bacon Act Wage Requirements to Fiscal Year 2010 Clean Water State Revolving Fund and Drinking Water State Revolving Fund Assistance Agreements

**FROM:** Peter S. Silva *Michael Shynis for*  
Assistant Administrator

**TO:** Water Management Division Directors  
Regions I - X

On October 30, 2009, P.L. 111-88, "Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes," was enacted. This law provides appropriations for both the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF) for Fiscal Year 2010, while adding new requirements to these already existing programs. One new requirement, and the focus of this memorandum, requires the application of Davis-Bacon Act requirements.

P.L. 111-88 includes the following language in Title II under the heading, "Administrative Provisions, Environmental Protection Agency,"

For fiscal year 2010 the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.

For fiscal year 2010 the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j-12).

In order to comply with this provision, States must include in all assistance agreements, whether in the form of a loan, bond purchase, grant, or any other vehicle to provide financing for a project, executed on or after October 30, 2009 (date of enactment of P.L. 111-88), and prior to

October 1, 2010, for the construction of treatment works under the CWSRF or for any construction under the DWSRF, a provision requiring the application of Davis-Bacon Act requirements for the entirety of the construction activities financed by the assistance agreement through completion of construction, no matter when construction commences.

Application of the Davis-Bacon Act requirements extend not only to assistance agreements funded with Fiscal Year 2010 appropriations, but to all assistance agreements executed on or after October 30, 2009 and prior to October 1, 2010, whether the source of the funding is prior year's appropriations, state match, bond proceeds, interest earnings, principal repayments, or any other source of funding so long as the project is financed by an SRF assistance agreement. If a project began construction prior to October 30, 2009, but is financed or refinanced through an assistance agreement executed on or after October 30, 2009 and prior to October 1, 2010, Davis-Bacon Act requirements will apply to all construction that occurs on or after October 30, 2009, through completion of construction.

Notably, there is no application of the Davis-Bacon Act requirements where such a refinancing occurs for a project that has completed construction prior to October 30, 2009. This provision does not apply to any project for which an assistance agreement was executed prior to October 30, 2009, no matter when construction occurs.

Further information may be provided in the form of "Questions and Answers" if necessary.

We fully understand the complexity of this provision and the difficulties involved in its application. If you have any question, please contact us, or have your staff contact Jordan Dorfman, Attorney-Advisor, State Revolving Fund Branch, Municipal Support Division, at (202) 564-0614, or Philip Metzger, Attorney-Advisor, Infrastructure Branch, Drinking Water Protection Division, at (202) 564-3776.



# DELAWARE SOLID WASTE AUTHORITY

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

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

**Board of Directors**

Richard V. Pryor  
*Chairman*  
Ronald G. McCabe  
*Vice Chairman*  
Theodore W. Ryan  
William J. DiMondi  
Timothy P. Sheldon  
Tonda L. Parks  
Gerard L. Esposito

November 18, 2009

Mr. David Baird  
City of Milford  
P.O. Box 159  
Milford, DE 19963

Dear David:

Enclosed please find the 'Recycle Delaware' numbers and the curbside numbers for the month of October 2009 for the City of Milford. You will be able to see the savings the City of Milford receives from sponsoring the 'Recycle Delaware' program.

Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

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Attachments: City of Milford Site Totals

CITY OF MILFORD October-09	CARDBOARD	SINGLE-STREAM	TOTAL	USED OIL
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LOCATION	LBS	LBS	LBS	
MILFORD MIDD.SCHOOL	796	2,203	2,999	
MARSHALL ST	5,700	65,057	70,757	2800
MILFORD COMMONS	2,389	16,118	18,507	
TOTAL POUNDS	8,885	83,378	92,263	
TOTAL TONS	4.44	41.69	46.13	
AVOIDED USER FEE	\$273.21	\$2,563.87	\$2,837.09	

## CITY OF MILFORD CURBSIDE RECYCLING REPORT

11/19/2009

Pick up Day	Total # of Households	Households picked up	weights/lbs	Tons	% PICKED UP	Avg Lbs
10/1/09	1,057	780	17,360	8.68	74%	22.26
10/8/09	895	591	16,380	8.19	66%	27.72
10/15/09	1,058	709	16,620	8.31	67%	23.44
10/22/09	898	574	15,980	7.99	64%	27.84
10/29/09	1,060	752	19,220	9.61	71%	25.56
<b>OCT 2009 TOTALS</b>	<b>4,968</b>	<b>3,406</b>	<b>85,560</b>	<b>42.78</b>	<b>67%</b>	<b>26</b>

## Selected Area Utilities

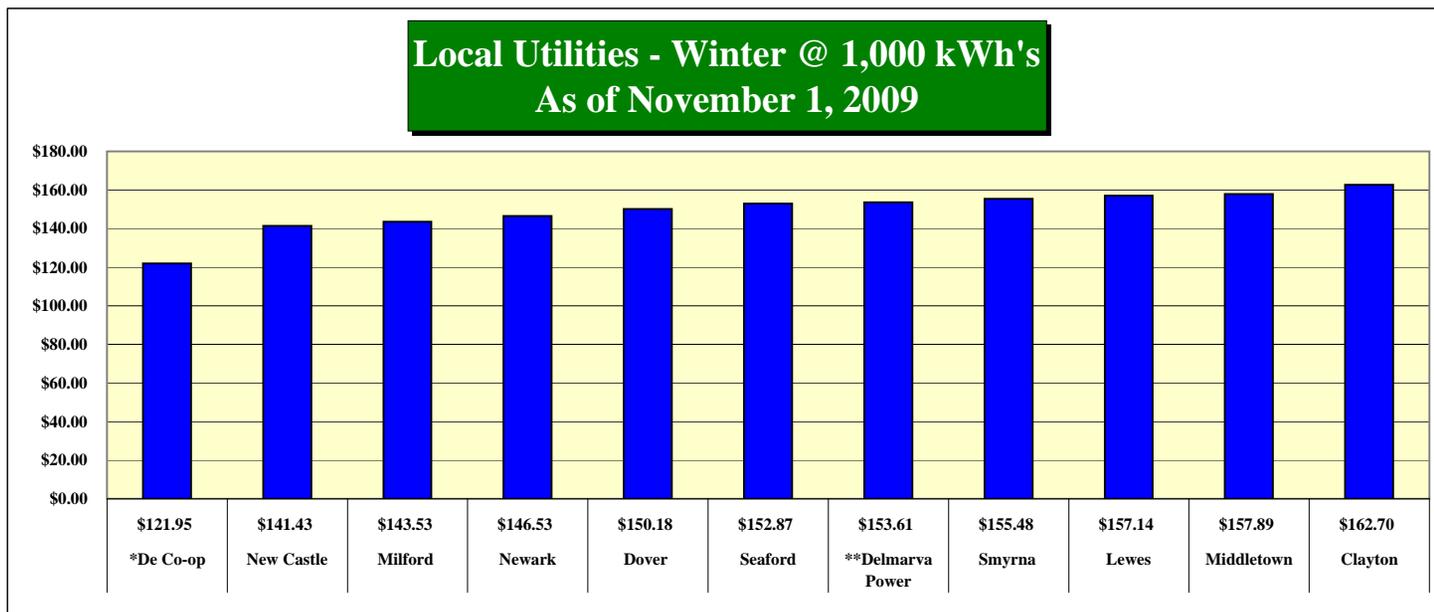
Winter (Oct. - May)

# RESIDENTIAL RATE COMPARISON @ 1,000 kWh

		<u>% Difference</u>	<u>% Difference</u>
<u>*De Co-op</u>	\$121.95	0%	-21%
<u>New Castle</u>	\$141.43	16%	-8%
<u>Milford</u>	\$143.53	18%	-7%
<u>Newark</u>	\$146.53	20%	-5%
<u>Dover</u>	\$150.18	23%	-2%
<u>Seaford</u>	\$152.87	25%	0%
<u>**Delmarva Power</u>	\$153.61	26%	0%
<u>Smyrna</u>	\$155.48	27%	1%
<u>Lewes</u>	\$157.14	29%	2%
<u>Middletown</u>	\$157.89	29%	3%
<u>Clayton</u>	\$162.70	33%	6%

**\* Municipal rate differences with the Coop's rates may represent the City's/Town's margin and/or the funds transferred to the City's/Town's general funds.**

\*\* Approximate. DP&L's transmission capacity charge is based on each individual's Peak Load Contribution (PLC) to the overall transmission load. Each customer has a unique PLC that changes every January.



# Chamber of Commerce for Greater Milford, Inc.



**5 South Washington Street –  
Milford, DE 19963**

**Phone: 302-422-3344**

**Fax: 302-422-7503**

**[www.milfordchamber.com](http://www.milfordchamber.com)**

**Email: [milford@milfordchamber.com](mailto:milford@milfordchamber.com)**

## \*January Events\*

### **Wednesday 20<sup>th</sup>:**

#### **New Member Orientation Power Breakfast**

DE Hospice ~ 100 Patriots Way ~ Milford ~ 8 to 9:30 a.m.

### **Wednesday 27<sup>th</sup>:**

#### **Mixer/Ribbon Cutting/Grand Opening**

Misphillion Art League ~ 5 N. Walnut St. ~ Milford ~ 5 to 7 p.m.

**\*A CCGM Event Calendar will be emailed each month.**

**If you would like your event to be included, please email the information to:  
[milford@milfordchamber.com](mailto:milford@milfordchamber.com).**

**Thank You!!**



May 27, 2009



City of Milford  
City Council  
180 Vickers Drive  
Milford, Delaware 19963

Attn: Gary Norris, AICP

RE: **Request for Annexation**  
W. Nelson & Dorothy I. Hall  
Sussex County Tax Map # 3-30-11.00-06.00  
DBF #1645A004

Dear Mr. Norris:

On behalf of the owners and our client, Bolis Properties L.L.C., we are pleased to submit an annexation request for the property owned by W. Nelson and Dorothy I. Hall in accordance with Section 1.04 of the Charter of Milford. The Comprehensive Plan Update was approved by City Council and is awaiting certification by the Governor of Delaware. It is our understanding that the certification is imminent.

Enclosed with this request are the following documents:

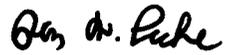
- Petition of Property Owner duly witnessed.
- Current Recorded Deed
- Complete Legal Description
- Current Sealed Property Survey as depicted by Miller Lewis, Inc and signed and sealed by Donald K. Miller.
- Map identifying area proposed for annexation
- CD Containing all information above in .pd format and the Legal Description in Word Format.

We respectfully request the City to begin the Annexation Procedure. Please find enclosed a review fee in the amount of \$32,500.00 (\$2,500 + \$500 x 60 acres) to process this request.

Mr. Gary Norris  
May 27, 2009  
Page 2

Should you have any questions or need additional information, please call at (302) 424-1441.

Sincerely,  
*Davis, Bowen & Friedel, Inc.*

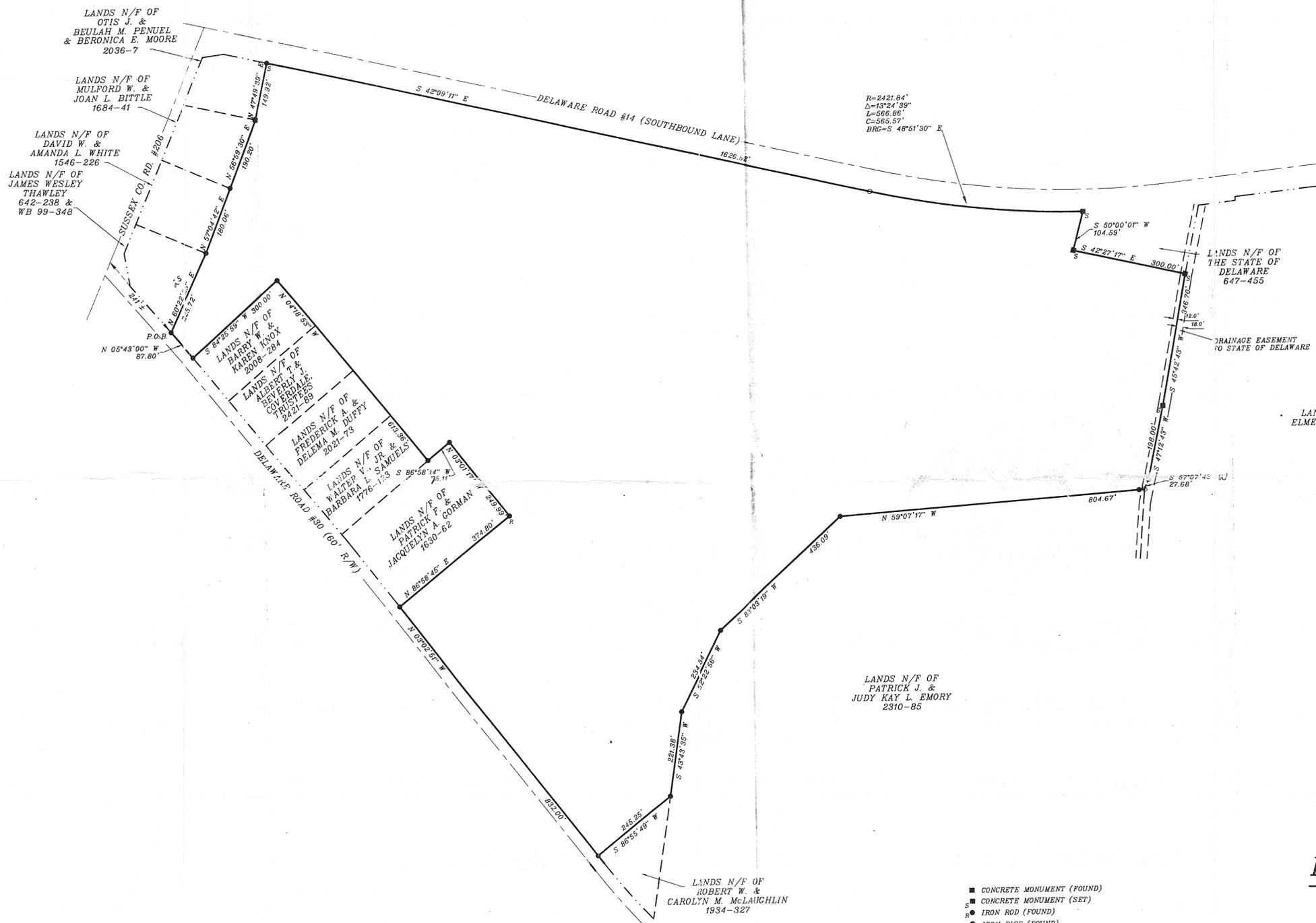
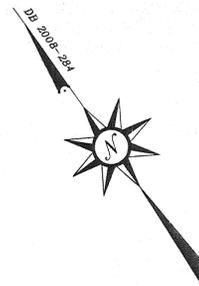


Ring W. Lardner  
Civil Engineer

P:\Bolis\1645A004\Documents\Hall Annexation Cover Letter 2.doc

Enclosures

cc Gary Bolis, Bolis Properties  
David N. Rutt, Moore & Rutt, P.A.



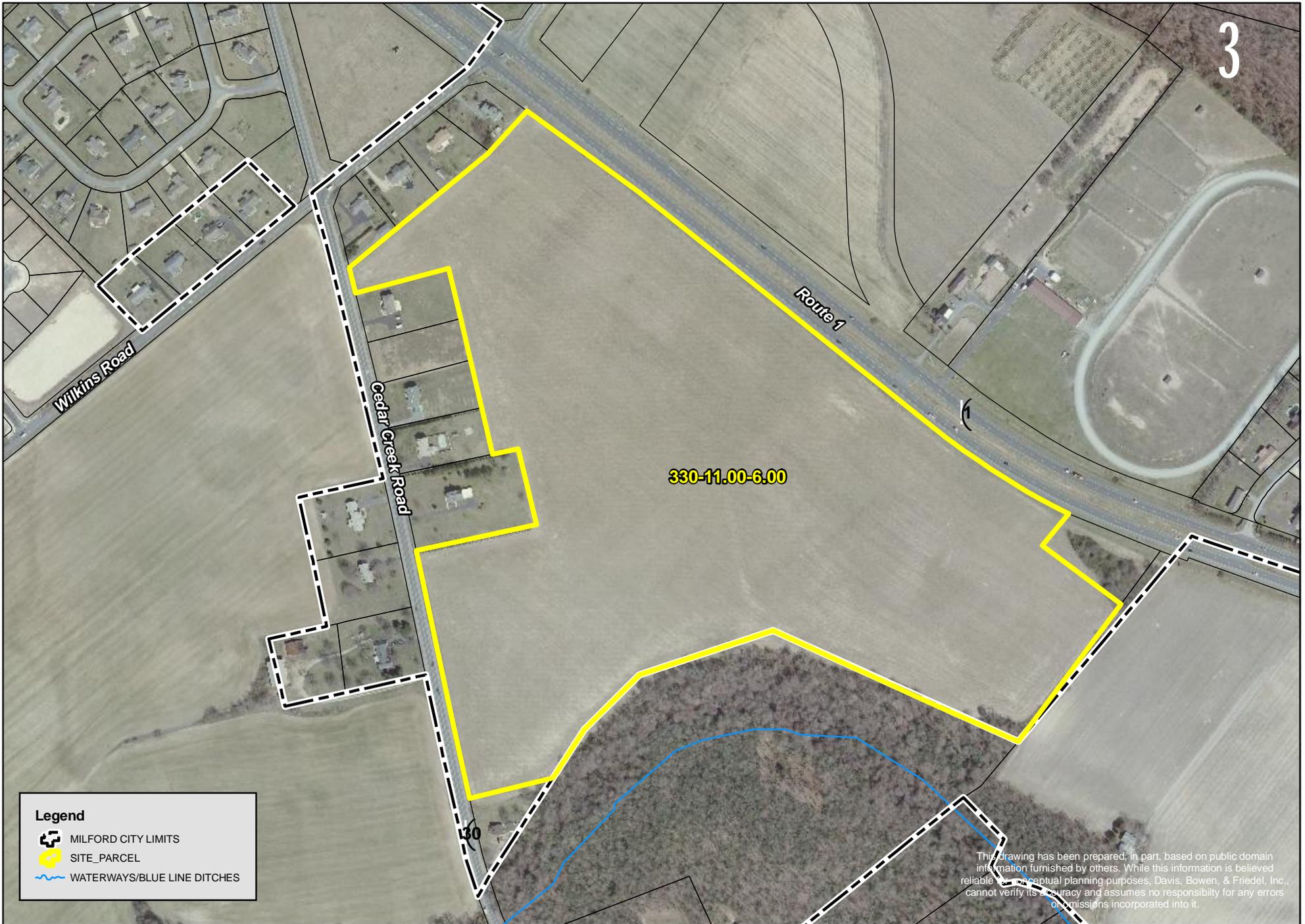
LANDS OF  
**W. NELSON &  
 DOROTHY I. HALL**  
 59.3091 ACRES± SCALE 1" = 150'

- CONCRETE MONUMENT (FOUND)
- CONCRETE MONUMENT (SET)
- IRON ROD (FOUND)
- IRON PIPE (FOUND)
- IRON PIPE (SET)
- POINT

2532  
246

<b>MILLER                  LEWIS, INC.</b> LAND SURVEYORS SEAFORD, DELAWARE	 SEP. 12, 2000	HUNDRED	CEDAR CREEK	COUNTY	SUSSEX
		STATE	DELAWARE	DRAWN BY	D.K. MILLER
		REF	969-165	DWG NO	3-30-11-6

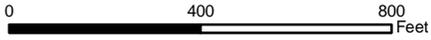
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**Legend**

-  MILFORD CITY LIMITS
-  SITE\_PARCEL
-  WATERWAYS/BLUE LINE DITCHES

This drawing has been prepared, in part, based on public domain information furnished by others. While this information is believed reliable for conceptual planning purposes, Davis, Bowen, & Friedel, Inc., cannot verify its accuracy and assumes no responsibility for any errors or omissions incorporated into it.



**CEDAR CREEK  
PROPOSED ANNEXATION**

Tax Parcels per Sussex County, March 2008  
Spring 2007 Aerial Photograph  
Courtesy of the USDA

**dbf** DAVIS  
BOWEN &  
FRIEDEL, INC.  
ARCHITECTS • ENGINEERS • SURVEYORS  
WILMINGTON, DELAWARE

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
August 19, 2009*

A Meeting of the Annexation Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, August 19, 2009.

PRESIDING: Chairwoman Katrina Wilson

IN ATTENDANCE: Committee Members Douglas Morrow and Michael Spillane  
Planning Commission Chairman Chuck Rini

City Planner Gary Norris City Clerk/Recorder Terri Hudson

Chairwoman Wilson called the Annexation Committee Meeting to order at 6:38 p.m. to review the following request submitted by Ring W. Lardner of Davis, Bowen and Friedel, Incorporated:

*On behalf of the owners and our client, Bolis Properties L.L.C., we are pleased to submit an annexation request for the property owned by W. Nelson and Dorothy I. Hall in accordance with Section 1.04 of the Charter of Milford. The Comprehensive Plan Update was approved by City Council and is awaiting certification by the Governor of Delaware. It is our understanding that the certification is imminent.*

*Enclosed with this request are the following documents:*

*Petition of Property Owner duly witnessed.  
Current Recorded Deed  
Complete Legal Description  
Current Sealed Property Survey as depicted by Miller Lewis, Inc and signed and sealed by  
Donald K. Miller.  
Map identifying area proposed for annexation  
CD Containing all information above in .pd format and the Legal Description in Word Format.*

*We respectfully request the City to begin the Annexation Procedure.*

Mr. Lardner was present on behalf of Developer Gary Bolis/Bolis Properties and Legal Owner Nelson Hall.

He informed the committee the property lies on the east side of Route 30, west side of Route 1 and south side of Wilkins Road. The request included an amendment to the comp plan to C-3. That amendment went through as part of the 2008 Comprehensive Plan update which now shows the property as proposed highway commercial. He noted that should the annexation be approved by council and subsequently zoned C-3, it would be in compliance with the recently certified plan.

City Planner Gary Norris asked the disposition of the properties along Route 30 and Wilkins Road. He noted there are approximately three to four houses on Route 30 and four homes on Wilkins Road. Mr. Lardner advised that in his last discussion with DELDOT, the four homes on the south side of Wilkins Road east of Route 30 will be acquired by DELDOT as part of the alignment. His understanding is the Wilkins Road overpass will now be an on-road alignment and not a road shift as was originally proposed. The plans for the four homes, along with a vacant lot, on Route 30 are to remain. DELDOT does not feel they will need to acquire them though they could need some additional right-of-way easements.

Mr. Lardner reported he has an unofficial meeting with DELDOT Engineer John Gaines tomorrow to discuss the improvements critical to the Hall property as far as access to Route 1. He has seen three different alignments through the Hall property and is hoping to get a much clearer picture of what is planned. By the time the annexation public hearings are scheduled, Mr. Lardner hopes to have a better answer regarding the overpass.

Mr. Gaines had previously informed Mr. Lardner they are approximately six weeks away from preliminary design

submission, which is an approximate 75% solution to the project. Construction is scheduled to begin in 2011 with completion by 2013-2014. He noted it is DELDOT Secretary Carolann Wicks' number one priority for the overpass to be built and is receiving top support from the bottom to the top.

Mr. Norris then questioned the sign on the site indicating commercial development. He asked if none of that land is used for the overpass and is intact for commercial uses, does the developer have things in place for development. Mr. Lardner answered that back in 2007 when the comp plan update was first being discussed, tenants lined up through conditional verbal agreements though no contracts had been signed. With the downturn in the economy, those tenants have since backed out of all agreements so there are no proposed tenants at this time. He advised the purpose of the sign was to get the attention of people traveling on Route 1. He said that things are appearing better and in speaking with Mr. Bolis, they expect those verbal commitments to reappear over the next six months if the economy continues to improve.

Mr. Morrow asked for the overall time table as far as moving forward. Mr. Lardner said a lot depends on the timetable established by the city. If the public hearings occur in September or October and the final vote is in November, they would then go through a three to four-month design process for preliminary plan approval and another six to eight months to complete the process.

He said that once the PLUS process is complete, a shopping center requires a conditional use which is an additional approval process. Construction documents will take another six to eight months. It could take another eighteen to twenty-four months before the final plan approval is obtained. In addition, DELDOT should begin construction of the overpass so that everything can be built and opened at the same time. Mr. Lardner pointed out that time frame is subject to shift depending on many factors.

Mr. Morrow confirmed the time line will coincide with DELDOT's construction of the overpass. Mr. Lardner confirmed that is one of their requirements adding that was included in the original comments. They did not want this project completed prior to the opening of the overpass. Simultaneous construction is possible, but they did not want this development to be completed ahead of their schedule.

Mr. Rini asked for a clarification of the exit onto Route 1 from the proposed site even though nothing has been determined yet. Mr. Lardner explained the alignment shows a right in/right out onto Route 1 south of the overpass. He believes it will be an on-grade exit explaining the exits will not be above the existing ground. A service type road is expected to tie into Route 30. The part not finalized is whether it will have right in/right out or a flyway with a very long radius. However, all plans so far have shown a right in/right out. Also, none have shown a direct access to the property and instead use a service type road with entrances into this parcel.

Mr. Rini asked if in the southeast corner, a service road would surround the shopping area. Mr. Lardner referred to the map showing the area with the service road which would tie in just south of the property. He pointed out the proposed entrance into the Fannin property. He also referenced another possible alignment closer to the existing home near the Hall property. There will be a right in and a right out using the same road for southbound traffic. The other question not answered is how northbound vehicles will exit.

He hopes to have many of these questions answered tomorrow.

Mr. Spillane asked if a road will be going into the Fannin property. Mr. Lardner said he is unaware of any formal plans being submitted by Mr. Fannin though he has seen some proposed entrance plans where an attempt was made to align the two entrances across from each other instead of staggering the entrances.

It was confirmed that no formal plans have been submitted for the Fannin property though Mr. Lardner has seen a map with a proposed entrance which was going to be aligned with the entrance/exits of this parcel.

Ms. Wilson emphasized that the city does not have jurisdiction over the roadway issues and those decisions will be made by DELDOT.

Mr. Morrow said that at the point when the preliminary plan and subdivision plans are submitted, more information will be obtained from DELDOT before final approvals are granted by the city.

Mr. Spillane asked if we can postpone action on this annexation until the plan has been finalized by the state. He thinks there are many problems and prefers that be addressed before we proceed.

Mr. Morrow agrees with Mr. Spillane but noted they will not allow them to proceed with the commercial development until the roadways are built. Mr. Spillane said that Mr. Reed and some other DELDOT representatives informed him that DELDOT will only build the overpass. He said there are no funds for any extension of roads. He is concerned that cars coming from the overpass will be exiting on secondary roads that are unable to handle the current traffic. Therefore, he feels those issues need to be discussed and worked out first.

Ms. Wilson pointed out that many of those issues will be addressed as the process continues. There will be a number of approvals needed as the plans are presented. She said this is only step one and much more work is needed before any development can be considered. The State of Delaware will also be reviewing this plan before it is brought to the city for any final approval.

Mr. Spillane reiterated that DELDOT told him personally that they do not have the funds to make improvements to these roads; he asked if that will be the responsibility of the developer.

Mr. Rini then moved to recommend to city council they proceed with the annexation of the Hall property with a C-3 zone with the following conditions:

- 1) The development of the Fannin property has no impact on the annexation of this Hall property.
- 2) If this property is not annexed, it could be developed under Sussex County which will prevent the city from having any control and no say which he feels would be a tremendous mistake.
- 3) If a shopping center or large retail commercial area is developed, that would create additional tax revenues which will benefit the city and the residents.
- 4) When land use applications are submitted, at that point the roadways and other infrastructure can be addressed.

Mr. Morrow seconded the motion adding it is very important for Milford to keep control over this land. Any concerns with roadways can be better addressed if this property is in the city. Also, after it is annexed, the city will become the recipient of real estate transfer and property taxes and other applicable revenues as this land is developed.

When asked for questions, Mr. Spillane noted there have been discussions about a possible sewer plant and tower being placed in this area. City Planner Norris reported that DBF has submitted early preliminary drawings showing how the southeast area would have water and sewer service. There is a proposal to place a water tower in that area and Mr. Bolis had indicated he may be willing to donate the land for the tower. Mr. Lardner confirmed noting there is a meeting with the city on September 10<sup>th</sup> to discuss some possible locations which largely depend on DELDOT's roadway system.

Mr. Lardner explained that at this time, he is only asking for annexation and zoning of the land. All other concerns, which he agrees are valid, will be addressed as the plans are submitted to the city. Should the annexation be approved by city council, the next step would involve traffic impact studies, preliminary subdivision designs, etc. The final answers will eventually become available though he does not expect anything sooner than six to eight months.

Mr. Norris emphasized that the city has had preliminary discussions with other land owners in the southeast planning area. There are several options being considered for the water tower and water system to serve that area though that will be the decision of the city manager.

Motion carried by a unanimous roll call vote.

Mr. Spillane said he has some concerns but right now the committee is only addressing the annexation, though he did read in the charter we are supposed to submit to council the pros and cons of annexation. For the sake of times, he said

he will vote yes.

Mr. Rini voted yes for the reasons previously stated.

Mr. Morrow said he votes yes for the reasons he also stated and added it coincides with the land use plan in the current comprehensive plan and those concerns presented tonight can be addressed during the process.

Ms. Wilson votes yes because it is included in the comprehensive plan, it is at a very early stage where the city can stay on track with DELDOT, the developers will work with DELDOT to address these concerns and she is very hopeful the roadway issues will be worked out. She also noted this annexation has been on the radar screen for several years and would like to see some resolution.

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

Chairwoman Wilson adjourned the Annexation Committee meeting at 7:09 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

**CITY OF MILFORD  
PLANNING COMMISSION**

*Minutes of Meeting  
October 20, 2009*

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, October 20, 2009.

**PRESIDING:** Chairman Charles Rini

**IN ATTENDANCE:** Commissioners Kim Stevenson, John Kramlich, Marvin Sharp, George Pilla, Archie Campbell, Karen McColley

**ALSO:** City Planner Gary Norris, Department Administrative Assistant/Recording Secretary Christine Crouch

**COUNSEL:** City Solicitor Timothy Willard

Davis, Bowen & Friedel on behalf of W. Nelson Hall & W. Nelson Hall Substitute Trustee  
Review and Recommendation of Zoning for Annexation  
59.309 +/- Acres on the east side of Rt 30 and southwest side of Rt 1  
Tax Map 3-30-11.00-006.00; Currently AR-1 District, Proposed C-3 District  
Adoption of Resolution PC09-027

Mr. Ring Lardner with DBF, the owner of the property Mr. Gary Bolis and his attorney Mr. David Rutt, were present to represent the application. He confirmed the commissioners were familiar with the location of the subject parcel. Mr. Lardner explained during the Comprehensive Plan update process the City recently had certified by the State of Delaware, this property was designed in the Future Land Use Map as commercial. The owner requested annexation into the City as C3 in May of 2009. The zoning request is appropriate for the following reasons: the property is bounded on the east side by Rt 1, the proposed use of the property will be retail and job opportunities, it will also serve local and regional customers, it is also planned near planned infrastructure and the owner is working with DelDOT regarding their proposed overpass which is planned to start construction in FY 2011. At this point in time, DelDOT is proposing an alignment through this parcel.

Mr. Lardner stated the developer acknowledges that the property construction will not begin before DelDOT does the Wilkins Road overpass.

A proposed elevated water tower and wells are being negotiated with the City, contingent on DelDOT's final plans for the road alignment through the property.

The annexation committee made a unanimous recommendation for the C3 zoning.

Mr. Norris stated the planning commission is to make a recommendation regarding the zoning of this property for annexation, and must take into consideration the current comprehensive plan when doing so. He stated the proposed zoning is consistent with the comprehensive plan.

Mr. Kramlich confirmed the project will not begin until DelDOT's construction begins on the road alignment. He questioned what would happen if DelDOT does not begin. Mr. Lardner stated DelDOT's project has been funded and construction will take place, which DelDOT has already promised to Mr. David Baird already and Kent and Sussex County.

Mr. Rini acknowledged a letter was received from a neighboring property owner who was unable to attend the hearing tonight requesting when the property is developed, adequate buffering be required between the subject parcel and the adjacent residential properties.

Mr. Rini called for public comment.

Mr. Patrick Gorman of 7255 Cedar Creek Rd in Lincoln, DE stated while he is not opposed to the annexation or zoning, he is concerned about the open-endedness of the project. He stated two or three years ago he came to a meeting regarding the town center and had a lot of reservations about the project because the developer had no experience and pointed to a similar center in NC and said that is what his project would look like. He questioned if there is a project that will go forward here and is it on a time line?

Mr. Bolis of Bolis Properties explained he and his partners of this project have just completed a 740,000 square foot mega center in PA and he personally has a history of doing commercial projects. In regards to the plans for the parcel, he and his partners have been in contact with several large grocery stores and a home improvement store. The plan is to bring approximately 400 jobs with this project. The timeline for it is 2011 where the breaking ground would take place.

Mr. Patrick Emory of 7403 Cedar Creek Rd in Lincoln, DE stated he owns property adjacent to the subject parcel and he is not opposed to the project. He asked the location of the water tower and an assumed pump station that was referred to as being located on the property. His other question pertained to the possibility of having a fence be installed along Mr. Emory's property and the subject parcel so trash does not get onto Mr. Emory's property.

Mr. Willard explained when commercial development occurs next to residential, which is the case here, the commercial development is required by code to provide a 15' buffer.

Mr. Lardner explained the location of water tower and pump station have not been finalized. Discussions among the five property owners, which include this property, Milford Housing Authority, Benson property, and Fannin, continue.

Beverly Coverdale of 5884 S Rehoboth Blvd in Milford, DE questioned where the entrance of the shopping center would be.

Mr. Lardner clarified a site plan, which is where this information would be gleaned, has not been proposed. Discussions with DelDOT have been and will continue to be extensive in order to determine where the road alignment will be and entrances.

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

Mr. Gleysteen stated in looking at the plat, C3 zoning makes sense since the property has Rt 1 frontage, but questioned how it will affect the neighboring properties on Rt 30. He asked if the developer had given any consideration to subdividing the property and making the Rt 30 frontage residential. Mr. Norris explained there are only four properties adjacent that are residential, the remaining are commercial. Mr. Gleysteen explained his concerns were addressed then.

A motion by Mrs. Stevenson to approve resolution PC09-027 was seconded by Mr. Campbell. Motion carried following a poll of the commission.

Yes – Stevenson, Sharp, Pilla, Gleysteen, Campbell, McColley, Rini  
Abstain - Kramlich

**CITY OF MILFORD  
PLANNING COMMISSION**

**RESOLUTION NO. PC09-027**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,  
DELAWARE, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF  
MILFORD FOR  
THE RECOMMENDED ZONING FOR  
W. NELSON HALL & W. NELSON HALL SUBSTITUTE TRUSTEE  
AT DEL RT 30 AND DEL RT 1  
TAX MAP 3-30-11.00-006.00**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on October 20, 2009; and,

WHEREAS, by a vote of 7 to 0 (1 abstain) recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following conditions:  
Tax map 3-30-11.00-006.00 with a zoning designation of C-3.

APPROVED: \_\_\_\_\_



Charles Rini,  
Planning Commission Chairman

SIGNED: \_\_\_\_\_



Christine Crouch,  
Planning Commission Rec Secretary

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*November 23, 2009*

The Milford City Council held Public Hearings on Monday, November 23, 2009 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING:                   Honorable Mayor Daniel Marabello

IN ATTENDANCE:       Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins,  
Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

ALSO:                        City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Marabello called the Public Hearing to order at 7:03 p.m.

City Council of the City of Milford held hearings to take public comment and make a final determination on the following matters:

*Annexation/Lands of W. Nelson Hall Trustee & W. Nelson Hall Substitute Trustee*  
*Current Zone AR-1/Proposed Zone C-3*  
*Tax Parcel 3-30-11.00-06.00*  
*Adoption of Ordinance 2009-20*

City Planner Norris advised the Planning Commission met on October 20, 2009 and voted 7-0 (one abstention) on PC Resolution 2009-27 recommending approval of the application with a C-3 zone. At last week's planning commission, by a vote of 7-0, they recommended approval of Ordinance 2009-20 which would change the zoning from agricultural to C-3.

Civil Engineer Ring Lardner of Davis, Bowen and Friedel, Incorporated of Milford, Delaware presented the application on behalf of the legal owners. Also present, was David Rutt, Nelson Hall's attorney as well as Gary Bolis, Jr. of Bolis Properties.

Mr. Lardner recalled the comp plan being certified by Governor Jack Markell in July 2009. Part of the comp plan was a request by Mr. Hall that this land be included in the future growth area with a C-3 zoning. It was adopted as part of the comp plan update.

Mr. Spillane asked how the completed overpass will impact Route 206/Wilkins Road and asked if there has been a study to determine its effect.

Mr. Lardner explained that DeIDOT has performed an area wide study as far as improvements, many of which are twenty years in the future. He noted that DeIDOT Planning Director Ralph Reeb is in attendance to provide some additional information later in the meeting.

He said should the annexation proceed and be approved, a site plan will be provided. At that time, a traffic impact study will be performed. That impact study will dictate any other improvements needed in addition to the overpass currently being planned. He concluded by stating they received an unanimous vote in favor of the change of zone by the planning commission.

Mr. Spillane asked for confirmation that some homes on Wilkins Road have been purchased by the state; he also asked if Parcel 405 will be seized by the state as well.

DeIDOT Planning Director Ralph Reeb then informed council they have purchased, or are in the process of purchasing four homes at the corner of Route 206 and Route 1. He stated they have no need for the triangular shaped piece. The only point of access will be off Route 30. Any development of that property would require an analysis depending on the proposed use. DeIDOT will continue to work with the city planner to determine what can fit and to make sure it is safe. The mayor opened the floor for comments regarding this application; no one responded so he closed the floor for any further public comment.

Mayor Marabello confirmed the Plan of Services has not been completed so final action cannot be taken this evening. The annexation will be placed on the next agenda with the hope the plan of services will have been accepted by state planning at that time, as was agreed by the city planner.



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET

December 22, 2009

Mr. Gary Norris  
City of Milford  
201 S. Walnut Street  
Milford, DE 19963

**RE: Plan of Services 2009-24, Hall Property Annexation  
Tax Parcel # 330-11.00-6.00**

Dear Mr. Norris,

This letter is to confirm that we have accepted the Plan of Services as complete for the above-referenced annexation. The City of Milford has completed all relevant annexation requirements of Title 22, Section 101, Delaware Code.

After this property has been annexed please notify our office in writing so that we may update our records and maps. A copy of the official annexation resolution should accompany this notification. If you have any questions or concerns, please do not hesitate to contact me at (302) 739-3090.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell".

David L. Edgell, AICP  
Principal Planner

cc: Connie Holland  
Laura Simmons



Ordinance 2009-20

Annexation/Lands of W. Nelson Hall Trustee & W. Nelson Hall Substitute Trustee  
Tax Parcel 3-30-11.00-06.00

An Ordinance to Amend the Zoning Designation of the parcel of land under the legal ownership of Hall & W. Nelson Hall, Trustee, & W. Nelson Hall, Substitute Trustee, lying and being on the easterly side of Delaware Road #30 and the southwesterly side of Delaware Route 1, located in the Cedar Creek Hundred, Sussex County, Delaware, as shown on a plot entitled "Lands of W. Nelson & Dorothy I. Hall.", dated September 12, 2000, to be annexed into the City of Milford by resolution, hereafter adopted by the City Council of Milford, Delaware.

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

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

WHEREAS, the land owned by W. Nelson Hall Trustee & W. Nelson Hall Substitute Trustee, Tax Parcel 3-30-11.00-06.00 is currently zoned by Sussex County as "AR-1" (Agriculture-Residential District), and

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

WHEREAS, after a Public Hearing held on November 23, 2009, and after considering the previous recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

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

BEGINNING at a point formed by the intersection of the easterly right-of-way line of Delaware Road #30, 60 feet wide, with the southeasterly line of lands, now or formerly, of James Wesley Thawley, as recorded in the Sussex County Office of the Recorder of Deeds, Deed Book 642, Page 238,

- 1) Thence, leaving said right-of-way of Delaware Road #30 and coincident with said Thawley lands, North 60 degrees 22 minutes 25 seconds East 225.72 feet to iron pipe found at a point along the southeasterly line of lands, now or formerly, David W. & Amanda L. White, as recorded in said Office of the Recorder of Deeds, Deed Book 1546, Page 226,
- 2) Thence, leaving said Thawley lands and coincident with said White lands, North 57 degrees 04 minutes 42 seconds East 180.06 feet to an iron pipe found at a point along the southeasterly line of lands, now or formerly, Mulford W. & Joan L. Bittle, as recorded in the said Office of the Recorder of Deeds, Deed Book 1684, Page 41,
- 3) Thence, leaving said White lands and coincident with said Bittle lands, North 56 degrees 59 minutes 30 seconds East 190.20 feet to a concrete monument found at a point along the southeasterly line of lands, now or formerly, Otis J. & Beulah M. Penuel & Beronica E. Moore, as recorded in the said Office of the Recorder of Deeds, Deed Book 2036, Page 7,
- 4) Thence, leaving said Bittle lands and coincident with said Penuel & Moore lands, North 47 degrees 49 minutes 39 seconds East 149.92 feet to a concrete monument set at a point along the southwesterly right-of-way line of said Delaware Route 1,
- 5) Thence, leaving said Penuel & Moore lands and coincident with said right-of-way of Delaware Route 1, the following 2 courses and distances, South 42 degrees 09 minutes 11 seconds East 1626.52 feet to a point,
- 6) Thence, along a curve to the left, having a radius of 2421.84 feet, an arc length of 566.86 feet and a chord bearing and distance of South 48 degrees 51 minutes 30 seconds East 565.57 feet to a concrete monument set at a point on the northwesterly line of lands, now or formerly, The State of Delaware, as recorded in the said Office of the Recorder of Deeds, Deed Book 647, Page 455,

- 7) Thence, leaving said right-of-way of Delaware Route 1 and coincident with said State of Delaware lands, the following 2 courses and distances, South 50 degrees 00 minutes 01 seconds West 104.59 feet to a concrete monument set at a point,
- 8) Thence, South 42 degrees 27 minutes 17 seconds East 300.00 feet to a concrete monument set at a point along the northwesterly line of lands, now or formerly, Elmer J. Roberts,
- 9) Thence, leaving said State of Delaware lands and coincident with said Roberts lands, the following 3 courses and distances, South 45 degrees 42 minutes 43 seconds West 346.70 feet to a concrete monument set at a point,
- 10) Thence, South 47 degrees 12 minutes 43 seconds West 198.00 feet to a point,
- 11) Thence, South 57 degrees 07 minutes 43 seconds West 27.68 feet to a point along the northeasterly line of lands, now or formerly, Patrick J. & Judy Kay L. Emory, as recorded in the Office of the Recorder of Deeds, Deed Book 2310, Page 85,
- 12) Thence, leaving said Roberts lands and coincident with said Emory lands, the following 4 courses and distances, North 59 degrees 07 minutes 17 seconds West 804.67 feet to an iron pipe found at a point,
- 13) Thence, South 83 degrees 03 minutes 19 seconds West 436.09 feet to an iron pipe found at a point,
- 14) Thence, South 62 degrees 22 minutes 56 seconds West 234.84 feet to an iron pipe found at a point,
- 15) Thence, South 43 degrees 43 minutes 35 seconds West 221.38 feet to an iron pipe found at a point along the northerly line of lands, now or formerly, Robert W. & Carolyn M. McLaughlin,
- 16) Thence, leaving said Emory lands and coincident with said McLaughlin lands, South 86 degrees 55 minutes 49 seconds West 245.25 feet to an iron pipe found at a point along the easterly right-of-way line of Delaware Road #30,
- 17) Thence, leaving said McLaughlin lands and coincident with said right-of-way of Delaware Road #30, North 03 degrees 02 minutes 51 seconds West 832.00 feet to an iron pipe found along the southerly line of lands, now or formerly, Patrick F. & Jacquelyn A. Gorman, as recorded in the said Office of the Recorder of Deeds, Deed Book 1630, Page 62,
- 18) Thence, leaving said Delaware Road #30 and coincident with said Gorman lands, the following 3 courses and distances, North 86 degrees 58 minutes 45 minutes East 374.80 feet to an iron rod found at a point,
- 19) Thence, North 03 degrees 01 minutes 17 seconds West 249.99 feet to an iron pipe found,
- 20) Thence, South 86 degrees 58 minutes 14 seconds West 75.11 feet to an iron pipe found at a point along the easterly line of lands, now or formerly, Walter V., Jr. & Barbara L. Samuels, as recorded in the said Office of the Recorder of Deeds, Deed Book 1776, Page 123,
- 21) Thence, leaving said Gorman lands and coincident with said Samuels lands, and in part with lands, now or formerly, Frederick A. & Delema M. Duffy, as recorded in the Office of the Recorder of Deeds, Deed Book 2021, Page 73, and in part with lands, now or formerly, Albert T. & Beverly J. Coverdale, as recorded in the said Office of the Recorder of Deeds, Deed Book 2421, Page 89, and in part with lands, now or formerly, Barry W. & Karen Know, as recorded in the said Office of the Recorder of Deeds, Deed Book 2008, Page 284, the following 2 courses and distances, North 04 degrees 18 minutes 53 seconds West 613.36 feet to an iron pipe found at a point,
- 22) Thence, South 84 degrees 25 minutes 59 seconds West 300.00 feet to an iron pipe found at a point along the easterly line of said right-of-way Delaware Road #30,
- 23) Thence, leaving said Knox and coincident with said right-of-way Delaware Road #30, North 05 degrees 43 minutes 00 seconds West 87.80 feet to the point and place of beginning;

CONTAINING 59.309 acres of land shall be, upon final approval of its annexation into the City of Milford, classified under the Zoning Ordinance of the City of Milford and zoned as C-3 (Commercial Highway District).

Dates:

Introduction to City Council: November 9, 2009

Planning Commission Public Hearing: November 17, 2009

City Council Public Hearing: November 23, 2009

Adoption Date: January 11, 2010

Effective Date: January 21, 2010

# City of Milford

Annexation/Lands of W. Nelson Hall Trustee & W. Nelson Hall Substitute Trustee

Tax Parcel 3-30-11.00-06.00

59.309 +/- Acres

Current Zone AR-1

Proposed Zone C-3

## RESOLUTION

### 2010-1

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

**ALL** that piece or parcel of land, hereinafter described, situate, lying and being on the easterly side of Delaware Road #30 and the southwesterly side of Delaware Route 1, and being located in the Cedar Creek Hundred, Sussex County, Delaware, as shown on a plot entitled "Lands of W. Nelson & Dorothy I. Hall.", dated September 12, 2000; said piece or parcel of land being more particularly described as follows:

**BEGINNING** at a point formed by the intersection of the easterly right-of-way line of Delaware Road #30, 60 feet wide, with the southeasterly line of lands, now or formerly, of James Wesley Thawley, as recorded in the Sussex County Office of the Recorder of Deeds, Deed Book 642, Page 238,

1) Thence, leaving said right-of-way of Delaware Road #30 and coincident with said Thawley lands, North 60 degrees 22 minutes 25 seconds East 225.72 feet to iron pipe found at a point along the southeasterly line of lands, now or formerly, David W. & Amanda L. White, as recorded in said Office of the Recorder of Deeds, Deed Book 1546, Page 226,

2) Thence, leaving said Thawley lands and coincident with said White lands, North 57 degrees 04 minutes 42 seconds East 180.06 feet to an iron pipe found at a point along the southeasterly line of lands, now or formerly, Mulford W. & Joan L. Bittle, as recorded in the said Office of the Recorder of Deeds, Deed Book 1684, Page 41,

3) Thence, leaving said White lands and coincident with said Bittle lands, North 56 degrees 59 minutes 30 seconds East 190.20 feet to a concrete monument found at a point along the southeasterly line of lands, now or formerly, Otis J. & Beulah M. Penuel & Beronica E. Moore, as recorded in the said Office of the Recorder of Deeds, Deed Book 2036, Page 7,

4) Thence, leaving said Bittle lands and coincident with said Penuel & Moore lands, North 47 degrees 49 minutes 39 seconds East 149.92 feet to a concrete monument set at a point along the southwesterly right-of-way line of said Delaware Route 1,

5) Thence, leaving said Penuel & Moore lands and coincident with said right-of-way of Delaware Route 1, the following 2 courses and distances, South 42 degrees 09 minutes 11 seconds East 1626.52 feet to a point,

6) Thence, along a curve to the left, having a radius of 2421.84 feet, an arc length of 566.86 feet and a chord bearing and distance of South 48 degrees 51 minutes 30 seconds East 565.57 feet to a concrete monument set at a point on the northwesterly line of lands, now or formerly, The State of Delaware, as recorded in the said Office of the Recorder of Deeds, Deed Book 647, Page 455,

7) Thence, leaving said right-of-way of Delaware Route 1 and coincident with said State of Delaware lands, the following 2 courses and distances, South 50 degrees 00 minutes 01 seconds West 104.59 feet to a concrete monument set at a point,

8) Thence, South 42 degrees 27 minutes 17 seconds East 300.00 feet to a concrete monument set at a point along the northwesterly line of lands, now or formerly, Elmer J. Roberts,

9) Thence, leaving said State of Delaware lands and coincident with said Roberts lands, the following 3 courses and distances, South 45 degrees 42 minutes 43 seconds West 346.70 feet to a concrete monument set at a point,

10) Thence, South 47 degrees 12 minutes 43 seconds West 198.00 feet to a point,

11) Thence, South 57 degrees 07 minutes 43 seconds West 27.68 feet to a point along the northeasterly line of lands, now or formerly, Patrick J. & Judy Kay L. Emory, as recorded in the Office of the Recorder of Deeds, Deed Book 2310, Page 85,

12) Thence, leaving said Roberts lands and coincident with said Emory lands, the following 4 courses and distances, North 59 degrees 07 minutes 17 seconds West 804.67 feet to an iron pipe found at a point,

13) Thence, South 83 degrees 03 minutes 19 seconds West 436.09 feet to an iron pipe found at a point,

14) Thence, South 62 degrees 22 minutes 56 seconds West 234.84 feet to an iron pipe found at a point,

15) Thence, South 43 degrees 43 minutes 35 seconds West 221.38 feet to an iron pipe found at a point along the northerly line of lands, now or formerly, Robert W. & Carolyn M. McLaughlin,

16) Thence, leaving said Emory lands and coincident with said McLaughlin lands, South 86 degrees 55 minutes 49 seconds West 245.25 feet to an iron pipe found at a point along the easterly right-of-way line of Delaware Road #30,

17) Thence, leaving said McLaughlin lands and coincident with said right-of-way of Delaware Road #30, North 03 degrees 02 minutes 51 seconds West 832.00 feet to an iron pipe found along the southerly line of lands, now or formerly, Patrick F. & Jacquelyn A. Gorman, as recorded in the said Office of the Recorder of Deeds, Deed Book 1630, Page 62,

18) Thence, leaving said Delaware Road #30 and coincident with said Gorman lands, the following 3 courses and distances, North 86 degrees 58 minutes 45 minutes East 374.80 feet to an iron rod found at a point,

19) Thence, North 03 degrees 01 minutes 17 seconds West 249.99 feet to an iron pipe found,

20) Thence, South 86 degrees 58 minutes 14 seconds West 75.11 feet to an iron pipe found at a point along the easterly line of lands, now or formerly, Walter V., Jr. & Barbara L. Samuels, as recorded in the said Office of the Recorder of Deeds, Deed Book 1776, Page 123,

21) Thence, leaving said Gorman lands and coincident with said Samuels lands, and in part with lands, now or formerly, Frederick A. & Delema M. Duffy, as recorded in the Office of the Recorder of Deeds, Deed Book 2021, Page 73, and in part with lands, now or formerly, Albert T. & Beverly J. Coverdale, as recorded in the said Office of the Recorder of Deeds, Deed Book 2421, Page 89, and in part with lands, now or formerly, Barry W. & Karen Know, as recorded in the said Office of the Recorder of Deeds, Deed Book 2008, Page 284, the following 2 courses and distances, North 04 degrees 18 minutes 53 seconds West 613.36 feet to an iron pipe found at a point,

22) Thence, South 84 degrees 25 minutes 59 seconds West 300.00 feet to an iron pipe found at a point along the easterly line of said right-of-way Delaware Road #30,

23) Thence, leaving said Knox and coincident with said right-of-way Delaware Road #30, North 05 degrees 43 minutes 00 seconds West 87.80 feet to the point and place of beginning; containing 59.309 acres of land.

and having considered the recommendation of the Annexation Committee appointed to investigate said annexation; having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code and whether or not to proceed with the proposed annexation; City Council having held a Public Hearing

on November 23, 2009 on said annexation; having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code; the City of Milford, hereby determines as follows:

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

**Be It Further Resolved**, the Petitioner and the City of Milford enter into an annexation agreement for purposes including, but not limited to, the dedication of easements and/or right-of-ways to the City of Milford or State of Delaware for future utility, roads or other public improvements as determined by the City of Milford and/or State of Delaware.

**And Be It Further Resolved**, that from and after the adoption date of this resolution, the territory annexed will be assessed and taxed at the same rate and basis as other taxable properties within the City of Milford.

**NOW I, Daniel Marabello, Mayor of the City of Milford**, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on January 11, 2010, at which a quorum was present and voting throughout and that the same is still in full force and effect.

---

Mayor Daniel Marabello  
City of Milford, Delaware

Sworn and subscribed before me this 11<sup>th</sup> day of January 2010.

---

Teresa K. Hudson, Notary Public  
Commission Expires 7-25-12



# **Kent County Sports Facility: *Making a Dream a Reality***

Linda Parkowski  
Delaware Tourism Office

Cindy Small  
Kent County CVB



# Questions?

- What can meet the wants and needs of the majority of youth in Kent County area?
- What can serve as an economic generator by attracting visitors to Kent County?
- What is somewhat recession proof?
- What is healthy and receives parental support?
- What can enhances overall quality of life for everyone in Kent County?



# ANSWER

Sport  
&  
A Sport Facility





# IMAGINE

- 15 multipurpose fields hosting soccer, lacrosse, field hockey and football
- A lighted, turf stadium seating for up to 1,000,
- A concession stand and pro shop
- Locker rooms, meeting rooms and restrooms.
- Thousands of children and adults from Kent County using the facility
- Thousands of outside visitors drawn to Kent County because of the facility and tournaments



# IMAGINE



United Sports Training Center    Downingtown, PA



# Benefits of Kent County Facility

- Economic Impact
- Increased Visitors to Kent County
- Improved Quality of Living in Kent County
- Recreational Outlet
- Increased Property Values
- Increased Taxes for the County
- Increased County and State Visibility
- Effective Use of County-Owned Land



# Benefits of Kent County Facility

- Allows Kent County and State to pursue bids to host more sport and related events
- Job creation
- Better ROI than other possible facilities
- Less expense to develop than other projects
- Increased revenues for hotels, restaurants, service providers and retailers
- Brings people from different backgrounds together



# Economic Impact Facts

- Amateur Sport
  - Estimated \$3.3 billion to \$4 billion in direct spending at amateur sports events in the United States
  - That's more than 10 times the estimated economic impact of the 2005 Super Bowl
- Greater Chattanooga Sports and Events Committee
  - Estimated that economic impact generated from sporting events held in Chattanooga in 2005, surpassed the \$23.8 million mark



# Economic Impact Facts

- U.S. Youth Soccer Region 1 Championships
  - Charlestown, West Virginia
  - Provided \$12 million in economic impact
  - 20,000 people in 5 days



# Why Tournaments?

- The visitors shop in our stores
- Eat in our restaurants
- Stay in our hotels → pay accommodations tax
- Buy groceries and snacks
- Buy gas and pay tolls
- \*\* All with out-of-state money\*\*



# To Host Tournaments

- Selection criteria for tournament site committees includes:
  - At least 14 fields in one location
  - Minimum number of hotels in close proximity
  - Variety of restaurants in close proximity
  - Central geographic location for individuals and or teams participating



# Tournaments

- Imagine a permanent home for the Tournament of Bands
- 10,000 participants plus 7,000 spectators every year in November
- Economic impact to Kent County

***\$ 4 million***



# Tournaments

- Imagine 4-6 regional tournaments for each of the sports listed with economic impact of ***\$2.5 million*** each annually
- Imagine 2-4 national tournaments with economic impact between ***\$3-6 million***
- Imagine Tournament of Bands ***\$4 million*** annually
- That's an estimated economic impact of ***\$30 million*** in one year!



# Lost Business in 12 Weeks

- **US Lacrosse 2009 U-15 National Championships**
  - 64 Teams - July 2009 - 3000 attendees - 5 days
  - Estimated economic impact = **\$ 2.7 million**
  - Needed 15 Lacrosse fields
- **AY Football Regional Tournament November 2009**
  - 36 Teams - November 2009 - 3 days
  - Estimated economic impact = **\$ 1.8 million**
  - Needed 6 Football Fields
- **Tournament of Bands**
  - November every year needs a Football stadium
  - Economic impact **\$ 4 million**

***Total Economic Loss = \$ 8.5M in 12 weeks***



# We Need the Business

- Economic recession has had a severe effect on numerous Delaware businesses
- Hotel occupancy rates have dropped dramatically in the past few years
- More and more hotels have been built, which has flooded the market
- Kent County Sport Facility can bring business during the slower, non-summer months



# Hotels in the Area

## Milford

- Super 8
- American Inn
- Hampton Inn



# Hotels in the Area

## Harrington

- Super 8
- American Inn
- Holiday Inn Express



# Growth of Soccer

- The Delaware Youth Soccer Association (DYSA) has reported that participation has increased by 15% since 2000 -- from 10,000-11,500 registered players
- Soccer continues to grow despite the fact that Delaware's population/demographics are growing older
- 48 Delaware high schools have varsity soccer programs

\*\* According to Dr. Lewis Atkinson, Director of Coaching for DYSA



# Growth of Field Hockey

- **2002:** Delaware had 39 high schools operating field hockey programs with 1,372 total players
- **2008:** Participation grew to 44 high schools and a total of 1,511 players

\*\* Information provided by Kevin Charles (Director of DIAA) and Thomas Neubauer (DIAA Coordinator of Officials/Events)



# Overall Growth of Lacrosse

- From 2001-2008, participation in youth lacrosse in the state of Delaware has increased by an average of 57%
- High school lacrosse, from 2001-2008, has seen its participation increase by an average of 115.3%!



# Closest Competing Facilities:

- United Sports Training Center in Downingtown, PA utilizes a central reservation system for sponsor hotels
- Every room booked for a tournament goes through the central reservation system (in Downingtown's case is operated by the local CVB) with a booking fee payable to the United Sports Training Center
- Closest hotels are 15 miles away from the facility; some are 32 miles from facility



# Could Be This...



Maryland SoccerPlex    Germantown, MD



# Or This....



Maryland SoccerPlex    Germantown, MD



# Sample Layout



**BECKER MORGAN GROUP**  
ARCHITECTURE  
ENGINEERING  
DESIGN

309 S. Greenway, Ave.  
Dover, DE 19904  
PH: 302.734.7000  
FAX: 302.734.7000

**Salisbury**  
312 West Main St., Suite 100  
Salisbury, DE 21810  
PH: 410.596.1800  
FAX: 410.596.1824

**Wilmington**  
307 A. Street, 300  
Wilmington, DE 19801  
PH: 302.884.3400  
FAX: 302.884.3422

[www.beckermorgan.com](http://www.beckermorgan.com)

PROJECT TITLE  
**DOVER SPORTS FACILITIES CONCEPT**

ROUTE 1 (BAY ROAD)  
FREDERICA  
KENT COUNTY, DELAWARE

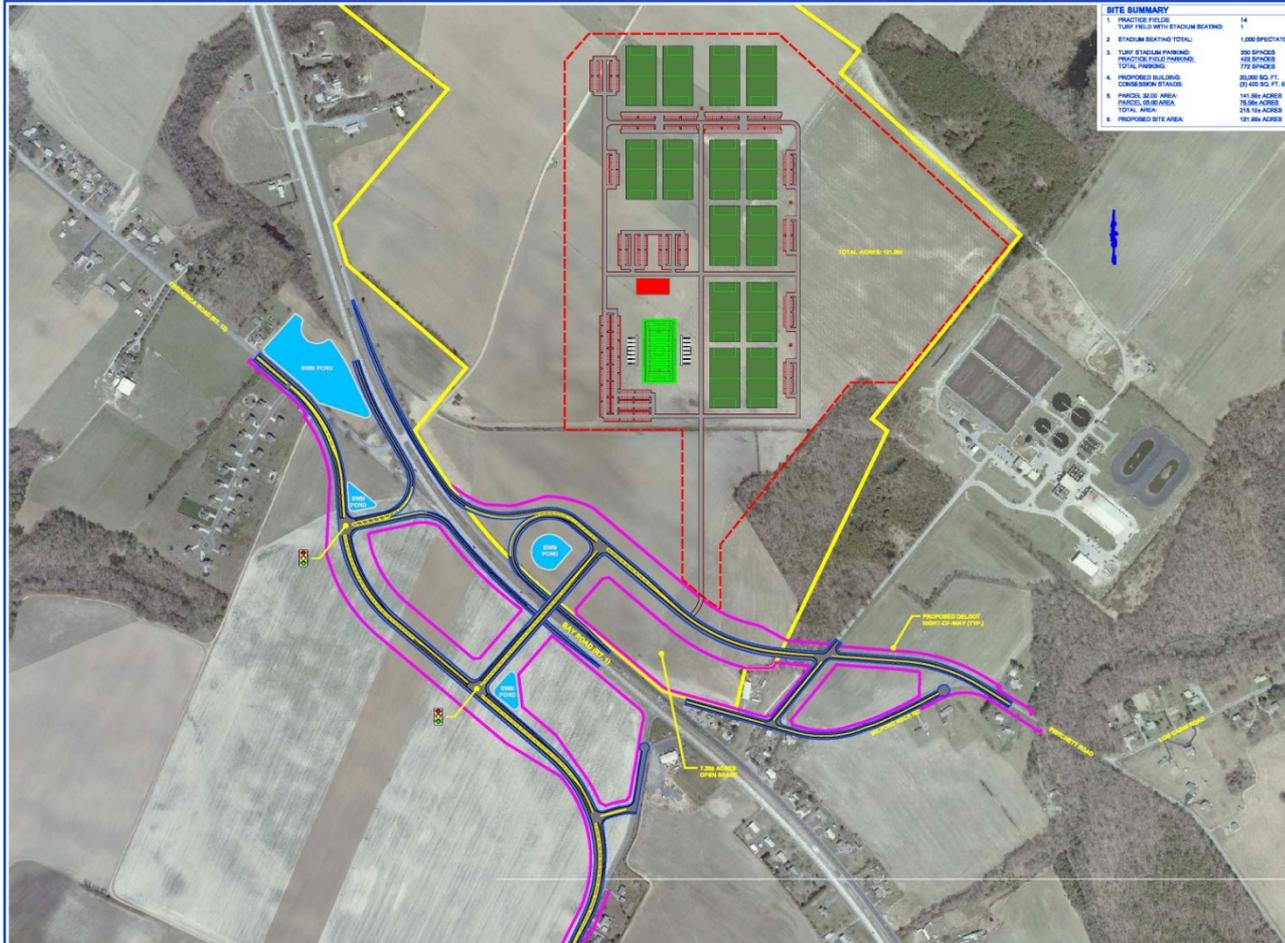
SHEET TITLE  
**2007 AERIAL PHOTOGRAPH**



DATE	DESCRIPTION
PROJECT NO.:	2008174.00
DATE:	1/10/08
SCALE:	1" = 150'
DRAWN BY:	S.L.B. / PHO. MDR. / E.G.E.
SHEET:	C-1



# Sample Layout



SITE SUMMARY	
1. PRACTICE FIELDS	14
2. TURF FIELD WITH STADIUM SEATING	1
3. PROGRAM SEATING TOTAL	1,088 SEATINGS
4. TURF STADIUM PARKING	300 SPACES
5. PRACTICE FIELDS PARKING	432 SPACES
TOTAL PARKING	732 SPACES
6. PROPOSED BUILDING CONVERSION STADIUM	80,000 SQ. FT.
7. PROPOSED BUILDING CONVERSION STADIUM	27,400 SQ. FT. EACH
8. PARCEL B3-03 AREA	141.86 ACRES
9. PARCEL B3-04 AREA	76.56 ACRES
TOTAL AREA	218.42 ACRES
10. PROPOSED SITE AREA	121.88 ACRES

**BECKER MORGAN GROUP**  
ARCHITECTURE  
ENGINEERING

Blair  
300 S. Overlook Ave.  
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Salisbury  
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Wilmington, DE 19801  
PH: 302.441.8800  
FAX: 302.441.8824  
www.beckermorgan.com

Wilmington  
327 A. Shaw Lane  
Wilmington, DE 19804  
PH: 302.388.2400  
FAX: 302.388.2400  
www.beckermorgan.com

PROJECT TITLE  
**DOVER SPORTS FACILITIES CONCEPT**

RAY ROAD (ROUTE 1)  
FREDERICKA  
NEWTOWN COUNTY, DELAWARE

SHEET TITLE  
**2007 AERIAL PHOTOGRAPH**



DATE	DESCRIPTION
PROJECT NO.	2008174.00
DATE	11/09
SCALE	1" = 250'
DRAWN BY	S.L.B./M.O.S./E.D.C.
CHECKED BY	
C-1	



## Case Study: Blaine Minnesota

- The National Sports Center in Blaine Minnesota opened in 1990 with an initial investment from the State of Minnesota
- It is now a self supporting entity operated by a non-profit foundation



# Public/Private Partnership

- Public (Kent County)
  - Land Bank
  - Infrastructure
  - Bonds and or Taxes
- Private (Sport Club)
  - Expertise in Running
  - Revenue Generation
  - Secure Capital



# Delaware Sports Commission

“To bid, recruit, and host regional and national sporting events at all levels of competition in the State for the purpose of utilizing sports facilities in the State, enhancing the economic development of the State, and promoting Delaware as a destination for amateur and professional sports.”

Goal: Attract sporting events to the State  
for economic development



# Stakeholders/Partners

- Kent County Levy Court
- State Tourism Office
- Kent County Tourism
- Greater Dover Committee
- Local Sport Organizations
- Members of the Local Community



# Path Forward

- Site Evaluation
- Feasibility Study
- Find owner/ operator
- Form the Kent County Sports Foundation or similar 501(c)(3)



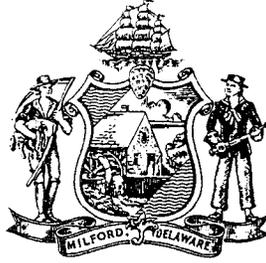
# Funds Raised to Date

- County providing land **\$2 million**
- Greater Dover Committee facilitating project and raising funds for feasibility study. To date:
  - Kent County Levy Court **\$10,000**
  - Greater Dover Committee **\$10,000**
  - Delaware Tourism Office **\$10,000**
  - Delaware Electric Co-op **\$ 5,000**
  - L & W Insurance: **\$ 1,000**
  - In-Kind Donations:
    - Becker Morgan Group **\$10,000**
    - George & Lynch **\$10,000**
    - Compliance Environmental **\$ 5,000**
  - Total to date: **\$61,000**



THANK YOU!

**CITY OF MILFORD**  
DELAWARE



"THE GARDEN CITY OF TWIN COUNTIES"

OFFICE OF CITY MANAGER  
(302) 422-6616  
FAX # (302) 422-1120

201 S. WALNUT STREET  
P.O. BOX 159  
MILFORD, DELAWARE 19963

VIA CERTIFIED MAIL

January 4, 2010

Cornelius A. Moore  
20774 Cedar Beach Road  
Milford, DE 19963

RE: Lease of Fisher Avenue Property—Default  
Repurchase of 100 Vickers Drive—Greater Milford Business Park

Dear Mr. Moore:

*Fisher Avenue Lease:* This letter shall serve as notice that you are in default of the October 2009 lease agreement with the City for the Fisher Avenue Property and related conditions.

To date the City has not received any of the required lease payments as described in Section 2.01 and you are in default of the lease agreement. The total amount owed is \$2,400 (October-January @ \$600 per month). This constitutes an event of default as described in Section 10.01 of the lease. The back rent is due immediately and the lease shall be terminated effective February 1, 2010 at which time the Right of Possession described in Section 1.03 is also terminated. In addition, Section 1.02 of the lease agreement states that by December 31, 2009 you were required to submit a site plan for approval by the City of Milford for your property located at 100 Vickers Dr. Milford, DE. As of today, no site plan has been received by the City and you are in default of the lease agreement. You will need to vacate the property by February 1, 2010. Should the City need to file in Court to remedy this issue, you will be responsible for all associated costs and attorneys fees.

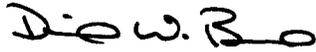
*Repurchase of 100 Vickers Drive:* Pursuant to §230-19.1M of the Code of the City of Milford, the City will be exercising its rights to re-purchase the property located at 100 Vickers

Cornelius A. Moore  
January 4, 2010  
RE: Lease of Fisher Avenue Property  
Page 2

Drive. That ordinance requires that the property be developed within 2 years or the City shall have the right to re-purchase. Your lot was not developed. The City will prepare a deed transferring the property to the City and forward to you for your signature. Should the City need to file in Court to remedy this issue, you will be responsible for all associated costs and attorneys fees.

Thank you for your immediate attention to this matter. Should you have any further questions, please feel free to contact me at 302-424-8395.

Sincerely,

A handwritten signature in black ink that reads "David W. Baird". The signature is written in a cursive style with a horizontal line extending from the end of the name.

David W. Baird  
City Manager

## COMMERCIAL LEASE

**THIS IS A COMMERCIAL LEASE** made this 26<sup>th</sup> day of October, A.D. 2009, by and between **THE CITY OF MILFORD**, of 201 South Walnut Street, Milford, Sussex County, Delaware 19963, party of the first part, hereinafter referred to as "Landlord"

- AND -

**CORNELIUS A. MOORE** whose mailing address is 20774 Cedar Beach Road, Milford, Sussex County, Delaware, 19963, party of the second part, hereinafter referred to as "Tenant"

**WHEREAS**, Landlord is the owner of certain premises described as the **FISHER AVENUE** property where tenant operates a school bus business, MILFORD, Delaware, Milford, Sussex County, Delaware (the "Property"), and intends to lease to the Tenant therein, in accordance with the terms and conditions of this Lease;

**WHEREAS**, Tenant desires to lease the Property for a school bus business in accordance with the terms and conditions hereinafter set forth and in its "as is" condition; and

**WHEREAS**, Tenant owns property in the Greater Milford Business Park, 100 Vickers Drive, Milford, Delaware (the "Business Park Property") subject to development time requirements and buy- back provisions in the Restrictive Covenants.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and other valuable consideration, the receipt of which each party acknowledges, the parties hereto covenant and agree as follows:

### ARTICLE I: PROPERTY/TERM

#### **Section 1.01. LEASE TERM.**

Landlord leases to Tenant and Tenant leases from Landlord the Property for a term commencing on the 1<sup>st</sup> day of October, 2009 and terminating on the 31<sup>th</sup> day of July, 2010 (the "termination date"), said period being referred to herein as the "term", all upon the covenants, conditions, and agreements hereinbefore and hereinafter set forth. This term may be extended to December 31, 2010 if, with the approval of Council to termination, Tenant has in good faith progressed toward approval of final site plan approval for the Business Park Property to re-locate the school bus business there.

**Section 1.02. SITE PLAN REQUIREMENT.**

The Tenant shall submit an application for site plan approval to the City of Milford by December 31, 2009. Tenant shall be in Default of this Lease if the site plan is not submitted by December 31, 2009, Landlord shall exercise its right to buy-back the Business Park Property.

**Section 1.03. POSSESSION.**

Landlord covenants that Tenant, upon payment of the rent as hereinafter stated and the performance of the terms and conditions hereof, shall and may peaceably and quietly have, hold, and enjoy the property during the term.

**ARTICLE II: RENT**

**Section 2.01. RENT.**

During the term, Tenant shall pay rent without any abatement or set off except as described hereinafter as follows:

For the period beginning the 1st day of October, 2009 and ending the 31<sup>th</sup> day of July, 2010, the rental for the property shall be \$600.00 per month. The rent shall be paid in advance on the first day of each month with the first payment due on October 1, 2009 (past due).

**ARTICLE III: USE**

**Section 3.01. PERMITTED USE.**

Tenant shall use and occupy the property only as permitted by City, State and Federal law.

**Section 3.02. ADVERSE USE.**

Tenant shall not allow the Property or any part thereof to be used in any manner or anything to be done therein or permit anything to be brought into or kept in or on the Property which would in any way (i) violate any law or requirement of public authority, including, without limitation, zoning ordinances, (ii) cause damage to the Property or any part thereof, (iii) interfere with the normal operations of the heating, air conditioning, ventilating, plumbing, or other mechanical or electrical systems of the Building, (iv) constitute a public or private nuisance, or (v) alter the appearance of the exterior of the Building or of any portion of the interior thereof, except as may hereafter be provided.

**Section 3.03. ACCESS.**

The Tenant, his servants, employees, agents and sub-tenants (as defined herein Section 7.01) shall at all times during the term of this Lease or any extension thereof have the free and uninterrupted right of access and possession to the leased property.

## **ARTICLE IV: REPAIRS AND ALTERATIONS AND UTILITIES**

### **Section 4.01. TENEANT MAINTENANCE.**

Provided Tenant shall at Tenants own expense make all necessary repairs and maintain the property.

### **Section 4.02. TENANT MAINTENANCE.**

Tenant shall be responsible for all interior maintenance and cleaning with regard to the property. Tenant shall take good care of the property, including, but not limited to, the fixtures and appurtenances thereto, all damage or injury to the Property of any kind, nature, or description as a result of any cause of any kind, nature or description whatsoever due to the carelessness, omission, neglect, improper conduct, or other cause of the Tenant, its servants, employees, agents, visitors, sub-tenants (as defined herein Section 7.01), licensees or invitees, shall be repaired, restored, or replaced promptly by Tenant to the reasonable satisfaction of Landlord at Tenant's sole cost and expense. All said repairs, restorations and replacements required in connection therewith shall be of quality at least equal to the original work or installation, and shall be done in a good and workmanlike manner. In addition, Tenant shall pay for all utilities serving the property, janitorial fees, and maintenance and repairs to air conditioning and heating systems.

### **Section 4.03. ALTERATIONS.**

Tenant shall make no alterations, decorations, installations, additions or improvements in or to the property without Landlord's prior written consent, and then only by contractors or mechanics approved in writing by Landlord. All such work, alterations, decorations, installations, additions, or improvements approved by Landlord shall be done at Tenant's sole expense and in full compliance with all the laws, rules, regulations, and requirements of all governmental bureaus and bodies having jurisdiction thereover. Landlord's consent to the making of the alterations is conditioned upon the Tenant obtaining and delivering to Landlord upon request from time to time, but no later than the date of final completion of the alterations, written and unconditional waivers of mechanics' liens upon the Property for any and all work, labor and service to be performed and materials to be furnished in connection with such work, in such form as shall be reasonably approved by Landlord's attorney, signed by all contractors, subcontractors, materialmen, laborers and workmen who might be entitled to a mechanic's lien against the property under the laws of the State of Delaware, which have been involved or may be involved in the work with regard to the alterations.

### **Section 4.04. OWNERSHIP OF ALTERATIONS.**

All alterations consented to in accordance with the provisions of Section 4.03 hereinabove shall, upon the termination of this Lease, become the property of the Landlord unless such alterations may be removed from the Property without substantial damage thereto.

This provision shall not, however, authorize the removal of electrical or plumbing fixtures or apparatus. Any alterations which may be removed without substantial damage shall be so removed prior to the termination date hereof, provided that any and all damage caused to the property as a result of the removal thereof shall be repaired and the property otherwise restored to its condition at the beginning of the term, reasonable wear and tear excepted.

**Section 4.05. UTILITIES.**

Tenant shall pay all utility fees (including but not limited to electric, TV cable or satellite, computer cable, telephone, fax machines, and the like) for service to the premises.

**ARTICLE V: LAWS; ORDINANCES;  
REQUIREMENTS OF PUBLIC AUTHORITIES**

**Section 5.01. TENANT'S COMPLIANCE.**

Tenant shall, at its expense, comply with all laws, orders, ordinances and regulations of federal, state, county, and municipal authorities and with any direction made pursuant to the law of any public officer or officers.

**ARTICLE VI: INSURANCE**

**Section 6.01. FIRE AND HAZARD INSURANCE.**

Tenant agrees, throughout the term of this Lease, for the benefit of Landlord to maintain insurance against loss or damage by fire and such other risks and hazards as are insurable under present and future standard forms or fire, environmental and extended coverage insurance policies for the full replacement value of the Property. Tenant shall name Landlord specifically as a beneficiary.

**Section 6.02. INSURANCE TO BE MAINTAINED BY TENANT.**

A. **TYPE OF INSURANCE:** The Tenant shall maintain at its expense, through the term or any extension thereof, insurance against loss or liability in connection with bodily injury, death, property damage, or destruction, occurring within the premises or arising out of the use thereof by the Tenant or its agents, employees, sub-tenants (as defined in Section 7.01), officers or invitees, visitors, and guests, under one or more policies of general public liability insurance having such limits as to each as are reasonably required by the Landlord from time to time, but in any event of not less than \$1,000,000.00 for bodily injury to or death of any one person and for real or personal property damage or destruction. Any such policy shall (a) name as the insured's thereunder the Landlord and the Tenant (and, at the Landlord's request, any Mortgagee); (b) by its terms, be considered primary and non-contributory with respect to any other insurance carried by the Landlord or its successors and assigns; and (c) by its terms, be cancelable only on at least thirty (30) days prior written notice to the Landlord (and, at the

Landlord's request, any such Mortgagee). Tenant shall also be responsible for insuring all of the Tenant's contents, equipment, personal property, furniture, and the like (sometimes referred to as Arenter's insurance).

B. **DELIVERY TO LANDLORD**: The Tenant shall deliver to the Landlord proof of such insurance as reflected above upon execution of this lease.

## **ARTICLE VII: ASSIGNMENT; SUBLETTING; MORTGAGING**

### **Section 7.01. GENERAL PROHIBITION.**

Tenant shall not, by operation of law or otherwise, assign, mortgage, or encumber this Lease nor sublet or permit the property or any part thereof to be used by others without Landlord's prior written consent. The consent by Landlord to any assignment or subletting shall not, in any manner, be construed to relieve Tenant from obtaining Landlord's express written consent to any other or further assignment or subletting. Notwithstanding the restriction to sublet, the Landlord and Tenant agree that Tenant may sublet the leased premises to employees, potential employees, physicians, or other professionals associated with the Tenant (Nanticoke Memorial Hospital) without first obtaining written approval from the Landlord.

### **Section 7.02. LEASE OBLIGATIONS.**

If this Lease shall be assigned or sublet with the approval of the Landlord, such approval shall not be deemed as a release or waiver of the Tenant from the full performance by the Tenant of all terms, conditions, and covenants of this Lease. Each permitted Assignee or subtenant shall assume and be deemed to have assumed this Lease and shall be and remain liable jointly and severally with Tenant for the payment of Rent, and for the due performance of all of the terms, covenants, conditions and agreements herein contained.

## **ARTICLE VIII: DAMAGE TO PROPERTY;**

### **Section 8.01. LIABILITY.**

Landlord and Landlord's agents and employees shall not be liable to Tenant or any other individual or entity for any injury to person or damage to property caused by or which may occur on the property or the building or damage to the Property itself for any reason whatsoever. Tenant hereby indemnifies Landlord of any such liability.

### **Section 8.02. NOTICE OF LOSS.**

Tenant shall give immediate written notice to Landlord of any damage caused to the Property by fire or other casualty.

**ARTICLE IX: PERFORMANCE OF TENANT'S OBLIGATIONS**

**Section 9.01. RIGHT TO PERFORM TENANT'S OBLIGATIONS;  
ADDITIONAL RENT.**

In the event the Tenant shall fail to (a) remove any lien, encumbrance or charge pursuant hereto, (b) maintain the building and/or property in repair pursuant hereto, (c) procure the insurance required, (d) comply with any law, ordinance, order, decree, rule, regulation or requirement of any governmental authority, or (e) make any other payment or perform any other act required to be made or performed herein, then and in each such case, the Landlord may (but shall not be obligated to) remedy any default for the account of the Tenant and charge and collect such costs incurred by Landlord to correct such default as additional rent which shall be due and payable at the time of the next rental payment of Rent hereunder.

**ARTICLE X: EVENTS OF DEFAULT AND REMEDIES THEREFORE**

**Section 10.01. EVENTS OF DEFAULT.**

The occurrence and continuance of any of the following events shall constitute an "Event of Default" hereunder:

A. Failure of the Tenant to make any payment of any Rent or additional rent as due hereunder; or

B. Failure of the Tenant to observe or perform any of the covenants, conditions or provisions hereof and to remedy such default within 15 days after written notice thereof from the Landlord to the Tenant; or

C. The Tenant shall file or consent by answer or otherwise to the filing against it of a Petition for Relief or Reorganization or Arrangement, or any other petition in bankruptcy for liquidation or to take advantage of any bankruptcy or insolvency law of any jurisdiction; make an assignment for the benefit of its creditors; consent to the appointment of a custodian, receiver, trustee, or other officer with similar powers over the Tenant or of any substantial part of its Property; be adjudicated insolvent or be liquidated; or take corporate action for the purpose of any of the foregoing; and failure to remedy such default within fifteen (15) days after written request from the Landlord to the Tenant to do so;

D. Any voluntary or involuntary Petition or Order as entered with regard to the Tenant in bankruptcy, or to take advantage of any bankruptcy or insolvency law of any jurisdiction, the making of any assignment for the benefit of Tenant's creditors, the adjudication of the Tenant as being insolvent or liquidated or the taking of corporate action for purposes of any of the foregoing; and failure to remedy such default within fifteen (15) days after written request from the Landlord to the Tenant to do so; or

E. Failure of Tenant to obtain a site plan pursuant to Section 1.02 shall be a default.

**Section 10.02. REMEDY.**

During the occurrence and continuance of any Event of Default hereunder, the Landlord shall have the following rights and remedies, in addition to any other rights herein or by law provided:

A. The Landlord may, by written notice to the Tenant, declare the entire unpaid amounts of Rent and additional rent payable hereunder to be due and payable immediately, and upon any such declaration, the same shall become and be immediately due and payable, anything in this Lease contained to the contrary notwithstanding. This provision, however, is subject to the condition that if, at any time after such amounts shall have been so declared and become due and payable, and prior to the date of the commencement of any action with respect to such Event of Default, all arrears of payments of Rent and additional rent shall be paid by the Tenant, together with all reasonable costs and attorney's fees incurred by Landlord with regard to such Event of Default, and there shall no longer be any Event of Default continuing under the Lease, then and in every such case, the Landlord, by written notice to the Tenant may waive the Event of Default by reason of which such amounts shall have been so declared and become due and payable, and may rescind and annul such declaration and its consequences, but no such waiver, rescission or annulment shall extend to or affect any subsequent Event of Default or impair any right consequent thereon.

B. The Landlord may give to the Tenant a notice of intention to end the term of this Lease at the expiration of ten (10) days from the date of the service of such notice of intention (or such other notice as may be required by law), and upon expiration of said ten days (or such other period as may be required by law), the Lease and term and estate hereby granted shall hereby terminate, with the same effect as if that day were the termination date specified herein, but the Tenant shall remain liable hereunder.

C. The Landlord or its agents and employees may immediately or at any time thereafter re-enter the building and/or property or any part thereof, either by summary possession proceedings or by any suitable action or proceeding at law or equity.

D. If this Lease is terminated under the provisions of subsection B or if the Landlord shall re-enter the building and/or property under the provisions of subsection C, or in the event of the termination of the Lease or reentry by or under any summary possession proceedings or other proceeding or action or any provision of law by reason of default hereunder on the part of the Tenant, the Tenant shall nevertheless continue to be liable to make all the payments of rent due hereunder (as the same may have been accelerated pursuant to subsection (A) hereof), and to perform all of its other obligations hereunder; provided, however, that the Landlord may relet the building and/or property and the Landlord shall credit the Tenant with the net rents received by the Landlord from such reletting, such net rents to be determined by first

deducting from the gross rents as and when received by the Landlord from such reletting, the expenses incurred or paid by the Landlord in terminating this Lease, or in reentering the property and in securing possession thereof as well as the expenses of reletting, including altering and repairing the building and/or property for new Tenants, broker's commissions and all other expenses properly chargeable against the building and/or property, and the Rent thereof, it being understood that any such reletting may be for a period shorter or longer than the remaining term of this Lease, but in no event shall Tenant be entitled to receive any excess of such net rents over the sums payable by Tenant to the Landlord hereunder, nor shall Tenant be entitled in any suit for the collection of damages pursuant to this subsection to a credit in respect of any net rents from a reletting, except to the extent that such net rents are actually received by the Landlord.

**Section 10.03. REMEDIES SUBJECT TO PROVISIONS OF LAW.**

All rights, remedies and powers provided by this Article may be exercised only to the extent that the exercise thereof does not violate any applicable provision of laws, and all the provisions of this Article are intended to be subject to all applicable statutory provisions of law which may be controlling and to be limited to the extent necessary so that they will not render the lease invalid or unenforceable under the provisions of any applicable law.

**Section 10.04. WAIVER OF JURY TRIAL.**

The parties hereto shall waive trial by jury in any action, proceeding or counterclaim brought by either of the parties hereto against the other on any matters whatsoever arising out of or in any way connected with this Lease, the relationship of Landlord and Tenant, Tenant's use or occupancy of the demised premises and/or any claim of injury or damage.

Tenant hereby expressly waives any and all rights of redemption granted by or under any present or future laws in the event Tenant is evicted or dispossessed for any cause, or in the event Landlord obtains possession of the building and/or property by reason of the violation by Tenant of any of the covenants or conditions of this Lease, or otherwise.

**ARTICLE XI: INDEMNIFICATION**

**Section 11.01. INDEMNIFICATION FOR GENERAL LIABILITIES.**

The Tenant shall indemnify the Landlord against all liabilities, expenses and losses incurred by Landlord as a result of (a) failure by the Tenant to perform any covenant required to be performed by Tenant hereunder; (b) any accident, injury or damage which shall happen in or about the building and/or property or appurtenances, or resulting from the condition, maintenance or operation of the Property, provided that any such action, injury or damage is not a result of the negligence of the Landlord; (c) failure to comply with requirements of any governmental authority; or (d) any mechanic's lien or security agreement filed against the building and/or property, or any materials used in the construction of alterations by the Tenant.

**ARTICLE XII: SECURITY DEPOSIT**

**Section 12.01.**

[INTENTINALLY LEFT BLANK]

**ARTICLE XIII Miscellaneous**

**Section 13.03. SURRENDER OF PREMISES.**

On the termination of this Lease, Tenant shall quit and surrender the property to Landlord in as good a condition as the same existed upon the commencement of the Term, subject to such alterations as are hereunder permitted by the Landlord, reasonable wear and tear excepted. Tenant agrees to give up possession of the building and property peaceably and without delay. The execution and delivery of this Lease shall be full and sufficient legal written notice to Tenant that the lease is terminated upon the termination of the term.

**Section 13.04. STRICT PERFORMANCE.**

The right of Landlord or Tenant to require strict performance of this Lease shall not be effected by any waiver or prior dealing.

**Section 13.05. RIGHT OF ENTRY.**

Landlord shall have the right and privilege to enter the building and/or property at any reasonable time after giving Tenant at least three (3) days notice of Landlord's intent to enter the property to inspect or repair said building or property, unless an emergency exists that requires Landlord to enter the building or property immediately in which case no prior notice by Landlord shall be required.

**Section 13.06. SAVED.**

[INTENTINALLY LEFT BLANK]

**Section 13.07. SUPPLEMENTS AND AMENDMENTS.**

Supplements and amendments to this Lease may only be made by agreement, in writing, executed by and between the parties hereto.

**Section 13.08. LEASE FOR BENEFIT OF PARTIES HERETO.**

The covenants, stipulations and agreement in this Lease are and shall be for the sole and exclusive benefit of the parties hereto and the respective heirs, personal representatives, successors and assigns of the Landlord and the respective heirs, personal representatives, successors and assigns of the Tenant.

**Section 13.09. SEVERABILITY.**

In case any one or more of the provisions of this Lease shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Lease, and this Lease shall be construed and enforced as if such illegal and invalid provisions had not been contained herein.

**Section 13.10. NOTICES.**

All notices hereunder shall be sufficiently given and shall be deemed given when mailed, by certified mail, return receipt requested, postage prepaid, with proper address, as indicated below. The parties hereto may, by written notice given each to the other, designate any address or addresses to which notice to them shall be sent when required as contemplated hereunder. Until otherwise provided by the respective parties, all notices to each of them shall be addressed as follows:

**TO THE LANDLORD:**

City Manager  
City of Milford  
201 South Walnut Street  
Milford, Delaware 19963

**TO THE TENANT:**

Cornelius A. Moore  
20774 Cedar Beach Road  
Milford, Delaware 19963

**Section 13.11. COUNTERPARTS.**

This Agreement may be executed in any number of counterparts, each of which being considered an original, and all of which are identical.

**Section 13.12. GOVERNING LAW.**

This Lease, including the validity thereof, shall be construed in accordance with and governed exclusively by the laws of the State of Delaware.

**Section 13.13. COMMERCIAL LEASE.**

This Lease shall be construed as a Commercial Lease as defined in 25 Delaware Code, Section 5101.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed in their respective names and have hereunto set his Hand and Seal, all as of the date first above written.

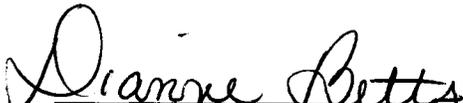
**LANDLORD:**

  
\_\_\_\_\_  
WITNESS

  
\_\_\_\_\_  
Mayor  
City of Milford

\_\_\_\_\_  
WITNESS

**TENANT:**

  
\_\_\_\_\_  
WITNESS

  
\_\_\_\_\_  
Cornelius A. Moore

CITY OF MILFORD  
NOTICE OF PUBLIC HEARING  
Ordinance 2009-21  
Annexation/Lands of Beverly Ann Thawley  
Tax Parcel 3-30-11.00-70.03

An Ordinance to Amend the Zoning designation of the parcel of land under the legal ownership of Beverly Ann Thawley, Tax Parcel 3-30-11.00-70.03, fronting on the northwesterly right-of-way line of County Road 206, also known as Cedar Neck Road, and on the northeasterly right-of-way line of State Route One, to be annexed into the City of Milford by resolution, hereafter adopted by the City Council of Milford, Delaware.

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

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

WHEREAS, the land owned by Beverly Ann Thawley is currently zoned by Sussex County as "AR" (Agriculture-Residential District), and

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

WHEREAS, after a Public Hearing held on February 22, 2009, and after considering the recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

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

All that certain tract, piece and parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, and the State of Delaware, as depicted on a survey prepared by Charles D. Murphy Associates, Inc., dated 31 August 2007, fronting on the northwesterly right-of-way line of County Road 206, also known as Cedar Neck Road, at fifty (50) feet wide, and on the northeasterly right-of-way line of State Route One, also known as Coastal Highway, of which the width varies, adjoining other lands now or formerly of Beverly Ann Thawley, Knollac Acres Subdivision, Section II, as recorded in Plot Book 82, Page 24, at the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, and Beverly T. Dugan Subdivision, as recorded in Plot Book 50, Page 147, at said Recorder of Deeds, and being more particularly described as follows, to wit:

Beginning at a point of intersection of the northwesterly right-of-way line of Cedar Neck Road, and the northeasterly right-of-way line of State Route One, also known as Coastal Highway; thence running with said Route One the following two (2) courses and distances:

- 1) North 86 degrees 52 minutes 06 seconds West 57.19 feet, and
- 2) North 49 degrees 00 minutes 17 seconds West 873.40 feet to a corner for other lands now or formerly of Beverly Ann Thawley

thence running with said Thawley lands North 39 degrees 47 minutes 44 seconds East 413.50 feet to a corner for a thirty (30) foot wide buffer of Knollac Acres Subdivision; thence running with said buffer and with Beverly T. Dugan Subdivision South 53 degrees 01 minutes 49 seconds East 897.88 feet to a point on the aforementioned northwesterly right-of-way line of Cedar Neck Road; thence finally proceeding along said right-of-way line South 36 degrees 51 minutes 53 seconds West 442.46 feet to the place of beginning, containing 9.28 acres of land, more or less,

CONTAINING 9.28 (+/-) acres of land shall be, upon final approval of its annexation into the City of Milford, classified under the Zoning Ordinance of the City of Milford and zoned henceforth as C-3 (Commercial Highway District).

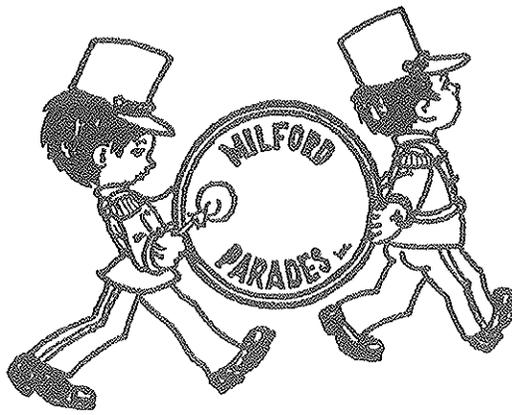
Dates:

Introduction to City Council: January 11, 2010

Planning Commission Public Hearing: January 19, 2010

Projected Date of Adoption by City Council: February 22, 2010

Projected Effective Date: March 4, 2010



**MILFORD COMMUNITY PARADES, INC.**  
**P.O. Box 1153** **Milford, DE 19963**

January 11, 2010

City of Milford  
Mayor  
City Council  
Walnut St  
Milford, DE 19963

Dear Mayor and City Council:

On behalf of Milford Community Parades, Inc., I request the Council's approval of our Committee's community parade to be held Wednesday evening, October 20, 2010, with a kick-off time of 6:30pm and a conclusion time of 9:00pm and three reviewing stands. I also request on behalf of the Committee, acceptance of the third Wednesday of each October here after to be the preferred date of the annual Community Parade.

We have begun to establish our parade as a celebration of the Autumn Season with color, lights and the many whimsical characters. Selecting the third Wednesday annually will also establish a timeline year-in and year-out for this spectacular event. The Committee works throughout the year to prepare through meetings, fundraisers, and float building. We have set a progressive agenda to gain more sponsorships, more extravagant float designs from outside participants and to promote the City of Milford as a community full of great architecture, unique shopping experiences, beautiful people and a place to live, play, and work in.

Since 1984, I and other current committee members have strived to develop a parade in the city for the citizens and surrounding communities, full of exciting characters and wonderful musical sounds. We also request the city make an annual investment of \$5,000 towards the Committee's parade goals. Our Committee is incorporated for the sole purpose of raising funds and organizing the annual parade. No one is paid a salary or wage and no one receives a stipend for their volunteer efforts. The investment will be ear-marked for the sole purpose of promoting the parade through broadcast medias, (taping and/or advertisements). Together, the City of Milford AND Milford Community Parades, Inc. can enhance our reach in promoting the City of Milford as THE place for business to thrive, citizens to be employed, and families to enjoy living.

Thank you for your consideration,

*Charles*

Charles Gray  
2010 Chairperson

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## CITY OF MILFORD MEMORANDUM

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**TO:** Mayor & City Council  
**FROM:** David W. Baird, City Manager  
**SUBJECT:** Milford Board of Appeals  
**DATE:** January 4, 2010

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In accordance with §88-2A(4) R112.6 and R112.7 of the Building Code and §174-2G of the Property Maintenance Code the City is required to establish a Board of Appeals to hear appeals from property owners of a decision of the Building or Code Official.

The following is an excerpt from the City Code:

**R112.6 Membership of Board.** The Board of Appeals shall consist of three members: the City Manager or his designate, a design professional (architect or engineer), and a representative of the contracting industry. The City Manager or his designate will be a standing member of the Board of Appeals. The initial term of the design professional shall be two years and the initial term of the representative of the contracting industry shall be for one year. The term of all subsequent appointments shall be two years.

**R112.7 Alternate members.** The chief appointing authority shall appoint an individual of his choice to be an alternate during those times where one of the permanent members is unable to attend an appeals hearing or in cases where a conflict of interest may exist. Said appointment shall be made for a two-year term and shall not extend beyond the political term limit of the appointing authority.

After speaking with Mayor Marabello, he is requesting City Council consider the following nominees:

**Dean Johnson** of Richard Y Johnson and Sons to serve as the representative from the contracting industry to a term of one year.

**Alvin French**, 512 Kings Highway, and partner in the architectural firm of French and Ryan to serve as the design professional representative to a term of two years.

**Mike Wheedleton**, an architect with Davis, Bowen & Friedel, Inc in Milford to serve as the alternate for a term of two years.

## Chapter 88-Building Construction

### § 88-4

(5) Section 112, Board of Appeals. Add the following: **112.4 Application for appeal.** Any person shall have the right to appeal a decision of the Code Enforcement Official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not apply or that an equivalent form of construction is to be used. The hearing fee shall be \$1,000. **112.5 Membership of Board.** The Board of Appeals shall consist of three members: The City Manager or his designate, a design professional (architect or engineer), and a representative of the contracting industry. The City Manager or his designate will be a standing member of the Board of Appeals. The initial term of the design professional shall be two years and the initial term of the representative of the contracting industry shall be for one year. The term of all subsequent appointments shall be two years. **112.6 Alternate members.** The chief appointing authority shall appoint an individual of his choice to be an alternate during those times where one of the permanent members is unable to attend an appeals hearing or in cases where a conflict of interest may exist. Said appointment shall be made for a two-year term and shall not extend beyond the political term limit of the appointing authority. **112.7 Compensation of members.** Compensation of members shall be determined by law. **112.8 Secretary.** The chief administrative officer shall designate a qualified clerk or staff as Secretary to the Board. The Secretary shall file a detailed record of all proceedings with the office of the City Manager. **112.9 Notice of meeting.** The Board shall meet upon notice from the Chairman. Meeting date and time shall be scheduled in accordance with the state guidelines for public hearings. Surrounding property owners within 200 feet of the property or building in question shall be notified by mail. **112.10 Open hearing.** All hearings before the Board shall be open to the public. The appellant's representative, the Code Official and any other person or persons that may be deemed necessary as witnesses and all other persons whose interests are affected shall be given an opportunity to be heard. **112.11 Postponed hearing.** When there are fewer than two members of the Board available and the authorized or appointed alternate is unavailable, notification shall be given to the interested parties. **112.12 Procedure.** The hearing shall address only those issues or items that may be deemed relevant to the case being heard. The Board shall adopt and publish, for public information, the procedures under which the hearing will be conducted. **112.13. Board decision.** The Board shall modify or reverse the decision of the Code Official by means of a simple majority. **112.14 Resolution.** The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and the Code Official. **112.15 Administration.** The Code Official shall take immediate action in accordance with the decision of the Board. **112.16 Court Review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law, following the filing of the Board's decision in the office of the City Manager.

**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: NOVEMBER 2009

Cash Balance - General Fund Bank Balance	\$3,432,725
Cash Balance - Electric Fund Bank Balance	\$4,891,379
Cash Balance - Water Fund Bank Balance	\$934,980
Cash Balance - Sewer Fund Bank Balance	\$496,576
Cash Balance - Trash Fund Bank Balance	\$469,995

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Water Bond <u>Escrow</u>
Beginning Cash Balance	353,840	656,140	2,469,382	348,498
Deposits	91,926		43,818	
Interest Earned this Month	324	477	1,797	40
Disbursements this Month	(380)		(44,301)	(141,532)
Investments				
Ending Cash Balance	\$445,710	\$656,617	\$2,470,696	\$207,006

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	663,382	2,238,266	1,911,015	2,508,236
Deposits				
Interest Earned this Month	97	334	287	372
Disbursements this Month		(28,998)	(17,644)	
Investments	1,000,000	1,500,000	1,500,000	5,000,000
Ending Cash Balance	\$1,663,479	\$3,709,602	\$3,393,658	\$7,508,608

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	774,999	590,402	215,586
Deposits	58,962	31,164	29,900
Interest Earned this Month	607	452	179
Disbursements this Month			
Investments			
Ending Cash Balance	\$834,568	\$622,018	\$245,665

INTEREST THROUGH THE FIFTH MONTH OF THE FISCAL YEAR:

General Fund	9,525	Water Fund	2,967
GF Capital Reserves	7,403	Water Bond Escrow	133
General Improvement Fund	1,506	Water Capital Reserves	8,664
Municipal Street Aid	2,243	Water Impact Fees	2,687
Real Estate Transfer Tax	8,864	Sewer Fund	1,654
Electric Fund	13,700	Sewer Capital Reserves	8,370
Electric Reserves	22,512	Sewer Impact Fees	2,036
Electric Impact Fees	759	Trash Fund	1,579

TOTAL INTEREST EARNED TO DATE \$94,602

**REVENUE REPORT**

Page Two

Date: November 2009	AMOUNT BUDGETED	MTD	YTD	42% of Year Expended YTD%
ACCOUNT				
Budgeted Fund Balance	180,400	0	180,400	100.00%
General Fund Capital Reserves	104,600	0	104,600	100.00%
Property Transfer Tax-Capital	184,300	967	153,282	83.17%
Property Transfer Tax-Police	520,000	43,334	216,667	41.67%
Real Estate Tax	2,929,600	3,182	2,902,971	99.09%
Business License	48,000	350	3,475	7.24%
Rental License	62,500	0	4,750	7.60%
Building Permits	40,000	3,231	10,341	25.85%
Planning & Zoning	40,000	0	26,809	67.02%
Misc. Revenues	342,575	11,080	87,051	25.41%
Transfers From	3,215,480	267,958	1,339,784	41.67%
Police Revenues	305,000	3,009	64,049	21.00%
Engineering & Inspection Fees	50,000	(9,304)	31,860	63.72%
<b>Total General Fund Revenues</b>	<b>\$8,022,455</b>	<b>\$323,807</b>	<b>\$5,126,039</b>	<b>63.90%</b>
Water Revenues	2,160,130	175,772	1,004,249	46.49%
Sewer Revenues	1,864,970	142,828	806,366	43.24%
Kent County Sewer	1,600,000	105,731	617,439	38.59%
Solid Waste Revenues	1,015,000	85,128	426,825	42.05%
Solid Waste Rebate	48,000	0	46,988	97.89%
Solid Waste Budgeted Fund Balance	112,065	0	0	0.00%
Electric Revenues	28,225,431	1,647,913	11,724,387	41.54%
<b>TOTAL REVENUES</b>	<b>\$43,048,051</b>	<b>\$2,481,179</b>	<b>\$19,752,293</b>	<b>45.88%</b>
YTD Enterprise Expense		35,949		
YTD Enterprise Revenue		35,754		
LTD Carlisle Fire Company Building Permit Fund		15,206		

## EXPENDITURE REPORT

Page Three

Date: November 2009

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>City Manager</b>					
Personnel	378,310	\$29,069	149,570	39.54%	228,740
O&M	126,390	\$13,920	40,578	32.11%	85,812
Capital	0	\$0	0		0
<b>Total City Manager</b>	<b>\$504,700</b>	<b>\$42,989</b>	<b>\$190,148</b>	<b>37.68%</b>	<b>314,552</b>
<b>Planning &amp; Zoning</b>					
Personnel	157,435	\$12,187	57,198	36.33%	100,237
O&M	66,105	\$5,709	16,900	25.57%	49,205
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$223,540</b>	<b>\$17,896</b>	<b>\$74,098</b>	<b>33.15%</b>	<b>149,442</b>
<b>Code Enforcement &amp; Inspections</b>					
Personnel	205,390	\$15,190	78,510	38.22%	126,880
O&M	45,205	\$3,220	10,252	22.68%	34,953
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$250,595</b>	<b>\$18,410</b>	<b>\$88,762</b>	<b>35.42%</b>	<b>161,833</b>
<b>Tax Department</b>					
Personnel	71,940	\$5,348	\$27,331	37.99%	44,609
O&M	24,020	\$1,213	\$9,009	37.51%	15,011
Capital	0	\$0	\$0		0
<b>Total Tax Department</b>	<b>\$95,960</b>	<b>\$6,561</b>	<b>\$36,340</b>	<b>37.87%</b>	<b>59,620</b>
<b>Council</b>					
Personnel	30,150	\$2,318	15,134	50.20%	15,016
O&M	24,800	\$3,108	14,288	57.61%	10,512
Capital-Green Acres	100,000	\$0	100,000	100.00%	0
Council Expense	12,000	\$1,250	10,451	87.09%	1,549
Contributions	268,000	\$0	128,000	47.76%	140,000
Codification	2,500	\$0	0	0.00%	2,500
Employee Recognition	8,000	\$23	23	0.00%	7,977
Community Events	10,000	\$0	0	0.00%	10,000
Insurance	16,920	\$0	3,610	21.34%	13,310
<b>Total Council</b>	<b>\$472,370</b>	<b>\$6,699</b>	<b>\$271,506</b>	<b>57.48%</b>	<b>200,864</b>
<b>Finance</b>					
Personnel	360,565	\$27,215	137,889	38.24%	222,676
O&M	63,300	\$3,221	14,908	23.55%	48,392
Capital	0	\$0	0		0
<b>Total Finance</b>	<b>\$423,865</b>	<b>\$30,436</b>	<b>\$152,797</b>	<b>36.05%</b>	<b>271,068</b>
<b>Information Technology</b>					
Personnel	219,275	\$17,011	85,794	39.13%	133,481
O&M	160,360	\$9,677	34,983	21.82%	125,377
Capital	86,300	\$0	52,957	61.36%	33,343
<b>Total Information Technology</b>	<b>\$465,935</b>	<b>\$26,688</b>	<b>\$173,734</b>	<b>37.29%</b>	<b>292,201</b>

**EXPENDITURE REPORT**  
**Page Four**

Date: November 2009

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE	YTD
<b>Police Department</b>						
Personnel	3,358,535	\$249,301	1,313,242	39.10%	2,045,293	1,063,941
O&M	424,525	\$32,390	139,205	32.79%	285,320	106,815
Capital	98,000	\$967	95,725	97.68%	2,275	94,758
<b>Total Police</b>	<b>\$3,881,060</b>	<b>\$282,658</b>	<b>\$1,548,172</b>	<b>39.89%</b>	<b>2,332,888</b>	<b>\$1,265,514</b>
<b>Streets &amp; Grounds Division</b>						
Personnel	397,975	\$28,280	147,581	37.08%	250,394	119,301
O&M	344,850	\$22,678	111,531	32.34%	233,319	88,853
Capital	0	\$0	0		0	0
Debt Service	46,720	\$0	0	0.00%	46,720	0
<b>Total Streets &amp; Grounds</b>	<b>\$789,545</b>	<b>\$50,958</b>	<b>\$259,112</b>	<b>32.82%</b>	<b>530,433</b>	<b>\$208,154</b>
<b>Parks &amp; Recreation</b>						
Personnel	460,730	\$32,163	198,354	43.05%	262,376	166,191
O&M	229,515	(\$12,392)	103,509	45.10%	126,006	115,901
Capital	110,000	\$0	110,000	100.00%	0	110,000
<b>Total Parks &amp; Recreation</b>	<b>\$800,245</b>	<b>\$19,771</b>	<b>\$411,863</b>	<b>51.47%</b>	<b>388,382</b>	<b>\$392,092</b>
<b>Engineering &amp; Inspections</b>						
Personnel	160,825	\$12,189	62,170	38.66%	98,655	49,981
O&M	43,815	\$8,180	20,720	47.29%	23,095	12,540
Capital	0	\$0	0		0	0
<b>Total Engineering &amp; Inspections</b>	<b>\$204,640</b>	<b>\$20,369</b>	<b>\$82,890</b>	<b>40.51%</b>	<b>121,750</b>	<b>\$62,521</b>
<b>Less Interdepartmental Revenue</b>	<b>(\$90,000)</b>	<b>(\$7,500)</b>	<b>(37,500)</b>	<b>41.67%</b>	<b>(52,500)</b>	<b>(30,000)</b>
<b>Net Engineering &amp; Inspections</b>	<b>\$114,640</b>	<b>\$12,869</b>	<b>\$45,390</b>	<b>39.59%</b>	<b>69,250</b>	<b>\$32,521</b>
<b>Total General Fund</b>						
<b>Operating Budget</b>	<b>\$8,022,455</b>	<b>\$515,935</b>	<b>\$3,251,922</b>	<b>40.54%</b>	<b>4,770,533</b>	<b>\$2,735,987</b>
<b>Budgeted General Fund Balance</b>						
City Hall Renovations	149,188	\$80	\$33,281	22.31%	115,907	\$33,201

EXPENDITURE REPORT

Page Five

Date: November 2009

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Water Division</b>					
Personnel	244,770	\$15,870	83,377	34.06%	161,393
O&M	1,137,400	\$83,311	422,118	37.11%	715,282
Capital	45,000	\$0	0	0.00%	45,000
Debt Service	732,960	\$0	0	0.00%	732,960
<b>Total Water</b>	<b>\$2,160,130</b>	<b>\$99,181</b>	<b>\$505,495</b>	<b>23.40%</b>	<b>1,654,635</b>
<b>Sewer Division</b>					
Personnel	246,115	\$15,872	83,373	33.88%	162,742
O&M	904,255	\$133,519	465,876	51.52%	438,379
Capital	35,000	(\$549)	884	2.53%	34,116
Debt Service	679,600	\$0	0	0.00%	679,600
<b>Sewer Sub Total</b>	<b>\$1,864,970</b>	<b>\$148,842</b>	<b>\$550,133</b>	<b>29.50%</b>	<b>1,314,837</b>
Kent County Sewer	1,600,000	\$105,798	617,119	38.57%	982,881
<b>Total Sewer</b>	<b>\$3,464,970</b>	<b>\$254,640</b>	<b>\$1,167,252</b>	<b>33.69%</b>	<b>2,297,718</b>
<b>Solid Waste Division</b>					
Personnel	322,265	\$24,176	123,208	38.23%	199,057
O&M	662,800	\$63,735	281,570	42.48%	381,230
Capital	190,000	\$0	0	0.00%	190,000
<b>Total Solid Waste</b>	<b>\$1,175,065</b>	<b>\$87,911</b>	<b>\$404,778</b>	<b>34.45%</b>	<b>770,287</b>
<b>Total Water, Sewer Solid Waste</b>	<b>\$6,800,165</b>	<b>\$441,732</b>	<b>\$2,077,525</b>	<b>30.55%</b>	<b>4,722,640</b>
<b>Electric Division</b>					
Personnel	1,110,695	\$77,799	414,317	37.30%	696,378
O&M	1,931,106	\$168,109	754,421	39.07%	1,176,685
Transfer to General Fund	2,500,000	\$208,334	1,041,667	41.67%	1,458,333
Capital	515,520	\$0	20,484	3.97%	495,036
Debt Service	668,110	\$0	66,555	9.96%	601,555
<b>Electric Sub Total</b>	<b>\$6,725,431</b>	<b>\$454,242</b>	<b>\$2,297,444</b>	<b>34.16%</b>	<b>4,427,987</b>
Power Purchased	21,500,000	\$1,485,726	8,248,624	38.37%	13,251,376
<b>Total Electric</b>	<b>\$28,225,431</b>	<b>\$1,939,968</b>	<b>\$10,546,068</b>	<b>37.36%</b>	<b>17,679,363</b>
<b>TOTAL OPERATING BUDGET</b>	<b>\$43,048,051</b>	<b>\$2,897,635</b>	<b>\$15,875,515</b>	<b>36.88%</b>	<b>27,172,536</b>

**INTERSERVICE DEPARTMENTS REPORT**

Page Six

Date: November 2009

42 % of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Billing &amp; Collections</b>					
Personnel	428,105	31,787	163,264	38.14%	264,841
O&M	162,500	10,826	49,462	30.44%	113,038
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$590,605</b>	<b>42,613</b>	<b>\$212,726</b>	<b>36.02%</b>	<b>377,879</b>
<b>Garage</b>					
Personnel	137,260	9,963	53,623	39.07%	83,637
O&M	29,040	4,059	11,235	38.69%	17,805
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$166,300</b>	<b>14,022</b>	<b>\$64,858</b>	<b>39.00%</b>	<b>101,442</b>
<b>Meter Department-Water</b>					
Personnel	123,455	9,295	50,467	40.88%	72,988
O&M	93,585	4,054	18,808	20.10%	74,777
Capital	60,500	14,353	28,706	47.45%	31,794
<b>Total Billing &amp; Collections</b>	<b>\$277,540</b>	<b>27,702</b>	<b>\$97,981</b>	<b>35.30%</b>	<b>179,559</b>
<b>Meter Department-Electric</b>					
Personnel	236,435	17,687	91,546	38.72%	144,889
O&M	122,405	7,200	36,018	29.43%	86,387
Capital	32,000	0	0	0.00%	32,000
<b>Total Billing &amp; Collections</b>	<b>\$390,840</b>	<b>24,887</b>	<b>\$127,564</b>	<b>32.64%</b>	<b>263,276</b>
<b>Public Works</b>					
Personnel	0	0	0		0
O&M	143,480	8,299	43,262	30.15%	100,218
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$143,480</b>	<b>8,299</b>	<b>\$43,262</b>	<b>30.15%</b>	<b>100,218</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  
*November 23, 2009*

The City Council of Milford met in Workshop Session on Monday, November 23, 2009 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING:           Honorable Mayor Daniel Marabello

IN ATTENDANCE:   Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins,  
Owen Brooks, Jr., Douglas Morrow, James Starling and Katrina Wilson

ALSO:                City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL:           City Solicitor Tim Willard

Mayor Marabello convened the Workshop Session of City Council at 7:48 p.m.

*Transportation Planning-Route 1 Corridor-Ralph Reeb, DelDOT Director of Planning*

DelDOT Planning Director Reeb provided two power point presentations (see attached). He informed council he was in attendance to discuss what is occurring with State Route 1 and some plans relating to current and future traffic needs.

While working with the City of Milford, Mr. Reeb said there have been a variety of things planned over the years including a crossing at Tenth Street or at Northeast Front Street. He said years ago, a decision was made between the city and DelDOT that another overpass would be constructed at Front Street. However, there was a fear that if it was built, unexpected development would occur that was not included in the plan.

Mr. Reeb said that during the past year, they have heard from the city, county and Woodshaven and Milford residents that the time has come. They have worked with legislators and his department to accelerate the Tenth Street project to having money for engineering design to start in fiscal year 2012. He added the current plan has \$250,000 to begin the engineering work. He said it is not a complicated interchange because some of the work has already been done and some of the land is already owned by the state. It will be a fairly straight forward design and is scheduled to start in 2012.

In addition, the design of the Thompsonville project, ongoing for a number of years, is close to being finalized. Mr. Reeb advised the design will be finished, right of ways acquired and work will continue with the community to determine when it will be built. He said that a number of accidents have occurred there, but the fact there is a light there allows vehicles to cross the highway, so there is a slight trade off.

Mr. Reeb then referred to the south side of Milford and the Route 30/Wilkins Road intersection which a few years ago was not included in any plans. In working with the city, a decision was made to make it a top priority and he believes the funding is in next year's budget. They believe they know where the design will be and are acquiring four homes on the south side of Wilkins Road. They know approximately where the set of ramps will be but are still in conversations with the developers about how far south the road will go. He referenced the site the city is considering for its elevated storage facility and will continue to refine the design though it is similar to the green design as shown on the drawing.

He explained that in terms of the crossings, the Thompsonville Interchange will be built at some point. The Route 36 Overpass exists today and in the long term, will probably need to be two lengths depending on how the flow of traffic is managed. The Tenth Street Interchange design will be started in 2012. The South Milford Overpass for northbound traffic entering onto Rehoboth Boulevard exists today. Currently there are no plans to remove it. The overpass at Route 36 exists today and is heavily underused but according to Mr. Reeb, does help. The Route 30 Overpass will be built shortly.

He confirmed that there will be a total of six ways to cross Route 1. He stated that though that is good in terms of regional traffic, the challenge is how local traffic moves around. He explained that throughout the state, they have been working with local communities and towns to develop a set of service/frontage roads. They are used by local traffic to stay out of the traffic stream. They want local traffic to remain on local streets and thru traffic on the high type facilities minimizing the amount of traffic congestion and amount of collisions.

He explained that in the master planning effort with the city, a connection needs to be made to a service road between Route 30 and Route 36 interchanges. He referenced a concept line shown on the drawing and emphasized it is only a concept at this point. Mr. Reeb plans to work with the city planner to determine where and how a connection can be made. He then noted the Route 30 extension into town.

He reported the wetlands in the northeast area restrict construction on various sites. New Wharf Road is extremely low and any connection would need to be made across the front. Because of its low-lying areas, any construction in the rear would not be approved by the Army Corps of Engineers today. He said they are looking for a service road from Thompsonville and noted the area in question.

Mr. Reeb said there is still a lot of land that can be developed in the county and city. The county, city, state and DNREC need to continue to work together to determine how and when it will change.

He then referenced the aerial photograph showing Tenth Street, McColley property, Silicato property and the State of Delaware/NKS site and the current one way in off New Wharf into the Lighthouse area. He said that though it does not always have to be one way in, it can be treated as a two-lane road with a one lane bridge which tends to calm traffic. He pointed out the crossover at Tub Mill is extremely dangerous and DeIDOT feels it should be closed and relocated. The set of service roads shown on the plan will be constructed about the same time. The road could then become a two-way road with a two-lane bridge. Or, it can become a two-lane road with a one-way bridge, then back to a two-lane road. According to Mr. Reeb, they are willing to work that out with the city and the county. At this point, that intersection is already difficult and left turns are prohibited.

They have spoken to IG Burton about relocating the crossover further north and channelizing it to make only a clean left turn.

In the meantime, there is residential development planned at the Lighthouse subdivision, the hotel is currently under construction and a school is planned in the near future. With all the money going into major infrastructure, Mr. Reeb feels they would be better off to work collaboratively with the county and city on the timing.

They have considered the extension of the service road to Route 113. During conversations with the school, there was a concern it would make the school situation less secure. He said there are similar circumstances that have been created that do not make the schools less safe. However, the department is aware of the notion that any new exposure is a concern. Their sense is to continue to work with the city to figure out whether, how and when to make the extension. He referenced the athletic field that was built on the end of the property and emphasized the proposed extension is part of the long term plan. He believes there would be value in terms of having the traffic be able to make the connection from Tenth Street to North Walnut/Route 113 without coming down Tenth Street.

Mr. Reeb advised that Mr. McColley has been told from the beginning that they do not want his land developed with a major access on Tenth Street; the major access should be on N.E. Front Street. Their concern is nothing should move forward, in terms of construction, until the service road and Front Street Overpass are completed. He feels that planning and zoning can be done, though that should take a long time. Tenants, financing and a lot of issues need to be addressed before any building is considered. From a planning perspective, it is not a bad idea to consider industrial and commercial uses similar to those that exist in the area.

Mr. Reeb said they are moving as quickly as possible on the Tenth Street overpass. It has gone from nowhere in any plans to starting in 2012. There are currently a number of projects already planned and as their resources have dwindled, they have moved from having consultants develop plans to having more done in house.

He noted the service road is not depicted correctly on the drawing and instead will come out somewhere at the crest of the hill. It will probably run from Route 14/N.E. Front Street and roughly wrap over to Tenth Street and potentially extend out to Route 113. In the meantime, DeIDOT will continue to work with Milford on how and when the McColley site develops.

A service road has started along the west side which reaches almost to Tub Mill. Some have questioned why the road cannot extend to the end of the dam and continue. Though Mr. Reeb is not an expert on wetlands or history, and though

there may not be a construction reason why it cannot be done, it would change the shape of the dam and impact wetlands. He explained the outfall is right at the road. If this was presented to a group of engineers, they would say it could be done though it would be very costly. It would still be a challenge and whether they want it to happen, the implications need to be considered.

He noted the point the service road would end if extended to Tub Mill. Mr. Reeb did not put it on the map as a question mark because it is too tenuous to him. However, if Milford wants to pursue it, DeIDOT would be willing to work on it.

They did analyze the signage needs and plan to add some directional signs so people will go out and not around the loop.

He said one of the concerns Woodshaven residents had was the ramp as was shown in green. At some point, if Carpenter Pit Road/Calvary Lane becomes the major north/south route from Sussex County, it will have to be widened and become two lanes. However, he is unsure when that would happen.

The mayor then asked if council had any questions.

Mr. Brooks recalled a meeting three to four years ago when the Route 30 overpass was discussed. At that time, it was stated an overpass took five years to complete; Mr. Reeb agreed. Mr. Brooks clarified that if the Front Street Overpass does not begin until 2012, it will not be completed until at least 2017.

Mr. Reeb explained this is a different arrangement because it usually begins on a project list once they recognize a problem. The first thing they do is inform the neighborhood they are trying to fix the problem and ask for opinions. Second, they provide options to fix the problem and one of those options is an overpass. That conversation, referred to as project development, lasts approximately eighteen months. If it is agreed to proceed, the guarantee of money is needed which is typically made part of the next budget. For the last fifteen years, DeIDOT has not had any extra money and there have been many more projects than available funding. Typically, it takes another year to go through the funding cycle and another year to design a simple project, two years for a complicated project and one or two construction seasons to build it. The fastest it has taken is five years, though the more likely time is seven years.

Mr. Reeb further explained this is not the normal arrangement. They have been working with the city for a much longer period of time and the city has asked the department to move on it as fast as possible. It was then put into the design schedule. They are now working with the community to minimize the negative impact and determine how to keep the bridge as far away as possible from the houses on New Wharf Road. They are also trying to avoid a significant impact to Hitchens Tire though Mr. Reeb feels is going to be difficult.

He said the biggest issue is the funding for construction which he needs the town to support the funding for the construction. If the town does not make it clear it is needed, there are other people needing those same dollars in their town.

Mr. Reeb thinks the only properties they will need to acquire is a chunk of the farm on New Wharf Road and a piece of Hitchens Tire. Both are aware this is happening though time is still needed to address those issues. Though he is unsure of the exact estimate, it typically runs between \$15 and \$20 million.

Mr. Brooks asked for Mr. Reeb to repeat his feelings on the development of the McColley property; Mr. Reeb said that from his perspective the zoning is not the issue because it really does nothing. However, it will set the stage and provide a collective sense of what the town is planning in the future. The intersections are already handling as much as they can. The plan is to close off part of the Tenth Street intersection and prohibit vehicles from going straight across though they will be able to go west. Eastbound traffic will be a right turn out.

He feels that what is being planned at the 15-acre site can be accommodated. The trucks will come down and use Route 36. They have agreed to that and DeIDOT fully intends to hold them to that. The challenge is the 90-acre site. The work involved of getting through a zoning process, a plan for the subdivision, finding tenants along with other challenges will be difficult.

Mr. Reeb stated they are very concerned that tenants will start to move onto the site thus generating more traffic at the

surrounding intersections until it is operable.

He also confirmed a service road will extend from Tenth Street to Front Street to accommodate the commercial/industrial uses along Route 1. Mr. Reeb explained that Mr. Silicato does not need the extension for his property to work because he has rights in/rights out in two areas.

He said that from their perspective, this service road needs to be built to accommodate whatever happens there. His preference is the service road be constructed as quickly and reasonably possible. However, the south portion does not have to happen to safely accommodate the other sites being developed.

Mr. Brooks estimates that once the school, church and hotel are built in the Lighthouse development, another one thousand vehicles will use the access road. If the road remains one way, the traffic will use Tenth Street and exit or enter via that intersection. That is in addition to the traffic from football games (he estimates 600 - 700 vehicles) and other school events who use that intersection on a regular basis.

He feels the Tenth Street intersection is as dangerous as the Thompsonville intersection. Mr. Brooks also questioned the Tenth Street route that emergency vehicles use to access Woodshaven, Route 1 and the northeast part of Milford. Because time is of the essence in an emergency, fire trucks and police cars will need another route. Another concern is the additional turns and u-turns that will be required to get into Woodshaven which will take more time.

Mr. Reeb explained that currently, the fire trucks have to stop on Route 1. He said that generally speaking, the right turn out and left turn in is safer and faster than trying to cross Route 1. Though it may not always be the case, it will certainly be the case in the summer and possibly not in the winter and not in the middle of the night. DeIDOT knows it needs to be completed and are working on when and how to get it done.

He agrees with Mr. Brooks particularly about the football traffic situation. They will continue to work with the city, county and school district. He explained they will only close the ability to cross Route 1 onto Tenth Street west of Route 1. Vehicles exiting the west side of Tenth Street into Woodshaven will be permitted.

Mr. Brooks recalled that at a DeIDOT workshop approximately a year ago, it was stated that when the Thompsonville exchange was built, a road would run directly to the overpass. Mr. Reeb agreed it could happen though they are unsure exactly the best way to do it.

It was agreed that the timing of these issues are vital; Mr. Reeb said they plan to work with the city and the county as the development plans unfold. He explained there is one property that will need to be purchased though conversations have not begun at this point.

Mr. Reeb pointed out the Thompsonville project was planned until a number of people got involved and asked it be halted while a number of other projects were addressed. He said the traffic light there allows a break for drivers to cross the highway.

Mr. Adkins asked Mr. Reeb if once the Lighthouse subdivision is fully developed and the crossover closed, does he feel drivers will use the service road to cut through Woodshaven to go south. Mr. Reeb believes that the north side of the subdivision will be used as well as the Thompsonville overpass.

He said the challenge will be what kinds of modifications are needed to the Lighthouse road to encourage its use. Mr. Reeb plans to work with Woodshaven residents to determine the best approach. Part of the issue is time and how fast the subdivision will build and how quickly the Northeast Front and Tenth Street intersections will need to be adjusted. He agrees that some drivers leaving the Lighthouse project will go through Woodshaven and exit at the Northeast Front Street overpass.

He noted that one of the reasons the overpass was not built at Tenth Street fifteen years ago was because traffic would dump right into Woodshaven.

Mr. Workman agrees the city needs to work closely with DeIDOT and vice versa. He said the hope is that when a six-lane

highway is planned, the existing properties around should not be destroyed. He said if Milford decides to do something with the McColley property, will DeIDOT give their approval and confirm the traffic study shows no problems. His opinion is DeIDOT does not appear to give any negative feedback though there is often a negative impact.

Mr. Reeb explained that generally speaking and in every case he can think of, they do everything possible to work with the local government to try to get done what they want done mostly through the implementation of their comprehensive plan. He said they have a comprehensive plan they understand and have helped the town to create. He feels it is fairly easy for them to include in their recommendations to any developer or property owners, the pieces they collectively need to have built and when. Not that he is highly recommending anything with respect to the McColley property, but he has spoken with different people to work on a property in support of economic development for the City of Milford. He is saying they are not discussing the issue of zoning. If the town wants to rezone the property, that is fine. But the discussion about when and how it develops, they want to very much be a part of.

Mr. Reeb stated he has told Mr. McColley they cannot imagine how they could permit additional traffic from the property before the overpass is constructed. He is not saying that absolutely nothing should happen there, but noted there is a huge difference between 15 acres and 90 acres. On those 90 acres, DeIDOT will continue to work with the city as they have to figure out what the traffic generation will be and how it will work. But they are thinking that not much can happen before it is built.

He stated with that said, someone may come back tomorrow with an economic development idea and suggest for example, turning it into an electronic data storage facility with two twelve-hour shifts with eight people on each shift. He will need to come back and talk with the city because they would probably favor such a project which would generate very little traffic. A similar situation occurred in New Castle County when a person was proposing to put shops and townhouses on a property along Route 1 but instead, a data warehouse was built. That facility generated only 24 to 25 trips a day.

Mr. Reeb explained that his colleagues, who perform the traffic impact studies, work with the town. His departments' job is to protect the safe and smooth flow of traffic especially along state roads. They do not have much jurisdiction in the city, though they will work with the city if a street is a city road. On the other hand, Route 1 is a state road. Collectively, the concern is the two entrances of which one is on a state road. Their sense is until the overpass is constructed, they are unwilling to accept additional traffic through the intersection.

Ms. Wilson said she is in agreement with Mr. Workman. DeIDOT's job is to give their best recommendation and councils' job is to have as many facts as possible before something is approved or denied. If Mr. Reeb is giving council some pretty concrete information, it will give council a much clearer perspective and defined way to say yes or no. She thinks council needs to make a decision based on facts. She added that the city planner also gives his presentation based on the facts. She feels the presentation was helpful though there is still some uncertainty. However, she better understands the importance of the service road and its need for that development.

Mr. Reeb agreed that is the dilemma with planning; it is very difficult to look at a map where half of the land is available. He said there are huge chunks of land north still available though some of the area is wetlands and unbuildable. The challenge has always been to get the timing and zoning right and figure out how to size things. Many people believe that building an overpass brings new development to that area. Then it becomes a safety issue which is usually the deciding factor.

When questioned by Mr. Spillane, Mr. Reeb confirmed the service road will be built. They know approximately where it will go and have spoken with the property owners. The service road must be connected from where it comes off Route 1 over to Route 14 which will be the on/off ramp for that side of the road. The other one will be constructed though they have not yet finalized those plans.

He feels it will be a great way to access sporting events, graduations and other activities at the high school. However, getting vehicles in and around will be the challenge. Bringing them in the back way will relieve a lot of congestion.

Mr. Reeb said that to fix some of the problem, a left turn lane will need to be created. There was no way to do that without taking out a piece of the shop/building on the corner of Tenth and Walnut Street though it will be expensive and disruptive to businesses. But when the time is right, that may be the right choice. When working with the school, they tried to make

the entrance at the back work. He hopes it will though he is still concerned about traffic on Tenth Street.

Mr. Johnson asked if it will be possible to access the service road from the proposed shopping area in the 90 acres; Mr. Reeb said that is what they have told the McColleys all along. If it develops, they are expected to participate in the cost of constructing the road because that will be their access. They may have another access point which could be worked out. But they have heard a number of uses being considered for the property. Their preference in working with communities is to say this will be commercial, industrial or residential. They are able to anticipate in the comprehensive plan where a service road might go, but in this case, they are working with everyone involved to figure whether, where and how to put in an entrance. Mr. Reeb feels it is very clear where the road needs to come out, which will be the primary access. How that is done still needs to be designed though he feels it is clear where it should go.

Mr. Morrow arrived at this time.

Mr. Brooks asked for clarification on the service road/main entrance. Mr. Reeb explained the location of the service road will be slightly west of where it is shown on the driveway. He said it has not been determined if another entrance will be added. That decision will be affected by a number of factors.

Mr. Workman asked how much impact a municipality has on DeIDOT's decision; Mr. Reeb answered a great deal and typically between 90 and 100%. As an example, the decision DeIDOT made to prevent traffic from going straight across. Mr. Reeb explained that these decisions are based on engineering facts because Milford does not bear the liability for what happens on Route 1. Instead, the people that sign off on the plans do. However, the department listens to the opinions and concerns of the town and residents which have an impact on their decisions.

Mr. Spillane referenced the Route 206/30 area. He said that once development starts and is completed, traffic will be exiting the ramps and overpass and entering onto secondary roads that need work. He asked how soon improvements are planned for the Cedar Creek Road/Wilkins Road area. Mr. Reeb said that neither of the roads are scheduled for widening.

Mr. Spillane referenced new residential developments that have been approved and asked how the additional traffic will exit onto Route 1. His concern is the roads are not up to standard and inappropriate for this additional traffic. Mr. Reeb could not recall the traffic impact study from those developments. Mr. Spillane does not believe one was done.

Mr. Spillane then referenced the 405 parcel and asked for confirmation that nothing will be allowed off Route 1; Mr. Reeb agreed. When asked about Route 206, Mr. Reeb explained that it will not be possible to exit from Route 206. Mr. Spillane then asked about Route 30 Extension/Rehoboth Boulevard; Mr. Reeb answered that will be the only place.

Mr. Spillane expressed further concern about the roadway conditions and traffic flow. Mr. Reeb agreed noting that he is unable to say whether or not that parcel will be developed though something creative could be added that would not produce many trips. He referenced an existing driveway though they do not need that parcel for the overpass project. Before anything is developed, the department will continue to discuss the master plan in that area in order to get a better understanding of the roadways. Anything that occurs will result in the developer making improvements to get on the property and the surrounding roads.

He added that at this point, nothing major was needed on those roads. The overpass itself, does not change anything other than give people the ability to go around by lifting themselves up over the traffic. Mr. Reeb explained most of the flow is up Route 30 and around the proposed ramp.

Mr. Spillane asked if when the overpass/ramp is built, will it create more flooding. He informed Mr. Reeb of the problem on Wilkins Road and the continuous problem at the entrance area into Hearthstone. Though he is trying to get that repaired, they have indicated to him the state did not build the road right. However, he feels it is not the fault of the state, but the person(s) that built around it. He believes this will cause even more drainage problems.

Mr. Reeb agreed they are supposed to manage the runoff associated with the project on site and should not make the situation worse. However, that does not mean that after the project is complete, when an adjacent field becomes flooded after a six-inch rain, that does not prevent that water from washing across the road. He said it is not necessarily associated with that directly. If so, someone made a mistake with stormwater calculations. The stormwater must be managed either

within the project or through some type of outfall. In this case, the tidal tributaries are actually too far away. But where there is a tribal tributary, you can manage for quality. Then the quantity runs off and downstream with the tide. In this case, he expects it will be managed for both though he is unsure of the exact details.

Mayor Marabello thanked Mr. Reeb for taking time out of his schedule to attend the council meeting.

#### *Purpose of HOA Committee*

At the previous meeting, Mr. Workman recalled asking council to consider the direction and goals of the HOA Committee. He does not feel council has provided any specifics as to what is expected at the time the committee was appointed. As the new chair, he asked for input from council in order to meet councils' goal.

Mr. Brooks said he believes the committee needs to discuss the problems HOA's have experienced, learn from them to prevent them from recurring.

Mr. Adkins personally feels the city should not be involved with HOA's. He feels the committee was a good way to allow the homeowners' to voice their concerns and issues. However, he does not feel it would be appropriate for the city to determine at what point/percentage a developer would relinquish power to the HOA. He believes that defeats the purpose of an HOA which is a self-governing body. He suggests that perhaps a rule be established to require certain information be disclosed to potential homebuyers.

Mr. Morrow looks at it as a communications tool. He agrees that if there are problems, they need to be identified in order to avoid the same problems in future developments. It should allow the HOA's and the city to have an open dialogue though he does not believe the city has the legal right to actually govern an HOA. He believes we can work together and coexist which is why there is a need for good communication. He does not see a need for monthly meetings, though a meeting can be called if a problem occurs.

Ms. Wilson said that has always been her position and she voiced that from the beginning. She also does not believe the city should have a role as far as making rules. She does not believe the city has the legal right to dictate what an HOA does. She has no problem with a council person being a liaison for the HOA's. In turn, that council person would communicate those problems/issues to the city solicitor or state to resolve the matter.

Mayor Marabello feels one of the main jobs of the HOA's is to make sure their retention ponds are maintained properly. He asked what happens if the money has not been put in reserves and is not available for proper maintenance. He asked if the city would then take over the maintenance of the retention pond by default.

Ms. Wilson feels the HOA members would go to the HOA Board; the mayor asked what happens if they are not doing their job. Mr. Adkins pointed out that argument could be made with any private property in his opinion.

The mayor asked if adding some safeguards to ensure the money is there would prevent the city from picking up the responsibility. Mr. Adkins said that is why there are specific HOA rules and policies.

The mayor asked if the city will front the money if the HOA has no funds and the work is required. He asked if some type of bond should be required.

Mr. Spillane explained there are a number of inactive HOA's where there are no appointed boards or dues being paid. When that happens, the HOA's have folded and eventually, without inspections and maintenance, the ponds end up with nuisance odors, insects and mosquitos. When the residents call the city for help, they are told to contact their HOA though they do not exist. He asked if the city needs to sue the members of that HOA to try to force them to reestablish the HOA emphasizing that by that point, no one wants to be involved.

Mr. Spillane feels it will eventually fall back on the city to fix the ponds. It was his opinion these type issues are what needed to be addressed. He said there are many problems with HOA's in other towns and in the counties.

Mr. Workman recommends that clear policies/rules be added to the code regarding HOA's so that developers understand

what needs to be done before any building occurs. He agrees the city should not be writing the HOA rules for each development. However, potential homeowners should be aware of the HOA restrictions before any sale agreements are signed. Mayor Marabello said the State of Delaware requires that.

Mr. Spillane also pointed out that condo homeowners pay both an HOA and condo fee. The outside of the condos are maintained by the HOA. If no one pays dues and the buildings begin to deteriorate, that will eventually fall back on the city.

Mr. Morrow noted there has been a great deal of discussion by state legislators on how to handle HOA's. He suggests the committee consider any related laws or potential legislation. He stated that perhaps many of the issues being discussed by the committee are regulations being considered as state law.

Mr. Adkins pointed out that if there is an unsafe drainage pond, similar to any unsafe private residence, it is a code issue. The building inspector/code official would then require it be corrected. If it is not taken care of, the city would end up assessing that property. As a result, he does not understand how it would end up costing Milford's taxpayers.

Mr. Spillane asked who will pay for the repair in that case; the city would still need to fix the problem at their expense. After it was repaired, they could then try to sue the members of the HOA. Mr. Adkins believes you would assess it through city taxes.

Mr. Workman thanked council for the comments stating he has a better understanding of where the committee should go.

City Solicitor Willard then recalled the brief ordinance he drafted. He said the subdivision code does not require HOA's though it is something the planning director requires for major subdivisions. He recalled Andy Taylor, who is the lead attorney for Delaware Realtors, addressing the committee.

Mr. Willard said the bill Mr. Morrow is referring to addresses some of the concerns. Normally, the free market would encourage HOA's with restrictive covenants which would benefit the owner because he could sell that. However, as they have gotten bigger and more complicated, some times the owner has walked away from it. The new legislation addresses some of the issues very aggressively including the up front notice to homebuyers.

The solicitor recommended the committee deal with some of the waivers in that ordinance. Mr. Taylor informed Mr. Willard that is permissible. For example, if the state statute allows something not be done if there are less than fifty units, and fifty units may be considerable for Milford, then Milford would require it.

At a minimum, Mr. Willard suggests an HOA be required for final site plan for major subdivisions. He also agrees with Mr. Adkins that requiring a specific percentage for HOA turnover is not advisable.

With no further business, the Workshop Session of Council concluded at 9:06 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

Delaware Department of Transportation

# MILFORD AREA IMPROVEMENTS

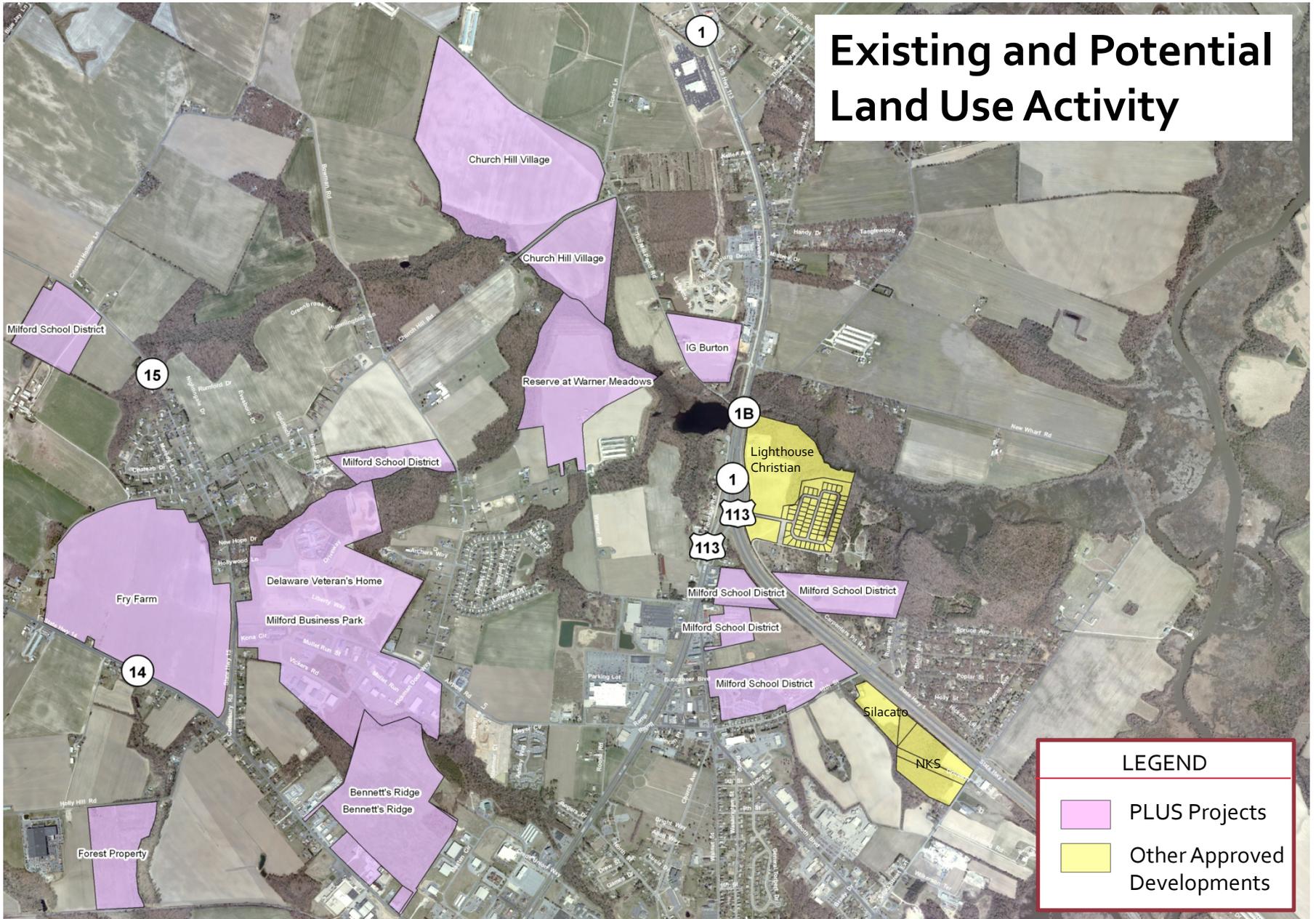
# Milford Area Improvements

- Plans cover 20-30 years
- Goal – Reduce conflict points created by turning movements
- Actions:
  - Bridge @ SR 1 / SR 30
  - Bridge @ SR 1 / Thompsonville Rd
  - Bridge @ SR 1 / Front St
  - Crossover relocation / redesign
  - Rest of service road in east

# Woodshaven Area



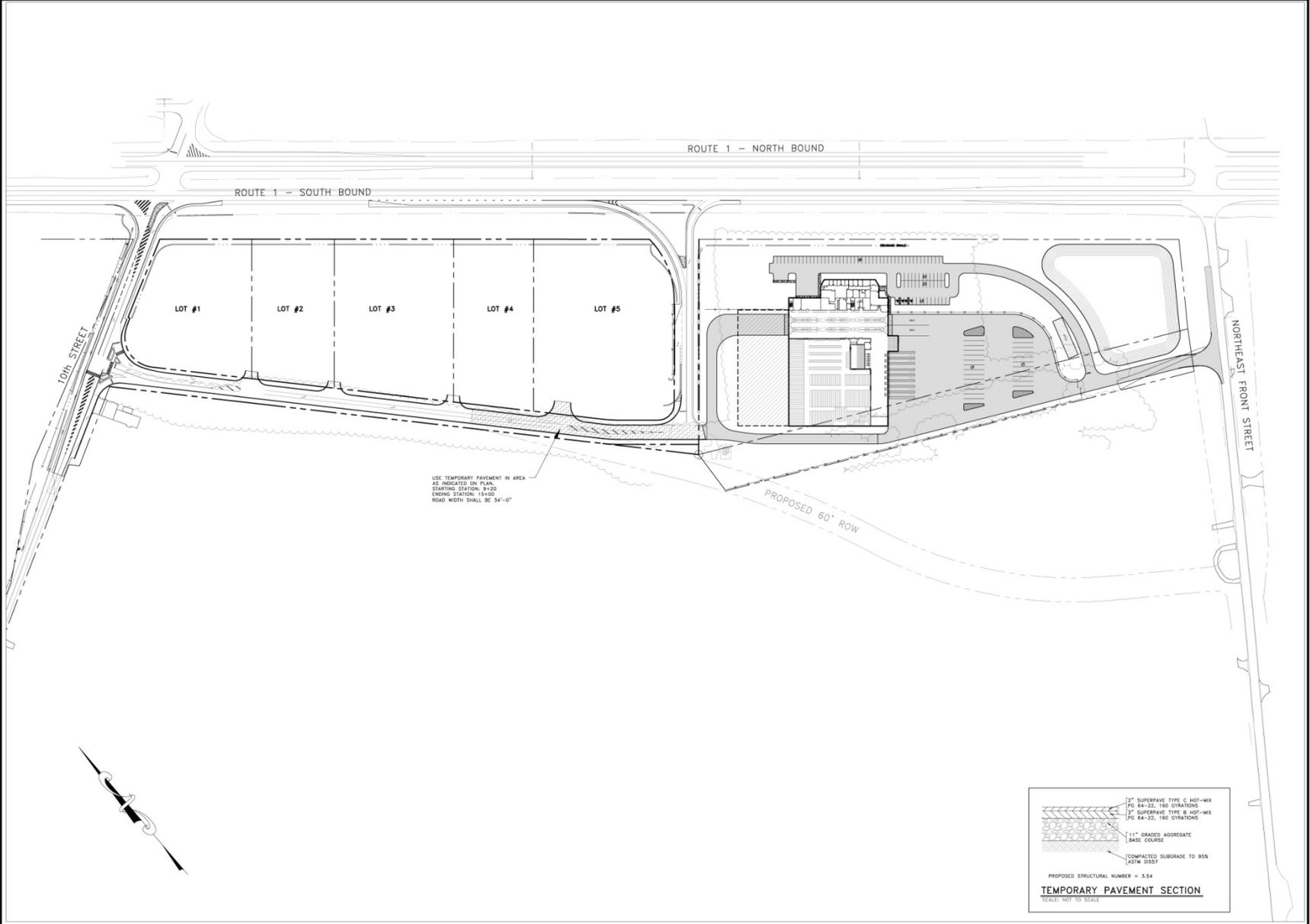
# Existing and Potential Land Use Activity



**LEGEND**

-  PLUS Projects
-  Other Approved Developments





DAVIS, BOWEN & FRIEDEL, INC.  
 ARCHITECTS, ENGINEERS & SURVEYORS  
 SALLISBURY, MARYLAND (410) 543-7878  
 WILMINGTON, DELAWARE (302) 404-1441



**SILICATO-WOOD COMMERCIAL DEVELOPMENT**  
**CITY OF MILFORD**  
 MILFORD HUNDRED, KENT COUNTY, DELAWARE

**NEW ROAD ALIGNMENT CONCEPTUAL PLAN**

Date: FEB. 2009  
 Scale: 1" = 100'  
 Drawn by: BK  
 Proj. No.: 0809037  
 Rev. No.:

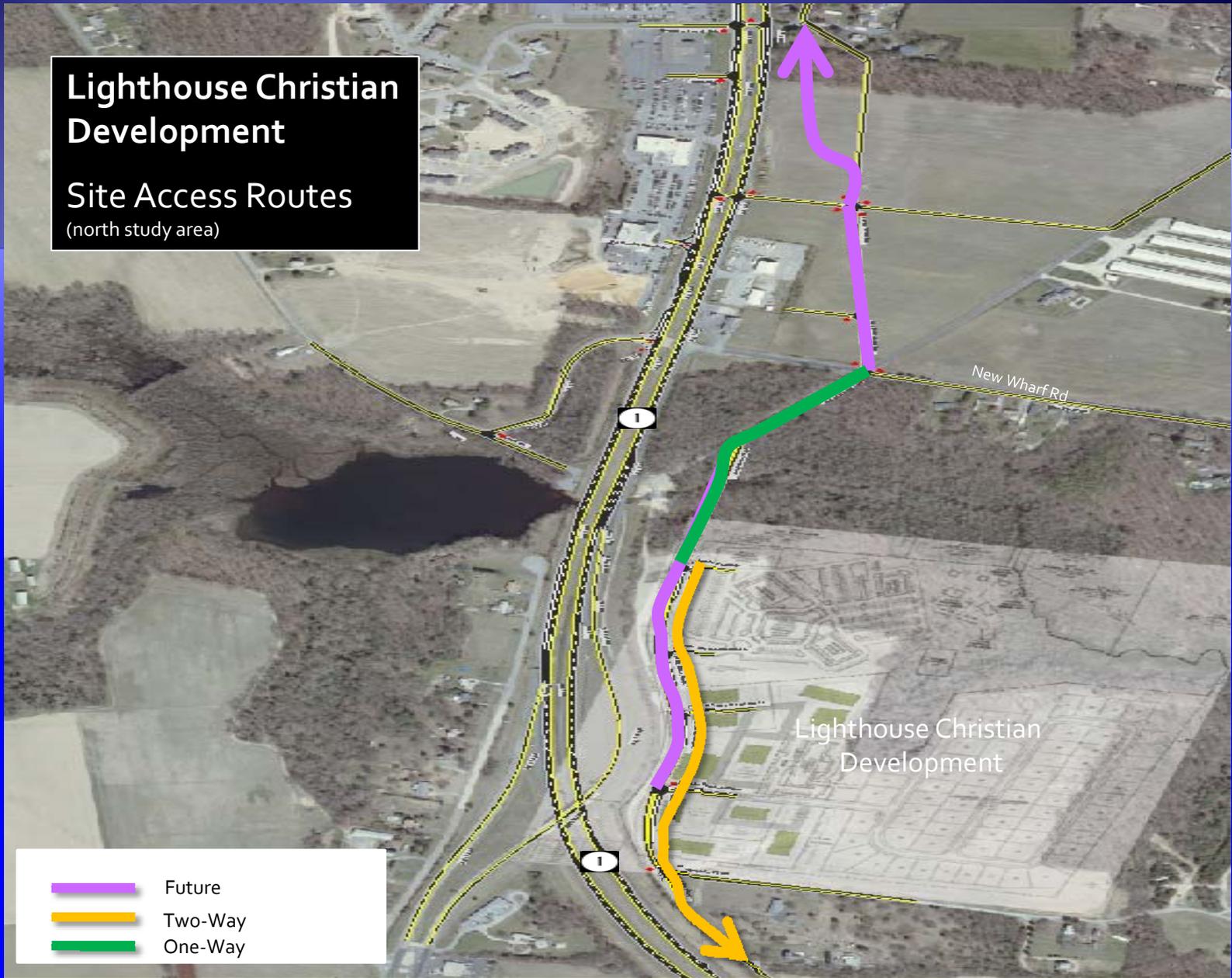
**CP-1**



# Lighthouse Christian Development

## Site Access Routes

(north study area)



-  Future
-  Two-Way
-  One-Way



**SR1, THOMPSONVILLE**  
**GRADE SEPARATED INTERSECTION**  
**PREFERRED ALTERNATIVE**  
**DELDOT CONTRACT NO. 24-122-01**

**SR1 CORRIDOR PRESERVATION**  
NASSAU TO DOVER AIR FORCE BASE



0 200

MARCH 31, 2005



**Legend**

- PREFERRED ALTERNATIVE
- RIGHT OF WAY
- PAVEMENT REMOVAL
- WETLANDS
- PARCEL BOUNDARY

MAPPING IS BASED ON 2002 STATE OF DELAWARE ORTHO PHOTOS. ALL INFORMATION SHOWN IS FOR DISPLAY PURPOSES ONLY.

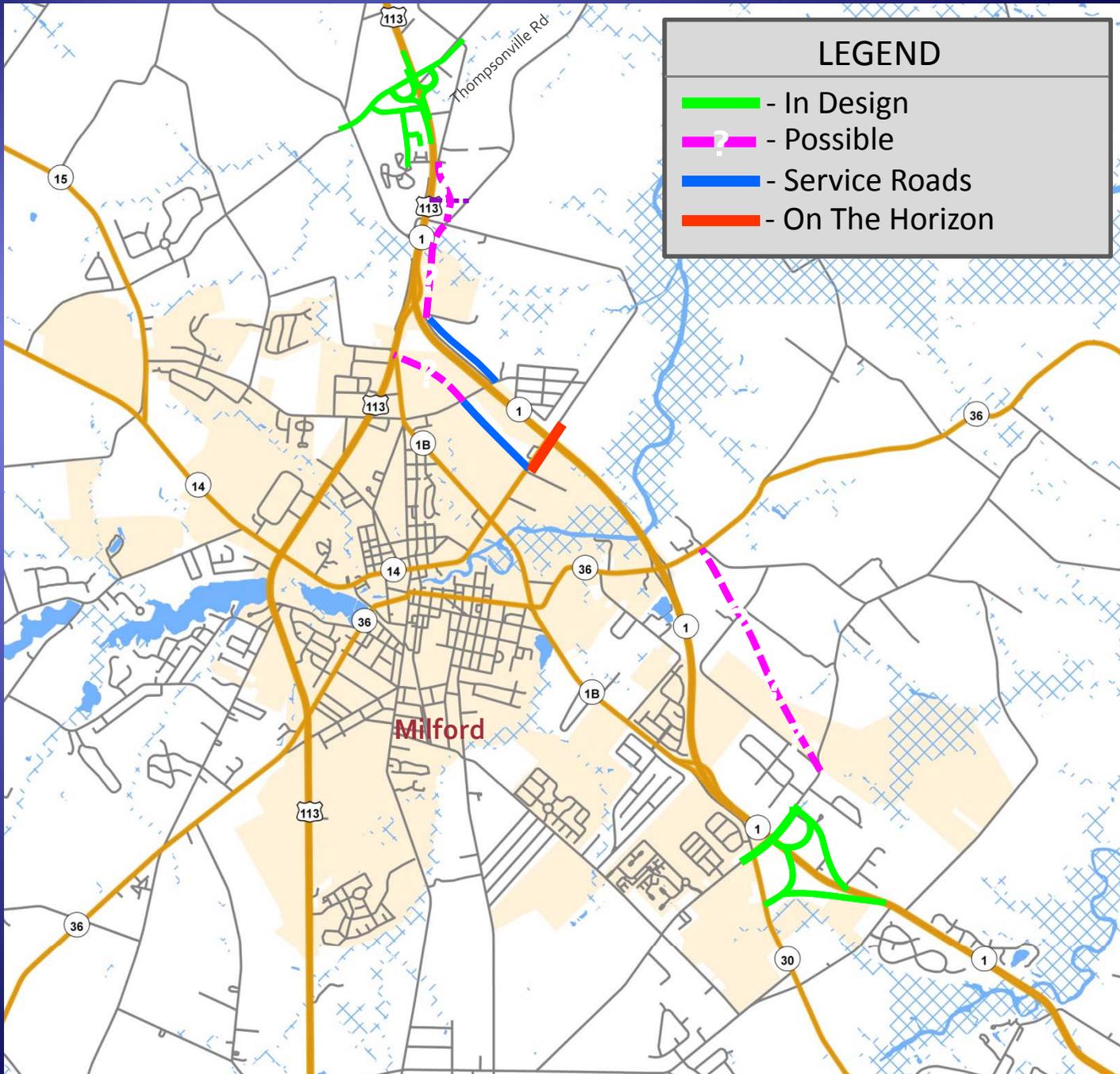
**QUESTIONS OR COMMENTS**

Delaware Department of Transportation

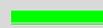
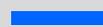
# MILFORD AREA CONCEPTS & PROJECTS

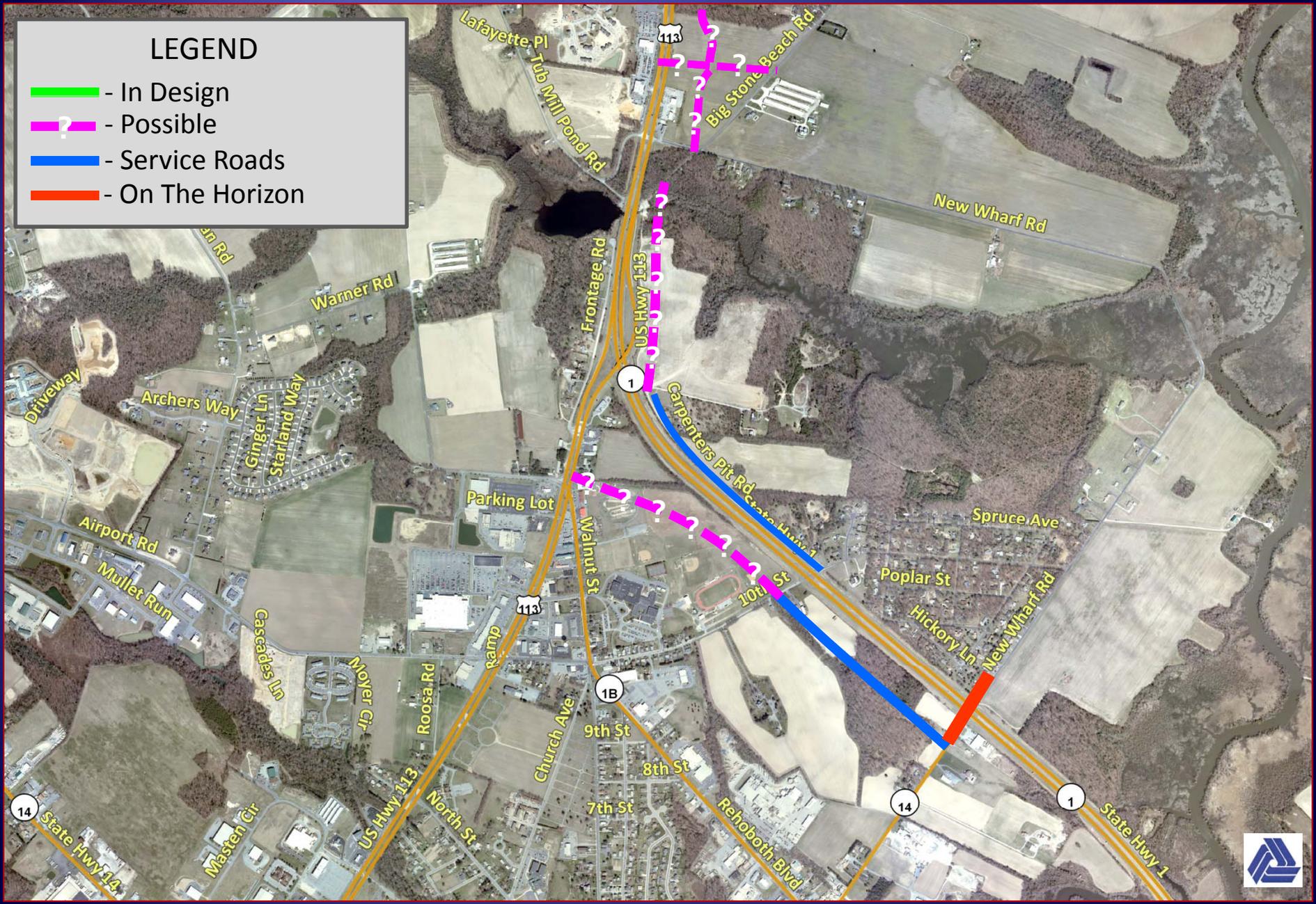
November 23, 2009





# LEGEND

-  - In Design
-  - Possible
-  - Service Roads
-  - On The Horizon



*MILFORD CITY COUNCIL*  
**MINUTES OF MEETING**  
*December 14, 2009*

On Monday, December 14, 2009 the City Council of the City of Milford held a Public Comment Session in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting in order to allow the public to comment about issues of interest that impact the City of Milford.

**PRESIDING:** Mayor Daniel Marabello

**IN ATTENDANCE:** Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

**ALSO:** City Manager David, Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Marabello declared the Public Comment Session open at 7:23 p.m.

William Christy of 24 Valley Forge Drive, Shawnee Acres spoke on behalf of the Shawnee Acres residents. He discussed the flooding problem affecting eighteen properties on Lexington Drive and two properties on Valley Forge Drive. He said flooding did not occur prior to the retention ponds being constructed in Hearthstone that flow into the ditch along Elks Lodge Road and under Lexington Drive into a protected creek. There is increased concern about what will occur as Hearthstone II is developed.

He asked the city give consideration to this situation when making further decisions about the proposed development.

Mayor Marabello said he will discuss it with the city manager who will have someone get back with Mr. Christy.

Mayor Marabello said that Councilman Spillane was signed up to speak during the public comment session and unless anyone had an objection, he would allow it.

Councilman Spillane stated he agreed with Mr. Christy on the flooding problem between Hearthstone and Shawnee Acres. He said there are additional flooding problems in the front area as well as at the house adjacent to Hearthstone.

Councilman Spillane said that the grading at Hearthstone was not done properly which has also caused flooding to an increasing number of homes. He added there is still a topsoil problem.

He spoke about the signs stating that some people refer to them as two signs and other say there are four. He said the state maintains 600 feet on each side of Route 1 and the signs should be under their control. He asked the city write to the state to have the permit revoked which he feels was illegally issued.

The mayor will also follow up with the city manager on these matters and get back in touch with Councilman Spillane.

With no other persons signed up, Mayor Marabello declared the Public Comment Session closed at 7:31 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
December 14, 2009

The Regular 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, December 14, 2009.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

#### CALL TO ORDER

Mayor Marabello called the Monthly Meeting to order at 7:30 p.m.

#### INVOCATION AND PLEDGE

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

#### APPROVAL OF PREVIOUS MINUTES

Motion made by Councilman Morrow, seconded by Mr. Starling to approve the minutes of the November 9, November 23 and December 1, 2009 council and committee meetings as presented. Motion carried.

#### RECOGNITION

None.

#### POLICE REPORT

Police Committee Chair Morrow moved for acceptance of the monthly police report submitted by Chief Hudson, seconded by Ms. Wilson. Motion carried.

Chairman Morrow noted the increase in activity over the past year and expressed his appreciation for the job the department does. Mr. Brooks agreed that this year, the numbers have dramatically increased and the officers are becoming increasingly busy.

Mr. Workman then commended the officers who worked the Holiday Stroll noting they were very visible throughout the event.

In response to Mr. Spillane, Chief Hudson said he will check into whether or not the new software program can determine where criminal activity is increasing in specific areas of town.

#### CITY MANAGER REPORT

City Manager Baird then read the following report into record:

##### **City Hall (Administration Goal)**

City Hall is now fully staffed. Offices located at City Hall include City Manager, City Clerk, Planning & Zoning, Code Enforcement, Building Inspection, Assessment and IT. A cashier's station is available on the Lower Level and is currently able to accept Planning and Zoning, Building Permit and License Fees. The main telephone number to reach City Hall

is 424-3712. Public Works and Billing will continue to utilize the 422-6616 number.

### **Online Payment Upgrades (IT Goal)**

In January, the IT Department will be launching our new online payment service GovNOW. The GovNOW service will offer all of the same services currently offered, but will expand the information made available online to customers and allow for tax payments to be made directly to the City, instead of through a third party. GovNOW also allows the City to expand online services to other forms of payments such as building permits, business licenses and parks and recreation registration fees to name a few. The IT staff will continue to develop those functions and add them to GovNOW once they become available.

### **North Front Street Sewer Project and FY2010 Bond Issue (Engineering & Finance Goals)**

We have received final approval from DNREC to move forward on the North Front Street Sewer Project that was conditionally awarded by City Council on Nov. 9. The closing on the loan from the Clean Water State Revolving Loan Fund is tentatively scheduled to take place on Dec. 21, 2009. The contractor has indicated they are prepared to move forward at anytime and weather permitting, we anticipate the project starting in mid-January and continuing through July. There will be periodic traffic disruptions on North Front Street during the construction.

This will also have a positive impact on the inflow and infiltration entering the sewer system with a savings of \$600,000 to \$700,000 per year.

### **Hall Annexation**

This item was discussed at your last Council meeting and it was commented the application would be ready for consideration at tonight's meeting. This is not able to take place as the City has not received comments on the plan of services from the Office of State Planning as required by State law. As soon as the comments are received, the item will be placed on your agenda for final consideration.

### **Economic Incentives**

I am working with the Chamber of Commerce and Downtown Milford, Inc. regarding the development of incentives to initiate economic activity within the City. Potential incentives include tax abatements, reduction in utility connection/impact fees, streamlined approval process to name a few. While these ideas are genuine, it is important to gain feedback from the business community prior to proposing such ordinances to City Council. I anticipate the preliminary work to be completed and recommendations made to City Council at its January 25 workshop.

### **Delaware Solid Waste Authority**

DSWA will not offer the same contract and I will be negotiating a new contract before its expiration date on July 31, 2009. They have suggested substantial increases and could be from 25 to 60%. A number of municipalities are joining together to contract jointly with DSWA to have a better position to negotiate. Cities such as Newark, Dover and Milford will be involved in those conversations. A meeting with the DSWA Director has been scheduled on January 6, 2009 in hopes to control the costs as best as possible.

Mr. Baird stated that at city hall, we are moving forward in an effort to collect all fees once we are staffed to a point that we can accept all payments including utility and tax payments.

Mr. Adkins moved to accept the City Manager report, seconded by Mr. Morrow. Motion carried.

Mr. Workman advised that he tried calling city hall approximately ten times today. Each time, it went directly to the automated system. He feels it takes much too long before you are able to reach a live person.

Mr. Baird explained the phones are set to ring a number of times before going to the automated system. He has heard the same concerns and some additional options are currently being considered. Ms. Wilson said she had the same comment.

Ms. Wilson also recalled that when the city began to talk about recycling, she did not want the service made mandatory because of potential future costs. She felt that any increase in costs would have a negative impact on our customers

particularly those who were reluctant. She asked that whatever can be done to keep those costs down should be considered. Mr. Baird explained that recycling is still voluntary for our customers.

The city manager then reported the City of New Castle recently renewed their DSWA contract though DSWA no longer wants to be the primary collector of recycling. They will continue to bid on it and if low bidder, are happy to provide the service. However, they cannot continue to be successful at their current cost of \$1 per collection. The fee in New Castle went from \$1 per collection to \$1.59 which is a substantial increase when considering Milford has 2,000 customers. He said that in addition, the rates may increase on the garbage side with tipping fees.

Mr. Brooks then asked the status of budget billing. Mr. Baird advised we are in the process of setting that up. When DEMEC comes out with its new rate structure, our goal would be to coincide with that new rate during the May billing cycle. Mr. Brooks asked if that means it would start in May; Mr. Baird confirmed it is correct.

Mr. Starling asked if no one is answering the phones at city hall; Mr. Baird explained that Ms. Wilson is answering the phones though she is the only one taking calls and is not always at the phone due to some of the other responsibilities she has. In that case, the automated system picks up after three or four rings.

It was confirmed that Ms. Wilson takes all calls coming in on both lines. When asked her location, Mr. Baird explained that currently she is downstairs helping out with some of the payment options. However, she is being moved upstairs based on the limited volume of customers at city hall.

Mr. Morrow asked how many lines are coming into city hall; Mr. Baird stated there are six or seven lines into this building. However, each line rolls over if the number being called is busy.

#### COMMITTEE REPORT

##### *Finance Committee Report/Acceptance of FY2008-2009 City of Milford Audit*

Finance Chair Morrow presented the recent audit as reported in the transmittal letter and report completed by the Certified Accounting Firm of Heffler, Radetich and Saitta, LLP.

It stated that tests of compliance were performed and the results disclosed no instances of noncompliance or other matters required to be reported under Government Auditing Standards.

Mr. Morrow added the successful audit is another tribute to Finance Director Jeff Portmann and his staff and commended them for the job they do.

Mr. Adkins said that last year, net assets increased \$6.5 million and this year increased by \$3.1 million. He asked if that will continue; Mr. Baird explained that is attributed to the accumulated reserves we have now which will be offset by the bond issue. The rates were set earlier in anticipation of the new debt on the water, sewer and electric funds. Those funds are rolled into the reserves and will be used to offset the debt which is the main increase in the cash assets.

Mr. Morrow moved to accept the audit, seconded by Mr. Workman. Motion carried.

##### *Charter Review Committee Update*

Referring to the clean-copy of the proposed charter and the mark up copy, Mr. Spillane asked that council take a close look at the old charter noting there are still some unresolved issues. He asked that council familiarize themselves with the changes so it can be thoroughly analyzed at an upcoming workshop. He asked the city solicitor and city clerk to schedule a special meeting for the review.

Mr. Willard explained the italics on the marked up copy is new language that has been added. Any strikeouts are language that has been removed. The underlined areas are sections that have been moved to other areas. He added the charter is also being reorganized so it is more logical.

He agreed with Mr. Spillane that any unresolved items (shown in brackets) will need a decision by city council. He encouraged council to read the document and come prepared with comments at that special meeting.

Mr. Workman was under the impression the document would show the changes in bold letters and strikeouts similar to other ordinance amendments. He feels the document is confusing and prefers it be presented in a more simple manner and without the added conversations.

Mr. Willard explained that any strikeout is language being removed and anything new is in italics. He suggests council not be concerned with the underlined language as that has only been relocated to other areas of the charter.

It was confirmed a summary of the changes is being prepared by the solicitor.

The solicitor also feels our charter is somewhat weak on enumerated powers and obtained copies from Millsboro, Newark and Lewes for consideration.

Mr. Brooks advised the committee met for two hours sixteen different times. He expects it may take several nights before final approval is given by city council. He agrees council should be prepared to make a decision.

#### *Christmas Meal*

Mr. Starling advised that on Christmas Day from noon to 4:00 p.m., St. Paul's United Methodist Church will serve meals to the needy. He said it has grown substantially and last year served between 100 and 250 dinners. Donations are still needed if anyone wishes to contribute.

#### *Annexation Committee Meeting*

Chairwoman Wilson scheduled an annexation committee meeting on Tuesday, December 22<sup>nd</sup> at 6:30 p.m. to review the Beverly Thawley petition.

#### *HOA Committee*

Chairman Workman reported the HOA Committee had a very productive meeting on November 24<sup>th</sup>. The next meeting will be held January 12<sup>th</sup>.

#### *Holiday Stroll*

Mayor Marabello reported the annual Holiday Stroll was very well attended again this year adding the street closing worked out extremely well.

He then advised that three new businesses have recently opened downtown—Mispillion Art League, EcoChic Earth Friendly Boutique and Abbotts Grill who are all doing very well.

#### *Unfinished Business*

*None.*

#### *New Business*

##### *Greater Dover Committee/Kent County Sports Facility/Contribution/Feasibility Study*

Bill Strickland of the Greater Dover Committee introduced Linda Parkowski, Director of Tourism, Cindy Small, Director of Kent County Tourism and Shelly Cecchett, Executive Director of the Greater Dover Committee.

Mr. Strickland explained the Greater Dover Committee is a nonprofit organization created in the late 1980's by civic-minded business executives to identify emerging community issues and take on projects they feel will improve the quality

of life for residents. Today, the organization consists of 56 members in the greater Dover area. Mr. Strickland heads the Economic Development Committee who has found a project in the proposed Kent County Sports Complex that could generate significant tourism dollars in the area.

Ms. Parkowski then spoke, stating this project started out as an idea. She took over her job a little more than a year ago and coming across her desk were proposals for sporting events and tournaments in Delaware. The majority were for rectangular fields for lacrosse, soccer, field hockey, etc. She visited several sports complexes in Delaware, but none met their requirements. At one of Kent County's Tourism meetings, they talked to Kent County Administrator Mike Petit de Mange who came up with two parcels, one being in Frederica which was the one selected. Kent County offered the land for a \$1 a year lease.

Ms. Parkowski and Ms. Small then provided council with a power point presentation (see attached).

Ms. Parkowski reported that a sports facility meets the wants and needs of the majority of youth in the Kent County area, can serve as an economic generator by attracting visitors to Kent County, is somewhat recession proof, is healthy and receives parental support and enhances overall quality of life for everyone in Kent County.

They are planning fifteen multipurpose fields for soccer, lacrosse, field hockey and football, a lighted, turf stadium seating for up to 1,000, concession stand, pro shop, locker rooms, meeting rooms and restrooms. The draw of players and spectators using the facility will be a boost to the hotel and restaurant business.

Ms. Small agreed that even during a bad economy, when people will conserve their money, they will still spend money on their children.

Ms. Parkowski noted there is an estimated \$3.3 billion to \$4 billion in direct spending at amateur sports events in the United States which is ten times more than the estimated economic impact of the 2005 Super Bowl.

Ms. Parkowski explained that at least fourteen fields in one location are required to host a tournament, a minimum number of hotels in close proximity are needed and a variety of restaurants and shops. It must also be a central geographic location.

Ms. Small recalled that in 2007, the Tournament of Bands was held at Delaware State University. More than 120 high school bands participated bringing 10,000 participants and 7,000 spectators to the area. They filled many hotels in Kent County and some in Sussex County. The economic impact in Kent County that weekend was \$4 million.

The following is projections of the economic impact of various tournaments who have contacted Ms. Parkowski:

US Lacrosse 2009 U-15 National Championships:  
64 Teams - July 2009 - 3000 attendees - 5 days  
Estimated economic impact = \$ 2.7 million  
Needed 15 Lacrosse fields

Amateur Youth Football Regional Tournament November 2009  
36 Teams - November 2009 - 3 days  
Estimated economic impact = \$ 1.8 million  
Needed 6 Football Fields

Tournament of Bands  
November every year needs a Football stadium  
Economic impact \$ 4 million

Total Economic Loss = \$ 8.5M in 12 weeks  
Example of Economic Impact to Kent County

Ms. Small said that until about five years ago, we had approximately 1,700 hotel rooms in Kent County. Over the past three to four years, that number grew to 2,900 noting including those that have been approved or have not yet opened. With these activities, those room will be filled.

Milford has three hotels either built, or are being built, in addition to those in Harrington and the surrounding towns.

The proposed site is located on Route 1 adjacent to the Kent County Wastewater Treatment Facility known as West Farm near Frederica. An RFP will be going out in the next couple of weeks to determine exactly where the fields and access should be placed, who should operate and the revenues expected.

They are proposing a public/private partnership. The public partnership has been the land bank from Kent County, DELDOT infrastructure and bonds and/or taxes. A sports club or nonprofit entity would end up running it to generate revenue and secure the capital needed.

Ms. Small announced that Delaware just formed a Sports Commission comprised of 23 members from across the state. Its job will be to create an economic impact for Delaware through sports marketing by bringing tournaments of the regional and national level to Delaware to help the business community. They want Kent County included when these events are brought to Delaware.

Some of the stakeholders/partners are Kent County Levy Court, State Tourism Office, Kent County Tourism, Greater Dover Committee, Local Sports Organizations (Central Delaware Soccer Association, Delaware Lacrosse Foundation) and members of the local community. The University of Delaware has also assisted.

They are hoping the feasibility study will provide a site evaluation and direct them into who should operate the facility. They believe it will require them to form a 501(C)(3) to be eligible for national grants that could assist in building the fields.

Mr. Strickland feels the positive impact will be felt by the Greater Milford businesses particularly restaurants and hotels. He then asked council to consider a contribution in the amount of \$10,000 to be used for the funding of the feasibility study.

Mr. Baird asked for the time line of the feasibility study and estimated costs; Ms. Parkowski estimates the cost to be between \$70,000 and \$100,000 and hopes the RFP will go out by the first of the year with a 60-day response time.

She confirmed the feasibility study will determine how the site should be configured, the traffic counts, impacts, economic impact, both direct and indirect, who should operate it, the best use of the facility and what type of events should be solicited and taxes and impacts to the community.

Mr. Strickland added that if the study comes back as is expected and all the necessary pieces are put together, they are looking at a two-year time frame.

They concluded by thanking council for their time.

The mayor said this will be discussed and reported back to council.

#### *FY2009-10 Budget Amendment/Legal Fees*

Mr. Baird submitted the following budget amendment:

I am recommending the following budget amendments to cover legal fees in both the City Council and Administration Budgets. The budget amendment is necessary to cover higher than anticipated legal fees due to activity associated with the Charter Revisions, City Council meetings, HOA meetings, Hearthstone II, Sign Case and West Shores easement.

Amendment No. 1

Transfer \$10,000 from General Fund-Fund Balance Account 101-0000-399-10-00 to Admin-Legal Service Acct No. 101-1010-413-30-20. This will increase the budget line from \$15,000 to \$25,000

Amendment No. 2

Transfer \$10,000 from General Fund-Fund Balance Account 101-0000-399-10-00 to Council-Legal Service Acct No. 101-1110-411-30-20. This will increase the budget line from \$10,000 to 20,000.

Mr. Workman recalled being provided a better breakdown of where this money has been spent.

Mr. Baird then gave the following breakdown (expenses from July-September 2009):

<b>Council Expenses-</b>	
Charter	\$4,573
Council Meeting	\$4,200
HOA Committee	\$560
Council Requests	\$788
<b>Year to Date</b>	<b>\$10,208</b>
<b>Administrative Expenses-</b>	
Hearthstone II	\$5,101
Key Properties Sign Case	\$3,200
West Shores	\$1,242
Watergate	\$306
Miscellaneous	\$2,226
<b>Year to Date</b>	<b>\$12,074</b>

Mr. Baird explained these fees apply to our city solicitor fees and associated costs. In relation to the Hearthstone legal case, Mr. Willard explained that the litigation costs are covered by our insurance though there is a deductible the city must pay.

The bills he provides are itemized and shows the exact time spent on each item. He said it is attorney-client privileged though council can disclose it because they hold the privilege.

When asked what work was done on the HOA, Mr. Willard recalls doing research on the new law though he will need to review his bills to give a more concise answer.

City Manager Baird said the two largest bills involve the charter committee and council meetings.

Mr. Willard recalls that in September or October, there was a briefing on the easement case, which involved a great deal of research and writing.

Mr. Spillane asked for a total cost for the Hearthstone sign case. Mr. Baird explained the figures being presented this evening are only since July.

When asked if this transfer will cover all legal fees through the end of June, Mr. Baird said he hopes though there are still some issues out there particularly in November and December.

Mr. Adkins asked if the \$25,000 deductible is included in this transfer; Mr. Baird said that is not included.

Mr. Morrow moved for approval of the transfers as presented, seconded by Mr. Brooks.

Mr. Workman prefers more clarification on the costs. Mr. Baird agreed to provide a summary sheet and allow council access to those invoices for their review.

Mr. Willard said the bills are very detailed and should answer any questions.

Mr. Adkins feels that council should take note of the legal costs and that many are a result of council actions and requests which is ultimately being paid by the taxpayers. He is bothered by it and though it may not be anyone's fault, it is still frustrating.

Mr. Brooks recalled the number of charter meetings Mr. Willard has attended, in addition to the amount of work and research that was needed on his own time.

Mr. Spillane agrees more breakdown is needed though the information needs to be made available to the public. Mr. Baird reiterated that would need to be an action of council because the invoices are client-privileged.

Mr. Morrow suggests that anyone who wishes to review the invoices go through the city manager. He agrees with Mr. Adkins that we be more conscious of the requests made by council.

Mr. Spillane clarified that he is suggesting the bills be printed out so council is aware of the money being spent.

Ms. Wilson agreed that council should be able to see the breakdown and prefers having the information beforehand so that council is aware before a decision is made. She also feels that providing more information to council in advance helps keep the comments to a minimum.

She said that with no disrespect to Mr. Willard, Ms. Wilson also recalls council making many decisions without an attorney present. She agrees it is beneficial to have him present so that he can intervene when needed. She also feels that council has created a lot of the extra expenses because of their continuous requests and needs.

Motion carried by unanimous roll call vote.

Mr. Workman votes yes but wants assurance the information will be provided in the future as council has discussed and requested.

#### *Monthly Finance Report*

Mr. Morrow reported that through the fourth month of Fiscal Year 2009-2010 with 33% of the fiscal year having passed, 40.12% of revenues have been received and 30.15% of the operating budget expended.

He noted that interest earned to date is \$83,283.

Mr. Morrow moved for acceptance of the October 2009 finance report, seconded by Ms. Wilson. Motion carried.

When questioned about any additional cutbacks, Mr. Baird said he meets with Finance Director Portmann on a regular basis to track the revenues and expenses while comparing to last year. However, because there were a number of drastic cuts in this year's budget, it would be very difficult to cut more. He feels that because we are a government entity, we normally lag behind six months to a year, compared to the private sector. Therefore, it took a little longer for the harder times to hit us and once the private sector starts to pull out of the downfall, we will lag behind another six months to a year. As things improve, he expects us to be the last ones to come out of it. Our utility revenues are somewhat behind last year, though it is attributed to less consumption and productivity. However, the budget is where it should be though it continues to be monitored closely.

#### *Adjourn*

Ms. Wilson moved to adjourn, seconded by Mr. Adkins. Motion carried.

Mayor Marabello adjourned the Monthly meeting at 8:56 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

Attachment

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
December 22, 2009*

A Meeting of the Annexation Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Tuesday, December 22, 2009.

PRESIDING: Chairwoman Katrina Wilson

IN ATTENDANCE: Committee Members Douglas Morrow, John Workman and Michael Spillane  
Planning Commission Chairman Chuck Rini

City Manager David Baird & City Clerk/Recorder Terri Hudson

Chairwoman Wilson called the Annexation Committee Meeting to order at 6:34 p.m. to review the following request submitted by Beverly A. Thawley:

*This letter will serve as an official request for annexation of property into the city limits of the town of Milford, Delaware by myself, Beverly Ann Thawley, as sole owner of the property in question.*

*The property is located on the north east corner of SR 1 and Cedar Neck Road (CR 206) in Sussex County and is across the highway from Matlinds Estates. Parcel #1 is 7.87 acres (+ or -) and tax map # 3301100007003 and parcel ##2 is 1.41 acres (+ or -) and tax map #33011000033300. These parcels are adjacent to each other.*

*I am requesting annexation of the property so that I may put it to better use by requesting zoning of C3.*

*I have submitted the necessary documents as required by you as well as the fee of \$7,140.00.*

Ms. Wilson noted that City Planner Gary Norris was out of state on leave; City Manager Baird presented the application on his behalf.

Mr. Baird explained the site is located just east of Route 1, north of Cedar Neck Road. Though it is shown as two parcels, the entire rectangle is slated for annexation which consists of just over 9 acres. It complies with the city's land use plan and is part of the growth area and eligible for annexation.

He verified the plan of services has not yet been completed. When prepared, it will be sent with the annexation committee's recommendation. State planning will have twenty working days to respond. Upon receipt back by the city, it will be scheduled for a final vote by city council.

Mr. Baird noted the purpose of the annexation committee meeting, is to review the pros and cons of the annexation and to make a recommendation to city council. In the meantime, public hearings will be scheduled for planning commission and city council.

He then introduced Property Owner Beverly Thawley and her son, Brad Dugan. Mr. Baird noted the application is very straight forward and speaks for itself.

Ms. Wilson then opened the floor for committee members' comments, questions and/or concerns.

Chairman Rini confirmed there is one entrance at the property and asked its location. Ms. Thawley answered there is an entrance on Parcel B. She noted that the two parcels were combined and are now one tax map number on a separate deed as was requested by the city.

She also confirmed there is an entrance relatively close to the east boundary line. She explained she was also given another entrance close to the shaded parcel on the drawing. When asked if they both exit off Route 206, she stated yes noting the parcel has limited access on Route 1 with access only off Route 206.

In response to a question by Mr. Workman and whether the access is dirt or blacktop, Ms. Thawley said the original intent was for the access to be used as a driveway when Parcel B was being used as a residential lot.

Mr. Morrow said it is contiguous and he prefers that any land wishing to be annexed be approved in order to keep it under the control of the city instead of providing the county its benefits. He agrees it fits and is consistent with the comprehensive plan. It appears to be in order and he has no questions or issues.

Ms. Wilson explained the committee normally makes recommendations before the plan of services is presented to other city departments and state agencies. The city manager confirmed that has been done though the plan of services will be available to the full council prior to a final decision. He estimates it will be late February or March before it is scheduled for final action.

Ms. Thawley confirmed that DeIDOT has not been in touch with her in regard to the proposed overpass. She explained she has received a different answer each time she has spoken with them.

Mr. Baird reminded committee members that DeIDOT is proposing a new overpass at Wilkins Road heading over to Cedar Neck Road. According to the last presentation, most of their focus has been on the south side of Wilkins Road/Cedar Neck Road. However, some improvements will be added that do not currently exist in the area.

When asked about what is occurring on the Hall Farm, Mr. Baird explained they are proposing some access roads to and from Route 1 that will cut through the Hall property. However, those plans have not been finalized. They are currently working with the contractual owner. Ms. Thawley noted that DeIDOT informed the neighbors (Clarks) to the south that they will be closing the entrance in front of their horse farm.

Depending on the configuration of the overpass project, Ms. Wilson said it could potentially affect this property. Ms. Thawley explained that at each of the meetings she attended, a different representative would indicate they were unaware of what occurred at the previous meeting. Therefore, she was unable to get any concrete information though they confirmed there will be an overpass which will be dependent on available funding and how long it will take to build.

Mr. Baird noted that issue, along with the entrances, are more geared for the site plan process than the annexation review. He noted the question before this body is if this land should be brought into the city and should it be brought in under a C-3 classification.

Ms. Wilson asked for comments from Mr. Spillane. Mr. Spillane answered the questions he was going to ask have already been addressed. He did add that when he spoke to DeIDOT, they indicated the overpass would come down where the third home is. However, he is unsure what they are going to do though he is concerned where the ramp will end which might affect an entrance onto the parcel. He asked if another road could be done in the area of the farm; Ms. Thawley said yes that was possible. Mr. Spillane informed her the ramps will be on the south side of the parcel if they continue with those plans.

Mr. Workman said that regardless of the overpass, this committee needs to look at the property as it exists today noting the overpass may never happen. He has no problem with the C-3 zone but emphasized that DeIDOT encourages service roads and does not want an access off Route 1. It appears there is sufficient land for a service road because there could be no access from the development into the rear of this property. Ms. Thawley agreed.

Ms. Wilson feels those are issues will need to be addressed by the developer or purchaser once the land development application process begins.

Ms. Wilson asked if there were any more comments. No one responded. Mr. Morrow then moved to proceed with the Thawley annexation of 9 +/- acres with the C-3 zone, seconded by Mr. Workman. Motion carried by unanimous roll call vote.

Ms. Wilson adjourned the Annexation Committee Meeting at 6:53 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*December 28, 2009*

The Milford City Council held Public Hearings on Monday, December 28, 2009 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING:                   Honorable Mayor Daniel Marabello

IN ATTENDANCE:       Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins,  
Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO:                        City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Marabello called the Public Hearing to order at 7:11 p.m.

City Council of the City of Milford held hearings to take public comment and make a final determination on the following matters:

*Van Cleef Engineering on behalf of Liborio-Louviers LLC for a Change of Zone of 4.39 +/- Acres from R-3 (Residential) to C-3 (Commercial) at 850 Warner Road, 1,300 feet west of U.S. Route 113, Milford, Delaware. Present Use Single Family Home; Proposed Use Highway Commercial; Tax Map MD-16-174.00-01-11; MD-16-174.00-01-12; MD-16-174.00-01-18.*

*Adoption of Ordinance 2009-19*

City Planner Gary Norris advised that approximately two years ago, the request was submitted to the planning department. It was refused at that time because it was not in conformance with the existing comprehensive plan. Since that time, the comp plan was updated and the area designated as highway commercial. The request was resubmitted and has since been reviewed by the planning commission. By a vote of 7-0, the planning commission recommended the site be rezoned from residential to commercial.

The city planner clarified the location is behind Client Logic at the intersection of a private road that accesses the Walmart facility.

Scott Lobdell, P.E. of Van Cleef Engineering, recalled their request for annexation of the site two years ago at which time the site was annexed with an R-3 zone which was consistent with the comprehensive plan. The developer indicated, during that process, their intent to change the zone to C-3 once the comprehensive plan was updated. He explained that with the proposed uses, the C-3 zone is more compatible and complies with the recently adopted City of Milford plan.

The mayor asked for comments from council members. Mr. Spillane advised he rode out to the site to observe some heavy flooding across from this site after a recent storm. He asked if the developer could attempt to resolve the water problems in the area. Mr. Lobdell agreed there is some flooding due to a pond failure from a nearby pond. He believes the owner would be willing to look at the problem and temporarily address it until a final decision is made on their parcel. He emphasized that he is only speaking on behalf of the owner though he is willing to review the situation because heavy rains are expected over the weekend.

He recalled the problem being discussed at the planning commission meeting as there were adjacent properties being affected because the runoff was carrying over onto their yards. He advised that any runoff will have to be permanently addressed during the site plan process which is why at this point it would need to be handled temporarily at this time. Mr. Spillane asked that Mr. Lobdell follow up with a phone call to city hall explaining how this will be addressed.

Mr. Adkins said he understands this is only the rezoning hearing, but asked what the plans are for the property.

Lou Ramunno of 903 North French Street, Wilmington, Delaware, was present to represent the developer. Mr. Ramunno explained this process started approximately two years ago when Sitel wanted to expand and additional parking was needed in the rear of the property. He is unsure if they still intend to expand at this point, however, they want to be in a position to provide additional parking. Mr. Ramunno does not feel the site would be viable for any large commercial use.

Ms. Wilson understands the flooding and stormwater issues need to be addressed when they come back during the site plan process. She is unsure if it is appropriate to address them at this stage. She agrees the city needs to ensure the developer will take care of any water issues as this proceeds, in addition to DNREC and Soil Conservation who are included in the approval process.

The mayor then opened the floor to public comment.

Starr Fioca stated she is present on behalf of her brother and father, Kenneth Jewell, II and Kenneth Jewell. Her brother lives at 810 Warner Road and she lives at 818 Warner Road.

She informed council she has some very serious concerns with the change of zone to C-3. Ms. Fioca advised she spoke at the planning commission on November 17<sup>th</sup> and at that time, they were unsure what they would do. They thought they may enlarge the property and perhaps make it into a parking lot. They talked about enlarging the building in the front and placing the parking in the back. It was also stated the company employed between 60 and 100 employees. At that time, it was stated the employees come and go and are never there all at the same time. She said the building could be increased almost 100% and employment 100% with plenty of front parking remaining.

Ms. Fioca said there was also some discussion about moving the private road to Walmart onto the property of 850 Warner. The road would then be very close to a dangerous 90 degree turn and close to their driveway. She stated they also wanted 850 Warner Road cleared, filled in and paved. The back of the land, according to Ms. Fioca, is part of a natural flow of water runoff in the area. The runoff flows through 850 Warner, through her property and through her brother's property to a stream and down to Tub Mill.

She recalled when Super Walmart was being proposed and Ann Thomas owned the property. She and Ms. Thomas had concerns about runoff at that time and the impact on their property. At the planning commission and council hearings, they were confident that safeguards would be put in place to prevent any runoff on their properties. They were told that studies would be done by state agencies and engineers and those recommendations be put into effect and followed.

Ms. Fioca recalled that Walmart digging two holding ponds and installing a pump. When Walmart was built, the runoff onto their properties increased. She contacted city hall and was told to contact Walmart. She contacted Walmart and was told it was not their problem because the problem was on her land.

She advised that after a heavy rain or snowfall, her field is under water and there is water behind her brother's house. Over the past few years, more buildings and more parking lots being built on Route 113 have created more runoff.

Ms. Fioca has a small pond in her field that catches rainwater. The pond is now ten feet deep though two years ago, it was dry. Three-fourths of her field is underwater and is up to her thoroughbreds' knees.

She believes the additional paving does not allow water to soak in. Therefore, it follows nature and tries to go to Tub Mill Pond though it ends up in her fields. She believes that if 850 Warner Road is cleared of trees and eventually paved, the water behind 850 will end up in her field.

She recalled that this developer was informed that if they bought the property, the zoning would be changed. She believes that the C-3 zone will increase runoff and her property will eventually be under water.

Ms. Wilson asked if the city manager was aware of this situation or any of the city staff been contacted; Mr. Baird said he had not heard anything and was just made aware of it after her comments at the planning commission hearing. He

noted there is a great deal of flooding in the area because of recent rains and snow so conditions are worse this year.

Mr. Baird then explained that stormwater manager is administered in the city limits by either the Kent or Sussex Conservation District. They regulate how it is managed on the site that is being developed. Stormwater management ponds are there to manage the quality of the water and many of the sediments will be flushed out at that point, but also the quantity. The rate at which the water comes off a property does not increase. However, it may have taken two hours to leave the site during predevelopment and pass through the neighboring properties. Now it may take ten hours depending on how it is developed. Though the rate remains the same, the quantity is considerably more because there is more water.

He also emphasized this year has been unique and many property owners have experienced more problems than in the past.

He emphasized the conservation districts are the experts in this field. There is a permitting process required by the conservation districts and a prerequisite to any approval granted by the city. When complaints are received, the city enters in to work out a resolution regardless of if it impacts neighboring property owners or a public infrastructure. However, he is unaware of any formal work that has been done in this case.

Ms. Wilson asked if Mr. Baird would contact Walmart or the manager of their property and the conservation district and determine if any upgrades are needed; Mr. Baird agreed.

The city manager then recalled when he and Councilman Spillane recently sat down with the conservation district to discuss similar issues and what happens to stormwater ponds ten years after they are built. He said most ponds are better managed the first couple of years and problems occur later on as has become a statewide problem. Maintenance issues could occur which is a concern of the conservation district. They are working with them on all stormwater ponds in the city. Both counties are reviewing them to determine if each pond is in compliance or not. He believes this pond may have been on the list but will follow up to make sure it is added.

Mr. Brooks said if four more acres of parking are constructed and her ponds and land are full now, where will the additional runoff go. If that happens, everyone will again claim it is not their problem.

Mr. Baird informed Mr. Brooks that this needs to be considered as two steps. The first is the zoning issue which is before council this evening. The zoning does not give them a permit to go out and build something. That needs to be addressed during the site plan review which would have to be approved by the city. Part of that approval would be a sign off by Kent Conservation District. At that point is when an analysis would be needed to ensure any problems would be made worse.

Mr. Brooks feels the city nor Walmart claiming it is not their problem is not a good response to the problem. Ms. Wilson said that is the reason she is suggesting Mr. Baird work with Walmart and the conservation district to attempt to resolve this.

Mr. Spillane said that because this involves a proposed parking lot, he suggests we review the site and try to resolve the problems before we move on. In that way, we will be ahead of the game before the C-3 is approved for a use permissible in that district. He would not want it approved, then they have to come back later because of problems and all the original issues have been forgotten. He does not feel they are ready to build today and there is sufficient time to partner with others to try to resolve this.

Mr. Baird explained that the zoning question is before council today. The issues Mr. Spillane is referring to will be addressed during the site plan process. He added that council has the right to change that if they wish.

Mr. Workman said this is the second time this month council has heard about runoff problems from one property onto another. He feels that because we were aware of this on November 17<sup>th</sup>, there was sufficient time to check into it. He has no problem with the change of zone, but when it is brought to our attention, he feels Mr. Baird, as city manager, should

look into it to prevent more problems as the land is developed.

Mr. Morrow asked for confirmation that as this land is developed, particularly with more blacktop or concrete, additional stormwater management will be needed; Mr. Baird agreed. Mr. Morrow feels that during the site plan process, strict attention needs to be given to these water problems. If the parking lot is enlarged, he feels that adequate stormwater facilities will be required to address the matter.

Mr. Baird asked council to keep in mind the application is a change of zone. He is unsure if the problem is related to ponds on his property or ponds on another property or a combination of everyone in the area creating this. He is going to guess it is combination. He feels we should be very careful adding conditions that would make the developer completely responsible. If they are partially responsible, that will be determined by soil conservation. At this time, he recommends council not impose any conditions until that time it is determined the runoff is the total responsibility of this property owner.

Ms. Wilson feels that though the drainage problem is an issue, she agrees that at this time council cannot direct them to fix the problem until we are sure whose problem it is. However, she encourages Mr. Baird to go forth and try to resolve or determine the problem. She understands that once they start their project, it will be addressed again. She was unaware of this problem noting that Ms. Fioca has been dealing with this for a long time and she is sorry the city and Walmart have not properly responded.

Mr. Workman agrees with Ms. Wilson and feels that now that we are aware there is a problem, it needs to be determined and the proper departments and agencies need to become involved. Mr. Morrow also agreed.

When asked for further comments from the public, no one responded. Mayor Marabello then closed the public comment portion of the hearing.

Ms. Wilson moved that the change of zone of 4.39 +/- Acres from R-3 to C-3 be approved at 850 Warner Road without conditions at this time because it has not been determined who is responsible for the flooding/drainage problem and adopt Ordinance 2009-19 as presented. Mr. Starling seconded motion. Motion carried by the following 7-1 roll call vote:

Yes-Johnson, Workman, Adkins, Brooks, Morrow, Starling, Wilson  
No-Spillane.

Mr. Spillane said he feels for the applicant but believes that if the C-3 is approved and the city goes out there and reviews the situation, regardless of whether it is our problem or someone else' problem, and we say we really cannot do this right now or it should not be done. He would rather address the problems first and come back for later approval. But right now, he votes no.

Mr. Adkins stated that he appreciates the comments of Ms. Fioca. This is one of the wettest falls we have had in fifty years and this is a good opportunity to examine the issues we have. But looking at the entire situation, he has to vote yes.

Mr. Brooks said he will vote yes at this time, but the next time it comes up, he wants to make sure the city or someone has the answer of where the water is coming from.

Mr. Morrow also votes yes based on the recommendation of the planning commission by a vote of 7-0 and this will also provide an opportunity, through the land development process, along with the efforts of the city, to try to identify the problem and get it solved.

Ms. Wilson also votes yes based on the planning commission recommendation.

*Ordinance 2009-22/An Ordinance to Amend Chapter 230 of the Milford Code Relating to Billboards*

Mayor Marabello advised that since action on this ordinance was postponed by the planning commission, the matter will

be deferred until such time an opinion is received from the commissioners.

With no further business, Mayor Marabello declared the Public Hearings adjourned at 7:42 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
*MINUTES OF MEETING*  
*December 28, 2009*

On Monday, December 28, 2009, the City Council of the City of Milford held a Public Comment Session in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting in order to allow the public to comment about issues of interest that impact the City of Milford.

PRESIDING:                   Honorable Mayor Daniel Marabello

IN ATTENDANCE:       Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins,  
Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO:                         City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Marabello declared the Public Comment Session open at 7:42 p.m.

Councilman Spillane referenced his comments at the last Public Comment Session. He recalled the mayor stating the issues would be followed up. He asked if anything had been done.

Mr. Spillane clarified those issues involved the signs on Route 1 and Route 30 and 206 (triangular space). The mayor asked if he had spoken with the city manager about the issues because he follows through on those issues.

The mayor explained that this is not a debate but a public comment session. He suggested putting the matter on the next agenda.

Mr. Morrow said he has mixed emotions about a councilman speaking during this time and feels he is circumventing the system. He believes council is elected by their constituents to serve as representatives of their ward. The public comment session is for the public and though he understands Mr. Spillane wears two hats, he feels Mr. Spillane is a councilman 24/7. He respects what Mr. Spillane is trying to do, but believes these are issues that have been discussed on the agenda several times and this is not the correct way to address them.

Mr. Workman understands the concern but also understands that because Mr. Spillane is unable to get answers as a councilman, he feels that he may get them as a private citizen. He said if Mr. Spillane was told someone would get back with him, the minutes would reflect that and it should have been done. Mr. Workman recalls the other person speaking that night who was also given the same response.

He asked where the answers come from if a councilman is unable to get them. Mr. Workman believes it is important to get back with someone if they are told at a council meeting that someone will get back with them.

He also does not particularly want Mr. Spillane to bring these matters before council. However, if this is the only manner in which he feels it can be addressed or an answer obtained, then he understands.

Mr. Morrow agrees with some of Mr. Workman's thoughts that if someone is presenting something, then the mayor and the city manager need to be careful with their response. If they say someone will get back with them, then we are obligated to do that. However, he feels this is a case where these issues have been addressed over and over and Mr. Spillane does not like the answers he has been given. He thinks we also need to consider the amount of money that has already been spent on the sign issue he wants to discuss again tonight.

Mr. Spillane agreed that money should not have been spent when all we needed to do was write a letter to DelDOT stating we should not have issued a permit sign. He said that would have saved a lot of money.

The mayor directed Mr. Spillane to meet with Mr. Baird to get some of these answers. In regard to Mr. Christy and his

concerns at the previous meeting, the city manager stated he is working on it as well.

Mr. Spillane also asked that the topsoil issues they are experiencing at Hearthstone also be discussed.

With no other persons signed up, Mayor Marabello declared the Public Comment Session closed at 7:51 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
**MINUTES OF MEETING**  
*December 28, 2009*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, December 28, 2009.

**PRESIDING:** Mayor Daniel Marabello

**IN ATTENDANCE:** Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

**ALSO:** City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Marabello called the Council Meeting to order at 7:51 p.m.

*Annexation Committee Report/Beverly Thawley Request/Route 1 and Cedar Neck Road*

Ms. Wilson noted the annexation committee met on December 22<sup>nd</sup> and reviewed and discussed the request of Beverly Thawley. As a result, the following report was prepared:

**RE:** Annexation Committee Report-Beverly Thawley

An Annexation Committee Hearing was held in the Council Chambers on December 22, 2009 to consider the annexation request for lands described as:

Lands of Beverly Ann Thawley  
Tax Parcel 3-30-11.00-70.03  
9.28 +/- Acres  
Current Zone AR Proposed Zone C-3  
Reference: Tax Map 3-30-11.00-70.03

All that certain tract, piece and parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, and the State of Delaware, as depicted on a survey prepared by Charles D. Murphy Associates, Inc., dated 31 August 2007, fronting on the northwesterly right-of-way line of County Road 206, also known as Cedar Neck Road, at fifty (50) feet wide, and on the northeasterly right-of-way line of State Route One, also known as Coastal Highway, of which the width varies, adjoining other lands now or formerly of Beverly Ann Thawley, Knollac Acres Subdivision, Section II, as recorded in Plot Book 82, Page 24, at the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, and Beverly T. Dugan Subdivision, as recorded in Plot Book 50, Page 147, at said Recorder of Deeds, and being more particularly described as follows, to wit:

Beginning at a point of intersection of the northwesterly right-of-way line of Cedar Neck Road, and the northeasterly right-of-way line of State Route One, also known as Coastal Highway; thence running with said Route One the following two (2) courses and distances:

- 1) North 86 degrees 52 minutes 06 seconds West 57.19 feet, and
- 2) North 49 degrees 00 minutes 17 seconds West 873.40 feet to a corner for other lands now or formerly of Beverly Ann Thawley thence running with said Thawley lands North 39 degrees 47 minutes 44 seconds East 413.50 feet to a corner for a thirty (30) foot wide buffer of Knollac Acres Subdivision; thence running with said buffer and with Beverly T. Dugan Subdivision South 53 degrees 01 minutes 49 seconds East 897.88 feet to a point on the aforementioned northwesterly right-of-way line of Cedar Neck Road; thence finally proceeding along said right-of-way line South 36 degrees 51 minutes 53 seconds West 442.46 feet to the place of beginning, containing 9.28 acres of land, more or less.

The Annexation Committee of the City of Milford City Council recommends APPROVAL of the application, by a

4-0 vote, with the following comments:

- Annexation is consistent with the "Comprehensive Land Use Plan".
- Property is contiguous to existing City Limits.
- Any changes to the property would be subject to review by the City of Milford Planning Commission and/or City Council.
- Property will be served by City Electric, Sewer and Water.
- The City will benefit through additional revenues, including taxes and the sale of water, sewer and electric.
- A Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.
- Property will be located in the Third Ward.

Advantages of Annexation:

- Availability of additional services such as electric, sewer, water and snow removal.
- Increased real estate values and marketability, as more improvements and urban utilities are made available.
- Provides suburban residents with a voice in the government of the larger community in which they live.
- Reduces utility rates, since utility surcharges to unincorporated territory, if applicable, would be lifted.

Disadvantages of Annexation:

- None presented.

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

Mr. Spillane said he voted to proceed with the annexation though there are a number of pros and cons listed in the report that were not discussed at the meeting so he is unwilling to sign the paper.

City Manager Baird advised the report is a summary of reasons an annexation is requested and some of the items discussed during the meeting. The report can be amended as Mr. Spillane wishes. Mr. Baird recommends he propose those amendments for consideration.

Mr. Brooks noted the minutes from the annexation committee report were not included in the packet. He stated that normally, the report is submitted to city council.

Mr. Baird explained the question before council is not to vote on the annexation. Public hearings need to be scheduled before the planning commission and city council. In addition, a plan of services needs to be completed and all those documents will be provided to city council along with the comments from the planning commission, annexation committee and any associated minutes. He emphasized the only thing being asked tonight is for the annexation committee to forward their recommendation to city council. It can be amended later if the committee so desires.

Mr. Morrow feels the report is a combination of events that occurred at the annexation, along with the city planners' comments regarding any annexation. Though the committee did not speak about each item, it is mainly boilerplate and most of the comments are summary that are normally included in any favorable annexation report.

Ms. Wilson agreed that the committee did not list the items. With the city planner out of town, the city clerk developed the report based on previous annexation recommendations. Mr. Workman said that one item that could have been added as a disadvantage is if access was needed from the back of the property through the development. He recalled bringing that matter before the committee that evening.

Mr. Spillane said the only thing talked about was how cars were going to get in. Then the annexation was recommended for approval.

City Planner Gary Norris then reported that Mr. Spillane had pointed out that advantages and disadvantages needed to be listed because it was a charter requirement. He recalled the previous annexation committee report listing the pros and cons and suggested the committee amend, add or delete any comments. He emphasized the committee has every right

to make changes to the report.

Mr. Spillane recalled the last report when questions were raised about a comment in the report that was not discussed. His understanding is the annexation committee must list the pros and cons and is why the committee meets. He said no one talked about it at the meeting.

Mr. Workman said that most of the advantages listed on the report are common sense and are basic reasons for any annexation. There may have been some additional disadvantages such as the problem with the access if it had to go through the development. The advantages listed are those that should always be included in the report.

Ms. Wilson agreed stating that listing the pros and cons were driven by Mr. Spillane's request so this is a bonus to the normal report. Mr. Morrow agreed noting that the city planner is included in the process and his input is necessary.

Mr. Baird also pointed out that there were several items discussed at the meeting that were site plan related and not based on the annexation issue and are not the basis for the report.

Mayor Marabello asked Mr. Spillane which items he wants removed and added. Mr. Spillane said if everything was taken off, he would sign the report. However, the items listed were not discussed.

Mr. Workman explained the committee report recommends the city continue with the annexation. As a result, the annexation will proceed to the next step which is the planning commission. Once they have reviewed it, all the documents will be presented to council for final action. However, he does feel that if Mr. Spillane does not want to sign the report, he has the right to refuse. He recommends Mr. Spillane write the word 'refused' on the report as Mr. Workman has done in the past.

Mr. Brooks said he questioned one of the disadvantages regarding a possible tax increase listed on the last annexation committee report. Somewhere along the line, the annexations and disadvantages have been added. He feels the annexation committee should create the list.

Ms. Wilson said the purpose of annexations, as has been discussed many times, is that the city will benefit through additional revenues, including taxes and the sale of water, sewer and electric. The advantages of annexation are the availability of additional services such as electric, sewer, water and snow removal. She feels those are standard reasons. Council knows that if we annex a property, it will benefit the city for these reasons. She does not think it is wrong that we did not discuss each individual item because these are common reasons a town annexes a property.

She also agrees that our city planner understands the need to annex properties and by the committee signing off on the report, we agree with those advantages which are the reasons for the annexation.

Mr. Workman suggests a form be used with the same advantages presented each time. The committee can then confirm each advantage and then discuss any new or different advantage or disadvantage. He suggests we use a standard format or SOP, starting with those basic advantages.

Ms. Wilson suggests the annexation committee meet to discuss a standard business practice or format to be used for future annexations.

On behalf of the committee, she moves the annexation proceed as was agreed by the committee, seconded by Mr. Adkins.

Motion carried by the following 7-1 vote:

Yes-Johnson, Workman, Adkins, Brooks, Morrow, Starling, Wilson  
No-Spillane.

Mr. Spillane said he is voting no and will not sign the report.

Mr. Brooks said he understands the disadvantages and advantages are for a reason and need to be done by the committee. However, he has no problem with the annexation.

Mr. Morrow votes yes noting the annexation is consistent with the comprehensive plan and needs to be forwarded to the planning commission.

The mayor agreed that most of the advantages are boilerplate and repetitive though there could be some discussion on other issues.

Mr. Baird advised that he and Mr. Norris will work with Ms. Wilson to put something together to present to the committee to take care of the matter.

*Adjourn*

Mayor Marabello adjourned the meeting at 8:03 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
*MINUTES OF MEETING*  
*December 28, 2009*

The City Council of Milford met in Workshop Session on Monday, December 28, 2009 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING:           Honorable Mayor Daniel Marabello

IN ATTENDANCE:   Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins,  
Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO:                City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Marabello convened the Workshop Session of City Council at 8:03 p.m.

*Charter Amendment/Draft*

Charter Review Committee Chairman Spillane advised that at the request of council at the last meeting, a new draft, removing a lot of the conversations and showing the additions and deletions, is being presented for easier review.

He suggested a time be set up to review the charter by all of council. Once that is completed, a night would be scheduled to take public comment.

Mr. Baird advised the January 25<sup>th</sup> workshop date is open from an agenda standpoint. He recommends that no other agenda items or meetings be permitted that evening in order to allow council to fully concentrate on this document. It is an established meeting date which should not impact anyone's schedule. Another meeting could be scheduled during the interim should council prefer.

Mr. Workman pointed out the committee has worked on this document for more than a year. He suggests that when the final draft is presented, council review it page by page with all the changes noted. He understands there will be more discussion in some areas and less in others. However, he wants assurance that what is presented to the legislators is correct and that all council members understand what has been changed.

It was confirmed that strikeouts are language that has been removed and either italics or underlining was used to denote new language.

Mr. Baird said it will be difficult to compare the new charter with the old charter because there has been a lot of reorganization. His advice is to take a good look at the current charter, then begin to read the new one so that it makes sense.

Mr. Workman questioned the format. Mr. Baird explained that many sections were completely reorganized. Mr. Workman feels that if the old section was moved, it should be crossed out and the new section referenced.

Mr. Spillane said he will make sure the marked up copy shows where a section has been moved.

The mayor recalled that City Solicitor Willard was going to provide a summary of the changes which should also help council. Mr. Spillane said he has not seen that and suggested someone contact him.

Mr. Morrow asked that color copies be provided to each council member as it is easier to read. Ms. Hudson will have color copies mailed to each council member.

Mr. Spillane also suggested the code book be brought in by council members in case a comparison is needed.

The workshop was scheduled for January 25, 2009 at 6:30 p.m.

With no further business, the Workshop Session concluded at 8:23 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder