

*MILFORD CITY COUNCIL*  
*MINUTES OF MEETING*  
*March 10, 2008*

The Regular Monthly Meeting of Milford City Council was held in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware on Monday, March 10, 2008.

PRESIDING:           Honorable Mayor Joseph R. Rogers

IN ATTENDANCE:    Councilpersons Irvin Ambrose, John Kramlich, John Workman, Clifford Crouch, Douglas Morrow, Owen Brooks, Jr., James Starling, Sr. and Katrina Wilson

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

COUNSEL:           City Solicitor Timothy Willard

Mayor Rogers called the meeting to order at 7:34 p.m. Following the Pledge of Allegiance, Councilman Starling gave the invocation.

*APPROVAL OF MINUTES*

Mr. Brooks moved for approval of the February 11 and 25, 2008 minutes as presented, seconded by Ms. Wilson. Motion carried.

*RECOGNITION*

*Presentation to Carlisle Fire Company*

Mayor Rogers presented a check to Carlisle Fire Company President Chuck Coverdale in the amount of \$150,000 and thanked the fire company for their dedication and untiring service to the community.

*Presentation to Retired Police Captain Christian Plack*

Mayor Rogers presented Retired Captain Plack with a gold watch in honor of 27 years of service to Milford Police Department. The mayor provided some highlights of his career and wished him continued success with his new position as a State of Delaware Magistrate.

Captain Plack thanked council for the gift and friendships over the years, as well as Chief Hudson for formally honoring him this past July.

Captain Plack's wife Debbie was also present.

*Introduction of Milford Police Recruits Robert Costlow & Jay Davidson*

Chief Hudson introduced Milford's newest police recruits who graduated from the Delaware Police Training Academy on February 8, 2008. They have since completed their administrative duty phase of their training and are now assigned to the road under the supervision of a training officer.

*MONTHLY POLICE REPORT*

Mr. Morrow moved for acceptance of the monthly police report submitted by Chief Hudson, seconded by Mr. Brooks. Motion carried.

*CITY MANAGER'S REPORT*

Mr. Carmean submitted the following report for March:

#### *ADMINISTRATION*

*Work continues on City Hall. As I expected, there has been a need for change orders as we progress with the project.*

*Fortunately, most are minor and will not significantly increase the overall costs. Our construction manager remains confident we are on schedule for completion in late April.*

*We have ordered another drop box for City Hall. The one we have moved to our present location will remain here.*

*Councilperson Brooks questioned the status of budget billing for our customers that council has discussed on several occasions. I have asked Business Office Manager Denise Barnes to begin work with our software providers to get this program in place. This idea has been on hold for sometime because of the instability in our electric rates. Since it now appears we have a power purchase contract for several years, which will result in more stable rates, it should be possible to initiate that program.*

#### *SEWER AND WATER*

*Assistant City Manager David Baird is meeting with one of our largest users of water to discuss a water conservation capital improvement project they are considering. The city supports any effort of conservation.*

*Mr. Baird is also working with Beth Durham of Downtown Milford on the Northeast Front Street sewer upgrades. Ms. Durham is coordinating with the city to assure our utility projects in the downtown area blend with any Streetscapes plan.*

#### *STREETS AND SOLID WASTE*

*As I reported last month, our crews are working on preventive maintenance projects such as pot holes and cracking road surfaces. This work will be continuing into the spring.*

*City Engineer Mark Mallamo is overseeing the Lakeview Avenue storm water collection system project and in particular, the area in front of L.D. Caulk Company. There has been a significant indentation in that roadway for the last few years, but several attempts to fix the surface have unfortunately failed. We will actually repair the large transmission pipe that is leaking and settling beneath the road itself. This needs to be completed prior to DELDOT beginning their work on Lakeview Avenue.*

The city manager reported that council is still expected to be back in city hall for the May meeting.

Mr. Carmean then explained the utility budget billing process which was put on hold for longer than expected because of fluctuating electric rates. A solid history of the past 12-months is required to implement the program in order to calculate the next year's payments. Budget billing allows a customer to pay their bill in equal monthly installments. Traditional month-to-month bills can vary greatly from season to season; budget billing allows a customer to make the same monthly payment year round. The concern was the once-a-year reconciliation bill at the end of the year. He said the stability of rates with the new contract has allowed this to be considered again. The goal is to have this optional program in place by fall or in early 2009.

The billing department is still working on a system which would divide customers into four billing periods and allow varied due dates. This would lessen the once a month chaos created on due date and allow the work to be spread out throughout the month. The downside would be the first billing period could be more or less than a normal monthly bill, but from that point on, the bills should cover the normal 30-31 day period.

Public notices will be provided informing customers of this change.

#### *COMMITTEE REPORTS*

Ms. Wilson recently attended a Delaware League Meeting where competition in the telemedia market was discussed. She hopes Milford will welcome the other companies now providing internet, telephone and cable including Verizon in order to keep consumer prices at a more reasonable rate.

The city manager believes our contract with Comcast is long term, but agrees we have a noncompetitive agreement so other companies can be considered.

Mayor Rogers reported that Mr. Workman, Assistant City Manager Baird and he attended the Scat Steering Committee on Friday.

Mr. Kramlich attended the last planning commission meeting and reported that eight of the nine commissioners were in attendance.

### *COMMUNICATIONS*

Mayor Rogers made the following announcements:

Milford Senior Center is celebrating its 35<sup>th</sup> Anniversary Gala on Saturday, March 15<sup>th</sup>. The city is purchasing tickets; please follow-up with Ms. Hudson if you plan to attend.

Delaware Hospice is holding an Open House at their new facility in Independence Commons on Saturday, March 15<sup>th</sup> from 10 to 1 p.m.

The Annual Mayor's Prayer Breakfast will be held Saturday, March 29<sup>th</sup> at the Milford Senior Center. Tickets are now available. Council members who wish to attend should contact Ms. Hudson.

### *UNFINISHED BUSINESS*

Randy Duplechain of Davis, Bowen and Friedel, Incorporated was present on behalf of the applications. Mr. Duplechain informed council the Plan of Services has been accepted by State Planning. A copy was included in the packet.

Ms. Wilson moved for adoption of the following ordinance, seconded by Mr. Crouch.

*Land of Silicato-Wood Partnership, LLC (Dennis E. Silicato Acting on Behalf of Owner of Record)*

#### *Adoption of Zoning Ordinance*

Ordinance 2008-4

Annexation/Land of: Silicato-Wood Partnership, LLC  
(Dennis E. Silicato Acting on Behalf of Owner of Record)  
Tax Map No. MD-00-174.00-02-50.01-000

An Ordinance to Amend the Zoning Designation of that certain tract of land, situate and being in Milford Hundred, Kent County, and the State of Delaware, comprising some 2.236 acres, more or less, said property and land now or formally of Silicato-Wood Partnership, LLC, to be annexed into the City of Milford by resolution adopted by the City Council of Milford, Delaware.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the owners thereof have petitioned the City Council to annex the same into the City of Milford, and  
WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed to and become part of the City of Milford and a zoning classification is required, and  
WHEREAS, the land owned by Silicato-Wood Partnership, LLC, to be annexed, Tax Map No. MD-00-174.00-02-50.01-

000 is currently zoned by Kent County as "RS-1" Single Family Residential, and

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

WHEREAS, after a Public Hearing held on February 25, 2008, and after considering the previous recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. That the following described land situated in Kent County, Delaware:

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southwesterly side of State Route 1, and being located in the Milford Hundred, Kent County, Delaware, as shown on a plot entitled "Lot Line Adjustment of the Lands of State of Delaware Parcel 4", said piece or parcel of land being more particularly described as follows: BEGINNING at an iron rod and cap set at a point formed by the intersection of the southwesterly right-of-way line of State Route 1, 300 feet wide, with the southeasterly line of lands of, now or formerly, Dennis E. & Carolyn E. Silicato, as recorded in the Office of Recorder of Deeds, Deed Book N-38, Page 259,

1) Thence, leaving said Silicato lands and coincident with said right-of-way line of State Route 1, South 49 degrees 50 minutes 54 seconds East 367.13 feet to an iron rod and cap set at a point along the northerly boundary line of lands, now or formerly, State of Delaware, as recorded in said Office of the Recorder of Deeds in Deed Book H-26, Page 152,

2) Thence, leaving said right-of-way line of State Route 1 and coincident with said new property line of State of Delaware lands, South 40 degrees 09 minutes 06 seconds West 533.62 feet to a concrete monument found along the southerly boundary line of lands, now or formerly, Dennis E. & Carolyn E. Silicato, as recorded in the Office of Recorder of Deeds, Deed Book N-38, Page 259,

3) Thence, coincident with said Silicato lands, the following 2 courses and distances, North 05 degrees 52 minutes 31 seconds East 386.56 feet to a concrete monument found,

4) Thence, North 05 degrees 15 minutes 02 seconds East 261.17 feet to the point and place of beginning, containing 2.236 acres of land, more or less, shall be, upon final approval of its annexation into the City of Milford, classified under the Zoning Ordinance of the City of Milford and zoned Highway Commercial (C-3).

Date Adopted: March 10, 2008

Motion carried.

*Adoption of Resolution/Final Annexation*

Mr. Crouch moved for adoption of the following resolution, seconded by Mr. Workman:

Annexation/Land of: Silicato-Wood Partnership, LLC (Dennis E. Silicato Acting on Behalf of Owner of Record)

Tax Map No. MD-00-174.00-02-50.01-000

Requested Zoning: C-3

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

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southwesterly side of State Route 1, and being located in the Milford Hundred, Kent County, Delaware, as shown on a plot entitled "Lot Line Adjustment of the Lands of State of Delaware Parcel 4", said piece or parcel of land being more particularly described as follows: BEGINNING at an iron rod and cap set at a point formed by the intersection of the southwesterly right-of-way line of State Route 1, 300 feet wide, with the southeasterly line of lands of, now or formerly, Dennis E. & Carolyn E. Silicato, as recorded in the Office of Recorder of Deeds, Deed Book N-38, Page 259,

1) Thence, leaving said Silicato lands and coincident with said right-of-way line of State Route 1, South 49 degrees 50 minutes 54 seconds East 367.13 feet to an iron rod and cap set at a point along the northerly boundary line of lands, now

or formerly, State of Delaware, as recorded in said Office of the Recorder of Deeds in Deed Book H-26, Page 152,  
2) Thence, leaving said right-of-way line of State Route 1 and coincident with said new property line of State of Delaware lands, South 40 degrees 09 minutes 06 seconds West 533.62 feet to a concrete monument found along the southerly boundary line of lands, now or formerly, Dennis E. & Carolyn E. Silicato, as recorded in the Office of Recorder of Deeds, Deed Book N-38, Page 259,  
3) Thence, coincident with said Silicato lands, the following 2 courses and distances, North 05 degrees 52 minutes 31seconds East 386.56 feet to a concrete monument found,  
4) Thence, North 05 degrees 15 minutes 02 seconds East 261.17 feet to the point and place of beginning, consisting of 2.236 +/- acres of land,

and having considered the recommendation of the Committee appointed to investigate said annexation; having held a Public Hearing on February 25, 2008 on said annexation; having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code and whether or not to proceed with the proposed annexation; having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code; the City of Milford, hereby determines as follows:

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

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on March 10, 2008, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Motion carried.

*Land of: State of Delaware (Department of Transportation Planning Director Ralph Reeb Acting on Behalf of Owner of Record)*

#### *Adoption of Zoning Ordinance*

Ms. Wilson moved for adoption of the following ordinance, seconded by Mr. Starling:

Ordinance 2008-5

Annexation/Land of: State of Delaware/

Department of Transportation Planning Director Ralph Reeb Acting on Behalf of Owner of Record

Tax Map No. MD-00-174.00-02-50.00-000

An Ordinance to Amend the Zoning Designation of that certain tract of land, situate and being in Milford Hundred, Kent County and the State of Delaware, comprising some 10.313 acres, more or less, said property and land now or formally of the State of Delaware, to be annexed into the City of Milford by resolution adopted by the City Council of Milford, Delaware.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the State of Delaware Department of Transportation has stated in a letter dated August 24, 2007 signed by Ralph Reeb, Planning Director, there is no objection to the annexation of same into the City of Milford, and

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

WHEREAS, the land owned by the State of Delaware, to be annexed, Tax Map No. MD-00-174.00-02-50.00-000 is currently zoned by Kent County as "RS-1" Single Family Residential, and

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

recommendation to City Council, and

WHEREAS, after a Public Hearing held on February 25, 2008, and after considering the previous recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. That the following described land situated in Kent County, Delaware:

ALL that piece of parcel of land, hereinafter described, situate, lying and being on the northwesterly side of North Front Street and being located in Milford Hundred, Kent County, Delaware, as shown on a plat entitled "Annexation Survey of the lands of N.K.S. Distributors, Inc. & State of Delaware", as recorded in the Kent County Office of the Recorder of Deeds; said piece or parcel being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northwesterly right-of-way line of North Front Street, width varies, with the southwesterly right-of-way line of State Route 1, 300 feet wide,

1) Thence, leaving said State Route 1 and coincident with said right-of-way line of North Front Street, South 34 degrees 35 minutes 05 seconds West 222.95 feet to a point along the northeasterly line of lands, now or formerly, N.K.S. Distributors, Inc., as recorded in the said Office of the Recorder of Deeds, Deed Book H-26, Page 152,

2) Thence, leaving said right-of-way line of North Front Street and coincident with said N.K.S., North 64 degrees 29 minutes 37 seconds West 1235.69 feet to a concrete monument found at a point on the southeasterly line of other lands, now or formerly, State of Delaware, as recorded in said Office of the Recorder of Deeds in Deed Book H-26-152,

3) Thence, leaving said N.K.S. lands and coincident with said other State of Delaware lands, North 40 degrees 09 minutes 06 seconds East 533.62 feet to an iron rod and cap set at a point on the southwesterly right-of-way line of said State Route 1, 4) Thence, leaving said other State of Delaware lands and coincident with said right-of-way of State Route 1, South 49 degrees 52 minutes 58 seconds East 1173.91 feet to the point and place of beginning, containing 10.313 acres of land, more or less, shall be, upon final approval of its annexation into the City of Milford, classified under the Zoning Ordinance of the City of Milford and zoned Highway Commercial (C-3).

Motion carried.

*Adoption of Resolution/Final Annexation*

Ms. Wilson moved for adoption of the following resolution, seconded by Mr. Crouch:

Annexation/Land of: State of Delaware

Department of Transportation Planning Director Ralph Reeb Acting on Behalf of Owner of Record)

Tax Map No. MD-00-174.00-02-50.00-000

Requested Zoning: C-3

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

ALL that piece of parcel of land, hereinafter described, situate, lying and being on the northwesterly side of North Front Street and being located in Milford Hundred, Kent County, Delaware, as shown on a plat entitled "Annexation Survey of the lands of N.K.S. Distributors, Inc. & State of Delaware", as recorded in the Kent County Office of the Recorder of Deeds; said piece or parcel being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northwesterly right-of-way line of North Front Street, width varies, with the southwesterly right-of-way line of State Route 1, 300 feet wide,

1) Thence, leaving said State Route 1 and coincident with said right-of-way line of North Front Street, South 34 degrees 35 minutes 05 seconds West 222.95 feet to a point along the northeasterly line of lands, now or formerly, N.K.S. Distributors, Inc., as recorded in the said Office of the Recorder of Deeds, Deed Book H-26, Page 152,

2) Thence, leaving said right-of-way line of North Front Street and coincident with said N.K.S., North 64 degrees 29 minutes 37 seconds West 1235.69 feet to a concrete monument found at a point on the southeasterly line of other lands, now or formerly, State of Delaware, as recorded in said Office of the Recorder of Deeds in Deed Book H-26-152,

3) Thence, leaving said N.K.S. lands and coincident with said other State of Delaware lands, North 40 degrees 09 minutes 06 seconds East 533.62 feet to an iron rod and cap set at a point on the southwesterly right-of-way line of said State Route 1,

4) Thence, leaving said other State of Delaware lands and coincident with said right-of-way of State Route 1, South 49 degrees 52 minutes 58 seconds East 1173.91 feet to the point and place of beginning, consisting of 10.313 +/- acres of land,

and having considered the recommendation of the Committee appointed to investigate said annexation; having held a Public Hearing on February 25, 2008 on said annexation; having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code and whether or not to proceed with the proposed annexation; having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code; the City of Milford, hereby determines as follows:

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

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on March 10, 2008, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Motion carried.

*Land of: NKS Distributors, Incorporated (Christopher Tigani Acting on Behalf of Owner of Record)*

*Adoption of Zoning Ordinance*

Mr. Morrow moved for adoption of the following ordinance, seconded by Ms. Wilson:

Ordinance 2008-6

Annexation/Land of: NKS Distributors, Incorporated  
(Christopher Tigani Acting on Behalf of Owner of Record)  
Tax Map No. MD-00-174.00-02-57.01-000

An Ordinance to Amend the Zoning Designation of that certain tract of land, situate and being in Milford Hundred, Kent County, and the State of Delaware, comprising some 2.902 acres, more or less, said property and land now or formally of the State of Delaware, to be annexed into the City of Milford by resolution adopted by the City Council of Milford, Delaware.

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

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

WHEREAS, the land owned by the State of Delaware, to be annexed, Tax Map No. MD-00-174.00-02-57.01-000 is currently zoned by Kent County as "RS-1" Single Family Residential, and

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

WHEREAS, after a Public Hearing held on February 25, 2008, and after considering the previous recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. That the following described land situated in Kent County, Delaware:

ALL that piece of parcel of land, hereinafter described, situate, lying and being on the northwesterly side of North Front Street and being located in Milford Hundred, Kent County, Delaware, as shown on a plat entitled "Boundary Survey of the lands of N.K.S. Distributors, Inc.", as recorded in the Kent County Office of the Recorder of Deeds; said piece or parcel being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northwesterly right-of-way line of North Front Street, width varies, with the southwesterly line of lands of, now or formerly, State of Delaware, as recorded in said Office of the Recorder of Deeds in Deed Book H-26, Page 152,

1) Thence, leaving said State of Delaware lands and coincident with said right-of-way line of North Front Street, the following 2 courses and distances, South 34 degrees 07 minutes 50 seconds West 103.37 feet to a point,

2) Thence, South 32 degrees 40 minutes 52 seconds West 3.63 feet to a point on the northeasterly line of lands of, now or formerly, Lynn A. & Karen Kimmel McColley, as recorded in said Office of the Recorder of Deeds in Deed Book D-631, Page 171,

3) Thence, leaving said right-of-way line of North Front Street and coincident with said McColley lands, North 64 degrees 23 minutes 27 seconds West 1178.51 feet to an iron rod and cap set at a point on the easterly line of other lands of, now or formerly, Lynn A. & Karen Kimmel McColley, Trustees, as recorded in said Office of the Recorder of Deeds in Deed Book D-483, Page 55,

4) Thence, leaving said McColley lands and coincident with said other McColley lands, North 03 degrees 49 minutes 24 seconds East 111.58 feet to a concrete monument found at a point on the southwesterly line of said State of Delaware lands,

5) Thence, leaving said other McColley lands and coincident with said State of Delaware lands, South 64 degrees 29 minutes 37 seconds East 1235.69 feet to the point and place of beginning, containing 2.902 acres of land, more or less, shall be, upon final approval of its annexation into the City of Milford, classified under the Zoning Ordinance of the City of Milford and zoned Highway Commercial (C-3).

Motion carried.

*Adoption of Resolution/Final Annexation*

Mr. Crouch moved for adoption of the following resolution, seconded by Mr. Morrow:

Annexation/Land of: NKS Distributors, Incorporated  
(Christopher Tigani Acting on Behalf of Owner of Record)  
Tax Map No. MD-00-174.00-02-57.01-000  
Requested Zoning: C-3

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

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1) Thence, leaving said State of Delaware lands and coincident with said right-of-way line of North Front Street, the following 2 courses and distances, South 34 degrees 07 minutes 50 seconds West 103.37 feet to a point,

2) Thence, South 32 degrees 40 minutes 52 seconds West 3.63 feet to a point on the northeasterly line of lands of, now or formerly, Lynn A. & Karen Kimmel McColley, as recorded in said Office of the Recorder of Deeds in Deed Book D-



631, Page 171,

3) Thence, leaving said right-of-way line of North Front Street and coincident with said McColley lands, North 64 degrees 23 minutes 27 seconds West 1178.51 feet to an iron rod and cap set at a point on the easterly line of other lands of, now or formerly, Lynn A. & Karen Kimmel McColley, Trustees, as recorded in said Office of the Recorder of Deeds in Deed Book D-483, Page 55,

4) Thence, leaving said McColley lands and coincident with said other McColley lands, North 03 degrees 49 minutes 24 seconds East 111.58 feet to a concrete monument found at a point on the southwesterly line of said State of Delaware lands,

5) Thence, leaving said other McColley lands and coincident with said State of Delaware lands, South 64 degrees 29 minutes 37 seconds East 1235.69 feet to the point and place of beginning, consisting of 2.902 +/- acres of land,

and having considered the recommendation of the Committee appointed to investigate said annexation; having held a Public Hearing on February 25, 2008 on said annexation; having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code and whether or not to proceed with the proposed annexation; having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code; the City of Milford, hereby determines as follows:

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

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on March 10, 2008, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Motion carried.

#### *NEW BUSINESS*

##### *Transfer of Lease of Milford Kiwanis Building to Milford Community Band*

Mr. Workman confirmed the agreement will allow the Community Band to take over the remainder of the time as noted in the lease agreement with the Kiwanis Club.

A clarification was requested regarding the statement in the letter which said Milford Community Band would be taking over the ownership. Mr. Carmean advised the lease covers the land which is owned by the city; but the building belongs to the Kiwanis Club. The land will be leased from the city and the Kiwanis Club donated the building to Milford Community Band.

Mr. Willard explained a copy of the Agreement of Lease between the City and the Kiwanis Club was included in the packet. The intent is to change the Kiwanis Club to Milford Community Band which would be executed under the exact terms. Because the Kiwanis Club has an interest because they hold the existing lease, the lease would be assigned to Milford Community Band with the Kiwanis Club consenting. The solicitor's recommendation is to do this through an Assignment of Lease.

Mr. Morrow made a motion to approve the transfer of the land lease from the Kiwanis Club to Milford Community Band with the appropriate paperwork prepared by the city solicitor, seconded by Ms. Wilson. Motion carried by unanimous roll call vote.

##### *Introduction of Ordinance 2008-3/Electric Tariff Amendment/Medical Priority Regulations*

*PUBLIC NOTICE*  
*CITY OF MILFORD ORDINANCE NO. 2008-3*  
*Amendment to Chapter 119/Electric Tariff*

*Notice is hereby given an amendment to the City of Milford Code will be presented to Milford City Council at their Monthly Meeting at Delaware Rural Water Association 210 Vickers Drive, Milford, Delaware on Monday, March 10, 2008 beginning at 7:30 p.m.*

*ORDINANCE 2008-3*

The ordinance was introduced for council review and comments:

*Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 119, thereof, entitled Electrical Standards, for the Purpose of Establishing Regulations for Medical Priority Customers.*

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

*Section 2.*

*Chapter 119, Section 15, City's Right to Discontinue Service, Subsection B, is hereby amended read as follows:*

*§119-15 B. Service Disconnection During the Heating Season*

*Heating Season is defined as that portion of the calendar year extending from November 15th to March 31st. A Dwelling Unit is defined as one or more rooms arranged for the use of one or more individuals as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities. No Dwelling Unit shall have service disconnected if the temperature is 32 degrees Fahrenheit or less at 10:00 A.M. on the day service is to be terminated. Service may be terminated, when in the sole judgment of the City, an emergency situation exists which requires the termination of service. During the heating season no service shall be disconnected for nonpayment of past charges without a minimum of seventy-two (72) hour notice being given to the occupant of intention to so terminate electric service. In no event shall such termination occur between 12:00 Noon on any Friday and 10:00 A.M. on the succeeding Monday. Should Friday be a legal City holiday, the last preceding business day shall be substituted for Friday. Should Monday be a City holiday, the next succeeding business day shall be substituted for Monday. (DELETE No service shall be disconnected if any occupant of a Dwelling Unit shall be so ill that termination of service shall adversely affect his health or recovery, which has been certified by a statement from a licensed physician and received by any employee of the City empowered to collect bills. During the heating season notification to a landlord of intention to discontinue service for nonpayment of past charges by a tenant shall be mailed on the same day that notification is given to tenant.)*

*Section 3.*

*Chapter 119, Section 15, City's Right to Discontinue Service, Subsection B, is hereby amended by adding a new subparagraph to read as follows:*

*§119-15 B (1). Medical Priority Policy*

*The City shall have a policy relating to customers with a medical priority status. The policy shall address the qualifications, terms and conditions of the medical priority program and the responsibilities of the City and the Customer. This policy shall be an administrative policy and may be amended by the City Manager.*

*Section 4.*

*Dates.*

*Introduction Date: March 10, 2008*

*Adoption Date: March 24, 2008*

*Effective Date: April 3, 2008*

*A complete copy of the Code of the City of Milford is available by request at the City of Milford Ronnie Vickers Public Works Facility, 180 Vickers Drive, Milford, Delaware, 19963 or by accessing the website [cityofmilford.com](http://cityofmilford.com).*

*CITY OF MILFORD  
MEDICAL PRIORITY STATUS TERMS AND PROCEDURES*

- 1. Customers of the City of Milford Electric System with a statement from their doctor indicating electric service is required to maintain medical equipment in the home that is critical to the life, health and well being of the customer. This statement will need to be provided on an annual basis and shall provide the minimum power requirements for all critical medical equipment.*
- 2. Upon receiving a statement from their doctor, eligible customers will need to come to City Hall to speak with the Billing department so the billing department can explain the medical priority program to them. (Current medical priority participants will need to come into City Hall to address 2 & 3)*
- 3. The customer will need to sign a statement acknowledging the program has been explained to them and they understand the terms of the program. A copy of the terms of the program will be provided to the customer.*
- 4. It is the responsibility of the customer enrolled in the medical priority program to remain current on all electric charges.*
- 5. If the account becomes delinquent, at the 30-day past due point and again at the 60-day past due point, customers enrolled in the program will be provided with a list of social service/community agencies that they can contact regarding eligibility for assistance with their utility bills.*
- 6. Customers enrolled in the program that have past due amounts in excess of 30 days shall have a load limiting device installed on their service. The load limiting device will be installed for no more than 60 days. At the time the load limiting device is installed, the customer will be informed of the installation and the 60-day limitation.*
- 7. The load limiting device will be removed and full service restored upon payment of the entire balance of the electric bill.*
- 8. The load limiting device will be removed at the expiration of the 60-day period and service disconnected if full payment of the utility bill has not been received by the City. The City will provide notification of the expiration of the 60 day period and pending disconnect by posting the property via hand delivered notice, door tag, or other similar form of notification seven business days prior to the removal of the load limiting device and disconnection of the service.*
- 9. The medical priority program only covers disconnection of service for nonpayment and does not provide coverage from outages associated with acts of God or nature or the normal course of operation and maintenance of the electrical system.*
- 10. Please be advised, in the event of power failure, the City of Milford Electric Department will make it a priority to restore power to those with a Medical Priority status first. However, it is ultimately the customer's responsibility to have a back-up plan, such as an alternative power source (generator), or a safe place to go in the event of a major disaster or event that can cause power to fail for long periods of time. If this happens, please call 911 to arrange transportation of the nearest hospital where proper care can be administered.*

*I acknowledge that the above Medical Priority Terms and Procedures have been explained in detail to me by a representative of the City of Milford.*

*Signature*

Mr. Carmean said this ordinance resolves a long-standing conflict by establishing a procedure for dealing with delinquent electric customers who have special medical needs. If switching off power in a home puts a person's life in danger by shutting off their medical equipment, the city's current policy is not to disconnect though they have not paid their bills. As a result, there are many customers in this situation that have taken advantage by refusing to pay their bill. It has gotten to the point it is costing the city thousands of dollars. He is hoping this ordinance will provide some guidance and address

some of these cases.

He estimated that over the last few years, the city has lost between \$45,000 and \$50,000 to customers who obtain medical exemptions and then stop paying their electric bills.

The new regulations give the city clearly defined steps to follow when dealing with delinquent customers who depend on medical equipment. The law would allow the city to install load limiters to restrict the amount of power a home can use, and the ability to disconnect the account completely after 60 days of nonpayment.

Ms. Wilson, who works for a medical facility, agrees this is a problem. In her office, one letter is issued per year. The letter states that the patient has a medical problem and uses a particular piece of medical equipment, but does not state they do not have to pay their electric bill. She explained the purpose is only to notify the electric company that the patient has a medical condition and needs the medical equipment; the letter also states that her company is not responsible for any bill. The patient is directed to turn the letter in, not for the purpose of taking care of a delinquent bill, but to alert the electric company in case of a power outage. This puts them on a priority list in the case of an outage. Ms. Wilson agrees that people abuse this.

Ms. Wilson noted there are similar situations with the phone company. The phone company provides enough service to allow calling out only. They find many people trying to abuse that policy as well.

Mr. Carmean said that renters are another problem because it is even more difficult for the city to recoup money from a renter. If it involves a property owner, a lien can always be put against the property.

Mr. Willard agrees the ordinance is a good tool. He has discussed some of these delinquent accounts with city staff and recalled one account was up to \$6,000. He recommends the ordinance which will clarify the city's procedure so that everyone involved will understand how it works.

The ordinance is scheduled for adoption at the March 24<sup>th</sup> council meeting

*Lease Agreement-Salvation Army, City of Milford and Milford Museum*

Mr. Ambrose advised that Milford Landmarks and Museums Commission Chairman Dave Kenton suggested murals be painted on the six panels of the outside wall of the Salvation Army on the Southeast Front Street side of their building.

Mr. Kenton discussed this with the Salvation Army and who, in turn, asked the city sign a license agreement which stating the city will oversee and maintain the mural project.

According to Mr. Ambrose, it was agreed the city would in no way be financially responsible for any part of this project. Mr. Kenton felt the project could be funded through donations by way of the museum.

After speaking with the city solicitor and Mr. Kenton, it was decided the city will sign the agreement, but assign the responsibility to the Milford Landmarks and Museums Commission. The Salvation Army has already sent a signed copy.

Mr. Willard advised that after he spoke with Mr. Ambrose about this issue, he prepared a document which assigns all the rights, title obligation, liabilities and interests in this license agreement to the City of Milford Landmarks and Museums Commission.

The commission gave Mr. Kenton permission to sign on their behalf.

Mr. Ambrose explained the murals will be shipyard and related neighborhood scenes during the 19<sup>th</sup> century. Anyone with any other ideas should contact Mr. Kenton.

Ms. Wilson asked that all people be represented and asked that these murals reflect all people particularly if the city is