

# City of Milford



## CITY COUNCIL AGENDA

October 12, 2015 - 6:00 P.M.

Joseph Ronnie Rogers Council Chambers

Milford City Hall

201 South Walnut Street

Milford, Delaware

### SPECIAL COUNCIL MEETING

Call to Order

Motion-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*

Update-Vacant Executive Positions

Personnel Position

Position Change

Organization Charts

Industrial Boulevard Intersection Striping\*

Adjourn

### COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Proclamation 2015-20 Extra Mile Day

Proclamation 2015-22 Red Ribbon Week

Proclamation 2015-23 Diabetes Awareness Month

Monthly Police Report

City Manager Report

Committee & Ward Reports

Economic Development Committee Report

Communications & Correspondence

Unfinished Business

New Business

DEMEC/Municipal Electric Utilities Renewable Portfolio Compliance Report

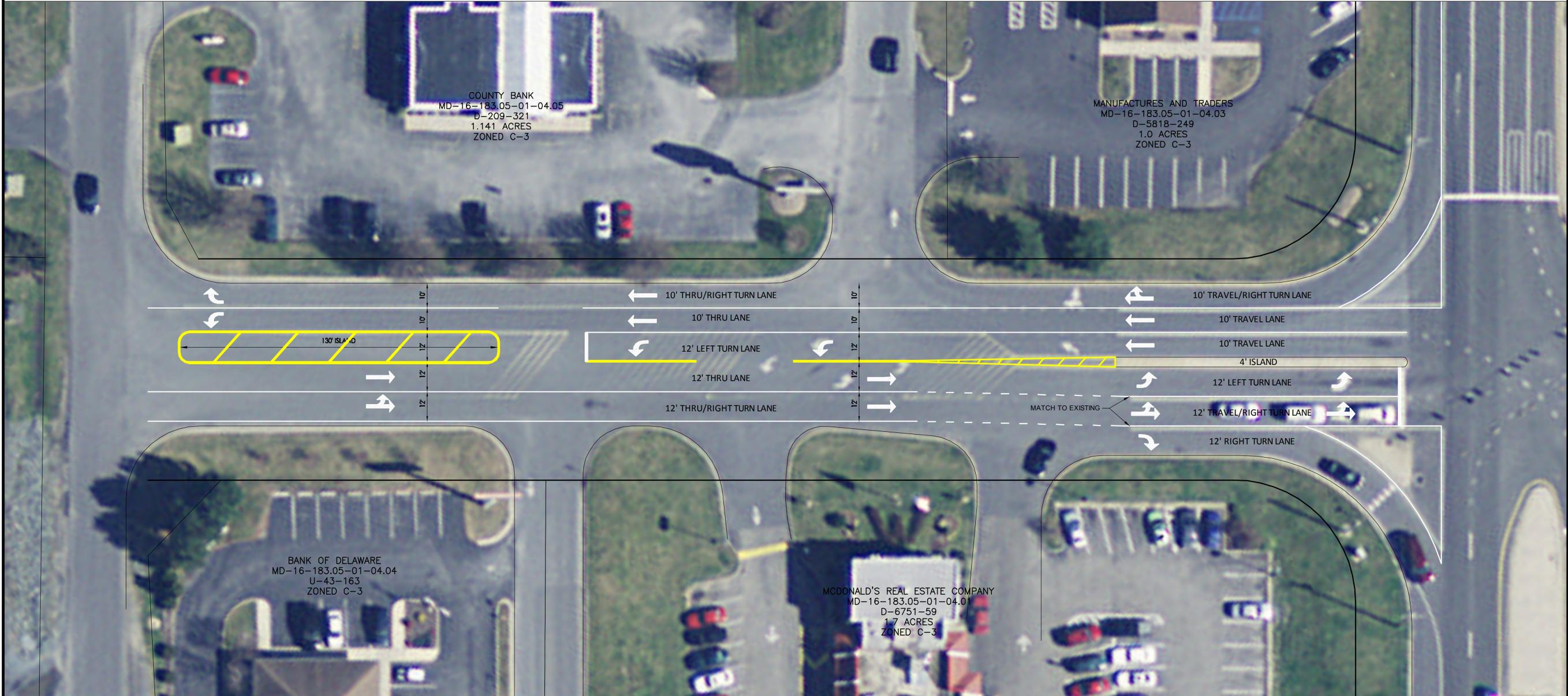
Monthly Finance Report

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.

070715 081415 72215 092415 092815 093015 \*100815 Late Info Received

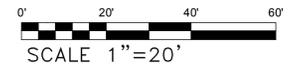


COUNTY BANK  
 MD-16-183.05-01-04.05  
 D-209-321  
 1.141 ACRES  
 ZONED C-3

MANUFACTURES AND TRADERS  
 MD-16-183.05-01-04.03  
 D-5818-249  
 1.0 ACRES  
 ZONED C-3

BANK OF DELAWARE  
 MD-16-183.05-01-04.04  
 U-43-163  
 ZONED C-3

MCDONALD'S REAL ESTATE COMPANY  
 MD-16-183.05-01-04.01  
 D-6751-59  
 1.7 ACRES  
 ZONED C-3



**INDUSTRIAL PARK ENTRANCE**  
**CITY OF MILFORD**  
**KENT COUNTY, DELAWARE**

Date:	OCTOBER 2015
Scale:	1" = 20'
Dwn.By:	JMJ
Proj.No.:	052A019
Dwg.No.:	

# City of Milford



## PROCLAMATION 2015-20 EXTRA MILE DAY

WHEREAS, Milford, Delaware is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Milford, Delaware is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Milford, Delaware is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Milford, Delaware acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2015.

NOW THEREFORE, I, Bryan W. Shupe, Mayor of Milford, Delaware do hereby proclaim November 1, 2015 to be

### **Extra Mile Day** in the City of Milford.

I further urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 12<sup>th</sup> day of October 2015.

Mayor Bryan Shupe

Attest:

City Clerk

# City of Milford



## PROCLAMATION 2015-22

### RED RIBBON WEEK

**WHEREAS,** cities across America have been plagued by the numerous problems associated with alcohol, tobacco, and other drug use; and

**WHEREAS,** there is hope in winning the War on Drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

**WHEREAS,** governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

**WHEREAS,** the red ribbon was chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent, who was murdered in the line of duty and has come to represent the belief that one person can make a difference; and

**WHEREAS,** the Red Ribbon Campaign was established by Congress in 1988 to promote this belief and encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and;

**WHEREAS,** October 23-31, 2015 has been designated National Red Ribbon Week to encourage Americans to wear a red ribbon to show their support for a drug-free environment.

**NOW, THEREFORE, BE IT RESOLVED THAT I, BRYAN W. SHUPE, MAYOR OF THE CITY OF MILFORD,** do hereby proclaim October 23-31, 2015 as Red Ribbon Week in the City of Milford, in honor of the Seaford Young Marines and encourage all citizens, businesses, public and private agencies, media, religious and educational institutions to wear and display red ribbons and participate in drug-free activities throughout that week, joining other Sussex County communities in promoting the Red Ribbon Celebration and a drug-free America.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 12<sup>th</sup> day of October in the Year of our Lord Two Thousand and Fifteen.

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Mayor Bryan W. Shupe

Attest \_\_\_\_\_



Delaware Branch  
100 W. 10<sup>th</sup> Street, Suite 1103  
Wilmington, DE 19801  
p: 302-888-1117 • f: 302-888-1878  
e: delaware@jdrf.org • w: delaware.jdrf.org

September 9, 2015

Dear Mayor and Council:

I am writing to respectfully request the proclamation of the month of November 2015 as National Diabetes Awareness Month in the city/town. Your proclamation would be in conjunction with other cities and states around the United States of America to promote the awareness of diabetes during the month of November.

Diabetes is the name given to disorders in which the body has trouble regulating its blood-glucose, or blood-sugar, levels. There are two major types of diabetes: type 1 and type 2. Type 1 (T1D) diabetes is an autoimmune disease in which a person's pancreas stops producing insulin, a hormone that enables people to get energy from food. T1D usually strikes in childhood, adolescence, or young adulthood, and lasts a lifetime. Just to survive, people with T1D must take multiple injections of insulin daily or continually infuse insulin through a pump.

Type 2 diabetes (T2D) is a metabolic disorder in which a person's body still produces insulin but is unable to use it effectively. T2D is usually diagnosed in adulthood and does not always require insulin injections. However, increased obesity has led to a recent rise in cases of T2D in children and young adults.

Taking insulin does not cure any type of diabetes, nor does it prevent the possibility of the disease's devastating effects: kidney failure, blindness, nerve damage, heart attack, stroke, and pregnancy complications.

JDRF was established in 1970 by parents of children living with T1D, who devoted their time and talent to progressing the advancements of diabetes research. During the past 45 years, the foundation of those families and their grassroots efforts has grown JDRF to the largest global funder of T1D research, raising a cumulative \$1.9 billion for research. JDRF's mission is to progressively remove the impact of T1D from people's lives until we achieve a world without T1D.

Thank you for the consideration of our request. We would be honored to have your support.

Sincerely,

Tarra Ketley  
Director, JDRF Delaware  
(302) 888-1117  
tketley@jdrf.org

# City of Milford



## PROCLAMATION 2015-23

### DIABETES AWARENESS MONTH

Whereas, nearly twenty-six million Americans have diabetes, a serious disease that has no cure, with someone diagnosed with type 1 diabetes every 35 seconds; and

Whereas, type 1 diabetes is an autoimmune disease that strikes children and adults suddenly and lasts a lifetime, requiring them to take multiple injections of insulin daily or continually infuse insulin through a pump; and

Whereas, one of the most significant risk factors for type 2 diabetes is obesity, those at risk of developing type 2 diabetes can reduce their chances of developing the disease by engaging in regular physical activity, maintaining a healthy weight and making nutritious food choices; and

Whereas, with more and more people becoming affected by diabetes every day, we must work together to better prevent, manage, and treat this disease; and

Whereas, an increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before developing the disease its devastating complications; and

Whereas, with more than \$1.5 billion allocated to research since 1970, the Juvenile Diabetes Research Foundation is the worldwide leader in research funding for type 1 diabetes, and is committed to improving the lives of those with diabetes today and in the future.

Now, Therefore, I, Bryan W. Shupe, Mayor of the City of Milford, do hereby proclaim the month of November 2015, as Diabetes Awareness Month in the City of Milford and urge all residents to give full support to efforts enabling people with diabetes to live full and productive lives.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 12<sup>th</sup> day of October 2015.

Mayor Bryan Shupe

Attest:

City Clerk

# 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: October 12, 2015

RE: Activity Report/September 2015

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## **Monthly Stats:**

A total of 493 arrests were made by the Milford Police Department during September 2015. Of these arrests, 108 were for criminal offenses and 385 for traffic violations. Criminal offenses consisted of 20 felonies and 88 misdemeanors. Traffic violations consisted of 115 Special Duty Radar, 6 Drunk-Driving charges, and 264 other.

Police officers investigated 101 accidents during the month and issued 95 written reprimands. In addition, they responded to 1164 various complaints including city requests and other agency assistance.

## **Monthly Activities:**

September 2015 K-9 Unit Usage Report:

- K-9 Unit responded to 99 calls for service
- K-9 Unit was utilized on 9 different incidents
- K-9 Unit utilized 1 time as a precautionary presence on suspects known to have fight/risks
- K-9 Unit assisted patrol unit with 4 large violent crowd
- K-9 conducted 2 assist other police agencies (DSP3 X2)
- K-9 Unit conducted 2 sniffs for CDS
  - The following evidence was located and subsequently seized as a direct result of the K-9 Unit's sniffs for CDS
    - \*212.6 grams of cocaine (\$21,262.00 street value)
    - \*\$1,786.00 US Currency

Our officers have started using the Delaware Juvenile Civil Citation for school incidents. The intent is to keep students out of the criminal justice system and instead send them through a Division of Youth Rehabilitative Services program. Community Service is one of the steps to complete the program. SRO's have sent three students to the program since its inception. This program is being introduced through the SRO's with expansion to patrol officers in the near future.

Corporal Masten met with personnel from Valley Run and Saw Mill Apartments at their request to discuss enhancing their safety measures on the property. They are exploring the possibility of adding a camera system to the property.

We have hired a new recruit who is currently attending the Delaware State Police Academy. Applicant testing is ongoing for the March 2016 academy class.

NIMS Compliance-The Police Department was found to be 90% compliant with a few new corporals needing to have ICS200.

The City must present an ICS100 class for all their new hires since 2012 and ICS200 for those employees that have been promoted to Department Manager Positions.

The new CAD Server was delivered and has already been set up. New World will be here in December to get the new version up and running.

Two new patrol cars have been received. One is in service and the other is pending installation of equipment. The Dodge Chargers have experienced multiple mechanical issues that have hit our maintenance and repair budget rather hard this year. We have reached out to Chrysler concerning these issues and have not yet received a response.

Officers presented a "Many Hats of Law enforcement" Program to Students at Ross Elementary which was well received. The students were able to try on different helmets/hats/equipment that a typical officer wears in the performance of his/her duties.

Our dispatchers received training on the Smart 911 system and are encouraging residents to register. We have also assisted several elderly residents with the program and are working with churches in an attempt to get the information out and others to sign up.

Attached is some information regarding that program should council wish to sign up. The Code Red System has been used to inform residents in addition to the information being posted on the city website. It does require a person to log in and update your profile every six months. Businesses can register as well.

SEP 2015 ACTIVITY REPORT

	SEP 2015	TOTAL 2015	SEP 2014	TOTAL 2014
COMPLAINTS	1164	10825	1134	11001
CRIMINAL ARRESTS	108	1527	220	1613
Felonies	20	345	40	373
Misdemeanors	88	1182	180	1235
TRAFFIC ARRESTS	385	4341	598	4804
Special Duty Radar	115	1650	261	1962
D.W.I.	6	43	5	41
Other	264	2648	332	2803
REPRIMANDS	95	1028	108	1235
ACCIDENTS	101	531	72	448
Fatal (included in PI)	0	0	0	1
PARKING SUMMONS	0	83	10	168
CRIME PREV. CHECKS	20	264	65	467
FINES RECEIVED	\$ 10,435.52	\$ 87,894.34	\$ 13,643.05	\$ 100,772.23





## Kent County Enhances 9-1-1 Services With Smart911

*Public Safety Officials Encourage Residents to Sign Up For the Free Service That Provides Emergency Responders With More Information to Save Time and Save Lives*

**DOVER, DE. September 9, 2015** – Public safety officials in Kent County announced today that Smart911 is now available to all citizens. Smart911 is a free service that allows citizens to create a Safety Profile for their household that can include any information they may want 9-1-1 call takers and first responders to have in the event of an emergency, then if they need to dial 9-1-1 their Safety Profile will immediately display on the call taker’s screen saving critical seconds and even minutes in response to the emergency.

“Smart911 is a great step forward in emergency response.” said Chief Colin T. Faulkner “When you dial 9-1-1, you are not having your best day, and even the simplest of details can be difficult to communicate in a time of panic. Now we can approach the scene of an emergency more safely, as well as provide faster and more precise response.”

Smart911 allows citizens to [create a Safety Profile](http://www.smart911.com) at [www.smart911.com](http://www.smart911.com) for their household that includes any information they want 9-1-1 and response teams to have in the event of an emergency. When a citizen makes an emergency call, their Safety Profile is automatically displayed to the 9-1-1 call taker, allowing them to send the right response teams to the right location with the right information. Responders can be aware of many details they would not have known previously, and now fire crews can arrive at a house fire knowing how many people live in the home and the location of bedrooms, EMS can be advised of allergies or specific medical conditions and police can have the photo of a missing child in seconds rather than minutes or hours.

“Having the information that is available through a Safety Profile can greatly affect the way units respond to an emergency,” said Assistant Director Kevin Sipple. “If responding units know exactly where there going and who they are looking for in a house fire or at the scene of a vehicle accident, those details can help units assess and then respond to those citizens more efficiently.”

With Smart911, citizens can link both home and work addresses to mobile phones, which can be passed on to responders in the field for more a detailed, rapid response. Additional information including pets in the home, vehicle details in the event of an accident, and even emergency contacts can all be included in a Safety Profile. All information is optional and the citizen has the ability to choose what details they would like to include.

“The benefits of this information on a 9-1-1 call from a cell phone are immeasurable”, said Commissioner Terry Pepper. “Smart911 is also a national service, so your profile will travel with you, to any other location in Delaware or in the US that supports Smart911.”

Smart911 is currently available in 40 states and more than 1500 municipalities across the country. In Delaware Smart911 is available across the entire state with service already active in both New Castle and Sussex Counties.

Citizens are encouraged to create their Safety Profile with Smart911 today to have their information immediately available to 9-1-1. Smart911 is private and secure, is only used for emergency responses, and only made available to the 9-1-1 system in the event of an emergency call.

## **Council Update September 2015**

### **Streets**

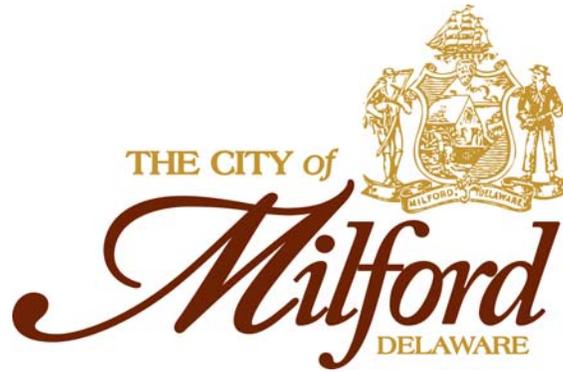
- Maintenance work has been done on the leaf vacuum and ready to roll for the 2015-2016 season
- Routine concrete and hot-mix patches still being performed citywide.
- Sidewalk next City Hall (house owned by City) has now been completed by Shea concrete.
- A few Street Dept. staff came in for traffic control on Sunday Sept 20<sup>th</sup> Sept for Eat in the Street.
- Street & Solid Waste Crews worked together to prepare sand bags for Downtown business ahead of Hurricane Joaquin. Business were welcome to come to Public Works to get sand bags in preparation of the impending storm. Only a few showed up.
- Crews went out several days ahead of the impending storm threat checking all known flood areas and storm drains in the city.
- Street crews were called in during flooding downtown. NW Front Street and Denney Row were underwater. Some streets were blocked off and a section of Denney Row had to be closed off till 11 p.m. Saturday night.
- Road was blocked due to tree down at Kings Highway & Lakeview (Dr. Edmondson), street crews came in to clear road.

### **Solid Waste**

- Fall cleanup week started on October 5<sup>th</sup> and has gone off without hitch. Another successful year!
- Over the past 4 weeks the Solid Waste drivers have been tasked with taking notes on how many houses they are actually picking up yard waste from. How many miles they are driving on their route each week. How much fuel it takes to do their route and how much time it takes to do the route. They have done a great job gathering this information for the office staff.

### **Water/Wastewater**

- Repair Seabury Avenue Water Leak
- Upgrades to Milford Crossing Sewer Station
- Repair North Street Water Leak
- Grass Maintenance at all Water/Wastewater Facilities
- Paint Fire Hydrants
- Repaired Water Leak at Kentucky Fried Chicken
- Yard and Ground Maintenance at Seabury Avenue New Well Facility



ELECTRIC DEPARTMENT  
(302) 422-1110 FAX (302) 422-1117

180 VICKERS DRIVE  
MILFORD, DE 19963

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

**To:** Jeff Portmann, Finance Director  
Rick Carmean, Electric Superintendent

**From:** Jennifer Anderson, Electric Operations Manager

**Date:** 10/9/2015

**Re:** September 2015 Work Report

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- The Electric Department completed (38) Work Orders/ Trouble Service Calls in August, and has in progress (13) Work Orders still open at the end of the month.

#### Electric

- 9/1/15 DEMEC Board Conference Call-Executive Session (Rick)
- 9/2/15 Milford Sewer Agreement Teleconference (Rick)
- 9/9/15 CPR/First Aid 8:30-3:00 at Public Works
- 9/16/15-9/17/15 Electric Truck Dielectric Testing
- 9/17/15 Customer Sited Generation (Solar) Training at DEMEC (Rick, Jenn, & Debbie attended)
- 9/21/15 Rick met with Jose of C&C Drywall in regards to the fence relocation timeline.
- 9/23/15 DEMEC Annual Board Meeting/Dinner (Rick, Jenn, & Debbie attended)
- Electric Crews installed new electric services in the following developments: Hearthstone, Fork Landing, Lighthouse Estates, & Orchard Hill.
- Electric Crews started the relocation of the lights at the Cisneros property next door to make ready for the fence relocation.

#### Miss Utility Locates

- There were (172) Miss Utility locates completed in September for the Electric and Water Departments.



*Milford*  
**Parks & Recreation**  
*Department*

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# MEMO

TO: Mayor and Council

FR: Brad Dennehy  
Director of Parks & Recreation

DA: October 9, 2015

RE: Monthly update from the Parks and Recreation Department

Mayor and Council,

At your request here are some highlights over the past month from the Parks & Recreation Department.

- Park and Recreation took delivery of a new Kubota riding tractor, bagging unit and irrigation wheel. These were previously budgeted items, and been put straight to use in the park system and are a welcome addition.
- JC Eisenbrey and Son, LLC. installed a new high efficiency heat pump in the Peninsula building (our maintenance office and workshop on Mill Street). This replaced the old oil furnace which ceased operating at the end of last winter. For the first time the Park Superintendent's office now has both heat and air conditioning.
- Our annual "Freedom Festival" was held the weekend of September 11<sup>th</sup>. Attendance was down on the Saturday due to the weather and the event was forced to be shut down due to the threat of lightening, which was disappointing due to the amount of planning put into the event. However the Friday night fireworks were well received, and Parks and Rec. cooked 200 halves of BBQ chicken.
- National POW/MIA Recognition day was observed Friday September 18<sup>th</sup> with POW/MIA flags being flown in all City parks and on all City facilities.



*Milford*  
**Parks & Recreation**  
*Department*

- Parks and Rec. responded to complaints of an unusual amount of trash on a section of the river on September 22<sup>nd</sup>. A large amount of trash and come up the river on a high tide and was trapped between Washington and Walnut streets. We could not get a boat into that section and had to launch a kayak to retrieve it, although somewhat unusual it was an effective way to get the trash out of the river.
- Fall youth sports began in September including soccer, tennis and field hockey. The registrations for soccer were especially strong, and there was a waiting list to join a team. My two sons are in the Tennis program and I can report that we have a very good Tennis program due to the addition of a Teenage girl who is helping out the main coach for the first time this year.
- I was happy to attend three separate meetings for the downtown vision planning, including giving a tour of the park lands and the City to the planners. It is good to see that the planners embrace the importance of the river, park lands and recreational activities for a healthy, vibrant community.
- I also I attended a grant meeting at DNREC, and will be submitting an application for their community environmental project fund. This is something the City has not previously applied for, but I believe it is worth pursuing. My hopes is that if we are successful with the grant application to begin the planning stages for construction of another floating kayak/boat dock on the river behind Arena's restaurant. I think this is fundamental to provide additional recreational opportunities on the river, and increase potential tourism on the river to the downtown.
- A member of the Farmers Market (Dave Verkade) wanted to give something back to the community and donated 20 miniature trees (Japanese & Chinese maples). We planted these trees in existing mulched area down by the Dog Park. Our aim is to turn this in to a memorial garden in memory for Councilman Skip Pikus, in thanks for his dedication to the citizens of Milford. We will likely have an unveiling of some sort of plaque sometime in the spring when the trees are in bloom.

As always, if you require further information please don't hesitate to contact me.

Thank you.



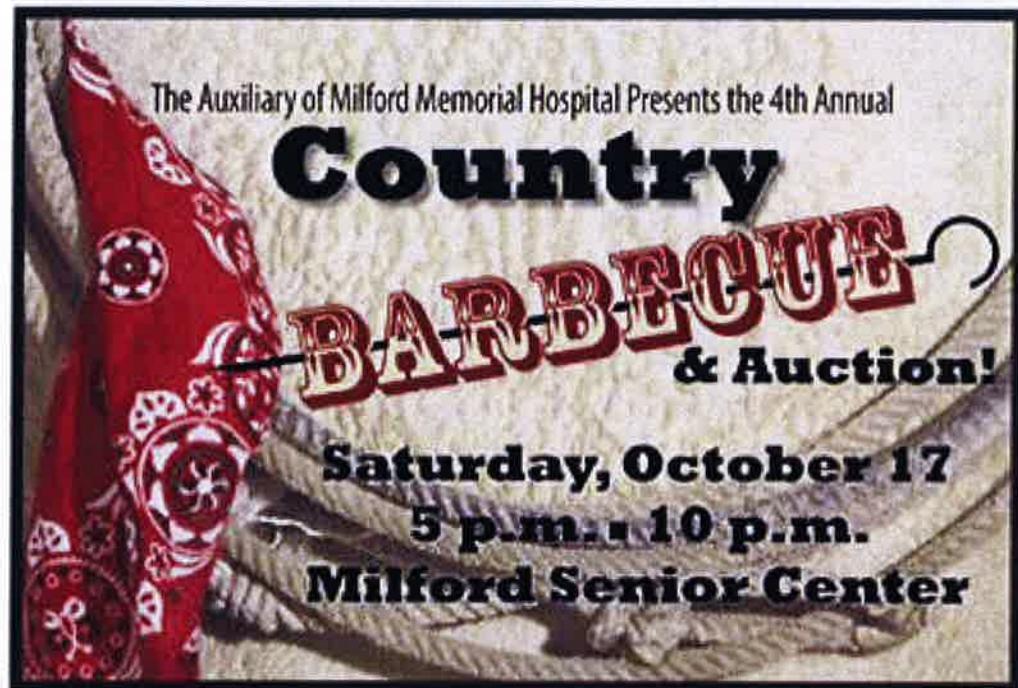
*Milford*  
**Parks & Recreation**  
*Department*



Retrieving trash out of the river using a kayak and a scoop net, September 22<sup>nd</sup>.

**MARK YOUR CALENDAR!**

# Saddle Up for the Auxiliary of Milford Memorial Hospital **4th Annual Country Barbecue & Auction!**



**Saturday, October 17, 2015**

**5 - 10 p.m.**

**Milford Senior Center**

**\$40 per person**

Proceeds to benefit  **Bayhealth**  
Milford Memorial

**SILENT AUCTION ■ CHINESE AUCTION ■ LIVE MUSIC BY "The Hubcaps"  
CASH BAR ■ BUFFET DINNER BY TROOPS BARBECUE**

*To purchase tickets, please call Cynthia Jones at 302-270-1842 or Sharon Bailey at 302-422-6029.*



**DELAWARE LEAGUE OF LOCAL GOVERNMENTS  
MONTHLY DINNER MEETING  
THE DUNCAN CENTER  
500 W. LOOCKERMAN STREET, 5<sup>TH</sup> FLOOR, DOVER**

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**THURSDAY, OCTOBER 22, 2015**

REGISTRATION/SOCIAL HOUR: 5:30 P.M. - 6:15 P.M.

DINNER: 6:30 P.M. – 7:15 P.M.

PROGRAM: 7:15 P.M.

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**PROGRAM:**

The DLLG is pleased to host James Collins, State of Delaware Chief Information Officer and Secretary of the Department of Technology and Information. DTI is the State’s central IT organization, charged to direct core services to other state agencies and departments and to exercise governance over the technology directions and investments of the State. DTI provides innovative enterprise services enabling other organizations to effectively fulfill their missions. Among other positions, Mr. Collins served as Governor Markell’s Deputy Chief of Staff. He will address current issues and programs of the DTI that impact local governments.

**Next Meeting: Tuesday, November 17, 2015**

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**WE MUST HAVE YOUR RESERVATIONS NO LATER THAN OCTOBER 16, 2015**

Mail To/Make Payable to: Delaware League of Local Governments • P.O. Box 484 • Dover, DE 19903-0484  
Phone: 302-678-0991 • Email: [cfluft@udel.edu](mailto:cfluft@udel.edu)

\_\_\_\_\_ will have \_\_\_\_\_ attendees  
(Municipality/County/Agency)

PLEASE LIST THE NAMES OF THOSE ATTENDING

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

- ( ) Check enclosed for ( ) dinners @ \$30 each
- ( ) Payment will be made at the door
- ( ) Enclosed for ( ) dinners @ \$30 each



# DEMEC

## Delaware Municipal Electric Corporation

22 Artisan Drive, PO Box 310, Smyrna, Delaware 19977 Phone 302 653-2733 Fax 302 653-2734

October 1, 2015

EMAIL DELIVERED

City of Milford Council  
Attn: Terri Hudson, City Clerk  
201 S. Walnut St.  
Milford, DE 19963

RE: Submittal of the Municipal Electric Utilities Renewable Portfolio Standard Compliance Report for the 2014-2015 program year

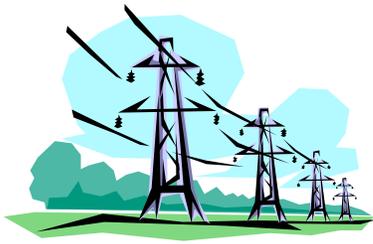
Dear Sirs,

The Delaware Municipal Electric Corporation has completed the administration of the Municipal Electric Utilities Renewable Portfolio Standard for the 2014-2015 program year on behalf of all nine of our Municipal Electric Utilities. As per state statute, we submit to your local regulatory body a copy of the Municipal Electric Utilities Renewable Portfolio Compliance Report for your records.

If you have any questions or would like to discuss the plan in further detail, please feel free to contact me.

Patrick E. McCullar  
President & CEO

cc: Delaware General Assembly  
Philip Cherry, Delaware Energy Office, Director



# DEMEC

## Delaware Municipal Electric Corporation

22 Artisan Drive, PO Box 310, Smyrna, Delaware 19977 Phone 302 653-2733 Fax 302 653-2734

October 1, 2015

TO: Local Regulatory Authorities:

- City of Dover City Council
- City of Newark City Council
- City of Milford City Council
- Town of Middletown Town Council
- City of Seaford City Council
- City of Lewes Board of Public Works
- Town of Smyrna Town Council
- City of New Castle Municipal Services Commission
- Town of Clayton Town Council

Delaware General Assembly  
Delaware Energy Office

FROM: Patrick E. McCullar, President & CEO, DEMEC

SUBJ: Municipal Electric Utilities Renewable Portfolio Standard (“MRPS”) 2014/2015  
Compliance Year Report

In accordance with 26 Del. C. § 363(b), the Delaware Municipal Electric Corporation, acting on behalf of its member communities, submits the following MRPS Annual Report.

### **DEMEC Background**

The Delaware Municipal Electric Corporation (“DEMEC”) is a Public Power utility incorporated as a not-for-profit Delaware corporation in 1979; the members of DEMEC are the nine municipal electric distribution utilities in Delaware. DEMEC provides joint services to the members.

- DEMEC generates electricity from its portfolio of owned generation assets and purchases electricity from other generators through staggered short, medium, and long term power contracts to meet the requirements of its member municipal utilities.
- Eight of the nine member municipal utilities receive 100% of their requirements from DEMEC through long-term take-or-pay contracts and the City of Dover receives partial requirements service.

- DEMEC has been authorized by its nine member utilities to manage the compliance obligation created by the Municipal Electric Utilities Renewable Portfolio Standard Plan.

### **Delaware Renewable Portfolio Standard Background**

The Renewable Portfolio Standard (“RPS”) is a State-mandated policy that obligates each retail seller of electricity to include in its resource portfolio annually increasing amounts of electricity from Qualifying Renewable Energy Resources through 2025 and beyond. The municipal electric utilities were exempted from the RPS requirements prior to 2010.

In 2010 DEMEC and its members responded to a request from Delaware Governor Jack Markell by voluntarily joining the Delaware RPS under S.S. 1 for S.B. 119. The bill provided, among other things:

- Increasing the RPS target to 25% by 2025 with at least 3.5% from solar sources.
- Allowed municipal electric companies to develop and implement a comparable program to the State Renewable Energy Portfolio Standard for its ratepayers beginning in the 2013 Compliance Year (6/1/2013-5/31/2014).
- Provided a method to freeze the RPS compliance obligations for utilities if costs exceed “circuit breakers” of 3% of the total cost of purchased power for Renewable Energy Credits (RECs) and 1% for Solar Renewable Energy Credits (SRECs) in any calendar year.

### **DEMEC Renewable Energy Commitments**

In developing a comparable plan, DEMEC evaluated its accomplishments and commitments regarding investments in renewable energy. DEMEC has invested in the development of a portfolio of qualifying renewable energy resources to achieve the lowest possible compliance cost to protect its ratepayers from unreasonable and burdensome impacts on their cost of electricity. DEMEC’s goal is to comply with the spirit of the Delaware RPS without creating a negative impact on the community ratepayers or the Delaware economy.

### **Non-Solar:**

- DEMEC has committed to purchase all the renewable electricity and associated RECs from a wind farm (Laurel Hill) in north-central Pennsylvania under a 25-year agreement. Laurel Hill is a 69-megawatt (MW) wind generation facility consisting of 30 Siemens wind turbines, each capable of generating 2.3 MW. Laurel Hill is capable of generating enough electricity to power more than 20,000 homes.
- DEMEC was the first to sign an agreement with Blue Water Wind to purchase offshore wind energy. DEMEC remains committed to support and purchase wind energy from off the coast of Delaware.
- DEMEC’s service territory is home to the only significant wind generation system installed in the State of Delaware; the utility-scale 2-megawatt (2-MW) wind turbine is located at the University of Delaware’s (“UD”) Hugh R. Sharp Campus in Lewes. RECs generated by the University of Delaware’s wind turbine are purchased by DEMEC through an agreement. The proceeds support a wind energy graduate student research fellowship in the University’s College of Earth, Ocean, and Environment (CEOE).

## **Solar:**

DEMEC is the leader in deployment of Solar Renewable Energy Resources in Delaware. Of the 62.1 MW of installed or committed solar generation resources in Delaware, a clear majority (36.4 MW, or 59% of the total) is installed in DEMEC municipal service territories. This becomes an even more striking statistic when you consider DEMEC municipal service territories make up less than 15% of electric service in the entire state. DEMEC has participated in the development of qualifying solar energy systems in all of the following RPS Taskforce defined Tier sizes:

Solar Renewable Energy Tier Groups (State definition by size):

- Tier 1 = 0 to 30 kW – Typical Residential Rooftop
- Tier 2 = 30 to 200 kW – Typical Small Commercial
- Tier 3 = 200 kW to 2 MW – Typical Large Commercial and Industrial
- Tier 4 = 2MW and Up – Utility Scale

### **Tier 1 and Tier 2 – Green Energy Grants**

- DEMEC has encouraged and supported residential and commercial renewable energy systems since June 1, 2006 through the Municipal Green Energy Grants Program.
- DEMEC has leveraged over \$7 Million dollars of overall investment in renewable energy with over \$2.3 Million dollars of grants.
- DEMEC has encouraged and supported the State Renewable Energy Taskforce to enable the owners of previously stranded solar projects to participate in the State SREC Auction and Sustainable Energy Utility SREC Procurement processes.
- DEMEC will continue to evaluate the cost effectiveness of participating in the State SREC auction process as our compliance obligation for SRECs increases.

### **Tier 3 – Community Scale**

- DEMEC has always maintained that each member community should have support in siting a renewable energy system in its borders for the benefit of the whole community. This makes possible participation in solar by low-income customers, those without an adequate solar resource, and those who otherwise could not afford participation.
- DEMEC, on behalf of the City of Newark, developed McKees Solar Park, a 230-kilowatt community solar farm. The project revitalized a 3.91-acre brownfield site off East Cleveland Avenue. The Solar Park provides Newark with a behind-the-meter renewable power source to serve all residents of the community by reducing the City's peak power demand, lowering the wholesale cost of power, generating solar renewable energy credits, bringing locally produced green energy to the City's electric users, and reducing the City's carbon footprint. The 900-panel array produces enough electricity to power approximately 26 to 36 homes, depending on the season. The McKees Solar Park went commercial October 2014.
- DEMEC also conceived and proposed to the City of Newark the State of Delaware's first opt-in community solar program. This program was approved by Newark City Council on June 23, 2014 to launch programs to promote community involvement in the solar park. There are several program participation options such as: "Sun Ray" in which subscribers have the opportunity to make a one-time investment of \$50 in return for a monthly rebate of \$1.00 and the opportunity to purchase one (1), 100 kilowatt-hour block of power generated from McKees Solar Park each month for ten years.

Participants can also select from a variety of a tax-deductible donation options to support the solar park and be recognized on the City's website. DEMEC's Community Solar Model for the City of Newark has been recognized **twice** by the national solar industry trade group, Solar Energy Power Association (SEPA), as a leading program design for increasing access to solar energy to the public. DEMEC intends to help its members replicate this unique model.

- Several other DEMEC communities are working toward installing their own community solar projects in various tiers :
  - Clayton - 4.0 KW firehouse project – went commercial 2Q/2015
  - New Castle - 25.0 KW project near its water treatment facility – Under Construction
  - Smyrna - 1.5 MW project next to Smyrna public works building – Design Phase
  - Seaford, Middletown and Lewes are also considering initial concept designs for their own community solar projects
  - DEMEC will continue to support community interest, low-income participation, and meet its RPS obligation concurrently by investing in these community solar projects on behalf of their members.

#### **Tier 4 – Utility Scale**

- DEMEC recognized early on that the legislative circuit breakers for photovoltaics would be hit and freeze the solar portion of the municipal RPS plan within a few years if the compliance cost was not carefully managed. In order to avoid hitting the legislative circuit breakers prematurely and to assure that we do not unreasonably increase the cost of electric service to our municipal ratepayers, DEMEC chose to invest a significant portion of its RPS-dedicated funds in large-scale solar facilities. To prevent a negative impact on the Delaware economy from the cost of RPS compliance, DEMEC has committed capital to developing utility scale solar systems that create jobs and economic development for the State. The current DEMEC portfolio of Tier 4 Utility Scale Systems is:
  - Dover Sun Park – 10 MW – (DEMEC purchases 15 % of all SRECs) went commercial 2Q/2010
  - Milford Solar Farm – 15 MW – (DEMEC purchases a majority of SRECs and all energy) went commercial 4Q/2012

## **DEMEC Comparable Plan Objectives**

DEMEC has set the following objectives as goals for its Municipal RPS Plan.

- Develop and implement a compliance plan that is comparable to the State-mandated plan for Delmarva Power and that encourages development of qualifying renewable energy resources in the State of Delaware in all State-defined tiers.
- Plan in 5 year increments. The parameters of the 5 year planning cycle will have the goals of achieving a comparable plan that: 1) Achieves the lowest cost compliance solutions to mitigate high renewable energy cost impacts for our community ratepayers and the State economy, 2) Encourages the development of renewable resources in our member communities 3) Maintains the high reliability of electric service in our community systems.
- DEMEC will review and rebalance its compliance schedule annually to assure cost impacts to our community ratepayers are reasonable and accurately match qualifying retail electricity sales with renewable energy resource procurement.

## **State RPS Compliance Schedule**

Municipal Renewable Energy 5-Year Procurement Schedule		
Compliance Year - (beginning June 1 <sup>st</sup> )	Minimum Cumulative Percentage from Eligible Energy Resources*	Minimum Cumulative Percentage from Solar Photovoltaics
2013	10.00%	0.60%
<b>2014</b>	<b>11.50%</b>	<b>0.80%</b>
2015	13.00%	1.00%
2016	14.50%	1.25%
2017	16.00%	1.50%
* Minimum Percentage from Eligible Energy Resources Includes the Minimum Percentage from Solar Photovoltaics.		

## MRPS 2014/2015 Compliance

For compliance year 2014/2015 DEMEC set a 11.5% overall compliance goal which was achieved in **this** year's MRPS implementation. The 11.5% compliance goal matches Delmarva Power & Light's compliance target for 2014/2015.

The MRPS was rebalanced to value the renewable energy portion of DEMEC's renewable energy assets. DEMEC also applied excess retirement credits from 2013/2014 to the 2014/2015 obligations. Annual adjustments will occur as necessary.

- The renewable energy sources used for REC compliance are the 69 MW Laurel Hill Wind Farm in Lycoming, Pennsylvania and 2.0 MW UD Wind Turbine in Lewes, Delaware.
- The solar renewable energy sources used for SREC compliance are the 10 MW Dover Sun Park and 15 MW Milford Solar Facility.

<b>Municipal Renewable Energy 2014/2015 Compliance Year REC and SREC Retirements</b>		
Municipality	Minimum Cumulative Percentage from Eligible Energy Resources <b>11.5%*</b> Associated REC Quantity Retired	Minimum Cumulative Percentage from Solar Photovoltaics <b>0.80%</b> Associated SREC Quantity Retired
New Castle	5,136	369
Newark	13,719	1,015
Middletown	8,705	636
Smyrna	5,456	395
Clayton	1,427	102
Dover	49,163	3,435
Milford	7,248	536
Seaford	7,210	518
Lewes	4,428	320
<b>Total</b>	<b>102,492</b>	<b>7,326</b>
* Minimum Percentage from Eligible Energy Resources Includes the Minimum Percentage from Solar Photovoltaics.		

## **Proposed 2015/2016 MRPS Plan**

Per 26 Del. C. § 363(c), DEMEC member community local regulatory authorities shall continue to base renewable energy portfolio standard decisions on the need, value and feasibility of the renewable energy resources pertaining to the economic and environmental wellbeing of its members.

DEMEC continually evaluates the impact of the MRPS costs on its communities. Specifically DEMEC reviews the impact on rates and REC and SREC inventory as we proceed forward in the spirit of the RPS legislation. After review of these and other factors, DEMEC and its Board of Directors plan to continue forward with its original renewable energy compliance target for the 2015/2016 year.

**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: August 2015

Cash Balance - General Fund Bank Balance	\$2,329,995
Cash Balance - Electric Fund Bank Balance	\$4,847,169
Cash Balance - Water Fund Bank Balance	\$2,553,190
Cash Balance - Sewer Fund Bank Balance	\$1,211,237
Cash Balance - Trash Fund Bank Balance	\$210,805

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Solid Waste Reserves</u>
Beginning Cash Balance	447,881	1,077,177	1,594,146	0
Deposits		56,787	58,785	
Interest Earned this Month	58	148	209	
Disbursements this Month			(45,833)	
Investments				250,000
Ending Cash Balance	\$447,939	\$1,134,112	\$1,607,307	\$250,000

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	780,262	5,707,000	3,172,198	4,293,804
Deposits	35,665			
Interest Earned this Month	155	512	283	379
Disbursements this Month	(19,201)	(2,734)	(1,968)	(48,897)
Investments	250,000			
Ending Cash Balance	\$1,046,881	\$5,704,778	\$3,170,513	\$4,245,286

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>	<u>Economic Development Fund</u>
Beginning Cash Balance	\$1,306,957	867,740	371,715	1,016,231
Deposits	12,625	6,670	3,000	\$4,990
Interest Earned this Month				
Disbursements this Month				(\$76,801)
Investments				
Ending Cash Balance	\$1,319,582	\$874,410	\$374,715	\$944,420

INTEREST THROUGH THE SECOND MONTH OF THE FISCAL YEAR:

General Fund	1,673	Water Fund	694
GF Capital Reserves	301	Water Capital Reserves	979
Municipal Street Aid	299	Sewer Fund	311
Real Estate Transfer Tax	433	Sewer Capital Reserves	542
Electric Fund	1,292	Trash Fund	1,134
Electric Reserves	731		

TOTAL INTEREST EARNED TO DATE \$8,389

**REVENUE REPORT**

Page Two

17% of Year Expended

Date: August 2015	AMOUNT BUDGETED	MTD	YTD	YTD%
ACCOUNT				
Economic Development Fund	173,440	71,811	71,811	41.40%
General Fund Reserves	300,000	19,201	19,201	6.40%
Realty Transfer Tax-Police	550,000	45,834	91,667	16.67%
Real Estate Tax	3,731,000	3,696,157	3,703,833	99.27%
Business License	35,000	900	1,950	5.57%
Rental License	85,000	600	1,200	1.41%
Building Permits	60,000	3,890	14,781	24.64%
Planning & Zoning	15,000	682	1,982	13.21%
Grasscutting Revenue	16,000	2,000	4,000	25.00%
Police Revenues	437,000	19,286	30,827	7.05%
Misc. Revenues	268,000	14,273	17,871	6.67%
Transfers From	3,215,480	267,958	535,914	16.67%
<b>Total General Fund Revenues</b>	<b>\$8,885,920</b>	<b>\$4,142,592</b>	<b>\$4,495,037</b>	<b>50.59%</b>
Water Revenues	2,901,930	236,816	490,850	16.91%
Sewer Revenues	2,306,500	211,584	437,412	18.96%
Kent County Sewer	1,700,000	150,566	313,454	18.44%
Solid Waste Revenues	1,113,855	90,872	181,043	16.25%
Electric Revenues	26,062,315	2,573,235	5,159,494	19.80%
<b>TOTAL REVENUES</b>	<b>\$42,970,520</b>	<b>\$7,405,665</b>	<b>\$11,077,290</b>	<b>25.78%</b>
YTD Enterprise Expense		12,007		
YTD Enterprise Revenue		25,723		
LTD Carlisle Fire Company Building Permit Fund		113,329		

**EXPENDITURE REPORT**

**Page Three**

Date: August 2015

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>City Manager</b>					
Personnel	481,755	\$154,305	177,620	36.87%	304,135
O&M	143,905	\$19,667	35,146	24.42%	108,759
Capital	0	\$0			0
<b>Total City Manager</b>	<b>\$625,660</b>	<b>\$173,972</b>	<b>\$212,766</b>	<b>34.01%</b>	<b>412,894</b>
<b>Planning &amp; Zoning</b>					
Personnel	164,730	\$12,254	23,779	14.44%	140,951
O&M	40,130	\$2,006	3,103	7.73%	37,027
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$204,860</b>	<b>\$14,260</b>	<b>\$26,882</b>	<b>13.12%</b>	<b>177,978</b>
<b>Code Enforcement &amp; Inspections</b>					
Personnel	150,420	\$11,292	21,560	14.33%	128,860
O&M	67,940	\$6,812	11,784	17.34%	56,156
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$218,360</b>	<b>\$18,104</b>	<b>\$33,344</b>	<b>15.27%</b>	<b>185,016</b>
<b>Council</b>					
Personnel	31,225	\$2,157	5,440	17.42%	25,785
O&M	45,480	\$3,359	5,164	11.35%	40,316
Council Expense	17,000	\$816	7,595	44.68%	9,405
Contributions	211,000	\$0	66,000	31.28%	145,000
Codification	4,000	\$1,046	3,456	86.40%	544
Employee Recognition	9,000	\$0	0	0.00%	9,000
Insurance	24,865	\$9,760	9,760	39.25%	15,105
DEDO/Downtown Grant	23,250	\$0	0	0.00%	23,250
Armory Expenses	20,000	\$2,849	2,899	14.50%	17,101
<b>Total Council</b>	<b>\$385,820</b>	<b>\$19,987</b>	<b>\$100,314</b>	<b>26.00%</b>	<b>285,506</b>
<b>Finance</b>					
Personnel	359,015	\$26,261	52,034	14.49%	306,981
O&M	58,855	\$3,060	6,162	10.47%	52,693
Capital	6,425	\$0	6,424	99.98%	1
<b>Total Finance</b>	<b>\$424,295</b>	<b>\$29,321</b>	<b>\$64,620</b>	<b>15.23%</b>	<b>359,675</b>
<b>Information Technology</b>					
Personnel	189,010	\$8,946	17,165	9.08%	171,845
O&M	175,480	\$8,878	19,916	11.35%	155,564
Capital	62,760	\$0	50,331	80.20%	12,429
<b>Total Information Technology</b>	<b>\$427,250</b>	<b>\$17,824</b>	<b>\$87,412</b>	<b>20.46%</b>	<b>339,838</b>

**EXPENDITURE REPORT**

**Page Four**

Date: August 2015

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Police Department</b>					
Personnel	3,904,935	\$290,299	554,371	14.20%	3,350,564
O&M	464,570	\$60,078	119,868	25.80%	344,702
Capital	84,000	\$11,589	21,589	25.70%	62,411
<b>Total Police</b>	<b>\$4,453,505</b>	<b>\$361,966</b>	<b>\$695,828</b>	<b>15.62%</b>	<b>3,757,677</b>
<b>Streets &amp; Grounds Division</b>					
Personnel	470,530	\$29,777	57,138	12.14%	413,392
O&M	458,605	\$30,117	59,923	13.07%	398,682
Capital	120,000	\$0	0	0.00%	120,000
Debt Service	17,140	\$0	0	0.00%	17,140
<b>Total Streets &amp; Grounds</b>	<b>\$1,066,275</b>	<b>\$59,894</b>	<b>\$117,061</b>	<b>10.98%</b>	<b>949,214</b>
<b>Parks &amp; Recreation</b>					
Personnel	578,680	\$54,065	111,211	19.22%	467,469
O&M	261,215	\$26,501	49,485	18.94%	211,730
Capital	240,000	\$27,826	27,826	11.59%	212,174
<b>Total Parks &amp; Recreation</b>	<b>\$1,079,895</b>	<b>\$108,392</b>	<b>\$188,522</b>	<b>17.46%</b>	<b>891,373</b>
<b>Total General Fund</b>					
<b>Operating Budget</b>	<b>\$8,885,920</b>	<b>\$803,720</b>	<b>\$1,526,749</b>	<b>17.18%</b>	<b>7,359,171</b>

**EXPENDITURE REPORT**

Page Five

Date: August 2015

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Water Division</b>					
Personnel	310,855	\$23,012	44,667	14.37%	266,188
O&M	1,029,160	\$67,063	137,416	13.35%	891,744
Capital	583,000	\$0	2,426	0.42%	580,574
Debt Service	978,915	\$3,879	3,879	0.40%	975,036
<b>Total Water</b>	<b>\$2,901,930</b>	<b>\$93,954</b>	<b>\$188,388</b>	<b>6.49%</b>	<b>2,713,542</b>
<b>Sewer Division</b>					
Personnel	310,855	\$22,999	44,663	14.37%	266,192
O&M	1,151,560	\$114,569	158,792	13.79%	992,768
Capital	286,630	\$26,455	42,829	14.94%	243,801
Debt Service	557,455	\$12,735	12,735	2.28%	544,720
<b>Sewer Sub Total</b>	<b>\$2,306,500</b>	<b>\$176,758</b>	<b>\$259,019</b>	<b>11.23%</b>	<b>2,047,481</b>
Kent County Sewer	1,700,000	\$150,589	313,477	18.44%	1,386,523
<b>Total Sewer</b>	<b>\$4,006,500</b>	<b>\$327,347</b>	<b>\$572,496</b>	<b>14.29%</b>	<b>3,434,004</b>
<b>Solid Waste Division</b>					
Personnel	390,810	\$29,181	56,967	14.58%	333,843
O&M	723,045	\$61,949	117,847	16.30%	605,198
Capital	0	\$0	0		0
<b>Total Solid Waste</b>	<b>\$1,113,855</b>	<b>\$91,130</b>	<b>\$174,814</b>	<b>15.69%</b>	<b>939,041</b>
<b>Total Water, Sewer Solid Waste</b>					
	<b>\$8,022,285</b>	<b>\$512,431</b>	<b>\$935,698</b>	<b>11.66%</b>	<b>7,086,587</b>
<b>Electric Division</b>					
Personnel	1,256,805	\$88,283	166,823	13.27%	1,089,982
O&M	1,700,915	\$134,834	245,928	14.46%	1,454,987
Transfer to General Fund	2,500,000	\$208,334	416,667	16.67%	2,083,333
Capital	635,000	\$2,595	2,595	0.41%	632,405
Debt Service	344,595	\$0	0	0.00%	344,595
<b>Electric Sub Total</b>	<b>\$6,437,315</b>	<b>\$434,046</b>	<b>\$832,013</b>	<b>12.92%</b>	<b>5,605,302</b>
Power Purchased	19,625,000	\$1,793,803	3,678,899	18.75%	15,946,101
<b>Total Electric</b>	<b>\$26,062,315</b>	<b>\$2,227,849</b>	<b>\$4,510,912</b>	<b>17.31%</b>	<b>21,551,403</b>
<b>TOTAL OPERATING BUDGET</b>					
	<b>\$42,970,520</b>	<b>\$3,544,000</b>	<b>\$6,973,359</b>	<b>16.23%</b>	<b>35,997,161</b>

**INTERSERVICE DEPARTMENTS REPORT**

Page Six

Date: August 2015

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	17% of Year Expended	UNEXPENDED BALANCE
				YTD%	
<b>Garage</b>					
Personnel	87,380	6,558	12,620	14.44%	74,760
O&M	73,580	4,539	8,154	11.08%	65,426
Capital	0	0	0		0
<b>Total Garage Expense</b>	<b>\$160,960</b>	<b>11,097</b>	<b>\$20,774</b>	<b>12.91%</b>	<b>140,186</b>
<b>Public Works</b>					
Personnel	162,720	5,370	10,963	6.74%	151,757
O&M	208,075	11,462	22,481	10.80%	185,594
Capital	0	0	0		0
<b>Total Public Works Expense</b>	<b>\$370,795</b>	<b>16,832</b>	<b>\$33,444</b>	<b>9.02%</b>	<b>337,351</b>
<b>Billing &amp; Collections</b>					
Personnel	539,665	41,149	78,596	14.56%	461,069
O&M	208,420	17,766	29,713	14.26%	178,707
Capital	20,000	0	0	0.00%	20,000
<b>Total Billing &amp; Collections</b>	<b>\$768,085</b>	<b>58,915</b>	<b>\$108,309</b>	<b>14.10%</b>	<b>659,776</b>
<b>City Hall Cost Allocation</b>					
Personnel	0	0	0		0
O&M	57,630	5,481	10,199	17.70%	47,431
Capital	0	0	0		0
<b>Total City Hall Cost Allocation</b>	<b>\$57,630</b>	<b>5,481</b>	<b>\$10,199</b>	<b>17.70%</b>	<b>47,431</b>

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
September 14, 2015

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 14, 2015.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, Lisa Peel, James Burk, Owen Brooks Jr., Douglas Morrow Sr. and James Starling

Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

BOARD OF APPEAL & REVISION–Canceled

Mayor Shupe announced that all tax appeals have been resolved by Tyler Technology representatives. Therefore, no appeal hearings before council are required.

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

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

2ND WARD COUNCIL VACANCY/SPECIAL ELECTION REPORT (September 1, 2015)

Mayor Shupe then read the following report into record:

*On behalf of the Board of Elections for the City of Milford, I am reporting the results of the September 1, 2015 Special 2nd Ward Council Election to be as follows:*

*In the 2nd Ward Race, a total of 219 persons voted, with Lisa Ingram Peel receiving 132 votes and Stephen C. Walter receiving 87 votes. Based on the certification of the City of Milford Board of Elections, Lisa Ingram Peel is hereby declared elected as the 2nd Ward Council Representative, to fill the remaining eight-month term, beginning this date September 14, 2015 and ending May 3, 2016.*

SWEARING IN-2ND WARD COUNCILWOMAN-ELECT LISA INGRAM PEEL

Mayor Shupe called upon Council-Elect Peel to take the oath of office.

Mayor Shupe then administered the oath of office to Councilwoman Peel who was assisted by her husband and children. After its conclusion, the newly appointed Second Ward Council Member signed her Oath of Office.

Mayor Shupe welcomed Councilwoman Peel stating the 2<sup>nd</sup> Ward is a very important and active ward and he feels that she will do a great job representing that ward as well as guiding the city as a whole.

APPROVAL OF PREVIOUS MINUTES

Motion made by Mr. Brooks, seconded by Mr. Morrow to approve the minutes of the July 27<sup>th</sup> Workshop and Council Meeting, August 10<sup>th</sup> Council Meeting, August 19<sup>th</sup> Public Works Committee Meeting, August 24<sup>th</sup> Council and Workshop Meetings and August 31<sup>st</sup> Special Council Meeting.

Motion carried.

## RECOGNITION

### *Proclamation 2015-14/ Declaring September as Myositis Month*

Mayor Shupe referenced the following proclamation:

WHEREAS, "Myositis" is a general term describing a number of Idiopathic Inflammatory Myopathies, which are rare diseases and thought to be autoimmune in nature causing muscle weakness, inflammation, pain, skin rashes, lung disease, impairment in swallowing, and fatigue; and

WHEREAS, There is no cure for any form of Myositis and only limited treatment options, which can have life-altering side effects, and due to the rarity of Myositis, there is often a delay in diagnosis or misdiagnosis causing a delay in potentially effective treatments that may lead to permanent muscle loss; and

WHEREAS, Education for patients, caregivers, and healthcare providers is important to the overall health of patients; and

WHEREAS, Myositis can affect both children and adults of all ages with symptoms often developing slowly while often mimicking other less-rare diseases; and

WHEREAS, Myositis affects every aspect of patients' lives including emotional, physical, relationships, and financial, patients deserve emotional support, financial assistance, and understanding; and

WHEREAS, Raising awareness and funding are important factors in advancing research and developing new, less-damaging treatments with the goal of a cure for Myositis; and

WHEREAS, Congress passed a house resolution in 2006 proclaiming September 21<sup>st</sup> as National Myositis Awareness Day; and

WHEREAS, The City of Milford would like to join Congress and Myositis Support and Understanding Association in raising awareness of Myositis.

NOW THEREFORE, I, Bryan Shupe, Mayor of the City of Milford, do hereby proclaim that September 2015, be observed as Myositis Awareness Month, and call upon all citizens of Delaware to learn about Myositis and advocate for increased funding for research and education programs.

## MONTHLY POLICE REPORT

Police Committee Chairman Morrow presented the report on behalf of Chief Hudson. Mr. Burk moved to accept the monthly police report, seconded by Mr. Grier. Motion carried.

## CITY MANAGER REPORT

Mayor Shupe referenced the Utility and Parks and Recreation Department reports included in the packet. Council members had no questions.

Mr. Brooks moved to accept the City Manager Report, seconded by Mr. Starling. Motion carried.

## COMMITTEE & WARD REPORTS

Councilman Starling thanked Chief Hudson for his help with the 4<sup>th</sup> Ward block party held on August 29<sup>th</sup>. He also thanked Mayor Shupe for attending.

Public Works Committee Chairman Brooks announced the Public Works Committee met on August 19<sup>th</sup> at which time the Truitt Avenue and Cemetery Road paving projects were discussed. The Airport Road repairs and associated funding was also discussed.

Mr. Brooks recalled the solid waste fee conversation at the last council meeting. He has since received a complaint from property owner Emmett Venett who contacted the city about picking up a sofa left by one of his tenants. The city charges \$50 for that service and Mr. Venett complained that it was too high. He also found out that Kent County provides the same service to its customers for no charge. As a result, he ended up moving the sofa to his home in Woodshaven for the county solid waste crews to pick up.

Mr. Venett said that because he owns four properties in Milford and pays taxes on each, he does not feel he should have to move a sofa to his home outside the city in order to avoid the charge.

Mr. Brooks asked that bulk fees be discussed at the time the yard waste container fee is discussed.

Mr. Brooks then announced that the Fall Cleanup Week begins October 5<sup>th</sup>.

Mayor Shupe pointed out that those larger items can be picked up that week at no additional fee.

## COMMUNICATIONS & CORRESPONDENCE

### *Riverwalk Freedom Festival*

Councilman Morrow thanked the city departments that assisted with the Riverwalk Freedom Festival this past Saturday and in particular the police department and parks and recreation.

Mayor Shupe said he also wanted to acknowledge Milford Police Department, noting the officers' presence throughout the event. He explained that around noon, a heavy cell was seen on the weather radar which resulted in a torrential downpour. He said that one of Milford's officers did a great job warning vendors and attendees of the impending weather. It allowed people to get out of the area before the storm hit and prevented what could have been a disaster had everyone waited.

He commended Community Officer Matt Smith who also helped the vendors pack up their merchandise and equipment. He expressed his appreciation to Chief Hudson adding the officers were a great help.

Councilman Burk said he wanted to make a point of thanking Milford Police Department for the excellent job they do in this town. He stopped by the police department a couple weeks ago to thank them especially considering everything that is going on in the world today. He said that sadly, this is no longer the job it was several years ago and he encourages our residents to take the time to thank our officers for the outstanding work they do.

Chief Hudson told Councilman Burk he really appreciates his comments adding it is a difficult time for police.

### *Downtown Master Plan*

Mayor Shupe announced the Downtown Master Plan project will begin tomorrow. He e-mailed council informing them of the upcoming meetings and encouraged them to attend the 10:00 a.m. Steering Committee meeting at city hall, 2:00 p.m. Community Leaders meeting at Milford Library and the 6:00 p.m. Public Input meeting at Arenas on Tuesday.

Mr. Brooks asked why the meetings are not being held in the council chambers at city hall; Mayor Shupe explained the steering committee will meet at city hall but the city is hosting meetings at Milford Library and at Arenas and Abbots to have a more comfortable atmosphere. A lot of residents do not like coming to city hall because of the official presence of city council or city manager. Instead he wanted to have a third-party place where they can be comfortable giving out ideas which will increase the number of visitors downtown.

Mayor Shupe reiterated the times and locations adding that more than sixty people are planning to attend the Arena's public

input meeting. On Thursday, he will present the final plan at Abbotts Grill at 6:00 p.m.

Mr. Brooks asked about a meeting on Wednesday; Mayor Shupe advised there are several meetings during which they will be meeting with community leaders, DMI Board, civil and religious organizations, Milford Library, Delaware Music School and downtown merchants. In addition, they will meet with five different property owners.

Mayor Shupe feels this will be really helpful and looks forward to an in-depth conversation about downtown and what investments the city can make to encourage more private businesses and visitors.

#### *Bayhealth Medical Campus*

He also announced that tomorrow night at 5:00 p.m., Bayhealth is hosting a meeting at Carlisle Fire Company to discuss their replacement hospital. In addition, they will be sharing the information with the planning commission the same evening.

Mayor Shupe confirmed the hospital is still planning to open in 2018. He noted that the interim city manager, city planner and city clerk are working with him and hospital officials to keep things moving to keep them on schedule.

The mayor also informed council that he will be meeting with Bayhealth officials to discuss the future of the Clarke Avenue facility.

He is meeting Friday with Wilmington University president to discuss a potential partnership.

Mr. Brooks pointed out that if things go as planned, the NE Front Street overpass will be done around the same time as the hospital is completed.

#### UNFINISHED BUSINESS

##### *September 1, 2015 \$1.6 Million USDA Sewer Borrowing/Special Election Report*

Mayor Shupe read the following report into record:

*On behalf of the City of Milford Board of Special Elections for the \$1.6 Million USDA Sewer Improvement Borrowing Referendum held on Tuesday, September 1, 2015,*

*I am hereby reporting the following certified results to be as follows:*

*A total of 265 qualified persons voted on this matter; Those voting FOR the Proposed Borrowing was 208 and those voting AGAINST the Proposed Borrowing was 57.*

*Thereby, the proposal is hereby APPROVED.*

Mr. Grier moved to accept the report, seconded by Mr. Morrow. Motion carried.

##### *Adoption/Bond Resolution 2015-22/USDA Sewer Borrowing Proposal*

Mayor Shupe informed council this resolution approves the bonds being issued to finance the sewer borrowing that was approved by voters at the September 1<sup>st</sup> Special Election.

Mr. Mergner moved to adopt Resolution 2015-22, seconded by Mr. Starling:

APPROVING ISSUANCE OF A GENERAL OBLIGATION BOND OR BONDS TO THE UNITED STATES DEPARTMENT OF AGRICULTURE - RURAL UTILITIES SERVICE, AS REGISTERED OWNER, TO FINANCE IMPROVEMENTS TO THE CITY OF MILFORD'S SEWER SYSTEM, AS APPROVED BY THE ELECTORS;

DETERMINING THAT THE BOND OR BONDS WILL BE SOLD BY PRIVATE SALE AND AUTHORIZING EXECUTION OF LOAN DOCUMENTS; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY FOR THE BOND OR BONDS; AND AUTHORIZING OTHER NECESSARY ACTION

WHEREAS, the City Council of The City of Milford, Delaware (the "City") pursuant to Section 8, 72 Del. Laws Ch. 148 as amended (the "City Charter"), proposed to the electors of the City by Resolution dated June 8, 2015 (the "First Resolution") to borrow up to One Million Six Hundred Thousand Dollars (\$1,600,000) which may be used in order to: (i) partially finance the construction costs associated with the City's approved improvements, rehabilitations, upgrades and repairs to its sewer system, including the addition of a sewer supervisory control and data acquisition (SCADA) system instrumentation, pump stations upgrades and removal of external inflow and infiltration sources; and (ii) pay the costs of issuance of a bond or bonds (collectively, the "Project") and properly placed notice of hearing on the First Resolution as required by the City Charter; and

WHEREAS, the City Council thereafter passed a resolution on July 13, 2015 (the "Final Authorizing Resolution") giving its final authorization for a loan from the United States Department of Agriculture - Rural Utilities Service (the "Department"); and

WHEREAS, the City Council thereafter passed a second resolution on July 13, 2015 (the "Second Resolution") ordering and directing a special election to be held not less than thirty (30) days and not more than sixty (60) days after the public hearing to borrow the said money, for the purpose of voting for or against the proposed borrowing. The passage of the Second Resolution calling the special election was considered the City Council's determination to proceed in the matter at issue as authorized by the City Charter; and

WHEREAS, a special election was held on September 1, 2015 (the "Special Election"), and notice was properly given for the Special Election, whereby a majority of the electors approved the borrowing by voting in the Special Election which was conducted and certified in accordance with the provisions of the City Charter; and

WHEREAS, the Department has authorized a loan to the City in an amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000), for a term not to exceed forty (40) years, with an interest rate for the first partial loan of \$600,000 not-to-exceed 2.375% and an interest rate for the second partial loan of \$1,000,000 not-to-exceed 2.125%; and

WHEREAS, pursuant to and in accordance with the City Charter, the First Resolution, the Final Authorizing Resolution, the Second Resolution and this Resolution, the City now proposes to issue its General Obligation Bond or Bonds (collectively, the "Bond") in a principal amount not to exceed \$1,600,000 to finance the Project, as approved by the electors in the Special Election; and

WHEREAS, the Department requires the adoption of this Resolution specifying the details of the Bond; and

WHEREAS, the City Council desires to formalize, ratify, and confirm such action by adoption of a formal written resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND DETERMINED by the City Council of the City of Milford, Delaware, as follows:

Section 1. Authorization of the Incurrence of Indebtedness as Approved by the Electors. The City shall borrow an amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000) as approved by referendum of the electors in the Special Election held on September 1, 2015 by the issuance of the Bond.

Section 2. Authorization of Issuance of the Bond. The City shall issue, pursuant to the City Charter, the First Resolution, the Final Authorizing Resolution, the Second Resolution and this Resolution, up to \$1,600,000 aggregate principal amount of its General Obligation Bond or Bonds to provide funds for the Project.

Section 3. Form and Terms of the Bond. The Bond shall be substantially in the Form of Bond provided in Exhibit A with appropriate omissions, insertions and variations. The actual Bond will contain the terms of the Bond as required by Section

8.05 of the City Charter. The Bond will be issued for a term not to exceed forty (40) years, with an interest rate for the first partial loan of \$600,000 not-to-exceed 2.375% and an interest rate for the second partial loan of \$1,000,000 not-to-exceed 2.125%.

Section 4. Sale of the Bond. The Bond shall be sold at a private sale by negotiation to the United State Department of Agriculture - Rural Utilities Service pursuant to: (i) the terms of the Bond, (ii) a Letter of Conditions from the Department dated September 10, 2014, as amended April 27, 2015, and (iii) loan documents to be entered into by the City and the Department (the "Loan Documents").

Section 5. Covenant to Pay Debt Service - Pledge of Full Faith, Credit and Taxing Power. The City hereby covenants with the Department pursuant to this Resolution as follows: that the City will include in its budget for each fiscal year during the life of the Bond, the amount of the debt service on the Bond issued hereunder which will be payable in each such fiscal year so long as the Bond shall remain outstanding; that the City shall appropriate such amounts from its general revenues to the payment of such debt service; that the City shall duly and punctually pay or cause to be paid the principal of the Bond and the interest thereon at the dates and places and in the manner stated in the Bond according to the true intent and meaning thereof; and for such budgeting, appropriation and payment, the City hereby pledges its full faith, credit and taxing power. The covenant contained in this Section 5 shall be specifically enforceable.

Section 6. Authorization of Loan Documents. The Mayor and the City Clerk are hereby authorized to execute and deliver the Bond and any Loan Documents by and between the City and the Department setting forth the terms of the loan and the City's obligation to repay the loan, which will be evidenced by the delivery of the Bond.

Section 7. Further Action. The proper officers of the City are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Resolution and the City Charter in the name and on behalf of the City.

Section 8. City Charter Applicable to Bond. This Resolution is adopted pursuant to, and the Bond issued hereunder shall be subject to, the provisions of the City Charter and all of the mandatory provisions thereof shall apply hereunder whether or not explicitly stated herein.

Section 9. Contract with Bondholder. This Resolution constitutes a contract with the Department as registered owner of the Bond and shall be enforceable in accordance with the provisions of the laws of the State of Delaware.

Section 10. Severability. In case any one or more of the provisions contained in this Resolution or in the Bond issued pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Resolution or of said Bond and this Resolution or said Bond shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

Section 11. Repealer. All Resolutions and parts of Resolutions heretofore adopted to the extent that the same are inconsistent herewith are hereby repealed.

Section 12. Effective Date. This Resolution shall take effect on the date this Resolution is adopted by the City Council.

ADOPTED AND RESOLVED this 14th day of September 2015

Motion carried.

NEW BUSINESS

*Adoption/Resolution 2015-23/Scheduling Trick or Treat Night*

Mr. Burk moved to adopt Resolution 2013-23, scheduling Trick or Treat on Saturday, October 31<sup>st</sup> from 6:00 to 8:00 p.m. seconded by Mr. Brooks:

WHEREAS, the children of Milford are entitled to the fun and festivity associated with the observance of Halloween Trick-or-Treat custom of traveling with friends and family going door to door in their neighborhoods displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Saturday, October 31, 2015 between the hours of 6:00 P.M. and 8:00 P.M. in the City of Milford.

AND, BE IT FURTHER RESOLVED THAT:

\*Only celebrants of 12 years and under will be permitted to engage in Trick-or-Treat.

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

\*Motorists are asked to be ever watchful of our youngsters making these annual rounds.

Motion carried.

Mayor Shupe introduced the following six ordinances and asked Planning Coordinator Rob Pierce to present them.

*Introduction/Ordinance 2015-12/Key Properties Group/Change of Zone/7254 & 7272 Cedar Neck Road*

Mr. Pierce advised this is a zoning request from Key Properties Group on behalf of the Bayhealth Medical Center. The ordinance establishes the zoning for parcel 3-30-15.00-058.01 and 3-30-15.00-058.04. Both parcels are currently in the process of being annexed. As recommended by the annexation committee, the 2.6 +/- acres are proposed to be changed from their current zoning of AR-1 in Sussex County to IS (institutional services) in the city.

The Plan of Services was accepted by state planning on August 19, 2015. The planning commission public hearing will be held tomorrow, September 15<sup>th</sup> and a final determination on the ordinance by council will follow a public hearing on September 28<sup>th</sup>.

*Introduction/Ordinance 2015-17/Bayhealth Medical Center Inc./Change of Zone/7296 Cedar Neck Road*

Mr. Pierce reported that Bayhealth Medical Center is requesting the zoning of parcels 3-30-15.00-059.00 and 3-30-15.00-059.01 involving 3.00 +/- acres, be changed from C-3 (commercial) to IS (institutional services) for future use as part of the new medical campus.

This ordinance is also scheduled for a public hearing before the planning commission tomorrow, September 15<sup>th</sup> and a final determination on the ordinance will follow a public hearing before city council on September 28<sup>th</sup>.

*Introduction/Ordinance 2015-18/Bayhealth Medical Center Inc/Change of Zone*

Mr. Pierce advised this ordinance will potentially change the zoning of parcel 3-30-15.00-050.01 involving 42.55 +/- acres, from R-3 (residential) to IS (institutional services) for future use as part of the Bayhealth Medical Campus.

This ordinance is also scheduled for a public hearing before the planning commission tomorrow, September 15<sup>th</sup>. A final determination will follow a public hearing before city council on September 28<sup>th</sup>.

*Introduction/Ordinance 2015-19/Country Life Homes Inc/Change of Zone*

Mr. Pierce advised this ordinance potentially will change the zoning of parcel 3-30-15.00-058.03 involving 6.35 +/- acres, from C-3 (commercial) to IS (institutional services) for future use as part of the Bayhealth Medical Campus.

This ordinance is also scheduled for a public hearing before the planning commission tomorrow, September 15<sup>th</sup>; a final determination will be made by city council following a public hearing on September 28<sup>th</sup>.

*Introduction/Ordinance 2015-20/Bayhealth Medical Center Inc./Change of Zone*

Mr. Pierce advised this ordinance changes the zoning of parcel 3-30-15.00-050.11, involving 11.51 +/- acres, from R-3 (residential) to IS (institutional services) for future use as part of the Bayhealth Medical Campus.

This ordinance is also scheduled for a public hearing before the planning commission tomorrow, September 15<sup>th</sup>; a final determination on the ordinance will be made by council following a public hearing on September 28<sup>th</sup>.

*Introduction/Ordinance 2015-21/Key Properties Group/Change of Zone*

Mr. Pierce advised this ordinance will change the zoning of parcel 3-30-15.00-058.00 involving 102.99 +/- acres, from C3 (commercial) to IS (institutional services) for future use as part of the Bayhealth Medical Campus.

This ordinance is also scheduled for a public hearing before the planning commission tomorrow, September 15<sup>th</sup> and a final determination on the ordinance will be made by council following a public hearing on September 28<sup>th</sup>.

*Adoption/Corrective Resolution 2015-24/Annexation & Municipal Boundary/Kitty Chen/709 North Shore Drive  
Adoption/Corrective Resolution 2015-25/Annexation & Municipal Boundary/Pervaiz Gill/706 East Lane*

Mr. Pierce then informed council that the city charter requires an official map of the city boundaries to be recorded in the Recorder of Deeds Office for Kent and Sussex Counties. The Planning & Zoning Department reviewed the municipal boundary file on record with the State of Delaware for accuracy. During this process, city assessment records were compared to Kent and Sussex County maps. It was determined that Kent County did not recognize parcel(s) MD-00-182.12-01-51.00 & MD-00-182.12-01-52.00 as city parcels.

According to the November 6, 1979 city council meeting minutes, parcel 5100, owned by Dr. George Chen, spouse of the current owner, was annexed into the City of Milford. According to the May 13, 1985 city council meeting minutes, council approved the annexation request for parcel 5200 owned by William E. Towers at the time. The City could only locate the archived minutes and were unable to locate any associated annexation resolutions which may not have been required at the time. The Kent County Department of Planning Services has requested official documentation be submitted by the City of Milford before they will change the parcel numbers and officially show them within city limits.

Parcel 5100 is currently owned by Mrs. Kitty Chen of 709 North Shores Drive. Parcel 5200 is currently owned by Mr. & Mrs. Pervaiz Gill of 706 East Lane. The owners were made aware of this corrective action and have signed paperwork acknowledging that these parcels are within city limits.

As a result, corrective resolutions have been prepared and need to be adopted by city council. Those resolution will then be presented to Kent County to assure all maps include accurate information.

Ms. Peel moved to adopt Resolution 2015-24, reaffirming the annexation of Tax Map Parcel # MD-00-182.12-01-51.00 into the City of Milford, seconded by Mr. Grier:

*Resolution 2015-24*

WHEREAS, the Charter of the City of Milford authorizes Council to extend the boundaries of said City pursuant to procedures found in the Charter;

WHEREAS, the Mayor and Council of the City of Milford deem it in the best interests of the City of Milford to include said area as hereinafter more particularly described within the limits of the City of Milford;

WHEREAS, the Charter of the City of Milford provides that if all owners of record of the land proposed for annexation petition the City for annexation or consent in writing to the annexation, and prior to the conclusion of the public hearing, no written objection is received by the City from a qualified resident of the territory proposed for annexation, the City Council may vote to accept or reject the proposed annexation; and

WHEREAS, pursuant to the terms of the Charter, the City Council, having voted on November 6, 1979 to accept the proposed annexation, shall thereupon adopt a resolution affirming the annexation of said territory and its inclusion in the limits of the City of Milford.

NOW, THEREFORE, BE IT RESOLVED:

1. That the following territory situated in Kent County, State of Delaware as more particularly bounded and described by the following description be annexed to and included within the limits of the City of Milford:

All that certain lot(s), pieces(s) or parcel(s) of land and premises situated in Mispillion Hundred, Kent County, State of Delaware, near the City of Milford, more particularly described as follows, to wit:

RECORD OWNER: Chen, Kitty

PROPERTY ADDRESS: 709 N. Shore Drive, Milford, DE 19963

TAX MAP ID: MD-00-182.12-01-51.00

DEED REFERENCE: Deed BK E Volume 28 Page 377

BRIEF DESCRIPTION: All that certain lot, piece or parcel of land lying on the West side but not adjacent to U.S. Route 113 in the North Shores of Haven Lake, Inc., development, in Milford Hundred, Kent County and State of Delaware, lying on the northerly side of North Shore Drive and more particularly described as follows, to wit:

Beginning at a pipe for a corner with Lot 13 on the northerly line of North Shore Drive: thence North 03 degrees 08 minutes East with line of Lot 13 a distance of 150 feet to a pipe; thence South 86 degrees 52 minutes East such distance as is required to a pipe for a corner on North Shore Drive; thence South 39 degrees 28 minutes West with northeasterly line of North Shore Drive a distance of 196 feet to a pipe for a corner; thence North 86 degrees 52 minutes West with northerly line of North Shore Drive a distance of 99.82 feet home to the place of beginning. Being known and designated as Lot 12 on plot of North Shores, Milford, Delaware, prepared by H.F. Bressler on April 29, 1958 and revised February 25, 1960 recorded at the Recorder of Deeds at Dover, Delaware, in Plot Book 5, Page 22.

2. The proposed zoning district classification for such lands is R-1 (Low Density Residential) which is in accordance with and consistent with the City's Comprehensive Plan.
3. That a certified copy of the Resolution of Annexation shall be forthwith filed for record with the Recorder of Deeds for Kent County.
4. That the above-described area became a part of the City of Milford beginning November 6, 1979 at which time City Council voted in favor of its annexation.
5. ADOPTED this 14th day of September 2015.

Motion carried.

Ms. Peel moved to adopt Resolution 2015-25, reaffirming the annexation of Tax Map Parcel # MD-00-182.12-01-52.00 into the City of Milford, seconded by Mr. Grier:

WHEREAS, the Charter of the City of Milford authorizes Council to extend the boundaries of said City pursuant to procedures found in the Charter;

WHEREAS, the Mayor and Council of the City of Milford deem it in the best interests of the City of Milford to include said area as hereinafter more particularly described within the limits of the City of Milford;

WHEREAS, the Charter of the City of Milford provides that if all owners of record of the land proposed for annexation petition the City for annexation or consent in writing to the annexation, and prior to the conclusion of the public hearing, no written objection is received by the City from a qualified resident of the territory proposed for annexation, The City Council may vote to accept or reject the proposed annexation; and

WHEREAS, pursuant to the terms of the Charter, the City Council, having voted on May 13, 1985 to accept the proposed annexation, shall thereupon adopt a resolution, affirming the annexation of said territory and its inclusion in the limits of the City of Milford.

NOW, THEREFORE, BE IT RESOLVED:

1. That the following territory situated in Kent County, State of Delaware as more particularly bounded and described by the following description be annexed to and included within the limits of the City of Milford:

All that certain lot(s), pieces(s) or parcel(s) of land and premises situated in Milford Hundred, Kent County, State of Delaware, near the City of Milford, more particularly described as follows, to wit:

RECORD OWNER: Gill, Pervaiz & Muriel P  
PROPERTY ADDRESS: 706 East Lane, Milford, DE 19963  
TAX MAP ID: MD-00-182.12-01-52.00  
DEED REFERENCE: D4269-53

BRIEF DESCRIPTION: All that certain lot, piece or parcel of land situated in Kent County, State of Delaware, lying on the southwesterly side of East Lane, & the northwesterly side of North Shore Drive; being all of Lot 54 as shown on a plan of North Shores – Section 2 recorded in Plot Book 11, page 73 and being more particularly bounded and described as follows, to wit:

Beginning at a point at the corner for this lot at the intersection of the southwesterly line of East Lane (50 feet wide) with the northwesterly line of North Drive (50 feet wide), said point being located North 66 deg. 12 min. 17 sec. West 0.3 feet from a pipe found in concrete; thence along the northwesterly line of North Shore Drive South 39 deg. 30 min. 00 sec. West 43.81 feet to a pipe found in concrete at a corner for Lot 12 of North Shores – Section 1 (Plot Book 5, page 22); thence along line of Lot 12 in part and in part with Lot 13 of North Shores – Section 1 North 86 deg. 52 min. 00 sec. West 296.28 feet (passing over a pipe found in concrete at a distance of 210.52 feet) to a pipe found in line of Lot 13 at a corner for Lot 55; thence along line of Lot 55 North 28 deg. 17 min. 38 sec. East 184.24 feet to a pipe found in concrete in the southwesterly line of East Lane; thence along the southwesterly line of East Lane on the following two courses and distances: (1) South 62 deg. 48 min. 00 sec. East 98.00 feet to a point; thence (2) in a southeasterly direction along the arc of a 783.02 radius curve to the right an arc distance of 179.92 feet (the chord of which bears South 56 deg. 13 min. 03 sec. East 179.52 feet) to the place of beginning and containing 32,340 square feet of land, be the same more or less.

2. The proposed zoning district classification for such lands is R-1 (Low Density Residential) which is in accordance with and consistent with the City's Comprehensive Plan.
3. That a certified copy of the Resolution of Annexation shall be forthwith filed for record with the Recorder of Deeds for Kent County.

4. That the above-described area became a part of the City of Milford beginning May 13, 1985 at which time City Council voted in favor of its annexation.
5. ADOPTED this 14th day of September 2015.

Motion carried.

*Bid Award/Washington Street Water Treatment Facility Replacement Project/Contract D-Treatment Plant*

Erik Retzlaff of Davis, Bowen and Friedel, stated that their firm handled the bid process for this project and on August 19, 2015, three sealed bids were received and publicly opened. The low bidder was Kuhn Construction of Hockessin, Delaware. The bid has since been reviewed and was found to be in order.

In accordance with the requirements of the Drinking Water State Revolving Fund program, they forwarded both the bid tabulation and the low bidder's supplemental information to verify compliance with the Disadvantaged Business Enterprise requirements. Confirmation has since been received from DWSRF that the low bidder does comply.

The project bid documents included several add alternate bid items. A summary of the Base Bid and Add Alternate Bid amounts received from Kuhn Construction, are presented below.

Total Base Bid:	\$2,496,000.00
Base and Alternate Bid Item 17A: (Includes Metal Roof)	\$2,503,500.00
Base and Alternate Bid Item 18A: (Includes Well No. 1 Enclosure)	\$2,541,000.00
Base and Alternate Bid Items 19A-19B: (Includes New Well 1R and Abandonment of Existing Well 1)	\$2,641,165.00
Base Bid and Alternate Bid Items 17A and 19A -19B:	\$2,648,665.00
Available Construction Funds:	\$2,700,000.00

Due to the location, age (circa 1925) and poor condition of Well No. 1, DBF's recommendation is to award the project to Kuhn Construction for the estimated amount of \$2,648,665. This amount includes the replacement and abandonment of existing Well No. 1, as well as the inclusion of a standing seam metal roof on the new treatment building.

Mr. Brooks moved to award the Washington Street Water Treatment Facility Replacement Project/Contract D-Treatment Plant to Kuhn Construction in the amount of \$2,648,665.00, seconded by Mr. Morrow. Motion carried.

*DBF Contract Cost Adjustment/Washington Treatment Facility Construction Administration/Funding Source*

Mr. Retzlaff advised that DBF originally anticipated a construction period for the Washington Treatment Facility of 270 calendar days. During the bidding process, two of the prospective bidders stated that additional time would be needed to complete the project. One bidder requested that 90 days be added to the construction time. After consulting with the Interim City Manager Jeff Portmann, it was agreed to issue an addendum for another 60-calendar days to be added to the proposed construction time.

As a result, this also increased DBF's time and costs to oversee and administer the project. DBF has requested an additional \$7,000 be added to their Construction Administration Services fee to cover the cost of the additional two months.

Also, the Add Alternate Bid Item, for the installation of a new production well to replace existing Well No. 1, was approved when the bid was awarded to Kuhn Construction. This work was not included in the original project scope of services. Because council accepted the add alternate bid item, \$8,600 must be added to the Construction Administration Services to cover the additional work to administer and oversee the round-the-clock work necessary to install the new well.

Mr. Grier moved to approve an additional \$15,600 to DBF's Construction Administration Service related to the Washington Street Treatment Facility Construction project, seconded by Mr. Mergner. Motion carried.

*FY 2015-2016 Police Department Budget Request/Transfer to Legal Expense Account*

Due to ongoing legal matters city council is aware of, the original \$25,000 budgeted this year will be insufficient to cover those expenses. Chief Hudson submitted a request to increase that line item by \$25,000.

Mr. Morrow moved to increase Police Line Item Legal Expenses 101-1610-421-30-20 by \$25,000, to be paid out of the Real Estate Transfer Tax Fund, seconded by Mr. Starling. Motion carried.

*Introduction of Ordinance 2015-24/Theft of Electric Services*

Mayor Shupe advised that ordinance was requested as a result of recent activity occurring in the parks and downtown area where unauthorized persons are connecting to receptacles and using city electricity at no cost.

City Solicitor Rutt explained that this ordinance was specifically created to amend the Electric Rules and Regulations Code, Appendix B. He also suggests council consider similar ordinances to cover other city services including trash, sewer and water utilities.

Mayor Shupe then introduced the following ordinance:

ORDINANCE NO. 2015-24

WHEREAS, The City of Milford maintains electrical outlets that are located in areas open to the general public; and

WHEREAS, The City of Milford installed this electrical outlets for the exclusive use of the City of Milford; and

WHEREAS, any use of these electrical outlets is paid by the City of Milford; and

WHEREAS, The City of Milford desires to update Appendix B of the City Code to recognize that any unauthorized use of these electrical outlets or other electric service maintained and paid by the City of Milford is prohibited.

NOW THEREFORE, THE CITY OF MILFORD ORDAINS:

Section 1.

Section 15 of Appendix B of the Code of the City of Milford, entitled "TAMPERING WITH CITY PROPERTY," shall be amended by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 15 - TAMPERING WITH AND THEFT OF CITY PROPERTY

15.1

TAMPERING EXPRESSLY FORBIDDEN

No person except a duly authorized representative of the City shall make any connection or disconnection, either temporary or permanent between Service load of the Customer and Service wires of the City; or set, change, remove or interfere with or make any connections to the City's meter or other property or any wiring between the City's meter and the Service wires of the City. By taking Service from the City, the Customer agrees to respect the integrity of the meter seal.

## 15.2

## THEFT OF CITY PROPERTY

No person shall commit theft of Services that are owned by or billed to the City. Theft of Services is obtaining Services owned by or billed to the City by deception, threat, coercion, stealth, tampering or use of false token or device. For purposes of this section, "tampering" includes, but is not limited to, making a connection of any wire, electronic device, conduit or device to any Service, electrical outlet, or transmission line owned by or billed to the City. No person shall be in violation of this section if the service is expressly stated to be for use by the public, or for any act that was expressly authorized by a duly authorized representative of the City.

## 15.3

## LIABILITY FOR TAMPERING OR THEFT OF CITY PROPERTY

In the event of the City's meters or other property being tampered or interfered with, the Customer being supplied through such equipment shall pay the amount which the City may estimate is due for Service used but not registered on the City's meter, and for any repairs or replacements required, and such changes in Customer's installations as may be required by the City. Furthermore, the Customer may be subject to a utility tampering fee in accordance with the Fee Schedule, Appendix 1.

Any person found committing an act of theft of services as provided under Section 15.2 shall be subject to penalty of \$25.00 for each violation. Furthermore, the person may be reported to the police for potential criminal charges. When the City discovers evidence of tampering or interference, Services may be terminated and the police will be notified for possible criminal charges. Upon request and pending police action, the Customer may be reconnected after all applicable fees have been paid. (See Fee Schedule, Appendix 1).

## Section 2.

## Dates.

Introduction: 09-14-2015

Adoption: 09-28-2015

## MONTHLY FINANCE REPORT

Finance Committee Member Morrow advised that through the first month of Fiscal Year 2015-2016 with 8% of the fiscal year having passed, 8.55% of revenues have been received and 7.98% of the operating budget expended. He noted that the numbers are where they should be, including revenues and expenditures.

He recalled a question raised during last month's finance report review regarding the \$75,000 property tax deficit at the end of the fiscal year. He reminded council that they voted to eliminate the annual revaluation of a portion of properties on the tax rolls and instead decided to wait to add any increases at the time of the required ten-year citywide reassessment. The \$75,000 reflects the overall amount property taxes had to be reduced for the year as a result.

Mr. Morrow moved to accept the 2015 July Monthly Finance report, seconded by Mr. Grier. Motion carried.

## EXECUTIVE SESSION

## Property Sale/Land Purchase

*Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property*

## Personnel/Employment Issue &amp; Personnel Matter

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

Mr. Mergner moved to go into Executive Session reference a land purchase, employment update and personnel matter,

seconded by Mr. Brooks. Motion carried.

Mayor Shupe recessed the Council Meeting at 7:48 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 7:58 p.m.

LAND PURCHASE

Mr. Grier moved to proceed with the recommendation of the City Planning Coordinator regarding the two lots in the Greater Milford Business Park, seconded by Mr. Burk. Motion carried.

ADJOURN

With no further business, Mr. Grier moved to adjourn the Council Meeting, seconded by Mr. Mergner. Motion carried. The Council Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
September 28, 2015

Milford City Council held a Public Hearing on Monday, September 28, 2015 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, Lisa Ingram Peel, James Burk, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: Assistant City Solicitor James Sharp, Esquire

Mayor Shupe called the Public Hearing to order at 7:06 p.m.

City Planning Coordinator Rob Pierce advised that all public hearing items on the agenda are related to the new Bayhealth Medical Campus south of Wilkins Road, west of Route 30 and east of Elks Lodge Road and somewhat north of Johnson Road.

Two parcels are proposed to be annexed and zonings changed from their Sussex County designation to IS (Institutional Service District).

Mr. Pierce explained the purpose of the IS district is to further the public health, safety and welfare by providing locations for schools, government buildings, health care related uses and all other health care facilities with appropriate access to streets, utilities and municipal services.

*Adoption/Ordinance 2015-12/Key Properties Group/Change of Zone/7254 & 7272 Cedar Creek Road*

Mr. Pierce informed council the annexation and change of zone applications meet the conditions for approval based on the following:

- \* The annexation and new zoning classification conform to the Southeast Master Plan for the City of Milford in relation to land use and intensity of nonresidential building and location.
- \* Transportation facilities, water and sewerage systems, storm drainage systems and fire suppression facilities are adequate to serve the proposed use and are either in existence, or programmed for construction.
- \* There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the city.

Ordinance 2015-12 relates to the change of zone of tax parcels' 3-30-15.00-058.01 & 3-30-15.00-058.04 which is approximately 2.6 acres. The comprehensive plan designation is employment and the current use is two single family dwelling units whose addresses are 7254 Cedar Creek Road and 7272 Cedar Creek Road.

The proposed use is medical campus; their current zoning is AR-1 in Sussex County and the proposed City of Milford zoning is IS (institutional services).

An annexation committee meeting took place on July 27, 2015 which resulted in a positive recommendation. The plan of services was accepted by the Office of State Planning on August 19, 2015.

The planning commission reviewed the application and recommended approval at their public hearing on September 15, 2015 by unanimous vote.

Representing Bayhealth, Gregory V. Moore, P.E. of Becker Morgan Group, stated he was present to answer any questions as he indicated throughout the hearing.

Ms. Wilson stated that city council is excited to get to this point. They, too, have worked for the past five years on this area and are happy to see the hospital taking advantage and that the project is finally coming to fruition.

There were no additional comments from city council.

When asked for public comments, Michael Spillane of 20 Clearview Drive, Hearthstone Manor, noted that the front entrance to Hearthstone on Wilkins Road floods every time it rains and becomes dangerous. He spoke with the city and state on several occasions. When he spoke to the state, they somewhat blamed the city. But they also agreed it is in the county though the flooding was a result of poor planning. They agreed that they may also be a little at fault. He suggests that it may be a good time to fix the drainage problems with the construction that will occur in this area.

Mr. Spillane explained that the entrance into the hospital site will be adjacent to Hearthstone. He asked if the hospital is planning to do anything to the roadway to help alleviate this problem and if any possible work is scheduled on the swales. He noted there is also a creek at the entrance of Hearthstone that often overflows during a rain event.

He explained that Wilkins Road, which is a state-maintained road, is higher than the Hearthstone streets.

Mr. Spillane is aware the hospital will need to construct stormwater ponds and asked how much drainage will flow over into the Hearthstone ponds as a result.

Mr. Moore responded by stating they are not yet at the detailed engineering stage where they will account for those issues. However, they are starting that process and tonight is the initiation. They are well aware of flooding on their side of Wilkins Road that exists along their entire frontage. He agrees there are not any drainage systems in the roadway even though it is a DeIDOT roadway.

Mr. Moore believes the lack of drainage systems is the cause of the problems Mr. Spillane described.

He cannot assure Mr. Spillane that the hospital will correct any of the problems on the Hearthstone site because they are not responsible for that side of the roadway. However, they do plan to install new drainage along the entire road which will drain the water from the hospital property to the direction where there is an outfall. The water will then flow toward the bay area and away from Hearthstone.

Mr. Moore is very confident they will correct the drainage problems on their side of Wilkins. He said it may be possible to go through Wilkins though that will be based on DeIDOT's requirements. At this point, they are in early discussions as to how to position entrances and where the roadway will need to be widened.

Mr. Moore assured Mr. Spillane that the hospital will actively work with their neighbors to assure a good relationship. They will do what they can though he cannot guarantee any work on any property beyond the hospital's area.

Ms. Wilson confirmed that DeIDOT and DNREC are aware of this problem in addition to several members of city council who will recall it being discussed for many years.

She asked Mayor Shupe and Interim City Manager Portmann to touch base with DeIDOT and DNREC and attempt to resolve this problem during the hospital construction. She agrees the Hearthstone residents have put up with this problem for many years and it has yet to be resolved.

Mayor Shupe agreed to get back in touch with Mr. Spillane.

Mr. Spillane said he appreciates that but even if the hospital is unable to do anything on the Hearthstone side, perhaps the city could do something considering the construction and road work that will be needed over the next several months. He suggests the city fix the mistakes they previously made and hopes this can be resolved.

Mr. Brooks moved to adopt Ordinance 2015-12 so that the hospital can proceed with their plans, seconded by Mr. Mergner:

ORDINANCE 2015-12  
Annexation/Lands belonging to Key Properties Group LLC  
Tax Parcel 3-30-15.00-58.01 and 3-30-15.00-58.04  
2.56 +/- Acres  
Current Zone AR-1 / Proposed Zone IS

An Ordinance to Amend the Zoning Designation of the parcel of land, under the ownership of Key Properties Group LLC, Tax Parcel 3-30-15.00-58.01 and 3-30-15.00-58.04, situated west side of Cedar Creek Road (DE Route 30), between Wilkins Road (County Road 206) to the north and Fork Road to the south, upon its annexation into the City of Milford through the adoption of a resolution by the majority members of Milford City Council.

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

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

WHEREAS, the land owned by Key Properties Group LLC is presently zoned by Sussex County as "AR-1" (Agricultural Residential District), and

WHEREAS, City Council referred the zoning of the affected territory to the Planning and Zoning Commission for a report and recommendation and after a due hearing on September 15, 2015 as provided by law, the Planning and Zoning Commission made its recommendation to City Council, and

WHEREAS, following a Public Hearing held on September 28, 2015 and consideration of the recommendation of the City Annexation Committee, City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

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

Tax Parcel No. 3-30-15.00-58.01

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said Cedar Creek Road, on south by lands now or formerly of Louis J. & Shirley L. Renzi and on the west and north by other lands now or formerly of Key Properties Group, LLC, and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group Inc., said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following three courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 694.73 feet, chord bearing and distance of said arc being South 13°41'22" East 694.65 feet to a set concrete monument; thence South 12°15'04" East 198.51 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road 1) South 12°15'04" East 209.89 feet to point at a corner for this parcel and lands of Louis J. & Shirley L. Renzi; thence running with said other lands of Renzi 2) South 77°49'10" West 265.77 feet to a found iron pipe with cap a corner for this parcel and other lands of Key Properties Group, LLC; thence with said lands of said lands of Key Properties Group, LLC the following two courses and distances 3) North 12°11'12" West 209.89 feet to found iron rod; thence 4) North 77°49'10" East 265.53 feet to the point and place of beginning, containing 1.2800 acres of land be the same, more or less.

Tax Parcel No. 3-30-15.00-58.04

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said Cedar Creek Road and on the south, west and north by other lands now or formerly of Key Properties Group, LLC and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group, LLC, said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following two courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 683.14 feet, chord bearing and distance of said arc being South 13°42'49" East 683.07 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road the following two courses and distances 1) along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 11.59 feet, chord bearing and distance of said arc being South 12°16'31" East 11.59 feet to a set concrete monument; thence 2) South 12°15'04" East 198.51 feet to a point at a corner for this parcel and other lands of Key Properties Group, LLC; thence with said other lands of Key Properties Group, LLC the following three courses and distances 3) South 77°49'10" West 265.53 feet to a found iron rod; thence 4) North 12°11'12" West 210.10 feet to a point; thence 5) North 77°49'10" East 265.29 feet to the point and place of beginning, containing 1.2802 acres of land be the same, more or less.

Upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as IS (Institutional Service District).

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

Motion carried.

*Adoption/Resolution 2015-27/Annexing/Key Properties Group Parcels/7254 & 7272 Cedar Creek Road*

Mr. Burk moved to adopt Resolution 2015-27 for the reasons stated by the Planning Commission and recommendation to city council, seconded by Mr. Morrow:

*Resolution 2015-27*

Annexation/Lands belonging to Key Properties Group, LLC

Tax Parcel No. 3-30 15.00 58.01

1.28 +/- Acres

Current Zone A-R/Proposed Zone I-S

Annexation/Lands belonging to Key Properties Group, LLC

Tax Parcel No. 3-30 15.00 58.04

1.28 +/- Acres

Current Zone A-R/Proposed Zone I-S

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City the following described lands, to wit:

Tax Parcel No. 3-30 15.00 58.01

7254 Cedar Creek Road

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said

Cedar Creek Road, on south by lands now or formerly of Louis J. & Shirley L. Renzi and on the west and north by other lands now or formerly of Key Properties Group, LLC, and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group Inc., said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following three courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 694.73 feet, chord bearing and distance of said arc being South 13°41'22" East 694.65 feet to a set concrete monument; thence South 12°15'04" East 198.51 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road 1) South 12°15'04" East 209.89 feet to point at a corner for this parcel and lands of Louis J. & Shirley L. Renzi; thence running with said other lands of Renzi 2) South 77°49'10" West 265.77 feet to a found iron pipe with cap a corner for this parcel and other lands of Key Properties Group, LLC; thence with said lands of said lands of Key Properties Group, LLC the following two courses and distances 3) North 12°11'12" West 209.89 feet to found iron rod; thence 4) North 77°49'10" East 265.53 feet to the point and place of beginning,

CONTAINING 1.2800 acres of land be the same, more or less.

&

Tax Parcel No. 3-30 15.00 58.04  
7272 Cedar Creek Road

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (SR 30) and being bounded on the east by said Cedar Creek Road and on the south, west and north by other lands now or formerly of Key Properties Group, LLC and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group, LLC, said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following two courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 683.14 feet, chord bearing and distance of said arc being South 13°42'49" East 683.07 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road the following two courses and distances 1) along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 11.59 feet, chord bearing and distance of said arc being South 12°16'31" East 11.59 feet to a set concrete monument; thence 2) South 12°15'04" East 198.51 feet to a point at a corner for this parcel and other lands of Key Properties Group, LLC; thence with said other lands of Key Properties Group, LLC the following three courses and distances 3) South 77°49'10" West 265.53 feet to a found iron rod; thence 4) North 12°11'12" West 210.10 feet to a point; thence 5) North 77°49'10" East 265.29 feet to the point and place of beginning,

CONTAINING 1.2802 acres of land be the same, more or less.

and having considered the recommendation of the Annexation Committee appointed to investigate said annexation on whether or not to proceed with said annexation, having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code, having held a Public Hearing on February 18, 2014, 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 Sussex County, Delaware where said lands are situate.

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

That from and after the adoption date of this resolution, the territory annexed will be assessed and taxed at the same rate and basis as other taxable properties within the City of Milford.

The annexation area is contiguous to Ward 1 and City Council intends that these parcels become part of and be included within the Ward 1 area upon annexation.

That the Official Zoning Map and Boundary/Ward Map(s) of the City of Milford, Delaware be amended to include the herein described property.

Now I, Bryan W. Shupe, 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 September 28, 2015 at which a quorum was present and voting throughout and that the same is still in full force and effect.

Motion carried.

*Approval/Annexation Agreement/Key Properties Group/7254 & 7272 Cedar Creek Road*

Ms. Wilson moved to approve the Annexation Agreement between Key Properties Group LLC and the City of Milford and to authorize the mayor to sign the document, seconded by Mr. Starling. Motion carried.

*Adoption/Ordinance 2015-17/Bayhealth Medical Center Inc/Change of Zone/7296 Cedar Creek Road*

Mr. Pierce advised that this involves two parcels totaling approximately three acres, previously owned by Louis & Shirley Renzi at 7296 Cedar Creek Road and sold to Bayhealth following the submission of the application to the city.

Its current use is single family dwelling and the proposed use is medical campus. The change of zone being requested is IS (institutional services). Both parcels were originally annexed into the city in April of 2010 as C-3 (commercial).

The planning commissioner recommended approval by unanimous vote, following a public hearing on September 15, 2015.

City council had no questions.

Mayor Shupe opened the floor to public comment; no one responded and the comment session was closed.

Mr. Grier moved to adopt Ordinance 2015-17, based on the planning commission findings and recommendation, as well as his opinion this is a more appropriate use in an institutional service district versus a commercial use, seconded by Ms. Wilson:

ORDINANCE 2015-17  
Change of Zone/Lands belonging to Bayhealth Medical Center Inc.\*  
Tax Parcel 3-30-15.00-059.00 and 3-30-15.00-059.01  
3.00 +/- Acres  
Current Zone C3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 3.00 +/- acres of real property from C3 to IS at 7296 Cedar Creek Road, Lincoln, Delaware. Present Use: Single Family Residential. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-059.00 and 3-30-15.00-059.01

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-059.00 and 3-30-15.00-059.01, owned by Bayhealth Medical Center Inc.\* located at 7296 Cedar Creek Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

\*Former lands of Peter and Shirley Renzi

Motion carried.

*Adoption/Ordinance 2015-18/Bayhealth Medical Center Inc./Change of Zone/Cedar Creek Road*

Mr. Pierce advised that parcel 3-30-15.00-050.01 is approximately 42.5 acres and its current comprehensive plan designation is employment. The parcel is currently vacant and the proposed use is medical campus.

The request is to change the zoning designation from R3 (residential) to IS (institutional services). It was originally annexed into the city in March 2006.

The planning commission recommended approval by unanimous vote following a public hearing on September 15, 2015.

Council had no additional comments.

Mayor Shupe opened the floor for public comment.

Michael Spillane of 20 Clearview Drive, Hearthstone Manor, recalled a traffic study was done several years ago for a shopping center. He was told the same traffic study will be used for the hospital. He is very concerned about the increase in traffic which could negatively impact the surrounding neighborhoods if not handled properly.

The hospital's engineer Gregg Moore stated that this is his expertise. He explained the previous traffic impact study, which was done by the previous developer, has been evaluated. The traffic impact study actually generates more than ten times the traffic in a retail capacity than a proposed hospital and campus. He emphasized that the analysis was approved by DeIDOT. Therefore, the study does stand though they are continuing to do further studies of the intersections.

He agreed the traffic counts have been done along the roadways and those statistics will be incorporated into the analysis so that the intersection designs are based on the actual traffic coming to a hospital. As a result, additional traffic impact studies are being performed to facilitate the correct entrances into the site.

With no additional responses, Mayor Shupe closed the floor for comments.

Mr. Grier moved to adopt Ordinance 2015-18, changing the zoning designation to institutional services which is a more appropriate designation considering the medical campus and uses, seconded by Mr. Starling:

Change of Zone/Lands belonging to Bayhealth Medical Center Inc.  
Tax Parcel 3-30-15.00-050.01  
42.55 +/- Acres  
Current Zone R3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 42.55 +/- acres of real property from R3 to IS on Cedar Creek Road, Lincoln, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-050.01

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-050.01, owned by Bayhealth Medical Center Inc. located on Cedar Creek Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation:

Motion carried.

*Adoption/Ordinance 2015-19/Country Life Homes Inc./Change of Zone/20203 Elks Lodge Road*

Mr. Pierce informed council that parcel 3-30-15.00-058.03 consists of approximately 6.35 acres. The current use is poultry houses and the proposed use is a medical campus. The current zoning is C3 (commercial) and the proposed zoning is IS (institutional services).

This parcel was originally annexed into the city in November of 2005.

The planning commission recommended approval by unanimous vote following a public hearing on September 15, 2015.

Council had no further comments.

Mayor Shupe opened the floor to public comment.

Michael Spillane of 20 Clearview Drive, Hearthstone Manor, explained there are no substations on that side of town. He asked if the city had plans for a substation for fire and police services. He feels fire services are needed to address the increase in structures in that area. He recalled at one time, land was being provided by a developer for a fire substation.

Mayor Shupe informed him that currently there are no plans for a police or fire substation. They will take that option into consideration as the city continues to grow.

Mr. Pierce advised that the Carlisle Fire Chief reported that the current response time for fire service from the fire house to the proposed hospital will be increased due to the length and distance. However, a substation was not discussed.

It was agreed that a future meeting of the fire department, police department and Bayhealth will be planned to review the hospital's evacuation plan.

Mr. Pierce recalled the Southeast Master Plan contained information that a fire substation would be considered once all the developments were at full build-out.

Mr. Pierce asked Mr. Moore if they had determined whether or not they would have an ambulance substation at the hospital.

Mr. Moore stated the hospital has a full emergency department with emergency vehicles and ambulances at the facility just as there is at the current facility on Clarke Avenue. Beyond that, they have not had any additional conversations.

Mayor Shupe closed the floor to further public comments when no other person wished to speak.

Mr. Burk moved to adopt Ordinance 2015-19, based on the unanimous recommendation and decision of the planning commission, seconded by Mr. Grier:

ORDINANCE 2015-19  
Change of Zone/Lands belonging to Country Life Homes Inc.  
Tax Parcel 3-30-15.00-058.03  
6.35 +/- Acres  
Current Zone C3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 6.35 +/- acres of real property from C3 to IS at 20203 Elks Lodge Road, Lincoln, Delaware. Present Use: Poultry Houses. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-058.03

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-058.03, owned by Country Life Homes Inc. located at 20203 Elks Lodge Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

Motion carried.

*Adoption/Ordinance 2015-20/Bayhealth Medical Center Inc./Change of Zone/Cedar Creek Road*

Mr. Pierce advised that parcel 3-30-15.00-050.11 consists of approximately 11.51 acres and is somewhat located in the middle of the parcel. The comprehensive plan designation is employment; the parcel is currently vacant and the proposed use is medical campus.

This parcel was annexed into the city in September of 2005 as an R-3 (residential) designation. The request this evening is to change that to IS (institutional services).

The planning commission recommended approval by unanimous vote following a public hearing on September 15, 2015.

City council had no questions or comments.

Mayor Shupe opened the floor for public comment; no one responded. The floor was then closed.

Ms. Wilson moved to adopt Ordinance 2015-20, based on the recommendation and unanimous vote of approval by the planning commission, seconded by Mr. Starling:

ORDINANCE 2015-20  
Change of Zone/Lands belonging to Bayhealth Medical Center Inc.  
Tax Parcel 3-30-15.00-050.11  
11.51 +/- Acres

Current Zone R3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 11.51 +/- acres of real property from R3 to IS on Cedar Creek Road, Milford, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-050.11

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-050.11, owned by Bayhealth Medical Center Inc. located on Cedar Creek Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

Motion carried.

*Adoption/Ordinance 2015-21/Key Properties Group/Change of Zone/Wilkins Road*

Mr. Pierce advised the final ordinance is for Key Properties Group LLC on behalf of Bayhealth Medical Center. Parcel 3-30-15.00-058.00 consists of approximately 103 acres to the north.

The current comprehensive plan designation is employment; the parcel is currently vacant and its proposed use is medical campus.

At the time of annexation into the city in November of 2005, it was zoned C3 (commercial) and the proposed zoning designation is IS (institutional service).

The planning commission voted unanimously to recommend approval following a public hearing on September 15, 2015.

City council had no comments or questions.

Mayor Shupe opened the floor to public comment; no one responded and the mayor closed the public hearing for further comments.

Mr. Grier moved to adopt Ordinance 2015-21 in support of the planning commission's unanimous recommendation to approve and his support of the change of zone to institutional services, seconded by Mr. Mergner:

ORDINANCE 2015-21

Change of Zone/Lands belonging to Key Properties Group LLC

Tax Parcel 3-30-15.00-058.00

102.99 +/- Acres

Current Zone C3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 102.99 +/- acres of real property from C3 to IS on Wilkins Road, Milford, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-058.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-058.00, owned by Key Properties Group LLC located on Wilkins Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

Motion carried.

With no further business, the Public Hearing was adjourned by Mayor Shupe at 7:31 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
September 28, 2015

The City Council of the City of Milford met in Workshop Session on Monday, September 28, 2015 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Chris Mergner, Garrett Grier III, Lisa Ingram Peel, James Burk, Owen Brooks Jr., Douglas Morrow Sr., Katrina Wilson and James Starling, Sr.

Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: Assistant City Solicitor James Sharp, Esquire

CALL TO ORDER

Mayor Shupe convened the Workshop Session of Council at 8:56 p.m.

*Solid Waste Code-Yard Waste Additional Container & Bulk Pickup Fee-Postponed*

Mayor Shupe advised that the discussion on this matter has been postponed, due to the Solid Waste Department's request to gather additional information in order to provide more accurate numbers.

*Travel Policy Review-Postponed*

Mayor Shupe announced that this discussion is also being postponed due to the proposed policy being under review by city administration and staff.

With no further business, the Council Workshop concluded at 8:58 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder