

City of Milford



AGENDA

Monthly Council Meeting

September 9, 2013

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

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Joseph R. Rogers

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

City Manager Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

Referendum Process/Water System Improvements

New Business

FY 2013-2014 Budget Adjustment/Parks and Recreation

Award of Bid/Bocce Ball Court/Parks & Recreation

Introduction/Ordinance 2013-6/Chapter 230-Zoning Code/Planning & Zoning Fees

Introduction/Ordinance 2013-7/Chapter 200-Subdivision of Land/General Requirements & Design Standards

Adoption/Resolution 2013-18/Halloween Events

Adoption/Resolution 2013-19/Fall Clean-Up Week

Permission to Sell Alcohol/Downtown Milford, Incorporated/Eat in the Street Event*

Monthly Finance Report

Adjourn

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

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

Milford Police Department



E. Keith Hudson
Chief of Police



400 N.E. Front Street
Milford, Delaware 19963

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: September 9, 2013

RE: Activity Report/August 2013

Monthly Stats:

A total of 607 arrests were made by the Milford Police Department during August 2013. Of these arrests, 195 were for criminal offenses and 412 for traffic violations. Criminal offenses consisted of 45 felonies and 150 misdemeanors. Traffic violations consisted of 99 Special Duty Radar, 2 Drunk-Driving charges, and 311 other.

Police officers investigated 45 accidents during the month (7 personal injury, and 38 property damage) and issued 118 written reprimands. In addition, they responded to 1208 various complaints including city requests and other agency assistance.

Monthly Activities:

The Community Policing Unit held another successful National Night event in the Bicentennial Park. There was a great turnout considering the rainy weather we had earlier in the day and evening. We received a lot of compliments from the public and I appreciate councils' continuing support of the event.

The department assisted with a community event at Brightway Commons which was attended by the majority of their residents.

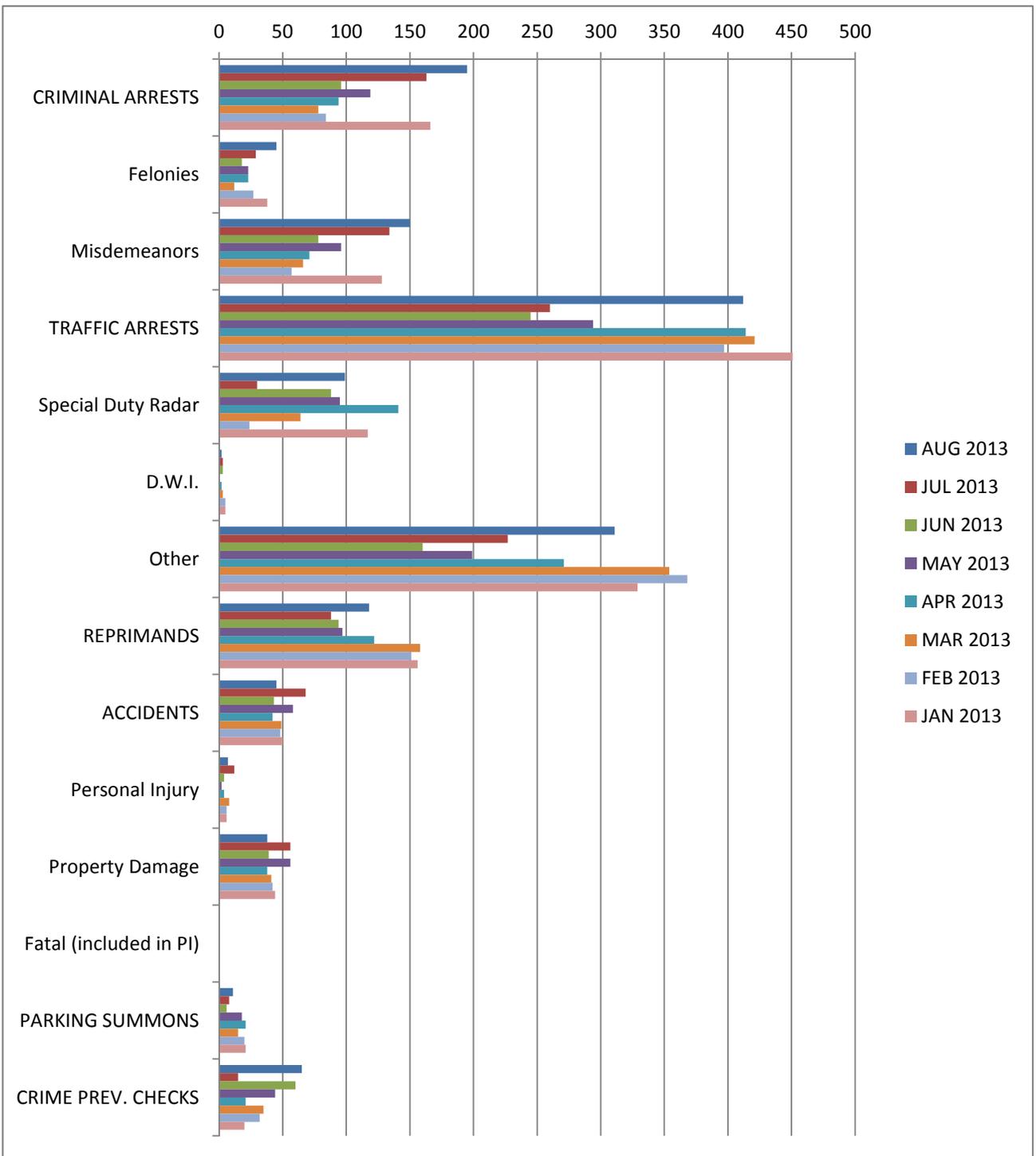
With school beginning in late August, we placed our message board on Rehoboth Boulevard to warn drivers to stay alert because of the increase in traffic and additional walkers to schools as a result of the Middle School closing this year.

We increased patrol in the areas of the schools during the mornings and afternoons while students were enroute to and from the schools.

Our K-9 units were used on forty-six different incidents during the month of August.

AUGUST 2013 ACTIVITY REPORT

	AUG 2013	TOTAL 2013	AUG 2012	TOTAL 2012
COMPLAINTS	1208	8665	1437	10609
CRIMINAL ARRESTS	195	995	173	1501
Felonies	45	215	20	375
Misdemeanors	150	780	153	1126
TRAFFIC ARRESTS	412	2894	791	5212
Special Duty Radar	99	658	314	2304
D.W.I.	2	23	16	66
Other	311	2219	461	2842
REPRIMANDS	118	984	165	1188
ACCIDENTS	45	403	56	360
Personal Injury	7	49	5	40
Property Damage	38	354	51	320
Fatal (included in PI)	0	0	0	1
PARKING SUMMONS	11	120	14	111
CRIME PREV. CHECKS	65	292	85	457
FINES RECEIVED	\$ 8,615.65	\$ 83,986.96	\$ 23,628.81	\$ 115,401.11





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

CITY HALL
201 SOUTH WALNUT STREET
MILFORD, DE 19963

City Manager Report

September 9, 2013

Administration

The new, and I think improved, billing format has now been sent to customers in all four cycles. We instituted our outsourced mailing of utility bills at the same time. There were a few problems in the first two cycles, but nothing out of the ordinary considering the scope of the changes. We did mail taxes from in-house, but next year we will also have those mailed off-site.

The new tower for our radio system has been installed at public works. This takes us to within a month of completion of the changeover from the analog system to a digital system.

Electric

We are continuing to receive materials for our 138 transmission line on Rt. 113. Our electrical engineer, Alan Cobb, has been on site several times in the past few weeks overseeing some of the initial work. Electric Superintendent Rick Carmean and I have been communicating on a regular basis with DP&L due to the fact they share space on our present poles, and we are trying to coordinate our construction plans with them. Our Solicitor, Mr. Rutt, is assisting me in any matters that require legal interpretation.

Warfel has basically finished the concrete work for the sub-station and the steel is erected for the transformer bays. This means that the sub-station is about 40% complete.

Our crews are trimming trees that are a danger to our service lines. I have instructed them to make every effort to contact owners of trees that are in need of trimming before the work is done. We do maintain the right to do emergency trimming without contact. This work is instrumental to help maintain our excellent record of keeping the electric on to our customers.

Sewer and Water

The Washington Street treatment plant demolition is finished. The next step is to drill a test well at the Washington St. tower to make sure we have a sufficient supply and quality of water for a permanent well at the site. This well is only possible because of our purchase of the PNC property. According to Eric Retzlaff of DBF the ability to place this well at the tower instead of

on the lot behind City Hall could save us up to \$200,000.00. This proves the point that we all believed. The PNC property had much more value to the City than to most other purchasers.

Streets & Solid Waste

I have realized that we have a glaring problem with our new solid waste ordinance regarding our spring and fall clean-up. I feel certain that some customers will take these two occasions to demand we really do pick-up **ANYTHING**. During the spring clean-up week we had several customers who demanded we remove truck-loads of tree limbs because we stated we would pick-up everything they wanted removed from their property. The ordinance states we will only pick-up yard debris that fits into the yard waste can. If we do not enforce that during the special clean-up dates, people will simply wait to cut massive amounts of tree limbs, or even whole trees and bring them to the curb on those dates. We no longer remove construction materials, which includes scrap materials from home remodeling and materials from demolition. These items could also be stockpiled until our clean-up programs. I will try to develop a notice to customers outlining what we will not remove on the special clean-ups.

S. E. Front Street engineering is complete and bids will soon be available to interested contractors. As recently as the past month we have discovered other problems with our storm water collection system on that street, but this will not hold up this dated project.

After many years of investigation by numerous people, the constantly standing water problem on N.E. Front St. has been solved. Public Works Director and Street Superintendent Tim Webb had equipment excavate in the area to ascertain the source of the water and found that it was groundwater, and water from several underground springs. They have suggested we continue about another 150 feet east to further help any of the same problems. No old services we found.



DELAWARE SOLID WASTE AUTHORITY

Board of Directors

Richard V. Pryor

Chairman

Ronald G. McCabe

Vice Chairman

Theodore W. Ryan

Timothy P. Sheldon

Tonda L. Parks

Gerard L. Esposito

Gregory V. Moore, P.E.

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

August 9, 2013

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

Dear Richard:

Enclosed please find the City of Milford's numbers for the month of July 2013.

**July 2013
Weight in Pounds****MARSHALL STREET**

SINGLE-STREAM TOTAL	OIL GALLONS
22,732	330

MILFORD COMMONS

14,613	
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Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc

Christie Murphy

Attachments: City of Milford Curbside Totals

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

CITIZENS' RESPONSE LINE: 1-800-404-7080

www.dswa.com

CITY OF MILFORD CURBSIDE RECYCLING

JULY 2013

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
7/3/2013	739395	7100-RC Single Strea	7000-Recommunity	City of Milford	2.31
7/3/2013	739480	7100-RC Single Strea	7000-Recommunity	City of Milford	5.02
7/3/2013	739483	7100-RC Single Strea	7000-Recommunity	City of Milford	2.11
7/12/2013	740392	7100-RC Single Strea	7000-Recommunity	City of Milford	6.69
7/18/2013	741073	7100-RC Single Strea	7000-Recommunity	City of Milford	3.92
7/18/2013	741075	7100-RC Single Strea	7000-Recommunity	City of Milford	3.11
7/19/2013	741132	7100-RC Single Strea	7000-Recommunity	City of Milford	5.22
7/19/2013	741136	7100-RC Single Strea	7000-Recommunity	City of Milford	4.5
7/25/2013	741871	7100-RC Single Strea	7000-Recommunity	City of Milford	3.84
7/26/2013	741934	7100-RC Single Strea	7000-Recommunity	City of Milford	1.94
7/26/2013	741936	7100-RC Single Strea	7000-Recommunity	City of Milford	2.5
					41.16

**DELAWARE LEAGUE OF LOCAL GOVERNMENTS
ANNUAL DINNER MEETING
SEPTEMBER 22ND, 2013
DOVER DOWNS HOTEL
DIAMOND RM#1- 4TH FLOOR
1131 NORTH DUPONT HIGHWAY
DOVER, DELAWARE**

SOCIAL HOUR: 3:00 P.M. – 4:00 P.M.
OPENING: 4:00 P.M. – 4:30P.M.
DINNER: 4:30 P.M. – 5:30 P.M.
PROGRAM: 5:30 P.M. – 6:30 P.M.

PROGRAM

The Delaware League of Local Governments will be celebrating 50 years of service to our municipalities and counties. The League will be honoring our past Presidents for their service to the League. Past Presidents include (and hopefully will be in attendance):

William Redd, Layton Johnson, James Hutchison Sr., Peggy Baunchalk, Robin Christiansen, Donald Mulrine, Harold Godwin, James Baker, James Ford, Carleton Carey, and George C. Wright Jr.

President Branner is requesting that each attendee wear their 50th Anniversary lapel pin, which was presented at the last League meeting in May. If you did not receive one, they will be available at the registration desk. We are looking forward to seeing you at this historic occasion.

NEXT MEETING: THURSDAY OCTOBER 24TH, 2013

Special diets can be accommodated with 24 hours notice

WE MUST HAVE YOUR RESERVATIONS NO LATER THAN SEPTEMBER 12TH, 2013

Mail To: Delaware League of Local Governments
P.O. Box 484
Dover, Delaware 19903
Telephone: 302-678-0991 Email: gwright@udel.edu

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

PLEASE LIST THE NAMES OF THOSE ATTENDING

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

****Please note the increase in amount****

- () Check enclosed for () dinners @ **\$30.00** each
- () Please direct bill the Municipality/County/Agency
- () Payment will be made at the door
- () Enclosed for () dinners @ **\$30.00** each

Dear Local Municipalities:

The Town of Laurel along with the Roger C. Fisher African American Society will be holding a renaming ceremony of Laurel River Park to the Roger C. Fisher Laurel River Park. The renaming is to honor former Mayor and longtime resident Roger Fisher. Mayor Fisher was the first African American Mayor (elected 1987) in Laurel and Sussex County and the second African American Mayor in Delaware. He also served as former President of SCAT. An invitation to the event is attached for you to share with your Mayor and Council Persons.

The Town of Laurel
along with
The Roger C. Fisher
African American Society of
Mt. Pisgah A. M. E. Church
cordially invite you to attend the

renaming ceremony of
Roger C. Fisher Laurel River Park
September 21, 2013 from noon until 2:00 p.m.

At the Roger C. Fisher Laurel River Park
Park Lane, Laurel, Delaware

Please RSVP to

Jamie Smith

At 302-875-2277

Or Cynthia Hall

At 302-260-6052

By

Tuesday, September 17, 2013

Light Refreshments to follow

City of Milford



RESOLUTION

2013-08

A RESOLUTION AUTHORIZING THE SALE OF A PARCEL OF REAL PROPERTY CONTAINING .186 ACRES, MORE OR LESS, BEING IDENTIFIED AS SUSSEX COUNTY TAX PARCEL 3-30-7.17-49.

WHEREAS, the City of Milford is the owner of a parcel of real property containing .186 acres, more or less, and identified as Sussex County Tax Parcel 3-30-7.17-49; and

WHEREAS, the land was intended to be utilized by the Parks and Recreation Department; and

WHEREAS, the Parks and Recreation Department has determined that said parcel is not compatible with the department's future plans for park or recreational activities and is, therefore, surplus real property; and

WHEREAS, the Parks and Recreation Department has determined that said parcel could be sold and the proceeds from the sale utilized to fund recreational activities that will benefit the citizens of the City of Milford; and

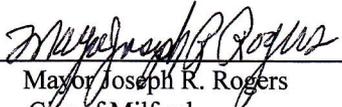
WHEREAS, the Parks and Recreation Department has had the property appraised, which appraisal value was Eighteen Thousand Dollars (\$18,000.00); and

WHEREAS, the Parks and Recreation Department desires to sell said parcel by receipt of sealed bids after duly advertising the terms of the sale.

NOW, THEREFORE, BE IT RESOLVED, the Office of the City Manager, with authorization from the City Council of the City of Milford, State of Delaware, may advertise and sell Sussex County Tax Parcel 3-30-7.17-49.

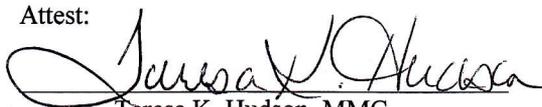
BE IT FURTHER RESOLVED that the Office of the City Manager shall advertise the real property sale and establish the terms and conditions under which it may be sold.

BE IT FURTHER RESOLVED that the proceeds from the sale shall be used to enhance the recreational activities available to the citizens of the City of Milford.



Mayor Joseph R. Rogers
City of Milford

Attest:



Teresa K. Hudson, MMC
City Clerk

Adopted: March 11, 2013



Milford
Parks & Recreation
Department

Gary L. Emory, *Director*
Mary Glennen Betts, *Recreation Superintendent*
Carroll B. Jester, *Park Superintendent*
Keith Short, *Parks & Recreation Supervisor*
Doreen Wrightsman, *Office Manager*

visit the City of Milford at www.cityofmilford.com

September 3, 2013
Mr. Richard Carmean
Milford City Manager
P.O. Box 159
Milford, DE 19963

Dear Dick,

I would like to request a transfer of funds realized from the recent Masten Park land sale totaling \$18,800 to the following line items:

\$13,809.00 (Capital Parks – 451-70-50) Bocce Ball Court development

\$ 4,991.00 (Facility Maintenance and Repairs – 451-40-34) Banneker Basketball Court renovations

Total transfer \$18,800.00

Resolution 2013-08 states that the proceeds from the sale shall be used to enhance the recreational activities to the citizens of the City of Milford.

Thank you for your consideration in this matter.

Sincerely,

Gary L. Emory
Gary L. Emory

Director

Milford Parks and Recreation Dept.



**LANDSCAPE
ARCHITECTURAL
SERVICES, L.L.C.**

Matthew T. Spong, R.L.A., ASLA
Trisha Sawicki, ASLA

City of Milford
201 South Walnut Street
Milford, DE 19963
Attn: Mr. Richard Carmean, City Manager

August 30, 2013

Re: Bicentennial Park
Bocce Ball Court
Bid Recommendation

Dear Richard,

Advertisement for bids for this project were placed in the Delaware State News Public Notices on 8/2/13 and 8/5/13. On 8/6/13 a non-mandatory pre-bid meeting was held at the City of Milford Parks Department. Bids were due on Tuesday 8/20/13 at 11:00 a.m. at the City Hall Council Room.

The bid price solicited from contractors was requested as follows:

Base Bid: provide all labor, materials and equipment to construct (1) Bocce Ball Court, including sediment & erosion control , grading, concrete slab, artificial turf surface, 6X6 wood edging, concrete paver access walk, sodding and clean-up.

Add Alternate #1: was to add the construction of a 2nd Bocce Ball Court to the Base Bid.

Deduct Alternate #1 : was to deduct the cost of sod from the Base Bid and provide a seeded lawn in lieu of sod.

On 8/20/13 (3) bids were received from the following contractors , all bidders submitted the required bonds, bid forms, non-collusion statements and acknowledged receiving Addendums #1 & #2.

Contractor	Base Bid	Add Alternate #1 2 nd court	Deduct Alternate #1 deduct Sod	Total w/all alternates
Gateway Construction, Inc. Hartly, Delaware	\$51,588.	(+) \$30,000.	(-) \$1000.	\$80,588.

August 30, 2013

**Re: Bicentennial Park
Bocce Ball Court
Bid Recommendation**

Page 2 of 2

Conventional Builders, Inc. Houston, DE	\$38,000.	(+) \$21,300.	(-) \$500.	\$58,800.
<hr/>				
Road Site Construction, Inc. DBA/Clean Cut Interlocking Pavers Lewes, DE	\$33,809.	(+) \$24,056.50	(-) \$337.30	\$57,528.20

The low bidder is Road Site Construction , Inc.

After discussion with Gary Emory, Parks & Recreation Director, it is my recommendation that the base bid for construction of (1) Bocce Ball Court be awarded to Road Site Construction , Inc. DBA/Clean Cut Interlocking Pavers for \$33,809.

Please review this information and contact me if you have any questions.

With Best Regards,

Matthew T. Spong, R.L.A., A.S.L.A., Principal
X.C. Mr. Gary Emory, Director, Milford Parks & Recreation.
Ms. Terri Hudson, City Clerk



P.O. Box 293, Dover, DE 19903
e-mail: matt@las-llc.net

phone: 302-284-4578 fax: 302-284-0301
website: www.las-llc.net

PUBLIC NOTICE
PLANNING COMMISSION & CITY COUNCIL PUBLIC HEARINGS
City of Milford Zoning Chapter Amendment
Ordinance 2013-06

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Code on Tuesday, September 17, 2013 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 23, 2013 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2013-06, may be adopted, with or without amendments.

AN ORDINANCE TO AMEND Chapter 230-Zoning, Article XI-Administration of the Code of the City of Milford.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Amends §230-57 Planning and Zoning Fees to read as follows:

ARTICLE XI - Administration

§ 230-57. Planning, ~~and~~ zoning AND ENGINEERING fees.

Planning, ~~and~~ zoning AND ENGINEERING fees shall be set by resolution ADOPTED by City Council and ~~are~~ maintained by the City Clerk's office.

Section 2. All ordinances or parts of ordinances previously adopted and in conflict with this ordinance are hereby repealed.

Section 3. Dates.

Introduction to City Council: September 9, 2013

Planning Commission Review and Public Hearing: September 17, 2013

City Council Review and Public Hearing: September 23, 2013

Section 4. The Ordinance shall become effective no sooner than Ten Days after Adoption by City Council.

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office or by accessing the website cityofmilford.com.

By: Terri K. Hudson, MMC
City Clerk

Words stricken are deletions; words underlined are additions.

PUBLIC NOTICE
ORDINANCE NO. 2013-07
AN ORDINANCE AMENDING CHAPTER 200 - SUBDIVISION OF LAND

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

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

AN ORDINANCE TO AMEND Chapter 200-Subdivision of Land, §200-5 General requirements and design standards of the Code of the City of Milford.

Section 1. Amends §200-5 General requirements and design standards (H) Improvements (4) to read as follows:

The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, Planning and zoning fees. **PLANNING, AND ZONING AND ENGINEERING FEES.** The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

Section 2. All ordinances or parts of ordinances previously adopted and in conflict with this ordinance are hereby repealed.

Section 3. Dates.

Introduction to City Council: September 9, 2013

City Council Review and Public Hearing: September 23, 2013

Section 4. The Ordinance shall become effective no sooner than Ten Days after Adoption by City Council.

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office or by accessing the website cityofmilford.com.

By: Terri K. Hudson, MMC
City Clerk

Words stricken are deletions; words underlined are additions.

City of Milford



RESOLUTION 2013-18

WHEREAS, the children of Milford are entitled to the fun and festivity associated with the observance of the Halloween; and

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

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

WEDNESDAY, October 16, 2013 starting at 6:30 p.m. and ending at 9:00 p.m. shall be the time for the Annual Community Parade.

THURSDAY, October 31, 2013 shall be the official date for youngsters to observe Halloween Trick or Treat Night.

AND, BE IT FURTHER RESOLVED THAT:

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

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

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

Mayor Joseph Ronnie Rogers

City Clerk Teresa K. Hudson

Adopted: September 9, 2013



Annual Fall Clean-Up Week **September 30, 2013 through October 4, 2013**

The City of Milford is pleased to offer additional refuse collection to its residential customers the week of September 30th through October 4th.

During this week, residents may place additional items for disposal alongside their trash container ON THEIR REGULARLY SCHEDULED TRASH PICK UP DAY.

There is no additional charge for this service and residents do not have to call for a bulk pickup.

In order for the City of Milford to provide this service to its residents, the following guidelines must be adhered to:

- Additional items for disposal must be placed beside the trash container on the resident's regular trash collection day.
- Trash can and items must be placed curbside by 7:00 a.m.
- Small bundles of yard waste will be picked up with regular yard waste on the following dates:
 - * *GOLD ROUTE (Monday trash customers) - Wednesday, October 2nd*
 - * *MAROON ROUTE (Tuesday & Friday trash customers) - Wednesday, October 9th*
- Commercial trash, construction debris and hazardous materials will not be accepted.

Collections **WILL ONLY BE COVERED ONCE.** A return trip will not be made on alternate days during this week. The city asks that every resident cooperate during this project.

For more information, please call the Customer Service Department at 302-422-6616.

City of Milford



Resolution 2013-19 *FALL CLEAN-UP WEEK*

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Milford, in Council met:

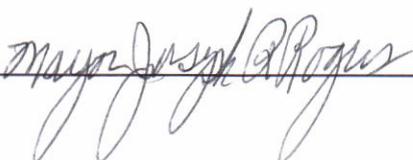
WHEREAS, it is desirous to promote the general cleaning of the City of Milford and improve its overall beauty to the maximum enjoyment and benefit of all citizens and visitors; and

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

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

NOW, THEREFORE, I, Joseph R. Rogers, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of September 30, 2013 to October 4, 2013 "Fall Clean-Up Week" in the City of Milford.*

Mayor Joseph R. Rogers

Attest 

**Raindate: October 7, 2013 to October 11, 2013*

Adopted September 9, 2013

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 77 - ALCOHOLIC BEVERAGES** >>

Chapter 77 - ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the City Council of the City of Milford 6-11-2001 by Ord. No. 7-2001. Amendments noted where applicable.]

[§ 77-1. - Public consumption.](#)

[§ 77-2. - Public possession.](#)

[§ 77-3. - Special events.](#)

§ 77-1. - Public consumption.

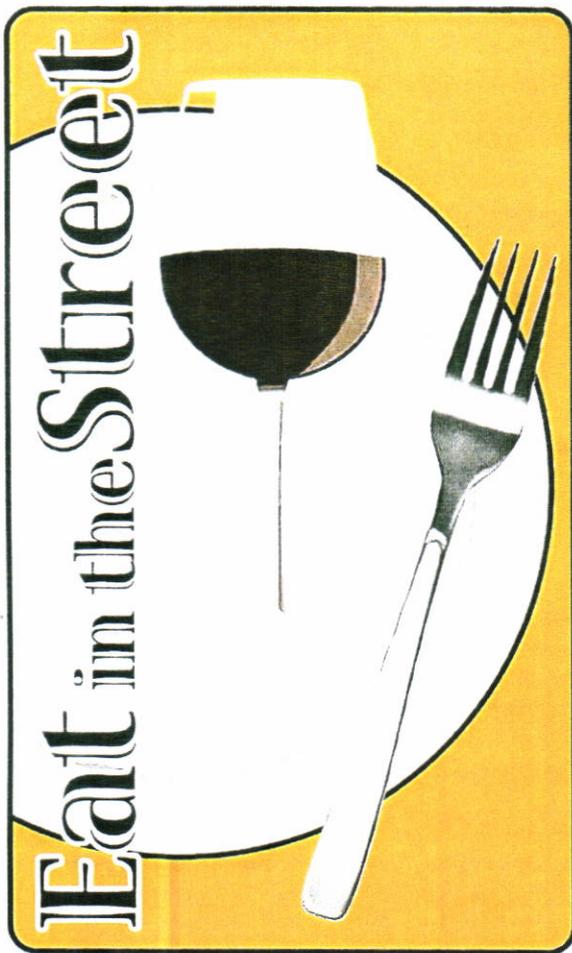
It shall be unlawful for any person to consume any alcoholic beverage or beverages upon any of the public streets, avenues, alleys, sidewalks, parks and similar public areas or in vehicles upon any of the above stated areas within the municipal boundaries of the City of Milford.

§ 77-2. - Public possession.

It shall be unlawful for any person to possess in an open container any alcoholic beverage or beverages upon any of the public streets, avenues, alleys, sidewalks, parks and similar public areas or in vehicles upon any of the stated areas within the municipal boundaries of the City of Milford.

§ 77-3. - Special events.

Alcoholic beverages may be sold and consumed at special events or gatherings in public places, upon application to and approval of the City Council.



September 22, 2013

5:00 p.m.

**Walnut Street between
Park and SE Front Street**

Join Downtown Milford, Inc. for a unique farm-to-table (to street) event! Enjoy a sit down dinner prepared by Milford chefs using locally sourced foods at a harvest table right on Walnut Street. Celebrate the best of Milford's culinary arts, local farms and markets!

Tickets are \$50 per person

and are available for purchase at the DMI office and the DMI table at the Riverwalk Farmer's Market.

Participating Restaurants:



207 S. Walnut Street, Milford, DE 19963 Phone: 302-839-1180
Email: director@downtownmilford.org

Entertainment by: The Dystractions and
The Music School of Delaware

Sponsors are:



Official Use Only

Application Number _____ Approved _____ Date _____

**APPLICATION FOR A GROUP GATHERING LICENSE
TO SELL AND DISPENSE ALCOHOLIC LIQUOR AT A GATHERING OF PERSONS**

Provide:

Federal I.D. Number 51-0364402

Date of Affair Sunday September 22, 2013

Hours of Affair 5 – 8 pm

**TO: Office of the Alcoholic Beverage Control Commissioner
Carvel State Office Building, 820 French Street
Wilmington, DE 19801
(302) 577-5222**

I, Leland R. Nelson, being the Manager or Person-in-Charge
(Manager/PIC's Name)

(PIC) of a gathering of persons where alcoholic liquors are to be sold, on behalf of and in the name of

Downtown Milford Inc (302) 839-1180 **Eat in the Street**
(Name of Organization/Party) (Phone Number) (Name of Event)

am applying for a license to sell alcoholic liquor defined in the Liquor Control Act. I hereby solemnly swear to perform any and all duties and obligations required by said Act, and further certify that I am familiar with the requirements of said law. I also understand that the license, if granted, shall be valid only for the time, period, location, and event specified in this application.

1. Applicant's/Organization's Address: 207 South Walnut Street, Milford, DE 19963

1(a) License to be mailed to: 207 South Walnut Street, Milford, DE 19963

2. Manager/PIC's Address: 207 South Walnut Street, Milford, DE 19963
Day Phone -- (302) 839-1180 Evening Phone -- (302) 393-6808

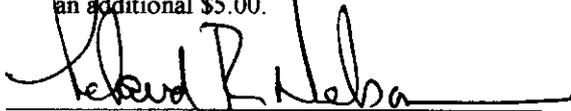
3. Location of premises wherein license is to be used:

Riverwalk Park and Georgia House on **South Walnut Street** **Milford** **DE** **19963**
(Bldg./complex/Park Name) (Street) (City) (State) (Zip Code)

4. I agree to purchase alcoholic beverages from either a Delaware licensed retailer or wholesaler authorized to sell such alcoholic beverages.
5. It is understood, under penalty of law, that alcoholic beverages shall not be sold, served or dispensed to any person in attendance at this gathering that is under 21 years of age.
6. It is understood that the sale of alcoholic beverages are not permitted between the hours of 1:00 a.m. 9:00 a.m.

7. It is understood that alcoholic beverages remaining on the premise that are not opened, may be returned to the licensed wholesaler or retailer from which they were purchased, within 30 days of the date of the gathering.

8. I submit \$10.00 dollars in payment of full license fee at the rate of \$5.00 for one or two days, and \$2.00 per day for each day thereafter, Sundays and Holidays as defined in Title 4 Section 709, require an additional \$5.00.



(Signature of Applicant)

Executive Director
(Title)

(302) 839-1180
(Phone Number)

I understand, and approve, that the above applicant is making application for a license from the Office of the Alcoholic Beverage Control Commissioner to store alcoholic liquor for resale and consumption on the premises, during the above scheduled event located at:

On South Walnut Street, Milford, DE 19963
(Complete Address for Event)

Sunday Sept. 22 2013
(Date(s) of Event)

5-8 pm
(Hours of Operation)

Signature of City of Milford

City Manager
(Title)

(302)-424-3712
(Phone Number)

(Alternate Contact Person)

() -
(Phone Number)

Signature of Georgia House

(Title)

(302) - 422-6763
(Phone Number)

(Alternate Contact Person)

() -
(Phone Number)

PLEASE COMPLY WITH THE FOLLOWING REQUIREMENTS:

1. Organizations (other than #2 below) must submit current IRS Tax Form 990, or IRS Department of Treasury letter granting an exemption from federal income tax under Section 501(c)(3)
2. If a candidate, political organization, or party, you must submit proof of current registration with the Delaware Department of Elections.
3. The applicant must submit a floor plan of the area to be licensed. The floor plan must include all seating, bar area, entertainment and liquor storage
4. The completed application along with the proof of non-profit status, floor plan and the appropriate fee, must be **submitted no less than ten (10) days** prior to the date of the event. Timely submission will allow sufficient time for consideration by the OABC Commissioner.

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: July 2013

Cash Balance - General Fund Bank Balance	\$1,719,101
Cash Balance - Electric Fund Bank Balance	\$4,260,312
Cash Balance - Water Fund Bank Balance	\$2,724,548
Cash Balance - Sewer Fund Bank Balance	\$636,884
Cash Balance - Trash Fund Bank Balance	\$439,568

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Solid Waste <u>Reserves</u>
Beginning Cash Balance	458,584	978,909	1,765,282	0
Deposits			36,223	
Interest Earned this Month	31	71	126	
Disbursements this Month	(33,250)		(41,667)	
Investments				250,000
Ending Cash Balance	\$425,365	\$978,980	\$1,759,964	\$250,000

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	2,441,175	4,425,128	3,544,074	10,925,235
Deposits				
Interest Earned this Month	178	37	254	800
Disbursements this Month	(240,064)	(4,940)	(58,787)	
Investments	250,000			
Ending Cash Balance	\$2,451,289	\$4,420,225	\$3,485,541	\$10,926,035

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	1,071,707	\$745,812	\$290,452
Deposits			
Interest Earned this Month	66	\$48	\$19
Disbursements this Month			
Investments			
Ending Cash Balance	\$1,071,773	\$745,860	\$290,471

INTEREST THROUGH THE FIRST MONTH OF THE FISCAL YEAR:

General Fund	653	Water Fund	199
GF Capital Reserves	178	Water Capital Reserves	317
General Improvement Fund	31	Water Impact Fees	66
Municipal Street Aid	71	Sewer Fund	46
Real Estate Transfer Tax	126	Sewer Capital Reserves	254
Electric Fund	311	Sewer Impact Fees	48
Electric Reserves	800	Trash Fund	32
Electric Impact Fees	19		

TOTAL INTEREST EARNED TO DATE \$3,151

REVENUE REPORT

Page Two

8.3% of Year Expended

Date: July 2013	AMOUNT BUDGETED	MTD	YTD	YTD%
ACCOUNT				
Budgeted Fund Balance	161,840	0	0	0.00%
General Fund Capital Reserves	40,000	0	0	0.00%
Property Transfer Tax-Police	500,000	41,667	41,667	8.33%
Real Estate Tax	3,581,965	10,267	10,267	0.29%
Business License	35,000	1,475	1,475	4.21%
Rental License	85,000	550	550	0.65%
Building Permits	80,000	3,829	3,829	4.79%
Planning & Zoning	10,000	1,700	1,700	17.00%
Grasscutting Revenue	5,000	416	416	8.32%
Police Revenues	315,000	10,762	10,762	3.42%
Misc. Revenues	263,460	12,601	12,601	4.78%
Transfers From	3,215,480	267,956	267,956	8.33%
Total General Fund Revenues	\$8,292,745	\$351,223	\$351,223	4.24%
Water Revenues	2,715,000	214,430	214,430	7.90%
Sewer Revenues	2,385,670	192,052	192,052	8.05%
Kent County Sewer	1,464,600	135,831	135,831	9.27%
Solid Waste Revenues	1,303,000	93,189	93,189	7.15%
Electric Revenues	25,520,985	2,263,763	2,263,763	8.87%
TOTAL REVENUES	\$41,682,000	\$3,250,488	\$3,250,488	7.80%
YTD Enterprise Expense		12,312		
YTD Enterprise Revenue		1,483		
LTD Carlisle Fire Company Building Permit Fund		87,580		

EXPENDITURE REPORT

Page Three

Date: July 2013

8.3% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	355,220	\$16,797	16,797	4.73%	338,423
O&M	154,065	\$11,518	11,518	7.48%	142,547
Capital	0	\$0	0		0
Total City Manager	\$509,285	\$28,315	\$28,315	5.56%	480,970
Planning & Zoning					
Personnel	125,100	\$5,574	5,574	4.46%	119,526
O&M	31,840	\$807	807	2.53%	31,033
Capital	0	\$0	0		0
Total P, C & I	\$156,940	\$6,381	\$6,381	4.07%	150,559
Code Enforcement & Inspections					
Personnel	143,785	\$5,805	5,805	4.04%	137,980
O&M	45,630	\$5,453	5,453	11.95%	40,177
Capital	0	\$0	0		0
Total P, C & I	\$189,415	\$11,258	\$11,258	5.94%	178,157
Council					
Personnel	31,225	\$1,434	1,434	4.59%	29,791
O&M	46,150	\$1,658	1,658	3.59%	44,492
Council Expense	17,000	\$5,165	5,165	30.38%	11,835
Contributions	322,000	\$66,113	66,113	20.53%	255,887
Codification	4,000	\$0	0	0.00%	4,000
Employee Recognition	9,000	\$0	0	0.00%	9,000
Insurance	27,220	\$6,805	6,805	25.00%	20,415
Capital-Transfer to Reserves	61,840	\$0	0	0.00%	61,840
Total Council	\$518,435	\$81,175	\$81,175	15.66%	437,260
Finance					
Personnel	341,725	\$13,997	13,997	4.10%	327,728
O&M	52,465	\$3,806	3,806	7.25%	48,659
Capital	0	\$0	0		0
Total Finance	\$394,190	\$17,803	\$17,803	4.52%	376,387
Information Technology					
Personnel	176,860	\$4,847	4,847	2.74%	172,013
O&M	176,790	\$18,984	18,984	10.74%	157,806
Capital	50,000	\$0	0	0.00%	50,000
Total Information Technology	\$403,650	\$23,831	\$23,831	5.90%	379,819

EXPENDITURE REPORT

Page Four

Date: July 2013

8.3% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,791,065	\$151,247	151,247	3.99%	3,639,818
O&M	499,040	\$51,527	51,527	10.33%	447,513
Capital	107,810	\$0	0	0.00%	107,810
Total Police	\$4,397,915	\$202,774	\$202,774	4.61%	4,195,141
Streets & Grounds Division					
Personnel	438,755	\$16,955	16,955	3.86%	421,800
O&M	379,635	\$23,813	23,813	6.27%	355,822
Capital	55,000	\$0	0		55,000
Debt Service	45,560	\$0	0	0.00%	45,560
Total Streets & Grounds	\$918,950	\$40,768	\$40,768	4.44%	878,182
Parks & Recreation					
Personnel	519,805	\$33,741	33,741	6.49%	486,064
O&M	240,160	\$39,185	39,185	16.32%	200,975
Capital	44,000	\$23,313	23,313	52.98%	20,687
Total Parks & Recreation	\$803,965	\$96,239	\$96,239	11.97%	707,726
Total General Fund					
Operating Budget	\$8,292,745	\$508,544	\$508,544	6.13%	7,784,201

EXPENDITURE REPORT

Page Five

Date: July 2013

8.3% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	300,425	\$13,684	13,684	4.55%	286,741
O&M	1,070,445	\$82,565	82,565	7.71%	987,880
Capital	525,000	\$0	0	0.00%	525,000
Debt Service	819,130	\$0	0	0.00%	819,130
Total Water	\$2,715,000	\$96,249	\$96,249	3.55%	2,618,751
Sewer Division					
Personnel	300,425	\$13,684	13,684	4.55%	286,741
O&M	1,063,445	\$144,417	144,417	13.58%	919,028
Capital	347,000	\$0	0	0.00%	347,000
Debt Service	689,400	\$12,735	12,735	1.85%	676,665
Sewer Sub Total	\$2,400,270	\$170,836	\$170,836	7.12%	2,229,434
Kent County Sewer	1,450,000	\$135,823	135,823	9.37%	1,314,177
Total Sewer	\$3,850,270	\$306,659	\$306,659	7.96%	3,543,611
Solid Waste Division					
Personnel	362,410	\$18,712	18,712	5.16%	343,698
O&M	775,590	\$66,481	66,481	8.57%	709,109
Capital	165,000	\$0	0	0.00%	165,000
Total Solid Waste	\$1,303,000	\$85,193	\$85,193	6.54%	1,217,807
Total Water, Sewer Solid Waste	\$7,868,270	\$488,101	\$488,101	6.20%	7,380,169
Electric Division					
Personnel	1,248,005	\$48,890	48,890	3.92%	1,199,115
O&M	1,625,800	\$168,414	168,414	10.36%	1,457,386
Transfer to General Fund	2,500,000	\$208,333	208,333	8.33%	2,291,667
Capital	1,005,950	\$0	0	0.00%	1,005,950
Debt Service	641,230	\$0	0	0.00%	641,230
Electric Sub Total	\$7,020,985	\$425,637	\$425,637	6.06%	6,595,348
Power Purchased	18,500,000	\$1,844,376	1,844,376	9.97%	16,655,624
Total Electric	\$25,520,985	\$2,270,013	\$2,270,013	8.89%	23,250,972
TOTAL OPERATING BUDGET	\$41,682,000	\$3,266,658	\$3,266,658	7.84%	38,415,342

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: July 2013

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	8.3% of Year Expended		UNEXPENDED BALANCE
				YTD%		
Garage						
Personnel	79,700	3,575	3,575	4.49%		76,125
O&M	66,355	5,254	5,254	7.92%		61,101
Capital	0	0	0			0
Total Garage Expense	\$146,055	8,829	\$8,829	6.04%		137,226
Public Works						
Personnel	185,195	8,611	8,611			176,584
O&M	201,515	8,429	8,429	4.18%		193,086
Capital	26,500	0	0			26,500
Total Public Works Expense	\$413,210	17,040	\$17,040	4.12%		396,170
Billing & Collections						
Personnel	488,145	21,307	21,307	4.36%		466,838
O&M	241,020	25,938	25,938	10.76%		215,082
Capital	0	0	0			0
Total Billing & Collections	\$729,165	47,245	\$47,245	6.48%		681,920
City Hall Cost Allocation						
Personnel	0	0	0			0
O&M	59,700	5,771	5,771	9.67%		53,929
Capital	0	0	0			0
Total City Hall Cost Allocation	\$59,700	5,771	\$5,771	9.67%		53,929

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
August 5, 2013

A Meeting of the Public Works Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, August 5, 2013.

PRESIDING: Chairman Owen Brooks, Jr.

IN ATTENDANCE: Committee Members-Councilman Bryan Shupe
Council Members S. Allen Pikus and Douglas Morrow, Sr.

ALSO: City Manager Richard Carmean and City Clerk/Recorder Terri Hudson

Public Works Director Brad Dennehy and DBF Engineer Erik Retzlaff were also present.

Chairman Owen Brooks called the Committee Meeting to order at 7:06 p.m. He thanked those that were present adding that one of the reasons he had requested the meeting was to update committee members the status of a number of ongoing projects. He noted that Mr. Shupe is a new member of the committee and Mr. Gleysteen has only been on the committee for the past year.

Mr. Brooks then turned the meeting over to City Manager Richard Carmean who announced that Committee Member Dirk Gleysteen was absent.

Substation/138kV Transmission Line

Mr. Carmean said he asked Electric Superintendent Rick Carmean to bring council up to date on the 138kV transmission line coming down Route 113 to the new substation on the Milford-Harrington Highway.

Electric Superintendent Rick Carmean referenced a drawing showing the site of the new transfer station site south of Route 113. He reported that Delmarva Power placed a ring bus with three breakers at the site. They have a 138kV line that runs to Harrington and one to Milford so if they have a problem on either side, they can feed it from either direction. Milford taps off and will place a 138 breaker there and a small 100 x 100 substation. The line will come out to the highway, to the CVS site, go around the back and then west on the Milford-Harrington Highway and into the Fordmill substation property.

The superintendent reported the transmission line project went to bid last week. They will be opened on September 5th.

He said there are fifty-five 115-foot steel poles and 55 wood poles on the job. There will be a few steel-steel poles but most will be a steel-wood pole line. The 138 will be on top with the Delmarva line ten to twelve feet below. The city circuit will be ten more feet below and underneath will be the cable television and Verizon lines.

He reported that two weeks ago, Sumter Utilities out of South Carolina was awarded the bid for the 138-24.94/14.4 kV Substation and 138 kV Tap Station Installation.

The electric superintendent said if everything goes as planned, it should be completed sometime in October.

The workers from South Carolina are working eight days straight with six days off. The foreman is staying here for a month and all the concrete work will be done while he is here. There has been almost 100 yards of concrete poured and another 50 to 175 yards is needed at the tap station.

The city manager said there has been frustration over some of the easement and right of way problems and asked the superintendent to elaborate. Rick Carmean advised that one of the free standing poles that is frustrating right now is at Walgreens by the railroad track. It has 35 different angles and the 138 will pull it east; it has to be guided west which would be in the highway so that cannot be done. Therefore, a freestanding pole will be installed with no guides. The first portion of the foundation involved eight feet round and thirty-five feet deep. There is eight feet from the railroad right of way to the curb. When the job was inspected, it was determined it may require more than 35 feet deep.

Rick Carmean explained the other three poles going around CVS will be eight feet by thirty feet.

Mr. Pikus asked if we have a right-of-way agreement; Mr. Carmean said he has the agreement which is recorded. He said it was obtained when the pipe plan was done on the entire block. Rick Carmean said they were always going to bring two circuits around that property so the right-of-way was already in place. They have only added three self-supporting poles. One will be on the highway in front of the plaza, one at the back corner of CVS adjacent to Wright's Auto and the last one will be over by Walgreens.

The city manager recalled this project was approved in 2008 and was part of the referendum approved that year. The entire project will be \$8.6 million.

The city manager asked the electric superintendent to explain why this work is needed. Rick Carmean advised the city is peaking anywhere from 48 to 50 in the summer. Right now there are 4 circuits which only provides 4 MG of capacity. There are two circuits on one pole and if a pole goes down and knocks out both circuits, half the town will be out of electricity for four to six hours.

The new substation will basically split the town along the river. There will be an air-break switch by Pizza Palace and another at Jefferson Avenue by the hospital. Two circuits will come in from the old station and a circuit coming into the new station by the hospital. That will provide three circuits and more flexibility to ensure electricity is uninterrupted. There is a switch at the Fisher Avenue pumping station and another will be placed at the drawbridge at the river for the other circuits.

The superintendent said the old station is on the 240 line that Delmarva has which drops down to a step down transformer off the 240 line to 138 and feeds that station. The new station is on the 138 line that runs from Harrington to Milford. If the 240 line is lost, the 138 line can be used.

The new station will provide more options when a line goes down.

Mr. Carmean recalled obtaining permission from council to rent Joe Warnell's warehouse and asked the superintendent to explain the reason for that request.

Rick Carmean said this is the biggest project he has ever done. During the early planning stages, he was receiving e-mails about modular trailers. Before his consultant ordered all the material, he asked them to send a list. The list contained about 200 line items of materials. He explained that when the city moved out of the old warehouse, Downes Consultants (previous consultant) used to order material. One item was called a split bug. They found 985 of them in a box in the loft. There is a great deal of parts that have never been used. As a result, he has our current consultant send a material list and the city warehouse manager now orders the items. With all this material, he needs a place where he can go through it. A u-haul was rented to transport the materials associated with the substation from public works to the Warnell warehouse. On Thursday, another tractor trailer arrived that again filled up the warehouse. He expects another seven tractor trailer loads of materials.

The superintendent emphasized he is only renting the warehouse space for a month or two at the most. Once they go through the materials and sort them, he will give the contractor an option to rent the warehouse or rent trailers but that will be at his cost.

The city manager advised that the plan was to rent warehouse space in the Masten Park, but the go-cart business came along and took that building so they went to the Warnell warehouse.

Water System Improvements/Drinking Water State Revolving Fund Loan

City Manager Carmean said the next few items need to be considered and a committee recommendation made to council.

He turned the meeting over to P.E. Erik Retzlaff of Davis, Bowen and Friedel who had prepared a PowerPoint for tonight's presentation.

Mr. Retzlaff reported they had received favorable funding offers from the Drinking Water State Revolving Fund (DWSRF)

program when they did the Washington Street Water Plant. They knew the money was going to be absorbed under one large body, which is now called the Water Infrastructure Committee. It is a combination of the DHSS and DNREC members. The actual group that will run the program is DNREC's Financial Assistance Branch. DBT applied, on behalf of the city, and were unsuccessful in receiving any favorable terms. Currently, their rates are approximately 3.875%.

He said there is a significant amount of needs in the water system though it is not a dire situation. However, there are a few items that could become very costly over the next few years if not addressed.

He then applied for \$3.5 million and the SRF program offered a 1.5% interest 20-year term. The main focus would be to get some control over the valves within the distribution system. There is also money in the proposed budget to investigate and find an additional water source which is directly linked to another issue that is somewhat in the works right now. This could also be used for the SCADA monitoring system upgrades.

The city currently has about 82 miles of water main in the city:

312,000 LF PVC	(72.5%)
87,000 LF Cast/Ductile IRON	(20%)
31,000 LF Transite	(7.5%)

The majority is fairly recent (since the mid 70's) and mainly PVC. However, there is also quite a bit of cast/ductile iron piping. Some areas have transite piping from the 1940's to 1960's which was commonly used because metal utilities were difficult to obtain because of the need by the war. Prior to that, unlined cast iron was used.

Accordingly, the material was the basis for estimating its age:

Late 1970's to Present – Mostly PVC
 Circa 1940-1960 – Mostly Transite
 Before 1940 – Unlined Cast Iron
 75% of System Is less than 35 Years
 15% Is Between 35 & 75 Years
 10% Is over 75 Years

Mr. Retzlaff advised there are about 4,000 water services throughout the city, 2,500 isolation valves and approximately 600 fire hydrants.

The typical life span on a pipe is fifty years depending on the pH in the soil and whether or not there are corrosive or non-corrosive water within the pipe.

The 2,500 isolation valves are needed to shut off sections of the main in the case of main break or leaking service connection. They also help target the flushing of certain areas of the main to clean out sediment, debris or poor water quality. The valves also help future contractors to tie in without taking a significant amount of our customers off line.

Valves must be operated on a regular basis to ensure they will work whenever they are needed. Mr. Retzlaff explained that from recent history, the first valves that are needed often do not work. The valves are quite substantial and a twelve-inch valve has to be turned approximately forty times. It is a gate that goes down incrementally every time it is turned.

There has been discussions about an annual program over the next few years. Typically the valves need to be operated on a somewhat regular basis; however, there are only so many people that can turn 2,500 valves. As the program is started, we will have to determine which valves work and those that are problematic. Putting too much pressure on the valve can cause it to break.

The valves vary depending on the size and their location. Valve replacement on Route 113 and State Route 14 will be costly in addition to those on Front Street. Those areas have a significant amount of concrete and in some areas as much as eighteen inches of asphalt. There could be an additional \$15,000 to \$20,000 in site reconstruction costs.

Depending on the cost, the budget will limit the amount of valves that can be done each year. The SRF money will put a wrench on every valve in the city and determine how many need to be replaced. Because these valves have not been touched

in several years, no one has any idea of what to expect at this point in time.

Mr. Carmean said the project will be difficult to be bid because there will be very few companies that want to address 2,500 valves at once.

He explained that initially, the plan was to piece meal the project by adding a couple hundred thousand dollars to the budget each year. The city manager is unsure how long it will take to do all 2,500 valves. They may find fifty that are fine or the first one turned on Route 113 could end up costing \$75,000 with half the city out of water.

Mr. Brooks recalls working at DuPonts in Seaford where routine maintenance was performed on at least that number of valves. Each time they were turned, a tag with updated information was added. He confirmed that a lot of the valves were above ground or in pits.

When asked if the majority of the valves are new and associated with the new developments that were built over the past ten to twelve years, Mr. Retzlaff explained that the typical requirement is about one for every six to eight hundred feet. There are normally two, three or four valves in every intersection in the downtown area.

Mr. Pikus asked if all the valves are in manholes; Mr. Retzlaff said they are buried in the ground with four blocks that sit under a cast-iron cylinder that gives access to the operating nut that sits on top.

Mr. Retzlaff advised that this will allow a more in-depth flushing program. The flushing is performed to scour the pipes and remove scale and sediment that has accumulated over the years. To do that, the fire hydrants are opened and valves are shut off in different sections to ensure specific sections can be isolated.

When this project begins, water will be shut off in different areas in order to do the work.

As this is done, data will be obtained on every valve. He said that each valve can be numbered to assist with mapping, maintenance and management.

EXISTING WELLS (SEABURY PLANT)

Well #	Year Constructed	Screened Interval (ft)	Design Flow (GPM)
9	1972	39-59	250
10	1987	444-466	100
11	1987	311-335	67
12	1987	215-254	450

Mr. Retzlaff said that because we do not know how much of the \$3.5 million would be needed for the replacement of the valves, there was other money earmarked in the original application to allow the city to spend the money in a different way. One thing recommended was the replacement of unconfined well 9 (Seabury Plant) with the Redner's Market agreement. The city can use the money to pay for the other half of the agreement to abandon that well. This would determine how that source can be replaced and any supplemental treatment.

He further explained that well 9, it is only screened from 39 to 59 feet below ground. Wells 10 and 11 do not produce much water so it is beneficial to find a place to replace it. Well 10 was installed slightly out of plumb. When Wells 10 and 11 were drilled, they only came up to 100 and 67 gallons respectively. Presently, Well 10 is pumping 110 to 120 and Well 11 is pumping 100 gallons, but that is still not a significant amount of water.

Mr. Retzlaff advised that Well 12 was originally designed with a 250 GPM pump. One of the well drillers that is familiar with our system redeveloped it and actually increased the design flow up to 450. Treatment will need to be added to any significant increase.

The balance of the money would be used to complete the SCADA installation. SCADA is the controls and monitoring instrumentation and tracks our equipment to determine which is more beneficial to utilize. It also helps diagnose why a component fails.

The \$3.5 million loan would result in an annual debt service of \$203,000. The total metered sales from 2007 to 2011 were 717 million gallons/year; the residential metered sales over that period were \$170 million gallons/year. Based on that amount of usage, the proposed rate increase will be 28 cents per 1,000 gallons.

The city has 3,450 residential accounts whose average use is 4,150 gallons per month. If the average monthly bill is \$13.50, the proposed bill, with the rate increase will be \$14.68 or a \$1.18 increase per month.

This will help the reliability and ensure everything in the city is working as was originally intended.

Mr. Retzlaff confirmed this will require a referendum and the reason he was asked to present this tonight. He confirmed the full application has already been submitted and the offer made.

They have received environmental clearance from the program and the notice has been published in the paper for public comments.

Mr. Carmean advised we have the money in our water reserves; however, a breakdown of the numerous projects that are needed was provided during the budget hearing. Reserves would cover the cost of the SCADA system and we could do the valve project over a period of time by placing \$200,000 each year in our budget over the next ten years. Reserves would also cover the \$500,000 needed to get water services extended to Baltimore Air Coil.

He explained that Finance Director Jeff Portmann asked why we should borrow money if we have most of the money to do the project. Mr. Carmean does not believe we will have another opportunity for a 1.5% loan. He believes the only way to get the valve work done is to hire someone to come in and do the work. They would already have the equipment and materials required to accomplish this work which is a substantial savings to the city.

The decision needs to be made whether to deplete the reserve account down to the \$1 million or take advantage of the low interest rate and hire an outside contractor.

Public Works Director Brad Dennehy then recalled a water main break last year across from Mills Brothers Market. It took them three to four hours to do the repairs and they could not shut down the entire water line. As a result, they ended up shutting down Mills Brothers Market at nine o'clock at night.

Because they were unable to shut down several valves and instead of taking two to three hours on a regular workday, the crews had to work on a Friday night which resulted in a great deal of overtime. He feels the overtime paid that night far exceeded the \$1.18 increase that will be paid by each residential customer.

Mr. Brooks referenced the recent sewer rate increase of seven cents per thousand or thirty-five cents a month. He feels if we can take care of a major, potential problem for a \$1.18 increase, he feels it is worthwhile and our residents will have no problem with it.

Mr. Shupe said he cannot imagine our public work's crews having to exercise 2,500 valves. He agrees it would take several years and by the time it is completed, we would have to start again with the first ones that were done.

Mr. Dennehy said there are only six employees in the water and sewer department. After a heavy rainfall last week, the employees were all being used in the pump stations that take on a lot of water to ensure any sewage does not pump out into the street. He said our crews have never had to replace any valves and our crews work repairing sewer and water lines instead. He agrees that outside contractors will have to be hired to do this work. Once they come in, our employees can learn from them and will be able to handle the smaller valves. However, it is going to take some time to learn the skill.

Mr. Dennehy also pointed out the city does not have the equipment to exercise these valves.

Mr. Retzlaff advised that the asbestos and hazardous materials have been removed from the site.

The project will require five different contracts. The first contract is the demolition which is currently underway. The end date is the beginning of October though Mr. Retzlaff anticipates it will be completed prior to that time.

The second contract is the construction of the production well. The original plan placed the well on the property purchased behind city hall (opposite side of South Washington Street). The purchase of PNC Bank allowed the relocation of the well to its original site by the South Washington Street water tower. Electric service exists at that location and utilities would need to be extended to the South Washington Street site. Back in April, council awarded the drilling contract on the original site to AC Schultes. However, that was put on hold pending the settlement on the PNC Bank properties which occurred this past Friday. In the meantime, they will proceed with the investigatory work at the water tower site.

Once the site is finalized, we will proceed with the installation of the main and from there, will do a pump test on the well to determine the production capacity. The equipment will then be sized to match the treatment plant which will be the next contract.

Mr. Retzlaff explained the fifth contract was for the construction of the administration building which has since been removed from the Water Treatment Facility Plant Project and allow other work to be done. He noted that one new item involves some piping work that is needed at the tower site to accommodate the new well.

Southeast Milford Water Project/Water Tower & Water Main Extension

Mr. Retzlaff advised the water main work that was required to get ahead of the DeIDOT work has been completed. Right now, the contract is in a closeout phase and we are awaiting paperwork back from the contractor.

Phase II involves the tower, water main extension, new well and associated treatment. Currently, we are waiting on the environmental clearance from USDA. The Wickersham property dedication still needs to be finalized as well as the Hall property easements to ensure we have the ability to do the work.

This also involves four contracts—well, treatment facility, storage tank and piping (main extension). The well was submitted to the USDA who approved it. Once everything is in place, the project will be bid.

The city manager reported that Wickersham has accommodated us by permitting the city to place the tower and treatment facility on their property. Having this water tower out of sight is beneficial to all residential properties in that area. In addition, it will provide Wickersham with a close connection to the water though he is very pleased they agreed to donate the property to the city.

South Washington Street Sewage Pumping Station

Mr. Retzlaff referenced the three large bypass (orange) pumps in the parking area next to the pumping station. They take the flow completely around the pumping station in order to get in and work out the new components that are on site to be installed.

All the roof panels have been removed and the equipment pulled out. The contractor is currently cleaning the site up. The anticipated completion date is January 2014.

He advised that during the heavy rainstorm last week, only one pump actually came on; the backup pump never had to be activated.

North Washington Street Mill & Overlay/NE Sixth Street to Rehoboth Boulevard

Mr. Retzlaff reported this paving project will be completed as part of the annual maintenance program. Mr. Carmean added that most of these projects are paid by funds from local legislators.

Mr. Retzlaff then explained that money received from the Municipal Street Aid program comes with a number of regulations. He was just informed late last week that ADA-compliant handicapped ramps are required on city paved streets

paid with these funds. This will increase the cost by approximately 50%.

Mr. Morrow asked if the stormdrain that creates the flooding issues on this street will be repaired; Mr. Carmean said it is better than it previously was.

Public Works Director Brad Dennehy recalled a tree root getting into a stormwater drain in the North Washington Street area. The street was dug up last year and two sections of pipe were repaired so the street no longer floods.

However, there is a catch basin in the area that Mr. Dennehy said needs replacing before the street is paved.

*Southeast Front Street Water/Sewer Stormwater Repair
Mill, Overlay and Sidewalk
Southeast Front Rehabilitation Project*

Mr. Carmean verified that in 2009, DelDOT provided almost \$900,000 in funding to cover improvements to Southeast Front Street. They approved funding for the mill and overlay as well as the handicapped accessible sidewalk work. Unfortunately the majority of the sidewalks on that street are in terrible condition. The intent was to replace all sidewalks and curbing on the street. Unfortunately, the city does not have the money for the sidewalk repairs and he is unsure how long it would take to force the property owners to pay for it though that is required by our ordinance.

He said the city has occasionally paid for sidewalks in certain areas through legislative funds.

The city manager reported that \$200,000 to do the sidewalk work. He said the hold up goes back to the former city manager and involved placing the utilities underground.

Mr. Carmean explained that Councilman Grier then came to him with some problems on Columbia Street that the city manager felt could be added to this project. Then the infrastructure problems on the west end of the project were asked to be considered. They include stormwater, sewer and water aging systems. So they went back and engineered that work.

Mr. Retzlaff noted that part of the sewer work was identified during the previous I&I study. A few stormdrain pipes need replacing besides some water system improvements.

They made the elevation correction between the two water mains because they were not originally laid at the same depth and the valves that isolate them are actually at the hydrant.

The cost of removing the redundant water main is included in the Southeast Front Rehabilitation Project budget as follows:

	DeIDOT	CITY	TOTAL
Road & Sidewalk	\$785,400	\$262,500	\$1,021,000
All Sidewalk	\$0	\$269,500	\$269,500
Storm Drain	\$49,500	\$145,000	\$194,500
Sewer	\$11,500	\$227,500	\$239,000
Water	\$13,500	\$219,500	\$233,000
TOTAL	\$833,500	\$1,123,500	\$1,956,500

The costs include construction contingency, engineering & inspection fees.

Mr. Retzlaff advised that when this project was initially discussed, DelDOT committed \$890,000. The cost estimate has been revisited. There was some money earmarked for a signal though there are no signal modifications. As a result, DelDOT is currently updating their cost estimates because the costs have changed. He will then review their contributions from that point.

DeIDOT has reviewed the plans and understands what the project entails, including the amount of sidewalk work related to the handicapped ramps.

Mr. Pikus asked if they will be responsible for an upgrade in the storm drains, water and sewer work considering it is a state road; Mr. Retzlaff stated no. He explained there are drainage structures but some are redundant stormwater collection pipes because that is where a lot of the water and sewer used to flow. It was a combined sewer system that basically ran up and down Front Street and a portion went into the river and portion went into the system. As a result, there is a significant amount of pipe in the street including two water mains, two sewer mains and a storm drain ditch.

The city manager said it is very aggravating because the city is unable to put up a no parking or speed sign on the streets owned by DeIDOT without ten weeks passing before we get permission and many times the request is not granted. On the other hand, the city is responsible for all the snow removal and the majority of repairs.

Mr. Pikus asked if we receive Municipal Street Aid for Southeast Front Street even though it is a DeIDOT street; Mr. Carmean said yes we receive funding for those streets though the fund is shrinking.

Mr. Brooks noted that in the past, we had considered making Southeast Front Street a bicycle route. Mr. Carmean asked Mr. Retzlaff to address that matter because of the problem with the width of the street and particularly in the six-block area of Calvary Church/Salvation Army.

Mr. Retzlaff said that was considered, but unfortunately the varied width of the entire street does not allow it. They tried to accommodate a request to make certain areas no-parking. It was basically impossible and even if specific areas were made no-parking, in other sections, there would be no room for a bike path.

Mr. Brooks agreed that as you get closer to town, the street narrows.

Mr. Retzlaff said there is some money to do some work on Columbia Street to accommodate the request to add a sidewalk to connect the riverwalk through the church property. The estimated costs are as follows:

COLUMBIA REHABILITATION WORK

	DeIDOT	CITY	TOTAL
Road & Sidewalk	\$0	\$89,500	\$89,500
All Sidewalk	\$0	\$27,000	\$27,000
Water	\$0	\$79,500	\$79,500
Total	\$0	\$196,000	\$196,000

The costs include construction contingency, engineering & inspection fees.

At this time, water would also be extended beyond the limits of the road restoration. This is one of the few bottlenecks within the entire city related to potential fire protection.

He noted there is an area of Mispillion Street that is zoned commercial but doesn't have water infrastructure in place to provide fire protection for commercial use. The only way to get that is to install a larger main and tie it into the existing one in Front Street. Installing stubs for future connection by the developer would keep them out of the new street.

Mr. Pikus reported there are only seven people on Southeast Front Street that park their cars on the street and have the ability to park in the rear of their properties. The rest of the residents have access to their driveways. He asked if we could eliminate parking on the street to accommodate a possible bike path. Mr. Retzlaff reiterated the city would have to petition DeIDOT.

Mr. Pikus said that Sudler Lofland and he counted the number of houses whose residents park on the street. Mr. Retzlaff

said that may be considered after the curb and sidewalk is installed. He said the last thing the city would want is for those residents to start parking on the sidewalks again.

Mr. Carmean said he has also heard Mr. Lofland's argument about making that area a no-parking area. A lot of the homes have room for only parking two cars off-street. The problem is the times that more than two vehicles are parked at a house. At his home, this occurs frequently. Not allowing parking in these areas would definitely cause an uproar.

Mr. Retzlaff advised that including the Columbia Street work, the total city contribution would be \$1.32 million:

TOTAL REHABILITATION WORK

	DeIDOT	CITY	TOTAL
Road & Sidewalk	\$758,500	\$351,500	\$1,110,500
All Sidewalk	\$0	\$296,000	\$296,000
Storm Drain	\$49,500	\$145,000	\$194,500
Sewer	\$11,500	\$227,500	\$239,000
Water	\$13,500	\$299,500	\$313,000
Total	\$833,500	\$1,319,500	\$2,152,500

DeIDOT is currently updating their cost estimates and will review their contributions from that point. Costs include construction contingency, engineering and inspection fees.

Mr. Retzlaff reported that portions of the city's contribution can come from sewer reserves and water reserves.

Mr. Brooks expressed concern about the Southeast Front Street portion closer to Charles Street on the north side where there is no or very damaged bricked sidewalks.

Mr. Pikus asked if we can use the sewer or water reserves to do sidewalk work; Mr. Carmean answered no. He pointed out that because of the way it has been established over the years, all electric communities earmark electric reserves for general fund expenses. A year and a half ago, Milford signed an agreement not to increase transfers over \$2.5 million. So an item has to be electric-related to use funds from the electric reserves.

Mr. Retzlaff concluded by stating that once DeIDOT reviews the plans and provides new numbers, he can provide a more accurate direction on how to proceed. Presently, we are going to bid the project with the base amount of sidewalk. Once the bids are received, it will be presented to council to make a determination on whether or not to include the sidewalks.

Purchase of PNC Building

Mr. Carmean reiterated that we finalized this purchase last week. He will be back as soon as they do some layouts of the interior though he will try to keep the cost down as much as possible. Regardless, this will be a savings considering the administration building at the Washington Street site was going to cost more than \$1 million.

Infrastructure Strategy

Mr. Carmean recalled the presentation made by our city planner and economic development about the infrastructure needs west of Milford but particularly, the needs in the southeastern area. At that time, State Planning Director Connie Holland reported that \$28 million had been placed in a fund that could be used for infrastructure. Unfortunately, those funds were moved back into the general fund and not available for economic development.

The city manager has not been able to find any funding at the state level to cover the cost of extending our utilities under Route 1 to the Innovation Park area. Because there is not a lot of capacity left at the Shawnee Acres pump station, upgrades

are needed to accommodate future growth in the southeast area.

Mr. Retzlaff then reported on exactly what it will take to get sewer out to the Innovation Park property. He referenced a map showing highlighted properties that are approved subdivisions (Hearthstone 1, West Shores, Matlinds Estates, Shawnee Acres, Orchard Hills and Meadows at Shawnee). He explained that the sewer is in place to provide services to those existing properties. However, the Shawnee Acres pump station as it exists is unable to handle the full build-out of all the developments and would not allow further growth in the southeastern area.

Mr. Retzlaff said the first item needed for any improvement is to replace the Shawnee Acres pump station. There would then be a need to go downstream and behind Watergate and replace some undersized 6" and 8" force main with a new 10" force main which would then go up Charles Street. Some section of the 8" and 12" gravity sewer would need to be replaced with an 18" main which would flow to Fisher Avenue.

He said before any consideration can be given to the southern or southeast area east of Route 1, Shawnee Acres Pump Station would need to be replaced.

Mr. Pikus asked if that needs to be done before we can service anything new in town limits; Mr. Retzlaff stated no, this is needed to accommodate the full build-out of subdivisions already approved.

Mr. Pikus asked why this was not done before; Mr. Retzlaff advised there have been discussions during the approvals of various projects about their responsibility to pay portions of the upgrades and replacements that are needed.

He said this would require installing 2,700 linear feet of force main and 970 linear feet of gravity main at a cost of \$1,185,000.

Southeast Milford Pumping Station

Mr. Retzlaff reported to include the Hall Property, Cedar Creek Commercial Development, Wickersham and Milford Housing subdivisions, the preliminary design incorporates a large volume within the storage of the wet well and electric service to accommodate the other properties outlined in blue (Vreeland and Wilkins Farms initially did not want to participate in the evaluation). The preliminary cost estimate would have required a smaller pumping station and a temporary 6" temporary force main that would come up Route 30 and over and into West Shores. The connection is not yet in place. The cost of the project referred to as the "Southeast Milford Pumping Station" is \$1,495,000.

He advised the Wickersham developer has agreed to install those improvements though we are not at the point of determining whether or not Wickersham will request any type of recoupment agreement.

Mr. Carmean explained that Wickersham will be given the right to collect an EDU cost for anyone that extends to that pumping station. The new developments will also be paying to tie into the force main.

Mr. Retzlaff reported the other area is east of Route 1 and would involve the Innovation Park pumping station.

He emphasized this is a much larger phased out approach; however, the number of EDU's added to the city would triple the existing population. He explained that long term planning would need to happen to allow these things to occur without rebuilding or upgrading again.

Mr. Retzlaff said the installation of a new pumping station east of Route 1 would need to be sized for all the areas east of Route 1 outlined on the map in purple including the McColley, Dugan, Isaac and Innovation Park area. With that, 8,700 linear feet of 8" force main would be constructed to cross Route 1 and connect at Meadows at Shawnee.

Mr. Pikus asked if the developer would be responsible for the new pumping station; Mr. Retzlaff said yes.

Mr. Pikus asked if the only cost the city would incur would be to run the sewer line beneath Route 1; Mr. Retzlaff said only if the city decides to do that. Typically, all improvements necessary to serve a developer are their responsibility. That developer would then enter into an agreement with the other property owners who would share the benefit in order for him to recoup some of his investment.

Mr. Pikus then asked about the city running a sewer line out to this area with no pumping station; Mr. Retzlaff explained the force main is a significant cost in itself and estimates are roughly \$900,000.

Mr. Pikus asked if the city would be responsible for the pumping station; Mr. Carmean said the property owner has said the whole plan should be to make this area shovel ready. Mr. Retzlaff explained that before any of that can be considered, the main can be placed in the ground, but it cannot be turned on until the \$1.2 million is spent to upgrade the Shawnee Acres Pump Station. It can be placed in the ground but the developer is unable to serve anyone.

Mr. Retzlaff explained that to get that sewer main all the way to Innovation Park, there is a cost of \$2.7 million.

Mr. Pikus asked if we made it shovel ready and something went out there, we would then need to upgrade the Shawnee Acres pump station. Mr. Retzlaff clarified that the Shawnee Acres pump station must be done before it is turned on. He then asked what will happen when Wickersham developer who is paying for the pump station and force main questions why he had to pay for their improvements but another developer did not.

Mr. Retzlaff said if the city wants to take something on to encourage development in the southeast area, an investment must be made in the existing infrastructure before dry pipes are laid in a field that will never be used. He said the Shawnee Acres pump station will benefit everyone in the area.

Mr. Pikus confirmed that by upgrading the Shawnee Acres pump station will provide the capability of servicing a lot of developments. Mr. Retzlaff stated yes, all the properties shown in blue and purple on the maps. The properties shown in yellow were initially not on board, but have since changed their minds. He emphasized this is a huge area.

Mr. Pikus asked if it is imperative we upgrade the pumping station to supply the people that are already here; Mr. Retzlaff said that depends on when the full build-out is reached. He explained there is still capacity left within the Shawnee Acres pump station. He said there is the possibility the city could spend a little money to upgrade and buy some additional capacity to handle some of the smaller developments as they build out. But to get sewer across to Route 1, there is no reason to even discuss a minor upgrade.

Mr. Pikus feels we need to serve the people that are already here. They came in for sewer and something needs to be done out there. In his opinion, we need to service all the people who are already in Milford and paying taxes.

Mr. Carmean said when approving these, we basically said the capacity would be there as they built though we did not tell them the city would pay for it.

Mr. Retzlaff also pointed out that it needs to be taken into consideration that when some of these properties came in, they got approvals for certain things. But the city cannot earmark capacity within a station to something that may or may never occur. He said that basically, that capacity is reserved but it is not theirs until they actually connect into the system.

Mr. Pikus said that if we need anything for the future, we need to upgrade the Shawnee Acres pump station first. He said he knows they are going to build in those areas.

Mr. Pikus then pointed out that Matlinds Estates does not have sewer and the city is unable to provide them sewer. Mr. Retzlaff said the city is able to provide Matlinds Estates with sewer within the current capacity at the Shawnee Acres pumping station.

Mr. Pikus said but we would have to upgrade that whole area to get the rest of the people on. He said there is new development just west of Matlinds. Mr. Retzlaff referenced West Shores and noted they already have sewer in the ground.

Mr. Retzlaff emphasized that the properties in yellow can be accommodated except for a complete full build-out of some properties. He noted that Hearthstone originally came in with 800 units, then increased to 1,100.

For future expansion, Mr. Pikus said we better be ready; Mr. Retzlaff agreed that if any upgrades are done, it should be done to accommodate all the properties. Mr. Pikus emphasized that to band-aid the problem would be ridiculous. Mr. Retzlaff said that does not mean the city is not prepared, because currently the ability is there to provide service to everyone that is connected to the system. Mr. Pikus pointed out that any major expansion in the undeveloped areas would require upgrading

the system; Mr. Retzlaff stated that is correct and the cost is normally born by the developer.

Mr. Brooks asked if the state has funding for economic development; Mr. Pikus said they always say they have the money but when we ask them for it, it is gone. It was confirmed the \$28 million was moved into their general fund; Mr. Pikus said there is always money until some senator needs it.

Mr. Pikus wants to look at upgrading the pumping station as the first step in preparing for future expansion.

Mr. Carmean said he discussed this with our finance director. He reported the city has the funds to cover the cost of the downstream upgrade. We would still maintain the \$1 million balance minimum.

The city manager noted that these developers have to pay one impact fee per EDU to the city and to the county. The city could do this work through our reserves, then each developer would reimburse the city per EDU (above the normal EDU cost) toward the payment of that debt.

Mr. Carmean said if a hospital went across Route 1 and needed 400 EDU's, they would reimburse the city for the 400 EDU's above the normal EDU fee.

Mr. Retzlaff emphasized that would make the project more ready because these improvements will not be ready in six months. Mr. Brooks confirmed this would be paid from the sewer reserves.

Mr. Carmean said this would be put into a separate account from our impact fees. He noted that the Wickersham and other area developments will pay up to West Shores. He said we still have to take their capacity so they owe us for any improvements.

He feels that paying a 'per EDU amount' would be the most fair way of reimbursing that \$1.1 reserve fund.

The city manager also noted that the city can get across Route 1 much faster than we can by making the upgrades we are talking about with the pump station. The sewer could be at Innovation Park within three or four months. Mr. Retzlaff said that depends on the timeliness of their pump station.

Mr. Pikus confirmed that Innovation Park would do the force main; Mr. Retzlaff stated yes and they would enter some kind of recoupment agreement with any other property that would benefit. He agrees they could install the force main within possibly six months. The pump station will take some time and they will also have to construct the gravity sewer so that it will flow to the pumping station.

Mr. Retzlaff reiterated that normally, it is not just the pump station that is born by the developer. There are also force main costs to get to the existing system. The location of the pump station is determined by the properties that flow to it.

Mr. Pikus confirmed that putting a line under Route 1 to Bucks Road to go out to Innovation Park would that make that area shovel ready; Mr. Retzlaff said that would not make it anymore shovel ready; he said when you are comparing it to the timeliness of everything else, then no.

Mr. Pikus again asked if a line can be run to the hole in the ground at the site of the pumping station without putting a pumping station in. Mr. Carmean said that cost would be \$900,000. Mr. Retzlaff said that is a significant commitment of money and what happens if other area properties want sewer and are willing to pay for it. He said particularly if there was a pipe that was extended to another property that may never be used.

Mr. Pikus asked what would happen if the pipe was extended to that area but not into the property. Mr. Retzlaff said that once these developments occur, the city then knows exactly what is needed. A pipe could be installed out there for extensions, but exactly who gets it is the question. He explained that one developer may want it but another developer may not agree to provide them an easement. He said it is much more complicated than simply installing a pipe in a random area in hopes that all the properties will tie into it.

Mr. Carmean clarified that the Thawley and Dugan properties are in the city but right now, we have no idea what they want to do based on their different zonings. He knows that Innovation Park is institutional zoning and that the owner of the Mills

Farm wants commercial zoning though presently it is zoned R-3.

Mr. Shupe said he understands the new Shawnee Acres pump will benefit the city and it is already in use. In addition, we know the areas where sewer is already in ground and eventually will be developed. However, he does not want to commit taxpayers' money to put infrastructure out to a green piece of land that has nothing on it. He said if we want to go out there, we will need to do the Shawnee Acres pump. Mr. Pikus agreed the Shawnee Acres pump needs to be done one way or another.

Mr. Brooks said he agrees with Mr. Shupe.

Mr. Pikus emphasized the need to upgrade the Shawnee Acres pump station to be prepared for future expansion. Mr. Carmean said we do have money in reserves. In all probability, we will see the return of that money through growth. The people who will pay for it are the people who will require it. He stressed that the current users do not need that pump station upgrade. The southeastern area will definitely need it and will have to pay for it.

Mr. Pikus said by upgrading that pump station, the city is looking toward the future. Mr. Retzlaff said that will allow development to occur in the different areas.

Mr. Carmean pointed out that the blue line going through the Meadows at Shawnee is in place. Currently Shawnee Acres is not in the city but there are homes out there on that line. In the future, we will see more failed system in Shawnee Acres. The city will need to be a good neighbor and allow them to connect though they would have to pay for it. If not, they could end up having to put in a mound system in their front yard.

Mr. Dennehy said at the time the city ran the line out to the Meadows at Shawnee, we had a commitment from the developer to build that development. The city paid a portion of the cost to install the sewer and at the time he was the city building inspector, every permit issued included both an impact fee and a developer contribution fund to reimburse the sewer costs paid by the city.

He stressed that the city did not commit to running the sewer pipe to that development until the developer committed to developing the land and to the development itself.

Mr. Carmean agreed the idea of paying for it and collecting the additional fee is something we have done.

Mr. Pikus asked if there is a commitment to upgrade the pumping station; Mr. Brooks reiterated he agrees with Mr. Shupe's comments. Mr. Pikus said he concurs with upgrading the pumping station. If that does not occur, we have nothing for expansion.

Mr. Brooks verified the current pump station can accommodate the areas that currently have sewer or even a sewer pipe and some additional growth. But as these other developments build or request to be annexed in the southeastern area, we could end up with that entire area on our sewer system.

Mr. Carmean stated that if we give the properties east of Route 1 the right to use the capacity, that would create a problem with the developments who have already been told there is sufficient capacity. Then as they build out their developments, they find out there is no more capacity. He reemphasized that we cannot say there is insufficient capacity there now. Currently, there is enough capacity to accommodate somewhat more than what is already planned. He said we were able to allow Wickersham to come on because we know that all the other developments on the horizon will not be built out at once.

Mr. Retzlaff advised that before the others build out, the upgrades need to be done. He said that goes back to the fact that if there was a plan approved years ago, the fact they have not tapped into the main cannot be put on hold forever. The capacity will be utilized and once it is used, it is gone.

Mr. Brooks said if the Wickersham developer is willing to spend \$1.5 million, he feels we need to upgrade the pumping station so that he has sufficient capacity to build out. Mr. Carmean pointed out that even Wickersham will have to pay that 'per EDU cost' for the upgrade.

Mr. Pikus asked how long it will take to upgrade the Shawnee Acres pump station; Mr. Retzlaff said if the approval was granted today, another six to eight months would be needed to ensure everything can be added and to finalize the design. Construction would require another twelve to eighteen months.

Mr. Pikus then asked a hypothetical question and if utilities would not be available for two years if a huge project was coming to Innovation Park; Mr. Retzlaff said there is capacity now and unless they come at one time with a huge demand, by the time they build their facility, it could be built and ready at the same time. However, it may cost a little more but at least the city would know what was occurring. Their schedule would be accommodated as long as we received the go-ahead.

Mr. Brooks pointed out that the city has annexed a great deal of property over the years and approved a lot of developments that never were built. The city could be spending money to put utilities in and ten years from now, there is a chance no one had ever connected.

Mr. Shupe agreed the city does not want another bridge to nowhere.

Mr. Carmean also agreed and compared that situation to Route 9 at the Georgetown Race Track where a \$2 million pump station was built that does not have one pipe running to it. Mr. Retzlaff agreed adding the pump was finally pulled and the generator moved from that pump station.

Mr. Pikus said that Mr. Brooks' committee would have to make a recommendation to council. Mr. Brooks said he needs a consensus from Mr. Shupe and Mr. Gleysteen first. Mr. Brooks asked Mr. Shupe's opinion; Mr. Shupe asked the budget to upgrade the Shawnee Acres pump station. Mr. Brooks said it is \$1.185 million. Mr. Carmean verified we have the reserves to pay for that upgrade.

Mr. Shupe noted on the other end, he believes this is an easy sell as well because there are already people there and developments that still need to build out. Those developments already have the sites and the sewer in place. Mr. Pikus agrees it will be an easy sell.

Mr. Brooks asked Mr. Carmean to confirm that as these developments occur, the reserve fund would be reimbursed; Mr. Carmean stated yes, that is correct. The city manager said the finance director would set up a special account to deposit these fees. Periodically, those fees would be moved back into the reserve account.

Mr. Carmean said if we set up this reimbursement, we need to earn some interest off the money that was used. In that way our customers, who have paid into the sewer fund through their fees, have a right to see a return on their money.

Mr. Brooks confirmed this would not be any cost to our current customers and taxpayers; Mr. Carmean stated that is correct.

Mr. Carmean said we are on solid ground as far as adding that fee onto new construction; Mr. Retzlaff stated yes.

Engineering On-Call Services

Mr. Carmean recalled when last year Councilman Gleysteen brought up in a council meeting the need to bid our engineering costs. Mr. Carmean feels we have somewhat assumed that for the past thirty-five years, Davis, Bowen and Friedel (DBF) has been the city's engineer.

He agrees that on a big project, we could bid the engineering costs before the project was started. But almost every day, the city has questions that need to be answered by an engineer. Mr. Carmean does not know how Mr. Dennehy would be able to get bids on each item anymore than he would bid lawyer fees anytime he needed to ask our city solicitor a question. He suggests that DBF be made our engineering firm that the city will go to on an on-call basis. Though Mr. Carmean is unsure if it was ever voted on, it has been this way since he has been city manager and many years prior to that.

Mr. Brooks agrees that we have been in this committee meeting for more than two hours and he is unsure who would know more about our utilities in this city. If each project was bid individually, we would still not have the expertise or know-how that Mr. Retzlaff has displayed tonight.

Mr. Pikus asked exactly what Mr. Gleysteen's intent was; Mr. Carmean said he definitely hit on major projects.

Mr. Carmean recalled when the city hired another engineering firm a couple years ago on another project. By the time we got done with the add-ons and change orders, it was unbelievable. He said that these other firms do not know what is in the ground and it is beneficial having an engineering firm that knows our system inside and out.

Mr. Pikus agreed noting that all of a sudden their fees went higher than what we were originally told.

Mr. Shupe understands that Councilman Gleysteen thinks that competition can always save money, but there will always be times when Mr. Dennehy needs to the engineer on a fly and inform them we have a problem. He also understands the need to use an engineer that knows our city. In addition, the bid process itself takes sometime. Mr. Carmean agreed adding that sometimes that can take a month.

Mr. Shupe said he is not saying the city should never bid something out, but if we need something done immediately, he agrees that DBF should be contacted.

Mr. Carmean asked whom we have in house that is capable of bidding out engineering; then you need to hire another firm to put that bid package together. If we had a major lawsuit, which we have had, we have a city solicitor we use to defend us in court.

Mr. Pikus said he has no problem leaving things as they are. Mr. Brooks agreed emphasizing it works and commends Mr. Retzlaff on his knowledge of the city. Mr. Shupe also agreed.

He will come back to council with some form of motion to make the firm our official on-call engineering firm. Mr. Brooks said he will make the recommendation at that time.

With no further business, the Public Works Committee meeting adjourned at 9:14 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

COMMITTEE MEETING

AUGUST 5, 2013



PUBLIC WORKS COMMITTEE
CITY OF MILFORD

Water System Improvements / Drinking Water SRF



ITEM 2

WATER SYSTEM IMPROVEMENTS

Drinking Water SRF Loan



- \$3.5M Loan, 1.5% Interest, 20-Year Term
- Distribution System – Valve Replacement
- Water Supply & Treatment
 - Well Redevelopment, Groundwater Investigation for additional supply (Seabury Plant)
 - New Production Well & Associated Treatment Upgrades (Seabury Plant)
 - Treatment Improvements (10th Street Plant)
- SCADA – Controls & Monitoring Equipment

DISTRIBUTION SYSTEM



- **430,000 LF (82 miles) OF WATER MAIN**
 - **312,000 LF PVC (72.5%)**
 - **87,000 LF CAST/DUCTILE IRON (20%)**
 - **31,000 LF TRANSITE (7.5%)**
- **OVER 4,000 WATER SERVICES (ACTIVE)**
- **2,500 VALVES**
- **600 FIRE HYDRANTS**

DISTRIBUTION SYSTEM CONDITION



- AGE OF PIPING CAN BE ESTIMATED BASED ON PIPING MATERIAL
 - LATE 1970'S TO PRESENT – MOSTLY PVC
 - CIRCA 1940-1960 – MOSTLY TRANSITE
 - BEFORE 1940 – UNLINED CAST IRON
- 75% OF SYSTEM IS LESS THAN 35 YR OLD
- 15% IS BETWEEN 35 & 75 YR OLD
- 10% IS OVER 75 YR OLD

ISOLATION VALVES



- 2,500 VALVES ARE INSTALLED THROUGHOUT THE SYSTEM FOR THE PURPOSES OF ISOLATING SECTIONS FOR
 - MAIN BREAKS
 - LEAKING SERVICE CONNECTIONS
 - FLUSHING
 - TIE-IN'S

VALVE EXERCISING



- VALVES MUST BE OPERATED ON A REGULAR BASIS TO ENSURE THEY WILL WORK WHEN THEY ARE NEEDED.
- “REGULAR” BASIS WILL DEPENDS ON THE NUMBER OF VALVES & STAFF AVAILABLE
- VALVES THAT CANNOT BE EXERCISED WILL REQUIRE REPLACEMENT
- REPLACEMENT COSTS WILL VARY BASED ON SIZE & LOCATION OF VALVE

DISTRIBUTION SYSTEM FLUSHING



- **FLUSHING IS PERFORMED TO SCOUR THE PIPES AND REMOVE SCALE & SEDIMENT DEPOSITS THAT ACCUMMULATE OVER THE YEARS**
- **FLUSHING IS PERFORMED USING THE FIRE HYDRANTS TO QUICKLY RELEASE THE WATER & GENERATE THE VELOCITIES NEEDED TO SCOUR THE MAINS**
- **FLUSHING ALSO REQUIRES THE USE OF VALVES TO ISOLATE SPECIFIC SECTIONS OF WATER MAIN**

WATER SUPPLY



- SEABURY PLANT – WELLS 9, 10, 11 & 12
- WELL 9 IS UNCONFINED (SUSCEPTIBLE TO CONTAMINATION FROM APPLICATION OF PESTICIDES, HERBICIDES, FERTILIZERS, ETC OR FROM CHEMICAL SPILLS AT SURFACE)
- WELL 9 ALSO REQUIRES BLENDING & SUPPLEMENTAL TREATMENT.
- RECOMMENDED FOR REPLACEMENT

EXISTING WELLS (SEABURY PLANT)



WELL #	YEAR CONSTRUCTED	SCREENED INTERVAL (ft)	DESIGN FLOW (GPM)
9	1972	39-59	250
10	1987	444-466	100
11	1987	311-335	67
12	1987	215-254	450

SCADA SYSTEM



- **CONTROL & MONITORING INSTRUMENTATION**
- **AUTOMATE PROCESSES FOR IMPROVED EFFICIENCIES**
- **MONITORING PRODUCTION & TREATMENT FOR REPORTING PURPOSES & DIAGNOSING CAUSES OF COMPONENT BREAKDOWNS**

WATER RATE IMPACT



- **\$3.5M Loan, 1.5% Interest, 20-Year Term**
- **ANNUAL DEBT SERVICE – \$203,000.00**
- **Total Metered Sales (2007-2011) – 717M GPY**
- **Proposed Rate Increase – \$0.28 per 1,000 gallons**
- **Residential Metered Sales (2001-2011) – 170M GPY**
- **Residential Accounts (2007-2011) – 3450**
- **Average Monthly Residential Usage (2007-2011) – 4,150 Gallons**
- **Average Monthly Residential Water Bill (2007-2011) – \$13.50**
- **Proposed Monthly Residential Water Bill – \$14.68**

SOUTH WASHINGTON STREET WATER PLANT STATUS



ITEM 3

WASHINGTON ST WTF STATUS



- 5 DISTINCT TRADES – 5 CONTRACTS
- CONTRACT A – DEMOLITION
 - CURRENTLY UNDERWAY
 - COMPLETE OCTOBER 2013
- CONTRACT B – WELL
 - CURRENTLY UNDER CONTRACT
 - WELL RELOCATION PENDING PURCHASE OF BANK

WASHINGTON ST WTF STATUS



- **CONTRACT C – RAW WATER MAIN**
 - **AWAITING LOCATION OF WELL TO FINALIZE PLANS**
- **CONTRACT D – TREATMENT PLANT**
 - **AWAITING CONSTRUCTION OF WELL TO SIZE TREATMENT EQUIPMENT**
- **CONTRACT E – ADMINISTRATION BLDG**
 - **TO BE REMOVED FROM SCOPE UPON PURCHASE OF BANK PROPERTY**

SOUTHEAST MILFORD WATER PROJECT /
WATER TOWER & WATER MAIN
EXTENSION



ITEM 4

SOUTHEAST MILFORD WATER



- PHASE I – EXTENSION AHEAD OF DELDOT'S OVERPASS PROJECT
 - WORK COMPLETE
 - CONTRACT IN CLOSEOUT PHASE – AWAITING DOCUMENTS FROM CONTRACTOR

SOUTHEAST MILFORD WATER



- **PHASE II**
 - **AWAITING ENVIRONMENTAL CLEARANCE FROM USDA**
 - **FINALIZE PROPERTY DEDICATION WITH WICKERSHAM**
 - **FINALIZE EASEMENTS ACROSS HALL PROPERTY**
- **4 DISTINCT TRADES – 4 CONTRACTS**
 - **CONTRACT A – WELL**
 - **CONTRACT B – TREATMENT FACILITY**
 - **CONTRACT C – ELEVATED STORAGE TANK**
 - **CONTRACT D – MAIN EXTENSION**

SOUTH WASHINGTON STREET SEWAGE PUMPING STATION STATUS



ITEM 5

WASHINGTON ST PS STATUS



- **BYPASS PUMPING IS ACTIVE**
- **NEW COMPONENTS SHIPPED TO SITE**
- **EXISTING EQUIPMENT REMOVED**
- **CLEANING STATION FOR REPAIR**
- **COMPLETION JANUARY 2014**

NORTH WASHINGTON STREET MILL & OVERLAY / NE 6TH TO BR 1



ITEM 6

N. WASHINGTON ST REPAVING



- **TO BE COMPLETED AS PART OF THE ANNUAL PAVEMENT RESTORATION PROGRAM**
- **REGULATIONS REQUIRE ADA-COMPLIANT HANDICAPPED RAMPS BE INSTALLED ON ALL PAVING PROJECTS**
- **CAN INCREASE COSTS BY NEARLY 50%**

**SOUTHEAST FRONT STREET
WATER/SEWER/SW REPAIR
MILL & OVERLAY AND SIDEWALK**



ITEM 7

SE FRONT REHABILITATION WORK



	DeIDOT	CITY	TOTAL
ROAD & SIDEWALK	\$758,500	\$262,500	\$1,021,000
ALL SIDEWALK	\$0	\$269,500	\$269,500
STORM DRAIN	\$49,500	\$145,000	\$194,500
SEWER	\$11,500	\$227,500	\$239,000
WATER	\$13,500	\$219,500	\$233,000
TOTAL	\$833,500	\$1,123,500	\$1,956,500

DeIDOT is currently updating their cost estimates and will review their contributions from that point.

Costs include Construction Contingency, Engineering & Inspection Fees

COLUMBIA REHABILITATION WORK



	DeIDOT	CITY	TOTAL
ROAD & SIDEWALK	\$0	\$89,500	\$89,500
ALL SIDEWALK	\$0	\$27,000	\$27,000
WATER	\$0	\$79,500	\$79,500
TOTAL	\$0	\$196,000	\$196,000

Costs include Construction Contingency, Engineering & Inspection Fees

TOTAL REHABILITATION WORK



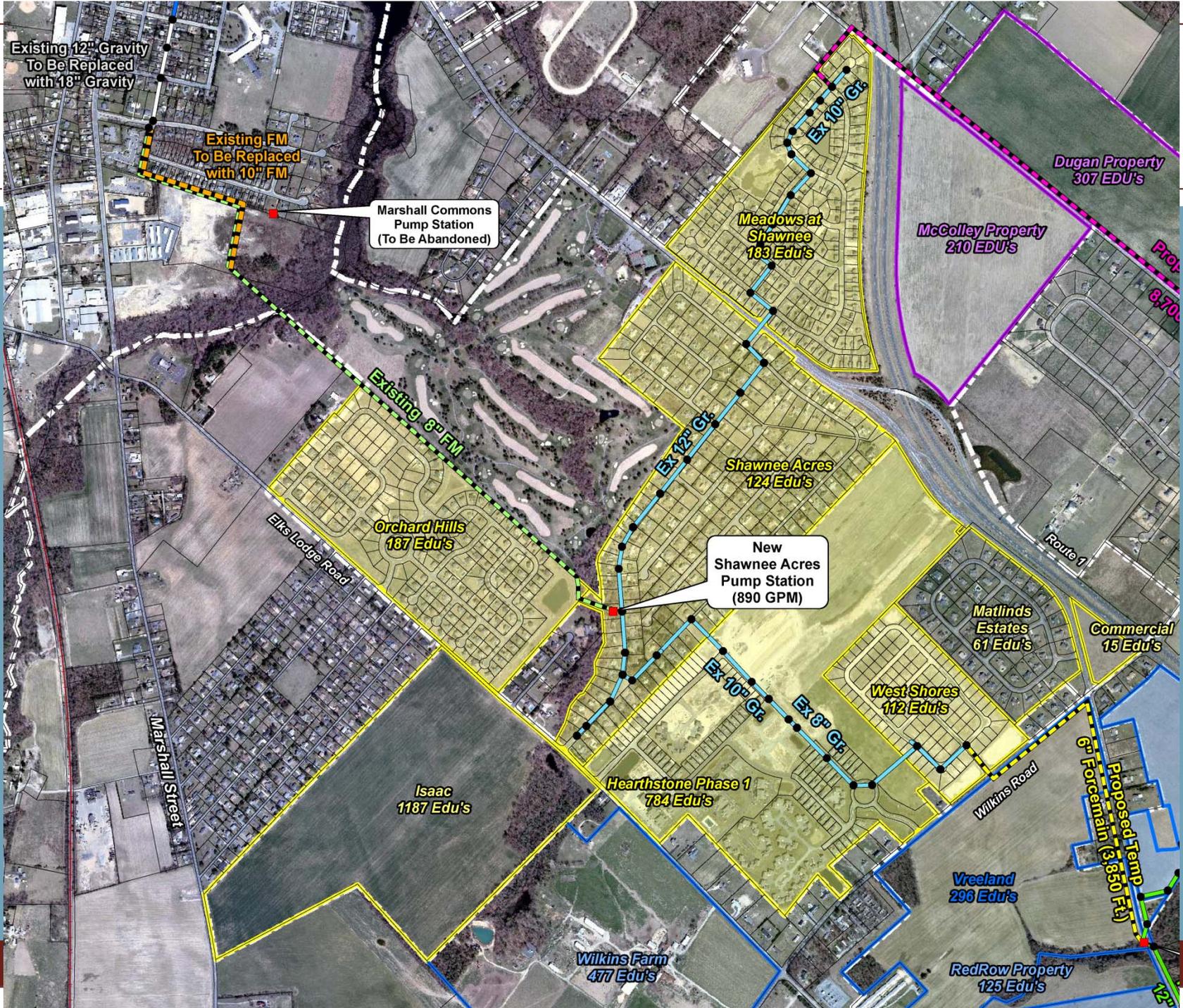
	DeIDOT	CITY	TOTAL
ROAD & SIDEWALK	\$758,500	\$351,500	\$1,110,500
ALL SIDEWALK	\$0	\$296,000	\$296,000
STORM DRAIN	\$49,500	\$145,000	\$194,500
SEWER	\$11,500	\$227,500	\$239,000
WATER	\$13,500	\$299,500	\$313,000
TOTAL	\$833,500	\$1,319,500	\$2,152,500

DeIDOT is currently updating their cost estimates and will review their contributions from that point.

Costs include Construction Contingency, Engineering & Inspection Fees

INFRASTRUCTURE STRATEGY

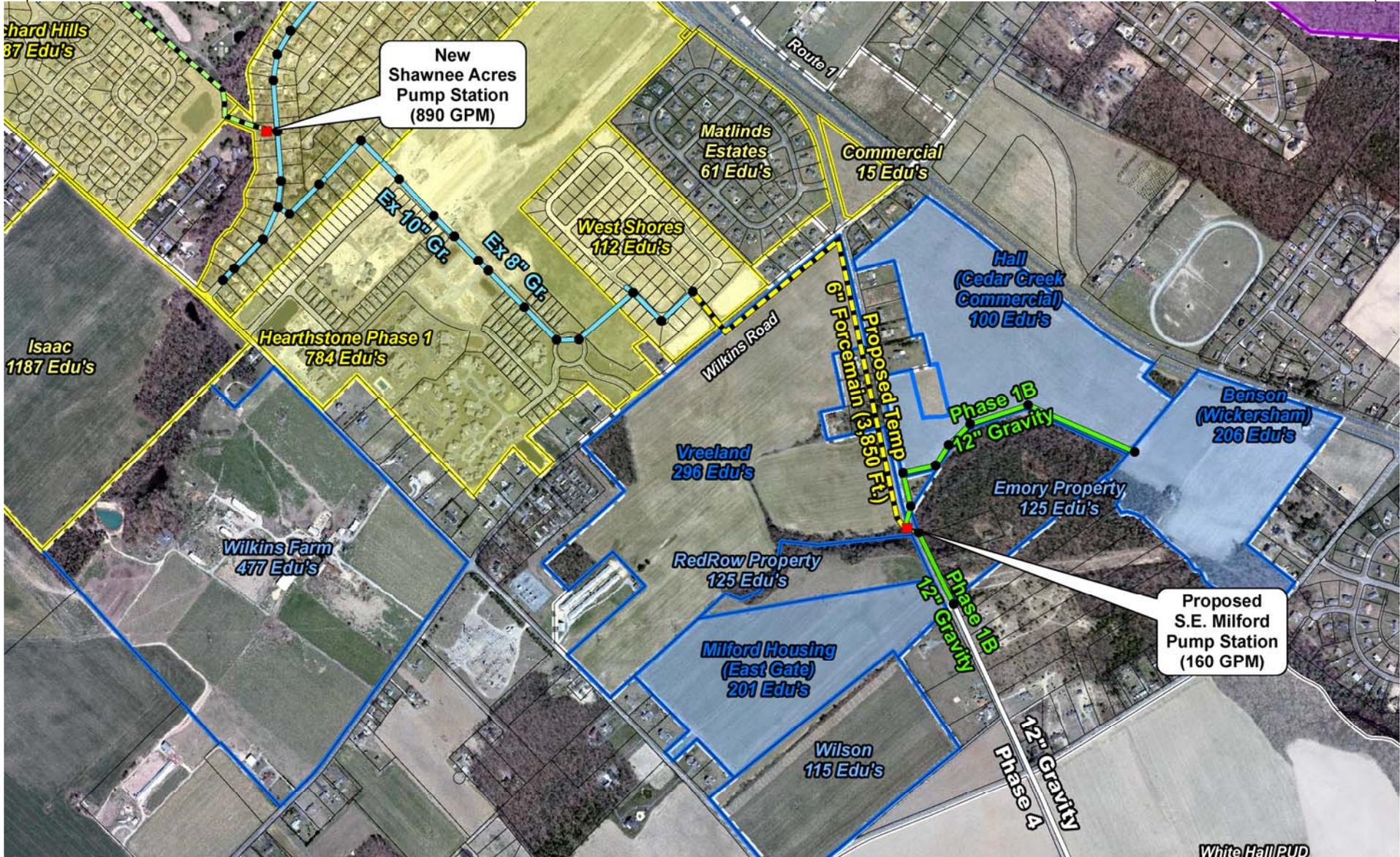




DOWNSTREAM IMPROVEMENTS



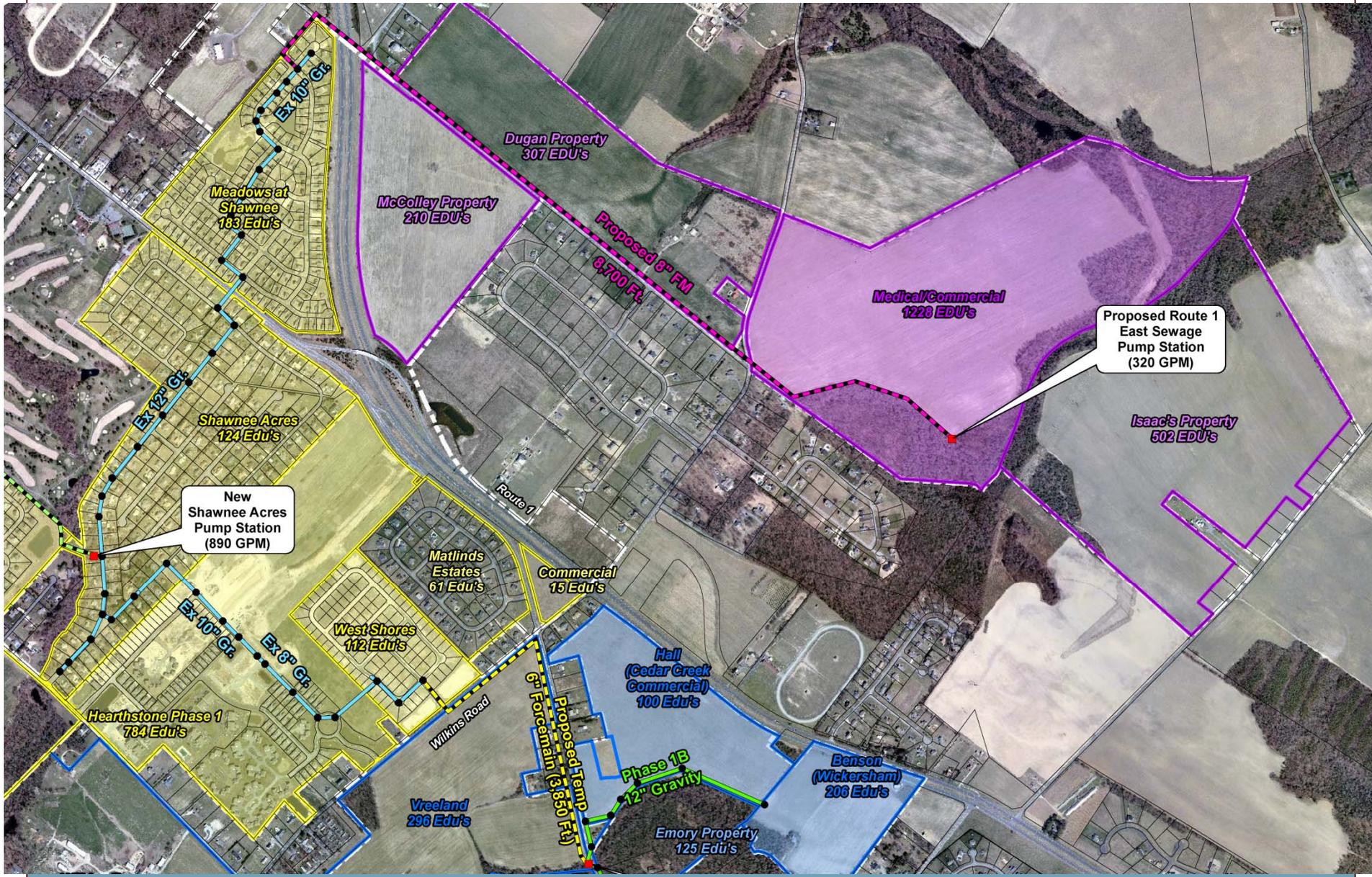
- TO SERVE EXISTING PROPERTIES SHOWN IN YELLOW AND ALLOW FURTHER GROWTH
- REPLACE EXISTING SHAWNEE ACRES PUMPING STATION
- INSTALL 2,700 LF OF 10" FORCEMAIN TO REPLACE EXISTING UNDERSIZED 6" & 8"
- REPLACE 970 LF OF EXISTING UNDERSIZED 8" & 12" GRAVITY SEWER WITH 18" MAIN
- TOTAL COST = \$1,185,000



SE MILFORD PUMPING STATION



- TO SERVE PROPERTIES SHOWN IN BLUE
- CONSTRUCT NEW PUMPING STATION WITH STORAGE CAPACITY & ELECTRICAL SERVICE FOR OTHER DEVELOPMENT WEST OF RTE 1
- CONSTRUCT 3,850 LF OF TEMPORARY 6" FORCEMAIN TO WEST SHORES GRAVITY
- TOTAL COST = \$1,495,000
- WICKERSHAM DEVELOPER HAS AGREED TO INSTALL THESE IMPROVEMENTS



INNOVATION PARK PUMPING STATION



- TO SERVE PROPERTIES SHOWN IN PURPLE
- CONSTRUCT NEW PUMPING STATION WITH STORAGE CAPACITY & ELECTRICAL SERVICE FOR OTHER DEVELOPMENT EAST OF RT 1
- CONSTRUCT 8,700 LF OF 8" FORCEMAIN TO MEADOWS AT SHAWNEE GRAVITY
- TOTAL COST = \$1,420,000

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 12, 2013

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, August 12, 2013.

PRESIDING: Mayor Joseph Ronnie Rogers

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

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF MINUTES

Motion made by Mr. Pikus, seconded by Mr. Gleysteen to approve the minutes of the June 11, June 12, June 25, July 8, July 22, July 31 and August 7, 2013 council, committee and public meetings as submitted. Motion carried.

RECOGNITION

No special guests were present.

MONTHLY POLICE REPORT

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

CITY MANAGER REPORT

Mr. Carmean read the following report into record:

ADMINISTRATION

I am happy to report we settled on the PNC property on Friday, August 2, 2013. I thank our solicitor for working with me to allow that to happen so quickly. I intend to immediately begin the process of making the changes needed to adapt the space to suit our billing operations. I will report a schedule for moving our billing office to that location as soon as I know the dates.

I just don't feel the current setup does not lend itself to security for our employees. I plan to make some changes for councils' approval before we move forward.

ELECTRIC

Materials for our substation project are arriving by the truckload. We have started utilizing the warehouse space we recently rented and it has made the inventory of the materials easy to track. The project should be completed by late fall.

The staff has been working on the off-site printing and mailing of our utility bills. The first mailing of the new billing format was sent out on Friday, August 9, 2013. I have included an example of the bill. Mayor and Council can bring any changes they feel are necessary to my attention and we can institute those changes in the next cycle. I think the layout of the information to our customers regarding their usage and costs is clear and more informative than in the past. I added the return receipt at the bottom of the page which will help with automation on cashiering.

This has been an ongoing project for over more than a year. The majority of our residents will receive the redesigned bill tomorrow. It will be mailed approximately one day later versus when it had to be mailed from Dover.

SEWER AND WATER

The demolition is progressing very satisfactorily and the work should be completed ahead of schedule. We will be proceeding with the bidding process for the next phase of the project in the very near future which is the demolition of the water plant.

I was on site this morning during which time they uncovered some nasty materials from the old coal bins. I made an on-site decision it was not necessary to dig out some areas that would be needed had the billing department been built there. This will result in a substantial savings. The vacant property where the billing department was planned can now be easily utilized for a city parking lot. This parking lot can be used for the farmer market or the community festivals instead of the parking lot off Northeast Front Street.

I will be bringing the plan back before council to approve the changes from the original plan.

Mr. Pikus asked if the water pumps are gone at the South Washington Street site; Mr. Carmean said everything is gone and the new pumps will be installed along the back of the lot.

Erik Retzlaff of Davis, Bowen and Friedel explained that the new building will actually be placed more toward the rear corner of the property closest to the Salvation Army which is further away from the street and river.

Mr. Pikus asked about the well in front of the building; Mr. Retzlaff noted that well #1 will remain. He explained the treatment process and pump have been removed. They will be completely rebuilt with the treatment system and facility.

Mr. Retzlaff further explained that the old pumps behind the building were pulled out and though they attempted to salvage the motors, the additional work needed was not cost effective in comparison to the new technology and more efficient pumps.

He reported that the demolition should be completed before the end of September.

He also noted that the bid had been awarded to drill the well on the site behind city hall. With the purchase of PNC, they will now be relocated to the tower site once some investigatory work is completed. The pipe will then be installed that will connect to the treatment facility. Currently, they are awaiting finalization on the location.

He anticipates at the earliest, this project being completed at the end of next year.

Mr. Carmean advised there was a huge savings by moving that well to the PNC site. The controls and equipment that had to be installed behind city hall already exist at the tower site. Some panels may be needed though that will be minor. In addition, the street behind city hall will not have to be disturbed.

The city manager said he would like to build a cupola around the well in place of the concrete slab that currently exists in front of the new treatment plant site. He will bring those plans back before council for later approval.

In addition, he believes the parking lot can be built with the funds earmarked that were previously earmarked for the administrative building that is no longer needed.

The Washington Street sewer pump station rebuild is also coming along on schedule. The bypass pumps are working with no problems of capacity even with the recent heavy rains. I am happy that these two much needed facilities are able to be moved forward at the same time, since being located so close to each other could have not allowed that to happen.

When asked for comments on the new bill, Mr. Gleysteen commented it is very similar to Delaware Cooperative's bill.

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

COMMITTEE & WARD REPORTS

Economic Development Chairman Grier advised his committee will meet this Thursday (August 15th) at 5:00 p.m. At that time, David Wilk of Innovation Park will make a presentation at his request.

Mr. Starling thanked Mr. Pikus after explaining the Food Bank had some food they were giving away. They were able to provide approximately 200 dinners to those in need.

COMMUNICATIONS & CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

FOIA Issues/Miscellaneous Meetings/Gatherings of City Council/Solicitor Rutt

Mr. Rutt advised that Assistant City Solicitor James Sharp attended a previous council meeting at which time the FOIA matter was discussed. There was a suggestion that a workshop or meeting be scheduled to discuss FOIA.

He noted that the Delaware Attorney General's office has come down with some very important decisions that need to be relayed to council. In addition to FOIA, he recommends discussing meeting procedures and ethic issues. He recommends that in addition to council, the planning commission and board of adjustment members attend. He also recommends it be scheduled as a separate workshop with only these items to be discussed.

Mr. Pikus said it is important that council be made aware of what is happening in other towns. He feels a lot of FOIA problems are the result of the lack of information.

Mr. Pikus moved that the city manager schedule the meetings with the city solicitor and three bodies discussed, seconded by Mr. Shupe. Motion carried.

Mr. Rutt said Councilman Brooks had also raised a question about Delaware League, SCAT and other events where a quorum of council frequently attended. He referenced the calendar that Kent County Levy Court publishes that lists any event where a quorum of council was possible and agrees that is sufficient notice.

Mayor Rogers directed the city manager to select a date for an upcoming workshop.

*Approval of Revised Redner's Market Agreement (Gasoline Pumps)**Approval of Redner's Market Escrow Agreement*

Mr. Carmean reported that Randy Duplechain from DBF has been negotiating with the Redner's representatives. They changed the original agreement previously approved by city council and wanted an escrow fund established. Today, they stated that if the project was not completed in six months, they would pull the escrow to prevent their monies from being held for an indefinite period. Mr. Duplechain explained the city is unable to accept a time line because at this point, we have no way of knowing how long it will take to complete the process.

He then read the latest e-mail sent by Mr. Duplechain:

I just spoke to Redner's representative and their attorney. I think there has been a misunderstanding as to what constitutes project approvals. We have therefore agreed to work thru the language in both agreements in the next week or so and then place the issue on the next City Council meeting agenda in two weeks. Therefore, please remove the Redner's Agreement from tonight's agenda.

Mr. Carmean asked that this matter be postponed with the hope it can be voted on at the next meeting.

Ms. Wilson moved to postpone action on the Redner's Agreement and Escrow Agreement until the next meeting, seconded by Mr. Starling. Motion carried.

Approval of Boys & Girls Club Agreement/Athletic Field

Mr. Carmean reported there were two separate agreements for the Boys and Girls Club and this one was overlooked. Mr. Rutt and he discussed this agreement earlier today noting a few concerns.

Mr. Rutt explained the agreement before council gives the Boys and Girls Club an exclusive license to use the soccer fields, athletic fields and playgrounds for a certain period of time. There is a playground currently under construction. A lot of the funding came from DNREC, various legislators and private foundations. Longwood Foundation contributed \$200,000 toward the project.

Some of the restrictions require the playground be full accessible at all times (considering it is in a public area). The condition in the agreement states the Boys and Girls Club has exclusive use of the park for twenty hours. He pointed out that if a child were to show up in a wheelchair and were told that by not being a member of the Boys and Girls Club, they could not use the equipment, the city would have a real problem. It could create issues with the Americans with Disabilities Act and also the funding agencies. Some of

those agreements state that if there are violations, they can call the money back. Mr. Rutt feels the playground is large enough to accommodate as many children as would want to use with plenty of room to spare.

His concern is the wording 'exclusive access' to the fields and playgrounds.

Mr. Pikus noted that the Can-Do Playground belongs to the city and asked the reason for the contract. Mr. Rutt said he thought the field was fully accessible at all times for the Boys and Girls Club. The contract states it would be a reciprocal type of agreement that they could use the playground and field facilities. In turn, the city would be able to utilize their property or the club. It also discusses the use of parking spots, displays, maintenance, etc. They do not have to pay for the maintenance. However, they would be responsible for having their own equipment. To that extent, Mr. Rutt feels the agreement is appropriate. However, he has a major concern with the fact the club would have exclusive use and could deny someone.

The solicitor also pointed out that the agreement states the Boys and Girls Club would indemnify and hold the city harmless if a child was hurt when using they were using it. They are required to have insurance on the contract which also benefits the city.

Mr. Pikus asked who wrote the agreement; Mr. Rutt said the first time he saw it was when he opened the council packet. Mr. Carmean is sure either the Boys and Girls Club or their attorney handled it.

Ms. Wilson recalls the original agreement dealt with the gymnasium, pool and locker room. Mr. Carmean said he learned that is now a separate agreement. We found out about the second agreement when the Boys and Girls Club questioned whether or not it had been signed. This is a new, second agreement that applies to the outside areas on the site.

Mr. Rutt also noted that the agreement states the city 'shall', at its own expense, construct an outdoor basketball court and beach volleyball court on the premises.

Mr. Pikus feels we need to take a closer look at the agreement. Mr. Gleysteen confirmed we are already paying \$29,000 to \$30,000 a year and are not getting that much more; now we are required to build additional courts.

Mr. Pikus explained the fee, which increased by a few thousand dollars, covers the use of the gym and pool. He does not understand why we are required to build basketball courts outside when they have them inside. We are already leasing the building.

Ms. Wilson does not recall ever talking about outside basketball courts and asked how that got in the agreement.

Mr. Pikus said there are too many unknowns and requests in this lease that we are unable to comply with especially related to funding issues. Mr. Carmean agreed and recommends we not sign the agreement.

Mr. Pikus moved to postpone action on the request, seconded by Ms. Wilson. Motion carried.

DBF/Engineering/On-Call Services

Mr. Carmean recalled the Public Works Committee meeting held last week during which time he discussed this matter. He noted that DBF has been our on-call engineering firm for many years. However, he was unable to find where formal action had ever been taken by city council.

He compared 'on-call' services to when the city clerk or the city manager has a legal question and contacts our city solicitor. In addition, our Public Works Director contacts DBF on a daily basis with engineering questions.

The city manager explained that when we abolished our in-house engineering position, we needed somewhere to go to get answers. Mr. Gleysteen asked what other firms are available as potential alternates. Mr. Carmean is familiar with URS and Century Engineering. Mr. Gleysteen asked if they are local; Mr. Carmean said they are not local and believes one is in Dover and the other in Georgetown. At this point, he did not look any further because we had a firm in town that he could call or walk to or that allowed Mr. Dennehy to stop at anytime. DBF can easily go to one of our projects to check things just as Erik Retzlaff did today at the water plant.

Mr. Gleysteen said he would like to know how their rate schedule compares to alternatives. Mr. Carmean said the last time he looked about three years ago, the rates were all about the same. The problem is if we hire another engineering firm, we have to send them to DBF for an answer the majority of the time.

Mr. Carmean also noted that with regard to the on-call situation, DBF has never nickel and dimed us by charging each time we talk to them. If we ask them to engineer a large project, we are charged their hourly fees as we should be.

He said that several years ago, we considered the outside engineering costs we were paying and decided to hire an on-staff engineer. But over the years, we continued to use their services.

Ms. Wilson feels it is appropriate to review their rates periodically. However, it sounds as though they are currently providing the best service for us right now.

Mr. Carmean pointed out that DBF is also the contractual engineer for a number of other municipalities. He is bringing that up because the other municipalities vet their costs too. If the other towns are happy, he is even more comfortable with their fees.

Mr. Retzlaff then informed council that DBF is the contractual on-call engineer for Georgetown, Rehoboth Beach, Selbyville and Bridgeville. They understand the difficult financial positions municipalities are in today. He advised that DBF's municipal rate schedules have not changed since 2006 though their rates for developers changed as recent as last year. Most of the engineering services are at the senior engineer level. Private development pays approximately \$190 an hour whereas the municipal rate for a senior engineer is \$135.

Mr. Retzlaff also understands the difficult position where a municipality is unable to afford a full-time engineer on staff.

Mr. Gleysteen then moved to approve DBF as our on-call engineering firm, seconded by Ms. Wilson. Motion carried.

Water System Improvements/Drinking Water State Revolving Fund Loan (DWSRF)

Mr. Carmean referenced the PowerPoint that he had Erik Retzlaff prepare for presentation to the Public Works Committee last week. One of the items discussed was the water system improvements and DWSRF loan. The city has been approved for a loan of up to \$3.5 million at 1.5%. Some of the projects we are able to fund through our reserves. If we can do the projects with this money, the reserves would still be available for the northwest water project that the city was unable to do the past six or seven years. He advised the water pressure is very low in the Baltimore Air Coil area and the city business park. The Tenth Street tower works well though most of the supply is centered on the center and opposite end of town.

He asked that council look toward the future by immediately starting the northwest project which will include a tower treatment facility, more storage and some underground piping.

Mr. Retzlaff advised that the application was prepared last year when they heard the drinking water and clean water state revolving funds were being combined. What was occurring was the sewer and stormwater project funding was being combined with the DWSRF program. As a result, we were able to obtain favorable funding offers similar to the Washington Street project where the city received \$1.4 in principal forgiveness with 1% on the remainder. Current sewer loans are upward of 4%. This is a program that tries to help municipalities do more work. As a result, he submitted an application to take advantage of those interest rates before they disappear.

After reviewing the needs of the city, they were able to find some items that need to be addressed. One is the city's distribution which involves 82 miles of water mains. Of that, 75% is less than 35 years old, 15 to 20% is between 35 and 75 years old and 5 to 10% is older than that.

He said the major concern right now is water valves. Without the ability to isolate different sections, any water main break would require the city to shut down several blocks. He explained that if a valve is stuck and there is an attempt to turn it, the valve will break. Depending on where they are located, a majority will have to be replaced. Those in the middle of Route 113 or on Front Street, which has eighteen inches of concrete beneath the road, are going to be very expensive to replace. The cost will vary and in cases where the road has to be shut down, could involve as much as \$30,000 worth of traffic control. In addition, \$10,000 to \$15,000 worth of pavement restoration could be required.

Mr. Retzlaff explained that this year, there was money earmarked to begin an exercise valve project this year. The work would then be done on a small scale over the next several years. However, because there are 2,500 valves in the city, it could take up to twenty years to finish. By the end of the project, the ones replaced in the beginning would need replacing again.

He feels if we can get a wrench on every valve and end up not having to replace a lot, there are also other needs in the water distribution and supply system that need to be addressed.

Some of the treatment facilities are upwards of 25 to 30 years old and upgrades are needed to bring them up to current standards. Any money received will not go to waste though the bulk of that money is intended to be used for the valve replacement project and to get a handle on the city's distribution system.

Currently, the maintenance on the elevated storage facilities is slowly being brought up to speed. One of the largest treatment facilities is being built. Wells 4 and 5 is a newer facility and some work is needed to the Tenth Street and Seabury Avenue facilities. Outside

of that, the only major component of the city's water system that will not be up to current standards would be the distribution system and this will address that.

Mr. Retzlaff said that in regard to the cost to our residents, he has reviewed the residential bills and found the average residential water bill is \$13.50. The increase on a monthly basis will increase to \$14.68 which is approximately \$1.20. This is a considerable savings considering the costs associated with a main break should a valve not be able to be shut down.

When asked how this relates to the valves on the fire hydrants, Mr. Retzlaff explained that is one of the benefits of doing the entire procedure. It would be a systematic approach to determine if the valves work. A couple surrounding valves would be shut off and the hydrant opened in their middle. This would determine if the hydrant valve was working.

There are weep holes in the base of the hydrant which allows it to drain so it is not full. Shutting it off allows you to determine whether or not that hydrant is active. If the valves are shut off that feed the hydrant and the hydrant is opened, that assures the valve works. If it is left open and the hydrant is opened, we can determine whether or not the other two valves will hold at the end.

Another benefit of doing it in this manner is that some kind of identifier can be assigned to each valve and the GPS coordinates.

Mr. Gleysteen recalled the city purchasing a mechanical valve turning machine for this project. Mr. Carmean confirmed the city already has a valve exercising machine. Mr. Gleysteen asked if that can be used for these other valves; Mr. Retzlaff said that is the equipment that is needed and if that has not been purchased, that cost can be absorbed into this project. Mr. Carmean reiterated that we already have a valve exerciser.

Mr. Pikus asked if that machine is used and the valves are unable to be turned, will that break the valves immediately; Mr. Retzlaff explained that sometimes the valve does not work because some of the gearing is broken. He said that often when the valve is completely shut, it will not actually shut. If it does not seep properly, it won't be water tight which is the purpose of the exerciser. They operate as a gate valve and the number of turns depends on the valve size.

Mr. Pikus confirmed this would be a \$3.5 million loan at 1.5% and the last loan we will get at this low interest rate. He asked if there is a time frame; Mr. Retzlaff said no, we are currently locked in at the 1.5% interest rate.

Mr. Pikus moved to authorize the city manager to explore and bring back to city council the steps needed to go to referendum, seconded by Mr. Gleysteen. Motion carried.

Mr. Carmean then noted there are many concerns about the city's hydrants and whether they are properly working. He said that up and into 2008, there was a hydrant flushing program in place. However, the program was dropped in 2009 after he retired.

The city manager reported the city has a long-serving fireman that works in the water department who has confirmed our water hydrants are working properly. What is not working are the valves. He does not believe our residents should be alarmed that if there was an alarm.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, then pointed out that according to the Delaware State Fire Code, all municipalities should inspect their fire hydrants on an annual code.

Mr. Gleysteen confirmed the 2,500 valves are more or less insulation valves. He asked if that is a lot and whether there is one for every two or three residences or businesses; Mr. Retzlaff reported they are determined by the number of street intersections. At every intersection, there are typically four valves and a minimum of two. He referenced a nearby intersection that had two valves. However, a larger water main was installed which extends to two additional valves.

Mr. Retzlaff advised that Georgetown is about 60% of the size of Milford. They have 1,600 valves which are in line with the number in Milford.

Mr. Gleysteen asked if we started from scratch, would we still have 2,500 valves; Mr. Retzlaff said no. This project will allow valves to be removed or added as needed. Sometimes a water main was put in at five feet and another main has to cross it. It is installed higher and when it ties into the two that may be next to one another, it could be off by a foot or two. The valve must be installed perfectly or the operating nut does not work.

Mr. Pikus referenced the number of new developments over the past eight years and asked what percentage of the 2,500 valves are new. Mr. Retzlaff estimates 400 emphasizing the bulk of the valves are in the downtown area. With multiple mains, there could be four to six valves in one intersection.

Mr. Pikus then stated that we are really talking about 2,000 valves that need attention; the others are new.

Shawnee Acres Pump Station

Mr. Carmean pointed out this is another item that was discussed at length at the meeting the other night. He said that sometimes in the future, we are going to reach a capacity problem in the southeast area of town because of the number of undeveloped areas there. He wants to get ahead of the game which requires replacing the pump station. He pointed out this would have to be done if we had a large entity come into this southeastern area that requires high capacity usage. That would impact the entire system.

The current Shawnee Acres pump station would be replaced with a larger one. More capacity could be obtained by replacing the pump, though that would not provide full capacity to that area and a larger station would still need to be built at some point.

He said there are also downstream improvements needed including 2,700 feet of force main to the gravity main.

The city manager said that council does not need to vote on this tonight; instead, he will be back to council with a recommendation. The pump station project is a two-year process. However, a large entity that was water and sewer dependent could be built as the improvements were being done. He suggested we use sewer reserves for this project noting the cost is almost \$1.2 million.

Councilman Shupe reported the Ward I residents understand there are developments out there that have not yet been developed and will possibly be developed in the future. This allows the city to get ahead by making sure we have the capacity needs for the undeveloped areas but also our current residents. If a large development comes on board that could potentially impact our current residences, we need to keep our current residents satisfied with capacity.

Mr. Carmean explained that our reserves have built by present and past rate payers. While we have the reserves to do the project up front, we would set up a district out there so that as the build out occurs, we will add an additional EDU fee to the permits to pay back this money. Wickersham is paying \$1.5 million to add a pump station and sewer line extension to West Shores where it will hook into our existing system at their own expense. As new developments take up the capacity, they are not going to pay us an additional \$600 to \$700 per EDU. We will not have that to pay back on the debt. But if we extend this, we can look at the potential EDU's that are out there, divide it by the number of dollars it will cost and add that to our impact fees. Those funds would go back to reserves for future projects.

Mr. Gleysteen said we need to be careful about building this before there is a need. As soon as the additional capacity is built, it begins to deteriorate. He said it might be great to say to a developer that everything they need is in place, but the city needs to recoup its money. He feels we will begin to lose our investment if we do not have customers in place.

The city manager believes if we don't have it, the city will lose the impact fees of anyone who builds now. He said that the city can expect to pay the costs of heavy infrastructure repairs/replacements every thirty years which is why some of the force main and gravity main downstream needs to be replaced. He is unsure the deterioration will be that bad because it will not be used and the pumps should last longer.

Mr. Gleysteen asked if we are already recovering impact fees whether we have that or not; Mr. Carmean said we charge impact fees but we would also have a clear payback on the downstream and the increase in the size of the pump station. We are only charging impact fees of what has been done in past years and are not charging for the additional costs. He reiterated that should a large entity go out there, we may not be able to handle them. We may have to install larger pumps. Another 100 EDU's would require us to pull the pumps before they wear out and go ahead and build the larger vaults and bigger pump station.

Mr. Gleysteen then asked if with each development, the city would negotiate an additional impact fee for the new infrastructure; Mr. Carmean said it would be more than that. For each EDU, even if it was not a large project, an additional EDU fee would be added to cover these improvements.

Ms. Wilson said this is in line with our new thought process to be prepared for any new development that may be interested.

Mr. Carmean explained this is not like we are putting a line through an undeveloped property in hope a developer will come. This will be done for those that have already been approved. He said we do not have enough capacity for the developments that have already been approved by council. This will give us capacity for the developments we have plus guarantee the additional planned growth in the master plan area.

He could make a developer pay for the new infrastructure and then be reimbursed by future developments through an agreement. But in this case, the city will use our reserves to get the work done and not be involved with the developer collecting monies on our system.

The city manager advised that Wickersham will have an agreement on the \$1.4 million they are spending and anyone connecting into their main will need to reimburse Wickersham. The \$1.4 million improvements will only serve their property; however, the pump station will serve a lot of potential developments and properties.

Mr. Retzlaff added that the existing Shawnee Acres pump station is almost twenty years old. It is time to replace the pumps and some of the electrical equipment.

The other associated work downstream is about 2,700 feet of ten-inch force main which would only be needed at the time the other properties are developed. The majority of the time needed to replace the pumping station involves the pumping station itself. If the goal is to be shovel-ready so the utilities are ready when a development comes along, the pumping station could be replaced first and then the gravity sewer and force main upgraded as the development occurs. That project could be designed and ready to go. At the point it was needed, it would only take six to nine months to become a turnkey project.

Originally, there was a phase approach where capacity was going to be upgraded by simply replacing a pump. He said at this point, a new wet well and storage volume are being considered. Similar size pumps could be installed. This would allow a nine-month window versus two years should a developer come on board.

DBF Proposal/Revised Southeast Front Street Rehabilitation Project

Mr. Carmean advised that this project has been on going for sometime. This will at least get us to the point we can bid the project. He has met with DBF, DelDOT and his staff. It looks like everything will be done as originally planned with the exception of the sidewalks because there is a \$200,000 shortfall. Should we come across some extra funding, we could then bid the sidewalk project.

The city manager explained that as this progressed, Councilman Gleysteen had asked to consider burying the overhead lines down Front Street. The project was set aside while that was considered. Because it was too costly, it was never approved. We have now started to do the overlay again which the State of Delaware is assisting financially.

We were then asked to consider some sidewalks on Columbia Street going down to the riverwalk. The failing stormwater system on the west end of the street was also being looked at. We wanted to prevent getting the overlay completed and having to cut into the street a month later.

At this point, Mr. Carmean said we are finally ready to proceed.

DelDOT will provide some funding and sewer and water reserves will be used in addition to some general fund monies for the stormwater work.

He asked the project be approved, based on the proposal. When we get to the bidding process, we will be able to break out the amount that come from the different areas.

There have been some new requirements added since the project was originally started. However, all of DelDOT's funds will be spent before any city money is used.

Mr. Retzlaff then reported that we had the original scope of work as was identified with DelDOT approximately five years ago. At that time, they earmarked a certain amount of money. Since that time, the plans were prepared for the bidding process though we needed DelDOT's feedback. They reviewed the plan and provided comments which are currently being addressed. They will revisit their funding amount because additional work is needed due to new ADA compliant handicapped ramp regulations. As a result, we are hoping to receive more money from the state than originally planned.

Currently, the work will be based on the funding received from DelDOT.

He noted that the sewer improvements were part of the I&I study and recommended water improvements were due to the two water mains on Southeast Front Street and suggested stormwater utilities. An alternative option was added to replace all of the sidewalks. Once we have the actual construction numbers in hand, he will present them to council to make a decision.

Mr. Retzlaff hopes to have everything in place and begin advertising within the next month.

Mr. Pikus asked for confirmation the package is ready with the exception of funding the \$200,000 shortfall on the sidewalks. Mr. Retzlaff explained the shortfall is associated with the estimated construction cost. The bid could be less than \$200,000 but it may also be more. He emphasized the \$200,000 shortfall is based on the estimated construction cost to replace all sidewalks.

DelDOT is providing \$860,000 and the city's share is approximately \$1.4 million. Mr. Pikus asked if that will come out of the reserve and general funds. Mr. Carmean said it will need to be divided and the sewer will be paid out of the sewer funds and water out of the water funds. The stormwater work will have to be paid from the general fund.

Mr. Carmean said he received a call from one of our legislators today. The city manager had asked for some money and the legislator directed him to find a \$40,000 street or sidewalk project for a swap-out. So he may come back and suggest we put the \$40,000 toward this project.

Mr. Pikus asked if there is a deadline on the DeIDOT money; Mr. Retzlaff said there were some concerns though he is actively engaged with them. As a result, they are re-evaluating how much money they will contribute.

Mr. Carmean stated that part of the holdup was on DeIDOT's part because of the time it took for them to review our plans.

Mr. Grier moved for approval of the proposal as presented, seconded by Mr. Morrow. Motion carried.

DBF Expenses/Washington Street Water Tower Piping Improvements Project/Approval of Funding Source

The city manager referenced the contract the city has with Southern Corrosion for water tower maintenance. The Washington Street water tower, which is next in line, may be skipped over temporarily because of some problems. The tanks need to be shut down and we have no way of doing that without some other improvements that area needed which will require additional engineering costs. He said there could be some engineering costs for the piping work that is required to shut down the treatment facility and water tower while Southern Corrosion is performing the maintenance.

Mr. Retzlaff explained this project is actually one of the reasons he provided some insight as to why we need to make sure these valves work. He explained the tank is fed by two directions. One of the valves is out on the street at Marshall Street and the other is on Walnut Street. He is unsure if either will hold and the tank will need to be shut down and completely drained. Right now we do not have that ability. This will allow us to inform Southern Corrosion that the tank is drained and no longer filling.

The cost of approximately \$100,000 is just to have all the equipment here. By removing the administrative building from the \$4 million Washington Street Replacement Project, this work can now be reimbursed under that project. This work is needed to make some safety improvements to the 1939 Washington Street tank to meet OSHA requirements. Right now, we are unable to weld on the tank until it can be drained and some equipment is added.

Mr. Retzlaff clarified the \$100,000 cost was based on worst case scenario though right now, they have no idea what they will find.

Mr. Carmean said that Finance Director Portmann reviewed the smaller invoices but suggested a projected number for approval so we are not coming back with every \$2,200 invoice. However, the intent is to pay these costs from the \$4 million Washington Street Replacement Project. In the meantime, the money will be paid from the water reserves and those monies reimbursed.

Mr. Pikus moved to authorize the cost of the tank repairs and associated improvements up to \$100,000 be paid from water reserves and the money reimbursed from the \$4 million Washington Street Replacement Project fund as recommended by the city manager, seconded by Mr. Gleysteen. Motion carried.

*DBF Expenses/PNC Bank Expenses/Approval of Funding Source
Masten Realty PNC Appraisal/Approval of Funding Source*

Mr. Carmean recalled that council voted to purchase the PNC building. He is asking the repairs be paid from the electric reserves because the majority of the work done by billing is for electric.

The bills cover the costs of the architectural, structural, mechanical, electrical, plumbing and roof consultants. DBF brought these subcontractors in to assess the building. The two site evaluations were approximately \$13,000.

He requested the Masten Realty Appraisal invoice also be approved.

Mr. Carmean announced that the building and lands were purchased for \$600,000 though the appraisal came in at \$700,000. The purchase of this property eliminates the cost of the new administration building and saves \$1.8 million that can be put toward other projects.

Mr. Pikus moved to approve payment of the DBF invoices and Masten Realty invoice from electric reserves, seconded by Mr. Shupe. Motion carried.

NEW BUSINESS

FY 2013-2014 Budget Adjustment/Water Department

Steve Ellingsworth of the City of Milford Water Department requested \$49,000 for the water meter budget that was overlooked when the new budget was prepared. As a result, he is requesting \$49,000 be transferred from the water reserves into his O&M budget.

Ms. Wilson moved to approve the budget transfer, seconded by Mr. Shupe. Motion carried.

St. John's Oktoberfest/Fundraiser/Permission to Sell Alcohol

The following request was received:

The St. John's Oktoberfest will be held Friday, October 4th from 6 p.m. to 10 p.m. and Saturday, October 5th from 10 a.m. to 6 p.m.

In the past the city has graciously allowed us to block off a portion of School Place in front of the church and down toward the Middle School. By doing this we are able to eliminate congestion in front of the church.

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

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

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

No-Starling

Adoption of Resolution 2013-17/Scheduling Board of Revision and Appeals/Property Tax FY2013-14

Mr. Grier moved for approval of the following resolution, seconded by Mr. Pikus:

WHEREAS, the provisions of Article VII, Section 7.06 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment to be hung in two public places in the City of Milford and there to remain for the space of ten days for public information; and

WHEREAS, attached to said copies shall be notice of the day, hour and place that Council will sit as a Board of Revision and Appeal for said General Assessment.

NOW, THEREFORE, BE IT RESOLVED, that on Monday, the 26th day of August 2013 at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2013-2014 General Assessment.

s/Mayor Joseph R. Rogers

Motion carried.

Approval of Milford Police Department & Milford School District/MOU/School Resource Officers

Chief Hudson referenced the Memorandum of Understanding Agreement between Milford School District and Milford Police Department. This matter was discussed early this year and the agreement has been approved by the Milford School Board.

He confirmed the MOU has been reviewed and approved by City Solicitor Rutt.

Mr. Starling moved to approve the MOU as presented, seconded by Mr. Shupe. Motion carried.

CTF Funding /Swap-Out/Senator Colin Bonini/Milford Food Bank

CTF Funding/Swap-Out/Representative Jack Peterman/Carlisle Fire Company

Transfer of \$50,000 from General Fund /Fund Balance Funds to General Fund Reserve Account

City Manager Carmean recalled that in the past, various legislators have done a swap-out of Community Transportation Funds (CTF) with the city. Two projects included the Can-Do Playground and Boys and Girls Club Parking Lot.

Senator Colin Bonini wanted to assist Milford Food Bank on their \$3.2 million Capital Campaign for the expansion of their building. He asked to do a legislative swap out where he will use \$100,000 of his CTF monies which can only be used for transportation improvements. In turn, the city will cut a check for \$100,000 to the food bank which Mr. Carmean recommends be transferred from the General Fund Bank Balance.

Mr. Carmean advised there is only \$180,000 over the minimum \$1 million balance required in the General Fund Reserve. There is \$161,000 in the General Fund/Fund Balance that has not been earmarked. Therefore, the city manager requests \$100,000 be paid from that account. The \$100,000 from Senator Bonini will be put toward the Airport Road project.

Also, Representative Peterman, Representative Kenton and Senator Simpson want to provide Carlisle Fire Company a total of \$11,000 to purchase some equipment. That will also be paid from their transportation funds and the city will receive \$11,000 for some Washington Street improvements. That leaves \$50,000 in the General Fund/Fund Balance though Mr. Portmann recommended we transfer that into the General Fund Reserve and close that account out.

In that manner, all three of those things will be taken care of.

Mr. Pikus said it is a customary thing to do noting the city does this often with legislative funds being given to various organizations. He explained it as a pass-thru from the legislators to the various organizations.

Mr. Pikus moved to authorize the expenditure from Senator Colin Bonini to be paid to Milford Food Bank. Those monies would be a swap-out in the amount of \$100,000. Motion seconded by Mr. Gleysteen. Motion carried.

Mr. Pikus moved to authorize the expenditures from Representative Peterman, Representative Kenton and Senator Simpson to Carlisle Fire Company. Those monies would be a swap-out and \$11,000 used for road improvements. Motion seconded by Mr. Gleysteen. Motion carried.

Mr. Grier moved to transfer the additional \$50,000 out of the General Fund/Fund Balance into the General Fund Reserves, seconded by Mr. Pikus. Motion carried.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the twelfth month of Fiscal Year 2012-2013 with 100% of the fiscal year having passed, 103.45% of revenues have been received and 99.67% of the operating budget expended.

He noted the ending figures for the year are accurate. We may have some additional funds that may need to be deducted due to receiving bills the first of July though they were June expenditures.

Over the year, revenues were up, particularly in building permits which is 80% over budget. Interest rates are low though we ended the year with sufficient reserves which have now been earmarked.

Mr. Pikus moved to accept the June 2013 Finance Report, seconded by Mr. Morrow. Motion carried.

Dan Marabello of 1 Windy Drive, Meadows at Shawnee, stated that subject to audit, he asked to verify that, including the favorable increase in revenue and the under utilization of the budget on the expense side, the positive cash flow for the year was almost \$2 million; Mr. Carmean answered yes.

EXECUTIVE SESSION

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

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

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

Mayor Rogers recessed the Council Meeting at 8:34 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 9:06 p.m.

Mr. Pikus moved to authorize the city solicitor to proceed with the letter as was discussed in executive session, seconded by Mr. Gleysteen. Motion carried with no one opposed.

ADJOURN

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

The Council Meeting adjourned at 9:07 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 15, 2013

A Meeting of the Economic Development Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Thursday, August 15, 2013.

PRESIDING: Chairman Garrett Grier III

IN ATTENDANCE: Committee Members Bryan Shupe and James Starling, Sr.

Councilpersons S. Allen Pikus and Dirk Gleysteen

City Clerk/Recorder Terri Hudson

CALL TO ORDER

Committee Chair Grier called the Council Meeting to order at 5:04 p.m. and introduced David Wilk. He noted that Mr. Wilk is a real estate specialist who worked with the University of Delaware for more than twenty years. His focus is on economic development.

Mr. Wilk is currently the Product Council Chair of Corporate Real Estate and Advisory Services for Sperry Van Ness (SVN) and Corporate Valuation Advisors (CVA).

*David J. Wilk/Innovation Park Presentation
Recommendation to City Council to Proceed with Plan Presented*

Mr. Wilk said he is a native Delawarean who grew up in northern Delaware, attended Brandywine School and the University of Delaware. He has been a real estate advisor, appraiser, broker, and was an adjunct professor at the University of Delaware's Lerner Business School from 1989 to 2012, teaching real estate courses. He has worked as a real estate consultant doing appraisals, market studies, feasibility studies, transactions, financing, innovative type strategies over the past thirty-five years. He spends a lot of time working with communities especially in Delaware. He is currently working in Dover on some place-making ideas and different projects and is also working with Key Properties in Milford.

One thing he has never seen in his career that started in the recession of 2008 is the separation between the haves and the have nots, not only in society and culture, but also in real estate. When we talk about haves in real estate, we are talking about stable cash flowing investment properties where you can reasonably see the future. But properties that don't have the clearest and best use for the investor, or that don't have a good direction in today's real estate market, all of a sudden have gone from a have or a maybe, to a have-not because there is little or no capital in the marketplace to take risks on uncertain real estate anymore.

Mr. Wilk stated that what occurred over the past five years that is really bothersome is municipalities and governments who have lost a lot of their funding sources and ability to control their own future from an economic and financing standpoint. At the same time, every community has something unique to offer to the marketplace. The dilemma is how to capture that in a way that allows economic development to be created. His feels that unless a community understands its brand and what kind of a place it is, it is going to get lost in the noise of what is going on around the country in terms of people looking at the community as a place to grow, a place to bring their company or where they even want to live.

In June 2012, Mr. Wilk put on a Real Estate Symposium at the University of Delaware where the governor was a speaker. He noted that in today's market, creatively repositioning real estate to capture new demand and private investment is the key to economic development and job creation. He said during the past five years, the single sentence that is more important is in the terms of the value proposition to economic development. Whether your community has lost a key employer or under utilized real estate in strategic locations, it is all about your 'dirt'. However, it is not easy for communities to reinvent themselves and grow real estate demand. That is why there are so many properties and communities struggling to figure out how to move ahead.

His research has indicated the way communities prosper in today's marketplace is by understanding how to place-make themselves. Mr. Wilk said what he has been doing around the country and in Delaware is coming into communities and trying to help them figure out how to do place-making strategies that creates new real estate demands.

He then shared some experiences and stories on how a strategic marketing plan can help benefit a city like Milford and how to create some new real estate discussion that can benefit key places in Milford and other areas around the country.

Mr. Wilk said our world is changing so much that you have to think about society. Right now, we live in what we now call a creative economy. That creative class in the economy numbers over 60 million people. That creative class economy is saying 'where you live' is now the most decision in your life. He said not your job, not your profession or not who you work for, but instead where you live. He feels that is a major shift in his lifetime from where he started in the mid-seventies.

He explained that the idea of 'place' being the single most important choice creates an interesting clarity. If you can create a cool place, then people will want to be part of it. He referenced cool places such as Soho or districts in New York, art districts or Georgetown in Washington, D.C. noting those are models that show where place-making has really worked and where people want to be.

Mr. Wilk stated that if you think about where the future is, and how we create growth in an area that will be dependent upon our ability to create, is what we call the creative class.

Cities like Dover and Smyrna are looking for that formula just as Milford is. He asked what is the formula that is needed to create that buzz in the street to bring people out to create an energy and excitement to Milford. Also, he recommends having it so it enhances your lifestyle as opposed to replacing it.

What Mr. Wilk is trying to do from a real estate standpoint is talk to communities and stakeholders in communities about creating strategies to place-make your community which leads to economic development. To bring in creative people and stimulate innovation and economic development is the only way out from the economic condition we are in right now. There is a need to be creative, innovative and figure out how to prosper or survive in today's economy.

He said to consider Rehoboth even though Milford will never be Rehoboth and vice versa. But one thing about Rehoboth is it is one of the highlighted creative class places in the United States. It has technology, talent, tolerance and lifestyle. Most towns do not want to be like Rehoboth, but cities like Philadelphia, San Francisco, Boston and Austin, Texas have also become creative class places. They had an ability to create schools, universities, talent, education, technology, medicine and they also allow for a decent amount of tolerance.

Mr. Wilk pointed out that from Milford's standpoint, why real estate is so important to place-making. He asked what we have in our current national market that applies not only to Milford but other areas. He said there is not enough job creation. Community tax bases are shrinking and so is economic growth. Real estate trends are improving in spots but not across the board. Communities have many properties without stable or predictable cash flows. There are a number of old plant sites and vacant properties along Route 113 and Route 1. Capital is not available for non-stabilized real estate.

At the same time, there is a trend that corporate real estate use is shrinking. Companies are trying to get out of real estate as opposed to getting into it.

He asked where the growth markets are in Milford. If we are creating a strategy and a place-making strategy together for the City of Milford, there needs to be an understanding of what markets to go after and how they can tie into our core strengths as a city.

Milford has certain unique attributes which we need to take care of versus trying to be something we are not. For

example, innovation and technological users, food production, culinary arts are appropriate. Mr. Wilk emphasized this is a food area. One of the greatest things about Milford and Sussex County is the food business. He noted that the agricultural business is on fire right now. Milford is right in the middle of that because we are only two and a half hours to fifty million people around the country with what we can grow and create.

From a transportation logistics and supply chain standpoint, we also have rail, air and water availability.

Mr. Wilk noted that last piece is really where the market is going right now. He refers to it as med-u-tech which is a combination of medical, university and technology. People want to be in areas that are heavy med-u-tech scale which includes great health care, universities and educational institutions along with access to technology and related infrastructure.

He said the value thesis for Milford is based on this. Mr. Wilk said there are no easy answers to place-making or creating economic development. But there are ways to create a renewed sense of possibilities. Most communities around the country have dormant properties with no value, plan or vision. These include closed plant sites, old malls or a mixed use retail facility that never properly developed. In addition, corporate headquarters, old hospitals, airport hangars, excess land, old schools, post offices, libraries, government/ military facilities, downtowns, redevelopment districts, brownfields and other similar areas.

Mr. Wilk reported he is a big main street guy. He just spent the hour before he came to city hall walking around Downtown Milford. He said it has some bright spots but it is also screaming to elevate to the next level which can be difficult to do. Otherwise, it would be done without any effort.

He said to think of the City of Milford as a series of economic units and potential economic development districts. The downtown is a major economic development district. The southeastern part of Milford, where the new overpass is being built, is a major catalyst area. Other parts of town near Route 113 and in the northern area of Route 1 where Grottos and other developments are occurring is another.

Mr. Wilk believes there are plenty of areas that could be talked about or catalysts to place-making economic development and transformed into market stories. However, they cannot all happen at the same time unless a huge influx of population is expected. Though we know the population will continue to grow in Milford, at this point, there is no way to tell how much it will support square feet or number of units, etc. Therefore, sequencing is needed. Mr. Wilk's point is if a city wants to place-make and elevate themselves, the only real way to do that is to transform the real estate. Someone like himself comes in and helps create ideas and works with key stakeholders. They then figure out that the overpass entering from the Cedar Neck Road area could appeal to new development. Every time a person drives by Grottos, the parking lot is full and he wonders how someone would not want to be along that stretch. In other areas of town, every single national chain is on Route 113 after the split. There are also a lot of interesting businesses north of Route 113 near IG Burton every vehicle passes on their way to the beach.

He then explained that when you look at Milford, there are five different areas to become catalysts. For example, downtown needs its own market story. Mr. Wilk believes the new brand for downtown is a great step in the right direction. You then need to build on it. The key to economic development is to get catalysts to move real estate and create a number of mini projects. But there is a gap of where we are now and how we get to that point and who does that; Mr. Wilk noted that sometimes he comes into an area to try to be that catalyst person that can do that.

Mr. Wilk said that he is currently doing that with a project in Delray Beach, Florida where they have an old Office Depot headquarters right off Interstate 95. He has been working on repositioning and creating a new market story through a strategic plan. Then they bring in a university, nursing school and some medical office buildings. That attracts other users because they created a story of innovation. They have renamed the property the Delray Beach Innovation Park. There are now users coming after it because the story resulted in a market buzz. People are offering to build offices, retail and take the multi-family area because a mixture of uses was created.

He feels that anytime there is a piece of land sitting idle without a market story, there is nothing. It boils down to asking another person or the market to figure out what to do with that property. Not many people will pay top dollar to tell you what to do with your property.

Milford should be able to identify numerous opportunities for new value creation and market stories that are under-utilized assets.

Mr. Wilk was listening to council talk about the infrastructure issues. Building and designating infrastructure is a way the city can move forward. This is exactly what that area needs to have any chance of creating economic development type projects.

Once the infrastructure is created, then someone can physically develop. The story, the plan and strategy are needed though that is missing at this point. Mr. Wilk often creates a strategic marketing plan for a community or for a property like the Office Depot property that meets the market. He does that by creating a story and strategy that creates a new sense of possibilities in the community and in that area. It is presented in a way that has never been looked at before and thus, open up new ideas.

Mr. Wilk said he does not go in and tell someone this is my strategic marketing plan and what they should do. Instead, during the course of the strategic marketing plan, Mr. Wilk will work with the council, the mayor, the city manager and federal, state and local officials, economic development groups, planning department, engineers and public works group. He does not only want to create a new story about an area that just redevelops, instead he wants to take it into the place-making context by having something that fosters social value creation and entrepreneurship for the community. The community then feels like they are part of what is going on as opposed to just another developer coming in and saying they are just going to make as much money as they can on a project.

At the same time, they have to do the strategy. They have to gain community support, then buy into the strategy and market. The community is also needed to support what the council is doing by creating infrastructure growth areas to support that ability for economic development to occur.

Mr. Wilk said we then have to figure out the type of financial engineering and non-traditional capital sources it will take to create that economic development because it does not happen out of private capital and really needs to be public/private partnerships.

All the pieces are then put together, led by the Economic Development Committee, City Council and City Manager. They then bring local stakeholders together and collaborate on decisions for the real estate within Milford that will elevate beyond prior actions.

Mr. Wilk said he knows Milford well and always thought the community was ready to break out. However, it was never quite there. He believes a place-making opportunity exists for Milford partially based on the recently contemplated infrastructure activity and the fact that the stakeholders have a consensus on whether this is a good thing for the city. Without that consensus and spirit of cooperation, it ends up defeating a lot of good initiatives.

Going forward, Mr. Wilk wants to create some new development strategies in designated growth areas. Milford would be primed for some long term and short term real estate demand. The goal would be to keep the city strong, keep the existing quality of life, encourage local companies by informing them that Milford wants to keep them badly and at the same time, work on attracting new businesses.

He does not want someone to come to Milford or any other community to find dissension and too much politicking. It will basically undo the ability for public/private partnerships. He thinks there is a good opportunity here to create the public/private partnerships.

Mr. Wilk then talked about telling the Milford story in an innovative way that creates a 'wow'. He recalled when Milford created a branding and slogan back in 2010. He said after that was done, you needed to execute on it to create a real reaction.

He said another challenge is the ability to drive new real estate value and infrastructure, gain community buy-in and announce some catalyst project in order to create a market buzz. He explained the place-making of a brand does not happen overnight. When you create some stories, you get some initial catalyst projects to announce. Suddenly, the market wakes up and looks seriously at Milford. He referenced the Smyrna and Middletown areas that were developed in this manner. Milford is not looking to be like that but instead hope to create that type of market. At the end of the day, economic development is brought in by creating a psychological feeling on the part of others who want to become part of what is happening.

Mr. Wilk is aware that Milford has hired economic consultants and studies have been done. He said that most communities have a lot of those items on the shelf. One of the starting points would be to have the economic development committee be the catalyst for creating a place-making vision for the City of Milford that shows how to create value for all citizens. The goal would be to bring in more entrepreneurial activity and residents into the area.

Mr. Pikus recalled several years ago when an economics professor at the University of Delaware made a statement that in order to make a community develop and grow economically, you first need the support of the citizens. He talked about people in small towns like Milford who typically held the town back. They were considered the old guard and they really wanted to control Milford. They wanted to keep the salaries low and allow very little development. This professor even talked about the duPont Company who wanted to come to Milford back in the 1930's and consequently chose Seaford. That occurred because these Milford residents put their hand up because they did not want a big company in Milford. Instead, they wanted to keep Milford like it was.

Mr. Pikus asked if the first step Milford should take is to work with the public. Determine what the public wants and how they want the town to grow; then get the public behind these efforts.

Mr. Pikus knows the public wants more jobs in Milford and every candidate who campaigns for office, including city council, all focus on economic development. He said Milford is going to be a medical community because we have a fantastic hospital that plans to grow and expand. We need to place them some place that is politically and economically correct. He asked Mr. Wilk if we need to get the public on board for that first.

Mr. Wilk answered by stating the goal is to get the public excited about the vision and innovative things Milford is trying to do. He thinks that needs to be a process which requires understanding the viewpoint of the public and the key stakeholders in the community. We then wrap that into some ideas to present to the community as opposed to trying to do it as a committee.

Mr. Wilk is relatively new to Milford in terms of digging into this component of economic development. He does not want to come here and be presumptuous to the point he knows what should be done this evening. He would like to figure out what has been done from an economic development standpoint involving studies, reports and initiatives. That will give him some idea of where Milford is. If he sees a plan that has no activity or logic to Milford's situation, and does not appear to be a good direction, he could then provide some feedback.

He said if he was asked how to develop that process with the community, they would try to figure out what exactly is the Milford brand. He said there are two things that can happen in Milford. Our residents can either like Milford as it is and feel that no additional economic development is needed. Or we can create a new story and a new connection to the people in Milford about their city, their brand and the future. We can work on getting everyone excited so that people are talking up Milford because there are good things happening here. This can only be created by working together.

Mr. Wilk said Milford needs to figure out what they are from a branding standpoint. Then a marketing strategy and an economic development strategy needs to be created that plays off that brand. In that way, there is never any question that Milford is not Milton, Rehoboth or Dover. We are Milford with our own unique story. We know what we can and cannot do.

He stated that he knows the progression and real estate history of Milford during the last thirty years because he has watched it develop. The only interesting thing he sees right now about Milford is it has a chance to break out and become something it has not been.

Mr. Wilk said that is the question back to this committee. He asked if this is something the community wants and there has never been a better time to put those type plans and actions in place.

He referenced the new interchange being constructed on Route 1. Mr. Wilks believes there should be an influx of requests for real estate projects. If the utilities get there the same time, that will be an even bigger appeal. With all that in place, he does not know why another health care facility would not want to build a \$250 million medical complex right there. It could include an emergency room and a trauma center. If something like that was built, all of a sudden that area would get medical office buildings, residential complexes, etc. Something as big as an interchange off Route 1 provides an opportunity to do something that could really impact that area.

Mr. Wilk thinks there are other areas in the city this may happen as well. The question becomes whether council and city leadership want to capitalize on this opportunity. He noted there is a huge opportunity downtown as well. He said one project becomes a connector to the other.

He said where is the best place for a technology park in the city or where is the best place for an education institute and perhaps a community college or a branch of one of the universities. Mr. Wilk believes there are possibilities in each of the various areas. But someone needs to develop the strategy and do it in a way you are talking to the people in the community while it is being developed.

Mr. Pikus asked if that is Mr. Wilks' background; Mr. Wilk said he is an advisor in different areas. He emphasized it is not about him and not necessarily about the client he is working with. Instead it is about the general benefit to the community. He has a huge area in his heart for creating better communities using his talents and background in real estate and education. He coming back and seeing how things have changed can be very gratifying.

He said now is the time to create something in Milford that everyone will be excited about.

Mr. Pikus asked if we need to sell Milford first; Mr. Wilk thinks so and reiterated that we need to place-make Milford so we create a market reaction. Over the past twenty to thirty years, other than some new developments, there has not been an explosion of development in this community.

Mr. Grier believes Milford has come a long way over the past ten years. The way downtown looks now as opposed to what it looked like in the late 90's is much improved. In terms of council and being dedicated to economic development, Mr. Grier said that most of the members of council were here long before he was elected. He thinks the attitude has changed a lot over the years. In 2010, the city hired Economic Development Consultant John Rhodes to do an economic study. He put together a strategic plan for the city which includes a short and long term plan.

Mr. Grier said Mr. Wilk mentioned Key Properties and noted that Dave Hitchens is a member of the Economic Development Advisory Panel (EDAP). He explained the panel's job is to try to implement Mr. Rhodes' strategic plan. As a result, the plan is in place though it has not really been publicized so it does lack a lot of the excitement Mr. Wilks speaks of. He agrees there has not been a big push toward some of those things being done.

Mr. Grier pointed out that Key Properties has properties in the area of the new interchange. However, the issue behind the scenes is how to get sewer to those properties. Mr. Grier said that council took that step at the last council meeting. He also noted that two months ago, we made a commitment to do public/private partnerships. Council agreed that should no longer fall solely in the hand of the private developer. However, he feels it should not fall completely under the city either. Council agreed it was a state, municipal and private matter and all three needed to work together to get the utilities to a certain point.

He reported that the city does not have the money to extend sewer with no end user. But Monday night, other infrastructure projects were discussed that included streets in town, sidewalk improvements and improvements to the

Shawnee pumping station which is a big issue to Innovation Park. If that pumping station is updated now, it will take two years to complete. However, council agreed to invest money to improve that pumping station. The benefit is the sewer to Innovation Park will now only take nine months versus two years.

Mr. Grier said there is definitely a commitment among council.

Mr. Grier then reiterated that the city has a strategic plan in which the community needs to be more involved though there has not been a push to do that.

Mr. Shupe asked Mr. Wilk what he asking for the town to do. Mr. Wilk said he wanted to clarify his role in this matter. He explained that he is an advisor to Key Properties and that is how he has met and talked with several members of city council. In his role as an advisor, he informed Key Properties they have a unique opportunity on their properties, but without the city and place-making, it could be very challenging.

He referenced the article regarding Delray Beach, where Mr. Wilk is a consultant and advisor on what they call their innovation corridor. The project began in November 2011 and he did not meet the Key Property representatives until May 2013. He had already done the Innovation Corridor Project in Delray Beach where they are in the process of taking the old Office Depot property. When he was first introduced to Key Properties, they told Mr. Wilk about their concept at Innovation Park. Mr. Wilk felt it was a fascinating possibility for the city. He asked where the city was on the project and whether they wanted that type of economic development. Dave Hitchens indicated that they needed to start talking to more people in the city. They talked about how they could work together, not only on behalf of Key Properties, but also make it work across the board.

Mr. Wilk responded by saying this is what he does and offered to get to know the committee members and city council to see how they can put this all together.

Key Properties feels like, and Mr. Wilk agrees, that without the place-making and the city strategy, the other pieces will not get that market reaction that is needed. His goal behind this meeting is to foster a greater awareness on the part of the council and the members of the community on how to go about taking Milford as a whole by using the economic development goals, studies and plans that have already been done. Figure out where from a pure supply and demand standpoint, where are the ideal catalyst projects within the city and how to make those projects move forward.

Mr. Wilk is hoping that city council will welcome him back to continue on that pathway. He would love to be part of taking the city forward in a really exciting way. The key is how to tell the story and that can be accomplished by working together with this committee and city council. Then it could become more of a real work experience for people by having catalyst projects around that will reinforce that story and provide that market brand and reaction.

Mr. Grier asked if Mr. Wilk came back to a council workshop, would he speak about the exact same thing discussed tonight or could he present a refined marketing plan. Mr. Wilk said he does not want to take 45 minutes to an hour to teach council about place-making. However, if this presentation can be shared with them, then using the existing study that Mr. Rhodes did to see where that strategy is today, he feels everyone can work together on creating a strategic marketing plan for Milford.

Mr. Wilk said in Delray Beach, the strategic plan was on the innovation corridor. The city manager and mayor wanted to do something to transform the corridor which was a large undeveloped area. In order to do that, they needed to redevelop the piece in the middle which is where the former headquarters of Office Depot sat vacant for six years. That is how the former Office Depot property became the Delray Beach Innovation Park. He said that is why it was such an coincidence when he came to Milford and saw that Key Properties also called their project Innovation Park.

He referenced two bullet points which state 'capitalize on Delray Beach's I-95 access and visibility to generate new demand for real estate'. Mr. Wilk said all that is needed is to replace I-95 with Route 1 and exchange Delray Beach with Milford.

Mr. Wilk said we need to capitalize on the interstate/freeway access because everyone that goes to the beach goes by this area.

Secondly, he recommends we connect Milford with the other communities around Sussex County to place-make it into a nexus of medical, educational and technological innovation. He pointed out there is no room in Rehoboth or Lewes for a \$200 to \$500 million medical center hospital campus but there is room in Milford. This will bring in a top class, medical, educational lifestyle. We will also have room around the hospital to create retirement communities, assisted living communities and people who want to be close to the best health care they can get. All the while, they are still only 25 minutes away from the beach or the outlets.

Mr. Shupe said he would like to see a more specific plan. There are a lot of questions about the key stakeholders and who are they. He asked what the new development strategies are and where the designated growth areas are located; to him it sounds like generalizations are being discussed without specifics.

Mr. Grier asked if that is something Mr. Wilk is looking to do; Mr. Wilk said he is unsure at this point. His goal is to be part of the team that transforms Milford. He has the ability and experience to do that and hopes council is willing to work toward that.

Mr. Grier asked that Mr. Wilk be provided with all the previous work that has been done so that he can review it and provide some ideas on what is needed. He said we can then work toward getting on the agenda with a more specific idea or direction. He reiterated there has been a lot of work done over the past three years and encouraged Mr. Wilk to become familiar with those documents.

Mr. Wilk said he would be happy to help figure out the right frame work for a future strategy. He also emphasized that it is clear in his disclosure that there is no conflict; he does not want to give the impression they are doing this for his client. He repeated that he has a client who has asked him to help figure out what they should do with their property if the city is willing to support it.

Mr. Wilk said his goal is to create something that is beneficial for the city and in doing that, he wants everyone to feel comfortable.

Mr. Grier said he has talked with Mr. Wilk prior to this meeting and he is willing to discuss this further. He is not opposed to Mr. Wilk being put on an upcoming workshop agenda with some ideas.

When asked if anyone in the audience had any comments, Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, stated that when he first moved here, he heard that Milford is a bedroom community and he does not agree with that. He knows that CVS is opening very shortly. Bayhealth Hospital is spending \$250 million. He said we had an economic meeting awhile ago that was chaired by Councilman Clifford Crouch where a number of specialists and doctors spoke. The majority said they don't want to live in Milford because the amenities are not here. They preferred to live in Lewes or Rehoboth. He said we have DMI and now have Scott Angelucci, and the art galleries.

Mr. Palermo said if we want to keep our youth here after they graduate from school, we need light industry. He does not see more medical on the horizon. He believes if we have light industries and tech companies who pay a decent salary other than minimum wage, then we will see more people develop roots here.

He feels that is the direction we should be going in.

Mr. Grier thanked Mr. Wilk stating we will provide him with the last three years of work done on economic development.

Mr. Wilk then continued by mentioning that after the market story and strategy is created, he suggests council put on a symposium that is tied in with the University. He said that could be used as a launch point to announcing the catalyst projects and things going on in the community. He is currently doing one with Salisbury University in Cambridge, Maryland at the end of October. They will also be doing one the end of this year in the Salisbury airport

and Wallops Island area. He referenced the symposium that was done in June at the University of Delaware in addition to other areas of the country.

He concluded by stating when there is a story and catalyst projects, other stories will be written about the interesting things the city is doing which is all part of the process.

Economic Development Director Position & Job Description

Mr. Grier said this was discussed during the council meeting Monday night. At that time, it was sent to the committee to form a direction of where council wants to go. He stated that we had an economic development director the past year who is no longer with the city for other reasons.

Mr. Grier feels strongly the city needs an economic development director. He recalled expressing in a number of the executive sessions the benefit he has seen in his business dealings with the City of Seaford. He had an excellent experience in terms of what they do with their director. He understands there were a lot of different ideas thrown out Monday night but he wants to know the opinion of those present on hiring a new director and the process of how to go about it. He feels it needs to be handled in a different manner this time.

Mr. Starling agrees we need an economic development director. He also thinks that we should have different guidelines this time. Perhaps this person should provide reports at least on a monthly basis and keep council updated of what they are doing. As was discussed at the last meeting, council was unfamiliar with the position. He feels that someone needs to inform the person what is expected of them. Then that person can respond and report on a regular basis. They would provide contact names and the businesses where they have gone. In that manner, council could stay on top of their activities.

Mr. Grier said that definitely lacked this past year. He said there was a one-year contract with the previous director which expired at the end of that term. He also believes the economic development director should work for the city manager. It is important their relationship is top notch. They will both be involved in lots of situations and their personalities need to mesh. Because of that, he prefers the city manager handle the interview and selection process. That was not done the last time and instead, interviews were handled by the EDAP subcommittee who narrowed the field to three. From that, the candidate was selected.

Mr. Grier prefers the city manager decide exactly what he wants and that he hire the person that best meets those needs. The city manager is paid well and very experienced. He is more than qualified to make that decision.

Mr. Shupe agrees there is no question we need an economic development director. He feels that just having someone out there, not only in the city helping our current businesses, but going to other communities to attract new businesses and industries. He agrees with Mr. Starling some accountability is needed and the city manager needs to stay informed to ensure the work is getting done. He also recommends council consider contractual work with some of the national firms that do this for a living. He does not necessarily believe the answer is to have an individual who is paid on a yearly contract.

He feels we need to weigh all options and choose the best fit for Milford. Mr. Shupe also agrees that Mr. Carmean would be the best person to decide how to move forward.

Mr. Grier said that a lot of people believe the economic development director's role is to make cold calls every day to try to bring in big firms. However, that may be 15% to 20% of what they are doing. He feels they should be working with the local businesses we already have to help with their needs. They are also working with the group that wants to come to Milford. They need to help with DelDOT and any other agencies and permits that are needed to build on a raw piece of land. They need to work with the city planner or Christine Crouch and the city manager. They can also help them with other local businesses as well as the Chamber of Commerce.

Mr. Grier met with Executive Director Jo Schmeiser from the chamber two weeks ago. Right now, she is upset that Mr. Masten is gone because she liked having a person she could go to. Since that happened, the city manager now has her reporting to Christine Crouch.

Mr. Gleysteen said he has thought about a couple things. We have had some suggestions about a different type of reporting format and a firmer structure. He feels we need to make sure we are comfortable with the progress that the economic development director is making.

Mr. Gleysteen does not know if reporting to the city manager is the best way to go. The city manager is running the city and has all the different departments reporting to him. This requires a different skill set than just supervising someone for economic development. The economic development committee is an extension of council. That is who will be making the hiring and more or less, the firing decision of this position. Maybe the best way to devote the attention the position needs as far as reporting is for it to come out of the economic development committee. Maybe not the committee as a whole, but one person can be picked that has a close relationship with that position. That is the person that directs and would be responsible for any evaluation.

Mr. Grier said the problem he sees with that is before Steve Masten was hired, he was working with Mr. Carmean almost on a daily basis. Mr. Grier said he has a full-time job and a lot of other things on his plate. He feels it is impossible for him to do that and would not want another committee member to do that.

Mr. Gleysteen said that is the requirement that job is putting on Mr. Grier. It will be put the same type of requirement on the city manager who has a full slate too. Maybe it should be structured so it can be weekly or biweekly reporting so Mr. Grier can still get a good feel of the progress that is being made.

Mr. Grier then asked if Mr. Gleysteen is in favor of hiring an economic development director; Mr. Gleysteen said definitely.

Mr. Grier said the consensus of this committee is that we need someone in that position. Whom they report to remains a question. He is still in favor of this person reporting to the city manager. He understands that Mr. Carmean is very busy because of the number of people that report to him each day.

Mr. Pikus also agrees we need to hire someone. He suggested we establish first what this person is going to do and whom this person reports to. That needs to be done before we jump in and hire someone tomorrow or the next day. Some standard is needed. Council needs to decide what this person is expected to do. A detailed job description is needed. He feels the city manager should handle the hiring. He does not think it is councils' job to interview and critique any individual. That is why we have managers in the city and Mr. Carmean knows what qualifications are needed.

He noted this is a city manager form of government. The city manager would hire this person and who this person reports to will come from councils' direction.

Mr. Grier agrees we need to get the city manager to fine tune the job description we used last time and present it to council.

Mr. Pikus agrees that a job description can be acquired noting that Mr. Shupe made a good comment about the number of nationwide agencies who do economic development. He noted that Mr. Wilk does a fantastic job. There are people available who can advise the city on what we need. However, he does not feel we should jump into something right away.

Mr. Grier clarified that Mr. Masten reported to the EDAP Committee on a monthly basis. He made a presentation in relation to the contacts he made the previous month. The city manager was not there and Mr. Grier believes there was more information presented to EDAP than was provided to the city manager.

Mr. Grier then directed Ms. Hudson to ask the city manager to fine tune the job description that was used the last time. He reiterated that everyone agrees we need to hire someone. In his opinion, it should be sooner rather than later but we need to hire the right person. We will start with a job description that should be presented to council with the intent to hire someone sooner rather than later.

Mr. Grier recalled that the funding was also discussed in an executive session during the budget process. He believes the money should come from the Wawa economic development account which contains approximately \$900,000. This is an appropriate use considering it was originally set up to be used for economic development.

Mr. Grier moved that the city manager put together a refined job description from what was used in the past and something that will work better in moving toward the future, and to direct the city manager to hire an economic development director sooner rather than later with the funding to come from the Wawa economic development account, seconded by Mr. Starling. Motion carried.

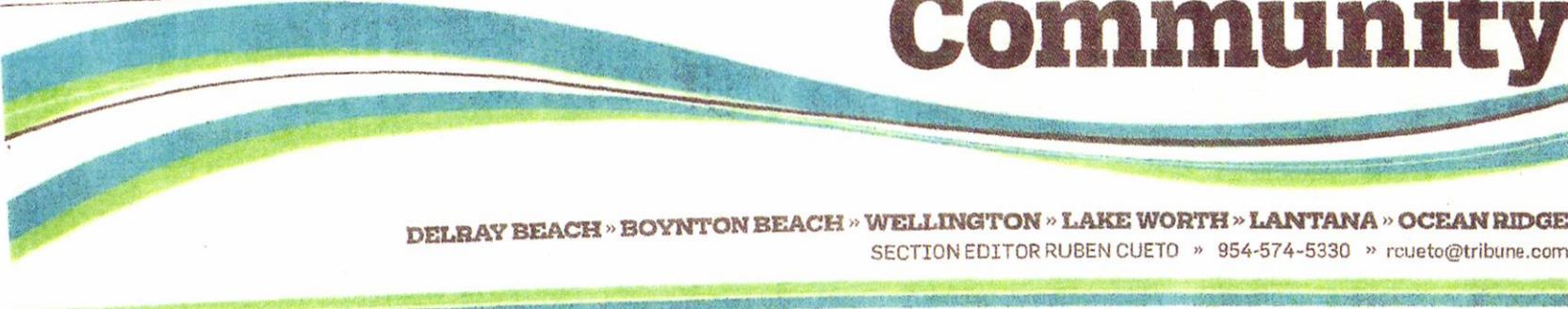
With no further business, Mr. Shupe moved to adjourn the committee meeting, seconded by Mr. Starling. Motion carried.

Meeting adjourned at 6:18 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

cc: Article & Powerpoint



Community

DELRAY BEACH » BOYNTON BEACH » WELLINGTON » LAKE WORTH » LANTANA » OCEAN RIDGE

SECTION EDITOR RUBEN CUETO » 954-574-5330 » rcueto@tribune.com

Innovative plans in Delray

Innovation Park, discussed for former Office Depot site, would be a technology hub

By DAVID DiPINO
Staff Writer

Planning is under way to transform the former Office Depot site between Germantown Road and South Congress Avenue into Delray Beach Innovation Park, a center for the development of new technology and research jobs.

Although the plan consists only of renderings at this point, city leaders and a real estate consult-

ant say it could help revitalize a corridor that was thriving before Office Depot moved to Boca Raton.

"We'd like this to be designated an enterprise zone by the state of Florida," said Vin Nolan, economic development director for the city's Community Redevelopment Agency.

According to FloridaEnterpriseZones.com, an enterprise zone is a specific geographic area tar-

geted for economic revitalization. The state has 59 enterprise zones, which encourage economic growth and investment in distressed areas through the use of tax incentives for businesses within its boundaries.

The CRA has contracted with David Wilk, a real estate consultant who has been working on the Innovation Park project. Nolan said Wilk did much of the background work and created the logo and other brand initiatives.

"We're hopeful that a development team will attract the right investors," Nolan said. "We encouraged Mr. Wilk to come up

with the Innovation Corridor concept and to try and reinvent the old corridor. Key property owners and investors are linchpins to the Innovation Corridor initiative."

The area could be used to house a college research park or a creative media hub.

"Our goal is to bring innovative industries and implement sustainable technologies to the Delray Beach Innovation Park," Nolan said.

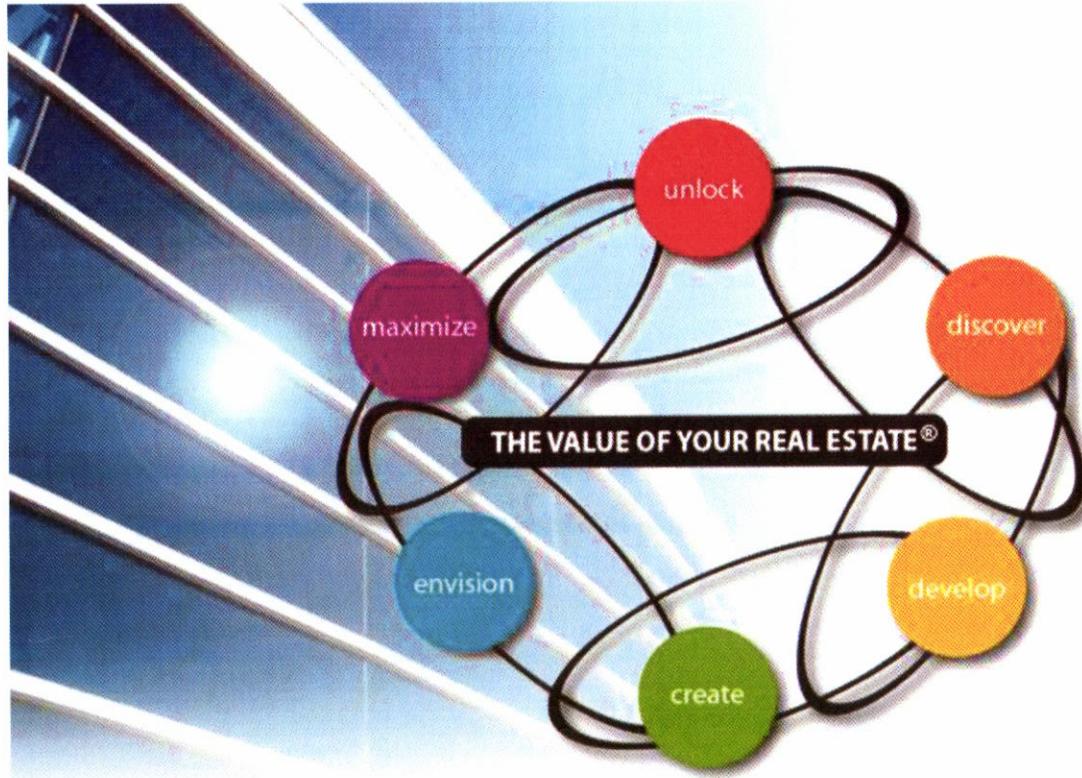
According to the city's Public Information Office, the economic development goals for Innovation Park include improving the perception of Delray Beach as busi-

ness-friendly and a viable corporate destination, creating livable-wage jobs within the city, encouraging entrepreneurship and increasing the tax base.

City commissioners recently approved Phase II of the project: promoting the Innovation Corridor Strategic Marketing Plan for Congress Avenue. The plan's implementation is expected to encourage redevelopment of underused land parcels in the corridor by reaching out to new businesses and firms interested in expansion.

David DiPino can be reached at dddipino@tribune.com.

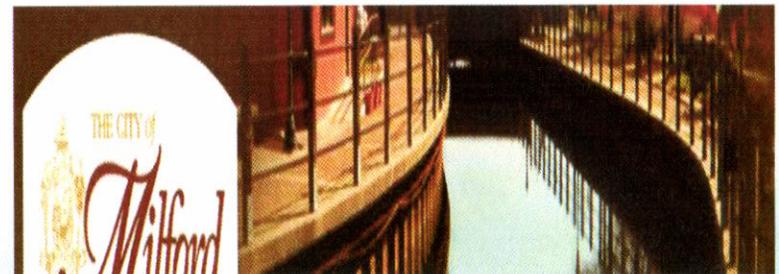
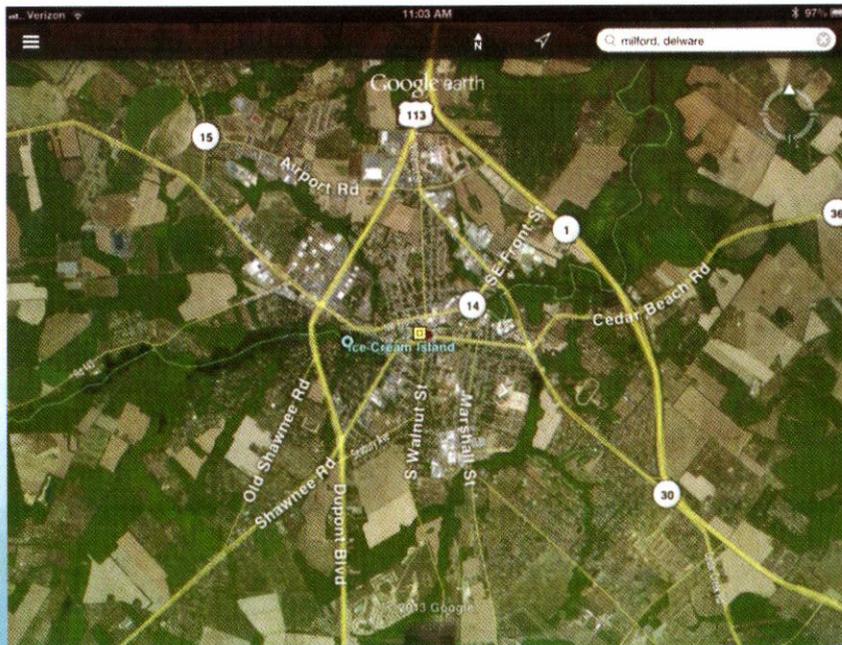
“PLACE-MAKING” ECONOMIC DEVELOPMENT



www.valuecreaterealestate.com

MISSION STATEMENT

- Present ideas on real estate “Place-Making” that create economic development, jobs, and stimulate new RE demand for Milford.
- Share experiences and stories on how “Strategic Marketing Plans” for places and their underutilized real estate can benefit Milford.
- Create a new innovative real estate which can benefit key stakeholders in Milford, and other cities, towns, and counties in DE.



“WHO” MAKES “PLACE-MAKING” SO CRITICAL TODAY?

- “Who’s Your City?: How the Creative Economy is Making Where You Live the Most Important Decision of Your Life”
- “The growth and decline of urban areas is dependent upon their ability to attract the Creative Class”
 - *Dr. Richard Florida, The Rise of the Creative Class*
- The “Creative Class” now numbers over 60 million and is the fastest growing segment in our national economy
- The “Creative Class” – Occupations that Call Upon Creativity
 - *Computer, math, architecture, engineering, life, physical and social sciences*
 - *Education, training, arts design, entertainment, media, sports*
 - *Management, law, healthcare, sales management*
- To attract creative people, stimulate innovation and economic growth, a “Place” must have the 3 T’s of Economic Development
 - *Technology*
 - *Talent*
 - *Tolerance*

“WHY REAL ESTATE IS SO IMPORTANT TO “PLACE”?”

- Current National Real Estate Trends
 - Job creation is not occurring quickly enough
 - Community tax bases are shrinking and economic growth is 2%
 - RE trends are improving in spots (NY, Silicon Valley, TX, ND)
 - Communities have many properties without stable or predictable cash flows
 - Capital is generally not available for non-stabilized RE
 - Corporate use of real estate is shrinking (with few exceptions)
- Growth Market Segments in Today’s Economy
 - Innovation and technology users (“Creative Class”)
 - Food production, culinary arts
 - Transportation, Logistics and Supply Chain – Rail, Air, Water
 - Med-u-Tech (Healthcare, Universities, Education, Technology)

“HOW” - THE VALUE CREATION THESIS FOR MILFORD

- Every community has excess properties lying dormant with no plan, value, or vision.
 - Closed Plant Sites, Empty Retail or Malls, Struggling mixed-use developments
 - Former Corp HQ’s, Hospital Campuses, Airport Hangars, or excess land
 - Old Schools, Post Offices, Libraries, Gov’t or Military, Museums
 - Downtowns, Redevelopment Districts, Brownfields, Arenas, Rail yards
- Excess/underutilized RE assets can be transformed into catalysts for “Place-Making Economic Development” and exciting “Market Stories”.
- Marketing properties today requires innovation and “Market Stories” or creative ideas that stimulate new demand.
- Each community should be able to identify numerous opportunities for “new value creation and market stories” on underutilized real estate assets.
- How communities can bring a renewed sense of possibility to their market area:
 - Strategic Marketing Plans that “meet the market”
 - Collaboration on RE decisions that foster social value creation & entrepreneurship
 - Financial engineering and non-traditional capital sourcing (EB-5, TIF, EZ)
- Local stakeholders who collaborate on RE decisions “will elevate” beyond prior actions.

MILFORD – “A PLACE ON THE CUSP”

- A “Place-Making” opportunity exists for Milford based on recently contemplated infrastructure activity and key stakeholder consensus.
- Through creating new development strategies in designated growth areas, Milford will be primed for short and long term real estate demand.
- The existing lifestyle quality, local companies, and strong local public-private partnerships, will attract new users.
- Challenges for Milford and Open Discussion Items
 - How to tell the Milford story in an innovative way that creates a “wow” reaction from the market.
 - How to drive new real estate value and requisite infrastructure, gain community buy-in, and announce some initial catalyst projects to create a “market buzz”.
 - Presenting a vision for the future of Milford that demonstrates value creation & entrepreneurship being evenly distributed around the City.

David J. Wilk, CRE, MAI - Qualifications

- Mr. Wilk is National Director of Corporate Real Estate and Advisory Services for Sperry Van Ness and Corporate Valuation Advisors (“CVA”). David creates value in today’s market for corporations, private equity firms, developers/investors, and institutions (universities, hospitals, governmental entities) by focusing on real estate strategies that generate new earnings, cost savings and bottom line impact. Within these types of value propositions, Mr. Wilk also provides valuations and market studies, economic development strategies for municipalities through repositioning key properties, and marketing/branding strategies that optimize challenging real estate assets.
- Mr. Wilk was formerly National Managing Director of Duff & Phelps Corporate Real Estate Advisory Group from 2008 through 2009 after they acquired Greystone Realty Advisors, a boutique advisory firm he founded in 1997. From 1995 to 1997 Mr. Wilk was Regional Director of Corporate Real Estate Services for Ernst & Young LLP in the Middle Atlantic. From 1993 to 1995, Mr. Wilk was Managing Director of the Real Estate Valuation Group for Arthur Andersen in Philadelphia after Andersen acquired Wilk & Associates, Inc., a real estate consulting company founded in 1987. From 1977 to 1987, Mr. Wilk held senior management positions with Valuation Research Corporation, Arthur D. Little, and was National Director of Valuation Services for Kenneth Leventhal & Co in California.
- Mr. Wilk was an Adjunct Professor of Real Estate Finance at the University of Delaware Lerner Business School from 1989 to 2012. Courses taught included Real Estate Finance (FINC 417), Real Estate Development & Investment (FINC 467), and MBA Real Estate Finance (FINC 854). He earned a Bachelor’s Degree in Finance from the University of Delaware and is currently completing graduate work at Johns Hopkins University and collaborating with Charles J. Schilke, JD, CRE and Lindsay Thompson, Ph.D on Corporate Real Estate academic studies, Social Entrepreneurship, and Place-Making economic development strategies.
- Mr. Wilk is a Counselor of Real Estate (CRE) and has been a Member of the Appraisal Institute (MAI) since 1985. He is a Licensed Real Estate Broker and Certified General Appraiser in the State of Delaware. He has also qualified as an expert witness in numerous State and Federal court jurisdictions on a national level.
- Mr. Wilk has 35 years of real estate experience on commercial, industrial, residential, agricultural, governmental, and institutional real estate projects including having worked in 48 states in the U.S., Canada, Mexico, Europe, South America, the Caribbean, Asia, and the South Pacific.
- Fortune 500 clients served have included; Johnson & Johnson, Chevron, GE, Berkshire Hathaway, Agilent Technologies, MBNA America Bank, Hercules (Ashland), DuPont, Comcast, AT&T, Exelon Energy, Bristol Myers Squibb, PNC Financial, Bank of America, AstraZeneca, Sun Company, and J.P. Morgan Chase.
- Real estate consulting highlights from Mr. Wilk’s career include; Pebble Beach, Aspen Ski Resorts, 20th Century Fox Film Studios, Irvine Ranch, Madison Square Garden, Santa Anita Racetrack, Dover Downs, Elvis Presley Enterprises, Hyatt Regency & Four Seasons Resorts in Hawaii, Chevron’s Huntington Beach Company, Marriott’s Great America Theme Parks, Power Plant in Baltimore, Art Deco Hotels in South Beach, Pennsylvania Convention Center and Philadelphia Marriott Hotel, Comcast Cable Systems, Bikini Atoll in Micronesia (South Pacific) and Fort DeRussy in Waikiki, Hawaii.

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 26, 2013

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 26, 2013.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier III, S. Allen Pikus,
Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr.

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:00 p.m.

Board of Revision and Appeal Hearing

It was announced the Board of Revision and Appeal hearing was canceled because the two property tax appeals filed had been satisfied.

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests in attendance.

COMMUNICATIONS & CORRESPONDENCE

All items included in packet.

UNFINISHED BUSINESS

Approval of Revised Redner's Market Agreement
Approval of Redner's Market Escrow Agreement

Mr. Carmean advised there have been changes to the agreement since council originally approved the document. P.E. Randy Duplechain of Davis, Bowen and Friedel has been negotiating with Redner's on behalf of the city over the past month.

Mr. Rutt confirmed he has reviewed the agreement a couple different times. The first agreement is a Water Service Agreement that obligates Redner's to pay 50% or up to \$200,000 of the costs needed for a new well head and associated work.

The second agreement establishes an Escrow Account and appoints an Escrow Agent who is a law firm in Pennsylvania whom Solicitor Rutt corroborated is a very reputable firm. The process requires any bills be sent to the Escrow Agent who is responsible for making payment up to \$200,000.

The city manager thanked Mr. Duplechain for the time he spent overseeing this matter.

Mr. Rutt reported that the Conditional Use application for Redner's Market was reviewed by the Planning Commission last week. The commission recommended approval conditioned on council approving these two agreements.

Mr. Pikus moved to approve the revised Redner's Market Agreement as presented, seconded by Mr. Shupe. Motion carried with no one opposed.

Mr. Pikus then moved to approve the Redner's Market Escrow Agreement as presented, seconded by Mr. Shupe. Motion carried with no one opposed.

Adoption of Resolution 2013-14/Planning, Zoning & Engineering Fees-Revised

Mr. Carmean recalled when this was discussed by council at a previous workshop. He explained the changes will ensure the city no longer loses money on permitting, fees and inspections. He feels the revision makes clear the applicant is now responsible to pay any costs incurred by the city during the application process.

Most of the changes involve land use planning review fees and professional services.

The city manager confirmed that administrative fees are included and the applicant will be charged accordingly. The only change to any set fee is an increase in the application resubmission or rescheduling fee.

Mr. Pikus moved to adopt Resolution 2013-14, seconded by Mr. Starling:

SECTION 230-57 OF THE CITY OF MILFORD ZONING CODE PREVIOUSLY ESTABLISHED FEES;
ORDINANCE 2008-13 AUTHORIZES CITY COUNCIL, THROUGH RESOLUTION,
TO ESTABLISH ALL FUTURE PLANNING & ZONING FEES.

RESOLUTION 2013-14
PLANNING, ZONING AND ENGINEERING FEES

WHEREAS, the City of Milford Planning Department needs to comprehensively update its existing land development application fee schedule; and

WHEREAS, the City of Milford has a need to engage duly qualified engineers and related professionals; and

WHEREAS, the existing engineering fee schedule must be amended to allow the City Public Works Department to recoup the cost of professional services rendered for engineering reviews; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford, the Planning, Zoning and Engineering Fee Schedule is hereby revised as reflected in the Proposed Fee Schedule.

BE IT FURTHER RESOLVED that the revised fee schedule shall be effective on 08/26/2013.

- A. Planning and Zoning Fees:
 - 1. Site plan: \$700.
 - a. Amendments to a Site Plan: \$100
 - 2. Subdivision:
 - a. Minor residential: \$300 plus \$50 per unit
 - b. Minor commercial or industrial, less than four acres: \$500 plus \$100 per lot
 - c. Major residential: \$1,000 plus \$10 per unit
 - d. Major commercial or industrial, in excess of four acres: \$1,000 plus \$100 per lot
 - 3. Conditional Use: \$700
 - a. Amendment to a Conditional Use: \$700
 - 4. Variance/Board of Adjustment Hearing:
 - a. Residential: \$300.

- b. Commercial/industrial: \$1,000.
 - 5. Rezoning: \$1,000 plus \$100 per acre.
 - 6. Commercial maintenance agreement: \$500.
 - 7. Interpretations of Subdivision or Zoning Code: \$300.
 - 8. Application resubmission or rescheduling fee (required with each resubmission as a result of a revised design or a request for change in public hearing date): ~~\$100.~~ **\$200.**
 - 9. Annexation.
 - a. Residential, less than one acre: \$350
 - b. Residential, one acre to five acres: \$2,500
 - c. Residential, in excess of five acres: \$2,500 plus \$100 per acre
 - d. Commercial: \$2,500 plus \$500 per acre
 - 10. Zoning inspection.
 - a. Proposed use: \$200.
 - b. Violation of use: \$200 for first visit; \$500 for each subsequent visit.
- B. **Land Use Planning Review Fees: Owner/Applicant shall be responsible for any and all professional service costs associated with their project, if deemed necessary, plus an additional 10% to cover City administration. These costs will be billed as encumbered.**
- C. Engineering Review Fees:
 - ~~1. Preliminary Major Subdivision: \$500~~
 - ~~2. Final Major Subdivision \$1,500~~
 - ~~3. Final Minor Subdivision \$500~~
 - ~~4. Final Site Plan 0 to 5,000 square foot building \$250~~
 - ~~5. Final Site Plan, over 5,000 square foot building, add \$250 for each additional 5,000 square feet~~
 - ~~6. Sewage Pump Station \$1,500~~
 - ~~7. Revisions \$100/sheet per revision~~

Owner/Applicant shall be responsible for any and all professional service costs associated with their project, if deemed necessary, plus an additional 10% to cover City administration. These costs will be billed as encumbered.
- D. Project management and infrastructure inspection fee: ~~Four percent of any infrastructure improvement construction costs to include stormwater management, drainage, sanitary sewer and water systems, roads, curb, gutter and sidewalks, and other related systems shall be paid by the owner/developer.~~
Owner/Developer shall be responsible for any and all direct costs for construction phase services related to construction of any infrastructure improvements including but not limited to stormwater management, drainage, sanitary sewer and water systems, roads, curb, gutter and sidewalks and other systems that are to be dedicated to the City and/or impact the City's infrastructure.
- E. Any construction fees (i.e., grading, curbing, gutter, subbase, traveling surface, sidewalks, etc.) incurred by the City relative to the development of any property shall be paid by the owner/developer.
- F. Subdivision Agreement: \$2,500 per agreement.
- G. Alley or Street Closing Petition: \$300
- ~~N. Subdivision and Specifications Manual: \$30.~~
- ~~O. Zoning Code Manual: \$30.~~

Words stricken are deletions; words in red are additions.

Motion carried.

*Streetscapes Project/City De-Obligation/Account Clarification/CTF Fund/Food Bank & Carlisle Fire Company/
Transfer to General Fund Reserves*

Mr. Carmean recalled at the last meeting, council approved a swap-out of legislative funds with Senator Bonini for the Food Bank in the amount of \$100,000 and Representative Peterman, Representative Kenton and Senator Simpson for Carlisle Fire Company in the amount of \$11,000.

He reported that he failed to take care of a de-obligation. He recalled the old Streetscapes Project whose work was completed years ago and whose money has been sitting idle since that time. As a result, Mr. Portmann recommends the \$161,000 in the Streetscapes Account be transferred into the General Fund Reserves to cover the costs of the legislative swap-out as presented.

Mr. Carmean then reported that the general fund reserves will then be at approximately \$160,000 which will hopefully get us through the remainder of this fiscal year.

Mr. Brooks moved to de-obligate the Streetscapes Project funds and transfer those funds into the General Fund Reserve Account, seconded by Mr. Morrow. Motion carried with no one opposed.

NEW BUSINESS

Adoption of City of Milford Tax Warrant/FY 2013-2014

Mr. Carmean referenced the Assessment Values for FY 2013-2014 which have been posted as required. The following warrant directs the city manager to collect taxes as stated within the document.

The tax department did receive two appeals, but both were settled by our appraisers. Therefore, no hearing was needed this evening.

Mr. Pikus asked if we sent notices out informing property owners they could apply for the senior citizen tax waiver; Mr. Carmean believes that is the taxpayers' responsibility though the tax reduction is publicly posted.

Mr. Pikus asked the deadline for filing for the waiver; Ms. Hudson advised it is normally around the first week of June. The city manager confirmed that no one can apply for the waiver after the deadline. He said the same applies to appeals. Anyone wishing to argue their assessed value will now have to wait until next year.

Mr. Carmean said that with our new billing system, we should be able to provide this information to every customer.

Mr. Pikus moved to adopt the following Property Tax Warrant for Fiscal Year 2013-2014, seconded by Mr. Starling:

GREETINGS:

The Charter of the City of Milford provides the following:

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

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

Assessed Per Billing Register	\$1,004,317,982
Exemptions	[189,368,360.00]
TOTAL ASSESSED VALUE	\$814,949,622.00
	x .0046
ESTIMATED TAX PER PROPERTY VALUES	\$3,748,768.27
Senior Citizen Discount	[26,680.00]

TOTAL TAXABLE (Fiscal Year 2013-2014) \$3,722,088.00

Motion carried with Mr. Morrow abstaining for business-related reasons.

FY 2013 Budget Adjustment/PNC Expenses/Miscellaneous

Mr. Carmean noted that council approved several related invoices at the last meeting. Since that time, we have received some additional bills and expect more to come in. He recalled that council voted to spend \$300,000 on the renovations to the bank. Items include ADA accessibility changes, a rear door exit, etc.

He is requesting \$60,000 more out of electric reserves to cover the fees associated with professional service related to engineering, architectural and legal expenses.

Once that work is completed, the renovation will be bid out and additional money will be transferred to cover the costs of the work.

Mr. Brooks asked how much of the professional services have been completed; Mr. Carmean said the work was started. The billing staff is currently reviewing the plans and providing their input. After those changes are incorporated, he will present the plans to council to ensure they are acceptable. Once that is done, the construction project will be bid.

Mr. Brooks asked the estimated costs of getting the public works building back to its normal condition; Mr. Carmean explained he had the office built with temporary fixtures knowing the staff would eventually be moved out. The counters and other items were installed without any damage to the walls or flooring. Carpeting is the only item that will have to be replaced. As a result, the costs will be minimal.

Once the staff is out of that room, it will again be used as a meeting room. It will also be available for temporary housing in the case of a storm situation. Because the public works facility was built to be an emergency shelter, the city manager advised it contains a full commercial kitchen and room for bunks should our staff have to work round the clock during a catastrophic event.

The main purpose of the area that has housed the billing department the last few years is for gatherings. He recalled when Pop Warner used it as well as other community groups.

Mr. Pikus asked the cost of replacing the drive-in window equipment at the PNC facility. Mr. Carmean reported that PNC cut out the tubes with a hacksaw though the tubes were left at the site. The pneumatic tubes will have to be replaced and relocated and he is unsure what other work will be required.

The bank has a good camera system though that equipment was also removed. Mr. Carmean intends to add a camera system to make it as safe as possible. When Mr. Brooks suggested the cameras be viewed live at the police department, Mr. Carmean said he definitely agrees adding it will also be recorded.

Mr. Rutt explained there is an option for an ATM agreement though PNC has the right of first refusal should we decide to install one.

Mr. Carmean feels the purchase was a great deal for the city and will save more than \$1 million which was projected for the new building on the river.

His goal is to have this project completed and staff in by January 2014.

Mr. Pikus moved to transfer \$60,000 out of electric reserves, seconded by Mr. Brooks. Motion carried with no one opposed.

FY 2013 Budget Adjustment/Streets & Grounds/Beaver Tree Consulting Service/Bill Pike

The city manager reported that he decided to continue with the Porcelain Berry Project started a few years ago. The problem was brought to his attention by Councilman Starling who discovered the invasive species in the Penn Fountain Walkway area where the vines are strangling out trees and shrubs and invading the entire landscape. After checking around, it was discovered we have enough chemical on hand to cover approximately 50 acres. We plan to hire Beaver Tree Consulting Service and have Bill Pike and his brother, who specialize in the work, assist in applying the chemical for a two to three-week period a couple days a week.

The city manager spoke with a contractor who does this work for about \$500 an acre. Mr. Pike, who was the city's arborist for several years and his brother, will handle the spraying for about \$150 an acre.

He advised that one department felt it was another department's responsibility which is how this got out of control. Previously it fell under the jurisdiction of Parks and Recreation, but Mr. Carmean has since put it under the Public Works Director which he feels is appropriate.

Mr. Carmean reported this was not in the budget and asked that council approve a budget transfer of \$7,500 from electric reserves into the public works budget.

Mr. Pikus moved for approval of \$7,500 from Electric Reserves into the Public Works Budget, seconded by Mr. Grier. Motion carried with no one opposed.

Reappointment of Planning Commission Members

Terms of the following Planning Commissioners expire August 31, 2013:

Archie Campbell
Jason James
Kerri Fry

Planning Commission Chairman James Burk was present and advised that Jason James had submitted his resignation effective August 31, 2013 due to unrelated personal commitments. A replacement will be needed to fill that vacancy.

Mayor Rogers requested the reappointment of Mr. Campbell and Mr. Fry for a three-year term; Mr. Brooks moved for confirmation of the two appointments, seconded by Mr. Shupe. Motion carried with no one opposed.

Reappointment of Board of Adjustment Members

Mayor Rogers recommends that Brendon Warfel be reappointed to the Board of Adjustment. His term expires on August 31, 2013. Mr. Grier moved to confirm the appointment of Brendon Warfel to the Board of Adjustment for a period of three years, seconded by Mr. Morrow. Motion carried with no one opposed.

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

Mr. Pikus moved to go into Executive Session reference legal advice, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the Council Meeting at 7:30 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 7:55 p.m.

City Solicitor Rutt advised that no action is needed as a result of the discussion in Executive Session.

ADJOURN

With no further business, Mr. Brooks moved to adjourn the Council Meeting, seconded by Mr. Morrow. Motion carried. The Council Meeting adjourned at 7:56 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 26, 2013

The City Council of the City of Milford met in Workshop Session on Monday, August 26, 2013 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier III, S. Allen Pikus,
Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr.

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

COUNSEL: City Solicitor David Rutt, Esquire

The Workshop Session convened at 7:57 p.m.

Economic Development Committee Update/Councilman Grier

Mr. Grier reported the Economic Development Committee met on August 15th. In addition to himself, Committee Members Starling and Shupe attended along with Councilmen Pikus and Gleysteen. Two items were discussed.

David Wilk, who is National Chair of Corporate Real Estate and Advisory Services for Sperry Van Ness and Corporate Valuation Advisors, made a presentation to the committee and offered some ideas on projects he has worked on. Mr. Wilk has more than 35 years of real estate experience on commercial, industrial, residential, agricultural, governmental, and institutional real estate projects and has worked in forty-eight states as well as a number of other countries.

The committee asked Mr. Wilk several questions to determine his recommendations for Milford. After a lengthy discussion, Mr. Wilk was directed to the website to review the city's Economic Development Strategy and Action Plan created by John Rhodes in 2010.

Mr. Grier assured him that city council is pro economic development. Mr. Wilk stressed the importance of city council working together in addition to the community's support of the initiative. Once he has reviewed the strategy and action plan, Mr. Wilk was asked to return with some direction for the city.

The second item discussed was the future of the Economic Development Director position. The entire committee was in favor of continuing with the position and agreed the funding would be paid from the Wawa Economic Development fund.

Mr. Grier advised the meeting ended with a motion that the city manager fine tune the economic development director's job description and bring it back to council for a final review.

Mr. Brooks said that the committee's recommendation is what he believed was agreed at the time of the budget hearing. Mr. Grier concurred that is what the conversation entailed at the hearing as well.

Mr. Grier then asked the city manager to forward the revised job description to city council; Mr. Carmean recommended he first meet with the committee in order to get some input before it is presented to the full council.

With no further business, the Workshop Session concluded at 8:04 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder